

3d. Leq. Assembly

55-00-Pd-r

3rd. Leq. Assembly

1840



Nov. 3.

HOUSE OF REPRESENTATIVES.

3

3 *Grayson*  
On motion of Mr. Teeple,

Ordered, That the House proceed to the election of Recording Clerk.

No one person having received a majority on the first ballot, the House proceeded to a second ballot, and upon counting the same, it was found that Robert W. Gray had received a majority of the whole number of votes given, and was therefore declared duly elected Recording Clerk.

On motion of Mr. Isett,

Ordered, That the House proceed to the election of an Engrossing Clerk.

Upon counting the ballots, it was found that Wm. C. Townsend had received a majority of the whole number of votes given, and was therefore declared duly elected Engrossing Clerk.

On motion of Mr. Steele,

Ordered, That the House proceed to the election of an Enrolling Clerk.

No choice being made on the first ballot, the House proceeded to a second ballot,

And upon counting the votes given, it was found that A. S. Annable had received a majority, and was therefore declared duly elected Enrolling Clerk.

On motion of Mr. Leffler,

Ordered, That the House proceed to the election of a Sergeant-at-Arms.

No choice being made on the first ballot, the House proceeded to a second ballot, and upon counting the same, it was found that H. B. Hendershott had received a majority of the whole number of votes given, and was therefore declared duly elected Sergeant at-Arms.

On motion of Mr. Lash,

Ordered, That the House proceed to the election of Door-keeper.

Upon counting the ballots, it was found that T. H. Curtis had received a majority of the whole number of votes given, and was declared duly elected Door-keeper.

On motion of Mr. Box,

The House proceeded to the election of a Messenger.

No choice being made on the first ballot, the members proceeded to a second ballot,

And, upon counting the same, it was found that John Spaine had received a majority of the whole number of votes given, and was declared duly elected Messenger.

On motion of Mr. Van Antwerp,

The House proceeded to the election of a Fireman.

No choice being made on the first ballot, the House proceeded to a second ballot,

And upon, counting the same, it was found that W. M. Stockton



had received a majority of the whole number of votes given, and was therefore declared duly elected Fireman.

On motion of Mr. Summers,

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

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2 O'CLOCK, P. M.

The several officers elected during the morning's session, came forward and were sworn into their respective offices.

On motion of Mr. Summers,

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

Messrs. Summers and Miller were appointed said committee.

Mr. Lash offered the following,

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

On motion of Mr. Steele,

Was laid on the table.

Mr. Langworthy offered the following, which was adopted,

Resolved, That the Chief Clerk give the officers of this House the necessary instructions to aid them in the performance of their duties.

On motion of Mr. Langworthy, Ordered,

That a committee of one from each electoral district be appointed to prepare rules for the government of this House.

Whereupon, Messrs. Langworthy, Box, Steele, Browning, Lash, Wilson, of J., Toole, Felkner, Walworth, and Summers, were appointed said committee.

On motion of Mr. Steele,

Resolved, That smoking be not allowed in this House while in session.

On motion of Mr. Langworthy,

Resolved, That the following be the standing committees of this House;

On the Judiciary,

" Common Schools,

" Internal Improvements,

" Claims,

" Enrollments,

" Expenditures,

" Territorial Affairs,

" Roads and Highways,

" Corporations,

" Township and County Boundaries,



On Public buildings.

Mr. Walworth offered the following,

Resolved, That each member of this House be furnished with twenty copies of the "Territorial Gazette," and twenty copies of the "Hawkeye and Patriot" as often as they may be published during the session of this Legislature.

Mr. Langworthy moved to amend by striking out twenty and inserting fifteen.

Mr. Van Antwerp offered the following as a substitute.

Resolved, That each member of this House be furnished during the present session, with such newspapers as they may direct, the number of copies not to exceed thirty.

On motion of Mr. Langworthy,

The Resolution with the substitute was laid on the table until to-morrow.

Mr. Leffler presented the petition of sundry citizens of the county of Des Moines, relative to the survey of a Territorial road from Burlington to Henry county, which was laid on the table.

On motion of Mr. Hendershott,

Resolved, That the Editors of the several newspapers in this Territory, all Ministers of the Gospel and all ex-members, be permitted to take seats within the bar of this House.

On motion of Mr. Walworth,

Resolved, That the Chief Clerk of this House be directed to make arrangements with the Post Master of this place, for the payment of all postage on letters and papers sent to and from, members of this House during its session.

Mr. Wilson of H. moved to adjourn until to-morrow morning at 9 o'clock, which was lost.

On motion of Mr. Hebard,

Resolved that the hours to which this House shall adjourn during the session, shall be 10 o'clock in the morning and two in the afternoon.

On motion of Mr. Langworthy,

The House adjourned.

### Wednesday Morning, November 4, 1840.

On motion of Mr. Teeple,

Ordered, That the Secretary of the Territory, be requested to furnish each member of this House with a copy of the Statutes of this Territory.

Also, the Journals of the House of Representatives of the second Legislative Assembly.



Messrs. Hastings and Springer, a committee from the Council, were announced, who informed the House that the Council was now organized, and ready to proceed to business.

On motion of Mr. Van Antwerp,

Resolved, That a committee of two be appointed to act in conjunction with a corresponding committee on the part of the Council, to wait upon His Excellency the Governor, and inform him that the two Houses are now ready to receive any communication he may have to make to them.

Messrs. Van Antwerp and Browning were appointed said committee.

On motion of Mr. Summers,

Ordered, That a Committee of three be appointed to act in conjunction with a similar committee on the part of the Council, to prepare Joint Rules regulating the intercourse between the two Houses.

Messrs. Summers, Hendershott, and Porter were appointed said committee.

Mr. Lash offered the following:

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

Mr. Box moved to amend by striking out "fifteen" and inserting "ten."

Mr. Summers offered the following as a substitute:

Resolved, That the Chief Clerk furnish each member of this House with twenty copies weekly of such newspaper or papers as he may order.

On motion of Mr. Porter,

Ordered, That the resolution, together with the amendments, be referred to a select committee.

Messrs. Porter, Toole, and Mason were appointed said committee.

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

Mr. Speaker:

I am instructed to inform the House of Representatives that the Council have appointed Messrs. Hawkins and Springer a committee to act in conjunction with a similar committee appointed on the part of the House of Representatives, to wait upon the Governor and inform him that the two Houses are now organized and ready to receive any communication that he may have to make to them.

Also, that they have appointed Messrs. Browne, Bailey, and Greene a committee to act in conjunction with a similar committee to be appointed on the part of the House of Representatives, to draft rules for the government of the two Houses.

On motion of Mr. Walworth,

Ordered, That the Secretary of the Territory be requested to provide the Chief Clerk and members of this House with the necessary stationary for their use during this session, including writing and



wrapping paper, pen and paper knives, letter stamps, wafers, sealing wax, and ink, together with such other things as may be necessary for the convenience of the House.

Mr. Van Antwerp, from the joint committee appointed to wait upon the Governor, reported that His Excellency would deliver a message to the House of Representatives immediately.

A communication was then received from the Governor by Mr. J. Williams, his private Secretary, which was read at the Clerk's table, and is as follows:

GENTLEMEN OF THE COUNCIL

AND OF THE HOUSE OF REPRESENTATIVES:

I conceive it to be my first duty, on our present meeting, to direct your attention to the Providential favors which our common country has experienced in the degree of health dispensed towards its citizens, and the unusual abundance with which the soil has rewarded the labor bestowed upon it. The unparalleled improvements in our Territory present an unerring index to the prosperity and happiness of the people, which should excite within our breasts feelings of the most profound gratitude towards the author of those favors and the gracious dispenser of all good.

The excitement produced by the intrusions upon the rights of the citizens of Iowa, by the authorities of Missouri, near the boundary line, has subsided. The prosecution commenced under the laws of the Territory against a Sheriff of Missouri, has been dismissed, and no farther attempts have been made by the authorities of that State to exercise jurisdiction north of Sullivan's line. The committee of Congress, in the House of Representatives, at the last session, after an elaborate examination of the subject, were of opinion, that the legitimate boundary line, as defined in the original act of Congress and in the Constitution of the State of Missouri, would begin at the centre of the Des Moines rapids, in the Mississippi river, and run from thence on a parallel of latitude due west, which would be several miles south of the line contended for by the authorities of this Territory. The committee, at the same time this opinion was expressed, recommended the adoption of the line commonly known as the old Indian boundary, or Sullivan's line; and reported to the House of Representatives in Congress a bill to establish that as the permanent boundary line between the State of Missouri and the Territory of Iowa. This report appeared to be founded in equity. This line had been generally conceded as the boundary between Missouri and this Territory. It had divided the Surveyor's General districts and the land districts of the United States lands. The citizens who purchased land south of this line did so with the impression that they were purchasing in the State of Missouri, and those who purchased north of it, with the belief that they were purchasing in the Territory of Iowa. The purchasers of these lands were governed in their purchases by their locations. Some



preferred being in Missouri, and others in the Territory. Were this line now altered, it would be attended with great inconvenience to many citizens on both sides of it. We therefore trust that the bill, as reported, will be passed by Congress at the ensuing session, and that the line thus designated may be finally established as the boundary between the State of Missouri and this Territory. Though a strictly legal line might embrace within this Territory a small portion of the inhabitants south of this line, yet we have never had a desire to embrace within the limits of this Territory any tract of country that had been purchased by individuals at the land office in Missouri and settled upon by them as being within that State—and I trust that the same liberal feelings will be reciprocated by the inhabitants of Missouri towards our citizens.

At the special session of the legislative assembly, a memorial was passed, memorializing the President of the United States to cause the annuities due the Sac and Fox Indians to be paid to the heads of families or to such persons as a majority of the nation might request. The memorial was immediately transmitted to Washington, but previous to its arrival an order had issued from the Indian department, dated 18th August, 1840, directing the annuity for the present year to be paid to the chiefs as heretofore. On the 28th of September the Indians were assembled at the Agency for payment. They arrayed themselves into two parties. One party wanted the money distributed on principles of justice and equity among the different bands and to the heads of families. The other party contended for its payment to a few of the chiefs, to be distributed by them alone. I was present on the occasion, and addressed both parties. I advised them to compromise the difference among themselves—read and explained to them the treaties, as well as the intercourse law of the United States and the regulations of the Indian department. I also explained to them the order of the Indian department of the 18th August, and informed them, that, according to my understanding of the order, the money must be paid to the same chiefs and braves that received it last year. I had the names of the chiefs and braves read to them, and advised them to meet in friendly council by themselves, without the interference of any white men, and to decide among themselves as to the receipt and distribution of the money—and told them that when they had agreed among themselves, the money would be paid them. The council adjourned in the evening, and the chiefs and braves who received the money last year were expected to have met in friendly council next morning to arrange their difficulties and receive their money. But some arrangements appear to have been made at the Agency during the night, unknown to me, that frustrated the council to be held on the morning of the 29th, and Keo-kuck, through the Agent, had advised Maj. Pilcher to leave the Indian country with the money, which he did that morning. This removal of the money from the In-



dian country caused great excitement and dissatisfaction among the Indians. When Maj. Pilcher left the Agency he informed me that the funds, being in paper, could be changed for specie, and might be returned for payment in about three weeks thereafter. I informed the Indians of what Maj. Pilcher had told me, which appeared for the time present to reconcile them. But I have learnt, since my return from the Indian country, that some mischievous individuals have been impressing upon the minds of the Indians, the belief, that the annuity will not be paid until spring. This was calculated to dissatisfy them with the government, lead to difficulties among themselves, and endanger the peace of our borders. I therefore, with a view to check these evils, issued a peremptory order to the Agent on the 15th of October, directing him to obtain the funds that had been set apart for the payment of the annuity for 1840, and to pay it to the same chiefs and braves whose names were found to the receipt roll of last year. This I conceive to be in strict accordance with the order of the department. Those chiefs and braves number about thirty, and are distributed about equally among the different parties; and should the money be paid to them in accordance with my order to the Agent, and they be left to dispose of it among themselves, without the interference of any of the traders, I have little doubt but that it will be distributed among the different bands justly, and be paid, as far as it will go, towards the liquidation of their just debts. But should the payment, from any consideration, be much longer delayed, there is danger that the excitement produced by its postponement will burst beyond the bounds of restraint, and the Indians commence fighting among themselves, and thereby endanger the peace of our frontier. I have conceived it to be my duty to present the foregoing facts for the information of the legislative assembly. It is certainly our duty to look to these things, to be watchful of their operation and of the movements of the Indians, so that we may not be taken by surprise. And while we make use of all the means under our control to sustain peace and harmony among our Indian neighbors as well as between them and our own citizens, we should be prepared to meet every possible contingency that might endanger the peace of our frontier. I have in my report to the Indian department, given a detailed account of the situation of the Indians, with a full explanation of my views as to the cause, and propable issue that may be produced by the excitement that now exists among them. The situation of this nation, in connexion with the Winnebagoes who have recently been removed to the tract of country within this Territory, known as the neutral ground, bordering in part on our northern settlements, and partly on the Sac and Fox country, should admonish us to be on our guard and to depend upon ourselves for defence in case hostilities should be commenced by them. In consideration of this state of things, I would respectfully suggest to the legislative assembly the expediency of authorizing by law the



organization of a number of volunteer companies of mounted riflemen, say one company at least to each regiment of militia within the Territory, with authority for the commandant of any brigade to increase the number to a battalion within his brigade, and to provide for calling them into service in case of Indian depredations or threatened invasion. This precautionary measure can do no harm and may ultimately secure our frontier from an Indian war.

The Secretary of War informed me some time since, that the Department had determined to establish a depot of public arms and munitions of war at Rock Island, to be supplied to the citizens of the Territory under proper regulations, should the same be wanted to enable them to defend themselves against Indian hostilities, but I have not yet heard that any have been deposited at that place.

The votes given at the late general election for and against a State Convention, were against a Convention by a large majority.—The sentiments of the people of the Territory thus indicated, will necessarily preclude all further legislation on the subject at the present session. The people have, by their votes, expressed their preference for a Territorial Government for the time being. It will therefore become your duty to adopt a regular financial system for the Territory, by which the Territory will be enabled to control funds sufficient to meet the necessary expenses incidental to Territorial affairs. I would, therefore, recommend to the consideration of the legislative assembly a review of the financial laws so as to provide a revenue sufficient in amount to meet the actual wants of the government, distributing the burthen and the benefits among every class of community upon principles of exact justice to all. The Auditor of the Territory will report to you his views on this subject, to which I solicit your respectful attention.

On an estimate forwarded to the Treasury Department of the United States by the Executive of the Territory, estimating the expenses for the year 1840, there has been appropriated for the pay and mileage of members of the present legislative assembly, for the pay of officers, for printing, furniture, stationary, fuel and all other incidental expenses, \$27,050. This sum is deemed sufficient to meet all necessary expenses. I would therefore recommend to the consideration of the legislative assembly the propriety of confining the expenditures authorized by them, within the appropriation. The Secretary of the Territory informs me that there are upwards of six thousand dollars due individuals for furniture, stationary and services rendered to the legislative assembly at the two first sessions, and for which no funds have been provided for payment. This deficiency I reported to the Treasury Department with my estimate for the expenses of the year 1841, and solicited an appropriation to meet it.

This method of contracting debts with individuals beyond the means of payment, is practicing a deception upon the public creditors, and ought, in my opinion, to be carefully avoided.



By reference to the appropriation bills, it appears that there were allowed to the clerks and officers of the legislative assembly at the two first sessions the following sums, to wit: first session, to the clerks and officers of the Council, \$2,850, and to the clerks and officers of the House of Representatives, \$3,300; second session, to the clerks and officers of the Council, \$3,525, and to the clerks and officers of the House of Representatives, \$2,925. These aggregate sums were embraced in the appropriation bills, but there is no law in existence in the Territory that defines the officers to whom this money was paid, or the compensation allowed to any such officers. Until such a law shall be passed, establishing the number of officers and fixing their compensation, it will be impossible for the Executive to comply with the annual requisition of the Secretary of the Treasury Department in furnishing him a correct estimate of the sum necessary to defray the current annual expenses of the legislative assembly of the Territory. The States generally define by law the number of clerks and officers employed in each branch of the legislative assembly. By the laws of Ohio, the number of clerks and officers to each branch, and the compensation of each, are specially defined. According to the laws of that State, the compensation of the clerks and officers of both branches of the legislative assembly, for a session of seventy-five days, would amount to \$1,200. In this Territory, at the first session, it amounted to \$6,150, and at the second to \$6,450. These statements are submitted to the candid consideration of the legislative assembly, with a request that a law may be passed to provide for organizing the legislative assembly, defining the number of officers to be employed, together with the compensation allowed to each.

In recommending this measure, I disclaim any desire on the part of the Executive to prescribe to the legislature the number or character of officers to be employed in their respective branches, or the compensation to be allowed to such officers. The legislature is the proper judge in these things; and it is but fair to presume that it will employ none but such as are necessary to the convenient despatch of business, and that a compensation adequate to the services of such officers will be allowed them respectively.

I am not aware that any important general subject will be presented for legislative action. Your predecessors have passed laws embracing all general subjects. Their recent enactments would seem to require their continuance in force, excepting in cases where they may have been found defective. Frequent changes of general laws are always attended with inconvenience to the public, and should be altered only with great caution.

Should any subject requiring the attention of the legislative assembly be communicated to the Executive during your session, it shall be promptly laid before you; and you may rest assured of the co-operation of the Executive in all measures that may be calculated to secure



the prosperity of our country and to advance the physical, intellectual and moral condition of its inhabitants.

That all your efforts may harmonize in promoting the public good, is the sincere desire of,

Gentlemen, your very obedient servant,

ROBERT LUCAS.

BURLINGTON, IOWA TERRITORY, }  
November 3d, 1840. }

On motion of Mr. Walworth,

Resolved, That eight hundred copies of the Governor's message be printed for the use of the members of this House.

The Speaker announced a communication from C. Swan, Acting Commissioner of public buildings at Iowa City, which was read, and laid upon the table.

On motion of Mr. Isett,

Ordered, That a standing committee on militia be appointed in addition to the regular standing committees already provided for.

Mr. Miller offered the following,

Resolved, That John H. M'Kenny be employed to do the incidental printing of this House; and

A motion was made by

Mr. Hendershott to lay the resolution upon the table; on which question the Yeas and Nays were called for by Mr. Browning, and were as follows:

YEAS—Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker, Wilson, of H. and Cox, Speaker—16.

NAYS—Messrs. Browning, Hebard, Lewis, Miller, Porter, Toole, Walworth, and Wilson, of J.—8.

So the resolution was laid on the table.

On motion of Mr. Porter,

The House adjourned.

2 O'CLOCK, P. M.

Mr. Langworthy from the committee appointed to prepare rules for the government of the House, reported the Standing Rules of the last Session with amendments, which were read, and

On motion of Mr. Summers,

The report was concurred in, and seventy-five copies ordered to be printed for the use of the members of the House.

Mr. Porter from the Select Committee, to whom was referred the resolution relative to taking newspapers, &c., made the following report:



The Committee to whom was referred the Resolution authorizing the furnishing of "twenty copies of the Iowa Territorial Gazette and twenty copies of the Hawkeye and Patriot, to each member of this House, as often as they may be published, during this session of the Legislative Assembly, together with several amendments offered to said resolution, beg leave to report:

That having given the subject due consideration, they respectfully recommend the adoption of the following resolution:

Resolved, That the Chief Clerk furnish each member of this House with twenty copies of the Gazette and twenty copies of the Hawkeye and Patriot as often as those papers may be published during the session.

Mr. Summers offered the following as a substitute:

Resolved, That the Chief Clerk furnish each member of this House with twenty copies weekly of such newspaper or papers as they may order.

Mr. Box moved to strike out "twenty copies weekly of such newspaper or papers as they may order," and insert "ten papers from each office," which was lost.

The question then recurred on the adoption of the substitute, which was also lost.

Mr. Lash moved to strike out "twenty" and insert "fifteen" in the original Resolution, which motion was lost.

The question then recurred on the report of the Committee, which was decided in the negative.

Yeas 11. Nays 13.

The Yeas and Nays being desired by Mr. Summers.

Those who voted in the affirmative were Messrs. Browning, Felkner, Lewis, Mason, Miller, Porter, Teeple, Toole, Walworth, Wilson of H., and Wilson of J.

Those who voted in the negative were Messrs. Avery, Box, Brierly, Hebard, Hendershott, Isett, Langworthy, Lash, Steele, Summers, Van Antwerp, Whitaker, and Cox Speaker.

Mr. Isett offered the following,

Resolved, That the Clerk be instructed to furnish each member of this House with thirty copies weekly of any newspapers published in this Territory, which he may direct, which was lost.

Mr. Whitaker moved to adjourn, which was determined in the negative.

On motion of Mr. Walworth,

Ordered, That each member of this House be furnished with thirty copies weekly of any paper or papers published in this City which he may direct.

On motion,

The House adjourned.



### Thursday Morning, November 5, 1840.

The Speaker announced the following named gentlemen to compose the several Standing Committees.

*On the Judiciary*—Messrs. Leffler, Miller, Browning, Lewis and Mason.

*On Finances*—Messrs. Toole, Porter, Felkner, Box, and Hebard.

*On Internal Improvements*—Messrs. Langworthy, Brierly, Robertson, Hendershott, and Whitaker.

*On Common Schools*—Messrs. Summers, Walworth, Wilson of J., Teeple, and Robertson.

*On Claims*—Messrs. Steele, Wilson of H., Avery, Isett, and Lash.

*On Expenditures*—Messrs. Lash, Box, Van Antwerp, Steele, and Hendershott.

*On Territorial Affairs*—Messrs. Hebard, Avery, Felkner, Whitaker, and Steele.

*On Roads and Highways*—Messrs. Teeple, Wilson of H., Wilson of J., Isett, and Summers.

*On Public Buildings*—Messrs. Isett, Summers, Brierly, Porter, and Felkner.

*On the Militia*—Messrs. Van Antwerp, Isett, Walworth, Steele, and Whitaker.

*On Corporations*—Messrs. Hendershott, Brierly, and Mason.

*On Townships and County Boundaries*—Messrs. Walworth, Robertson, and Wilson of H.

*On Engrossed Bills*—Messrs. Lash and Toole.

*On Enrolled Bills*—Messrs. Mason and Hebard.

Mr. Miller, on leave being granted, presented a Memorial in relation to the Penitentiary, which was read a first time.

Mr. Steele, presented a Petition from sundry citizens of Van Buren county, asking a charter for John Godden to erect a dam across the Des Moines river, which was laid upon the table.

On Motion of Walworth,

Ordered, That a Select Committee of one from each electoral district, be appointed to draft a Memorial to Congress, on the subject of mail routes.

Messrs. Walworth, Box, Lewis, Browning, Porter, Wilson of J., Teeple, Isett, Summers, and Mason, were appointed said Committee.

Mr. Miller gave notice, that he would, on an early day, bring in a bill to abolish imprisonment for debt, whether on original, mesne, or final process.



Mr. Summers, from the Joint Committee appointed to prepare Rules for regulating the intercourse between the two Houses, made the following report:

The Joint Committee appointed on the part of both Houses, to prepare Rules for regulating the intercourse between the two Houses, have examined the Joint Rules of the last Session, and recommend their adoption.

The Rules having been read, were on motion, adopted. (See Appendix.)

On motion of Mr. Langworthy,

The Governor's message was taken up and considered.

On motion of Mr. Walworth,

Ordered, That that part of the Governor's message recommending a review of the financial laws, and the adoption of a regular financial system for the Territory, be referred to the Committee on Finances.

On motion of Mr. Summers,

Ordered, That so much of the Governor's message as relates to the establishment of a depot of arms, be referred to the Committee on Territorial Affairs.

On motion of Mr. Hendershott,

Ordered, That, that portion of the Governor's message which relates to the expenditures, and officers of the House, be referred to a Select Committee of one from each electoral district.

Whereupon, Messrs. Hendershott, Miller, Whitaker, Lash, Wilson of J., Toole, Felkner, Van Antwerp, Summers, and Langworthy were appointed said Committee.

On motion of Mr. Walworth,

Ordered, That, that part of the Governor's message, which relates to the payment of the annuities of the Sac and Fox Indians, and to the organization of volunteer companies, be referred to the Committee on the Militia.

On motion of Mr. Lewis,

The following resolution was taken from the table:

Resolved, That John H. M'Kenny be employed to do the incidental printing of this House.

Mr. Browning offered the following as a substitute:

Resolved, That a Committee of three be appointed to call on J. H. M'Kenny, publisher of the Territorial Gazette, James G. Edwards, editor and publisher of the Hawkeye and Patriot, and receive bids for the incidental printing of the House during the present session, and report the same as soon as practicable.

Mr. Miller having accepted of the same, the question recurred on the passage of the substitute, previous to which a motion was made by Mr. Summers to refer the same to the Committee on Expenditures, with instructions to report on to-morrow morning, which was agreed to.



Mr. Langworthy offered the following:

Resolved, That the printing of the daily slips of the Journal of the House be dispensed with, and that the Clerk prepare a condensed synopsis of the same for the papers in this city, which,

On motion of Mr. Summers,

Was laid upon the table.

Mr. Mason offered the following:

Resolved, That the Committee to which was referred the resolution in relation to the incidental printing, be requested to report to this House the terms on which the editors of this city will execute the work.

Which passed in the affirmative—Yeas 13, Nays 12.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were Messrs. Avery, Box, Brierly, Browning, Hebard, Lewis, Mason, Miller, Porter, Toole, Walworth, Wilson of H., and Wilson of J.

Those who voted in the negative, were Messrs. Felkner, Hender-shott, Isett, Langworthy, Lash, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

On motion of Mr. Felkner,

Ordered, That the report of the Acting Commissioner of the Public Buildings at Iowa City, be taken from the table and referred to the Committee on Public Buildings.

Mr. Mason offered the following:

Resolved, That five hundred copies of the Acting Commissioner's report on the Public Buildings be printed.

And the question being put, shall the resolution pass? It was determined in the negative.

Said Report reads as follows:

*To the Honorable THOMAS COX,*

*Speaker of the House of Representatives:*

SIR—I have the honor to transmit herewith the Annual Report of the Acting Commissioner of Public Buildings at Iowa City. *The report being a Cash report only*, it may not be improper in this place to state for the information of the House that the amount of unpaid notes in my office, given for lots in Iowa City is not far from \$20,000.

I am, sir, most respectfully,

C. SWAN,

Acting Com. P. B. Iowa City.

BURLINGTON, Nov. 4th, 1840.



COMMISSIONER'S OFFICE OF PUBLIC BUILDINGS,  
IOWA CITY.

To the Honorable, the Council and

House of Representatives:

GENTLEMEN:—In compliance with law, I have the pleasure to present the Annual Report of the Acting Commissioner of Public Buildings, at Iowa City. The following is therefore respectfully submitted in the order in which the different items are numbered:

First—The amount of money in my hands on the first day of July last, being the date of my last Report, was \$10,138 91

There has been received since the date of the last Report, the balance of the appropriation made by Congress for the erection of public buildings at Iowa City, 5,360 00

The amount of cash received since the date of my last Report and up to this time, exclusive of the above, is as follows, to wit:

Received cash for lots, sold in 1839,	- - -	2,150 75
" " for tools, since July 1st,	- - -	5 00
" " for rock and lumber,	- - -	8 25
" " for blacksmithing,	- - -	15 50
" " for maps of Iowa City,	- - -	5 25
		<hr/>
		\$17,683 66

Second—From the above fund, the following expenditures have been defrayed, according to law, to wit: the sum of \$1,515 57 has been paid by the Acting Commissioner on bills that were audited before the date of my last Report, but having been paid since, I have vouchers for the same.

Thirdly—The following audited bills have been paid by me since the date of my last Report, in the order in which they stand; the same being for labor, materials, and board, including three hundred dollars expended on Iowa Avenue:

Aug. 28th.	Parmelee & Hess, for powder and tools,	\$47 18
Sept. 17th.	Chas. Connelly, for lumber,	479 81
" 8th	J. Bridgman & Co. for freight of safe,	8 35
July 22d.	Wm. H. Ladd & Co. for copper box for corner stone,	2 00
Aug. 22d.	Wm. Skeen, for expenses on building, as per bill and pay roll, including work on Avenue and hauling rock,	3,302 65
July 21st.	John F. Rague & Co. account paid as per bill audited for services,	50 00
" 7th.	T. B. Wilson, for work,	4 69
Aug. 22d.	Chas. Connelly, for joists, lintles, and putlocks, as per contract,	250 00



July 17th.	John H. M'Kenny, for printing,	10 00
" 2d.	Lyman Dillon, for team work, as per bill,	29 52
Aug. 21.	Jos. Woodworth, for expenses in quarry on Cedar,	200 00
" 1st.	John Cunningham's board bill,	111 17
" 8th.	Caffee & Johnson, for brick on contract,	800 00
July 28th.	Rague, M'Donald & Co. for materials for building,	89 05
Aug. 4th.	John Flinn, for hewing timber,	6 60
" 1st.	Jos. Woodworth, expenses in quarry and team work, as per roll,	600 53
Sept. 16th.	Jos. Woodworth, cash paid for blacksmithing and powder,	5 75
July 2d.	A. Cote, for hauling lumber for the capitol,	6 50
" 6th.	Pat. Larkin, for labor,	10 94
Aug. 29.	Wesley Jones. for powder, tools, and brimstone,	45 51
Sept. 26.	Holt and De Forest, for ropes, shovels, and buckets,	20 23
Aug. 27.	Green Weaver, for sand,	57 38
Sept. 1st.	Francis Baldwin, hauling rock for water table,	20 00
" 8th.	John Cunningham, three water barrels,	3 00
July 31st.	A. Willis, for blacksmithing,	76 04
Sept. 16th.	do do	9 41
" 5th.	Cyrus Sanders, county surveyor, sub-dividing out lots,	12 50
Oct. 8th.	Lyman Dillon, as per bill audited,	73 75
" "	do do for 2,240 feet of plank,	44 20
" 7th.	do do for lime delivered on contract,	454 50
" 1st.	William Skeen, foreman of the building, for balance on pay rolls, as per bill,	1,263 40
" 5th.	Parmele & Hess, mason's lines and files,	3 00
Sept. 29.	Robert Fletcher, balance on carpenter's work,	212 25
" 28.	Walter Butler's board bill,	185 02
Oct. 8th.	F. M. Irish, team work of self and Nichols,	36 00
Aug. 31.	Myron Ward, for hauling safe from Bloomington,	8 00
Oct. 22.	John Ronalds, for lumber for capitol,	429 00
" 24.	Felkner & Myres, for lumber, per contract,	150 00
" 24.	A. Willis, for iron for capitol,	2 38
"	Henry Usher, for blacksmithing,	18 94
Sept. 8th.	John H. M'Kenny, for printing,	45 00
July 15.	John Ronalds, for services as per bill,	54 00
" 15.	Robert Ralston, do do	259 25
Oct. 24.	do paid for safe at St. Louis,	135 00



Sept. 12.	do	bill of iron, powder, and tools,	30 23
July 10.	John F. Rague,	on contract for working plans for the building, as per receipt,	150 00
Oct. 24.	Hanby & Herron,	for timber and labor on the 2d tier of joists, as per contract,	600 00
Oct. 24.	Charles Connelly	for timber for the roof, on contract,	300,00
" "	Jos. Woodworth,	balance of pay rolls in quarry and hauling rock as per receipted bills,	2,382 23
Oct. 25.	Walter Butler,	for 1250 feet of pine plank,	43 75
" 28.	John Curray,	4,000 bushels sand on contract,	200 00
" "	F. Richards,	for board and team work in Cedar quarry in August,	34 93
" 29.	Paid the expenses on the Iowa Capitol, agreeable to pay roll receipted, and a bill given for the same by Wm. Watt (Foreman)		1,470 53
Oct. 29.	Paid to Jos. Woodworth,	for services as per bill,	55 00
Oct. 30.	John Cunningham,	board and lumber,	61 00
" "	ditto,	board of Skeen and Woodworth in August,	7 45
	Paid Caffee & Johnson	for brick on contract, as per their receipts,	135 00
			<hr/> \$16,677 19 <hr/>

After deducting the above amount of disbursements from the amount under the first head, there is found a balance in the hands of the Acting Commissioner, on the 1st day of Nov. A. D. 1840, the sum of - \$1,006 46

Add to the above, the amount of cash received for lots, sold at the last sale, and since up to this date, - 1,250 00

Total, 

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\$2,256 46

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Being the amount of funds in the hands of the Acting Commissioner at the date of this report.

It will be perceived on referring to this as well as former reports, that I have received nothing on my salary up to this date, it being one year and six months.

In the expense as above reported, is included timber and materials for the second tier of joists, part of the roof, doors, a quantity of iron on hand, together with nails already paid for, and the plank for all the floors, three thousand bushels of sand, six hundred bushels of lime,



two-thirds rock enough in the rough to complete the building. And I would further report, that I have disposed of lots since the last sale to the amount of several thousand dollars, to be paid for in labor and materials for the capitol in the course of next spring and summer, or when called for by the Acting Commissioner, and which amount does not appear in my above cash report; but will be credited to the Territory in the office whenever the said materials are received, or labor performed.

The estimated expenses for erecting the building (exclusive of columns) up to the bottom of the cornice, \$8,000 00

One thousand five hundred of which is on the ground, in materials and lumber, already paid for. The inside walls of the building are erected to the second floor. The outside wall of the north end to the top of the second tier of windows. East front to the centre; the south end and west front, nearly to the bottom of the same. I have caused temporary roofs to be erected over all the walls, to secure them from frost and rain during the winter.

I would respectfully suggest the propriety of so reducing the minimum price of lots unsold, that they will meet with a ready sale, and create a fund sufficient to complete the capitol without delay, as it has been ascertained by fair experiment that the money cannot be realized for that purpose at the present prices.

I have legal vouchers for all the disbursements which have been made. The books in my office are open to be examined at any time if thought necessary, by your honorable body. The pay rolls of the different departments being on file, are also deposited in my office. The above report and suggestions I have the honor to transmit to your honorable body as in duty bound.

A duplicate of the above I have caused to be furnished to the honorable, the Council,

I remain, with sentiments of esteem,

Respectfully, your obedient servant,

C. SWAN,

*Acting Commissioner of Public Buildings at Iowa City.*

NOVEMBER 1, A. D. 1840.

On motion of Mr. Browning,  
The House adjourned.

2 O'CLOCK, P. M.

Mr. Summers gave notice that he would on some future day introduce a bill regulating a lawful fence, and to provide against trespassing animals.



Mr. Wilson of Henry, on leave of the House, offered the following, which was adopted.

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reducing the fees of all civil officers of this Territory, or such officers as the committee may think best and report by bill or otherwise.

Mr. Hendershott, by leave of the House offered the following, which was also adopted.

Resolved, That a select committee be appointed to revise the act defining the duties of justices of the peace and to regulate their proceedings.

Messrs. Hendershott, Browning and Mason were appointed said committee.

Mr. Mason gave notice that he would on some future day introduce a bill to collate, remodel, and amend the revenue laws.

Mr. Leffler, on leave offered the following:

Resolved, That the following be adopted as an amendment to the rules of this House, that all incidental printing shall be done by special order of the House and that when any member may desire to have any bill, report, memorial, or other document printed, the number of copies to be printed shall be stated in such order, which

On motion of Mr. Walworth,  
Was laid upon the table until to-morrow.

On motion of Mr. Hebard,  
The House adjourned.

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### Friday Morning, November 6, 1840.

Mr. Wilson of J. gave notice that he would on some future day, introduce a bill relative to vice and immorality.

No. 1. H. R. file, "A memorial to Congress in relation to the Penitentiary," was taken up and read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House on said memorial.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Porter reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same without amendment.

On motion of Mr. Leffler,

Ordered, That said memorial be referred to the committee on Public Buildings.



Mr. Miller, in accordance with previous notice, introduced No. 2, H. R. file, entitled "A Bill to abolish imprisonment for debt," which was read a first time.

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

I am directed to inform the House of Representatives that the Council have adopted the Rules, (reported by the Joint Committee) to regulate the intercourse between the two Houses and have appointed Messrs. Johnston, Hall and Parker, a committee on Enrolled Bills to act in conjunction with a similar committee appointed by the H. of Representatives.

Mr. Lash, from the committee on Expenditures, made the following report,

The Standing committee on Expenditures to whom was referred sundry resolutions relative to the incidental printing of this House, have had the same under consideration and beg leave to make the following report:

Your Committee, in accordance with their instructions called on John H. McKenny, publisher of the Gazette, who informed your Committee that he would do the incidental printing for this House during the present session as low as he possibly could, and was willing to submit a detailed bill of his account to this House, subject to any deduction or modification this House may deem proper.

Your Committee then called at the office of James G. Edwards and found him absent, they then sent to his residence by one of his workmen, who, on his return, informed your Committee that Mr. Edwards could not confer with them until morning, which he has failed to do. Your Committee held a conference with his foreman, who informed us that they did not expect the incidental printing from the Legislature, nor did they want it, for if they did not get it, it would be the means of completely building up their establishment.

Your Committee therefore, are of the opinion that the Editor of the Hawkeye wishes to make political capital of the whole circumstance.

Therefore, your Committee recommend the adoption of the following resolution:

Resolved, That John H. McKenny be employed to do all the incidental printing for this House during the present session.

Mr. Lash, also, offered the following communication from James G. Edwards, which he stated he had received after the report of the Committee was made out:

*To the Committee on Expenditures,  
of the House of Representatives:*

Gentlemen:—I will execute in a workman-like manner, the incidental printing of the House, at 70 cents per thousand for composition,



and 70 cents per token for press work, making 140 cents per 1,000 ems, which is about one half less than what is now allowed.

Respectfully,

JAMES G. EDWARDS.

*Burlington Nov. 6th.*

A motion was made by Mr. Lewis, to refer the report together with the communication from James G. Edwards, to a Select committee.

Which was determined in the negative. Yeas 12, nays 13.

The yeas and nays being desired by Mr. Browning.

Those who voted in the affirmative were, Messrs. Avery, Box, Brierly, Browning, Hebard, Lewis, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were Messrs. Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

A motion was made by Mr. Mason to adjourn, which was decided in the negative. Yeas 11, nays 14.

The yeas and nays being desired by Mr. Hendershott,

Those who voted in the affirmative were Messrs. Avery, Browning, Hebard, Lewis, Mason, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative were,

Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

A motion was made by

Mr. Walworth to amend the resolution recommended by the committee by striking out all after the word "Resolved," and inserting the following:

Resolved, That the incidental printing of this House, be given to that Press in this city, which will perform the services for the lowest price; and before any action was had on the same,

Mr. Summers called for the previous question.

The question was then put: Shall the main question be now put? And was determined in the affirmative. Yeas 14, Nays 11.

Those who voted in the affirmative were Messrs. Box, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker and Cox, Speaker.

Those who voted in the negative were Messrs. Avery, Brierly, Browning, Hebard, Lewis, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

A motion was made by Mr. Porter, that the House adjourn; which was decided in the negative.

Yeas 12. Nays 13.

Those, who voted in the affirmative were Messrs. Avery, Box,



Browning Hebard, Lewis, Mason, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative were Messrs. Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker and Cox, Speaker.

The main question then being put, was decided in the affirmative.

Yeas 15. Nays 10.

These who voted in the affirmative were Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker and Cox, Speaker.

Those who voted in the negative were Messrs. Avery, Browning, Hebard, Lewis, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

And so it was

Resolved, That John H. McKenny shall be employed to do all the incidental printing for this House, during the present Session.

And then the House adjourned.

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2 O'CLOCK, P. M.

On motion of Mr. Summers,

The following Resolution was taken from the table:

Resolved, That the following be adopted as an amendment to the Rules of this House.

That all incidental printing shall be done by special order of the House, and that when any member may desire to have any bill, report, memorial, or other document printed, the number of copies to be printed, shall be stated in such order.

A motion was made by Mr. Leffler, to amend said resolution so as it should be considered as the 58th Rule of this House.

Which was agreed to.

The question then recurred on the passage of the Resolution, as amended; which passed in the affirmative.

On motion of Mr. Summers,

The House adjourned until Monday morning.



## Monday Morning, November 9, 1840.

On motion of Mr. Summers,

Joseph M. Robertson, member elect, from the district composed of the counties of Scott and Clinton, having presented his credentials, and being duly sworn was permitted to take his seat.

Mr. Mason presented the petition of Geo. W. Jones, praying for a charter to keep a Ferry across the Mississippi river, at the Town of Dubuque, which together with his petition and the petition of the citizens of the county of Dubuque heretofore presented on the same subject, were referred to the Committee on Corporations.

Mr. Brierly offered a "preamble and Joint Resolution in relation to Post routes and Post Offices" which was,

On motion of Mr. Summers,

Referred to the Select Committee appointed to memorialize Congress on the subject of Mail Routes.

On motion of Mr. Summers,

Ordered, That a Select Committee be appointed to ascertain on what terms a Reporter to this House, can be employed.

Messrs. Summers, Toole and Leffler, were appointed said Committee.

On motion of Mr. Walworth,

Resolved, That a Committee of one be appointed from each of the following electoral districts, viz: Dubuque, Cedar, Jones, and Linn, and Johnson and Muscatine, to take into consideration the expediency of memorializing Congress, for an appropriation, to Bridge the South fork of the Makoketa, and the Wapesequinica rivers, where the military road, from Dubuque to Iowa City crosses said rivers, and also for general repairs on, and the continuation of said road.

Messrs. Walworth, Langworthy and Felkner, were appointed said Committee.

Mr. Langworthy offered the following,

Resolved, That the Secretary of the Territory be requested to report to this House, the several sums due to individuals from the Territory.

Also all balances of former appropriations now in his hands, and the amounts due the Territory from the former Secretary and others, and a general expose of the Financial affairs of the Territory, so far as the same may be under his control,

Which under a rule of the House, lies upon the table one day.

The Speaker laid before the House, the report of the Auditor of Public Accounts, which was read and is as follows:



AUDITOR'S OFFICE, IOWA TERRITORY, }  
BURLINGTON NOV. 9, 1840. }

*To the Honorable the Legislative Assembly:*

GENTLEMEN—Agreeably to the provisions of the law imposing on me that duty, I herewith submit to you the annual report of this office:

The items which constitute the funds of the Territory, and which have come under the control of this office, are arranged under their respective heads, with such remarks as have suggested themselves to my mind as worthy of your consideration.

On the 23d of February last, soon after entering upon the discharge of my duties, I addressed a circular to the respective Boards of County Commissioners throughout the Territory, on the subject of the Territorial Revenue, a copy of which accompanies this report, marked "A."

I regret to state, that a number of the counties have failed to comply with the provisions of the law requiring a duplicate assessment roll of their respective counties to be furnished the Treasurer of the Territory—and a number of those furnished I find in some respects defective. It is, therefore, not within my power to furnish so full and satisfactory a report as is desirable.

#### GENERAL REVENUE.

The amount of revenue collected and paid into the Treasury for the year 1839, - - - - - \$138 07

The amount of arrears of taxes, as far as the counties have reported assessment rolls for 1839, - - - - - 442,65½

There have been no funds paid into the Treasury on account of revenue for the current year up to this date.

The amount of revenue due the Treasury from the respective counties for 1840, as shown by assessment lists as far as received, - - - - - 912,82½

*Amount of outstanding warrants against the Treasury—to whom issued, and on what account.*

1840.

March 12. To Maj. Henry King, Brigade Inspector, 1st Brig. 1st Div. as per account audited, - - - - - \$28,00  
To V. P. Van Antwerp, Adjutant General, for salary as per accounts on file, - - - - - 225,00  
To O. Fairfield, for stationary, out of contingent fund, - - - - - 10,00  
To the Clerk and Sheriff of Scott Co. for costs of suits rendered against the Territory, - - - - - 31,11  
To Henry Heffleman, Sheriff of Van Buren county, for



services in maintaining jurisdiction in a portion of said county claimed by the State of Missouri, under the provisions of "An Act for the relief of Van Buren Co."	-	320,00
Nov. 2d. To Maj. Henry King, for services as Brigade Inspector, 1st Brig. 1st Div. as per account rendered,	-	32,00
Nov. 6. To John H. M'Kenny, out of contingent fund,		10,00
Total amount of outstanding warrants,		<u>\$656,11</u>

I would respectfully call the attention of the Legislative Assembly to the contradictory provisions in the act entitled "*An act concerning costs and fees*," approved Jan. 23, 1839.

Under the head of "Sheriff fees" in said act, an allowance of \$1,50 per day is provided for, and made payable out of the Territorial Treasury for Sheriffs or Deputy Sheriffs, while in attendance on the respective district courts—and in the 17th section of said act the same allowance is made, payable out of the county Treasury.

Several accounts have been presented as above provided for, and suspended for Legislative action.

There appears also to be contradictory provisions contained in the 7th, 15th, and 16th sections of said act, relative to costs and fees, payable out of the Territorial Treasury, to which I would respectfully call your attention.

#### LAND TAX.

I would respectfully suggest to the Legislative Assembly, the propriety of procuring tract books for the use of this office; in which to have entered the names of the original patentees, and dates of purchase of each tract of land in the Territory.

Such a record, I deem indispensable in the proper discharge of the duties of Auditor. It would be found a great convenience to the assessors and collectors of counties, in enabling this office to furnish them with official tract books, of their respective counties, showing each tract of land that may be subject to taxation.

In many cases lands may become lost in the copying of duplicates, or neglect on the part of the county assessors or clerks in placing others upon the list which are annually becoming subject to taxes.

The cost, as near as I can calculate, of procuring full and complete tract books of all the surveyed lands in the Territory, would probably not vary much from four hundred dollars.

#### A TABULAR STATEMENT,

*Exhibiting the amount of Territorial Revenue assessed in the respective counties, for the years of 1839 and 1840, as far as reported to this office.*

1839.

1840.

Cedar, (No assessment returned.)



Clayton,	do.	
Clinton,		\$18,87½
Des Moines,	\$102,12	261,95
Dubuque,	130,23	62,93
Henry,	58,41	96,35½
Muscatine,	24,48½	167,35
Scott,	(No assessment returned.)	
Jackson,	do	
Johnston,		43,64¼
Jones,	(No assessment returned.)	
Lee,	139,07	
Linn,	(No assessment returned.)	
Louisa,	39,65	111,27
Jefferson,	29,89	
Washington,	13,72	
Van Buren,	44,15	150,56
	<hr/>	<hr/>
	581,72½	912,83½
		581,72½
		<hr/>
Total amount for the years 1839, '40,		\$1494,56

Permit me to suggest to the Legislative Assembly, a revision of existing laws levying and regulating the Territorial Revenue.

I am aware that by some it may be considered measurably unimportant to adopt and establish any permanent financial system under a Territorial Government. But when it is considered that there are many expenses incidental to our present form of government, which it is not to be expected that the General Government will pay—and which cannot be claimed as a right, it certainly cannot be deemed otherwise than correct policy to levy upon correct principles, a Territorial Tax, the burthen of which shall be equal upon all classes of citizens.

The present revenue laws of the Territory authorizes the respective boards of county commissioners to assess a tax for county purposes, which assessment is regulated entirely by the necessities of the respective counties.

Five per cent upon this assessment constitutes the territorial revenue. It will be seen that under our present financial laws the burthen of a Territorial Tax, levied as at present, operates unequally upon the different counties. In some counties it may be found necessary to levy a heavy tax, while in others, a comparatively light tax would be found sufficient for county purposes.

The amount of tax at present assessed for Territorial purposes, is deemed sufficient for the ordinary expenses that are now made payable out of the Territorial Treasury, provided the amount assessed be promptly paid—but it is to be feared that in consequence of the liabi-



lities of many of the counties, where county orders have been issued to the creditors of the county, and are outstanding for a greater amount than the tax assessed, which county orders are receivable in payment for tax, that the collectors will not be enabled by the receipts in money for tax to pay the per cent applicable to territorial purposes.

I would therefore recommend that the laws regulating a Territorial Revenue be so amended as to operate equally upon every class of citizens and that the amount assessed for Territorial purposes be required to be paid in money.

I am unable to report the exact liabilities of the Territorial Treasury, but, am induced to believe that they will exceed the receipts into the Treasury.

It is to be supposed that the law requiring the costs of suit in certain cases to be paid out of the Territorial Treasury will form a considerable item in the expenditures—as well as the requirements of an act entitled “An act for the relief of Van Buren county,” approved, January 13, 1840. Accounts have already been presented and allowed on the requisition of the board of county commissioners of that county in favor of the former Sheriff for \$320. I am unadvised of the probable amount for which the Territory will be liable under the requirements of this act,

#### PUBLIC BUILDINGS AT IOWA CITY.

The sum of twenty thousand dollars, appropriated by Congress, for the erection of public buildings at the seat of government of the Territory, has been transferred into the Territorial Treasury, and paid out on the warrants of the Auditor, as follows, to wit:

1840, June 3.	To John F. Rague & Co. contractors as per estimate certified by acting commissioner, on file,	\$10,000
“ “ 6.	To Chauncy Swan, acting commissioner of public buildings, on account of bills audited and credited to his account. -	4,640
“ Aug. 26.	To same—on receipted acts, audited and credited to his account, - -	3,360
“ Sept.	To John H. McKenny, as per bill audited for printing, - - -	45,00
“ Oct.	To C. Swan, acting commissioner, &c. on accounts audited and credited to his account,	1,155
“ “	To William Skein, requisition of acting commissioner, - - -	800
Total amount - - -		<u>\$20,000</u>

Bills audited and allowed and credited to the account of the acting commissioner for work done and materials fur-



nished to capitol—on file,	\$25,945,61
	20,000,00
Leaving to the credit of acting commissioner,	\$5,945,61

I would suggest the propriety of so amending the law requiring all accounts against the Territory on account of the public buildings to be audited before they are paid, so as to authorize the acting commissioner to pay out of any public funds in his hands arising from the sale of lots or otherwise, previous to their being so audited.

Under existing laws the acting commissioner is required to execute bonds covering all probable amounts that may come under his contract in his official capacity. The provisions of law requiring all accounts to be audited before they are paid, subject laborers and other creditors of the Territory to too much unnecessary inconvenience. It is necessarily the case in the erection of the capitol, that many small accounts will be incurred, which would scarcely be worth the trouble and expense of bringing or sending to this office to be audited—while there can be no impropriety in authorising the acting commissioner, whose official responsibility is well protected under existing laws, to pay the funds of the Territory which come in his hands to the creditors of the Territory on account of the public building, and filing his vouchers for such disbursements in this office at a subsequent period.

All of which is respectfully submitted.

JESSE WILLIAMS, *Auditor.*

(A.)

(CIRCULAR.)

AUDITOR'S OFFICE, Iowa Territory, }  
Burlington, April 23, 1840. }

To the Honorable Board of County Commissioners of County.

GENTLEMEN.—It will be perceived that by the provisions of an act entitled "An act to provide for a Territorial revenue," Approved, January 25th, 1839, that five per cent of the gross amount of Taxes in each county is applicable to Territorial purposes.

In the second section of said act, it is made the duty of the respective boards of County Commissioners within the Territory, to furnish the Territorial Treasurer, immediately after the same may be filed with a copy of the Duplicate assessment list for the respective counties, together with the sum which will be due from the counties respectively to the Territory for the current year.

No such duplicate assesment list for your county for the year 1839, has been received by the Territoial Treasurer.

I have therefore, to request, that you cause be transmitted at your



earliest convenience to the Territorial Treasurer, a copy of the Duplicate assessment list of your county for the year 1839, and also, for the current year of 1840, correctly footed up and certified in accordance with the true meaning and intent of the revenue laws of the Territory.

It is hoped that your Honorable body will take immediate measures to comply with the foregoing at the earliest practical period. A compliance on your part is *indispensable* to the discharge of the duties imposed on this office.

Very respectfully,

Your obedient servant,

JESSE WILLIAMS.

Auditor Public Accounts.

On motion of Mr. Isett,

Ordered, That one hundred copies of the report be printed for the use of the House, and that it be referred to the Committee on Finances.

No. 2. H. R. file, entitled "A Bill to abolish imprisonment for debt" was taken up and read a second time, and

On motion of Mr. Summers,

Was referred to the Committee on the Judiciary.

Mr. Summers asked leave of absence for Mr. Miller, until Wednesday next, which was granted.

Mr. Browning gave notice, that he would on some future day, introduce a Bill to amend an act concerning Grand and Petit jurors approved January 4, 1839.

Mr. Isett gave notice, that he would on some future day introduce "A Bill to confer on certain associations of the citizens of this Territory the powers and immunities of corporations or bodies politic in Law.

Mr. Avery gave notice, that he would on some day hereafter, introduce a "A Bill to define more specifically the duties of county Surveyors."

On motion of Mr. Porter,

Ordered, That three members be added to the select Committee appointed to take into consideration the road leading from Dubuque, via Iowa City to the Missouri line.

The chair appointed Messrs. Porter, Teeple and Whitaker.

On motion of Mr. Browning,

Resolved, That the Sunday School Society, have the privilege of using this Hall from 9 to 11 o'clock A. M. every Sabbath during the sitting of the Legislature.

On motion of Mr. Lewis,

Ordered, That a Committee of three be appointed, to consist of one member from Lee county and two from Van Buren county to memorialize Congress, upon the propriety of appropriating money to com-



plete a Territorial road, leading from Keokuck up the Des Moines river to Iowaville.

Messrs. Lewis, Steele and Brierly were appointed said Committee,

On motion of Mr. Walworth,

The House adjourned until to-morrow morning.

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### Tuesday Morning, November 10, 1840.

Mr. Robertson presented the petition of sundry citizen of the town of Rockingham, praying that a law may be passed, authorizing John H. Sullivan to vacate for re-survey, a certain portion of said town.

Ordered, That said petition be referred to a select committee.

Messrs. Robertson, Summers, and Isett were appointed said committee.

On motion of Mr. Teeple,

Ordered, That the Committee on the Judiciary, be instructed to examine the ninth section of an Act entitled "An Act organizing a Board of County Commissioners in each county in the Territory of Iowa, approved December 14, 1838, and compare the same with the fifth section of an Act entitled "An Act for assessing and collecting county revenue, approved January 24th, A. D. 1839.

On motion of Mr. Wilson of H.,

Resolved, That the Committee on Internal Improvements take into consideration the propriety of memorializing Congress, and instructing our Delegate in Congress to use his best endeavors to procure an appropriation for the purpose of improving the Rapids of the Mississippi River, at or near the mouth of the Des Moines River.

Mr. Mason offered the following:

Resolved, That the slips detailing the proceedings of this House be printed as heretofore.

A motion was made by Mr. Porter, to lay the resolution upon the table;

And the question being put; Shall the resolution be laid upon the table?

It was determined in the affirmative—Yeas 23, Nays 1.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Porter, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Mr. Mason voted in the negative.



So the resolution was laid upon the table.

The Speaker laid before the House the Report of the Territorial Treasurer, which was read and laid upon the table.

The resolution offered on yesterday by Mr. Langworthy, calling upon the Secretary of the Territory for a general expose of the financial affairs under his control,

Was taken up and adopted.

Mr. Browning, in accordance with previous notice, introduced No. 3. H. R. file, entitled "A Bill to amend an Act concerning Grand and Petit Jurors, approved, January 4th, 1839, which was read a first time,

Ordered, That 40 copies of the same be printed for the use of the House.

Mr. Summers gave notice, that he would, on some day hereafter, introduce a Bill, to provide for the location of County Seats in new counties, and for other purposes.

Mr. Felkner gave notice, that he would, on some future day, introduce a Bill to reduce the average value of lots in Iowa City, as fixed by an Act directing the valuation of lots in Iowa City, and to provide for executing Deeds to the same.

On motion of Mr. Teeple,

The House adjourned until to-morrow morning.

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### Wednesday Morning, November 11, 1840.

On motion of Mr. Walworth,

Ordered, That a Committee of one from each electoral district be appointed to take into consideration the expediency of memorializing Congress on the subject of negotiating with the Sac and Fox Indians for a new purchase of lands.

Messrs. Walworth, Browning, Miller, Steele, Porter, Wilson of J. Teeple, Isett, Robertson, and Mason, were appointed said Committee.

On motion of Mr. Wilson of H.

Resolved, That the Committee on Roads and Highways inquire into the expediency of revising or modifying such portions of the road law, whereby it will be more effectual in its application to the improvement of roads and highways, and report by bill or otherwise.

On motion of Mr. Lewis,

Ordered, That the Committee on Mail Routes, be instructed to inquire into the expediency of memorializing Congress, on the subject of establishing a Mail Route from Keosauqua, in Van Buren county, to the southern line of said county.



Mr. Summers, in accordance with previous notice, introduced No. 4, H. R. File, entitled "A Bill concerning enclosures and trespassing animals," which was read a first time,

A motion was made by Mr. Teeple to have said Bill printed, which was decided in the negative.

Mr. Summers, from the Committee appointed for the purpose of making arrangements for having a Reporter to this House, made the following report.

The Select Committee, to which was referred a resolution of the House, requiring them to ascertain on what terms a Reporter could be employed, to report the proceedings, &c., during the present session, have performed the duty assigned them, by calling on several persons said to be competent to perform the duties of Reporter, and find that they cannot employ a Reporter for a less sum than five dollars per day.

Your Committee are of the opinion that a Reporter would be of public utility; they therefore submit the following for adoption:

Resolved, That the House elect a Reporter by ballot.

A motion was made by Mr. Porter to lay the Report on the table, which was disagreed to.

The question then recurred on the adoption of the Report;

And the question being put, Will the House concur in the Report of the Committee?

Was determined in the negative—Yeas 7, Nays 19.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative were

Messrs. Hendershott, Isett, Langworthy, Leffler, Steele, Summers, and Van Antwerp.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Lash, Lewis, Miller, Mason, Porter, Robertson, Teeple, Toole, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

So the Report was rejected.

Mr. Walworth, on previous notice, introduced

No. 5, H. R. File, "A Memorial to Congress for an appropriation to improve and continue the Military Road from Dubuque, via of Iowa City, to the Missouri line;" which was read a first time.

Mr. Lash gave notice, that he would, on some future day, introduce

A Bill, to establish a Territorial Road, from Mott's Ferry, on the Des Moines river, by the way of Keokuk, Montrose, and Franklin, in Lee county, to Mount Pleasant, in Henry county.

On motion of Mr. Mason,

The Resolution offered by him on yesterday, in relation to the printing of the daily slips, &c., was taken up and considered.

A motion was made by



Mr. Miller, to strike out all after the word "Resolved," and insert the following:

That James G. Edwards be employed to print the Journal of this House for a reasonable, usual, and just price, provided he furnish the House the daily slips without charge.

Mr. Hendershott offered the following as a substitute:

Resolved, That the daily Journals of this House be furnished for twenty succeeding days, which was lost. Yeas 5, Nays 21.

The yeas and nays being desired by Mr. Miller,

Those who voted in the affirmative were

Messrs. Box, Felkner, Hendershott, Isett, and Teeple.

Those who voted in the negative, were

Messrs. Avery, Brierly, Browning, Hebard, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

A motion was made by

Mr. Summers, That the whole subject be indefinitely postponed.

Mr. Box moved, That the same be laid upon the table, subject to the order of the House, which was lost.

The question then recurred on the motion made by Mr. Summers, which was decided in the negative. Yeas 11, Nays 15.

Those who voted in the affirmative, were,

Messrs. Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Steele, Summers, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were

Messrs. Avery, Box, Brierly, Browning, Hebard, Lewis, Mason, Miller, Porter, Robertson, Teeple, Toole, Walworth, Wilson of H., and Wilson of J.

On motion of Mr. Leffler,

The Resolution, with the amendment of Mr. Miller, was laid upon the table until to-morrow.

No. 3, H. R. File, entitled,

"A Bill, to amend an Act concerning Grand and Petit Jurors, approved, January 4th, 1839," was read a second time.

Ordered, That said bill be referred to the Committee on the Judiciary.

On motion of Mr. Lash,

The House adjourned.

2 O'CLOCK, P. M.

Mr. Lewis gave notice, that he would on some future day bring in



a "Bill to amend an act entitled "an act for opening and regulating Roads and Highways approved January 17, 1840.

Mr. Whitaker gave notice, that he would on some day hereafter, introduce "A Bill, relating to counties and county boundaries,"

Mr. Wilson of H. gave notice, that he would on some future day, introduce "A Bill, granting a charter to keep a Ferry across Skunk river at Rome in Henry County, for the benefit of Joseph Jeffers of said place."

Mr. Teeple gave notice, that he would on some day hereafter, introduce a Bill, to district the county of Washington into three county Commissioner's districts."

Mr. Box gave notice, that he would on some day hereafter introduce "A Bill to define more clearly the duties of county Treasurers" and also

A Bill to change the mode of collecting county revenue.

Mr. Hebard gave notice, that on some future day he would introduce "A Bill, to secure the right of way, to those owners or occupants, whose lands are separated by the lands of intervening owners.

Mr. Summers gave notice, that he would on some future day, bring in "A memorial to Congress for an appropriation, to improve the Mail route, leading from Davenport to Dubuque.

Mr. Langworthy gave notice, that on some future day, he would introduce a Joint Resolution, to provide for the printing of the Laws of the present session.

On motion of Mr. Walworth,

Ordered, That 40 copies of the memorial introduced by him during the forenoon's session, be printed.

Mr. Felkner on previous notice, introduced

No. 6. H. R. file, entitled "A Bill to amend "an act, directing the valuation and Sale of Lots in Iowa City, and to provide for executing Deeds to the same" which was read a first time.

Ordered, That forty copies of said bill be printed for the use of the House.

On motion of Mr. Summers,

Resolved, That the Committee on Roads and Highways, be instructed to enquire into the expediency, of so amending an act defining the duties of Supervisors of Roads and Highways "as to require persons to perform labor on the public highways, in proportion to the valuation of their property.

On motion of Mr. Hebard,

Ordered, That a Committee of one from each of the counties of Des Moines, Henry and Van Buren, be appointed to prepare a memorial to Congress, for an appropriation to continue the construction of the Road, commenced by the United States, leading from Burlington westward, through the aforesaid counties,

Messrs. Hebard, Lewis and Wilson of H. were appointed said Committee.



On motion of Mr. Langworthy,

Resolved, That when a bill, memorial or joint resolution shall be ordered to be printed the number of copies need not be stated but shall be forty.

On motion of Mr. Summers,

The House adjourned.

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### Thursday Morning, November 12, 1840.

On motion of Mr. Walworth,

Ordered, That a Committee of one from each electoral District be appointed, to draft a Bill to establish certain Territorial roads.

Messrs. Walworth, Isett, Hebard, Wilson of H. and Wilson of J. Miller, Langworthy, Robertson, Steele and Teeple were appointed said Committee.

On motion of Mr. Robertson,

Resolved, That the Committee on Roads and Highways, be instructed to enquire into the expediency of memorializing Congress, upon the subject of an appropriation to be applied upon the mail route from Burlington to Davenport.

Mr. Langworthy offered the following:

Resolved, That William W. Coriell, publisher of the Iowa News at Dubuque, be and he is hereby authorized to print the usual number of copies of the Journal of this House in pamphlet form, and have the same ready for distribution within four months from the close of the present session, and that he be allowed the usual compensation for such work.

A motion was made by Mr. Walworth, to lay the resolution upon the table; which was agreed to—Yeas 20, Nays 6.

The Yeas and Nays being desired by Mr. Langworthy,

Those who voted in the affirmative were Messrs Avery, Box, Briery, Browning, Felkner, Hebard, Lash, Leffler, Lewis, Miller, Porter, Robertson, Steele, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., and Wilson of J.

Those who voted in the negative, were Messrs. Hendershott, Isett, Langworthy, Mason, Summers and Cox Speaker.

On motion of Mr. Toole,

Ordered, That a select Committee be appointed, to draft a memorial to Congress, asking for an appropriation to improve the navigation of the Iowa, Cedar, Des Moines, and Skunk rivers.

Messrs. Toole, Steele and Porter were appointed said Committee.

Mr. Robertson gave notice that he would on some future day, introduce a Bill to amend an act providing for the appointment of Districts



prosecutors and defining their duties, approved January 15, 1839, also A Bill to amend an act fixing the time for the annual meeting of the Legislative Assembly, approved January 23, 1837.

Mr. Lash in accordance with previous notice introduced

No. 7. H. R. file entitled, "A Bill to locate and establish a Territorial road from Mott's Ferry on the Des Moines river, via. Keokuck, Montrose and Franklin in Lee county to Mount Pleasant in Henry county," which was read a first time.

Mr. Wilson of H., in accordance with previous notice introduced,

No. 8, H. R. file entitled "A Bill to authorize Joseph Jeffreys to establish and keep a Ferry across Skunk river at the town of Rome;" which was read a first time,

On motion of Mr. Porter,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now.

The bill was then read a 2d time.

On motion of Mr. Porter,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time Mr. Speaker resumed the chair, and Mr. Summers reported, that the 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. Walworth,

Ordered, That the Bill be referred to the Committee on Corporations, with instructions to report on to-morrow.

Mr. Teeple in accordance with previous notice, introduced,

No. 9, H. R. file entitled "A Bill to District the county of Washington into three county Commissioner's Districts;" which was read a first time.

No. 4, H. R. file entitled, "A Bill concerning enclosures and trespassing animals," was read a second time, and,

On motion of Mr. Summers,

Referred to the Committee on the Judiciary.

No. 5, H. R. file, entitled "A Memorial to Congress, for an appropriation to improve and continue the Military road, leading from Dubuque via Iowa City to the Missouri line," was read a second time, and,

On motion of Mr. Steele,

Referred to the Committee on Territorial affairs.

No. 6, H. R. file entitled "A Bill to amend an act directing the valuation and Sale of Lots in Iowa City, and to provide for executing Deeds to the same," was read second time, and,

On motion of Mr. Miller,

Referred to the Committee on Public Buildings.

The Resolution in relation to the printing of the daily slips &c. to-



gether with the amendment offered by Mr. Miller yesterday being the order of to day, was taken up.

A motion was made by Mr. Langworthy, to refer said resolution and amendment to a select Committee,

And the question being put, shall the resolution &c. be referred? It was determined in the negative,

YEAS 13. NAYS 13.

The yeas and nays being desired by Mr. Hendershott,

Those who voted in the affirmative were, Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative were, Messrs. Avery, Browning, Hebard, Lash Lewis, Mason, Miller, Porter, Robertson, Toole, Walworth, Wilson of H. and Wilson of J.

Mr. Langworthy then moved to strike out the name of "James G. Edwards" and insert that of "John H. McKenney"

And previous to the question" being put

A motion was made by Mr. Hendershott, that the House do now adjourn; which was decided in the affirmative.

YEAS 17. NAYS 9.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were Messrs. Avery, Browning, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Porter, Robertson, Summers, Teeple, Van Antwerp, Whitaker, Wilson of H. and Cox, Speaker.

Those who voted in the negative, were Messrs. Box, Brierly, Hebard, Lewis, Miller, Steele, Toole, Walworth and Wilson of J.

So the House adjourned until 2 o'clock P. M.

## 2 O'CLOCK, P. M.

The House resumed the consideration of the Resolution relative to the printing of the Journals.

The question pending at the time of the adjournment being on the motion of Mr. Langworthy, to strike out of said resolution the name of James G. Edwards, and insert that of John H. McKenny.

Mr. Walworth moved a call of the House, which was ordered, and upon calling the roll, it was found that Messrs. Browning and Porter were absent. Whereupon,

The Sergeant-at-Arms was directed to enforce their attendance.

After sometime, Messrs. Browning and Porter appearing, the question was taken on the amendment to the resolution, which was carried in the affirmative—Yeas 15, Nays 11.



The Yeas and Nays being desired by Mr. Miller, These who voted in the affirmative were Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker and Cox, Speaker.

Those who voted in the negative were Messrs. Avery, Browning, Hebard, Lewis, Miller, Porter, Robertson, Toole, Walworth, Wilson of H. and Wilson of J.

A motion was made by Mr. Box, to postpone said resolution indefinitely, which was determined in the affirmative.

Mr. Robertson, on leave, introduced No. 10, H. R. File, entitled "A Bill to establish a Territorial Road from Davenport to Bellview," which was read a first time.

Mr. Walworth offered the following:

Resolved, That Crum & Bailey, of Bloomington, be employed to print three hundred copies of the Journal of this House, and that they be paid such price for the same as shall be hereafter allowed by law.

A motion was made by Mr. Summers, to lay the resolution upon the table.

And the question being put, Shall the resolution be laid on the table?

It was determined in the affirmative—Yeas 20, Nays 6.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were, Messrs. Avery, Box, Brierly, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Miller, Robertson, Steele, Summers, Teeple, Van Antwerp, Whitaker, Wilson of H. and Cox, Speaker.

Those who voted in the negative were Messrs. Browning, Lewis, Porter, Toole, Walworth, and Wilson of J.

So the resolution was laid upon the table.

Mr. Browning, on leave, introduced No. 11, H. R. File, entitled "A Memorial to Congress for the benefit of Jeremiah Smith, Jr.," which was read a first time.

Ordered, That the 42d rule be suspended, and the Memorial be read a second time now.

The Memorial was then read a second time.

On motion of Mr. Miller,

The House resolved itself into a Committee of the Whole House for the consideration of said Memorial.

After some time, Mr. Speaker resumed the Chair, and

Mr. Box reported, that the Committee had, according to order, had said Memorial under consideration, and instructed him to report the same, with an amendment;

Which was agreed to.



Ordered, That the Memorial be engrossed for a third reading to-morrow.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have passed "A Preamble and Joint Resolution, asking our Delegate in Congress to use his influence to obtain an additional appropriation for the survey of the Des Moines River. Also,

A Resolution, requesting our Delegate in Congress to use his influence to procure additional Mail facilities on the route leading from Fort Madison to Bentonsport.

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

On motion of Mr. Miller,  
The House adjourned.

### Friday Morning, November 13, 1840.

Mr. Porter presented the petition of sundry citizens of Henry County, and the petition of Elizabeth Jones, praying that a law may be passed to divorce said Elizabeth Jones from her husband Berry Jones.

Said petitions were referred to a Select Committee, viz:

Messrs. Porter, Summers, and Isett.

Mr. Lash, from the Committee on Engrossed Bills, reported No. 11, H. R. File, entitled "A Memorial to Congress for the benefit of Jeremiah Smith, Jr., to be correctly engrossed.

Mr. Leffler, from the Committee on the Judiciary, reported No. 3. H. R. File, entitled "A Bill to amend an act concerning Grand and Petit Jurors," approved, January 4, 1839, without amendment.

Mr. Hendershott, from the Committee on Corporations, made the following report:

The Committee on Corporations, to whom was referred Bill No. 8, H. R. File, entitled "A Bill to authorize Joseph Jeffreys, to establish and keep a Ferry across Skunk River, at the Town of Rome, beg leave to report: That they have had the same under due consideration, and they are of opinion that an act to regulate Ferries, passed at the session of the Iowa Legislature of 1838-'39, makes ample provision for all persons wishing to establish Ferries across all streams, except the Mississippi; and your Committee are of opinion that it is impolitic to



grant chartered privileges under such circumstances. Therefore your Committee request to be discharged from any further consideration of this subject.

The Committee were accordingly discharged.

Mr. Robertson, in accordance with previous notice, introduced No. 12, H. R. File, entitled "A Bill to amend an Act fixing the time for the annual meeting of the Legislative Assembly, which was read a first time.

The Speaker laid before the House a communication from the Secretary of the Territory, transmitting information in relation to the Financial affairs of the Territory, in obedience to the order of the House of the 10th instant.

Ordered, That there be two hundred copies of the same printed.

Said communication reads as follows:

SECRETARY'S OFFICE,  
BURLINGTON NOV. 12, 1840. }

*The Honorable, the Speaker of the  
House of Representatives:*

SIR—Conformably to a resolution of the House of Representatives of the 10th instant, requesting information from the Secretary of the Territory as to the amount of arrearages at present due by the Territory, &c. &c., together with "a general expose of the financial affairs of the Territory, so far as the same may be under his control," I have the honor to submit the following:

Under the instructions of the Treasury Department, the only claims against the Territory which can be recognized by me, in making disbursements, are such as have received the sanction of the law making power of the Territory. In order to ascertain the amounts yet due to various individuals, I have therefore compared my vouchers for payments made up to the present time, with the several laws making the appropriations; leaving out all such claims, if any there be, as are not embraced in these laws. The result of this comparison shows Iowa to be yet indebted to the following persons, in the amounts set opposite their names respectively:

Bridgman & Partridge,	\$109 00
Henry Moore,	4 00
John S. David,	68 00
James G. Edwards,	1,528 00
Methodist Episcopal Church,	300 00
Morgan Reno,	61 90
T. S. Parvin,	387 00
Dolan & Ladd,	26 37
Chase & Kimball,	47 25
Robert Mack,	26 75
Jesse Williams,	28 00



Webber & Remey,	55 15
Geo. W. Hight,	100 00
Russell & Reeves,	1,907 75
W. J. A. Bradford,	182 00
A. C. Donaldson,	170 00
W. W. Coriell,	75 00
Andrew Logan,	75 00
A. W. Carpenter,	124 50
J. H. M'Kenny,	957 81
Sam'l R. Murray,	20 00
J. N. Hetzel,	35 00
J. M. Garrigues,	12 00
John B. Russell,	12 00
A. L. M'Crea,	5 00
Henry Hefflemen,	50 00
J. W. Tallman,	50 00
J. G. M'Donald,	15 00
Jos. T. Fales,	500 00
B. F. Wallace,	350 00
J. B. Browne,	225 00
W. H. Wallace,	225 00
Levi Hager,	169 50
Evan Evans,	90 00
	<hr/>
	\$7,991 98

The liabilities of the Territory, it will be thus seen, over and above her present available resources, amount to seven thousand nine hundred and ninety-one dollars and ninety-eight cents. In the estimate submitted by the Executive of the Territory to the Secretary of the Treasury of the United States, for the expenses of Iowa for the year 1841, an item of \$6,729 42 is inserted to meet these liabilities. This amount, added to that which it is understood remained unexpended in the hands of the late Secretary Conway, at the time of his decease, will, if appropriated by Congress, entirely relieve the Territory from the monetary embarrassments with which, ever since her organization, she has been beset. The accomplishment of an end so desirable, once attained, it will remain for Legislative wisdom to say whether or not she shall be kept so in time to come.

A few explanatory remarks, as to some of the debts enumerated in the above list, may here be in place.

When, in July last, the appropriation of \$14,000 was put into my hands, to meet arrearages of the Territory then existing, it was discovered that the amount would fall short, by more than one-third, of entirely effecting the object for which it was intended. All the demands having the sanction of the law, were presumed to be equally



just and honest, and all the claimants were equally urgent in asking payment. Under such circumstances, the course suggested not only by a sense of justice, but an ardent desire to dispense, as far as possible, equal favor to all, was adopted, viz: to make a *pro rata* distribution of the funds among the several creditors of the Territory; nor, with the exception of a very few instances, in which, previous to ascertaining the whole amount of the deficit, I had placed my unconditional acceptance upon orders drawn on me by creditors, thus rendering myself *personally responsible*, was there any material departure from this rule in the disbursement of the entire sum appropriated.

Owing to a *proviso* contained in the law appropriating the \$14,000 to which allusion has already been made, several of the creditors of the Territory were entirely cut off from the portion which, under other circumstances, would have been paid them. The *proviso* is in these words:

“Provided no part of this appropriation shall be used for the payment of members of the said Legislative Assembly for per diem wages, or mileage, or extra services; or for the payment of any of the members thereof, or of its clerks, or for stationary for their individual use.”

The claims affected by this prohibitory clause are those of Messrs. J. B. Browne, and Wm. H. Wallace, pay for extra services as presiding officers of the different branches of the Legislative Assembly, session 1838-'39; Joseph T. Fales and B. F. Wallace, Secretaries of the House of Representatives and Council, for preparing for publication and distributing Journals of session 1839-'40; together with allowances for clerk hire, made to Messrs. S. R. Murray, J. N. Hetzel, J. M. Garrigues, J. B. Russell, A. L. M'Crea, J. G. M'Donald, W. J. A. Bradford, and Morgan Reno. Should the appropriation asked for from the general government be made at the next session of Congress, it is to be hoped that the law will be so framed as to make no distinction in favor of or against any particular class of creditors. Palpable injustice has attended the operations of the above recited proviso.

The resolution of the House, in compliance with which this communication is made, also calls upon me for information with regard to “all balances of former appropriations now in my hands, and the amount due the Territory from the former Secretary,” &c. My reply to the first part of this call must necessarily be very brief.—*There are no balances of former appropriations in my hands.* Every dollar drawn by me has been paid, the vouchers for the same forwarded to the accounting officers at Washington, and my account with the United States, excepting the *partial* payments by me made, which are as yet suspended, *balanced*.

The settlement of the account of the late Secretary with the Treasury Department, will devolve upon his legal representatives, and not



on me, as the resolution of the House would seem erroneously to imply. It is impossible, therefore, for me to state, with any thing like precision, the amount of the default of Mr. Conway, if, indeed, he is so at all. An examination of the duplicate vouchers on file in my office, however, some time since, gave rise to the impression, expressed at the time, that his vouchers fall short, by about \$2,000, of covering the amount of moneys drawn by him from the Treasury. Measures have already been taken by the Department, I have been informed, to further the final adjustment of the account; and whatever balance may be found to be due the United States, will, it is inferred, when collected, be placed at the disposal of the Territory, should any of the debts, to defray which it was appropriated in the first instance, remain unpaid at that time.

The sum set apart by Congress for the expenses of the present session of the Legislative Assembly is 27,050. Application to the proper Department for a warrant for this amount, was made by me on the 14th ultimo; and inasmuch as all appropriations heretofore entrusted to me have been regularly accounted for, I know of no reason why its reception should not be anticipated at an early day.

Very respectfully,

Your obedient servant,

JAMES CLARKE,

*Secretary of the Territory.*

No. 7, H. R. file entitled "A Bill to locate and establish a Territorial road from Mott's Ferry on the Des Moines river via: Keokuck, Montrose, and Franklin in Lee County to Mount Pleasant in Henry County" was read second time.

On motion of Mr. Box,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time, Mr. Speaker resumed the Chair, and Mr. Hendershott reported that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with amendments; in which the House concurred.

On motion of Mr. Miller,

The Bill was referred to the Delegations from the counties of Lee and Henry.

No. 9, H. R. file, entitled "A Bill to district the county of Washington into three County Commissioner's Districts" was read a second time.

On motion of Mr. Box,

The House resolved itself into a Committee of the whole House for the consideration of said Bill.

After some time, Mr. Speaker resumed the Chair, and Mr. Walworth reported that the Committee had, according to order, had said



Bill under consideration, and instructed him to report the same without amendment.

On motion of Mr. Teeple,

Ordered, That the Bill be engrossed for a third reading on Monday next.

No. 10, H. R. file, entitled "A Bill to establish a Territorial road from Davenport to Bellview," was read a second time.

Ordered, That said Bill be engrossed for a third reading on Monday next.

No. 1, C. F. entitled "A Preamble and Joint Resolution, asking our Delegate in Congress, to use his influence to obtain an additional appropriation for the Survey of the Des Moines river," and,

No. 3, C. F. entitled "A Resolution requesting our Delegate in Congress to use his influence to procure additional mail facilities on the route leading from Fort Madison to Bentonsport," were severally read a first time.

No. 11, H. R. File, entitled "A memorial to Congress for the benefit of Jeremiah Smith, Jr., was read a third time.

On motion of Mr. Browning,

By unanimous consent of the House, the memorial was amended by adding the following:

Resolved, That his Excellency Robert Lucas, be requested to forward a copy of this memorial to our Delegate in Congress as soon as practicable.

The memorial was then passed, and ordered to be sent to the Council for concurrence.

Mr. Lewis gave notice, that he would, on some future day, introduce "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, as to voting *viva voce* or by *ballot*."

A motion was made by Mr. Walworth, to take up the resolution offered by him on yesterday, relative to giving the printing of the Journal to Messrs. Crum & Bailey, of Bloomington, which was lost.

On motion of Mr. Leffler,

The House adjourned until Monday next.

### Monday Morning, November 16, 1840.

Mr. Isett presented the memorial of T. S. Parvin, asking compensation for services rendered as private Secretary to the Governor, during the 1st Session of the Legislative Assembly; which was referred to the Committee on Claims.



On motion of *Mr. Lash*,

Ordered, That two hundred copies of the report of the acting Commissioner of Public Buildings at Iowa City, be printed.

*Mr. Robertson* in accordance with previous notice, introduced

No. 13, H. R. file entitled, "A Bill to authorize John H. Sullivan to vacate for resurvey a portion of the Town of Rockingham" which was read a first time.

*Mr. Langworthy* from the Committee on Internal Improvements reported

No. 14, H. R. file entitled, "A memorial to Congress for an appropriation to improve the Rapids of the Mississippi river," which was read a first time, and ordered to be printed.

*Mr. Lash* from the Committee on Engrossed Bills, reported

Nos. 9. and 10. H. R. file as correctly engrossed.

No. 1. C. F. entitled "A Preamble and Resolution asking our Delegate in Congress, to use his influence to obtain an additional appropriation, for the Survey of the Des Moines river," was read a second time.

On motion of *Mr. Box*,

The House resolved itself into a Committee of the whole House, for the consideration of said Preamble and Resolution.

After some time *Mr. Speaker* resumed the Chair, and *Mr. Leffler* reported, that the Committee had, according to order, had said Preamble and Resolution under consideration and directed him to report the same without amendment.

Ordered, That said Preamble and Resolution be read a third time on to-morrow.

No. 3, C. F. entitled "A Resolution requesting our Delegate in Congress, to use his influence to procure additional Mail facilities on the route from Fort Madison to Bentonsport," was read a second time, and,

On motion of *Mr. Summers*,

Ordered, to be read a third time on to-morrow.

No. 3, H. R. file entitled "A Bill to amend an act concerning Grand and Petit Jurors," was read a second time.

On motion of *Mr. Browning*,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some considerable time *Mr. Speaker* resumed the Chair, and *Mr. Toole* reported, that the Committee had according to order, had said Bill under consideration, and instructed him to report the same without amendment.

Several amendments having been proposed,

On motion of *Mr. Walworth*,

The Bill was recommitted to the Committee on the Judiciary.

No. 12, H. R. file entitled "A Bill to amend an Act fixing the time



for the annual meeting of the Legislative Assembly," was read a second time.

On motion of Mr. Box,

Ordered, That said Bill be laid upon the table until the 1st Monday in January next.

No. 9, H. R. file entitled "A Bill to district the county of Washington into three County Commissioner's Districts," and,

No. 10, H. R. file entitled "A Bill to establish a Territorial Road from Davenport to Bellview," were severally read a third time, passed and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Mason gave notice, that he would on some future day introduce "A Bill to amend an Act entitled, an act organizing a Board of County Commissioners in each county in the Territory.

On motion of Mr. Toole,

The House adjourned.

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2 O'CLOCK, P. M.

Mr. Toole from the Select Committee to which was referred the subject of Memorializing Congress for an appropriation to improve certain rivers within the Territory, reported

No. 15, H. R. file entitled "A Memorial to Congress for an appropriation to improve certain rivers within the Territory," which was read a first time.

Mr. Lewis in accordance with previous notice, introduced

No. 16, H. R. file entitled "A Bill to provide for ascertaining the wishes of the legal voters of this Territory on the mode of voting by *ballot* or by *Viva Voce*" which was read a first time.

Mr. Teeple in accordance with previous notice, introduced

No. 17, H. R. file entitled, "A Bill supplementary to an act defining the duties of Supervisors of Roads and Highways, approved Jan. 17, 1840." which was read a first time, and ordered to be printed.

Mr. Summers in accordance with previous notice, introduced

No. 18, H. R. file entitled "A Bill to establish County Seats in new counties and for other purposes," which was read a first time.

On motion of Mr. Walworth,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and,

On motion of Mr. Walworth,

Referred to the Committee on Territorial Affairs.

On motion of Mr. Langworthy,

The following Resolution was taken from the table and adopted.



Resolved, That William W. Coriell publisher of the Iowa News at Dubuque, be and is hereby authorized, to print the usual number of copies of the Journals of this House in pamphlet form, and have the same ready for distribution within four months from the close of the present Session, and that he be allowed the usual compensation for such work.

On motion, The House adjourned.

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### Tuesday Morning, November 17, 1840.

On motion of Mr. Lash,

Ordered, That the Committee on the Judiciary inquire in the expediency of so altering the revenue laws, as to require any person who may wish to retail ardent spirits in any town or village in this Territory, to first obtain the consent of a majority of the legal voters of said town or village, and that they report by bill or otherwise.

Mr. Hebard, from the Select Committee appointed for that purpose, reported

No. 19, H. R. File, entitled "A Memorial to Congress, for an appropriation to continue the construction of the Agency Road,"

Which was read a first time.

Mr. Leffler, from the Committee on the Judiciary, reported back to the House,

No. 2, H. R. File, entitled "A Bill to abolish imprisonment for debt," and recommended that the same do not pass, and asked that the Committee might be discharged from the further consideration of said Bill.

On motion of Mr. Summers,

Said Report was laid upon the table.

Mr. Leffler, from the Committee on the Judiciary, to which was referred the subject of reducing the Fee Bill,

Reported, That they had accordingly had the same under consideration, and came to the conclusion, and deemed it inconsistent to make any alteration in said Bill.

No. 13, H. R. File, entitled "A Bill to authorize John H. Sullivan to vacate for re-survey, a portion of the Town of Rockingham," was read a second time.

On motion of Mr. Robertson,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 14, H. R. File, entitled



"A Memorial to Congress for an appropriation to improve the Rapids of the Mississippi river," was read a second time.

On motion of Mr. Walworth,

The House resolved itself into a Committee of the Whole House, for the consideration of said Memorial.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Memorial under consideration, and instructed him to report the same without amendment.

On motion of Mr. Walworth,

The Memorial was amended by adding the following:

"That copies of this Memorial be forwarded to the Governor of the State of Missouri, to the Governor of the State of Illinois, and to the Governor of the Territory of Wisconsin, with a request that it may be submitted to their several Legislatures, with a recommendation that they join with this Legislature in memorializing Congress on the subject.

On motion of Mr. Summers,

Ordered, That said Memorial be engrossed and read a third time on to-morrow.

No. 15, H. R. File, entitled

"A Memorial to Congress for an appropriation to improve certain rivers within the Territory," was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 16, H. R. File, entitled

"A Bill to provide for ascertaining the wishes of the legal voters of this Territory on the mode of voting by *ballot* or by *viva voce*," was read a second time.

On motion of Mr. Hendershott,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same without amendment.

A motion was made by Mr. Leffler, to postpone said Bill indefinitely.

And the question being put, was determined in the negative:

Yeas 5, Nays 21.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Langworthy, Leffler, and Summers.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Lash, Lewis, Mason, Miller, Porter, Robertson, Steele, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.



On motion of Mr. Porter,  
Said Bill was laid upon the table.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed

No. 2, C. F. "A Bill for the benefit of ther minor heirs of Joseph Swazey, deceased."

No. 7, C. F. "A Bill to attach Benton county to Linn for Judicial purposes," &c.

No. 2, C. F. "A Preamble & Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville on the Des Moines river," and

No. 4, C. F. "A Joint Resolution, requesting the influence of our Delegate in Congress, in procuring the appointment of a Commissioner, to select two Townships of land for the support of the University of Iowa,"

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

Mr. Browning gave notice, that he would, on some future day, introduce a Bill to amend the several acts relative to Mechanics' Liens, and for other purposes, approved, December 17, 1838, and Jan. 16, 1840.

On motion of Mr. Steele,  
The House adjourned.

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2 O'CLOCK P. M.

No. 1, C. F. entitled  
"A Preamble and Resolution asking our Delegate in Congress to use his influence to obtain an additional appropriation for the Survey of the Des Moines river," and

No. 3, C. F. entitled  
"A Resolution requesting our Delegate in Congress to use his influence to procure additional Mail facilities on the route leading from Fort Madison to Bentonsport," were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 2, C. File, entitled  
"A Bill for the benefit of the minor heirs of Joseph Swazey, dec'd.  
No. 2, C. F. entitled



"A Preamble and Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville, on the Des Moines river."

No. 4, C. F. entitled,

"Joint Resolution, requesting our Delegate in Congress to use his influence in procuring the appointment of a Commissioner to select two Townships of land for the support of the University of Iowa," and

No. 7, C. F. entitled

"A Bill to attach Benton County to Linn, for Judicial purposes,"

Were severally read a first time.

Mr. Wilson of J., in accordance with previous notice, introduced

No. 20, H. R. File, entitled

"A Bill prohibiting Vice and Immorality," which was read a first time, and ordered to be printed.

Mr. Mason, in accordance with previous notice, introduced

No. 21, H. R. File, entitled

"A Bill to amend the several acts for assessing and collecting county revenue," which was read a first time, and ordered to be printed.

On motion of Mr. Toole,

Ordered, That a Select Committee, composed of one member from each Electoral District, be appointed to draft a Memorial to Congress for an appropriation to improve Roads and Mail Routes in this Territory.

Messrs. Toole, Lewis, Porter, Wilson of J., Avery, Isett, Van Antwerp, Robertson, Box, and Mason, were appointed said Committee.

On motion of Mr. Miller,

Ordered, That the Committee on the Judiciary, be instructed to inquire into the expediency of revising the bail law, and if they find it necessary, bring in a Bill for that purpose; and to bring in a Bill for the benefit of insolvent debtors.

No. 17, H. R. File, entitled

"A Bill supplementary to "An Act defining the duties of Supervisors of Roads and Highways," approved, January 17, 1840," was read a second time, and,

On motion of Mr. Summers,

Referred to a Committee of the Whole House on to-morrow.

Mr. Mason, in accordance with previous notice, introduced

No. 22, H. R. File, entitled

"A Bill to amend an Act organizing a Board of County Commissioner in each county in the Territory of Iowa," which was read a first time.

Mr. Miller gave notice, that he would, on to-morrow, bring in a Bill to amend an act entitled "An Act to provide for the appointment of Justices of the Peace, &c.," Also, a Bill to define the duties of Constables in cases of imprisonment.

On motion of Mr. Toole, the House adjourned.



## Wednesday Morning, November 18, 1840.

On motion of Mr. Toole,

Resolved, That a Select Committee, composed of one member from each Electoral District be appointed, to examine thoroughly, the present Revenue Laws, and report to this House, such amendments or alterations as they may deem necessary.

Messrs. Toole, Avery, Felkner, Mason, Miller, Robertson, Walworth, Whitaker, Wilson of H., and Wilson of J., were appointed said Committee.

On motion of Mr. Porter,

Ordered, That the Committee on the Militia, be instructed to inquire into the expediency of so amending the Militia Law, as to exempt persons having conscientious scruples, from bearing arms, at least in time of peace.

Mr. Hebard offered the following.

Resolved, That the Chief Clerk be directed to procure and put up in a convenient place in this House, a Map of Iowa Territory, for the use of the members of this House.

A motion was made by Mr. Walworth, to amend said resolution, so as to authorize the Chief Clerk to procure a copy of Jesse Williams's Map of Iowa, for each member of this House.

And the question being put, Will the House agree to the amendment?

It was determined in the negative. Yeas 7, Nays 17.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Porter, Teeple, Toole, Van Antwerp, and Walworth.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Langworthy, Lash, Lewis, Miller, Robertson, Steele, Summers, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

The question then recurred on the adoption of the resolution, which passed in the affirmative.

Mr. Teeple, from the Committee to which was referred the resolution relative to memorializing Congress, for an appropriation on the Mail Route from Burlington to Davenport, reported

No. 23, H. R. File, entitled "A Memorial to Congress, for an appropriation to improve the road from Burlington to Davenport;" which was read a first time.



Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 13, 14, and 15, H. R. File, as correctly engrossed.

Mr. Hebard, from the Committee to which was referred No. 5, H. R. File, "A Memorial to Congress, for an appropriation to improve and continue the Military road from Dubuque to the Missouri line," reported the same back to the House, with amendments.

Mr. Avery, in accordance with previous notice, introduced

No. 24, H. R. File, entitled

"A Bill supplementary to an act defining the duties of county Surveyors," approved, Dec. 25th, 1838, which was read a first time.

Mr. Porter, from the Committee appointed for that purpose, introduced,

No. 25, H. R. File, entitled

"A Bill to divorce Elizabeth Jones from her husband Berry Jones," which was read a first time, and

On motion,

The 42d rule was suspended and the Bill read a second time.

On motion of Mr. Walworth,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed. And after debate,

The question then being, Shall the Bill be engrossed, and read a third time on to-morrow?

Was determined in the affirmative. Yeas 15, Nays 9.

The Yeas and Nays being desired by Mr. Langworthy,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Issett, Lash, Lewis, Miller, Porter, Robertson, Steele, Toole, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Box, Hendershott, Langworthy, Leffler, Mason, Summers, Van Antwerp, Walworth, and Wilson of J.,

So the Bill was ordered to be engrossed, and read a third time on to morrow.

On motion of Mr. Langworthy,

The House adjourned.



2 O'CLOCK P. M.

Mr. Box, in accordance with previous notice, introduced

No. 26. H. R. file entitled "A Bill to amend an act to provide for the election of County Treasurers and to define their duties," which was read a first time.

Mr. Browning, in accordance with previous notice, introduced

No. 27, H. R. file entitled "A Bill to amend the several acts relating to Mechanics liens and for other purposes," which was read a first time, and ordered to be printed.

Mr. Miller, in accordance with previous notice, introduced

No. 28, H. R. file entitled "A Bill amendatory of an act entitled an "act to provide for the appointing of Justices of the Peace &c." and,

No. 29. H. R. file entitled "A Bill defining the duties of Constables in cases of imprisonment," which were severally read a first time.

No. 2, C. F. entitled "A Preamble and Joint Resolution asking an appropriation for the improvement of a Territorial Road from Keokuck to Iowaville on the Des Moines river," was read a second time.

Ordered, That said Preamble and Resolution be read a third time on to-morrow.

No. 2. C. F. entitled "A Bill for the benefit of the minor heirs of Joseph Swazey deceased," was read a second time, and

On motion of Mr. Lewis,

Ordered, That the 42nd rule be suspended and the Bill be read a third time now,

The Bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 4, C. F. file entitled "A Joint resolution, requesting the influence of our Delegate in Congress, in procuring the appointment of a Commissioner, to select two Townships of land for the support of the University of Iowa," and,

No. 7, C. F. entitled "A Bill to attach Benton County to Linn for Judicial purposes," were severally read a second time, and ordered to be read a third time on to-morrow.

No. 19, H. R. file entitled "A Memorial to Congress for an appropriation to continue the construction of the agency Road," was read a second time.

On motion the House resolved itself into a Committee of the whole House on said memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had according to order had said memorial under consideration, and instructed him to report the same without amendment,

On motion of Mr. Hebard,

Ordered, That said Memorial be engrossed for a third reading on to-morrow.



No. 20, H. R. file entitled "A Bill prohibiting Vice and Immorality," was read a second time, and

On motion of Mr. Summers,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Langworthy reported, that the Committee had according to order had said Bill under consideration, and directed him to report the same with several amendments; to which the House agreed.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 21, H. R. file entitled "A Bill to amend the several acts for assessing and collecting County Revenue," was read a second time, and,

On motion of Mr. Summers,

Referred to the select Committee appointed this day to examine the present Revenue Laws.

No. 22, H. R. file entitled "A Bill to amend an act, organizing a Board of County Commissioners in each county in the Territory of Iowa," was read a second time, and,

On motion of Mr. Teeple,

Referred to a select Committee viz: Messrs. Teeple, Mason and Summers.

No. 13, H. R. file entitled "A Bill to authorize John H. Sullivan to vacate for resurvey, a portion of the Town of Rockingham," and,

No. 14, H. R. file entitled "A Memorial to Congress, for an appropriation to improve the Rapids of the Mississippi river," were severally read a third time passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Lewis gave notice, that he would on some future day, introduce a Bill to amend an act entitled an act concerning divorce approved January 15, 1839.

On motion of Mr. Hendershott,

The House adjourned.

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### Thursday Morning, November 19, 1840.

Mr. Summers gave notice, that he would, on some future day, introduce

A Bill to amend an Act to authorize John H. Sullivan & Adrian



H. Davenport, to establish and keep a Ferry across the Mississippi River at the Town of Rockingham, approved, Dec. 17, 1838.

On motion of Mr. Box,

Ordered, That the Committee on Public Buildings, be instructed to report to this House as soon as practicable.

No. 24, H. R. File, entitled

"A Bill supplementary to an Act defining the duties of County Surveyor," approved, Dec. 25th, 1838, was read a second time.

On motion of Mr. Summers,

Said Bill was referred to a Select Committee, viz: Messrs. Summers, Avery, and Felkner.

No. 26, H. R. File, entitled

"A Bill to amend an Act, to provide for the election of County Treasurers, and to define their duties." was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time,

Mr. Speaker resumed the Chair, and Mr. Avery reported, That the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with amendments; to which the House agreed.

A motion was made by Mr. Summers, to refer said Bill to the Select Committee appointed yesterday to examine the present Revenue Laws: which was determined in the negative.

A motion was then made by Mr. Browning, to postpone said Bill indefinitely.

And the question being put, Shall the Bill be indefinitely postponed?

Was determined in the affirmative.

No. 27, H. R. File, entitled

"A Bill to amend the several acts relative to Mechanics' Liens, and for other purposes;" was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After sometime spent therein,

Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed.

A motion was made by Mr. Hendershott, that said Bill be engrossed and read a third time on to-morrow. And after some debate,

A motion was made by Mr. Box, that the Bill be referred to the Committee on the Judiciary; which motion having precedence, was put, and determined in the affirmative.

No. 28, H. R. File, entitled

"A Bill amendatory of an Act entitled "An Act to provide for the



appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," was read a second time, and,

On motion of Mr. Hendershott,

Referred to the Select Committee appointed to examine the act relating to Justices of the Peace, &c.

No. 29, H. R. file, entitled

"A Bill defining the duty of Constables in cases of imprisonment, was read a second time.

On motion of Mr. Miller,

Ordered, That said Bill be referred to the Select Committee, appointed to examine the law relating to Justices of the Peace, &c.

No. 2, C. F. entitled

"A Preamble and Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville, on the Des Moines river."

No. 4, C. F. entitled

"Joint Resolution, requesting the influence of our Delegate in Congress, in procuring the appointment of a Commissioner, to select two Townships of land for the support of the University of Iowa," and,

No. 7, C. F. entitled

"A Bill to attach Benton County to Linn, for Judicial Purposes;"

Also, No. 15, H. R. File, entitled,

"A Memorial to Congress, for an appropriation to improve certain rivers within the Territory," and,

No. 19, H. R. File, entitled

"A Memorial to Congress, for an appropriation to continue the construction of the Agency Road;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Hendershott gave notice, that he would, on some day hereafter, introduce

"A Bill, to repeal an Act entitled "An Act to prevent trespass and other injuries being done to the possession of settlers on the Public Domain, and to define the extent of the right of possession on the said land," approved, Jan. 25th, 1839.

On motion of Mr. Walworth,

The House adjourned.

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2 O'CLOCK, P. M.

No. 5, H. R. File, entitled

"A Memorial to Congress, for an appropriation to improve and continue the Military Road, from Dubuque to the Missouri line," was read a second time.



On motion of Mr. Box,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 17, H. R. File, entitled

"A Bill supplementary to "An Act, defining the duties of Supervisors of Roads and Highways," approved, Jan. 17, 1840, was read a second time.

On motion of Mr. Box,

Ordered, That said Bill do lie on the table until the 4th day of July next.

No. 23, H. R. File, entitled

"A Memorial to Congress, for an appropriation to improve the road from Burlington to Davenport," was read a second time.

On motion of Mr. Robertson,

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

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 20 and 25, as correctly engrossed.

No. 20, H. R. File, entitled

"A Bill prohibiting Vice and Immorality," was read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative—Yeas 14, Nays 10.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Isett, Leffler, Lewis, Miller, Porter, Teeple, Toole, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Hendershott, Langworthy, Lash, Mason, Robertson, Steele, Summers, Van Antwerp, Whitaker, and Cox, Speaker,

So the Bill passed, and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 25, H. R. File, entitled

"A Bill to Divorce Elizabeth Jones from her husband Berry Jones," was read a third time,

And the question being put, Shall the bill pass?

It passed in the affirmative—Yeas 15, Nays 9.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Brierly, Browning, Felkner, Isett, Lash, Lewis, Miller, Porter, Robertson, Steele, Teeple, Toole, Whitaker, Wilson of H., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Hendershott, Langworthy, Leffler, Mason, Van Antwerp, Walworth, and Wilson of J.

So the Bill passed, and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.



Mr. Leffler, from the Committee on the Judiciary, reported No. 3, H. R. File, entitled

"A Bill to amend an Act concerning Grand and Petit Jurors," back to the House, with amendments, which was read a first time.

Mr. Hendershott, from the Committee on Corporations, to which was referred the Petition of George W. Jones, of Dubuque county, praying that a Charter granted to Timothy Fanning to keep a Ferry across the Mississippi River, at the town of Dubuque, at the Session of 1838-'39, be annulled, and that a Charter be granted to him instead thereof, &c. &c., submitted the following Report:

The Petitioner, George W. Jones, has not complied with the law of the Territory regulating Petitions, which requires that notice should be given, and that the affidavit of the Sheriff should accompany the Petition; but nevertheless, inasmuch as this Petition has been received by the House, and been referred to us, your Committee would further state, that they have carefully examined all the papers referred (including former Petition of George W. Jones, which by his request, has been withdrawn from the files of the House,) and they are of opinion, that so much of these petitions as sets forth, that Timothy Fanning obtained his charter in an unfair and illegal manner, is not supported by any evidence in possession of your Committee and is not sustained by the relations of the petitioner himself. The petitioner states that he purchased a certain ferry privilege, from the heirs and administrators of one Thomas Jordan, in the year 1836. It does not appear from any papers or documents before the Committee, what the nature of the privilege was, but under the then existing laws, licenses were granted by the circuit or county courts for keeping ferries for a term not exceeding three years; and your Committee are of opinion that a license to keep a ferry was the only privilege vested in said Jordan. Your Committee are further satisfied of this, because the petitioner alleges he was deprived of his privilege by the County Commissioners of Dubuque county, who granted a license to Timothy Fanning in July, 1838. The granting then of a charter to Timothy Fanning in December, 1838, did not infringe the rights of the petitioner, as his license had then expired.

Again: it is urged by the petitioner, that the charter was illegally granted, for the reason that Timothy Fanning did not give the notice prescribed by law. Your Committee are of opinion that such notice was unnecessary in the case of the petition of Timothy Fanning, as the particular rights or privileges of any individual or individuals of any body politic or corporate, was not affected or infringed by the petition of said Fanning. Your Committee further state, that in regard to so much of the petition under consideration, which sets forth that Timothy Fanning has failed to comply with the provisions of his charter; the act of Incorporation granted to him provides a sure and effectual remedy for any violation of its provisions, by proof thereof



being made to the satisfaction of the Board of County Commissioners or District Court. Your Committee are therefore of opinion, that the prayer of the petitioner should not be granted, as he has suffered no wrong or injustice, and as it is certain that if it were granted, the rights acquired by Timothy Fanning, would be materially affected.

The House concurred in the report of the Committee.

A motion was made by Mr. Porter to adjourn until Monday next.

And the question being put, was determined in the negative.

Yeas 11, Nays 15.

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Hendershott, Lash, Leffler, Porter, Steele, Toole, Wilson of H., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Browning, Felkner, Hebard, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Van Antwerp, Walworth, Whitaker, and Wilson of J.

On motion of Mr. Robertson,  
The House adjourned.

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### Friday Morning, November 20, 1840.

On motion of Mr. Summers,

Ordered, That a select Committee be appointed, to Memorialize Congress for a donation of land, sufficient to cut a Canal from Parkhurst at the head, to Davenport at the foot of the Upper Rapids, also, to cut a Canal from the head to the foot of the Lower Rapids, on the Mississippi river. Whereupon the Speaker appointed Messrs. Summers, Miller and Browning said Committee.

Mr. Summers, in accordance with previous notice, introduced No. 30, H. R. File entitled "A Bill, to amend an act to authorize John H. Sullivan and Adrian H. Davenport to establish and keep a Ferry across the Mississippi river at the Town of Rockingham," which was read a first time.

Mr. Hendershott, from the select Committee appointed for that purpose reported

No. 31, H. R. File entitled "A Bill providing for the election of Legislative Officers, defining their duties and fixing their compensation," which was read a first time, and ordered to be printed.

Mr. Toole, from the select Committee appointed for that purpose reported

No. 32, H. R. File entitled "A Memorial to Congress, for an ap-



appropriation to improve certain Roads therein named," which was read a first time, and ordered to be printed.

Mr. Summers, from the select Committee to which was referred No. 24. H. R. File "A Bill supplementary to an act defining the duties of County Surveyors, approved Dec. 25, 1838," reported the same back to the House without amendment.

Mr. Teeple, from the select Committee to which was referred "A Bill to amend an act organizing a Board of County Commissioners in each county in the Territory" reported

No. 33, H. R. File as a substitute, which was read a first time and ordered to be printed.

No. 3, H. R. File entitled "A Bill to amend an act concerning Grand and Petit Jurors, approved January 4th 1839," was read a second time.

On motion of Mr. Lash,

Ordered, That said Bill be engrossed and read a third time on Monday next.

On motion of Mr. Steele,

The House adjourned until Monday morning next.

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### Monday Morning, November 23, 1840.

No. 24, H. R. File entitled "A Bill supplementary to an act defining the duties of county Surveyors, approved Dec. 25, 1838, was read a second time, and,

On motion of Mr. Avery,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 30. H. R. File entitled "A Bill to amend an act to authorize John H. Sullivan and Adrian H. Davenport to establish and keep a Ferry across the Mississippi river, at the Town of Rockingham," was read a second time;

On motion of Mr. Summers,

Ordered, That said Bill be engrossed for a third reading on to-morrow.

No. 31, H. R. File entitled "A Bill providing for the election of Legislative Officers, defining their duties and fixing their compensation," was read second time and,

On motion of Mr. Summers,

Referred to a Committee of the Whole House, and made the order of the day for Wednesday next.



A Message from the Council by Mr. Wallace their Secretary.

Mr. SPEAKER,

I am directed to inform the H. of R. that the Council have passed

No. 9. C. F. "A Bill to amend an act regulating conveyances."

No. 11. "A Bill to authorize Walter Terrell to build a dam across the Iowa river at Iowa City."

No. 1. C. F. "A Memorial for an appropriation to construct a Military road from Bloomington to Iowa City."

No. 2. "A Memorial for an appropriation to construct a Bridge over Big Cedar Creek &c."

No. 5. A Memorial for an appropriation, to improve the Iowa and Cedar Rivers," and,

No. 6. "A Joint Resolution respecting the reserved sections of land contiguous to Iowa City,"

In all of which the concurrence of the H. of R. is requested.

I herewith present for your signature "An Act for the benefit of the minor heirs of Joseph Swazey deceased."

"A Resolution requesting our Delegate in Congress, to use his influence to procure additional Mail facilities on the route leading from Fort Madison to Bentonsport. and,

A Preamble and Resolution, requesting our Delegate in Congress, to use his influence to obtain an additional appropriation for the Survey of the Des Moines river.

And then he withdrew.

Said Bill and Resolutions were severally signed by the Speaker.

No. 32, H. R. File entitled

"A Memorial to Congress, for appropriations to improve certain Territorial Roads therein named was read a second time;

On motion of Mr. Toole.

The House resolved itself into a Committee of the Whole House, for the consideration of said memorial.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had according to order, had said Memorial under consideration, and directed him to report the same with amendments; to which the House agreed.

A motion was made by Mr. Porter to strike out the 7th section of said Memorial, which was agreed to.

Ordered, That said Memorial be engrossed and read a third time to-morrow.

No. 33, H. R. File, entitled

"A Bill to amend an act organizing a Board of County Commissioners in each county in the Territory," was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Bills, &c. from the Council of the following titles, viz:

No. 1. "A Memorial for an appropriation to construct a Military Road from Bloomington to Iowa City."



No. 2. "A Memorial for an appropriation to construct a Bridge over Big Cedar Creek."

No. 5. "A Memorial for an appropriation to improve the Iowa and Cedar Rivers."

No. 6. "Joint Resolution respecting the reserved sections of Land contiguous to Iowa City."

No. 9. "A Bill to amend an act regulating conveyances."

No. 11. "A Bill to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City," were severally read a first time.

Mr. Porter gave notice, that he would, on some future day, introduce

"A Memorial for an appropriation to improve the road from Burlington to Fairfield."

Mr. Hendershott, in accordance with previous notice, introduced

No. 34. H. R. entitled "A Bill to repeal an act to prevent trespass and other injuries being done on the public domain, and to define the extent of the right of possession on the public lands," approved Jan. 25, 1839, which was read a first time.

On motion of Mr. Miller,

Ordered, That the Committee on the Judiciary be requested to inquire into the expediency of passing a Law to authorize any person who so desires to commence his suit or action at Law in the District Court by filing his promissory note, due bill, bill of exchange or book account with the Clerk thereof, who thereupon shall issue a Summons or Capias as the case may require, against the defendant to appear at the next term of the Court, to answer the plaintiff in an action of assumpsit, the damages being laid in, one half more than the demand expressed on the face of the instruments before mentioned, and the Law being designed to favour those plaintiff, who are not able nor wish to employ Counsel, none in such suit shall be retained by him, and the filing and production of any such instruments as aforesaid on the trial of the cause shall be deemed sufficient, without the aid of a declaration to maintain such suit, which, with the exceptions already mentioned, shall be conducted according to the usual practice observed in other actions of assumpsit commenced by Attorney; and to authorize the Clerk of the Court when he shall think it necessary to demand of the plaintiff security for costs, before the institution of the suit, which security for costs when demanded shall not be extravagant but moderate.

On motion of Mr. Miller,

Ordered, That the Committee appointed to revise the Revenue Laws be requested to bring in a Bill to require the several Boards of County Commissioners in the Territory, to publish a synopsis of their official proceedings once or more every year, by written statements stuck up at three of the most public places in the county, or by two weeks publication in some weekly newspaper published in the county.



By request, leave of absence was granted to Messrs. Wilson of H. and Teeple, until Wednesday next, and, to Messrs. Box and Steele, until to-morrow.

On motion of Mr. Porter,

The House adjourned until to-morrow morning.

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### Tuesday Morning, November 24, 1840.

Mr. Browning presented the petition of Joseph Wasson, and sundry other citizens, praying that a law may be passed, authorizing the said Joseph Wasson to build a dam across English river; which was referred to the Committee on Corporations.

On motion of Mr. Toole,

Ordered, That the Committee on Roads and Highways, be requested to enquire into the expediency of establishing a Territorial Road, from the mouth of the Iowa river, via Florence, in Louisa county, to Brighton, in Washington county, and report to this House by Bill or otherwise.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 5, 23, 24, 30, 32, and 33, as correctly engrossed.

Mr. Leffler, from the Committee on the Judiciary, to which was referred the subject of so altering the Revenue Law, as to require any person, who may wish to retail ardent spirits in any town or village in the Territory, to first obtain the consent of a majority of the legal voters of said town or village, reported:

That the Committee had the same under consideration, and found it inexpedient to make any alteration in the same.

The House concurred in the report of the Committee.

No. 1, C. F. entitled

"A Memorial, for an appropriation to construct a Military Road from Bloomington to Iowa City," was read a second time.

On motion of Mr. Summers,

Ordered, That said Memorial be referred to a Select Committee: Whereupon,

The Speaker appointed Messrs. Summers, Isett, and Lewis, said Committee.

No. 2, C. F. "A Memorial for an appropriation to construct a Bridge over Big Cedar Creek," was read a second time, and,

On motion of Mr. Box,

Ordered, To be read a third time on to-morrow.

No. 5, C. F. entitled



"A Memorial for an appropriation to improve the Iowa and Cedar rivers," was read a second time.

Ordered, That said Memorial be referred to the Committee on Territorial Affairs.

No. 6, C. F. entitled

"A Joint Resolution respecting the reserved sections of land contiguous to Iowa City," was read a second time.

On motion of Mr. Felkner,

Ordered, That said Resolution be read a third time on to-morrow.

No. 9, C. File, entitled

"A Bill to amend an Act regulating Conveyances," was read a second time.

Ordered, That said Bill do lie upon the table.

No. 11, C. F. entitled

"A Bill to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City," was read a second time.

On motion of Mr. Langworthy,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Browning reported, That the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Langworthy, to strike out the enacting clause.

Previous to the question being put,

A motion was made by Mr. Felkner, that the Bill do lie upon the table, which was agreed to.

No. 34, H. R. File, entitled

"A Bill to repeal an Act, to prevent trespass and other injuries being done to the possession of settlers on the Public Domain, and to define the extent of the right of Possession on the public lands, approved, Jan. 25, 1839, was read a second time.

On motion of Mr. Leffler,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Summers, to postpone said Bill indefinitely.

And the question being put, Shall the Bill be indefinitely postponed?

Was determined in the affirmative—Yeas 19, Nays 4.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hebard, Isett, Langworthy,



Lash, Lewis, Mason, Miller, Porter, Robertson, Robertson, Summers, Toole, Van Antwerp, Walworth, Whitaker, and Wilson of J.

Those who voted in the negative, were,  
Messrs. Browning, Hendershott, Leffler, and Cox, Speaker.

So the Bill was indefinitely postponed.

No. 5, H. R. file entitled

"A Memorial to Congress, for an appropriation to improve and continue the Military road from Dubuque, via Iowa City to the Missouri line."

No. 23, "A Memorial to Congress, for an appropriation to improve the road from Burlington to Davenport."

No. 30, "A Bill to amend an Act, to authorize John H. Sullivan and Adrian H. Davenport, to establish and keep a Ferry across the Mississippi river at the town of Rockingham.

No. 32, "A Memorial to Congress, for an appropriation to improve certain Territorial roads," and,

No. 33, "A Bill to amend the act, organizing a Board of County Commissioners in each county in the Territory," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk request the concurrence of the Council in the same.

No. 24, H. R. File entitled,

"A Bill, supplementary to an Act, defining the duties of County Surveyors," approved, Dec. 25, 1838, was read a third time.

A motion was made by Mr. Isett, that the Bill be committed to a Select Committee; which was agreed to.

The Speaker appointed Messrs. Isett, Avery, and Walworth, said Committee.

A motion was made by Mr. Walworth, that the House do now adjourn until to-morrow morning.

And the question being put,

Was determined in the affirmative—Yeas 15, Nays 8.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Isett, Langworthy, Leffler, Lewis, Mason, Porter, Summers, Van Antwerp, Walworth, and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Hendershott, Lash, Miller, Robertson, Toole, Whitaker, and Cox, Speaker.

So the House adjourned until to-morrow morning.



Wednesday Morning, November 25, 1840.

Mr. Toole presented the petition of sundry citizens of Louisa county, for a Territorial Road, from the mouth of the Iowa river, via Black Hawk and Harrison, to Iowa City; which,

On motion of Mr. Toole,

Was referred to a Select Committee. Whereupon,

The Speaker appointed Messrs. Toole, Isett, and Felkner, said Committee.

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

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed

No. 5, C. F. A Bill providing for the service of writs by copy in certain cases.

No. 4, C. F. A Memorial to Congress, on the subject of a mail route from Iowa City to Fort Leavenworth.

No. 7, C. F. A Preamble and Joint Resolution, relative to Mail routes in Van Buren county.

No. 10, C. F. Joint Resolution, asking an appropriation for the improvement of the Harbor of Dubuque. Also,

No. 9, H. R. File. A Bill to district the county of Washington into three County Commissioners' Districts, with amendments.

In which the concurrence of the House is requested.

The Council have also passed, without amendment,

No. 5, H. R. File, "A Bill to establish a Territorial Road from Davenport to Bellview."

No. 13, H. R. File "A Bill to authorize John H. Sullivan to vacate for re-survey, a portion of the Town of Rockingham; and,

No. 11, H. R. File, "A Memorial to Congress, for the benefit of J. Smith, Jr."

And then he withdrew.

Mr. Hendershott, from the Committee on Corporations, to which was referred the petition of Joseph Wasson, asking the passage of a law, authorizing him to build a dam across English river, reported, that the Committee had had the same under consideration, and came to the conclusion, that the prayer of the petitioner should not be granted, and requested that the Committee might be discharged from the further consideration of the subject.

On motion of Mr. Browning,

Ordered, That the whole subject be referred to a Select Committee,



and that they have power to send for persons and papers. Whereupon, The Speaker appointed Messrs. Browning, Teeple, and Summers said Committee.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 23d instant, present to the Governor for his approval,

"An Act, for the benefit of the minor heirs of Joseph Swazey, dec'd."

"A Preamble and Resolution, requesting our Delegate in Congress, to use his influence to obtain an additional appropriation for the survey of the Des Moines river," and,

"A Resolution, requesting our Delegate in Congress, to use his influence to procure additional mail facilities on the route leading from Fort Madison to Bentonsport."

No. 2, C. F. File, entitled

"A Memorial to Congress, for an appropriation to construct a Bridge over Big Cedar Creek," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 6, C. F. entitled

"A Joint Resolution, respecting the reserved sections of land, contiguous to Iowa City," was read a third time.

A motion was made by Mr. Box, that the Bill be indefinitely postponed.

And the question being put,

Was determined in the affirmative.

The House, in pursuance of the order made on the 23d instant, resolved itself into a Committee of the Whole House, for the consideration of

No. 31, H. R. File, entitled

"A Bill providing for the election of Legislative Officers, defining their duties, and regulating their compensation."

After some time spent therein

Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

On motion of Mr. Leffler,

Ordered, That said Bill be referred to a Select Committee. Whereupon,

The Speaker appointed Messrs. Leffler, Box, and Lewis said Committee.

Mr. Hendershott gave notice, that he would, on some future day introduce a Memorial to Congress, asking for the disbursement of all future appropriations, for improvements in the Territory, to be made under the direction and supervision of the Governor.

Mr. Toole gave notice, that he would, on some day hereafter, bring in a Bill, to establish a Seminary of Learning at Columbus City, in Louisa county, and for other purposes." Also,

"A Memorial to Congress, asking for aid in making the Iowa and Cedar river Canal."



Mr. Whitaker gave notice, that he would, on some future day, introduce

"A Bill, to repeal an Act entitled 'An Act to incorporate the Burlington and Des Moines Transportation Company.'"

Mr. Whitaker, on leave, introduced

No. 35, H. R. File, entitled "A Bill concerning Counties, and providing a way in which county lines may be altered," which was read a first time.

On motion of Mr. Langworthy,

Ordered, That the Committee on Territorial Affairs, be instructed to inquire into the expediency of Memorializing Congress, for a grant of the reserved sections of land contiguous to Iowa City, to the Territory, and that it may be sold for the use of said Territory, and that they report by Memorial or otherwise.

Bills, &c., from the Council of the following titles, viz:

No. 5. "A Bill providing for the service of writs by Copy, in certain cases."

No. 4, "A Memorial to Congress, on the subject of a Mail route from Iowa City to Fort Leavenworth."

No. 7, "A Preamble and Joint Resolution, relative to Mail routes in Van Buren county," and,

No. 10, "A Joint Resolution, asking an appropriation for the improvement of the Harbor of Dubuque," were severally read a first time.

No. 9, H. R. File, entitled

"A Bill to district the County of Washington, into three County Commissioners' Districts," as returned from the Council with amendments, was taken up, and the amendments read, and severally concurred in.

On motion of Mr. Toole,

The House adjourned until to morrow morning.

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### Thursday Morning, November 26, 1840.

Mr. Lash, from the Committee on engrossed Bills reported,

No 3, H. R. File, entitled "A Bill to amend an act concerning Grand and Petit Jurors," as correctly engrossed.

Mr. Porter, in accordance with previous notice, introduced

No. 36. H. R. File entitled "A Memorial to Congress, for an appropriation to improve the Territorial road, leading from Burlington to Fairfield in Jefferson county," which was read a first time, and ordered to be printed.



Mr. Isett, on leave introduced

No. 37. H. R. File entitled "A Memorial to Congress on the subject of amending the organic Law of this Territory," which was read a first time.

No. 4. C. F. "A Memorial to Congress, on the subject of a Mail route from Iowa City to Fort Leavenworth," was read a second time.

Ordered, That said Memorial be read a third time on to-morrow.

No. 5. C. F. entitled

"A Bill providing for the service of writs by copy in certain cases," was read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill,

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

Pending the question of concurring in the amendments made by the Committee of the Whole House.

A motion was made by Mr. Brierly, that the Bill be committed to the Committee on the Judiciary, which was lost,

The question the being put, Will the house concur in the amendments made by the Committee?

Was deteremined in the affirmative.

Ordered, that said Bill be read a third time on to-morrow.

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

Mr. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have passed,

No. 6, C. F. "A Bill supplementary to an Act, regulating practice in the District Courts of the Territory of Iowa:"

In which the concurrence of the House is requested.

The Council have indefinitely postponed,

No. 15, H. R. File, "A Memorial to Congress, for an appropriation to improve certain rivers within this Territory."

I herewith present for your Signature,

"An Act to attach Benton County to Linn for Judicial, and other purposes,"

"A Preamble and Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville on the Desmoines river,"

"A Joint Resolution, requesting the influence of our Delegate in Congress, to procure the appointment of a Commissioner, to select two Townships of land, for the support of the University of Iowa."

And then he withdrew.

The Speaker signed the aforesaid Act and Resolutions.



No. 7, C. F. "A Preamble and Joint Resolution relating to Mail Routes in Van Buren County," was read a second time, and ordered to be read a third time on to-morrow.

No. 10, C. F. "A Joint Resolution, asking an appropriation for the improvement of the Harbour of Dubuque," was read a second time.

A motion was made by Mr. Langworthy to strike out the word "Ten" and insert "Fifteen," which was agreed to. Making the sum asked for, fifteen thousand dollars,

Ordered, That said Resolution be read a third time on to-morrow.

No. 35, H. R. file entitled "A Bill concerning Counties, and providing a way, in which County lines may be altered, was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee on Township and County Boundaries.

No. 3, H. R. File entitled "A Bill to amend an act concerning Grand and Petit Juries" was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 6, C. F. "A Bill supplemental to an act, regulating the practice in the District Courts of the Territory of Iowa," was read a first time.

A motion was made by Mr. Hendershott, that the 41st rule be suspended, in order that he might introduce, "A Bill to divorce John Phillips and Nancy Phillips, his wife," and the motion being put was determined in the negative.

Mr. Hendershott gave notice, that he would on some future day, bring in a Bill to divorce John Phillips and his wife Nancy Phillips.

A motion was made by Mr. Summers, that a Standing Committee on Divorces be appointed which motion was lost.

Mr. Mason, from the Committee on enrolled Bills reported, "An Act to establish a Territorial road from Davenport to Bellview," as correctly enrolled.

Said Bill was then signed by the Speaker.

A motion was made by Mr. Teeple, to reconsider the vote of yesterday, taken on the indefinite postponement, of No. 6. C. F. "A Joint Resolution, respecting the reserved sections of land contiguous to Iowa City," which was agreed to, and,

On motion of Mr. Summers,

The Resolution was referred to the Committee on Territorial Affairs.

On motion of Mr. Miller,

The House adjourned until to-morrow morning.



Friday Morning, November 27, 1846.

Mr. Van Antwerp offered the following:

Resolved, That the Secretary of the Territory be directed to furnish each Clerk of the District Court in the Territory, with a copy of Jesse Williams's Map.

A motion was made by Mr. Summers, to strike out the words "District Court," and insert "Board of County Commissioners in each county."

Mr. Porter moved to amend said motion, so that each Commissioner in the several counties, be allowed one.

And previous to the question being put,

A motion was made by Mr. Lash, that the whole subject be laid upon the table;

And the question being put,

Was determined in the affirmative.

Mr. Hebard, from the Committee on Territorial Affairs, reported

No. 5, C. F. "A Memorial to Congress, for an appropriation to improve the Iowa and Cedar rivers," back to the House, as the same in effect is embraced in a Memorial already passed, so far as those rivers were concerned, and in consequence thereof, recommended the indefinite postponement of the Memorial.

The question on concurring, being put,

Was determined in the negative.

The Memorial then passed to a second reading.

A Message from the Council by Mr. Wallace, their Secretary.

MR. SPEAKER—The Council have passed

No. 6. C. F. "A Memorial to Congress, asking for the Survey of a route for a Canal, from Iowa City to the Forks of the Iowa river."

No. 8. C. F. A Joint Resolution, asking the influence of our Delegate in Congress, to have the Organic Law so altered, as to permit the people of the several counties, to elect the Clerks of the District Courts.

No. 11, C. F. Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City to Galena, in Illinois, via Bellview.

No. 12, C. F. A Resolution, for an appropriation for the Territorial Library.

In which the concurrence of the House is requested.

The Council have also passed, without amendment,

No. 5, H. R. "A Memorial to Congress, for an appropriation to improve and continue the Military Road from Dubuque to the Missouri line.



No. 33, H. R. "A Bill to amend the Act, organizing a Board of County Commissioners, in each county in the Territory.

And then he withdrew.

Mr. Leffler, from the Committee on the Judiciary, to which was referred the Resolution offered by Mr. Miller on the 23d instant, reported in favor of the principles contained in said Resolution.

A motion was made by Mr. Langworthy, that the report of the Committee be laid upon the table.

And the question being put,

Was determined in the negative. Yeas 12, Nays 13.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Felkner, Hebard, Langworthy, Lash, Porter, Robertson, Steele, Summers, Wilson of H., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Brierly, Browning, Hendershott, Isett, Leffler, Lewis, Mason, Miller, Teeple, Van Antwerp, Walworth, Whitaker, and Wilson of J.

The question then recurring on the adoption of the report of the Committee, and being put,

Was determined in the negative. Yeas 9, Nays 16.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Brierly, Browning, Leffler, Lewis, Mason, Miller, Teeple, Walworth, and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Box, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Porter, Robertson, Steele, Summers, Van Antwerp, Whitaker, Wilson of H. and Cox, Speaker.

So the report of the Committee was rejected.

On motion of Mr. Summers,

Ordered, That the Committee be instructed to bring in a Bill, in accordance with the general principles of said Resolution, within ten days.

Mr. Leffler, from the Committee on the Judiciary, to which was referred

No. 27, H. R. File, entitled

"A Bill to amend the several acts, relative to Mechanics' Liens, and for other purposes," reported the same back to the House without amendment.

The Bill then passed to a second reading.

Mr. Mason, from the same Committee, reported

No. 38, H. R. file, entitled

"A Bill relative to Mechanics' Liens, and for other purposes," as the report of the minority of said Committee.

Which Bill was read a first time, and ordered to be printed.



Mr. Porter offered the following:

Resolved, That the members of each Electoral District, be furnished with a copy of Jesse Williams's Map, for the use of the several County Commissioners, in their electoral districts, and as fast as each Commissioner shall go out of office, his successor shall be entitled to said Map."

A motion was made by Mr. Summers, to lay the Resolution upon the table, which was agreed to.

Mr. Van Antwerp, from the Committee on the Militia, to which was referred a Resolution, instructing them to enquire into the expediency of so altering the Militia Law, as to exempt persons having conscientious scruples, from bearing arms, at least in time of peace," submitted the following report:

The constitution and laws of our country, guarantee to each and every individual, an equality of rights, the preservation of which, your Committee are induced to believe, will be violated, by exempting one class or sect of men, from a subjection, under which another is liable; and, as all men are equally protected in their rights and immunities, justice demands, that they should be equally bound to maintain those rights.

Your Committee are therefore of opinion, that any alteration in the Militia law, exempting any particular class of citizens from bearing arms, is inexpedient; and therefore ask to be discharged from a further consideration of the subject.

The question being put, Will the House concur in the report of the Committee?

Was determined in the affirmative. Yeas 16, Nays 9.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Box, Browning, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Robertson, Steele, Summers, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Felkner, Mason, Miller, Porter, Wilson of H. and Wilson of J.

So the report of the Committee was concurred in.

On motion of Mr. Porter,

The House adjourned.

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2 O'CLOCK P. M.

No. 6, C. F. entitled,

"A Bill, supplemental to an Act regulating Practice in the District



Courts of the Territory," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After sometime spent therein,

Mr. Speaker resumed the Chair, and Mr. Isett reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with amendments, to which the House agreed.

The Bill then passed to a third reading.

No. 36. H. R. File, entitled

A Memorial to Congress, for an appropriation to improve the Territorial Road from Burlington to Fairfield, in Jefferson county," was read a second time.

On motion of Mr. Hendershott,

Ordered, That said Memorial be referred to a Committee of the Whole House, and made the order of the day for Monday next.

No. 37, H. R. File, entitled

"A Memorial to Congress, on the subject of amending the Organic Law of this Territory," was read a second time.

On motion of Mr. Isett,

Ordered, That said Memorial be engrossed and read a third time on Monday next.

No. 4, C. F. "A Memorial to Congress, on the subject of a Mail route from Iowa City to Fort Leavenworth."

No. 5, C. File, "A Bill providing for the service of Writs by copy in certain cases."

No. 7, C. F. "A Preamble and Joint Resolution, relating to Mail routes in Van Buren county."

No. 10 C. F. "A Joint Resolution, asking an appropriation for the improvement of the Harbor of Dubuque;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Resolutions, &c., from the Council, of the following titles, viz:

No. 6, "A Memorial to Congress, asking for the survey of a route for a Canal, from Iowa City to the forks of the Iowa river."

No. 8, "A Joint Resolution, asking the influence of our Delegate in Congress, to have the Organic Law so altered, as to permit the people of the several counties to elect the Clerks of the District Courts."

No. 11, "A Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City to Galena, in Illinois, via Bell-view."

No. 12. "A Resolution for an appropriation for the Territorial Library;" were severally read a first time.

Mr. Hendershott, in accordance with previous notice, introduced,

No. 39, H. R. file entitled

"A Bill to Divorce John Phillips and his wife Nancy Phillips," which was read a first time.



On motion of Mr. Hendershott,

The 42d rule was suspended, and the Bill read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Langworthy reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that said Bill do lie upon the table until the first day of March next.

Mr. Lewis moved to amend said motion by laying the Bill upon the table until Monday week.

Pending the question,

On motion of Mr. Hendrshott,

The House adjourned until Monday morning next.

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### Monday Morning, November 30, 1840.

Mr. Toole presented the petition of sundry citizens of Louisa county, praying that a Territorial Road may be located, leading from the mouth of the Iowa river, opposite New Boston Ill. to Iowa City, via: Harrison and Fredonia.

On motion of Mr. Toole,

Said petition was referred to a Select Committee, whereupon the Speaker appointed Messrs. Toole, Summers and Felkner, said Committee.

Mr. Summers, presented the petition of the citizens of Parkhurst, praying that said Town may be incorporated, and that the name be changed to that of Berlin, which,

On motion of Mr. Summers,

Was referred to a Select Committee. Whereupon the Speaker appointed, Messrs. Summers, Box, and Isett, said Committee.

The Speaker presented the petition of sundry citizens of Jackson county, praying that a Charter may be granted to John S. Faber, to keep a Ferry across the Mississippi river, at or near the mouth of the Tete De Mort.

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Langworthy gave notice, that he would on some future day, introduce A Memorial, asking for the sale of the reserved mineral lands in this Territory.

Mr. Summers gave notice, that he would on some day hereafter, introduce "A Bill to amend the acts therein named."



On motion of Mr. Toole,

Ordered, That the Committee on expenditures, be instructed to include in the appropriation Bill, an amount sufficient to meet the demand now standing against the Territorial Treasury as seen in the Auditor's report.

Mr. Isett, from the Committee on Public Buildings, to which was referred the report of Chauncey Swan, Acting Commissioner for the erection of Public Buildings at Iowa City, reported, that on a careful examination of the same, they have found it correct and satisfactory, and that they have examined the vouchers of the Commissioner for the sum disbursed, as stated in his report, and find them to be correct, and that the several accounts have been audited and filed in the office of the Auditor of the Territory.

As the report is a cash report, the Committee deem it unnecessary to recite the particular items contained therein, the same having been published and therefore subject to the examination of the House, and the people of the Territory.

Your Committee recommend the adoption of the measures suggested in the report, in relation to so reducing the minimum price of Lots unsold, that they will meet with a ready sale, and create a fund, sufficient to further the progress and completion of said Buildings.

The report shows assiduous attention to the duties of his office, on the part of the Acting Commissioner, and an expeditious prosecution of the work, highly creditable to him as a public officer. The Committee therefore, ask the adoption of the following resolution:—

Resolved, That the report of the Acting Commissioner be accepted, and that the Committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Isett, from the Committee on Public Buildings, reported No. 6, H. R. File, entitled "A Bill to amend an act, directing the valuation and Sale of Lots in Iowa City, and to provide for executing deeds to the same," back to the House with amendments, which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills reported No. 37, H. R. File, as correctly engrossed.

Mr. Mason, from the Committee on Enrolled Bills, reported that they did on the 27th instant, present to his Excellency, Governor Lucas "an act to establish a Territorial Road from Davenport to Bellview "for his approval.

Also "An act to authorize John H. Sullivan, to vacate for resurvey, a portion of the Town of Rockingham," as correctly enrolled.

The Speaker signed said act.

Mr. Toole, from the Select Committee appointed to examine the present Revenue Laws reported

No. 40, H. R. File, entitled "A Bill to repeal the Act requiring



each of the counties of this Territory, to pay five per cent on their assessment Rolls into the Territorial Treasury," which was read a first time.

No. 39, H. R. File, entitled

"A Bill to divorce John Phillips and his wife Nancy Phillips," being before the House as the unfinished business of Friday last, and the question being on the motion of Mr. Lewis to lay the Bill on the table, until Monday next, being an amendment to the motion made by Mr. Box to lay the same upon the table until the first day of March next.

And the question being put, was determined in the negative.

The question then recurring on the motion made by Mr. Box, and being put, was also determined in the negative,

YEAS 10.—NAYS 16.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were, Messrs. Box, Hebard, Lewis, Mason, Miller, Summers, Toole, Van Antwerp, Walworth, and Wilson of J.

Those who voted in the negative, were, Messrs. Avery, Brierly, Browning, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Porter, Robertson, Steele, Teeple, Whitaker, Wilson of H. and Cox Speaker.

On motion of Mr. Hendershott,

Ordered, That said Bill be engrossed for a third reading on to-morrow.

No. 36, H. R. File,

"A Memorial to Congress, for an appropriation to improve the Territorial road, from Burlington to Fairfield in Jefferson county," being the order of the day, was considered in Committee of the Whole House. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Lash reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same with amendments, to which the House agreed.

On motion of Mr. Lash,

Ordered, That said Memorial be engrossed for a third reading on to-morrow.

No. 6, C. F.

"A Memorial to Congress, asking for the Survey of a route for a Canal, from Iowa City to the forks of the Iowa river," was read a second time, and

On motion of Mr. Toole,

Ordered, To be read a third time on to-morrow.

No. 8, C. F.

"A Joint Resolution, asking the influence of our Delegate in Congress, to have the Organic Law so altered, as to permit the people of the several counties, to elect the Clerks of the District Courts," was read a second time.



Ordered, That said Resolution be referred to the Committee on Territorial affairs.

No. 11, C. F.

"A Preamble and Joint Resolution, asking the establishment of a mail route from Iowa City, via Bellview, to Galena Illinois," was read a second time, and,

On motion of Mr. Box,

Ordered, To be read a third time on to-morrow.

No. 12, C. F.

"A Resolution for an appropriation for the Territorial Library," was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the Whole House, for the consideration of said Resolution.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Leffler reported that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Summers, that the Resolution be indefinitely postponed. And the question being put,

Shall the Resolution be indefinitely postponed?

Was determined in the affirmative.

YEAS 23.—NAYS 3.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were, Messrs. Avery, Box, Briery, Browning, Felkner, Hebard, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Those who voted in the negative, were, Messrs. Hendershott, Isett and Toole.

So the Resolution was indefinitely postponed.

On motion of Mr. Steele,

The House adjourned.

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2 O'CLOCK, P. M.

No. 27, H. R. File, entitled

"A Bill to amend the several acts, relative to Mechanics' Liens, and for other purposes;" was read a second time.

On motion of Mr. Langworthy,

Ordered, That said Bill, together with No. 38, H. R. File, "A Bill relative to Mechanics' Liens, and for other purposes," be refer-



red to the Committee of the Whole House, and made the order of the day for to-morrow.

No. 5, C. F. File, entitled

"A Memorial to Congress, for an appropriation to improve the Iowa and Cedar rivers."

No. 6, C. F. "A Bill supplemental to an Act, regulating Practice in the District Courts of the Territory of Iowa," and,

No. 37, H. R. File, "A Memorial to Congress, to amend the Organic Law of this Territory;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Summers, to take from the table, the Resolutions in relation to furnishing the Clerks of the District Court with a copy of Jesse Williams's Map, which was agreed to.

A motion was made by Mr. Lash, that the Resolutions be indefinitely postponed.

And the question being put,

Was determined in the affirmative. Yeas 22, Nays 3.

The Yeas and Nays being desired by Mr. Whitaker,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Robertson, Steele, Toole, Teeple, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Isett, Summers, and Van Antwerp.

So the resolutions were indefinitely postponed.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they had this day presented to his Excellency, Governor Lucas, for his approval,

"An Act to attach Benton county to Linn, for Judicial purposes."

"A Preamble and Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville, on the Des Moines river."

"A Joint Resolution, requesting the influence of our Delegate in Congress to procure the appointment of a Commissioner, to select two Townships of land, for the susport of the University of Iowa."

The Committee have examined, and found correctly enrolled,

"A Memorial to Congress for the benefit of J. Smith, Jr."

"An Act to amend the Act, organizing a Board of County Commissioners in each county in the Territory."

"A Memorial to Congress, for an appropriation to improve and continue the Military road, from Dubuque, via Iowa City, to the Missouri line," and,

"An Act to district the county of Washington into three County Commissioners' Districts."



The Speaker then signed said Acts and Memorials.

On motion of Mr. Teeple,  
The House adjourned.

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**Tuesday Morning, December 1, 1840.**

On motion of Mr. Summers,

Ordered, That the Committee on Roads and Highways, be instructed to report,

A Bill, to revive that part of "An Act, establishing certain Territorial Roads therein named," approved, Jan. 14, 1840, which provides for the location of a road from Camanche, in Clinton county, via Tipton, in Cedar county, to Iowa City, in Johnson county. Also,

A road from Lyons, to intersect the above named road. And also, to enquire into the expediency of so altering the road from Parkhurst, in Scott county, to Tipton, as to pass through Allen's Grove.

Mr. Wilson of H., offered the following:

Resolved, That the Secretary of the Territory, purchase of Jesse Williams, Maps of this Territory, one for each county in the Territory, for the use and benefit of the County Commissioners, and their successors in office, and pay for the same out of any moneys not otherwise appropriated.

A motion was made by Mr. Steele, that the Resolution do lie upon the table; which was disagreed to.

A motion was made by Mr. Summers, that the resolution be referred to the Committee on Expenditures, and that the Committee be instructed to introduce a Joint Resolution on the subject.

A motion was made by Mr. Langworthy, that the resolution be indefinitely postponed.

And the motion being put;

Was determined in the negative. Yeas 12, Nays 13.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hebard, Langworthy, Lash, Mason, Robertson, Steele, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Hendershott, Isett, Lewis, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H., and Wilson of J.

The question then recurring on the motion made by Mr. Summers, and being put,

Was also determined in the negative. Yeas 11, Nays 13.



The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Avery, Hendershott, Isett, Lewis, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, and Wilson of H.

Those who voted in the negative, were,

Messrs. Box, Brierly, Browning, Felkner, Hebard, Langworthy, Lash, Mason, Miller, Robertson, Steele, Whitaker, and Cox, Speaker.

The question then being on the adoption of the Resolution,

It was determined in the negative. Yeas 9, Nays 16.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Isett, Lewis, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, and Wilson of H.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Mason, Miller, Robertson, Steele, Whitaker, Wilson of J., and Cox, Speaker.

So the Resolution was lost.

On motion of Mr. Steele,

Ordered, That the Committee on the Judiciary be instructed to enquire into, and report to this House, whether the Auditor has a legal right to pay the salary of the military officers in this Territory, out of the Territorial Revenue.

Mr. Steele offered the following:

Resolved, That a Select Committee of three, be appointed to examine the books and records of the Acting Commissioner of Public Buildings at Iowa City, and report to this House.

Mr. Box moved to amend, so that the Committee have power to send for persons and papers.

And previous to the question being put,

A motion was made by Mr. Walworth, to lay the Resolution upon the table until to-morrow, which was agreed to.

Mr. Felkner offered the following:

Resolved, That one member from each Electoral District be appointed, whose duty it shall be to examine the papers of the Acting Commissioner of Public Buildings at Iowa City, which he may have with him at this place, that refer to his accounts, and report to this House on to-morrow.

A motion was made by Mr. Walworth, that the resolution do lie upon the table.

And the question being put.

Was determined in the affirmative.

Mr. Toole, in accordance with previous notice, introduced

No. 41, H. R. File, entitled

"A Bill to establish a Seminary of Learning, at Columbus City, in Louisa county," which was read a first time.



Mr. Isett, from the Select Committee to which was referred  
No. 24, H. R. File, entitled

"A Bill supplementary to an Act, defining the duties of County Surveyors, approved, Dec. 25, 1838," reported the same back to the House with amendments, which was read a first time, and ordered to be printed.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 36, and 39, H. R. File, as correctly engrossed.

In accordance with an order made yesterday, the House resolved itself into a Committee of the Whole House, for the consideration of Bills Nos. 27, and 38, H. R. File, relating to Mechanics' Liens, and for other purposes." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lewis reported, that the Committee had, according to order, had said Bills under consideration, and directed him to report the same without amendment, and ask leave to sit again.

Leave was granted.

No. 40, H. R. File, entitled

"A Bill to repeal the act, requiring each of the counties of this Territory to pay five per cent on their Assessment Rolls, into the Territorial Treasury," was read a second time.

On motion of Mr. Langworthy,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Mason reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Browning, that the Bill be indefinitely postponed.

And the question being put,

Was determined in the affirmative.

No. 6. "A Memorial to Congress, asking for the survey of a route for a Canal, from Iowa City, to the forks of the Iowa river."

No. 11, C. F. "A Preamble and Joint Resolution, asking the establishment of a Mail Route from Iowa City, via Bellview, to Galena, in Illinois;" and,

No. 36, H. R. File, entitled

"A Memorial to Congress, for an appropriation to improve the Territorial Road from the city of Burlington to Fairfield, in Jefferson county," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 39, H. R. File, entitled

"A Bill, to divorce John Phillips and his wife Nancy Phillips," was read a third time.

A motion was made by Mr. Browning, that the Bill be referred to a Select Committee.



And the motion being put,

Was determined in the affirmative.

The Speaker appointed Messrs. Browning, Leffler, and Steele, said Committee.

Mr. Steele, on leave, offered the following:

Resolved, That the Committee, to which is referred, "A Bill to divorce John Phillips and his wife Nancy Phillips, be instructed to inquire into the expediency of the said parties' dividing all their property equally between them, in case the said Bill passed.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 9.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Lash, Mason, Robertson, Steele, Summers, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Hebard, Hendershott, Isett, Langworthy, Leffler, Lewis, Porter, Teeple, and Cox, Speaker.

So the resolution was agreed to.

A motion was made by Mr. Browning, that the House do now adjourn until to-morrow morning.

And the question being put,

Was determined in the affirmative. Yeas 23, Nays 2.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Porter, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Steele, and Cox, Speaker.

So the House adjourned until to-morrow morning.

### Wednesday Morning, December 2, 1840.

On motion of Mr. Brierly,

Ordered, That the Committee on Post Routes, be instructed to inquire into the expediency of establishing a Post Office at Johnson Meeks's on the Des Moines river, in the county of Lee, and that they report by Memorial or otherwise.



Mr. Summers gave notice, that he would, on to-morrow, or some future day, introduce

A Bill, to amend an Act, entitled "An Act to re-locate the county Seat of Jackson county," approved, July 24, 1840.

Mr. Miller gave notice, that he would, on some future day, introduce,

A Bill amendatory of "An Act, to establish a Territorial road from Burlington to Keokuk, and thence to the mouth of the Des Moines river."

Mr. Hendershott, from the Committee on corporations, to which was referred the petition of sundry citizens of Jackson county, asking that a charter may be granted to John S. Faber, empowering him to establish and keep a Ferry across the Mississippi river, at or near the mouth of the river Tete de Mort, made the following report:

On general principles, your Committee are of the opinion, that, by granting exclusive privileges to one individual, or corporate body, all the balance of community are excluded from a privilege which they are as justly entitled to as those to whom the privilege is granted.

Your Committee are of opinion further, that the granting of exclusive privileges in general, is in direct opposition to the spirit and principles of our republican institutions.

Your Committee are further of opinion, that no legislative body have any right to grant exclusive privileges to any person or persons for a term of years, to use the property of the General Government, as your Committee are informed, is the fact in the present case, and in consideration, your Committee do not find any evidence to satisfy them, that the petitioners have in the above case, complied with the law regulating the mode of petitioning the Legislature.

In consideration of the premises above stated, with others, your Committee recommend the adoption of the following:

Resolved, That the petition be rejected, and the Committee be discharged from the further consideration of the subject.

On motion of Mr. Summers,

The report of the Committee was laid on the table.

Mr. Steele, from the Committee on Claims, to which was referred the Memorial of T. S. Parvin, asking compensation for services as private Secretary to the Governor, during the first session of the Iowa Legislature, reported, that they had had the same under consideration, and after mature reflection, came to the conclusion, that the Legislature had no right to authorize the Secretary to appropriate any money now in his hands to such use.

Therefore, your Committee respectfully recommend the adoption of the following:

Resolved, That the Secretary of the Territory be requested to embody in his next estimates the claim of T. S. Parvin, setting forth the services and amount claimed.



The report of the Committee was concurred in.

And the question pending, Will the House adopt the resolution recommended by the Committee?

A motion was made by Mr. Hendershott, that the same do lie upon the table, which was agreed to.

A Message from the the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER—

I am directed to inform the House of Representatives, that the Council have passed,

No. 17, C. F. "A Bill to amend an Act, to provide for changing Venue in civil and criminal cases."

No. 19, C. F. "A Bill to amend an Act, establishing certain Territorial roads therein named.

No. 20, C. F. A Bill supplementary to an Act, entitled "An act to organize, discipline, and govern the Militia of this Territory."

No. 23, C. F. "A Memorial to Congress for an appropriation to improve certain Territorial Roads."

No. 9, C. F. "Joint Resolution, asking the alteration of the Organic Law, so as to make the Militia officers elective by the people."

No. 13, C. F. "Joint Resolution, asking our Delegate in Congress, to use his influence for the establishment of a semi-weekly Mail route from Bloomington to Marion, in Linn county." Also, with amendments,

No. 19, H. R. File, "A Memorial to Congress, for an appropriation to continue the construction of the Agency Road.

In all of which the concurrence of the House of Representatives is requested.

The Council have passed, without amendment,

No. 14, H. R. File, A Memorial to Congress for an appropriation to improve the Rapids of the Mississippi River.

No. 30, H. R. File, "A Bill to amend an Act, to authorize John H. Sullivan and Adrian H. Davenport, to establish and keep a Ferry across the Mississippi river, at the town of Rockingham."

And have disagreed to amendments made by the House, to

No. 5, C. F. "A Bill providing for the service of writs by copy in certain cases," and,

No. 6, C. F. "A Bill, supplementary to an Act, regulating Practice in the District Courts of the Territory of Iowa."

And then he withdrew.

A motion was made by Mr. Wilson of H., to re-consider the vote of yesterday, on the indefinite postponement of No. 40, H. R. File,

"A Bill to repeal the act requiring each of the counties of this Territory, to pay five per cent on their Assessment Rolls, into the Territorial Treasury," which was agreed to.

Ordered, That said Bill be referred to the Committee on Expenditures.



On motion of Mr. Hendershott,

Ordered, That No. 41, H. R. File, "A Bill to establish a Seminary of Learning at Columbus City, in Louisa county," be printed, and made the order of the day for Friday next.

The House again resolved itself into a Committee of the Whole House, for the consideration of Bills Nos. 27 and 28, H. R. File, relating to Mechanics' Liens. And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lewis reported, that the Committee had, according to order, had said Bills under consideration, and directed him to report the same without amendment.

On motion of Mr. Browning,

Ordered, That said Bills be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Browning, Whitaker, Toole, Walworth, and Steele, said Committee.

Mr. Browning gave notice, that he would, on some future day, bring in a Bill, amendatory to the Act concerning Executions.

On motion of Mr. Steele,

The House adjourned.

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2 O'CLOCK P. M.

No. 24, H. R. File,

"A Bill supplementary to an act defining the duties of County Surveyors," was read a second time.

Ordered, That said Bill be engrossed and read a third time on tomorrow.

Bills &c. from the Council of the following titles, viz:

No. 17. "A Bill to amend An act, to provide for changing venue in civil and criminal cases."

No. 19. "A Bill to amend an act establishing certain Territorial roads therein named."

No. 20. "A Bill supplementary to an act entitled an act, to organize discipline, and govern the Militia of this Territory."

No. 23. "A Memorial to Congress for an appropriation to improve certain Territorial Roads."

No. 9. "A Joint Resolution, asking the alteration of the Organic Law, so as to make Militia officers elective by the people," and,

No. 13. "A Joint Resolution, asking our Delegate in Congress, to use his influence for the establishment of a Semi weekly Mail route from Bloomington to Marion in Linn county."

Were severally read a first time.

No. 19. H. R. File, entitled



"A Memorial to Congress, for an appropriation to continue the construction of the Agency Road," as returned from the Council with an amendment was taken up, the amendment read and concurred in.

No. 5, C. F. entitled

"A Bill, providing for the service of writs by copy in certain cases," being under consideration as returned from the Council with the amendment of the House disagreed to.

A motion was made by Mr. Summers, that the House recede from their amendment.

Which motion being put,

Was determined in the negative.

YEAS 4.—NAYS 22.

The yeas and nays being desired by Mr. Summers.

Those who voted in the affirmative, were, Messrs. Felkner, Miller, Summers, and Toole.

Those who voted in the negative, were, Messrs. Avery, Box, Briery, Browning, Hebard, Hendershott, Isett, Langworthy, Lash, Lefler, Lewis, Mason, Porter, Robertson, Steele, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J., and Cox, Speaker.

So the House insisted upon their amendment to said Bill.

No. 6, C. F. A Bill supplementary to an act, regulating practice in the District Courts of this Territory," as returned from the Council with the amendments of the House disagreed to, was taken up and considered.

On motion of Mr. Browning,

Ordered, That the House insist upon their amendments to said Bill.

Mr. Isett submitted the report of the Director of the Penitentiary at Fort Madison, which was read at the Clerk's table, and,

On motion of Mr. Steele,

Referred to the Committee on Public Buildings.

Mr. Robertson on leave, introduced a Joint Resolution, for the appointment of a Committee, to visit and examine the Penitentiary, which was read a first time.

Mr. Hebard offered the following:

Resolved, That this House elect by ballot, a Committee of three, whose duty it shall be to repair to Iowa City, and examine the Public Buildings, both as to the amount and quality of the work done, the materials on hand, the books papers and records of the Acting Commissioner. Also to collect all the information they may be able to procure, and report the whole to this House as soon as practicable.

Resolved, also that the Committee have power to send for persons and papers if necessary, examine witnesses and receive testimony.

A motion was made by Mr. Box, to amend said Resolution, so as to require one to be elected from each Electoral District, which was determined in the negative.

A motion was made by Mr. Walworth, to amend the Resolution so



as to require one to be elected from each Judicial District.

And the question being put,

Was also determined in the negative.

YEAS 13.—NAYS 13.

The yeas and nays being desired by Mr. Miller.

Those who voted in the affirmative, were, Messrs. Box, Felkner, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of J. and Cox, Speaker.

Those who voted in the negative, were, Messrs. Avery, Brierly, Browning, Hendershott, Hebard, Isett, Lash, Leffler, Lewis, Porter, Steele, Whitaker, and Wilson of H.

The question then recurring on the adoption of the Resolution, and being put,

Was determined in the affirmative.

Mr. Miller, asked leave of absence on the account of ill health, for four or five days, which was granted.

A motion was made by Mr. Langworthy, that the House do now adjourn.

And the question being put,

Was determined in the affirmative.

YEAS 15.—NAYS 11.

The yeas and nays being desired by Mr. Lash.

Those who voted in the affirmative, were, Messrs. Avery, Box, Brierly, Felkner, Isett, Langworthy, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of J. and Cox Speaker.

Those who voted in the negative, were, Messrs. Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Miller, Porter, Steele, Whitaker, and Wilson of H.

So the House adjourned.

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### Thursday Morning, December 3, 1840.

Mr Toole presented the petition of sundry citizens of Louisa County, praying the passage of a law, authorizing the County Commissioners of said County. to establish a free Ferry, across the Iowa river, at the County seat, for the benefit of the citizens of said County, which was,

On motion of Mr. Toole,

Referred to a Select Committee. Whereupon the Speaker appointed, Messrs. Toole, Robertson and Mason, said Committee.



Mr. Lash, from the Committee on Engrossed Bills, reported, No. 24, H. R. File, as correctly engrossed.

Mr. Isett, from the Committee on Public Buildings, reported No. 1, H. R. File.

"A Memorial to Congress, for an appropriation for the Penitentiary," back to the house without amendment.

Said memorial passed to a second reading.

Mr. Leffler, from the Committee on the Judiciary, made the following report.

The Committee on the Judiciary, to which was referred a resolution, instructing them to examine the 9th section of an act, entitled "An Act organizing a Board of County Commissioners, in each County in the Territory," and compare the same with the 5th section of an act, entitled "An Act for assessing and collecting county revenue:

Report, that the said 5th section prescribes the duty of the Assessors; and that the said 9th section prescribes the duty of the County Commissioners, in levying a tax upon the basis of the assessment. And your Committee perceive no conflicting provisions in the sections referred to.

The report was concurred in, and the Committee discharged from the further consideration of the subject.

No. 42, H. R. File, "A Joint Resolution, providing for the appointment of a Committee, to visit and examine the Penitentiary," was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 9, C. F. "A Joint Resolution, asking a change in the Organic Law, so as to make Militia officers elective by the people," and,

No. 13, C. F. "A Joint Resolution, asking our Delegate in Congress, to use his influence for the establishment of a semi-weekly mail route, from Bloomington to Marion, in Linn county," were severally read a second time, and ordered to a third reading on to-morrow.

No. 17, C. F. "A Bill, to amend an Act, to provide for changing Venue in civil and criminal cases," was read a second time.

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 19, C. F. "A Bill to amend an Act, establishing certain Territorial roads therein named," was read a second time.

On motion,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee on Territorial Roads.

No. 20, C. File, entitled



"A Bill, supplementary to an Act, to organize, discipline, and govern the Militia of this Territory," was read a second time.

On motion,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

And the question being put, Will the House concur in the report of the Committee?

Was determined in the affirmative. Yeas 15, Nays 10.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Brierly, Browning, Felkner, Hendershott, Isett, Langworthy, Lash, Lewis, Robertson, Steele, Summers, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Hebard, Leffler, Mason, Porter, Teeple, Toole, Wilson of H., and Wilson of J.

So the report of the Committee of the Whole House was concurred in.

Mr. Browning offered the following, as an amendment to the Bill:

"That all persons, who are opposed to bearing arms in time of peace, be exempt from performing military duty."

Previous to the question being put,

A motion was made by Mr. Porter, to refer said Bill to a Select Committee of one from each Electoral District.

And the question being put,

Was determined in the affirmative. Whereupon,

The Speaker appointed Messrs. Porter, Hebard, Steele, Teeple, Van Antwerp, Robinson, Langworthy, Toole, Felkner, and Box, said Committee.

No. 23, C. F. "A Memorial to Congress, for appropriations to improve certain Territorial roads;" was read a second time.

On motion of Mr. Langworthy,

The House resolved itself into a Committee of the Whole House, for the consideration of said Memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same with amendments, to which the House agreed.

Mr. Lewis offered the following amendment;

"For the improvement of the road leading from Black Hawk, via Bentonsport, Van Buren county, to the Missouri line—six thousand dollars," which was agreed to.



On motion of Mr. Summers,

Ordered, That said Memorial be read a third time on to-morrow.

No. 24, H. R. File, entitled

"A Bill supplementary to an Act, defining the duties of County Surveyors," was read a third time.

On motion of Mr. Summers, by general consent,

The word "Circuit" in the 3rd section, was stricken out, and the word "District" inserted.

The Bill then passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Browning, in accordance with previous notice, introduced,

No. 43, H. R. File,

"A Bill to amend an Act, concerning Executions," which was read a first time, and ordered to be printed.

On motion of Mr. Walworth,

The vote of yesterday, on the adoption of the resolution, requiring a Committee of three, to visit Iowa City, &c., was reconsidered, and,

On motion of Mr. Robertson,

The Resolution was laid upon the table.

Mr. Walworth, on leave, introduced

"A Joint Resolution, requiring a Committee to be appointed, to visit Iowa City, and for other purposes," which was read a first time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Resolution be read a second time now.

The Resolution was then read a second time, and,

On motion of Mr. Lash,

The House resolved itself into a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Summers,

The words "three and "two" were stricken out, and the words "two" and "one" inserted in their places.

Mr. Leffler moved to insert after the word "selected," the following:

"Whose duty it shall be to repair to Iowa City, examine the Public Buildings, materials on hand, books, papers, and records of the Acting Commissioner, and collect all the information they may be able to procure, and report the same to the House, as soon as practicable.

Resolved, also, That the Committee have the power to send for persons and papers, administer oaths, examine witnesses, and receive testimony." Which was agreed to.

The Resolution was then ordered to be engrossed for a third reading on to-morrow.



On motion of Mr. Leffler,

The petition of sundry citizens of Des Moines county in relation to the Territorial road from Burlington to Henry county, presented on the 3d ultimo, was taken from the table and referred to a Select Committee, composed of the Delegation from Des Moines county.

A motion was made by Mr. Porter, that the House do now adjourn until to-morrow morning.

And the motion being put;

Was determined in the affirmative. Yeas 17, Nays 8.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Browning, Felkner, Hebard, Hendershott, Issett, Leffler, Mason, Porter, Robertson, Toole, Van Antwerp, Walworth, Whitaker, Wilson of J., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Brierly, Langworthy, Lash, Lewis, Steele, Summers, Teeple, and Wilson of H.

So the House adjourned until to-morrow morning.

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### Friday Morning, December 4, 1840.

On motion of Mr. Wilson of H.

Ordered, That the Select Committee, to which was referred, A Bill to amend an act entitled "an act, to organize, discipline and govern the Militia of this Territory, enquire into the expediency of amending said Bill, so as to exempt all persons from Military duty in time of peace, except the Commissioned officers.

On motion of Mr. Toole,

Ordered, That the Chief Clerk, direct the other clerks of this House, to copy all Memorials, Joint Resolutions, &c, passed by this House, and furnish the Committee on Enrollments, with the necessary number of copies for the Governor.

Mr. Summers, from the Select Committee to which was referred, the petition of the citizens of the Town of Parkhurst, praying that said Town may be incorporated by the name of Berlin, reported,

No. 45, H. R. File, entitled

"A Bill to incorporate the Town of Berlin in Scott County," which was read a first time, and ordered to be printed.

Mr. Lash, from the Committee on engrossed Bills reported

Nos. 42, and 44. H. R. File,

As correctly engrossed.

No. 1, H. R. File,



"A Memorial to Congress for an appropriation for the Penitentiary," was read a second time.

On motion of Mr. Langworthy,

Ordered, That said Memorial be laid upon the table.

No. 41, H. R. File, entitled

"A Bill to establish a Seminary of Learning, at Columbus City in Louisa County," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Teeple reported that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, to which the House agreed.

On motion of Mr. Toole,

Ordered, That said Bill be referred to the Committee on Corporations.

No. 43. H. R. File,

"A Bill to amend an act concerning executions," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Toole reported that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Browning,

Ordered, That said Bill be engrossed for a third reading on Monday next.

A Message from the Council by Mr. Wallace, their Secretary.

MR. SPEAKER,

The Council have passed

No. 3, C. F. "A Bill relative to negotiable paper &c."

No. 21, C. F. "A Bill to authorize the Governor, to offer rewards for the apprehension of fugitives from Justice."

In which the concurrence of the H. of R. is requested, also without amendment.

No. 37. H. R. File,

"A Memorial to Congress, to amend the Organic Law of the Territory.

I herewith present for your signature, A Memorial to Congress, on the subject of a Mail route from Iowa City to Fort Leavenworth."

"A Memorial for an appropriation, to construct a Bridge over Big Cedar Creek."



Joint Resolution, asking an appropriation, for the improvement of the Harbour of Dubuque, and

A Preamble and Joint Resolution relating to Mail routes &c. in Van Buren county."

The Council insist upon their disagreement to the amendments of the H. of R. to

No. 5, C. F. A Bill providing for the service of writs by copy in certain cases."

No. 6, C. F. A Bill additional to an act, entitled "an act, regulating practice in the District Courts of this Territory" and have appointed Messrs. Hastings, Springer and Parker, a Committee of conference in relation thereto.

And then he withdrew.

No. 9, C. F. "A Joint Resolution, asking for a change of the Organic Law so as to make Militia officers elective by the people," was read a third time.

And the question being put.

Shall the Resolution pass?

Was determined in the negative. Yeas 10, Nays 13.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were, Messrs. Box, Brierly, Browning, Lash, Lewis, Porter, Steele, Summers, Toole and Whitaker.

Those who voted in the negative, were, Messrs. Avery, Felkner, Hendershott, Issett, Langworthy, Leffler, Mason, Robertson, Teeple, Van Antwerp, Wilson of H., Wilson of J. and Cox, Speaker.

No. 13, C. F. entitled

"Joint Resolution, asking our Delegate in Congress, to use his influence for the establishment of a Semi weekly Mail route, from Bloomington to Marion in Linn county."

No. 23, C. F. entitled

"A Memorial to Congress, for an appropriation to improve certain Territorial Roads."

No. 42, H. R. File,

"A Joint Resolution for the appointment of A Committee to examine the Penitentiary at Fort Madison, and,

No. 43, H. R. File,

"A Resolution for the appointment of a Committee, to examine the Public Buildings at Iowa City," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 3, C. F. "A Bill relative to negotiable paper &c." and

No. 21, C. F. "A Bill to authorize the Governor, to offer rewards for the apprehension of fugitives from Justice," were severally read a first time.



On motion of Mr. Summers,

Ordered, That there be a Committee appointed, to confer with a Similar Committee on the part of the Council, in relation to the disagreeing vote of the two Houses, on the amendments made by the H. of R. to

No. 5, C. F. "A Bill providing for the service of writs by copy in certain cases" and

No. 6, C. F. A Bill additional to an act regulating practice in the District Courts of this Territory,"

Whereupon the Speaker appointed Messrs. Summers, Steele, and Toole, said Committee.

Mr. Browning gave notice, that he would on some future day, introduce A Bill to amend an act, entitled "an act incorporating the City of Burlington."

Mr. Lewis, in accordance with previous notice, introduced

No. 46. H. R. File entitled,

"A Bill to amend an act, entitled "an act relative to Divorce, Alimony and other purposes," which was read a first time, and ordered to be printed.

On motion of Mr. Toole,

The House adjourned until Monday morning next.

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### Monday Morning, December 7, 1840.

Mr. Toole presented the petitions of sundry citizens of Louisa and Johnson Counties, praying for a Territorial road to be established, from the mouth of the Iowa river, opposite New Boston, Illinois via Black Hawk and Fredonia, to Iowa City.

On motion of Mr. Toole,

Ordered, That said petition be referred to a Select Committee.

Whereupon, the Speaker appointed Messrs. Toole, Isett and Avery said Committee.

Mr. Lewis presented the petitions of sundry citizens of Van Buren County, praying that a charter may be granted to John Godden, to build a dam across the Des Moines river.

Mr. Steele presented the petitions of sundry citizens of the same county, being a remonstrance, to the granting of a charter to the said John Godden.

On motion of Mr. Steele,

Ordered, That the aforesaid petitions, together with one presented during the first week of the session, on the same subject, be referred



to a Select Committee, composed of the entire delegation from Van Buren county.

Mr. Robertson, presented the petition of sundry citizens of Clinton county, praying the alteration of a Territorial road from Camanche to Iowa City. Also,

A petition from the same, praying the alteration of a Territorial Road, leading from Lyons to Iowa City. Also,

A petition, praying the alteration of the law districting the Territory of Iowa into Electoral Districts, so as to entitle Clinton county to one Representative. Also,

A petition, remonstrating against any alteration of the county lines of said county.

On motion of Mr. Robertson,

Ordered, That said petitions be referred to a Select Committee, composed of the entire delegations from Scott and Clinton, and Muscatine and Johnson counties.

Mr. Isett presented the petition of J. Williams and Charles A. Warfield, in relation to a Ferry Charter granted during the session of 1838-'39, asking an extension of time, to procure boats for the use of said Ferry; which was,

On motion of Mr. Isett,

Referred to the Committee on Corporations.

Mr. Mason presented the petition of sundry citizens of Delaware county, praying the organization of said county: which was,

On motion of Mr. Mason,

Referred to the Committee on Territorial Affairs.

Mr. Teeple presented the petition of sundry citizens of Washington county, in relation to the Military Road from Dubuque to the Missouri line.

On motion of Mr. Teeple,

Ordered, That said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Teeple, Felkner, and Lash, said Committee.

Mr. Summers gave notice, that he would, on some day hereafter, introduce,

"A Memorial to Congress, to amend the Organic Law of this Territory, so as to make the office of Governor elective by the people." Also,

"A Memorial to Congress, for an appropriation to construct a Military Road from Davenport to Iowa City."

Mr. Wilson of J., gave notice, that he would on some future day, introduce,

"A Bill, prohibiting the selling or giving of intoxicating liquors at vendues."

Mr. Mason, from the Committee on Enrolled Bills, reported:

"An Act to amend an Act, to authorize John H. Sullivan and A-



drian H. Davenport, to establish and keep a Ferry across the Mississippi river, at the town of Rockingham;" and,

A Memorial to Congress, for an appropriation, to continue the construction of the Agency Road," as correctly enrolled.

The Speaker then signed the above Act and Memorial.

Mr. Isett, from the Select Committee, to which was referred

No. 1, C. F. "A Memorial for an appropriation, to construct a Military road from Bloomington to Iowa City," reported the same back to the House without amendment.

The Memorial then passed to a second reading.

Mr. Hebard, from the Committee on Territorial Affairs, to which was referred

"A Joint Resolution, asking the influence of our Delegate in Congress to have the Organic Law so altered, as to permit the people of the several counties to elect the Clerks of the District Courts," reported the same back to the House, and recommended that the Resolution do not pass.

The report of the Committee was concurred in.

No. 3, C. F. "A Bill relative to negotiable paper," &c., was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 21, C. F. "A Bill to authorize the Governor to offer rewards for the apprehension of fugitives from justice;" was read a second time.

On motion of Mr. Lash,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Van Antwerp reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Toole, to refer said Bill to the Committee on Expenditures; which was lost.

On motion of Mr. Summers.

Ordered, That said Bill do lie upon the table.

No. 45, H. R. File, entitled

"A Bill, to incorporate the town of Berlin, in Scott county," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Mason, to strike out the enacting clause of said Bill.



And the question being put,  
Was determined in the negative. Yeas 7, Nays 15.  
The Yeas and Nays being desired by Mr. Summers,  
Those who voted in the affirmative, were,  
Messrs. Avery, Felkner, Hebard, Langworthy, Lewis, Mason,  
Van Antwerp.

Those who voted in the negative, were,  
Messrs. Brierly, Browning, Hendershott, Isett, Lash, Leffler, Robertson, Steele, Summers, Teeple, Toole, Walworth, Wilson of H., Wilson of J., and Cox, Speaker.

Several amendments being made to said Bill,  
A motion was made by Mr. Summers, that the Bill be engrossed for a third reading on Wednesday next.

And the question being put,  
Was determined in the affirmative. Yeas 13, Nays 8.

Those who voted in the affirmative, were,  
Messrs. Brierly, Browning, Hendershott, Lash, Lewis, Robertson, Steele, Summers, Teeple, Toole, Walworth, Wilson of J., and Cox, Speaker.

Those who voted in the negative, were,  
Messrs. Avery, Felkner, Hebard, Isett, Langworthy, Leffler, Mason, and Van Antwerp.

So the Bill was ordered to be engrossed for a third reading on Wednesday next.

Mr. Wilson of H. asked and obtained leave of absence until 2 o'clock; also, for Mr. Porter, until Wednesday next.

No. 46, H. R. File, entitled  
"A Bill, to amend an Act, relative to Divorce, Alimony, and other purposes;" was read a second time.

On motion of Mr. Lewis,  
The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed.

On motion of Mr. Browning,  
The Bill was amended, by adding an entire section to the same.

On motion of Mr. Van Antwerp,  
Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 43, "A Bill to amend an Act, concerning Executions," was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Browning, in accordance with previous notice, introduced  
No. 47, H. R. File, entitled



"A Bill to amend the Act, incorporating the city of Burlington," which was read a first time.

On motion, the House adjourned.

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2 O'CLOCK, P. M.

On motion of Mr. Toole,

Ordered, That the Committee on the Judiciary be requested to so alter the law regulating the time of holding the District Courts in this Territory, that the time for holding said Courts in Louisa county will better suit the convenience of the citizens of said county.

Mr. Browning, from the Select Committee, to which was referred Bills, Nos. 28 and 32, relating to Mechanics' Liens," reported

No. 48, H. R. File, entitled

"A Bill, relative to Mechanics' Liens, and for other purposes," as a substitute, which was read a first time, and ordered to be printed.

Mr. Langworthy, in accordance with previous notice, introduced

No. 49, H. R. File, entitled

"A Joint Resolution, asking the sale of the reserved Mineral Lands in this Territory," which was read a first time.

On motion of Mr. Felkner,

Ordered, That No. 11, C. F. entitled

"A Bill, to authorize Walter Terrell to build a dam across the Iowa river near Iowa City," be taken from the table.

The Bill was then taken from the table, and ordered to a third reading on to-morrow.

Mr. Teeple gave notice, that he would, on some future day, introduce

"A Bill, to revive an Act, entitled "An Act, establishing a Territorial road from the north part of Washington county, to the Missouri line, via Washington, Brighton, Fairfield, and Portland.

On motion of Mr. Toole,

The House adjourned.

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Tuesday Morning, December 8, 1840.

Mr. Brierly presented the petition of sundry citizens of Lee county, praying that a charter may be granted to Samuel Troxell, to erect a dam across Big Sugar Creek, which was,



On motion of Mr. Brierly,  
Referred to a Select Committee, viz: Messrs. Brierly, Isett, & Bobetson.

Mr. Wilson of H., presented the petition of sundry citizens of Henry county, in relation to the Territorial Road, from Dubuque to Keosauqua, and the Missouri line.

Ordered, That said petition be referred to the Select Committee appointed yesterday, in relation to the same subject.

On motion of Mr. Robertson,

Ordered, That the Committee on the Judiciary, be instructed to report to this House, any action which they may have had upon a resolution referred to them in relation to so amending the Practice Act, as to allow the plaintiff in suit to file his own declaration, without employing an attorney.

Mr. Summers, in accordance with previous notice, introduced

No. 50, H. R. File, entitled

"A Bill, to amend an Act, entitled An Act, to re-locate the county seat of Jackson county," which was read a first time.

Mr. Summers, in accordance with previous notice, introduced

No. 51, H. R. File, entitled

"A Bill, to amend the acts therein named," which was read a first time.

Mr. Summers, in accordance with previous notice, introduced,

No. 52, H. R. File, entitled

"A Joint Resolution, requesting our Delegate in Congress, to use his influence, to have the office of Governor elective by the people," which was read a first time.

Mr. Hendershott, in accordance with previous notice, introduced

No. 53, H. R. File, entitled

"A Bill, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," which was read a first time, and ordered to be printed.

Mr. Langworthy, in accordance with previous notice, introduced

No. 54, H. R. File, entitled

"A Bill, to amend an Act, to incorporate the city of Dubuque," which was read a first time.

No. 1, C. F. entitled

"Memorial to Congress, for an appropriation to construct a Military Road from Bloomington to Iowa City," was read a second time.

On motion of Mr. Summers,

Ordered, That said Memorial be read a third time on to-morrow.

No. 47, H. R. File, entitled

"A Bill, to amend the act, incorporating the city of Burlington;" which was read a second time.

A motion was made by Mr. Hendershott, that said Bill be referred to the Committee on the Judiciary.

The motion was lost.



A motion was made by Mr. Mason, that the Bill be referred to the Committee on Corporations.

And previous to the question being put,

On motion of Mr. Browning,

Ordered, That said Bill be printed, and referred to the Committee of the Whole House, and made the order of the day for Thursday next.

No. 48, H. R. File, entitled

"A Bill, relative to Mechanics' Liens," &c., was read a second time.

On motion of Mr. Browning,

Ordered, That said Bill be referred to the Committee of the Whole House on to-morrow.

No. 49, H. R. File, entitled

"Joint Resolution, asking the sale of the reserved Mineral Lands in this Territory," was read a second time.

On motion of Mr. Langworthy,

Ordered, That said Resolution be engrossed for a third reading on to-morrow.

No. 11, C. F. entitled

"A Bill, to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City," was read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A Message from the Council, by Mr. Wallace, their Secretary.

MR. SPEAKER:

The Council have passed

No. 7, C. F. Memorial to Congress, for the establishment of a Mail route. Also, with amendments,

No. 42, H. R. File, A Resolution, for the appointment of a Joint Committee, to examine the Penitentiary, at Fort Madison, and,

No. 44, H. R. File, A Resolution, for the appointment of a Committee, to examine the Public Buildings at Iowa City.

In which the concurrence of the House of Representatives is requested.

I herewith present, for your signature,

A Memorial to Congress, for an appropriation to improve the Iowa and Cedar rivers.

A Memorial to Congress, asking for the survey of a route for a Canal, from Iowa City to the forks of the Iowa river; and,

A Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City to Galena, in Illinois, via Bellview.

And then he withdrew.

The Speaker then signed the aforesaid Memorials and Resolution.

No. 7, C. F. entitled

"A Memorial to Congress, for the establishment of a Mail route," was read a first time.



No. 42, H. R. File, entitled  
,"A Resolution, for the appointment of a Joint Committee, to examine the Penitentiary at Fort Madison," as amended by the Council, was taken up and considered, and the amendments concurred in.

No. 44, H. R. File,  
,"A Resolution, for the appointment of a Committee, to examine the Public Buildings at Iowa City," as returned from the Council with amendments, was taken up, and the same read and concurred in.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Mason, from the Committee on Enrolled Bills, reported that they did, yesterday, present to the Governor, for his approval, the following Memorials and Resolutions:

"A Memorial to Congress, on the subject of a Mail route, from Iowa City to Fort Leavenworth.

Preamble and Joint Resolution, relative to Mail routes in Van Buren county."

Memorial for an appropriation, to construct a Bridge over Big Cedar Creek."

"A Joint Resolution, asking an appropriation for the improvement of the Harbor of Dubuque."

Mr. Felkner gave notice, that he would, on some future day, introduce

"A Bill, to establish a Seminary of Learning at Iowa City."

Mr. Hendershott asked, and obtained, leave of absence for Mr. Leffler, until Monday next.

On motion of Mr. Walworth,

The House adjourned.

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2 O'CLOCK P. M.

On motion of Mr. Summers,

Ordered, That No. 50. H. R. File "A Bill, to amend the act entitled "an act, to relocate the County Seat of Jackson county," be printed.

Mr. Mason, from the Committee on Enrolled Bills, reported the following as correctly enrolled viz:

"A Memorial for an appropriation, to improve the Rapids of the Mississippi River."

"A Resolution, providing for the appointment of a Joint Committee to examine the Penitentiary at Fort Madison."

"A Resolution, providing for the appointment of a Committee, to examine the Public Buildings at Iowa City."



"A Memorial to Congress, to amend the Organic Law of the Territory of Iowa."

Said Memorials and Resolutions, were then severally signed by the Speaker.

Mr. Mason offered the following:

Resolved, That the Committee to which was referred, the subject of the Revenue Laws, be instructed to report on that subject. to-morrow.

A motion was made by Mr. Lash, that the Resolution do lie upon the table.

And the question being put;

Was determined in the affirmative.

Mr Toole from the Committee on the Finances, to which was referred that part of the Governor's message, which recommended to the consideration of the Legislative Assembly, a review of the financial laws, so as to provide a revenue sufficient, in amount to meet the actual wants of the Territory;—and to which was also referred the report of the Auditor of the Territory on the same subject, submitted the following report:

Your Committee, after giving the subject so referred, a careful and proper consideration, have come to the conclusion, with all due deference and respect for the views and opinions of the Executive upon the subject, that from a careful examination of the statements given in the Auditor's report, showing for what purpose the Territorial revenue is applied, the object of the law to provide for a Territorial revenue is misunderstood.

Your Committee are of the opinion that the object of the law was to create a fund that should continue to increase, until this Territory should be admitted into the Union as one of the States; and your committee are further of the opinion, that if warrants are granted or issued, hereafter as heretofore, that this law will produce an increasing debt, instead of an increasing fund.

Your Committee have also taken into consideration the subject of our Territorial expenses, and have come to the conclusion, that the general government will, if applied to, meet all the necessary expenses of the Territory; particularly such as are named in the Auditor's report, together with all rewards for the apprehension of fugitives from justice. And we believe that all accounts or demands against the Territory, should come before the Legislature for examination, and that this is the proper authority to grant or reject such demands or claims, and that the Secretary is the proper disbursing officer, as shown by the Organic Law. And as the establishment of a complete financial system, is without precedent in the history of Territories, your Committee can see no necessity or advantage arising from such a system in this Territory; but, on the contrary, a great injury to the different counties.

Your Committee would therefore recommend, the repeal of all laws



on the subject of Territorial finances, and that the Governor and Secretary, be hereafter considered the authorized disbursing officers of the Territory; and that all claims or demands against the Territory, be presented to the Legislature for examination.

The report having been read, was,

On motion of Mr. Lash,

Laid upon the table, and ordered to be printed.

A motion was made by Mr. Toole, that the House do now adjourn. The motion was lost.

Mr. Walworth moved a call of the House, which was had, and the roll being called, all the members answered to their names, excepting Mr. Van Antwerp. The Sergeant at Arms was directed to require the attendance of the absentee. Mr. Van Antwerp soon appearing, the further call of the House was dispensed with.

Mr. Langworthy moved, that the House do now adjourn until Monday morning next.

And the question being put,

Was determined in the negative. Yeas 3. Nays 20.

The Yeas and Nays being desired by Mr. Steele.

Those who voted in the affirmative, were,

Messrs. Hendershott, Langworthy and Mason.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Isett, Lash, Lewis, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker..

Mr. Van Antwerp, on leave, presented the petition of sundry citizens of Cedar county, praying the relocation of the County Seat of said county by a vote of the people, also, the petitions from citizens of the same county, remonstrating against any action on the subject.

On motion of Mr. Van Antwerp,

Ordered, that said petitions be reported to a Select Committee, composed of the entire Delegations, from the counties of Cedar, Jones and Linn, and Muscatine and Johnson.

On motion of Mr. Browning,

Ordered, That the Resolution, in relation to compensating T. S. Parvin as private Secretary to the Governor, be taken from the table.

The Resolution, was then taken from the table, and,

On motion of Mr. Hendershott,

Referred to the Committee on Expenditures, with power to procure testimony in relation to the same.

A motion was made by Mr. Teeple, that the House do now adjourn. The motion was lost.

Mr. Hendershott offered the following:

Resolved, That the committee to which was referred, the Bill to divorce John Phillips and his wife Nancy Phillips, be instructed to report on to-morrow,



On motion of Mr. Browning,

Ordered, That said Resolution do lie upon the table.

Mr. Langworthy offered the following:

Resolved, That the Secretary of the Territory, be requested to pay the balances due the Officers and Agents of the last annual Session of the Legislative Assembly out of the money now in his hands.

On motion of Mr. Walworth,

Ordered, that said Resolution do lie upon the table.

A motion was made by Mr. Steele, that the House do now adjourn. And the question being put.

Was determined in the affirmative. Yeas 12, Nays 11.

The Yeas and Nays being desired by Mr. Van Antwerp,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hebard, Hendershott, Isett, Lash, Robertson, Steele, Whitaker and Wilson of H.

Those who voted in the negative, were,

Messrs. Browning, Langworthy, Lewis, Mason, Summers, Toole, Teeple, Van Antwerp, Walworth, Wilson of J., and Cox, Speaker.

So the House adjourned.

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### Wednesday Morning, December 9, 1840.

Mr. Langworthy offered the following:

Whereas, All taxation should be based upon a property assessment, and no unequal tax should be levied; therefore,

Resolved, That the Committee appointed to revise the Revenue Laws, enquire into the expediency of abolishing the Poll Tax.

The question being put, Shall the Resolution be adopted?

It was determined in the negative.

Mr. Robertson, from the Select Committee, to which the subject was referred, reported

No. 55, H. R. File,

"A Bill, to establish certain Territorial roads."

Mr. Lash, from the Select Committee, appointed for the purpose, reported,

No. 56, H. R. File, entitled,

"A Bill to locate and establish a Territorial road, from Keokuk, in Lee county to Mount Pleasant, in Henry county,"

Mr. Browning, from the Committee on the Judiciary, reported,

No. 57. H. R. File,

"A Bill to amend the act, entitled, An Act, relative to Practice in the District Courts."



Said Bills were severally read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 45 and 49, H. R. File, as correctly engrossed.

Mr. Summers gave notice, that he would, on some day hereafter, introduce a Bill to amend an act, entitled

"An Act, to authorize James Leonard, Oliver A. Crary, William H. Brown, and Charles Swan, to establish and keep a Ferry across the Mississippi river at the town of Charleston," approved, January 21, 1839.

Mr. Steele gave notice, that he would, on some future day, introduce a Bill amendatory of an act, relating to the duties of the Clerks of the District Courts.

Mr. Hendershott gave notice, that he would, on some future day, bring in a Bill to amend an act, relative to Landlords and Tenants.

In accordance with an order made on yesterday, the House resolved itself into a Committee of the whole House, for the consideration of No. 48, H. R. File, entitled, "A Bill relative to Mechanics' liens." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson of H. reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, and ask leave to sit again.

Leave was granted.

On motion of Mr. Hendershott,  
The House adjourned.

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2 O'CLOCK, P. M.

The House resumed the consideration of No. 48, H. R. "A Bill relative to Mechanics' Liens," in Committee of the Whole House. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson of H. reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments; to which the House agreed.

A motion was made by Mr. Mason, to strike out the 6th section of said Bill, which reads as follows:

"When judgment is obtained under the provisions of this act, the execution issued on the same, shall be directed against the particular property, or so much thereof as the Court shall direct, on which the lien is made to operate; but if the proceeds of sale under execution, as aforesaid, will not satisfy the judgment, the Court, or Judge, in vacation, on motion of the plaintiff, or his attorney, shall order that ex-



ecution be issued to secure the payment of the balance, to be levied on other property of the defendant, as in the general law relating to executions is provided."

And after debate, and previous to the question being put,

Mr. Steele moved a call of the House, which was had, and the roll being called, the members not answering to their names were, Messrs. Whitaker, Mason, and Porter.

On motion of Mr. Lash,

Leave of absence was granted to Mr. Porter, until to-morrow morning.

After a short time, the absentees appearing; the further call of the House was suspended.

A motion was then made by Mr. Teeple, to amend the motion, to strike out said section, by striking out all after the word "operate."

The motion being accepted by Mr. Mason, the question was put, and determined in the negative. Yeas 12, Nays 12.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Felkner, Hebard Isett, Mason, Robertson, Teeple, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Brierly, Browning, Hendershott, Langworthy, Lash, Lewis, Miller, Steele, Summers, Toole, Wilson of H. and Wilson of J.

On motion of Mr. Lash,

The following was inserted in the fifth line of the 8th section after the words "then by:" "Giving four weeks notice in the nearest newspaper, of the pending of such suit."

Mr. Browning moved to amend the first section, by adding the following *proviso*, to wit: "Provided, That when the person in possession, holds the same under a title bond, executed, or assigned, to such person or persons, they shall be considered the owners of said land or lot of ground, for all the purposes of this act."

And the question being put,

Was determined in the affirmative. Yeas 13, Nays 11.

The yeas and nays being desired by Mr. Miller.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Hendershott, Langworthy, Lash, Lewis, Steele, Summers, Toole, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Hebard, Isett, Mason, Miller, Robertson, Teeple, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

So the amendment was agreed to.

On motion of Mr. Langworthy,

The Bill was amended by adding a section to the same, which pro-



vided for the repeal of all laws on the subject of Mechanics' Liens.

A motion was made by Mr. Mason, to strike out the enacting clause of said Bill.

And the question being put,

Was determined in the negative. Yeas 7, Nays 16.

The yeas and nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,  
Messrs. Box, Isett, Mason, Robertson, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Lewis, Miller, Steele, Summers, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion to strike out the enacting clause was lost.

A motion was then made by Mr. Box, that the Bill do lie upon the table until the last day of this month.

The motion was lost.

The question then being put, Shall the Bill be engrossed and read a third time on to-morrow?

Was determined in the affirmative. Yeas 17, Nays 6.

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Lewis, Miller, Steele, Summers, Toole, Walworth, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Box, Mason, Robertson, Van Antwerp, Whitaker, and Cox, Speaker.

So the Bill was ordered to be engrossed, and read a third time, on to-morrow.

Mr. Mason, from the Committee on Enrolled Bills, reported, that the Committee had this day presented to the Governor, for his approval,

A Memorial to Congress, asking for an amendment to the Organic Law.

A Resolution, providing for the appointment of a Committee to visit and examine the Public Buildings at Iowa City.

A Resolution, providing for the appointment of a Committee to visit and examine the Penitentiary at Fort Madison.

On motion of Mr. Isett,

The House adjourned.



Thursday Morning, December 10, 1840.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER:

I am directed to inform the H. of R. that the Council have passed, No. 14, C. F. A Preamble and Joint Resolution, asking of Congress, an appropriation to reimburse the citizens of Fort Madison, for the expense incurred in Deeding ten acres of land on which to erect the Penitentiary.

In which the concurrence of the H. of R. is requested.

Also without amendment.

No. 25. H. R. A Bill to Divorce Elizabeth Jones, from her husband Berry Jones, and,

No. 36. H. R. A Memorial to Congress for an appropriation to improve the Territorial Road, from the City of Burlington to the town of Fairfield, in Jefferson County.

And then he withdrew.

Mr. Wilson of H., presented the petition of sundry citizens of Henry county, praying that a charter may be granted to Duvall W. Henderson, to build a dam across Skunk river in said county," also,

The petition of sundry citizens of Henry county, praying that a charter may be granted to George Jones to erect a dam at the same place.

Ordered, That said petitions be referred to a Select Committee, composed of the Delegation from Henry county.

Mr. Walworth, presented the petition, of sundry citizens of Linn county, praying the location of a Territorial Road, from Bloomington via Moscow, Rochester, and Antwerp to Marion in Linn county.

Ordered, That said petition, be referred to the Select Committee on Territorial roads.

The Speaker laid before the House, the petition of sundry citizens of Jackson county, praying that a Territorial Road may be located, leading from Charleston in said county, to Iowa City."

Ordered, That said petition be referred to a Select Committee. Whereupon the Speaker appointed Messrs. Robertson, Summers and Langworthy, said Committee.

Mr. Summers, in accordance with previous notice, introduced

No. 58, H. R. File, entitled

"A Bill to amend an act entitled "an act, to authorize James Leonard, Oliver A. Crary and others to establish and keep a Ferry across



the Mississippi river at the town of Charleston," approved, January 21, 1839.

Mr. Summers. in accordance with previous notice, introduced No. 59, H. R. File, entitled

"A Joint Resolution, relative to an appropriation for a Military Road from Davenport to Iowa City," said Bills were severally read a first time.

Mr. Van Antwerp, from the Select Committee to which was referred the petitions and remonstrances of sundry citizens of Cedar county, in relation to the County Seat of said county, reported

No. 60. H. R. File entitled

"A Bill to establish the County Seat of Cedar county," which was read a first time.

On motion of Mr. Van Antwerp,

Ordered, That the 42nd rule be suspended, and the Bill be read a second time now.

The Bill was then read a second time.

On motion of Mr. Isett,

The House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Avery reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendment; to which the House agreed.

The question then being put. Shall the Bill be engrossed and read a third time on to-morrow?

Was determined in the negative. Yeas 7. Nays 19.

The Yeas and Nays being desired by Mr. Walworth.

Those who voted in the affirmative, were,

Messrs. Isett, Lash, Steele, Summers, Toole, Van Antwerp, and Walworth,

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Leffler, Lewis Mason, Miller, Porter, Robertson, Teeple, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the Bill was lost.

Mr. Wilson of J. in accordance with previous notice, introduced No. 61, H. R. File, entitled

"A Bill, prohibiting the selling or giving intoxicating liquors at Vendues."

Said Bill was read a first time.

On motion of Mr. Robertson,

Ordered, That the House do now proceed to the election of the Committee on its part required by the Resolution passed, to visit Iowa City and examine the Public Buildings &c.

On motion of Mr. Box,



Ordered, That the House do elect each Committeeman separately.

The House then proceeded to the election.

Messrs. Teeple and Steele were appointed Tellers. There being no choice made on the first and second ballots, the House proceeded to a third ballot, and upon counting the same, it appeared that Mr. Hebard had received a majority of the whole number of votes given, and was declared duly elected one of the Committee.

The House then proceeded to the election of the second and remaining Committeeman, and after counting the votes of several ballotings, and there being no choice made, a motion was made by Mr. Langworthy, that the House do now adjourn. And the question being put.

Was determined in the negative.

The House then continued the election, and after several ballotings and no choice being had, a motion was made by Mr. Box that the House do now adjourn. And the question being put.

Was determined in the negative. Yeas 13, Nays 13.

The Yeas and Nays being desired by Mr. Hendershott.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Van Antwerp, Walworth, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Browning, Felkner, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Steele, Toole, Whitaker, Wilson of H. and Wilson of J.

The House then resumed the balloting, and after several of which, there being no choice made, a motion was made by Mr. Walworth that the House do adjourn. And the question being put.

Was determined in the affirmative.

So the House adjourned.

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## 2 O'CLOCK, P. M.

The House proceeded again to the election of a Committeeman, Messrs. Steele and Teeple acting as Tellers. No choice being made on the first ballot, the House proceeded to a second, and upon counting the same it was found that Mr. Langworthy had received a majority of the whole number of votes given, and was declared duly elected.

No. 7, C. F. "A Memorial to Congress, for the establishment of a Mail route," was read a second time.

On motion of Mr. Box,

Ordered, That said Memorial be read a third time on to-morrow.



No. 47. H. R. File,

"A Bill to amend an act, entitled, an act, incorporating the City of Burlington," was read a second time.

On motion, the House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same without amendment.

A Motion was made by Mr. Browning, that the Bill be engrossed and read a third time on to-morrow.

And the question being put,

Was determined in the negative. Yeas 12, Nays 13.

The yeas and nays being desired by Mr. Hendershott.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Lash, Lewis, Porter, Summers, Toole, Walworth, and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Hendershott, Issett, Langworthy, Leffler, Mason, Miller, Steele, Teeple, Van Antwerp, Whitaker, Wilson of H. and Cox, Speaker.

So the Bill was lost.

No. 50. H. R. File

"A Bill to amend an act entitled "An act, to relocate the County Seat of Jackson county," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Bill under consideration and directed him to report the same with sundry amendments.

To which the House agreed.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

On motion of Mr. Brierly,

The House adjourned.

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### Friday Morning, December 11, 1840.

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

MR. SPEAKER—

The Council have passed,



No. 5, C. F. "Joint Resolution, providing for the printing of the Laws of the present Session."

No. 1, C. F. "A Bill to amend an Act allowing and regulating Writs of Attachment."

In which the concurrence of the House of Representatives is requested.

I herewith present for your signature,

"A Joint Resolution, asking our Delegate in Congress to use his influence for the establishment of a semi-weekly Mail route, from Bloomington to Marion, in Linn county; and,

A Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City, via Bellview, to Galena, in Illinois.

Said Resolutions were then severally signed by the Speaker.

Mr. Walworth presented the petition of sundry citizens of Bloomington, in relation to the Ferry across the Mississippi river at said place.

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Mason presented the petition of sundry citizens of Dubuque county, praying the alteration of the present Revenue Law, and the present Road Law.

Ordered, That said petition be referred to the delegation from Dubuque county.

Mr. Miller gave notice, that on to-morrow he would introduce a Bill, to authorize Henry M. Koontz and William Doak, Jr., to execute a deed to Rebecca A. Palmer.

Mr. Isett gave notice, that he would, on some future day, introduce a bill, to prohibit the removal of county seats, when once established, unless by a majority of two-thirds of the legal voters of the county.

Mr. Lash, from the Committee on Engrossed Bills, reported

No. 48, H. R. File, entitled

"A Bill, relative to Mechanics' Liens," as correctly engrossed.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 10th inst., present to the Governor for his approval,

A Memorial to Congress, for an appropriation to improve the Iowa and Cedar rivers; and,

A Memorial to Congress, asking for the survey of a route for a Canal, from Iowa City to the forks of the Iowa river.

Mr. Toole, from the Select Committee, to which was referred the subject, of altering the present Revenue Laws, reported

No. 62, H. R. File, entitled

"A Bill, for assessing and collecting county revenue;" which was read a first time.

A motion was made by Mr. Lash, that said Bill be printed.

And the question being put.

Was determined in the negative. Yeas 9, Nays 13.



The Yeas and Nays being desired by Mr. Miller,  
Those who voted in the affirmative, were,  
Messrs. Box, Brierly, Hendershott, Lash, Leffler, Porter, Steele,  
Summers, and Cox, Speaker

Those who voted in the negative, were,  
Messrs. Avery, Browning, Felkner, Isett, Lewis, Mason, Miller,  
Teeple, Toole, Walworth, Whitaker, Wilson of H., and Wilson of J.

On motion of Mr. Hendershott,

Ordered, That the Bill be re-committed.

Mr. Leffler, from the Select Committee, appointed for that purpose, reported.

No. 63, H. R. File, entitled

"A Bill to amend an act, to provide for the survey of a Territorial road," approved July 29, 1840, which was read a first time.

Mr. Langworthy, on leave, presented the petition of sundry citizens of Dubuque county, in relation to the District Court of said county.

Ordered, That said petition be referred to the Select Committee, composed of the delegation from Dubuque county.

Mr. Felkner, in accordance with previous notice, introduced

No. 64, H. R. File, entitled

"A Bill, to establish a Seminary of Learning at Iowa City, in Johnson county."

Mr. Miller, in accordance with previous notice, introduced

No. 65, H. R. File, entitled

"A Bill, to establish a Territorial road, from Burlington to the mouth of the Des Moines river."

Said Bills were severally read a first time.

No. 1. C. F. "A Bill to amend an act allowing and regulating Writs of Attachment."

No. 5, C. F. "Joint Resolution, providing for the printing of the Laws of the present session;" and,

No. 14, C. F. Preamble and Resolution, asking of Congress an appropriation to re-imburse the citizens of Fort Madison, for the expenses incurred in deeding ten acres of land on which to erect the Penitentiary;" were severally read a first time.

No. 51, H. R. "A Bill to amend the acts therein named," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 52, H. R. "A Joint Resolution, requesting our Delegate in Congress to use his influence to have the office of Governor made elective by the people," was read a second time.

No. 54, H. R. "A Bill to amend an act, to incorporate the City of Dubuque," was read a second time.



No. 55, H. R. "A Bill to establish certain Territorial roads," was read a second time.

No. 56. H. R. File,

"A Bill to locate and establish a Territorial road from Keokuk, in Lee county to Mount Pleasant, in Henry county," was read a second time.

Said Bills were severally ordered to be engrossed, and read a third time on to-morrow.

No. 57. H. R. File,

"A Bill to amend an act, relative to Practice in the District Courts," was read a second time.

On motion of Mr. Box,

The House resolved itself into a Committee of the Whole House, on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Browning reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion, the House adjourned.

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2 O'CLOCK P. M.

The Speaker, in obedience of the Resolution passed, requiring a Committee to examine the Penitentiary appointed, on the part of the House, Messrs. Robertson and Steele.

On motion of Mr. Browning,

A call of the House was had, and the roll being called, the members absent, were, Messrs. Felkner, Hebard, Isett, Leffler, Miller, Porter, Van Antwerp, and Walworth.

The Sergeant at Arms was directed to require the attendance of the absentees.

On motion of Mr. Summers,

Ordered, That leave of absence be granted to Mr. Hebard.

After a short time, the absentees appearing, the further call of the House was, on motion, suspended.

Mr. Brierly gave notice, that he would, on some future day, introduce,

A Bill to authorize Elias Smith, to establish and keep a Ferry across the Mississippi river, at the town of Nashville, in Lee county.

The House resumed the consideration of

No. 57, "A Bill to amend an act relative to Practice in the District Courts."

Mr. Miller moved to amend said Bill, by adding the following section, to wit:



Sec. 3d. When the plaintiff is a non-resident of the county, the Clerk of the Court may, if he think it expedient, demand of him security for costs, before the institution of the suit, and the Court shall, at any time before the trial, and on the application of the defendant, and his affidavit filed, stating that he is not indebted to the plaintiff in the sum demanded, or any less amount, order the plaintiff to give security for costs, and if he fail to do so, the suit shall be dismissed at his costs, provided, the security for costs shall in no case be extravagant, but moderate.

On motion of Mr. Langworthy,

The following was inserted at the beginning of said section: "In all suits hereafter commenced in any of the Courts of record in this Territory."

The question was then put, on the adoption of the amendment, as amended, and determined in the affirmative. Yeas 13, Nays 10.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Felkner, Isett, Langworthy, Leffler, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Box, Brierly, Browning, Hendershott, Lash, Lewis, Porter, Steele, Whitaker, and Cox, Speaker.

So the amendment was agreed to.

On motion of Mr. Mason,

The Bill was further amended, by adding the following, to wit:

"That the 7th section of an act amendatory to an act, regulating Practice, passed at the session of 1839-'40, be, and the same is hereby, repealed."

A motion was then made by Mr. Summers, that said Bill be engrossed and read a third time on Monday next.

And previous to the question being put,

A motion was made by Mr. Miller, to amend the Bill further, by striking out the words "bond, note, or other instrument of writing," and inserting "single bill, promissory note, or due bill," to which the House agreed.

The question was then put, Shall the Bill be engrossed and read a third time on Monday next? and determined in the affirmative.

Yeas 24, Nays 1.

YEAS—Messrs. Avery, Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

NAY—Mr. Browning.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER—

The Council have passed,



No. 15, C. F. Joint Resolution, asking our Delegate in Congress to procure the establishment of a Mail route from Davenport to Iowa City, via Ivanhoe.

No. 24, C. F. A Bill to amend an act entitled An Act, regulating interest on money in the Territory of Iowa.

No. 26, C. F. A Bill entitled, An Act to designate and fix the place of holding the several Courts for the county of Lee.

In which the concurrence of the House of Representatives is requested.

The Council have appointed Mr. Springer, a Committee on the part of the Council, to act with the Committee appointed by the H. of Representatives, to examine the Public Buildings, &c., at Iowa City, and Mr. Coop, on the part of the Council, to examine the Public Buildings at Fort Madison.

And then he withdrew.

Mr. Browning, on leave, presented the petition of Francis Gehon, asking a balance of compensation for taking the census of this Territory agreeable to the Resolution, passed at the last annual session of the Legislative Assembly.

Ordered, That said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Browning, Hendershott, and Summers, said Committee.

No. 58. H. R. File, entitled

"A Joint Resolution, relative to an appropriation for a Military road from Davenport to Iowa City," and,

No. 59, H. R. File, entitled

"A Bill to amend an act entitled "An Act, to authorize James Leonard, Oliver A. Crary, and others, to establish and a Ferry, across the Mississippi river at the town of Charleston," approved January 21, 1839," were severally read a second time, and ordered to be engrossed, and read a third time on Monday next.

No. 61, H. R. File, entitled

"A Bill prohibiting the selling or giving intoxicating liquors at vendues," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee of the whole House, and made the order of the day for Monday next.

No. 1, C. F. "A Memorial for an appropriation to construct a Military Road from Bloomington to Iowa City;" and,

No. 7, C. F. "A Memorial to Congress, for the establishment of a Mail route," were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 45, H. R. File, entitled

"A Bill to incorporate the town of Berlin, in Scott county;" was read a third time.

On motion of Mr. Summers,



Ordered, That said Bill do lie upon the table.

No. 48, H. R. "A Bill relative to Mechanics' Liens, was read a third time, and pending the passage of the Bill,

On motion of Mr. Miller,

The House adjourned until Monday next.

### Monday Morning, December 14, 1840.

Mr. Robertson presented the remonstrance of sundry citizens of the town of Parkhurst, remonstrating against a change of the name, and the incorporation of said town.

Ordered, That said remonstrance be referred to the delegation from Scott and Clinton counties.

Mr. Teeple presented the petition of sundry citizens of Washington county, praying that a Territorial Road may be located, leading from the east line of said county, to intersect the road from Burlington to Iowa City.

On motion of Mr. Teeple,

Ordered, That said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Teeple, Felkner, and Toole, said Committee

On motion of Mr. Toole,

Ordered, That the Joint Committee, appointed to examine into the affairs of the Penitentiary, be instructed to enquire into the expediency of reducing the salary of the Superintendent, or to dispense with his services.

Mr. Toole, from the Committee on Engrossed Bills, reported Nos. 51, 52, 54, 58, and 59, as correctly engrossed.

Mr. Browning, from the Select Committee, to which was referred the petition of Francis Gehon, Marshal of the Territory, praying an appropriation for his extra services in taking the census, under a Joint Resolution, passed at the session of 1839-40, reported

No. 66, H. R. File, entitled

"A Joint Resolution, making a compensation to Francis Gehon, for his extra trouble in taking the census," which was read a first time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Resolution be read a second time now.

The Resolution was then read a second time, and, on motion,

The House resolved itself into a Committee of the Whole House, for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and



Mr. Felkner reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that said Resolution do lie upon the table.

The motion was lost.

A motion was made by Mr. Porter, to amend the Resolution, by filling the blank with two "hundred dollars."

And previous to the question being put,

A motion was made by Mr. Hendershott, to fill the blank with "three hundred and fifty dollars."

And the question being put.

Was determined in the affirmative. Yeas 15, Nays 7.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hendershott, Isett, Lewis, Mason, Miller, Porter, Summers, Van Antwerp, Walworth, Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Leffler, Robertson, Steele, Teeple, Toole, Whitaker, and Wilson of H.

So the amendment was agreed to.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Resolution be read a third time now.

The Resolution was then read a third time.

A motion was then made by Mr. Whitaker, to lay the Resolution upon the table until to-morrow morning.

The motion was lost.

The question was then put, Shall the Resolution pass?

And was determined in the affirmative. Yeas 14, Nays 7.

The Yeas and Nays being desired by Mr. Whitaker,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hendershott, Isett, Lewis, Mason, Miller, Porter, Summers, Van Antwerp, Walworth, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Leffler, Robertson, Steele, Teeple, Toole, Whitaker, and Wilson of H.

So the Resolution passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Steele, from the Select Committee, to which was referred the petition of sundry citizens of Van Buren county, praying that a charter may be granted to John Godden, to erect a dam across the Des Moines river at Rising Sun, reported, That they had had the same under consideration, together with a remonstrance, in relation to the



same, and are under the impression that a dam at that place would be of public utility, and that they have every confidence in John Godden, and believe that he will put in valuable improvements, which may much enhance the value of property in that part of the county, and, in consequence, introduce

"A Bill, to authorize John Godden, his heirs or assigns, to build a dam across the Des Moines river;" which was read a first time.

Mr. Robertson, from the Select Committee, to which was referred the petition of sundry citizens of Jackson county, reported

No. 68, H. R. File, entitled

"A Bill, to establish a Territorial Road, from Charleston, in Jackson county, to Tipton, in Cedar county;" which was read a first time.

Mr. Toole, from the Select Committee on the Revenue Laws, to which was re-committed No. 62, H. R. File,

"A Bill, providing for assessing and collecting county revenue," reported the same back to the House without amendment, and recommended the printing of the same.

The report of the Committee was concurred in.

Mr. Leffler, from the Committee on the Judiciary, to which was referred No. 17, C. F.

"A Bill, to amend an Act to provide for changing Venue in civil and criminal cases," reported the same back to the House, and that it is inexpedient to pass any law, authorizing the Judges to grant, or not to grant, changes of venue, at their discretion.

A motion was made by Mr. Summers, to lay the report upon the table. The motion was lost.

The question was then put on concurring in the report of the Committee, and determined in the affirmative. Yeas 17, Nays 4.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hendershott, Isett, Leffler, Lewis, Mason, Miller, Steele, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Robertson, Summers, Toole, and Cox, Speaker.

So the report of the Committee was concurred in.

Mr. Mason, from the Select Committee, to which was referred the petition of sundry citizens of Dubuque county, reported

No. 69, "A Bill supplementary to an Act, to change the time of holding the District Courts in the second and third Judicial Districts.

Mr. Mason reported, also,

No. 70, H. R. File, "A Bill to amend the act concerning the distribution of the Laws."

Said Bills were severally read a first time.

Mr. Leffler, from the Committee on the Judiciary, to which was referred the resolution, instructing the Committee to enquire into, and



report to this House, whether the Auditor has a legal right to pay the salary of the Military officers in this Territory, out of the Territorial Revenue, reported, that the Auditor had no legal right to pay any monies out of the same.

A motion was made by Mr. Box, that the House concur in the report of the Committee.

And the question being put,

Was determined in the affirmative.

Mr. Toole, from the Select Committee, to which the subject was referred, reported

No. 71, H. R. File, "A Bill to repeal an Act creating a Territorial Treasurer;" and also,

"An Act, creating an Auditor of Public Accounts."

Mr. Miller, in accordance with previous notice, introduced

No. 72, H. R. File, entitled

"A Bill, to authorize Henry M. Koonts, and William Doak, Jr., to execute a deed to Rebecca A. Palmer."

Said Bills were severally read a first time.

Bills from Council of the following titles, viz:

No. 15, "A Joint Resolution, asking our Delegate in Congress to procure the establishment of a Mail route from Davenport to Iowa City."

No. 24, "A Bill to amend an act, entitled "An Act, regulating interest on money in the Territory of Iowa."

No. 26, "A Bill, entitled "An Act, to designate and fix the place of holding the several Courts in the county of Lee;"

Were severally read a first time.

No. 48, H. R. File, "A Bill relative to Mechanics' Liens," having been read a third time on Friday last, and being under consideration,

The question was put, Shall the Bill pass?

Was determined in the affirmative.

No. 61, H. R. File, entitled

"A Bill, prohibiting the selling or giving intoxicating liquors at Vendues," being the order of the day,

Was committed to a Committee of the whole House, for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration and directed him to report the same without amendment.

A motion was made by Mr. Walworth, that the Bill be engrossed and read a third time to-morrow.

And the question being put.

Was determined in the negative. Yeas 10, Nays 10.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,



Messrs. Browning, Lewis, Mason, Miller, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Hendershott, Isett, Leffler, Steele, Summers, Whitaker, and Cox, Speaker.

So the Bill was lost.

On motion of Mr. Summers,

The House adjourned.

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2 O'CLOCK P. M.

No. 1, C. F. "A Bill to amend an act, allowing and regulating Writs of Attachment," was read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Isett reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

On motion of Mr. Browning,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 5, C. F. entitled "A Joint Resolution, providing for the printing of the Laws of the present session;" was read a second time.

On motion of Mr. Box,

Ordered, That said Resolution do lie upon the table.

No. 14, C. F. entitled "A Preamble and Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation to reimburse the citizens of Fort Madison, for the expense incurred in deeding ten acres of land, on which to erect the Penitentiary," was read a second time.

On motion of Mr. Box,

The House resolved itself into a Committee of the Whole House, for the consideration of said Resolution. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Leffler reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that the Resolution be read a third time on to-morrow.

And the question being put.

Was determined in the affirmative. Yeas 17, Nays 4.

The Yeas and Nays being desired by Mr. Steele,



Those who voted in the affirmative, were,  
Messrs. Box, Brierly, Browning, Felkner, Hendershott, Lewis,  
Mason, Miller, Porter, Summers, Teeple, Toole, Van Antwerp,  
Walworth, Wilson of H., Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,  
Messrs. Isett, Leffler, Steele, and Whitaker

The Resolution was ordered to a third reading on to-morrow.

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

MR. SPEAKER—

I am directed to inform the House of Representatives that the  
Council have passed,

No. 16, C. F. Joint Resolution, relative to a Mail route from  
Knoxville, Ill., to Iowa City, &c. &c.

No. 28, C. F. A Bill to amend an act, districting the Territory of  
Iowa into Electoral Districts.

In which the concurrence of the House of Representatives is re-  
quested.

I herewith present for your signature,

An Act to authorize Walter Terrell to build a dam across the Iowa  
river, near Iowa City. And

A Memorial to Congress, for an appropriation to improve certain  
Territorial Roads.

And then he withdrew,

The Speaker then signed the above entitled Act and Memorial.

No. 53, H. R. File, "A Bill, to provide for the electing of Justices  
of the Peace, to prescribe their powers and duties, and to regulate  
their proceedings;" was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to a Committee of the Whole  
House, and made the order of the day for Wednesday next.

No. 63, H. R. File, "A Bill to amend an act, to provide for the  
survey of a Territorial Road," approved July 29th, 1840.

Was read a second a time.

On motion of Mr. Hendershott,

Ordered, That said Bill be referred to a Committee of the Whole  
House, and made the order of the day for Tuesday week.

No. 64, H. R. File, "A Bill to establish a Seminary of Learning at  
Iowa City, in Johnson county," was read a second time.

On motion of Mr. Felkner,

The House resolved itself into a Committee of the Whole House,  
for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lewis reported, that the  
Committee had, according to order, had said Bill under consideration,  
and directed him to report the same with an amendment; to which  
the House agreed.

On motion of Mr. Felkner,



Ordered, That said Bill be engrossed, and read a third time on tomorrow.

Mr. Mason, from the Committee on Enrolled Bills, reported

"An Act, to divorce Elizabeth Jones from her husband Berry Jones," as correctly enrolled.

The Speaker then signed said Act.

On motion of Mr. Mason,

Ordered, That two members be added to the Committee on Enrolled Bills. Whereupon,

The Speaker appointed Messrs. Van Antwerp and Teeple.

Mr. Box gave notice, that he would, on some future day, introduce

"A Bill to amend an act entitled, An Act subjecting real and personal estate to execution.

Mr. Mason gave notice, that he would, on some day hereafter, introduce

"A Bill to district the county of Dubuque into three County Commissioners' Districts, and a Bill to regulate Grocery Licenses.

Mr. Teeple gave notice, that he would, on some future day, introduce

"A Bill to establish a Territorial Road, from Burlington to Washington, in Washington county.

Mr. Hendershott, in accordance with previous notice, and leave being granted, introduced

No. 73, H. R. File, "A Bill to amend an Act entitled, an Act relative to Landlords and Tenants," which was read a first time.

On motion, the House adjourned.

### Tuesday Morning, December 15, 1840.

Mr. Brierly, from the Select Committee, to which was referred the petition of sundry citizens of Lee county reported

No. 74, H. R. File,

"A Bill to authorize Samuel Troxell, to erect a dam across Big Sugar Creek in Lee county," which was read a first time.

Mr. Toole, from the Select Committee, to which several petitions of sundry citizens of Louisa county were referred, reported

No. 75, H. R. File,

"A Bill to locate and establish certain Territorial roads in Louisa county," which was read a first time.

Mr. Lash, from the Committee on engrossed Bills, reported Nos. 50. 55. 56. and 57. as correctly engrossed.

Mr. Browning, from the Select Committee to which was referred,



"A Bill to dissolve the bonds of matrimony, between John Phillips and Nancy Phillips his wife;" reported

No. 76, H. R. File, as a substitute which was read a first.

Mr. Box, in accordance with previous notice, introduced

No. 77, H. R. File,

"A Bill to amend an act, subjecting real and personal estate to execution," which was read a first time and ordered to be printed.

Mr. Teeple, in accordance with previous notice, introduced

No. 78, H. R. File, entitled

"A Bill to establish a Territorial road, from the north part of Washington county to the Missouri line," which was read a first

Mr. Mason, from the Committee on Enrolled Bills, reported, that they had this day presented to the Governor for his approval.

A Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City to Galena in Illinois via Belview; and,

A Joint Resolution, asking our Delegate in Congress to use his influence for the establishment of a Semi weekly Mail route, from Bloomington to Marion in Linn county."

Mr. Mason, also reported as correctly enrolled,

"A Memorial for an appropriation, to improve the Territorial road, from Burlington to Fairfield in Jefferson county."

The Speaker then signed said Memorial.

Mr. Mason, in accordance with previous notice, introduced

No. 79, H. R. File

"A Bill to district the county of Dubuque into County Commissioner's Districts.

Mr. Mason, in accordance with previous notice, introduced

No. 80, H. R. File,

"A Bill to amend an act entitled "an act, regulating Grocery Licenses."

Said Bills were read a first time.

Mr. Walworth, from the Committee on Mail routes reported

No. 81, H. R. File, entitled

"A Memorial to Congress, on the subject of Post roads," which was read a first time and ordered to be printed.

Mr. Leffler, from the Select Committee appointed for that purpose, reported

No. 82, H. R. File, entitled

"A Bill to provide for the election of Legislative officers, and to fix their compensation."

Mr. Teeple, in accordance with previous notice, introduced

No. 83, H. R. File, entitled

A Bill to establish a Territorial road from Burlington in Des Moines county, to Washington in Washington county.

Said Bills were severally read a first time.

On motion of Mr. Box,



No. 1, H. R. File, entitled

A Memorial to Congress, for an appropriation for the Penitentiary;" was taken from the table, read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 16. C. F. "Joint Resolution, relative to a Mail route from Knoxville Ill. to Iowa City;" and,

No. 28. C. F. entitled A Bill to amend an act, Districting the Territory into electoral districts," were severally read a first time.

No. 15. C. F. Joint Resolution, asking our Delegate in Congress to procure the establishment of a Mail route, from Davenport to Iowa City via Ivanhoe," was read a second time, and referred to the Committee on Post routes."

No. 24. C. F. "A Bill to amend an act, entitled an act regulating interest on money," was read a second time.

No. 26. C. F. A Bill entitled an act, to designate and fix the place of holding the several Courts for the county of Lee," was read a second time.

On motion of Mr. Box,

Ordered, That said Bills be read a third time on to-morrow.

No. 65, H. R. File,

A Bill to establish a Territorial road, from Burlington to the mouth of the Des Moines river," was read a second time.

On motion of Mr. Leffler,

Ordered, That said Bill do lie upon the table, until the first Monday in January.

No. 67, H. R. File,

A Bill to authorize John Godden, his heirs and assigns, to build a dam across the Des Moines river," was read a second time.

On motion of Mr. Lewis,

The House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Mason, reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Lewis,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 68. H. R. File

A Bill to establish a Territorial road, from Charleston in Jackson county to Tipton in Cedar county," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 69, H. R. File,

A Bill supplementary to an act, to change the time of holding the



District Courts in the 2nd and 3rd Judicial Districts," was read a second time.

On motion of Mr. Mason,

Ordered, That said Bill do lie upon the table.

No. 70. H. R. File,

A Bill to amend an act concerning the distribution of the Laws," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 71, H. R. File,

A Bill to repeal an act, creating a Territorial Treasurer and an act creating an Auditor of Public Accounts, was read a second time.

On motion of Mr. Toole,

Ordered, That said Bill be referred to the Committee on Expenditures.

No. 72, H. R. File,

A Bill to authorize Henry M. Koontz and William Doak Jr., to execute a deed to Rebecca A. Palmer, was read a second time; and,

On motion of Mr. Miller,

Ordered to be engrossed and read a third time on to-morrow.

No. 73. H. R. File,

A Bill to amend an act entitled an act, relative to Landlords and Tenants," was read a second time; and,

On motion, referred to a Committee of the Whole House, and made the order of the day for Thursday next.

Bills &c. of the following titles viz:

No. 14. C. F. Preamble and Resolution, asking of Congress an appropriation, to reimburse the citizens of Fort Madison, for the expenses incurred in deeding ten acres of land on which to erect the Penitentiary."

No. 49, H. R. File,

"Joint Resolution, asking the Sale of the reserved Mineral Lands in this Territory."

No. 50. H. R. File,

A Bill to amend an act entitled an act, to re-locate the County Seat of Jackson county."

No. 51. H. R. File,

A Bill to amend the acts therein named."

No. 52, H. R. File,

"A Joint Resolution, requesting our Delegate in Congress, to use his influence to have the office of Governor made elective by the people."

No. 54. H. R. A Bill to amend an act to incorporate the City of Dubuque."

No. 55. H. R. File,

A Bill to establish certain Territorial Roads.



No. 56. H. R. File,

A Bill to locate and establish a Territorial road, from Keokuk in Lee county, to Mount Pleasant in Henry county."

No. 58. H. R. File,

A Joint Resolution, for an appropriation for a Military road, from Davenport to Iowa City."

No. 59. H. R. File,

A Bill to amend an act, concerning the Ferry at Charleston, approved January 21, 1839."

Were severally read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 57, H. R. File, entitled

"A Bill relative to practice, in the District Courts," was read a third time.

A motion was made by Mr. Browning, that said Bill be referred to a Select Committee of one member from each Judicial District. Pending which question.

On motion of Mr. Hendershott,  
The House adjourned.

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2 O'CLOCK P. M.

The House resumed the consideration of No. 57. H. R. File, A Bill relative to practice, in the District Courts," and the question pending at the adjournment, being to refer said Bill to a Select Committee of member from each Judicial District, and being put,

Was determined in the negative. Yeas 6, Nays 14.

The Yeas and Nays being desired by Mr. Walworth.

Those who voted in the affirmative, were,  
Messrs. Avery, Browning, Hendershott, Leffler, Van Antwerp, and Walworth.

Those who voted in the negative, were,  
Messrs. Box, Brierly, Felkner, Isett, Lash, Lewis, Mason, Miller, Summers, Teeple, Toole, Whitaker, Wilson of H. and Wilson of J.  
So the Bill to refer, was lost.

The question was then put, Shall the Bill pass?

And was determined in the affirmative. Yeas 18, Nays 2.

The yeas and nays being desired by Mr. Whitaker.

Those who voted in the affirmative, were,  
Messrs. Avery, Box, Brierly, Felkner, Hendershott, Isett, Lash, Lewis, Mason, Miller, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.



Those who voted in the negative, were,  
Messrs. Browning, and Leffler.

So the Bill passed and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

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

MR. SPEAKER—

~~I am~~ directed to inform the House of Representatives that the Council have passed,

No. 22, C. F. A Bill supplementary to an act, concerning water crafts found adrift, lost goods &c.

No. 25, C. F. A Bill relative to incorporated religious Societies.

No. 27, C. F. A Bill to relocate the Seat of Justice of Clinton County.

Also, with amendments.

No. 24, H. R. A Bill supplemental to an act defining the duties of County Surveyors.

In all of which the concurrence of the H. of R. is requested. Also without amendment.

A Resolution to compensate Francis Gehon for his extra services in taking the census.

And then he withdrew.

No. 6, H. R. File, entitled

A Bill to amend an act, directing the valuation and Sale of Lots in Iowa City, and to provide for executiug deeds to the same," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee of the Whole House, and made the order of the day for Thursday next.

No. 22. C. F. A Bill supplemental to an act concerning water crafts found adrift, Lost goods &c."

No. 25. C. F. "A Bill relative to incorporated religious Societies," and,

No. 27, C. F. "A Bill to relocate the Seat of Justice in Clinton county," were severally read a first time.

On motion of Mr. Summers,

The House adjourned.

### Wednesday Morning, December 16, 1840.

Mr. Felkner, from the Committee on Territorial Affairs, reported

No. 84, H. R. File, entitled

"A Memorial to Congress, asking foran additional Land District," which was read a first time.



Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 15th inst., present to the Governor, for his approval, "An Act to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City;" and,

"A Memorial to Congress, for appropriations to improve certain Territorial roads." Also, on the 16th inst.

"An Act to divorce Elizabeth Jones from her husband Berry Jones;" and,

"A Memorial for an appropriation, to improve the Rapids of the Mississippi river."

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 64 and 70, H. R. File, as correctly engrossed.

Mr. Brierly, in accordance with previous notice, introduced

No. 85, H. R. File, "A Bill to authorize Elias Smith & Co. to establish and keep a Ferry across the Mississippi river, at the town of Nashville," which was read a first time.

No. 24, H. R. File, "A Bill, supplementary to an act, defining the duties of County Surveyors," approved Dec. 25, 1838. as returned from the Council with an amendment, was taken up and considered.

On motion of Mr. Box,

Ordered, That the House do concur in said amendment.

No. 53, H. R. File, entitled

"A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," being the order of the day, was committed to a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments, and ask leave to sit again. Leave was granted.

On motion of Mr. Hendershott,

The House adjourned.

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2 O'CLOCK P. M.

The House resumed, in Committee of the Whole House, the consideration of No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report, that the Committee had made some progress, and ask leave to sit again. Leave was granted.

On motion of Mr. Miller.

The House adjourned.



## Thursday Morning, December 17, 1840.

Mr. Hendershott presented the petition of sundry citizens of Des Moines and Louisa counties, asking a review of a certain portion of the Territorial road, leading from Oquawka to Florence.

Ordered, That said petition be referred to the delegations from Louisa and Des Moines counties.

Mr. Mason, from the Committee on Enrolled Bills, reported

"A Resolution, to compensate Francis Gehon, for his extra services in taking the census," as correctly enrolled.

The Speaker signed said resolution.

Mr. Hendershott, from the Committee on Incorporations, to which was referred

No. 41, H. R. File, "A Bill to establish a Seminary of Learning at Columbus City, in Louisa county;" reported the same back to the House without amendment; which was laid upon the table.

Mr. Hendershott, from the minority of said Committee, submitted a report, together with No. 86, H. R. File, entitled "A Bill, to establish a Seminary of Learning at Columbus City, in Louisa county," which was read a first time.

On motion of Mr. Lash,

Ordered, That said Bill, together with the report, be printed.

Said report reads as follows:

The objects of the Bill are expressed in its title, and the Seminary proposed to be established is intended for the education of youth of both sexes. The Bill provides for a donation of forty lots of ground in Columbus City, being a donation by Mr. David Mortimore, by the sale of which, as provided for in said Bill, a fund is expected to be raised sufficient to put the Seminary into immediate operation. To accomplish these objects, an act of incorporation is asked for, and in order to render this donation of town lots immediately available, and also to enhance the fund to be derived from their sale, the bill asks the privilege to dispose of these lots by a lottery. Objections to this clause of the bill, led to its reference to your Committee, and to this subject the attention of the Committee has been mostly directed. A system of lotteries has been resorted to in several of the States of this Union, for the purposes of revenue, and their tendency, your Committee believe, is manifestly injurious to the community. Such schemes have usually been sold for a large bonus to some lottery broker, with the corporate privilege of forming the scheme of the lottery, selling



the tickets at large, and drawing the lottery, under the direction of lottery commissioners, appointed by the States, it is true, but whose control extended no farther than to see that the lottery was fairly drawn, the bonus received and paid into the State Treasury. These brokers take care in forming their scheme, to cover the bonus paid to the State for the right to the lottery, and their own profits, no slight sum in such a speculation, and then they force the sale of their tickets in every part of the community. As State revenue is wanted, scheme after scheme is thus sold, and the tickets forced into market. Every one is induced to try their fortunes in the lottery by the most flattering and exaggerated descriptions, and the scheme always shows you "not quite two blanks to a prize." No one but an accomplished arithmetician can understand the calculations of the scheme, or detect its defects, and not even then without a knowledge of the basis upon which these calculations are founded. Hence the people are easily deceived in the chances of the lottery; and if they happen to lose by the first venture, they are stimulated and persuaded to try again. Some fortunate holder of a ticket, perhaps, has drawn a large prize, and thus has acquired a sudden fortune; and, why, says one, may not a similar chance be mine. I will venture again, at all events. Thus a continued excitement is kept up in the community.—Avarice induces some—distress compels others to try their fortunes in a lottery, and a gambling habit insensibly creeps into general fashion, to the great prejudice of the morals and interests of the community. Your Committee would reprobate such a state of things in this Territory, and they seriously hope that they shall never see a lottery system introduced among us for the purpose of raising a revenue. This system for such purposes, is now generally abandoned, it is believed, in every State in this Union. But the lottery asked for in this bill, is of a very different character. The avarice of no one can be awakened or gratified by it. No one's necessities could be relieved or his distress mitigated by drawing a prize. Its capital is a limited number of town lots, of a value that every one understands. There cannot be any fraudulent scheme proposed, for there is no bonus to cover, no profit to be made, but what grows out of the sale of the lots, and all this is for the benefit of the community, who are deeply interested in promoting the means of education. No one will be stimulated to buy these tickets for the value of the prize that may drawn to them. Whoever does purchase a ticket will do so for the purpose of aiding the cause of education in our infant Territory. The poor and distressed will have no inducements to meddle with them. Most of these tickets will probably be sold abroad and purchased by those who can afford, and who may feel willing to contribute so much in this way, to further our plans. This will bring some additional capital among us, of which we shall derive the benefit. When this lottery is drawn, if the bill passes, the matter is ended, and cannot be repeated for any object.—



And the drawing of such a lottery for such a purpose, your Committee cannot suppose, will ever be likely to ripen into an injurious custom, or introduce any gambling habits into the community. Besides, your Committee are of opinion, that if this privilege is not granted in this bill, the only mode by which the Trustees can dispose of these lots, the only capital on which they depend for establishing the institution, must be by private sale, or a sale at auction to the highest bidder. The process of the first will be so slow as to prevent the Seminary from going into operation for years to come, like most others that have been chartered in this Territory—and the last would sacrifice the property and defeat the beneficent design of the donor. These lots, sold in either way, would only bring the lowest price, and would not yield more, upon a fair calculation, than from two to three thousand dollars. If the lottery privilege is granted, the Trustees of the Seminary may put an estimate upon their lots in the scheme, that every one may see the object of, and basis upon which the lottery is founded. They will constitute so many prizes to be drawn, and no one can be deceived by the plan, or induced to purchase a ticket for the prospect and chance of a prize. In this way this donation may be made to yield a fund of from ten to twelve thousand dollars. Another important consideration has presented objects to your Committee, if these lots are disposed of by a lottery, the avails will all be received at once, and speedily, and will be ready to be appropriated to the erection of the buildings, and such other purposes as may be necessary to put the Seminary into immediate operation. Your Committee find, from examination, that many of the States, which have been most scrupulous and careful upon this subject, have repeatedly granted single lotteries for the promotion of literary and scientific objects. Massachusetts has granted her college lotteries to raise funds for her literary institutions. Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Virginia, Alabama, and other States, have, at different times, granted lotteries for the promotion of literary, scientific, and benevolent objects.—But this is not a provision for a lottery to raise funds for the purposes of education, but merely to prescribe the mode of disposing of a fund already donated, which only requires to be changed into money to be rendered available, while in its present state, it is a useless donation. Hence your Committee concludes, that, where the end is upright and justifiable, and the means honest and fair, no evil is likely to result to the community by the passage of this bill. They, therefore, recommend the passage of this bill, as amended, with the privilege of disposing of the lots donated, by a lottery. Therefore, the minority of the Committee recommend the passage of the bill.

Mr. Lash from the Committee on Engrossed Bills, reported Nos. 67, 68, and 72, as correctly engrossed.

Mr. Porter, from the Select Committee, to which was referred "A



Bill amendatory of an Act, to organize and govern the Militia," &c. submitted a report, which was read together with No. 87, H. R. File, "A Bill amendatory of an Act, to organize, discipline, and govern the Militia of the Territory," which was read a first time.

On motion of Mr. Miller,

Ordered, That said Bill, together with the report, be printed.

Said Report reads as follows:

The Select Committee, to which was referred the subject of amendments to the Militia Law, beg leave to report:

That having had the same under consideration, have come to the conclusion, that the present Militia System is onerous to our citizens, productive of no good to the community, and ought to be abolished.

Could our present system be carried into perfect operation—the Militia completely equipped, well drilled and organized—your Committee would entertain stronger doubts of the practicability of abolishing it. Even then, however, they believe the expense to the soldier, and the loss to the community, would more than counterbalance all good results. But our system is not perfect, and cannot be bettered; our soldiers are without arms, and have no means of equipping themselves; the present law is disregarded in some sections of the Territory, and confusion seems to be worse confounded.

As the law now exists, every person liable to perform military duty is required to arm himself; this law if enforced, would be a great hardship upon our citizens: very few are in circumstances that would warrant the expenditure of the amount required for that purpose. In fact, most of those required to perform military duty, are the least able to bear the necessary expenses; if the law is not enforced, it is a dead letter, and the officers of our militia are guilty of no less an offence than perjury. In entering upon the duties of their offices, they are required to take an oath to obey the laws of the Territory, and enforce them; and that law requires them, in case any of the men under their command are not legally equipped, to report the fact, and order a court martial. Has this ever been done? Has a fine ever been imposed? Has not the law fallen still-born, and added another to the catalogue of legislative abortions? Is it not then a dead letter and a nuisance in the statute book, a stumbling block conducing to perjury and crime; perjury consists as well in wilfully neglecting to do an act required, as in doing an act prohibited.

Your Committee consider that a law which public opinion will not sanction, and one so odious that it will not assist in enforcing, should be immediately repealed.

What good results from the present system? None; it is an immense burden to our constituents. The number of persons liable to perform military duty in this Territory, are perhaps about eleven thousand; and a fair estimate of the actual loss to the country, by that number of persons being taken from their ordinary avocations, cannot



be less than one dollar per day: making an aggregate loss of \$22,000, estimating the loss of time at only two days in each year, to say nothing of the other expenses incurred, of the injury done to the morals of the community; of the crimes committed, and usually attendant upon muster days. Is not this actual loss to the Territory enough to deter us from longer endeavoring to maintain so deplorable a system? If the present plan is to be continued, its requirements should be enforced. If the militia are to be drilled, they ought to be well drilled, and they should be armed; our corn-stock drills are of no benefit—they teach neither the duty of the soldier nor the use of arms—they are a burlesque upon the law, and consequently their influence is injurious and debasing. Respect for the law should always be inculcated and maintained.

The cost of procuring suitable arms, accoutrements, &c. cannot, at a low estimate, be less than \$15, each soldier, making a sum total of \$165,000. Thus, it must be apparent, that to support and effectively organize our militia, under the present system, would be a loss to the Territory of \$187,000. What equivalent shall we receive for this enormous sum? None whatever, but a little military glory to deck the brows of some of our seekers after fame.

Your Committee have reported a Bill which accompanies this report, repealing the former law, so far as general militia duty is concerned, and throwing the burden upon those who reap the honors. The officers are required to muster as before, and keep rolls of the men able to do duty in their respective precincts. In case of invasion or threatened disorder, the governor is authorized to call out the militia as before; we believe this is all our safety, our honor, or our happiness requires. If the calamity of war should come upon our country, we should be as well prepared for it as we are now; our men as well equipped and as dutiful.

It is worthy of remark here, that it was admitted by the commanding officers of the last war, that the best soldiers were those men who had never seen a musket.

All of which is respectfully submitted.

Mr. Walworth, from the Committee on Post Routes, to which was referred No. 15, C. F. "Joint Resolution, asking our Delegate in Congress to procure the establishment of a Mail route from Davenport to Iowa City, via Ivanhoe," &c., reported the same back to the House with an amendment, which was read a first time.

No. 6, H. R. File, entitled

"A Bill, to amend an act entitled An Act, directing the valuation and sale of lots in Iowa City, and to provide for executing deeds to the same;" being the order of the day, was committed to a Committee of the Whole House for the consideration of the same. After some time spent therein,



Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Porter,

Ordered, That said Bill do lie upou the table.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER—

The Council have passed,

No. 30, C. F. "A Bill additional and supplementary to an Act, for the benefit of settlers, &c. on the half breed lands, approved December, 1839," and

No. 33, C. F. "A Bill to district the county of Linn for the election of County Commissioners." Also, without amendment,

No. 1, H. R. File, entitled

"A Memorial to Congress, for an appropriation for the Penitentiary." In which the concurrence of the House of Representatives is requested.

And then he withdrew.

The House again resumed the consideration of No. 53, H. R. File, entitled "A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," in Committee of the Whole House. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and made some considerable progress, and directed him to report the same, and ask leave to sit again on to-morrow.

Leave was granted.

No. 73, H. R. File, A Bill to amend an act entitled "An Act relative to Landlords and Tenants," being the order of the day, was committed to a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, to which the House agreed.

A motion was made by Mr. Miller, to strike out all after the enacting clause of said Bill.

Pending which question,

On motion of Mr. Hendershott,

The House adjourned.

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2 O'CLOCK P. M.

The question pending at the adjournment, being to strike out all after the enacting clause of



No. 73, H. R. "A Bill, to amend an act entitled, an Act, relative to Landlords and Tenants."

And previous to the question being put,

Mr. Whitaker moved a call of the House, which was had, and the roll being called, the following members failed to answer to their names, viz: Messrs. Box, Brierly, Lewis Porter, and Wilson of J.

The Speaker directed the Sergeant-at-Arms to require the attendance of the absentees.

After a short time, the absentees appearing, the further call of the House was, on motion, suspended.

A motion was then made by Mr. Box, that the Bill be referred to a Select Committee.

The motion was lost.

The question then recurred on the motion to strike out all after the enacting clause, and being put, was determined in the affirmative.

Yeas 14, Nays 8.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Felkner, Leffler, Lewis, Mason, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Wilson of H., Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Box, Brierly, Browning, Hendershott, Isett, Lash, Walworth, and Whitaker.

So the motion was agreed to.

No. 16. C. F. "A Joint Resolution, relative to a Mail route from Knoxville, Ill., to Iowa City," &c., was read a second time.

On motion of Mr. Summers,

Ordered, That said Resolution be read a third time on to-morrow.

No. 22, C. F. "A Bill supplementary to an act, concerning water crafts found adrift, lost goods," &c., was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Teeple reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

Ordered, That said Bill be read a third time on to-morrow.

No. 25, C. F. "A Bill, to incorporate Religious Societies," was read a second time; and,

On motion of Mr. Toole,

Ordered, to be read a third time on to-morrow.

No. 27, C. F. "A Bill to relocate the Seat of Justice of Clinton county," was read a second time.

Ordered, That said Bill be referred to the Select Committee, composed of the delegations from counties of Scott and Clinton, and Muscatine and Johnson.



No. 28, C. F. "A Bill to amend an act, districting the Territory into Electoral Districts," was read a second time.

On motion of Mr. Summers,

Referred to the Select Committee aforesaid.

No. 74, H. R. File, "A Bill to authorize Samuel Troxell to erect a dam across Big Sugar Creek, in Lee county;" was read a second time.

On motion of Mr. Brierly,

Ordered, That said Bill be engrossed, and read a third time on tomorrow.

No. 75, H. R. File, "A Bill to locate and establish certain Territorial Roads in Louisa county," was read a second time.

On motion of Mr. Toole,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 76, H. R. File, "A Bill for the partial dissolution of the bonds of matrimony, between John Phillips and Nancy Phillips, his wife," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that the Bill do lie upon the table. The motion was lost.

A motion was made by Mr. Whitaker, that said Bill be indefinitely postponed, which was determined in the negative.

A motion was made by Mr. Summers, to strike out the last section of said Bill.

And the question being put,

Was determined in the affirmative. Yeas 20, Nays 1.

The yeas and nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hendershott, Isett, Lash, Leffler, Lewis, Mason, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J., and Cox, Speaker.

Mr. Box voting in the negative.

So the section was stricken out.

On motion of Mr. Browning,

Ordered, That said Bill be engrossed, and read a third time on tomorrow.

No. 77, H. R. File, "A Bill to amend an act, subjecting Real and Personal Estate to execution." was read a second time.

On motion of Mr. Lash,

The House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein,



Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same, and ask leave to sit again.

Leave was granted.

Mr. Teeple, from the Committee on Enrolled Bills, reported, that they did, on the 16th inst present to the Governor for his approval,

"A Resolution to compensate Francis Gehon, for extra services in taking the Census."

Mr. Teeple also reported "An act supplementary to an act defining the duties of County Surveyors," as correctly enrolled.

The Speaker then signed said act.

On motion of Mr. Lewis,

The House adjourned.

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### Friday Morning December 18, 1840.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council have passed,

No. 31. C. F. A Bill to incorporate the Fairfield Lyceum.

No. 32. C. F. A Bill to amend "an act, to regulate ferries, approved Dec. 20th, 1838.

No. 34. C. F. A Bill to establish a Seminary of learning, at or near Marion in Linn County. Also, with amendments.

No. 57. H. R. An Act to amend "An act, relative to practice in the District Courts.

In which the concurrence of the House of Representatives is requested. Also, without amendments.

No. 52. H. R. "A Joint Resolution, requesting our Delegate in Congress to use his influence to have the office of Governor made elective by the people.

No. 54. H. R. A Bill to amend an act, to incorporate the City of Dubuque; and,

No. 56. H. R. A Bill to locate and establish a Territorial Road from Keokuk in Lee County to Mount Pleasant in Henry County.

I herewith present for your signature,

A Memorial to Congress, for the establishment of a Mail route," and,

A Memorial for an appropriation to construct a Military Road from Bloomington to Iowa City.

And then he withdrew,

The Speaker then signed, the above named Memorials.



Mr. Teeple presented the petition of sundry citizens of Washington county, praying that a law may be passed, to authorize Michael Hayse and Joseph B. Rodgers, to erect a dam across the west fork of Crooked Creek, in said county.

Ordered, That said petition be referred, to a Select Committee, whereupon, the Speaker appointed Messrs. Teeple, Summers and Felkner said Committee.

Mr. Teeple, presented the petition, and remonstrance of sundry citizens of the county of Washington, in relation to the Military road from Dubuque to the Missouri line.

Ordered, That said petition and remonstrance, be referred to the Select Committee appointed some days since, in relation to said road.

Mr. Toole from the Committee on Territorial Affairs, reported, No. 88, H. R. File,

A Memorial to Congress, asking for an additional purchase of land from the Sac and Fox Indians," which was read a first time.

Mr. Lash from the Committee on engrossed Bills, reported, Nos. 74, and 76. as correctly engrossed.

Mr. Teeple, from the Committee on Roads and Highways, reported,

No. 89, H. R. File,

"A Bill to amend an act, entitled an act, establishing certain Territorial roads," which was read a first time.

A motion was made by Mr. Summers, to take from the table No. 5. C. F. "Joint Resolution to provide for the printing of the Laws of the present Session."

The motion was lost.

On motion of Mr. Mason,

Ordered, That No. 79, H. R. File, entitled

A Bill to District the county of Dubuque into Districts for electing County Commissioners be taken from the table.

The Bill was then taken from the table and read a second time.

On motion of Mr. Mason,

Ordered, That said Bill be read a third time on to-morrow.

On motion of Mr. Miller,

Ordered, That No. 65, H. R. File, A Bill to establish a Territorial Road from Burlington to the mouth of the Des Moines River," be printed.

Bills &c. from the Council of the following titles, viz:

No. 30. A Bill, additional and supplementary to "an act, for the benefit of settlers &c., on the half Breed lands," approved December 6, 1839.

No. 31- "A Bill to incorporate the Fairfield Lyceum."

No. 32. A Bill to amend an act entitled "an act, to regulate ferries," approved Dec. 20. 1838.

No. 33. A Bill to District the county of Linn, for the election of County Commissioners."



No. 34. A Bill to establish a Seminary of learning, at or near Marion in Linn County."

Were severally read a first time.

No. 57, H. R. File, A Bill to amend an act, entitled an act relative to practice in the District Courts," being returned from the Council with an amendment, was taken up and considered.

On motion of Mr. Summers,

Ordered, That the House disagree to said amendment.

The House resumed in Committee of the Whole House, the consideration of No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same, and asked leave to sit again on to-morrow.

Leave was granted.

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

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council have passed,

No. 35, C. F. "A Bill to authorize William St. John to keep a Ferry &c., also,

No. 17, C. F. A Joint Resolution, asking our Delegate in Congress to use his influence, to procure an appropriation, for the construction of a Military road from Rock Island to Iowa City."

Which is a substitute for,

No. 58, H. R. File, A Joint Resolution, for an appropriation for a Military Road from Davenport to Iowa City."

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

No. 77, H. R. File, "A Bill to amend an act, subjecting Real and Personal estate to execution," was again committed to a Committee of the Whole House for its consideration.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Toole, reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Walworth,

The House adjourned.



2 O'CLOCK P. M.

No. 77, H. R. File,

"A Bill to amend an act, subjecting Real and Personal estate to Execution," being under consideration, as the unfinished business of the forenoon's Session.

On motion of Mr. Isett,

Ordered, That said Bill be referred to a Select Committee; whereupon the Speaker appointed Messrs. Isett, Box, and Lash said Committee.

No. 16. C. F. "A Joint Resolution, relative to a Mail route from Knoxville Ill. to Iowa City;" &c., was read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 22, C. F. A Bill supplementary to an act, concerning water crafts found adrift, lost goods &c., was read a third time.

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 24. C. F. "A Bill to amend an act, regulating interest on money," was read a third time.

A motion was made by Mr. Mason, that said Bill be indefinitely postponed.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 6.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hendershott, Lash, Mason, Miller, Porter, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Browning, Isett, Leffler, Lewis, Summers, and Teeple.

So the Bill was indefinitely postponed.

Bills &c. of the following titles viz:

No. 25, C. F. A Bill relative to incorporated religious Societies."

No. 26, C. F. A Bill to designate and fix the place of holding the several Courts for the county of Lee."

No. 64, H. R. File, "A Bill to establish a Seminary of Learning at Iowa City."

No. 67. H. R. File, A Bill to authorize John Godden, his heirs and assigns, to build a dam across the Des Moines river."

No. 70, H. R. A Bill to amend the act, concerning the distribution of the Laws."

No. 72, H. R. File, A Bill to authorize Henry M. Koontz and William Doak Jr., to execute a deed to Rebecca A. Palmer.

No. 74, H. R. A Bill to authorize Samuel Troxell, to erect a dam across Big Sugar Creek in Lee county."

Were severally read a third time, passed and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.



No. 68. H. R. File

A Bill to establish a Territorial road, from Charleston in Jackson county to Tipton in Cedar county," was read a third time.

On motion of Mr. Van Antwerp,

Ordered, That said Bill be referred to a Select Committee, Messrs. Van Antwerp Summers, and Isett were appointed said Committee.

No. 76, H. R. File, "A Bill for the partial dissolution of the Bonds of Matrimony, between John Phillips and Nancy Phillips," was read a third time.

A motion was made by Mr. Hendershott, that said Bill be indefinitely postponed.

And the question being put.

Was determined in the negative. Yeas 6, Nays 16.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Box, Hendershott, Summers, Toole, Van Antwerp, and Walworth.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Mason, Miller, Porter, Teeple, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the question was lost.

A motion was made by Mr. Mason that the Bill do lie upon the table.

And the question being put,

Was determined in the negative. Yeas 7, Nays 15.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Box, Hendershott, Mason, Summers, Teeple, Toole, and Van Antwerp.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Miller, Porter, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the motion was lost.

The question then being put, Shall the Bill pass?

Was determined in the affirmative Yeas. 14, Nays 8.

The Yeas and Nays being desired by Mr. Hendershott.

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Miller, Porter, Teeple, Whitaker, Wilson of H., and Cox Speaker.

Those who voted in the negative, were,

Messrs. Box, Hendershott, Mason, Summers, Toole, Van Antwerp, Walworth, and Wilson of J.

On motion of Mr. Browning,



Ordered, That all Bills or Memorials on their third reading, be read by their titles, unless their reading at length be called for by some member.

Mr. Isett, in accordance with previous notice introduced No. 90. H. R. File, A Bill to confer, on certain associations of the citizens of this Territory, the powers and immunities of corporations, or bodies politic in law," which was read a first time, and ordered to be printed.

No. 15. C. F. A Joint Resolution, asking our Delegate in Congress, to procure the establishment of a Mail route, from Davenport to Iowa City, via Ivanhoe," was read a second time.

On motion of Mr. Walworth,

Ordered, That said Resolution do lie upon the table.

No. 78. H. R. File, "A Bill to establish a Territorial Road from the north part of Washington county, to the Missouri line," was read a second time.

On motion of Mr. Teeple,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, to which the House agreed.

On motion of Mr. Lewis,

Ordered, That said Bill be engrossed, and read a third time on Monday next.

No. 80. H. R. File, "A Bill to amend an act, regulating Grocery License," was read a second time.

On motion of Mr. Miller,

Ordered, That said Bill be referred, to a Select Committee, whereupon, the Speaker appointed Messrs. Miller, Lash, and Walworth, said Committee.

No. 81, H. R. File, A Memorial to Congress, on the subject of Post Routes in the Territory of Iowa," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House on said Memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lash reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same with sundry amendments; to which the House agreed.

On motion of Mr. Hendershott,

The House adjourned.



Saturday Morning, December 19, 1840.

Mr. Toole offered the following:

Resolved, That the Committee on Territorial Affairs, be requested to give the subject of the admission of this Territory into the Union as one of the States, in 1843,—their consideration, and report to this House during the present session.

On motion of Mr. Summers,

The words "in 1843" were stricken out; and,

On motion of Mr. Lash,

Ordered, That said Resolution do lie upon the table,

Mr. Leffler, on leave, introduced No. 91, H. R. File, "A Resolution for the appointment of a Committee to revise the Laws," which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported,

No. 75, H. R. File, "A Bill to locate and establish certain Territorial Roads in Louisa county," as correctly engrossed.

The House then resumed the consideration of

No. 81, H. R. File, "A Memorial to Congress, for the establishment of certain Post Routes," &c.

On motion of Mr. Summers,

The Memorial was amended, by inserting the following paragraph, to wit:

"One at Princeton, in Scott county, and that Haswell H. Pinneo be appointed Post-master."

A motion was made by Mr. Hendershott, to insert the word "Tipton" in the paragraph, asking a route to be established from Bloomington to Iowa City.

And the question being put, was determined in the negative. Yeas 1, Nays 20.

The Yeas and Nays being desired by Mr. Hendershott, he voted in the affirmative.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Mason, Miller, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

So the motion was lost.

Several amendments being made to said Memorial, it was,

On motion of Mr. Summers,

Ordered to be engrossed and read a third time on Monday next.

The House resumed, in Committee of the Whole House, the con-



sideration of No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings." After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments.

On motion of Mr. Summers,  
The House adjourned.

2 O'CLOCK P. M.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER:

~~The Council have passed,~~

No. 37. C. F. "A Bill to lay out and establish a Territorial Road from Bellview to Iowa City;" and,

No. 38, C. F. A Bill to amend an act entitled "An Act, to incorporate the town of Bloomington."

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace," &c., being under consideration, as reported by the Committee of the Whole House during the forenoon's session, a motion was made by Mr. Lash, that the House do not concur in the amendment to the 10th article, by the addition of an entire section—providing that the party agrieved in any case of trial or judgment before a justice of the peace, either by jury or otherwise, may take the same to the District Court of the proper county by writ of certiorari, &c.

And the question being put,

Was determined in the negative. Yeas 5, Nays 15.

The yeas and nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Brierly, Hendershott, Lash, Summers, and Whitaker.

Those who voted in the negative, were,

Messrs. Box, Browning, Felkner, Isett, Leffler, Lewis, Mason, Miller, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. Wilson of J., and Cox, Speaker.

So the motion was lost.

The remaining amendments were severally read, and concurred in.

A motion was made by Mr. Lewis, to amend the Bill in the 12th article, by inserting the following after the 2d sect., to wit:

"And that all abusive language, that is calculated to excite the passions of a reasonable mind, such as, liar, and other approbrious



epithets, shall be an assault within the meaning of this act, and any person may plead the same in bar, upon a charge of an assault or assault and battery."

And the question being put,

Was determined in the negative. Yeas 10, Nays 11.

The Yeas and Nays being desired by Mr. Browning,

Those who voted in the affirmative, were,

Messrs. Browning, Brierly, Hendershott, Isett, Lewis, Summers, Toole, Wilson of H., Wilson of J., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Felkner, Lash, Leffler, Mason, Miller, Teeple, Van Antwerp, Walworth, and Whitaker.

So the amendment was lost.

A motion was made by Mr. Summers, to amend the 9th sect. in the 7th article, by reducing the stay on executions, for a sum over twenty dollars, and under fifty—from 90 days to 60.

And the question being put,

Was determined in the negative.

A motion was made by Mr. Lash, to strike out in the same section the word "thirty" and insert "forty-five," making a stay on a sum less than twenty-five dollars, forty-five days.

And the question being put,

Was determined in the affirmative. Yeas 12, Nays 9.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Hendershott, Lash, Mason, Miller, Toole, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Browning, Felkner, Isett, Leffler, Lewis, Summers, Teeple, Van Antwerp, and Walworth.

A motion was made by Mr. Browning, to strike out in the 6th article, sections 4 and 5, in relation to witnesses who may refuse to be sworn, or to give testimony.

And previous to the question being put,

A motion was made by Mr. Lash, to amend said motion, by striking out in the 4th sect. the words "who shall not appear, or," and being accepted by Mr. Browning, the question was put, and determined in the affirmative. Yeas 12. Nays 9.

The Yeas and Nays being desired by Mr. Browning,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly Browning, Hendershott, Isett, Lash, Leffler, Lewis. Teeple, Toole, and Whitaker.

Those wh voted in the negative, were,

Messrs. Felkner, Mason, Miller, Summers, Van Antwerp, Walworth, Wilson of H. Wilson of J. and Cox, Speaker.

So the amendment was agreed to.



A motion was made by Mr. Isett, to lay the Bill on the table.

The motion was lost.

A motion was made by Mr. Summers, that the Bill be referred to the Committee on the Judiciary.

Which was determined in the negative.

A motion was made by Mr. Lash, to amend the 2d sect. in article 1st, as follows,

"No Clerk of the Board of County Commissioners, Sheriff, or county Surveyor, shall hold the office of Justice of the Peace."

And the question being taken,

Was determined in the affirmative. Yeas 12, Nays 9.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Lash, Leffler, Lewis, Mason, Miller, Toole, Whitaker, and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Hendershott, Isett, Summers, Teeple, Van Antwerp, Walworth, Wilson of J. and Cox. Speaker.

So the amendment was adopted.

On motion of Mr. Van Antwerp,

Ordered, That said Bill do lie upon the table until Monday morning.

On motion of Mr. Isett,

No. 38, C. F. "A Bill to amend an act to incorporate the town of Bloomington," was taken up and read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

The Bill was then read a second time, and ordered to a third reading on Monday next.

Mr. Teeple, from the Committee on Enrolled Bills, reported, that the Committee had this day presented to his Excellency the Governor for his approval,

"An Act supplementary to an act defining the duties of county Surveyors."

Mr. Teeple also reported as correctly enrolled,

"A Memorial to Congress for an appropriation for the Penitentiary."

The Speaker then signed said Memorial.

On motion, the House adjourned.



## Monday Morning, December 21, 1840.

Mr. Lash gave notice, that he would, on some future day, introduce a bill to amend an act, entitled An Act to prevent and punish gambling. Also,

A Bill, to repeal the fourth section of an act, for assessing and collecting County Revenue, approved January 14th, 1840.

Mr. Miller, from the Select Committee, to which was referred No. 80, H. R. File, "A Bill to amend an act, regulating Grocery Licenses," reported the same back to the House without amendment, which was read a first time.

On motion of Mr. Mason, Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

The Bill was then read a second time; and,

On motion of Mr. Mason,

Ordered to be engrossed and read a third time on to-morrow.

Mr. Lash, from the Committee on Engrossed Bills, reported No. 78, H. R. File, as correctly engrossed.

Mr. Lash, from the Committee on Expenditures, to which was referred No. 40, H. R. File, "A Bill to repeal the act requiring each of the counties to pay five per cent on their Assessment Rolls, into the Territorial Treasury," and No. 71, H. R. "A Bill to repeal an act, creating a Territorial Treasurer," and "An Act, creating an Auditor of Public Accounts," reported the same back to the House, together with No. 92, H. R. File, "A Bill to repeal certain acts therein named," as a substitute for said Bill; which was read a first time.

Mr. Hendershott, from the Committee on Corporations, submitted the following report:

The Committee on Corporations, to which was referred the petition of Joseph Williams and Charles A. Warfield, for a further extension of a Charter to keep a Ferry across the Mississippi at the town of Bloomington, have had the same under consideration, and are of opinion that the prayer of the petitioners should not be granted.

Therefore, your Committee ask to be discharged from any further action on the subject.

The House concurred in the report.

Mr. Brierly, on leave, introduced No. 93, H. R. File, "A Bill to locate the county seat of Lee county," which was read a first time.

Mr. Summers, from the Committee appointed on the part of the House, to confer with a similar Committee on the part of the Council, in relation to the disagreeing vote of the two Houses on Nos. 5 and 6,



C. F., reported, that the Committee on the part of the House, have receded from the amendments to No. 5, entitled "A Bill, providing for the service of Writs by copy in certain cases," and the Committee on the part of the Council have agreed to the amendments of the House to No. 6, entitled "A Bill supplemental to an act regulating Practice in the District Courts." Whereupon, it was

Ordered, That said report do lie upon the table.

The House resumed the consideration of No. 53, H. R. File, "A Bill for electing Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings."

A motion was made by Mr. Porter, to amend the first sect. in the first article of said Bill, by inserting the words "in Trenton Precinct" after the words "in Wappello Precinct," which was agreed to.

A motion was made by Mr. Browning, to strike out the 2d sect. in the 10th article, requiring any person wishing to take an appeal, to file his affidavit, that he believes injustice has been done him, and does not ask an appeal for the purpose of delaying payment, but that justice may be done.

And the question being put,

Was determined in the negative. Yeas 2, Nays 17.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,  
Messrs. Browning and Felkner.

Those who voted in the negative, were,  
Messrs. Avery Box, Brierly, Hendershott, Isett, Lash, Lewis, Mason, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Whitaker, Wilson of H., and Cox, Speaker.

So the motion was lost.

Several slight amendments being made to said Bill, it was, on motion, ordered to be engrossed and read a third time on Thursday next.

No. 17, C. F. "A Joint Resolution, asking our Delegate in Congress, to use his influence to procure an appropriation for the construction of a Military road, from Rock Island to Iowa City, via Rochester," was read a first time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Resolution be read a second and third time now.

The Resolution was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 35, C. F. "A Bill to authorize William St. John to keep a Ferry," &c.; and,

No. 37, C. F. "A Bill to lay out and establish a Territorial road from Bellview to Iowa City," were severally read a first time.

No. 30, C. F. "A Bill additional and supplemental to an act, for the benefit of Settlers, &c., on the Half Breed Lands," was read a second time.



On motion of Mr. Teeple,

Ordered, That said Bill be read a third time on to-morrow.

No. 31, C. F. "A Bill to incorporate the Fairfield Lyceum," was read a second time.

On motion, the House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that the Bill be indefinitely postponed; and the question being put,

Was determined in the negative. Yeas 6, Nays 14.

The Yeas and Nays being desired by Mr. Lewis,

Those who voted in the affirmative, were,

Messrs. Box, Browning, Summers, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Brierly Felkner, Hendershott, Isett, Lash, Leffler, Lewis, Miller, Porter, Teeple, Toole, Wilson of H. and Wilson of J.

So the motion was lost.

On motion of Mr. Lewis,

Ordered, That said Bill be read a third time on to-morrow.

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

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council insist upon their amendment to

No. 57, H. R. An Act to amend "An Act relative to Practice in the District Courts;" and have passed

No. 18, C. F. "Joint Resolution asking our Delegate in Congress to procure the establishment of a Post Office at Pleasant Valley, in Linn county.

In which the concurrence of the House of Representatives is requested.

I herewith present, for your signature,

An Act to designate and fix the place of holding the several Courts for the county of Lee.

An Act relative to incorporated religious Societies.

Joint Resolution, relative to a Mail route from Knoxville, Ill., to Iowa City.

Preamble and Resolution, asking our Delegate in Congress, to use his influence to obtain an appropriation to reimburse the citizens of Fort Madison for the expense incurred in deeding a certain tract of land on which to erect the Penitentiary.

The Council have adopted the report of the Committee of Conference relative to the disagreement of the two Houses upon

No. 5. C. F. "A Bill providing for the service of Writs by copy, in certain cases." And,



No. 6, C. F. "A Bill supplemental to an act regulating Practice in the District Courts of the Territory of Iowa."

And then he withdrew.

The Speaker then signed the above entitled Acts and Resolutions.

No. 32, C. F. "A Bill to amend an act, to regulate Ferries," approved Dec. 20, 1838, was read a second time.

On motion of Mr. Summers,

Said Bill was referred to a Committee of the Whole House on to-morrow.

No. 33, C. F. "A Bill to District the county of Linn, for the election of County Commissioners;" was read a second time, and ordered to a third reading on to-morrow.

No. 34, C. F. "A Bill to establish a Seminary of Learning at or near Marion, in Linn county;" was read a second time.

On motion of Mr. Toole,

Ordered, That said Bill be read a third time on to-morrow.

No. 62, H. R. File, "A Bill to provide for assessing and collecting county revenue," was read a second time, and,

On motion of Mr. Toole,

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 82, H. R. File, "A Bill to provide for electing Legislative officers, and to fix their compensation," was read a second time.

On motion,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed.

Several amendments being proposed, a motion was made by Mr. Box, that the Bill be indefinitely postponed.

And the question being put,

Was determined in the negative. Yeas 6, Nays 15.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Browning, Isett, Mason, Porter, and Teeple.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Felkner, Hendershott, Lash, Leffler, Lewis, Miller, Summers, Toole, Van Antwerp, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the motion was lost.

On motion of Mr. Porter,

The House adjourned.



2 O'CLOCK P. M.

The House resumed the consideration of No. 82, H. R. File, "A Bill to provide for electing Legislative Officers, and to fix their compensation."

On motion of Mr. Lash,

The first blank in the second section of said Bill was filled with the word "five," making the compensation of the Chief Clerk five dollars per day, and the remaining Blank with the word "three" making the compensation of the other officers three dollars per diem.

On motion of Mr. Felkner,

Ordered, That said Bill be engrossed, and read a third time on tomorrow.

On motion of Mr. Isett,

No. 38, C. F. "A Bill to amend an act, to incorporate the Town of Bloomington," was read a third time and passed.

Ordered that the Clerk acquaint the Council therewith.

No. 75, H. R. File, "A Bill to locate and establish certain Territorial Roads in Louisa county," was read a third time.

On motion of Mr. Teeple, by unanimous consent, the Bill was amended, by adding an entire section to the same.

The Bill was then passed and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Robertson, from the Select Committee appointed on the part of the House to visit and examine the Penitentiary at Fort Madison, on leave, submitted their report, which was read; and,

On motion of Mr. Summers, laid upon the table and one hundred copies ordered to be printed.

Said report reads as follows:

The Committee appointed to repair to Fort Madison and make a thorough examination of the present condition of the Penitentiary at that place, and also to examine the materials on hand, books, papers, and records of the Director and Superintendent thereof, to examine into the condition of the prisoners, and the cause of escapes, and to collect all other necessary information, &c. respectfully report, that upon a thorough examination, the committee are of opinion, that the work, so far as it has progressed, has been well executed, and not to be surpassed in materials and workmanship by any work of a similar kind in the western country.

The committee are of the opinion that the condition of the building, as regards its advancement, corresponds with the report of the Director, with the exception of that part in relation to the cells. They find only six of the cells completed without the doors; the other four lack the flagging and the doors. This, however, was satisfactorily explained by the director.



On examination, the committee find the materials on hand, on the Illinois side of the river, to be one hundred and thirty perches of dimension stone, and three hundred and fifty perches of common stone; on the ground, within the yard of the penitentiary, two hundred perches common stone; and on the bank of the river, a short distance above the penitentiary, about thirty perches mixed, some of dimension, and the balance of common stone.

The committee are of the opinion, that the materials above mentioned, if used in accordance with the plan of the director, as contained in his report, are sufficient to place the building in such a situation as to safely secure the convicts, provided the plan of the director, in regard to the outer walls being built with brick, be adopted.

The committee, from estimates made by the director and superintendent, are disposed to conclude, that the cost of building the yard walls, with stone, five hundred and fifteen feet long, twenty feet high, three feet thick at the bottom, and eighteen inches at top, making in all, one thousand and fifty-four perches, will amount to \$4,216. And the same walls of the before mentioned dimensions, if built of brick, requiring five hundred and ten thousand, laid in the walls, at eight dollars, will amount to \$4,080.

The committee would here suggest the propriety of adopting the former plan as being more durable, and as corresponding better with the work already completed.

The committee, upon a first examination of the books, papers, receipts, and records of the director and superintendent, found the same to be somewhat irregular and complicated; but upon a more careful and thorough examination, they find them to correspond with the report of the director at the commencement of the present session, as follows, viz:

In the possession of the superintendent, receipts to the amount of	- - - - -	\$20,000 00
Certificates to the amount of	- - - - -	2,302 44
One certificate since the report of director,	- - - - -	19 74
And a contract with Wells and Wilson, for work to the amount of	- - - - -	8,000 00

The committee have also examined into the condition and situation of the prisoners, and find them to be in a good and healthy condition; well clad, and suitably accommodated as regards boarding and lodging. They are lodged in the cellar under the guard room of the penitentiary. During the day they are moderately exercised in such employment as the director may order.

The committee find the following named persons as convicts, now remaining in the penitentiary, situated and employed as above, viz: James McCubben, Samuel Wilson, John Howard, Bartlet Dennison, Ephraim Whitacre, and Samuel Green, who are each well secured with a chain and ball, and properly guarded.

The following is a list of the names of the convicts who have es-



escaped from the penitentiary the present year, together with their terms of servitude, viz:

James Guy,	-	-	-	-	-	23 years.
Jacob Abdon,	-	-	-	-	-	11 "
Samuel Conlogue,	-	-	-	-	-	8 "
Lester Wallace,	-	-	-	-	-	3 "
J. Prichard,	-	-	-	-	-	1 "

Making in all, - - - - - 46 years.

Your committee also examined a number of persons, under oath, in relation to the escape of convicts from said penitentiary; and after hearing all the testimony which they were able to procure upon that subject, have come to the conclusion, that the several escapes, (with one exception) were accidental, and wholly unavoidable, and not in consequence of a want of vigilance and prompt discharge of duty on the part of the guard in whose custody they were placed.

The exception alluded to above, is that of Lester Wallace, Samuel Conlogue, and Jacob Abdon, all of whom made their escape at the same time from the cellar under the guard-room, where they were kept, by breaking up the floor of the said guard-room while the guard (Mr. Vanosdale) was at supper. This, your committee view as a gross and flagrant omission of duty on the part of the guard, and for which he was immediately discharged by the director.

Your committee would respectfully recommend the passage of a law to provide for the appointment of superintendent of the penitentiary in like manner to that of director, making it the duty of said superintendent to devote his attention exclusively to the management of all the affairs connected with the erection of said penitentiary, and to have control of the convicts, in keeping them employed in such manner as would be most likely to advance and expedite the erection and completion of said works; and, also, requiring of him, in addition to his quarterly settlement with the director, to report annually to the Legislative Assembly, all his proceedings in relation to the duties required of him as superintendent of said penitentiary. The above suggestions are made from a firm belief, that, if properly managed, the work would progress faster, and with less expense than it has heretofore.

Your committee would also urge the propriety of continuing the operation of the penitentiary, as there would evidently be a great loss should the work stop for the present, as every preparation is now made, and the progress of the work under way, which if stopped, must necessarily be attended with great inconvenience and additional cost.

Your committee were instructed by a special resolution of the House of Representatives, to examine into the propriety of reducing the annual salary of the superintendent, or to dispense with his services.



Your committee, after thoroughly investigating the duties of the several officers employed in the erection of the penitentiary, management, and control of its convicts, &c., have come to the conclusion, that it would be inexpedient to dispense with the services of that officer at the present time; but that the superintendent might, for the salary which is now allowed him, also perform the duties of director, and thereby save to the Territory the annual sum of five hundred dollars, that being the amount which is paid the present director for his services.

All of which is respectfully submitted. And your committee ask to be discharged from further consideration of the subject.

No. 78, H.R. File, "A Bill to establish a Territorial Road from the north part of Washington county to the Missouri line."

No. 79, H. R. File, "A Bill to district the county of Dubuque into Districts for electing County Commissioners;" were severally read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 83. H. R. File, "A Bill to establish a Territorial Road from Burlington to Washington, in Washington county."

No. 84, H. R. File, "A Memorial to Congress for an additional Land District."

No. 85, H. R. "A Bill to authorize Elias Smith to establish and keep a Ferry, across the Mississippi River," were severally read a second time, and ordered to be engrossed and read a third time on to-morrow.

No. 86. H. R. "A Bill to establish a Seminary of Learning, at Columbus City in Louisa county," was read a second time.

On motion, The House resolved itself into a Committee of the Whole House, on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Avery reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

A motion was made by Mr. Summers, to strike out in the 5th sect. of said Bill the words "lottery or otherwise" and insert the words "public or private sale."

And previous to the question being put, Mr. Lash moved a call of the House which was ordered, and the roll being called, those who failed to answer to their names, were Messrs. Robertson and Wilson of H.

The Sergeant at Arms was then directed to require the attendance of the absentees.

After a short time, the absentees having appeared, the further call of the House, was, on motion, suspended.

The question was then taken and determined in the affirmative. Yeas 15, Nays 9.



The yeas and nays being desired by Mr. Brierly,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Isett, Lash, Lewis, Mason, Miller, Porter, Steele, Summers, Van Antwerp, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Browning, Felkner, Hendershott, Leffler, Robertson, Teeple, Toole, Walworth, and Cox, Speaker.

So the amendment was agreed to.

A motion was then made by Mr. Hendershott, to strike out the enacting clause of said Bill.

And the question being put.

Was determined in the affirmative.

So the Bill was lost.

On motion of Mr. Porter,

No. 5, C. F. entitled "A Joint Resolution to provide for the printing of the Laws of the present session," was taken from the table.

On motion of Mr. Lash,

The House resolved itself into a Committee of the Whole House on the said Resolution. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same with an amendment.

A motion was made Mr. Steele, to strike out the name of "James G. Edwards," and insert that of "John H. M'Kenny," upon which a division of the question was called for, and the question then being to strike out the name of "James G. Edwards." Pending which,

A motion was made by Mr. Lewis, that the House do now adjourn.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 8.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Browning, Felkner, Leffler, Lewis, Mason, Miller, Porter, Robertson, Teeple, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Brierly, Hendershott, Isett, Lash, Steele, Summers, Van Antwerp, and Cox, Speaker.

So the House adjourned.



### Tuesday Morning, December 22, 1840.

Mr. Toole presented the petition of sundry citizens of Louisa county, praying that a Territorial Road may be located, leading from Columbus City, in Louisa county, via John Lee's, to New London, in Henry county.

On motion of Mr. Porter,

Ordered, That said petition be referred to the delegations from Louisa and Henry counties.

Mr. Leffler presented the petition of sundry citizens of the counties of Des Moines and Louisa, praying for a Territorial Road from Burlington to Black Hawk, in Louisa county.

Ordered, That said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Leffler, Browning, and Toole said Committee.

On motion of Mr. Steele,

Ordered, That the Committee on the Judiciary be instructed to examine, and report to this House, at an early period, whether the warrants issued by the Auditor of Public Accounts, to certain militia officers of this Territory, have been legally issued, and whether the Territory is legally bound for the payment of the same.

Mr. Teeple, from the Select Committee, to which the subject was referred, reported

No. 93, H. R. File, "A Memorial to Congress, for the re-location of a certain portion of the Military Road, from Dubuque to the Missouri line," which was read a first time.

Mr. Walworth, from the Committee on Territorial Roads, to which was referred

No. 19, C. F. "A Bill to amend an act, establishing certain Territorial Roads therein named," reported the same back to the House, with an amendment; which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 80, 81, 82, and 84, as correctly engrossed.

Mr. Lash, from the Committee on Expenditures, to which was referred the Petition of T. S. Parvin, asking compensation as private Secretary to the Governor, &c., submitted a report, in relation to the same, which was read, as follows:

The Standing Committee on Expenditures, to which was referred a Resolution together with a petition of T. S. Parvin, beg leave to report:

That they have had the same under consideration, and in the opin-



ion of your Committee, T. S. Parvin is entitled to compensation for his services as private Secretary, but your Committee cannot believe that the power is vested in the Legislature, to authorize the Secretary of the Territory, to appropriate any money now in his hands, to such use.

Your Committee therefore, recommend the adoption of the following resolution:

Resolved, That the Secretary of the Territory, be requested to embody in his next estimates the claim of T. S. Parvin, setting forth the amount and character of services, together with the amount claimed.

The question being taken on the report only,

It was concurred in.

Mr. Hendrshott offered the following as a substitute for the resolution attached to said report:

Resolved, That this House allow T. S. Parvin, for services rendered to the Legislature of 1838-'39, the sum of four hundred dollars, and that the Secretary of the Territory be instructed to embody the same in his next estimates, and that the Secretary be requested to pay said Parvin his claim, so soon as the same shall come into his hands.

Pending the adoption of which,  
Mr. Lash presented a communication from the said T. S. Parvin, which was read at the Clerk's table.

The question was then taken on the adoption of the substitute, and determined in the negative. Yeas 3, Nays 21.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,  
Messrs. Felkner, Hendershott, and Isett.

Those who voted in the negative, were,  
Messrs. Avery, Box, Brierly, Browning, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the substitute was lost.  
A motion was made by Mr. Browning, to amend the original Resolution, by requiring the Secretary to the next Legislative Assembly; to which the House agreed.

The question was then put on the adoption of the Resolution, and determined in the affirmative.

Mr. Hendershott, from the Select Committee, to which certain petitions were referred, reported

No. 95, H. R. File, "A Bill to amend an act, establishing certain Territorial Roads;" which was read a first time.

Mr. Van Antwerp, from the Select Committee, to which was referred, No. 68, H. R. File, "A Bill to establish a Territorial Road, from Charleston, in Jackson county, to Tipton, in Cedar county," reported the same back to the House without amendment.

The Bill then passed to a second reading.



Mr. Teeple, from the Committee to which a certain petition was referred, reported

No. 96, H. R. File, "A Bill to authorize Michael Hayse and Joseph B. Rogers, to erect a dam across the west fork of Crooked Creek, in Washington county."

Mr. Lash, in accordance with previous notice, introduced No. 97, H. R. File, "A Bill to amend an act entitled, an Act, to prevent and punish gambling."

Said Bills were severally read a first time.

The House then resumed the consideration of No. 5, C. F. "A Resolution, to provide for the printing of the Laws of the present session;" and the motion pending at the adjournment, being to strike out the name of "James G. Edwards," and being put,

Was determined in the affirmative. Yeas 13, Nays 11.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Hendershott, Isett, Lash, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Browning, Lewis, Mason, Miller, Porter, Robertson, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was agreed to.

A motion was then made by Mr. Summers, to fill the blank, by inserting the name of "John H. McKenny."

And the question being put,

Was determined in the affirmative. Yeas 15, Nays 9.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hendershott, Isett, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Browning, Lewis, Miller, Porter, Robertson, Toole, Walworth, Wilson of H., and Wilson of J.

So the blank was filled with the name of John H. McKenny.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed,

No. 8, C. F. "A Memorial to Congress, on the subject of a further purchase of land from the Sac and Fox Indians."

No. 9, C. F. "A Memorial, asking Congress to remove the Winnebago Indians from the Neutral Tract, with a view to a permanent residence."

No. 39, C. F. "A Bill for the relief of the citizens of Muscatine county."



In which the concurrence of the House of Representatives is requested.

Also, without amendment,

No. 64, H. R. File, "A Bill to establish a Seminary of Learning at Iowa City, in Johnson county."

No. 72, H. R. File, "An Act authorizing Henry M. Koontz and Wm. Doak, Jr., to execute a deed to Rebecca A. Palmer.

No. 74, H. R. File, "A Bill to authorize Samuel Troxell, to erect a dam across Big Sugar Creek in the county of Lee."

No. 76, H. R. File, "A Bill partially to dissolve the bonds of matrimony between John Phillips and Nancy Phillips."

Also, with amendment,

No. 59, H. R. File, "A Bill to amend an Act concerning the Ferry at Charleston."

And then he withdrew.

On motion, the House adjourned.

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2 O'CLOCK P. M.

The House resumed the consideration of No. 5, C. F. "A Joint Resolution, to provide for the printing of the laws of the present session.

A motion was made by Mr. Summers, that the Resolution be read a third time on to-morrow.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 6.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Isett, Lash, Leffler, Steele, Summers, Teeple, Toole, Van Antwerp, Whitaker, and Cox Speaker.

Those who voted in the negative, were,

Messrs. Lewis, Miller, Robertson, Walworth, Wilson of H., and Wilson of J.

So the Resolution was ordered to a third reading on to-morrow.

No. 57, H. R. File, "A Bill to amend an act, relative to Practice in the District Courts," being returned from the Council with their amendment insisted upon; and being under consideration,

On motion of Mr. Miller,

Ordered, That the House do insist upon their disagreement to said amendment, and that a Committee of Conference be appointed in relation to the same.

Whereupon, the Speaker appointed Messrs. Miller, Summers, and Avery, said Committee.

A motion was made by Mr. Summers, to take from the table the



report of the Committee of Conference, appointed in relation to the disagreeing vote of the two Houses to No. 5, C. F. "A Bill providing for the service of Writs by copy, in certain cases," and No. 6, C. F. "A Bill supplemental to an Act regulating Practice in the District Courts."

To which the House agreed.

A motion was made by Mr. Summers, that the House concur in said report, and upon which a division of the question was called for.

And the question then being, to concur in that part relating to No. 5, C. F. "A Bill providing for the service of Writs, &c., in certain cases."

And the question being put,

Was determined in the affirmative Yeas. 14, Nays 9.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hendershott, Isett, Lash, Miller, Robertson, Steele, Summers, Teeple, Whitaker, and Wilson of H.

Those who voted in the negative, were,

Messrs. Browning, Leffler, Lewis, Mason, Toole, Van Antwerp, Walworth, Wilson of J., and Cox, Speaker.

The question was then taken upon concurring in the report in relation to No. 6, C. F. "A Bill supplemental to an act, regulating Practice in the District Courts;" and determined in the affirmative.

No. 59, H. R. File, A Bill to amend an act, concerning the Ferry at Charleston," approved Jan. 21, 1839, as returned from the Council, with an amendment, and being under consideration,

A motion was made by Mr. Summers,

That the House do concur in said amendment, to which the House agreed.

No. 62, H. R. File, "A Bill to provide for assessing and collecting County Revenue," being the order of the day, was committed to a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments, and ask leave to sit again.

Leave was granted.

Mr. Teeple, from the Committee on Enrolled Bills, reported, that the Committee had this day presented to the Governor for his approval,

"A Memorial to Congress for an appropriation for the Penitentiary."

Mr. Teeple also reported,

"A Joint Resolution, requesting our Delegate in Congress, to use



his influence, to have the office of Governor made elective by the people."

An Act to locate and establish a Territorial Road from Keokuk in Lee county, to Mount Pleasant in Henry County;" and,

"An Act to amend an act, entitled "An act to incorporate the City of Dubuque," as correctly enrolled.

The Speaker then signed the above entitled Acts and Resolution.

On motion of Mr. Brierly,

The House adjourned.

### Wednesday Morning December 23, 1840.

Mr. Lash presented the petition of sundry citizens of Henry county, praying that a Territorial Road may be located, leading from Columbus City in Louisa county, via New London &c. to intersect the Road leading from Fort Madison to Mount Pleasant.

Ordered, That said petition be referred to a Select Committee, composed of the Delegations of Louisa and Henry counties.

Mr. Mason, from the Committee on enrolled Bills, reported that the Committee did on the 22d inst. present to the Governor for his approval.

An Act relative to incorporated religious Societies."

An Act to designate and fix the place of holding the several Courts for the county of Lee.

A Joint Resolution, relative to a Mail route from Knoxville Ill. to Iowa City &c. and,

A Preamble and Joint Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation, to reimburse the Citizens of Fort Madison, for the expenses incurred in deeding a certain tract of land, on which to erect the Penitentiary.

Mr. Mason, also reported,

"An act to amend an act, concerning the Ferry at Charleston."

An act authorizing Henry M. Koontz and William Doak Jr., to execute a deed to Rebecca A. Palmer.

An act partially to dissolve the Bonds of matrimony between John Phillips and Nancy Phillips; and,

An act to authorize Samuel Troxell, to build a dam across Big Sugar Creek in Lee county," as correctly enrolled.

The Speaker then signed the above entitled acts.

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

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council have passed the following Resolution.



Resolved, (The House of Representatives concurring herein) that the Council adjourn on Wednesday the 23d inst until Saturday Jan. 2nd, 1841.

And then he withdrew.

A motion was made by Mr. Summers, to take from the table No. 15, C. F. Joint Resolution asking our Delegate in Congress, to procure the establishment of a Mail route from Davenport to Iowa City," to which the House agreed.

Mr Summers, then moved to amend the Resolution, so as to read, "from Peru Illinois via Stephenson, to Davenport Iowa, thence to Iowa City," to which the House agreed.

The Resolution was then ordered to a third reading on to-morrow.

A motion was made by Mr. Mason to take from the table No. 69, H. R. A Bill supplementary to an act, to change the time of holding the District Courts in the second and third Judicial Districts."

To which the House agreed.

The Bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Box,

No. 65. H. R. A Bill to establish a Territorial Road from Burlington to the mouth of the Des Moines River," was taken from the table.

On motion, The House resolved itself into a Committee of the Whole House, on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Van Antwerp reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments.

A motion was made by Mr. Miller, that the House do not concur in striking out the words "Loyd's ford; thence to."

And the question being put,

Was determined in the affirmative. Yeas 11, Nays 10.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Lewis, Miller, Robertson, Toole, Van Antwerp, Walworth, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Browning, Hendershott, Isett, Lash, Leffler, Steele, Summers, Whitaker, and Cox, Speaker.

So the House disagreed to said amendment.

A motion was made by Mr. Hendershott, to refer said Bill to the Delegations from Des Moines and Lee counties.

And the question being put,

Was determined in the negative. Yeas 11. Nays 11.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hendershott, Isett, Lash, Leffler, Mason, Summers, Van Antwerp, Whitaker, and Cox, Speaker.



Those who voted in the negative, were,  
Messrs. Box, Brierly, Felkner, Lewis, Miller, Robertson, Steele,  
Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was lost.

The remaining amendments were severally disagreed to, with the exception of striking out the word "January" and inserting the word "February," to which the House agreed.

On motion of Mr. Hendershott,

Ordered, That said Bill be engrossed, and read a third time on the first Monday in January.

Mr. Isett, on leave presented the petition of sundry citizens of Johnson and Muscatine counties, asking a relocation of a Territorial Road from Rockingham to Iowa City.

Mr. Isett, also, presented the remonstrance of sundry citizens of Scott and Muscatine counties, remonstrating against any alteration or relocation of said Road.

Ordered, That said petition and remonstrance be referred to the Delegations from Scott, Muscatine and Johnson counties.

Bills &c. of the following titles to wit:

No. 5, C. F. A Joint Resolution, to provide for the printing of the Laws of the present session.

No. 30, C. F. A Bill additional and Supplementary to an act, for the benefit of settlers &c. on the Half Breed lands.

No. 31. C. F. A Bill to incorporate the Fairfield Lyceum.

No. 33. C. F. A Bill to district the county of Linn for the election of County Commissioners."

No. 34. C. F. "A Bill to establish a Seminary of Learning at or near Marion in Linn county."

No. 80. H. R. File, A Bill to amend an act, regulating Grocery Licenses.

No. 81, H. R. "A Memorial to Congress on the subject of Post Roads."

No. 82, H. R. A Bill to provide for the election of Legislative Officers and to fix their compensation; and,

No. 94. H. R. A Memorial to the Post Master General.

Were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

The Resolution from the Council this morning was taken up, and being under consideration.

A motion was made by Mr. Hendershott to lay the same upon the table, pending which,

On motion of Mr. Van Antwerp,

The House adjourned.



2 O'CLOCK P. M.

The Resolution from the Council being under consideration, and the question pending at the adjournment, being to lay the same on the table, A motion was made by Mr. Steele, to amend said motion, by laying the same upon the table until the first day of January.

And the question being put,

Was determined in the negative. Yeas 9, Nays 9.

Yeas—Messrs. Box, Brierly, Felkner, Hendershott, Lash, Robertson, Steele, Summers, and Whitaker.

Nays—Messrs. Avery, Browning, Leffler, Lewis, Mason, Toole, Walworth, Wilson of J. Cox, Speaker.

So the motion was lost.

The question was then taken on laying the Resolution on the table.

And the question being put,

Was determined in the negative. Yeas 10, Nays 12.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Brierly, Felkner, Hendershott, Isett, Lash, Robertson, Steele, Summers, Van Antwerp, and Whitaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Browning, Leffler, Lewis, Mason, Miller, Toole, Walworth, Wilson of H., Wilson of J., and Cox, Speaker.

A motion was then made by Mr. Lash, to lay the Resolution upon the table until to-morrow morning

And the question being put,

Was determined in the affirmative. Yeas 19, Nays 3.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Isett, Lash, Leffler, Lewis, Mason, Miller, Robertson, Steele, Summers, Van Antwerp, Walworth, Whitaker, and Wilson of J.

Those who voted in the negative, were,

Messrs. Toole, Wilson of H., and Cox, Speaker.

So the Resolution was laid upon the table until to-morrow morning.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

The Council have passed,

No. 40, C. F. "A Bill to amend an act entitled An Act, to authorize the keeping of certain Ferries therein named."

In which the concurrence of the House of Representatives is requested.

Also, without amendment,



No. 79, H. R. "A Bill to District the county of Dubuque into Districts for electing County Commissioners."

I herewith present for your signature,

An Act to amend an Act, to incorporate the town of Bloomington.

Joint Resolution, asking our Delegate in Congress to use his influence to procure an appropriation for the construction of a Military Road from Rock Island to Iowa City, via Rochester.

And then he withdrew.

The Speaker then signed the above entitled Act and Resolution.

A motion was made by Mr. Brierly, to take from the table

No. 93, H. R. File, "A Bill to locate the County Seat of Lee county," to which the House agreed.

The Bill was then taken from the table and read a second time.

On motion of Mr. Box,

Ordered, That said Bill do lie upon the table until the first Monday in January.

On motion of Mr. Robertson,

The Report of the Committee appointed to visit and examine the Penitentiary, was taken up, and considered.

On motion of Mr. Lash,

Ordered, That said Report do lie upon the table.

A motion was made by Mr. Robertson, that the House concur in said Report, and that the Committee be discharged. Pending which,

A motion was made by Mr. Felkner, to take from the table No. 6, H. R. File, "A Bill to amend an act, directing the valuation and sale of Lots in Iowa City, and to provide for executing deeds to the same."

To which the House agreed.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed, and read a third time on Monday next.

The House resumed, in Committee of the Whole House, the consideration of No. 62, H. R. File, "A Bill to provide for assessing and collecting County Revenue." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Bill under consideration, and made some considerable progress, and instructed him to report the same, and ask leave to sit again.

Leave was granted.

Mr. Van Antwerp, from the Committee on Enrolled Bills, reported, that they had, this day, presented to the Governor for his approval,

An Act, authorizing Henry M. Koontz and William Doak, Jr., to execute a deed to Rebecca A. Palmer.

An Act, partially to dissolve the bonds of matrimony between John Phillips and Nancy Phillips.

An Act, to locate and establish a Territorial Road, from Keokuk, to Mount Pleasant.



An Act, to amend an act, concerning the Ferry at Charleston, approved January 21, 1839.

An Act to authorize Samuel Troxell, to erect a dam across Big Sugar Creek.

An Act to amend an act, to incorporate the City of Dubuque; and,  
A Joint Resolution, requesting our Delegate in Congress to use his influence to have the office of Governor made elective by the people.

Mr. Walworth gave notice, that he would, on some future day, introduce a Bill, providing for and regulating Marks and Brands; also,

A Bill establishing certain Territorial Roads; and,

A Bill to make valid in law the survey of the town of Dartmouth, in Jones county.

Mr. Van Antwerp gave notice, that he would, on some day hereafter, introduce

A Bill to authorize James A. Gower, Willard Hammond, and Horace Hammond, to build a Dam across Cedar River.

Mr. Toole gave notice, that he would, on some future day, introduce

A Bill to amend an act, to incorporate the Burlington and Iowa River Turnpike Company.

No. 63. H. R. File, A Bill to amend an act, to provide for the survey of a Territorial Road, approved July 29th, 1840, being the order of the day, was committed to a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Leffler,

Ordered, That said Bill do lie upon the table until the first Monday in January.

No. 32, C. F. "A Bill to amend an act, to regulate Ferries," approved Dec. 20th, 1838, being the order of the day, was committed to a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Miller,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Miller, Summers, and Lash, said Committee.

No. 19, C. F. A Bill to amend an act, establishing certain Territorial Roads therein named, was read a second time, and,

On motion of Mr. Summers,

Ordered to a third reading on to-morrow.

No. 35, C. F. A Bill to authorize William St. John to keep a Ferry, &c., was read a second time, and laid upon the table.



No. 37, C. F. A Bill to locate and establish a Territorial Road from Bellview to Iowa City, was read a second time.

On motion of Mr. Walworth,

Ordered, That said Bill be referred to the delegation from Cedar, Jones, and Linn.

No. 68, H. R. File, A Bill to establish a Territorial Road, from Charleston in Jackson county, to Tipton, in Cedar county; was read a second time.

On motion of Mr. Van Antwerp,

Ordered, That the 42d rule be suspended, and the bill be read a 3d time now.

The Bill was then read a third time, and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 87, H. R. File, A Bill amendatory of the several acts organizing and governing the Militia of this Territory, was read a second time, and,

On motion of Mr. Wilson of H.,

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

On motion of Mr. Summers,

The House adjourned.

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### Thursday Morning, December 24, 1840.

Mr. Lash, from the Select Committee, to which were referred certain petitions, reported

No. 98, H. R. File, "A Bill to establish a Territorial Road from Columbus City, in Louisa county, to intersect the Territorial Road from Fort Madison to Mount Pleasant," which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 83, 84 and 85, H. R. File, as correctly engrossed.

A motion was made by Mr. Robertson, to take from the table the report of the Committee appointed to visit and examine the Penitentiary, to which the House agreed.

The Report was then taken from the table, and,

On motion of Mr. Robertson,

Ordered, That the same be referred to a Select Committee of one member from each Judicial District.

Whereupon, The Speaker appointed Messrs. Summers, Lash and Isett, said Committee.

On motion of Mr. Box,

The House adjourned until Monday morning next.



Monday Morning, December 28, 1840.

Mr. Browning presented the petition of sundry citizens of Henry county, praying that a certain portion of said county may be attached to Des Moines county;

Ordered, That said petition be referred to the Delegations of Henry and Des Moines counties.

Mr. Lash, from the Committee on Engrossed Bills, reported No. 6. and 65 as correctly engrossed.

Mr. Walworth, in accordance with previous notice, introduced

No. 99. H. R. File,

"A Bill to make valid in law the survey of the Town of Dartmouth in Jones county," which was read a first time.

Mr. Toole, in accordance with previous notice, introduced

No. 100, H. R. File,

"A Bill to amend an act entitled "an act to incorporate the Burlington and Iowa River Turnpike company," approved Jan. 24, 1839. which was read a first time.

On motion of Mr. Lash,

Ordered, That there be a Committee of three appointed, to examine the recorded Journal of this House, and report to-morrow; Whereupon, Messrs. Lash, Walworth and Felkner were appointed said Committee.

Bills &c. from the Council of the following titles, viz:

No. 8. A Memorial to Congress, on the subject of a further purchase of Land from the Sac and Fox Indians."

No. 9. A Memorial, asking Congress to remove the Winnebago Indians from the neutral tract, with a view to a permanent future residence."

No. 18. A Joint Resolution, asking our Delegate in Congress, to procure the establishment of a Post Office at Pleasant Valley in Linn County."

No. 39. A Bill for the relief of the citizens of Muscatine county," and,

No. 40. A Bill to amend an act entitled "an act, to authorize the keeping of certain Ferries therein named," approved Jan. 17, 1840.

Were severally read a first time.

No. 88, H. R. File A Memorial to Congress, asking for an additional purchase of Land from the Sac and Fox Indians," was read a second time.

On motion of Mr. Toole,



Ordered, That said Memorial do lie upon the table.

No. 89, H. R. A Bill to amend an act entitled "an act, establishing certain Territorial Roads," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 90. H. R. A Bill to confer on certain associations of the citizens of this Territory, the powers and immunities of corporations or bodies politic in law," was read a second time.

On motion of Mr. Lash,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

The Bill was then ordered to a 3rd reading on Monday next.

No. 91, H. R. File, A Resolution, providing for the appointment of a Committee to revise the Laws" was read a second time, and

On motion of Mr. Leffler, referred to a Committee of the Whole House on the first Tuesday in January.

No. 92. H. R. File, A Bill to repeal certain acts therein named," was read a second time, and

On motion of Mr. Summers, laid upon the table until the first Wednesday in January.

No. 93. H. R. File, A Memorial to Congress, for the relocation of a certain portion of the Military Road, from Dubuque to the Missouri line, was read a second time.

On motion of Mr. Lash,

Ordered, That said Memorial do lie upon the table.

No. 95. H. R. File. A Bill to amend an act, establishing certain Territorial Roads," was read a second time.

On motion of Mr. Hendershott,

Ordered, That said Bill be engrossed and read a third time on Wednesday next.

No. 96. H. R. File, A Bill to authorize Michael Hayse and Joseph B. Rogers, to erect a dam across the west fork of Crooked creek in Washington county," was read a second time, and

On motion of Mr. Summers,

Laid upon the table.

No. 97. H. R. File, A Bill to amend an act entitled an act to prevent and punish gambling," was read a second time.

On motion of Mr. Miller,

Ordered, That said Bill be referred to a select Committee, with instructions to report to-morrow; Whereupon the Speaker appointed Messrs. Miller, Lash and Browning said Committee.



No. 98. H. R. File, A Bill to locate and establish a Territorial Road, from Columbus City in Louisa county, to intersect the Territorial road from Fort Madison to Mount Pleasant," was read a second time.

On motion of Mr. Lash,

Ordered, That said Bill be engrossed and read a third time on Monday next

Bills &c. of the following titles to wit:

No. 15. C. F. A Joint Resolution, asking our Delegate in Congress to procure the establishment of a mail route, from Davenport to Iowa City via Ivanhoe.

No. 19. C. F. "A Bill to amend an act, establishing certain Territorial Roads therein named."

No. 6. H. R. File, A Bill to amend an act, directing the valuation and sale of Lots in Iowa City, and to provide for executing deeds to the same.

No. 83. H. R. File, "A Bill to establish a Territorial road from Burlington to Washington in Washington county;"

No. 84. H. R. File, "A Memorial to Congress, asking an additional Land District," and

No. 85. H. R. File, A Bill to authorize Elias Smith to keep a Ferry across the Mississippi river:"

Were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 62. H. R. File, A Bill to provide for assessing and collecting County Revenue; was on motion laid upon the table until Tuesday week.

Mr. Mason, on leave, introduced No. 101. H. R. File "A Bill to incorporate the Presbyterian church of Dubuque," which was read a first time.

On motion of Mr. Toole,

The House adjourned until to-morrow morning.

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### Tuesday Morning, December 29, 1840.

Mr. Langworthy presented the petition of sundry citizens of Delaware county, praying the re-location of the seat of justice of said county by a vote of the people.

On motion of Mr. Langworthy,

Ordered, That said petition be referred to a Select Committee.

Whereupon, the Speaker appointed Messrs. Langworthy, Summers and Walworth said Committee.



Mr. Miller, from the Select Committee, to which was referred No. 32, C. F. "A Bill to amend an act to regulate Ferries," approved Dec. 20, 1838, reported the same back to the House without amendment, and recommended the indefinite postponement of the same.

The House concurred in the report; so the Bill was indefinitely postponed.

Mr. Lash, from the Committee on Engrossed Bills, reported No. 89, H. R. File, as correctly engrossed.

Mr. Lash, from the Select Committee, appointed on yesterday to examine the Recorded Journal of this House, made the following report:

The Committee appointed to examine the record of the proceedings of the House of Representatives, report, That they have discharged the duty assigned them, and upon examination of said record, find the Journal of Monday the 14th inst. to be the last on record, consequently the Recording Clerk must be behind with his business near two weeks. They also find in that part which is recorded, many errors, frequently whole words and lines, and occasionally whole paragraphs omitted, this being the fact, and your Committee being of the opinion that the record should be an exact transcript of the proceedings of this House as given by the chief clerk; therefore deem it their duty to recommend the discharge of Robert W. Gray, the present recording Clerk, and the appointment of some other person, whose duty it shall be to record the whole proceedings of this House during the present session.

Your Committee further recommend the appointment of a Standing Committee of two, whose duty it shall be, to examine the Book of the recording clerk every morning and report to this House.

The report was concurred in.

On motion of Mr. Lash,

The House proceeded to the election of a Recording Clerk, Messrs. Steele and Toole were appointed tellers.

After several ballotings, it finally appeared that John R. Woods had received a majority of the whole number of votes given, and was therefore declared to be duly elected Recording Clerk.

Mr. Woods then came forward and was sworn.

The Speaker then, agreeably to said report, appointed Messrs. Avery and Walworth as the Standing Committee, to examine the Journal of this House, daily, as recorded by said clerk.

Mr. Miller, from the Select Committee, to which was referred No. 97, H. R. "A Bill to amend an act entitled An act to prevent and punish Gambling," reported the same back to the House without amendment, which was read a first time.

Mr. Mason, on leave, presented the remonstrance of sundry citizens of Delaware county, remonstrating against any re-location of the seat of justice of said county.



Ordered, That said remonstrance be referred to the Select Committee appointed in relation to said county seat.

On motion of Mr. Langworthy.

Mr. Mason was added to said Committee.

Mr. Lash moved a reconsideration of the vote on yesterday, referring the petition of sundry citizens of Henry county, praying that a portion of said county may be attached to Des Moines county, to which the House agreed.

A motion was then made by Mr. Lash, that the petition be laid upon the table, and the question being put, was determined in the affirmative.

No. 99, H. R. File, "A Bill, to make valid in law, the survey of the town of Dartmouth in Jones county," was read a second time.

On motion of Mr. Walworth,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 100, H. R. File, "A Bill to amend an act entitled An act, to incorporate the Burlington and Iowa River Turnpike Company," was read a 2d time.

On motion of Mr. Toole,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 101, H. R. File, "A Bill to incorporate the Presbyterian Church of Dubuque," was read a 2d time.

A motion was made by Mr. Hendershott to lay said Bill upon the table. The motion was lost.

On motion of Mr. Mason,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 8. C. F. "A memorial to Congress, on the subject of a further purchase of land from the Sac and Fox Indians," was read a second time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Memorial be read a third time now.

The Memorial was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 9. C. F. "A Memorial to Congress, asking the removal of the Winnebago Indians from the neutral tract, with a view to a permanent future residence," was read a second time.

On motion of Mr. Toole,

Ordered, That the 42d rule be suspended, and the Memorial be read a third time now.

The Memorial was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 18, C. F. "A Joint Resolution, asking our Delegate in Con-



gress to procure the establishment of a Post Office at Pleasant Valley, in Linn county," was read a second time, and,

On motion of Mr. Summers,  
Laid upon the table.

No. 39, C. F. "A Bill for the relief of the citizens of Muscatine county," was read a second time, and,

On motion of Mr. Summers,  
Ordered, That said Bill do lie upon the table.

No. 40, C. F. "A Bill to amend an act entitled An act, to authorize the keeping of certain Ferries therein named," approved January 17, 1840, was read a second time, and,

On motion of Mr. Langworthy,  
Ordered to be read a third time on to-morrow.

No. 89, H. R. File, "A Bill to amend an act entitled An act, establishing certain Territorial roads therein named," approved January 14, 1840, was read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

On motion of Mr. Lash,

No. 62, H. R. "A Bill to provide for assessing and collecting county Revenue," was taken from the table and committed to a Committee of the Whole House for its consideration. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

Pending the question of concurring in the report of the Committee,

On motion of Mr. Lewis,  
The House adjourned.

## 2 O'CLOCK, P. M.

The House resumed the consideration of No. 62, H. R. File, "A Bill to provide for assessing and collecting county revenue," as reported by the Committee of the Whole House during the forenoon's session, the question being to concur in the report of said Committee, and the amendments made by the same, being read, were severally concurred in by the House. So the Report was adopted.

A motion was made by Mr. Summers, to strike out of the second section the following words, to wit: "And the Commissioners, should they deem it necessary, may, annually, levy a poll tax, not exceeding one dollar, nor less than fifty cents, on every white male inhabitant in their county, above twenty-one, and under fifty years of age."

And the question being put,  
Was determined in the negative. Yeas 5, Nays 13.  
The Yeas and Nays being desired by Mr. Lash,



Those who voted in the affirmative, were,  
Messrs. Hendershott, Langworthy, Lewis, Robertson, and Summers.

Those who voted in the negative, were,  
Messrs. Avery, Brierly, Browning, Felkner, Hebard, Lash, Mason, Miller, Steele, Toole, Walworth, Whitaker, and Cox Speaker.  
So the motion was lost.

A motion was made by Mr. Lash, to amend the first section, by adding the following proviso, to wit:

"Provided always, That when any person or persons, wishing to obtain a license to retail ardent spirits, in any town or village in this Territory, in a less quantity than one gallon, such person or persons shall, before such license be granted, be required to obtain the consent of a majority of the legal voters of said town or village."

And the question being put,

Was determined in the affirmative. Yeas 11, Nays 7.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,  
Messrs. Avery, Brierly, Hebard, Hendershott, Lash, Lewis, Miller, Steele, Summers, Walworth, and Whitaker.

Those who voted in the negative, were,  
Messrs. Felkner, Langworthy, Mason, Robertson, Toole, and Cox, Speaker.

So the amendment was agreed to.

A motion was made by Mr. Hendershott, to strike out of the 7th section the words "has good reason to believe that any person is disposed to equivocate, or unwilling to render a true account of his property subject to taxation."

And the question being put,

Was determined in the affirmative. Yeas 13. Nays 5.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,  
Messrs. Avery, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Lewis, Mason, Robertson, Summers, and Whitaker.

Those who voted in the negative, were,  
Messrs. Miller, Steele, Toole, Walworth, and Cox, Speaker.

So the motion was agreed to.

A motion was made by Mr. Avery, to amend the 38th section, by adding the following Proviso, to wit: "Provided, The County Commissioners of any county, are hereby empowered to extend the time of the County Collector of such county for making his returns, to such period as they may deem requisite. And the said Collector is hereby authorized to proceed to collect and make sales during the time of such extension, in the same manner as is prescribed in the act aforesaid, the day of such sales to be appointed by the Board of Commis-



sioners at such times as they may think proper, conforming in all other respects with the provisions of the act aforesaid."

To which the House agreed.

A motion was made by Mr. Hendershott, to amend said Bill by adding the following section, to wit: "That any person who shall be liable to pay tax on land for the next five years, shall have the privilege to pay said tax in work on Roads and Highways, at the rate of one day for each dollar he may owe or be taxed."

And the question being put,

Was determined in the negative. Yeas 7, Nays 10.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Browning, Hendershott, Lash, Lewis, Miller, Steele, and Whitaker.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Felkner, Langworthy, Mason, Robertson, Summers, Toole, Walworth, and Cox, Speaker.

So the amendment was lost.

A motion was then made by Mr. Steele, that the Bill be engrossed and read a third time on Monday next. Pending which,

On motion of Mr. Mason,

The Bill was laid upon the table.

Mr. Toole offered the following:

Resolved, That the Secretary of the Territory be requested to pay Robert W. Gray three dollars per day up to this time, for services rendered as Recording Clerk of this House.

A motion was made by Mr. Summers, that the same be laid upon the table.

To which the House agreed.

Mr. Mason, from the Committee on Enrolled Bills, reported,

An Act to District the county of Dubuque into Districts for electing County Commissioners.

An Act to establish a Seminary of Learning at Iowa City, in Johnson county, as correctly enrolled.

The Speaker then signed the above entitled acts.

On motion of Mr. Hendershott,

The House adjourned.

### Wednesday Morning December 30, 1840.

Mr. Miller presented the petition of Wm. Anderson, asking compensation for services &c. rendered as guard in the Penitentiary, which was



On motion of Mr. Miller,

Referred to the Committee on expenditures, with instructions to report on Monday morning next.

Mr. Mason, from the Committee on enrolled Bills, reported, that they had on the 29th inst. presented to the Governor for his approval,

An act to amend an act entitled "an act to incorporate the Town of Bloomington," and

A Joint Resolution, asking our Delegate in Congress to use his influence to procure an appropriation, for the construction of a Military Road, from Rock Island to Iowa City, via Rochester."

Mr. Lash, from the Committee on engrossed Bills, reported Nos. 95. 99. 100. and 101. as correctly engrossed.

On motion of Mr. Avery,

Mr. Isett was added to the Committee appointed to examine the Journal as recorded by the Recording Clerk.

Mr. Leffler, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, which was instructed by resolution to examine and report to the House at an early period, whether the warrants issued by the Auditor of Public Accounts to certain militia officers of this Territory, have been legally issued, and whether the Territory is legally bound for the payment of the same," report,

That the authority of the Auditor to settle and allow accounts against the Territory, and to issue warrants on the Treasury for the payment of the same, is sanctioned by express statute provisions. The 6th and 7th sections of the act providing for the appointment of Auditors &c. approved Jan. 7th, 1840, read as follows:

SEC. 6. It shall be the duty of the Auditor at all times, to keep the accounts of the Territory, with any State, or Territory, and with the United States, with all the public officers, corporations, and individuals having accounts with this Territory. He shall audit all accounts of public officers who are to be paid out of the Territorial Treasury, and all persons authorized to receive money out of the Treasury by virtue of an appropriation made or to be made by law.

SEC. 7. On ascertaining the amount due any person from the Treasury, the Auditor shall grant his warrant on the Treasury for the sum due.

Your Committee would further state that they have carefully examined the law relative to the payment of certain militia officers for services &c. out of the Territorial Treasury, & find it to be expressly authorized.

Your Committee therefore ask to be dismissed from the further consideration of the subject.

The Report was concurred in.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:--

I am directed to inform the House of Representatives that the Council have passed with an amendment,



No. 69. H. R. An act supplemental to an act, fixing the terms of the District Courts."

No. 94. H. R. "A Memorial to the Post Master General,"

The Council have passed,

No. 44. C. F. A Bill to incorporate the Town of Farmington in Van Buren County.

No. 45. C. F. A Bill to incorporate the first regular Baptist Church of Davenport."

I herewith present for your signature,

An act to establish a Seminary of Learning at or near Marion in Linn County."

An act to incorporate the Fairfield Lyceum.

An act supplementary to an act for the benefit of Settlers &c. on the Half Breed Lands.

A Joint Resolution, providing for the printing of the Laws of the present Session.

An act supplementary to an act, regulating practice in the District Courts.

An act providing for the service of writs by copy in certain cases.

An act to District the county of Linn for the election of County Commissioners.

And then he withdrew.

The Speaker signed the above entitled acts and Resolution.

No. 97. H. R. A Bill to amend an act entitled "an act, to prevent and punish gambling," was read a second time.

On motion of Mr. Porter,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Isett reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

Several slight amendments being made to said Bill, a motion was made by Mr. Steele, that the same be engrossed and read a third time on Monday next.

And the question being put,

Was determined in the affirmative. Yeas 13, Nays 7.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Hendershott, Lash, Leffler, Lewis, Porter, Robertson, Steele, Summers, Toole, and Whitaker.

Those who voted in the negative, were,

Messrs. Felkner, Isett, Mason, Miller, Van Antwerp, Walworth, and Cox, Speaker.

So the Bill was ordered to be engrossed and read a third time on Monday next.



No. 40, C. F. A Bill to amend an act entitled "an act, to authorize the keeping of certain Ferries therein named, approved January 17, 1840.

No. 95, H. R. A Bill to amend an act establishing certain Territorial Roads."

No. 99. H. R. A Bill to make valid in law the survey of the Town of Dartmouth in Jones county."

No. 100, H. R. A Bill to amend an act entitled "an act to incorporate the Burlington and Iowa river Turnpike Company, approved January 24, 1839.

Were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 101. H. R. A Bill to incorporate the Presbyterian Church of Dubuque," was read a third time, and laid upon the table until Tuesday next.

On motion of Mr. Isett,

No. 35, C. F. "A Bill to authorize William St. John to keep a Ferry &c." and

No. 39, C. F. "A Bill for the relief of the Citizens of Muscatine county," were taken from the table and read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER:

Council have passed,

No. 15, C. F. A Bill to create the office of superintendant of Public instruction.

Also with amendments,

No. 81. H. R. A Memorial to Congress on the subject of Post Roads," and

No. 83, H. R. A Bill to establish a road from Burlington to Washington in Washington county," In which the concurrence of the H. of R. is requested.

I herewith present for your signature,

An act to amend an act establishing certain Territorial Roads therein named.

A Joint Resolution, relative to a mail route from Peru Illinois to Davenport Iowa, thence to Iowa City."

And then he withdrew,

The Speaker then signed the above entitled acts and Resolution.

No. 69. H. R. A Bill supplementary to an act to change the time of holding the District Courts in the 2nd and 3rd Judicial Districts," being returned from the Council with amendment, was taken up and considered, and the same being read was concurred in by the House.

No. 94. H. R. "A Memorial to the Post Master General as returned from the Council with amendments, was taken up, and the same being read were severally concurred in.



No. 44. C. F. A Bill to incorporate the town of Farmington in Van Buren county;" and

No. 45. C. F. A Bill to incorporate the first regular Baptist Church of Davenport," were severally read a first time.

No. 81. H. R. A Memorial to Congress, on the subject of Post Roads," being returned from the Council with amendments, and being under consideration, the amendments were read and severally concurred in by the House.

No. 83. H. R. A Bill to establish a Road from Burlington to Washington in Washington county," being under consideration as returned from the Council with amendments, was taken up, the amendments read and severally concurred in.

No. 15. C. F. A Bill to create the office of Superintendant of Public Instruction," was read a first time.

A Motion was made by Mr. Lash, to take from the table

No. 62. H. R. "A Bill to provide for Assessing and collecting county Revenue," To which the House agreed.

The Bill was then taken from the table, and the question pending on the same, being to engross and read a third time on Monday next, being put,

Was determined in the negative. Yeas. 8, Nays 8.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Felkner, Hendershott, Lash, Miller, Robertson, Steele, Toole, and Whitaker.

Those who voted in the negative, were,

Messrs. Brierly, Browning, Leffler, Lewis, Mason, Summers, Van Antwerp, and Cox, Speaker.

So the Bill was lost.

Mr. Mason from the Committee on Enrolled Bills, reported, that they had this day presented to the Governor for his approval,

An act to District the county of Dubuque into Districts, for electing county Commissioners." and

> An act to establish a Seminary of Learning at Iowa City, in Johnson county."

On motion of Mr. Summers,

The House adjourned.

## 2 O'CLOCK P. M.

A motion was made by Mr. Summers, to take from the table

No. 9. C. F. A Bill to amend an act entitled, "an act regulating conveyances." To which the House agreed.

The Bill was then taken from the table, and on motion of Mr. Summers, the House resolved itself into a Committee of the Whole House for its consideration.



After some time spent therein, Mr. Speaker resumed the Chair and Mr. Lash reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment, to which the House agreed.

The Bill was then ordered to a third reading on to-morrow.

Mr. Summers, on leave, introduced

No. 102. H. R. A Bill to dissolve the Bonds of Matrimony between H. E. W. East and his wife Sarah East," which read a first time.

On motion of Mr. Browning,

Ordered, That the 42nd rule be suspended, and the Bill be read a second time now;

The Bill was then read a second time, and on motion, the House resolved itself into a Committee of the Whole House for its consideration.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Leffler reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with an amendment.

And the question being put; Will the House concur in the report of the Committee?

Was determined in the negative.

A motion was made by Mr. Summers, that the Bill be laid upon the table until Monday next,

To which the House agreed.

On motion of Mr. Mason,

The vote given during the forenoon's session, for the engrossment of No. 62. H. R. A Bill to provide for assessing and collecting county Revenue," was reconsidered.

A motion was then made by Mr. Mason that the Bill be recommitted, and that the Committee be instructed to report to-morrow morning,

And the question being put,

Was determined in the affirmative. Yeas 13, Nays 6.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Avery, Felkner, Isett, Leffler, Lewis, Mason, Miller, Robertson, Summers, Toole, Van Antwerp, Walworth, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Brierly, Browning, Hendershott, Lash, Steele, and Whitaker.

So the Bill was recommitted.

By request, Mr. Whitaker was excused from serving on said Committee.

The Speaker then appointed Mr. Lewis to fill the vacancy thereby occasioned.



Mr. Felkner gave notice, that he would on some future day, introduce a Bill, to district the county of Johnson for electing county Commissioners.

Mr. Van Antwerp gave notice, that he would on Wednesday next introduce a Bill defining the duties of Supervisors of Roads and Highways.

On motion of Mr. Steele,  
The House adjourned.

### Thursday Morning, December 31, 1840.

Mr. Robertson presented the remonstrance of sundry citizens of Scott county, remonstrating against any change of said county from the Judicial District to which the same is now attached.

On motion of Mr. Summers.

Said remonstrance was laid upon the table.

Mr. Lewis presented the petition of sundry citizens of Van Buren county, asking the review of a certain portion of a Territorial Road, leading from Keasauque to the County Seat of Jefferson county.

Ordered, That said petition be referred to the Delegation from Van Buren county.

No. 15, C. F. "A Bill to create the office of Superintendent of Public Instruction," was read a second time.

On motion of Mr. Lewis,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lewis reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Mason,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, Messrs. Mason, Avery, and Browning were appointed said Committee.

No. 40, C. F. "A Bill to incorporate the Town of Farmington, in Van Buren county," was read a second time, and,

On motion of Mr. Lewis,

The House resolved itself into a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment, to which the House agreed.



On motion of Mr. Lewis,

Ordered, That said Bill be read a third time on Monday next.

No. 45, C. F. "A Bill to incorporate the first Baptist Church of Davenport," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill do lie upon the table.

No. 9, C. F. "A Bill to amend an act regulating conveyances," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

The Speaker, on leave, introduced No. 103, H. R. File, "A Bill to authorize John S. Faber to establish and keep a Ferry across the Mississippi river, at Faber's Landing," which was read a first time.

On motion of Mr. Hendershott,

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and,

Ordered to be engrossed and read a third time on Monday next.

A motion was made by Mr. Isett, to reconsider the vote of concurring in the amendment made by the Council, given on yesterday, to No. 83, H. R. File, "A Bill to establish the Territorial roads therein named.

To which the House agreed.

On motion of Mr. Isett,

The Bill was then amended by striking out the name of T. T. Clarke, and inserting that of Wm. Chambers, Sen'r.

The House then concurred in the amendment of the Council as amended.

Mr. Felkner, in accordance with previous notice, introduced No. 104, H. R. "A Bill to district the county of Johnson into county Commissioners' Districts," which was read a first time.

On motion of Mr. Felkner,

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and ordered to be engrossed and read a third time on Monday next.

Mr. Walworth, from the Select Committee, to which was recommended No. 62, H. R. "A Bill to provide for assessing and collecting county Revenue," reported the same back to the House with amendments, which were read a first time.

On motion of Mr. Walworth,

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and,

On motion of Mr. Van Antwerp,

The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,



Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Lash, to insert in the first section the following paragraph, to wit:

"Provided always, That when any person or persons, wishing to obtain a license to retail ardent spirits in any town or village in this Territory in a less quantity than one gallon, such person or persons, shall, before such license be granted, be required to obtain the consent of a majority of the legal voters of said town or village."

And the question being put,

Was determined in the negative. Yeas 4, Nays 18.

The yeas and nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Brierly, Lash, Porter, and Steele.

Those who voted in the negative, were,

Messrs. Avery, Box, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Leffler, Lewis, Mason, Robertson, Summers, Toole, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

So the amendment was lost.

A motion was made by Mr. Hendershott, to amend the second section, by adding the following paragraph, to wit:

"Any person indebted to his county for the assessment of a poll tax, may have the privilege of paying the same by working on the public roads in the precinct in which he resides, at the rate of one dollar per day, and if the person so indebted, shall neglect or refuse to pay his poll tax, either in money or work, then, and in that case, the person so refusing or failing to pay his poll tax, shall not hold any property free from execution for the payment of such poll tax."

To which the House agreed.

A motion was then made, that the Bill be engrossed and read a third time on Wednesday next.

And the question being put,

Was determined in the affirmative. Yeas 15, Nays 6.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Browning, Brierly, Hendershott, Lash, Leffler, Lewis, Mason, Porter, Robertson, Steele, Van Antwerp, Walworth, and Whitaker.

Those who voted in the negative, were,

Messrs. Felkner, Isett, Langworthy, Summers, Toole, and Cox, Speaker.

So the Bill was ordered to be engrossed and read a third time on Wednesday next.

On motion of Mr. Avery,

The House adjourned.



2 O'CLOCK, P. M.

Mr. Hebard, from the Joint Committee, appointed to visit and examine the Public Building at Iowa City, on leave, submitted a Report, being that of the majority, which was read as follows:

*To the Honorable the House of Representatives:*

The Committee appointed under "A joint resolution of the Council and House of Representatives, approved December ninth, eighteen hundred and forty, to repair to Iowa City to examine the public buildings, materials on hand, books, papers, and records of the Acting Commissioner, and collect all the information they may be able to procure, and report the same to the Legislative Assembly as soon as practicable," respectfully report:

That they proceeded immediately to Iowa City and entered upon the discharge of the duties assigned them by the above resolution; they commenced with the capitol, and after a careful examination of the work, take pleasure in stating, that the walls, so far as they have been constructed, appear to be of superior quality. The main walls are massive, and built in a substantial and workmanlike manner—the stone being large and laid with good bond and bearings. The walls in the foundations are six feet thick, and sunk to an average depth of three feet below the floor of the basement story, which itself extends about the same distance below the natural surface of the ground. For a space of twenty-five feet in the middle of the east side, the foundation is sunk fourteen feet below the floor of the basement, on account of adjacent interior vaults, which are of the same depth. The wall, in this place, is seven feet thick, and like the other parts of the foundations, is rendered perfectly solid by the use of grout. The walls of the basement story are four feet thick, and built with inverted arches under all openings for doors and windows, in order to distribute the pressure of the whole superstructure uniformly throughout the entire length of the foundation walls.—The walls of the upper stories will vary from two to three feet in thickness, according to their height and position; and, if the remainder of the masonry is put up with the same care that the work already done indicates, it is hardly possible that the building can ever settle or crack, unless the earth under the foundation is more compressive than the Committee have any reason to suppose. For the satisfaction of such as are not informed, it is thought advisable to give a description of the capitol, according to the plan adopted by the board of commissioners, both as to its external appearance and interior arrangements. It is located in the centre of a plat of ground forty rods in extent, on each side, called the "Public Square."—It is one hundred and twenty feet long north and south,



and sixty feet east and west. It is to be ornamented by magnificent porticos, one on each side, supported by four massive pillars, twelve feet in advance of the walls of the building. The exterior of the building is thus described: from the window sills of the basement, which will be level with the pavements, to the water table, the face of the walls is made of large blocks of cut-stone. The water table is composed of about fifty blocks, sixteen inches thick, from seven to eight feet long, said to weigh from six to eight thousand pounds each after they were dressed. These blocks form for the heavy basement walls, a kind of coping; from the outside edge of which the walls of the upper story make an offset of sixteen inches, leaving the water table for that width exposed to view entirely around the building, which adds much to the beauty and apparent strength of the work. On each of the fronts there are eight pilasters, four feet wide, and projecting ten inches from the face of the walls; these are to be surmounted by cut-stone caps supporting the architrave, thus giving to the building the appearance of being studded by pillars. The Committee have suggested to the Acting Commissioner the propriety of dressing the pilasters in the same manner as the water table, door, jambs, &c., so as to avoid the necessity of using "rough cast or hard finish" on angular projections, which are so liable to be defaced. It is the intention to use such rough-cast or hard-finish on the whole building, except where the dressed work may appear. The cornice, if made to the plan as shown on a draft of the building, will be highly ornamental; but there seems to be too much doubt about it at present, to justify any description; it may be altered materially, or it may not be put up at all. The Committee would express a hope that no change be permitted which will ultimately interfere with the symmetry of the plan. The roof is to be surmounted by a cupola, which, if completed, will be ornamental, but expensive. The base is an octagon, supported by the interior vestibule walls. Upon this base stand eight corinthian columns crowned with handsome capitols supporting a spherical roof. Within the circle of the columns the space is enclosed by eight long windows placed also in octagonal form, by which light is communicated to the stairway descending in the middle of the building through the successive stories. The interior arrangement is as follows: the basement story is entered by two doors in the opposite ends, both opening into a hall seven feet wide, which runs directly through the building north and south, dividing it into two equal parts. There are four rooms on each side about twenty feet square, designed for committee rooms. There is also a large and convenient wood-room, and a fire-proof vault, arched with brick, and covered with grouted masonry more than three feet thick, for the safety of public documents. On the next floor there is the same division north and south, and a broad hall or vestibule east and west, entered from the porticos on each side of the building. North of the vestibule, east side, is a room forty-three by



twenty-two and a half feet, designed for the supreme court; a corresponding room of the same size on the south of vestibule, is designed for the use of the Secretary of the Territory. West of the north and south hall are four rooms, equal in size, designed for the use of the Governor, Auditor, Treasurer, and the Library. On the upper floor the north and south hall is omitted. In the south wing is the Representatives hall, fifty-two by forty-three feet in the clear. In the north wing are the Council chamber and three small committee rooms, cut off from the west side of it.

An estimate of the masonry done and to be done, has been made, and though the Committee adopted a rule of measurement of their own, regardless of those observed by mechanics, it can make no difference in the comparative ratio between the finished and unfinished parts of the work.

The whole number of perch (of sixteen and a half cubic feet each) in all the stone walls for the whole building, exclusive of cornice, according to estimate, without any deduction for openings, is 4232.—The items of the estimate are,

Foundation,	-	-	-	-	1228	perches,
Basement,	-	-	-	-	1188	"
First story,	-	-	-	-	862	"
Second story,	-	-	-	-	778	"
Architrave, pilasters, and gable ends,	-	-	-	-	176	"
Total,					4232	perches.

Of the above, all the masonry in the foundation, basement, and two hundred and ninety perch on the first story is done, making 2606 perches, leaving to be done, 1626 perches.

The Committee are aware that, although figures may show the relative number of perch, they cannot exhibit the relative cost.—The walls of the foundation and basement are from four to seven feet thick, while those of the upper stories are from two to three feet. A much larger amount of facing, and dimension stone will be necessary in proportion to the number of perch. The elevation of the materials also, as high as forty feet from the ground toward the completion, will add materially to the expense. All the partition walls in the basement are built of stone—those in the first and second stories are built of brick,—those running north and south are nearly finished. The vestibule walls are raised to the floor of the second story; they are to be carried to the height of the outer walls, and upon them are to be placed the timber supporting the cupola already mentioned. The Committee, after an examination of the materials on hand, concluded that the amount of lime, sand, and "stone in the rough" corresponded with the report of the Acting Commissioner. The lime is covered from the weather. The above statement, so far as the stone is concerned, is given as the result of judgment—it being impossible to



ascertain the precise amount by any rule of measurement, while the stone are scattered in irregular heaps over a large extent of ground. The lumber purporting to have been delivered by Messrs. Connelly, Felkner, and Drury, amounting to near one hundred thousand feet, the Committee also were unable to estimate accurately. It certainly seems a large amount for the show it makes at the capitol.

The situation of the lumber called for by the receipts of Mr. Ronalds and Messrs. Hanby and Heron, will be understood by the explanation of their contracts, in another part of this report.

Having examined the condition of the capitol, the materials on hand, and having gone through with the estimates in reference to its completion, the Committee proceeded to examine into the correctness of the reports of the Acting Commissioner. They examined his books, records, and vouchers of every description from the time of his appointment, as Acting Commissioner, up to the date of his last report to the Legislative Assembly. The Committee found the aggregate amount of the vouchers for the disbursement of the public money to correspond very nearly with the statements of the Acting Commissioner, in his several reports.

The character of the vouchers, however, is decidedly exceptionable. The Committee regret that the Acting Commissioner had not seen proper to take a different kind of vouchers for moneys disbursed by him in his official capacity. Though they may be consistent with fidelity and uprightness on the part of the Acting Commissioner, yet, they afford, in themselves, no means of ascertaining whether they are, in truth, what they purport to be. Some few of them are made out properly. They show on their face value for value; they show an equivalent for the amount of money receipted for. If for materials, they show the quantity furnished, and the rates; if for labor, they show the time and rate. But a vast proportion of the vouchers examined by the Committee are entirely destitute of specifications; they show no items, give no particulars. They are given in the gross, the same receipt not unfrequently embracing several distinct classes of labor and materials. In regard to many of these receipts given for considerable sums of money, the Committee are left in the dark as to their correctness, because the persons by whom they purport to have been signed, were not within their reach, some of them having left the Territory. Of this class are the heavy receipts of Rague & Co., Skeen and Dillon. They may or may not be all correct and right. They are, at any rate, unsatisfactory. They are far from being consistent with what should be required at the hands of every public officer, strict accountability. A public officer should conduct his business in such manner as to be able to exhibit at a glance his precise standing with the authority for which he acts. He should be careful to have system and method in all his transactions, and should never be afraid of specifications.

The Legislative Assembly will form, perhaps, a more correct opin-



ion of the vouchers of the Acting Commissioner from the following specimens:

"IOWA CITY, Oct. 24, 1840.

*The Territory of Iowa,*

*Dr.*

To Hanby and Heron, for timber and labor on second tier of joists, as per contract with Acting Commissioner, \$600 00  
I hereby certify that the above account is true and correct.

C. SWAN, Acting Commissioner,  
of Public Buildings at Iowa City."

Hanby and Heron, at the bottom of the account, acknowledge the receipt of the above sum.

It may be imagined that the contract referred to in the account, will show the specifications—so thought the Committee; but on making enquiries for the contract, they were told that there was nothing but a verbal agreement between the Acting Commissioner and Messrs. Hanby and Heron.

"For work with team, ploughing and scraping for foundation, \$60 00

"For board and lumber, - - - - - 60 00

"To work with team in April last, one axe for Territory, sand delivered August first, time and expenses in getting plan of building, and conveying plat of town to Gov. Lucas, in eighteen hundred and thirty-nine, - - - - - 73 75

"For transporting tools from Dubuque, and to use of team on location drawing stakes, - - - - - 29 52

"For hauling rock from Cedar, (eleven loads) and work on avenue in August, - - - - - 193 80

"For hauling rock and lumber, for Iowa capitol, - 45 00

"For hauling rock from Cedar quarry, and lumber, - 121 00

"For boarding hands while surveying the location in July and August, eighteen hundred and thirty-nine, - - - - - 99 25"

The Committee summoned before them several individuals who had given receipts for considerable amounts of money, in order to test their correctness. And they invite the attention of the legislative assembly to the testimony of Mr. Hanby, Mr. Heron, Mr. Woodworth, and Mr. Drury. The testimony of these witnesses will show in what manner the interests of the Territory have been managed by the Acting Commissioner. There appear to have been a looseness, an apparent want of adequate ability about the management of the public business at Iowa city, in many instances, inadmissible in a public officer. A public officer entrusted with important interests should be required to exercise at least as much care and diligence in transacting the public business, as a prudent and discreet man would exercise in conducting his own. Would it be expected of a prudent and sensible man that he would pay out six hundred dollars to an individual without knowing if they had had dealings together, whether that amount was due or not; or that he would advance six hundred dollars



to an individual upon his naked, verbal agreement to furnish him lumber, without a line between them, and perhaps not even a witness to the agreement?

It appears that Messrs. Hanby and Heron have not as yet delivered a foot of lumber on their contract to the Acting Commissioner, though a considerable portion of it is on the ground, part sawed and part unsawed. He has paid them six hundred dollars, and has their verbal engagement to furnish him lumber. According to Mr. Hanby, who made the agreement and signed the receipt, the bill of joists he was to furnish will amount to less than two-thirds of the receipt. The balance seems to have been made up of work on bridge, lintles, putlocks, and making and repairing tools. And they arrive at the amount of all this by guess—"rough guess"—as Mr. Hanby terms it. He desired some money, and guesses that six hundred dollars would answer his purpose; and the Acting Commissioner having nothing to show a different guess, takes a receipt for the amount. Mr. Heron, though he never signed the receipt and knew nothing of the agreement, until after it had been made, seems to have a different understanding about it. He thinks that the receipt had no connection with the work on the bridge, lintles, putlocks, and making and repairing tools; that it was exclusively for lumber and work on capitol, and that a part of the receipts was designed to cover certain notes which he owes the Territory for town lots.

Mr. Drury also makes a verbal agreement with the Acting Commissioner to deliver him forty thousand feet of lumber for twelve hundred dollars. He says he has received the amount of the receipt, part in cash, and part in town property; but he is unable to tell what proportion of each. And in one of his answers to questions put to him by the Committee, he says, "it was the *calculation* at the time of settlement that he had delivered forty thousand feet of lumber to the Acting Commissioner."

Mr. Woodworth, it appears, acted as foreman in different quarries, from June, till some time in October, 1840. His first receipt is given for \$600 53, designed to cover the expenses of the hands and teams, under his charge in the months of June and July. But the expenses of the hands and teams under him in these months according to pay-rolls, which he says were kept by himself, amount to only \$454 46. His original pay-roll had been copied, and hands and teams added thereto, sufficient to make up the difference between the actual amount of his expenses, and the amount he receipts for.—Mr. Woodworth, is therefore in this instance made to receipt for \$146, the expenditure of which he could know nothing about. August 21st, he gives another receipt for \$200. He says at that time he had come in from the Cedar quarry, and Mr. Swan wanted to send for some money, and desired his receipt for \$200, it being as near as he could calculate the amount of expenses which had then accrued at that quar



ry. He says he gave the receipt without getting the money, and that it was received by the hands in September. It appears from Mr. Woodworth's statement, that the total amount of expenses according to his pay-roll for August, September, and till the time operations were suspended in October, is \$1,964 31, while his receipts for that period amount to rising \$2,600. Mr. Woodworth says, that of the amount of these receipts he received only his wages, though he assisted the Acting Commissioner in paying the hands. In making up the balance between the amount of expenses under Mr. Woodworth, and the amount of his receipts, there is found an item of \$62 54, charged the Territory by the Acting Commissioner for work on avenue in 1839, the year before Mr. Woodworth commenced work. The Acting Commissioner observed to the Committee, that this charge he explained to Mr. Woodworth, and he was induced to receipt for it, being satisfied that it was correct. Here is a charge of \$62 54, stated to be for services in 1839, it sleeps till 1840, when it is embraced in the receipts of a man, who, not being present when the labor is alleged to have been performed, could not know a syllable about it.

The same mode of giving receipts seems to have been practiced by Mr. Skeen, and Mr. Watt, other foremen of the Acting Commissioner. The whole amount of expenses according to Skeen's pay-rolls for July, August, and September, being the whole time he receipts for, is \$3,087 35, and the amount he receipts for, for the same period, is \$4,566 05. The deficit however is accounted for by the Acting Commissioner in receipts from divers individuals, with the exception of about \$200, services for which are found on small account books, but for which the Acting Commissioner neglected to take receipts.

October 29, 1840, William Watt, receipts for \$1,470 53. The amount of expenses under him according to his pay-rolls, is \$419 91. In this receipt is included an item of \$396 60, purporting to be "C. Swan's account of expenses from May 1, 1839, up to November 1, 1840. In this month, William Skeen acts as foreman from the 1st to the 17th, inclusive, and the amount of expenses under him according to a pay-roll said to be his, is \$648 86. This item composes a part of Watt's receipts.

In August, the Acting Commissioner, and Lyman Dillon, kept a pay-roll amounting to \$760 90, entirely separate and distinct from Skeen's pay-rolls, Skeen having nothing to do with the hands and teams therein mentioned; the amount, however, is included in Skeen's receipt.

The reason assigned by the Acting Commissioner for this method of giving receipts by his foremen, for more money than the amount of their respective pay-rolls, was to avoid the inconvenience of sending small bills to be audited. Some of these small bills are respectively \$70, \$92 70, \$193 80, and \$760 90. Receipts, as the committee were informed by the Acting Commissioner, were the only vouch-



ers that were acceptable to the Auditor. Before he could draw money, he was required by the Auditor to present to him, not accounts showing that services had been rendered and certain monies were due, but receipts stating the absurdity that certain amounts of money had already been received. This appears to have led to many improprieties and much awkwardness in the business transactions of the Commissioner.

The committee wish to say a word upon the pay-rolls kept by the Acting Commissioner and his foreman. Along the top of the pay-roll are the days of the month in their order; then a space or column for the per diem wages; and beyond that a space for the amount of wages for the month, or as many days as a hand may have worked, and beyond that again, a considerable space for remarks or receipts. The committee observe that none of these pay-rolls are receipted; and there appears nothing in writing to show that the hands under the different foremen have been paid.

By a joint resolution, the legislative assembly authorized the expenditure, by the Acting Commissioner, of the sum of three hundred dollars on the Iowa Avenue; the committee endeavored to ascertain whether that amount, or less, or more, had been applied to this object. They were, however, unsuccessful in their endeavors, the Acting Commissioner informing them that he had kept no separate account of the amount of expenditures thereon. The committee regret this the more, on account of the frequent reference which is made to "work on Avenue" in the vouchers.

In looking over a paper of the Acting Commissioner, entitled "An abstract of the expenses on the Iowa capitol, up to October 1, 1840," the committee observe that the sum of one hundred and fifty-five dollars and twenty-five cents, is charged the Territory as having been paid to L. D. Swan, (son of the Acting Commissioner) "For writing as clerk, and making out special report for the extra session, by direction of the board of commissioners," and in a book called the "Record of the board of commissioners," they find that the Acting Commissioner charges the Territory forty dollars, "as expenses extra in making special report in July." The committee believe it to be the duty of the Acting Commissioner to communicate, without any extra charge, any information respecting his official transactions, whenever the legislative assembly may desire it.

In the same book, the Acting Commissioner charges the Territory with the following items:

Paid team for going after specie in June,	-	-	\$30	00
do " " " " in July,	-	-	31	50
do " " " " in August,	-	-	22	50
Room rent for office, one year, up to Nov. 1, 1840,			120	00

The charges for going after specie, the committee report because



they found them charged. The charge for room rent (if a charge of that kind be allowable at all) they consider extravagant. They believe that the rent of the room the Acting Commissioner occupies as his office, in proportion to the rent of his whole house, of which it is a part, could not, at a fair estimate, exceed fifty dollars. Besides, the Acting Commissioner occupies the same room as a post office.

As the committee were instructed by the joint resolution under which they were appointed, to "collect all the information they may be able to procure," they deem it within the province of their duty, to state, for the information of the legislative assembly, that Mr. Swan, at the same time that he holds the office of Acting Commissioner under the Territory, holds also the office of post master at Iowa City. The committee are of opinion, that, under the organic law, the office of post master and the office of acting commissioner are incompatible. A part of the 8th section of the organic law reads, that "No person holding a commission or appointment under the United States or any of its officers, except as a militia officer, shall hold any office under the government of the Territory."

A large proportion of the contracts made by the Acting Commissioner for materials and labor, betrays, in the opinion of the committee, a want of prudence and discretion. The contracts are principally verbal—which the committee consider wrong. They consider it wrong to risk the interest of the Territory to the amount of \$400, \$600, and \$1200, on mere loose, verbal agreements, about the specifications of which there may be endless differences. In the written contracts, also, there is a want of stability—a practice of playing "fast and loose"—and too much condescension in permitting contractors to make, annul and transfer their bargains at pleasure. For example: on the 12th of November, 1839, "John Frierson & Co." entered into contract with the Commissioners, agreeing to quarry and deliver "as many perches of stone in the rough of such dimensions as may be called for by the architect," as would be necessary to complete the foundation and basement story of the capitol, and the stone generally for building, "except the stone to be used between the basement story and the top of the cornice," at one dollar per perch of  $24\frac{3}{4}$  cubic feet, and stone to complete the building from the basement, for \$2100; also, as many merchantable brick, as may be required for the building, at \$8 per thousand; also, unslacked lime at 25 cents per bushel, and sand at five cents per bushel.

The first branch of this contract is undoubtedly favorable to the Territory, and that part in relation to the brick, lime, and sand, favorable to the contractors; taking it together, it is a fair contract for both parties.

On the 25th December, Mr. Frierson & Co., becomes dissatisfied with that part of it, in relation to the stone, and is permitted to abandon it, and is also permitted the privilege of transferring the favora-



ble branches of his contract to third persons. That part respecting the brick, he transfers to Joseph Wilford, jr., who receives it under the following instrument: "Know all men by these presents, that whereas John Frierson & Co., on the 12th day of November, 1839, entered into contract with Chauncey Swan, John Ronalds, and Robert Ralston, for the delivery of the stone, brick, and lime, necessary to complete the capitol, at Iowa City; and whereas the said John Frierson & Co. did, on the 25th day of December, 1839, transfer to Joseph Wilford, jr. all that part of the said contract which relates to the furnishing brick—now, therefore, be it known, that I, Joseph Wilford, jr., am held and firmly bound to the said Joseph Frierson, for the payment of one dollar per thousand for all brick received of me by the Acting Commissioner at Iowa City, as a consideration for this transfer of said contract, which I agree to pay him as estimates are made and paid for every sixty days, by the Acting Commissioner, agreeably to article, this day made and signed by the said John Frierson & Co.

In testimony whereof, I have hereunto set my hand and seal, this 27th day of December, 1839.

JOSEPH WILFORD, jr., J. P."

On the back of this instrument is the following: "I hereby authorize Chauncey Swan, Acting Commissioner, to retain in his hands one dollar per thousand for my use, the same being the amount agreed on as my compensation for the transfer.—December 27, 1839.

JOHN FRIERSON & CO.

This singular paper the committee find in the hands of the Acting Commissioner. It appears that Mr. Frierson & Co., is permitted to pocket between one and two hundred dollars of the public money, as a bonus for transferring a part of his contract, which he did not wish to abandon, whilst he relinquishes the unfavorable part, and is released from his bonds.

That part of Mr. Friersons & Co.'s contract which relates to the lime and sand, is, on the 25th day of December, 1839, given to Lyman Dillon, and Green Weaver; to what advantage to Mr. Frierson & Co., does not appear.

On the 22d of October, 1840, Mr. John Ronalds (one of the commissioners) contracted in writing to "deliver to the Acting Commissioner, twenty thousand feet of good oak flooring for the use of the capitol," for which it was stipulated, that he should receive at the rate of twenty dollars per thousand, board measure, at the mill: Provided, it costs no more than one dollar on each hundred, to deliver the same at Iowa City, in that case said Acting Commissioner is to have said lumber at thirty dollars per thousand at Iowa City, on the capitol square. And the agreement concludes that "said Swan has, on his part this day, paid me in advance, on the above contract, the sum of four hundred and twenty-nine dollars, the receipt being hereby acknowledged."



The committee were informed by the Acting Commissioner that no part of the lumber mentioned in this contract had been delivered, though he stated that a portion of it was sawed.

This is certainly a curious contract. Mr. Ronalds agrees to deliver twenty thousand feet of lumber, upon such terms that in no event shall it cost the Territory more than twenty dollars per thousand at his mill. At the outside, therefore, the whole amount cannot cost the Territory more than \$400, at the mill. It seems, however, by the receipt, that the Acting Commissioner advances \$29 more than by the terms of the contract, the lumber can possibly come to.

On the 12th of November, 1839, John F. Rague agrees with the commissioners to erect the capitol to the top of the horizontal cornice, porticos, columns, entablatures, &c., in two years from that date, according to the original plans, for \$46,400, the Commissioner furnishing the materials. William McDonald and William Skeen, afterwards become partners of Rague in the contract, and are recognised as such by the Commissioner.

In a subsequent contract, dated March 14, 1839, (but evidently intended for March 14, 1840,) between the Commissioners and Rague, McDonald, and Skeen, a portion of the work is omitted, viz: the porticos, and the consideration reduced to the sum \$34,000, and the commissioners agree to pay the contractors \$5,000 in addition, for furnishing rock sufficient to erect the building to the under side of the architrave. On the sixteenth of March, eighteen hundred and forty, Skeen withdraws from the firm. The contractors proceed with the work till they think they have performed services to the amount of \$10,000, when they throw up the contract, and receipt for and receive the amount. The Acting Commissioner discovering that he has paid them too much, contrives to make them refund in money and tools, some eleven hundred dollars.

The amount of notes in the hands of the Acting Commissioner, given for lots, up to November 1, 1840, the committee found to be \$19,102 72, exclusive of notes amounting to \$647 50, given for lots by Mr. Swan, and reported by him as cash on hand in his last report. The Acting Commissioner reported one note of \$148, which he says has been since paid. The aggregate amount of the whole number of lots sold at the date of his last report, is

	\$34,397 75
The amount of notes then on hand,	19,250 72

	<hr/> \$15,147 03
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The total amount of money which has been received by the Acting Commissioner from the appropriation, sale of lots, and other sources, is

	\$35,809 21
The total amount of his disbursements, is	33,479 39

	<hr/> \$2,329 82
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The committee, without vouching for the entire accuracy of this exhibit, believe it to be at least an approximation to correctness.

The aggregate amount of the unsold lots, according to the valuation of the Acting Commissioner, is about \$174,000. The committee are of opinion that the present minimum price is somewhat too high, and would suggest the propriety of authorizing its reduction.

The capitol has a fair start, and could be speedily completed, if the means of the Territory, ultimately ample, were immediately available. The committee are apprehensive that a sufficient amount of funds for a vigorous prosecution of the work cannot be seasonably realized from the resources of the Territory, without the aid of a loan, on the faith of the lots.

One obstacle in the way of realizing means from the notes given for lots, in so full a manner as might be expected, grows out of the form of the certificates made use of at the first and second sales in 1839. At those sales, two hundred and four lots were sold at an aggregate of \$28,378 75. One-fourth being paid down, the purchasers gave their notes for the balance, payable in three instalments, and received certificates of their purchases. The following is a copy of one of them:

TERRITORY OF IOWA, IOWA CITY, }  
Office of Commissioner of Public Buildings. }

"I, Chauncey Swan, Acting Commissioner of Public Buildings, at the Seat of Government for the Territory aforesaid, do hereby certify, that \_\_\_\_\_ of the county of \_\_\_\_\_ in the

\_\_\_\_\_ this day purchased lot No. \_\_\_\_\_ in block No. \_\_\_\_\_ in the city of Iowa, the established Seat of Government of the Territory aforesaid, and having complied with the conditions of sale, the said \_\_\_\_\_, his heirs or assigns, are entitled to a deed of conveyance in fee simple to said lot, so soon as the title is obtained from the Government of the United States; for which conveyance the faith of the Territory of Iowa is hereby pledged.

Given, &c.

C. SWAN, &c.

About \$14,000 are due on notes under these certificates; and a number of the holders imagine that their lots are in no danger of forfeiture if their notes are not paid at maturity. It is unfortunate that this form of certificate was made use of—where the blame attaches—if any and where—the committee are not advised. The Acting Commissioner states that they were forwarded to him to be used, by the Executive.

The legislative assembly will judge whether there has been any mismanagement or mal-practice at the sales of lots, from the testimony of Messrs. Irish and Wilcher.

All of which is respectfully submitted.

ALFRED HEBARD,  
FRANCIS SPRINGER.



## TESTIMONY.

The first witness examined by the Committee was James N. Ball, introduced by the Acting Commissioner, to show that the books kept by William Skeen, his foreman, were not in his possession.

James N. Ball, (sworn.)—Question. Do you know where the books kept by William Skeen, as superintendent of the works on the public buildings at Iowa City, are?

Answer. From the best of my knowledge, living in the same house with him, I believe the books referred to, are in the possession of Skeen.

Ques. How many books did he keep?

Ans. Two or more; time book and pay-roll.

Joseph Woodworth, (sworn.)—Question. When did you commence work with the Acting Commissioner?

Answer. I did some work for him in June, eighteen hundred and forty, and on the ninth of July, if I recollect right, I commenced working for him in the capacity of foreman of the quarry.

Ques. What were your wages?

Ans. Two dollars and twenty-five cents per day, and boarded.

A paper purporting to be a pay-roll was presented to witness.

Ques. Is this your pay-roll for July?

Ans. It is a copy of my pay-roll for July.

Ques. Where is the original?

Ans. I delivered it to Mr. Swan. I think Mr. Swan had the pay-rolls copied every night about that time.

Ques. Is this a true and correct copy of your pay-roll for July?

Ans. I think it is.

The column of expenses was footed up, and to the sum total, the sum of one hundred and nine dollars and thirty-two cents, had been added as "brought from July." Mr. W. explained, and said that the last item of one hundred and nine dollars and thirty-two cents, was not on the original. The first part of the roll, I believe, is a true copy of the original. I am not so certain with regard to the latter part. I think the sum of one hundred and nine dollars and thirty-two cents, is intended to cover the expenses of myself and hands in June.

Ques. How many hands had you in June?

Ans. From four to eight hands, employed from six to eight days in examining the bank for stone.

Ques. Did you keep an account of the number of hands you had employed, and the number of days they worked?



Ans. I kept a regular pay-roll.

Ques. What did you give the hands in your employ in June?

Ans. I think one dollar and twenty five cents per day, and they boarded themselves. Some part of the time I had an ox team and a horse team. The June pay-roll must be in Mr. Swan's hands.

Ques. Did you or Mr. Swan pay for your board?

Ans. In June I charged nothing for board; after that to Oct. Mr. S. paid my board.

Ques. What did you pay a week for board?

Ans. Until Oct. two dollars and seventy-five cents; after that three dollars.

Ques. Did you keep any books?

Ans. None, except for team work.

The original pay-rolls having been sent for by the Committee, were here brought in by Mr. Dolbee.

The roll marked "A" witness stated was his original pay-roll for June, and that marked "B," his original pay-roll for July. Witness stated that these two pay-rolls embraced all the hands and teams under his charge, in the months of June and July, eighteen hundred and forty.

Ques. Did you receive the sum of six hundred dollars and fifty-three cents, specified in your receipt to Mr. Swan, dated August first, eighteen hundred and forty?

Ans. I did not. I actually received no money except my wages; but I am perfectly satisfied that all the men were paid, and that the amount receipted for in the receipt of August first, was paid.

Ques. What is the amount of the expenses of the hands and teams under your charge, including your own wages, according to your pay-rolls for the months of June and July?

Ans. Four hundred and fifty-four dollars and forty-six cents.

Ques. Do you know how long, and at what rates the hands mentioned in the copy of your pay-roll for July, other than those under your charge, worked?

Ans. I could not say positively.

Ques. In July where were you and your hands employed?

Ans. At the city quarry.

Mr. W. stated that the sum of fifty-five dollars, being the amount of his receipt to Mr. Swan, dated October twenty-nine, eighteen hundred and forty, was for services as superintendent in September and October, part at the Cedar quarry, and part at the city quarry.

Ques. What is the two hundred dollars receipt, dated August twenty-first, eighteen-hundred and forty, for?

Ans. I had been out at the Cedar quarry, and come into the city, Mr. Swan wanted to send for some money, and desired my receipt. I gave the receipt for two hundred dollars, it being as near as I could calculate the amount of expenses at the Cedar quarry at that time. I gave



the receipt without getting the money; the money was received in September by the hands. The amount of this receipt was afterwards deducted from the expenses, according to pay-rolls and team work.

Mr. W. stated that he gave the receipt for two thousand three hundred and eighty two dollars and twenty-three cents, on final settlement, in like manner as the other receipts above referred to, were given.

Ques. What is the whole amount of expenses, according to your pay-rolls and accounts for the months of August, September, and October?

Ans. One thousand nine hundred sixty-four dollars and thirty-one cents.

Mr. W. stated that he kept some team work accounts separate from the pay-rolls; that the sum of thirty-three dollars and thirty-eight cents, paid Charles Swan, for team work, and twenty-six dollars and fifty cents paid Lyman Dillon, for team work, both in July, should be added to the amount of expenses in June and July, according to pay-rolls for those months, and the sum of forty-seven dollars and eighty-seven cents paid to Matthew Brown, for team work; he was not certain whether he or Skeen receipted for it; but thinks that he did not.

Mr. W. was afterwards called in by the Committee, to explain something about the work performed by Rague & Co., and said:—I assisted in estimating the work performed by Rague & Co. on the capitol. It was the latter part of June, or first of July. Mr. Skeen and myself made the estimates. Rague & Co. had carried the rough mason work, and a part of the cut-work up to the bottom of the water table, nearly all round, and the interior walls were up entire to the bottom of the water table. We estimated the value of the work then done, at as near as I can recollect, something in the neighborhood of nine thousand dollars. Rague & Co. did no more work after we made the estimates. As near as I can recollect, we estimated the work done at four dollars and fifty cents per perch. I do not remember the number of perch. I understood from Mr. M'Donald, (one of the firm,) that in July, at Burlington, Rague & Co. gave Mr. Swan a receipt for ten thousand dollars, they proposing to erect the walls up to the underside of the water table for that amount; the quarry failing, the walls were not erected that high, and the estimates were made to ascertain how much the work fell short of that amount.

James Hanby, (sworn.)—A receipt for six hundred dollars was shown to Mr. H., which he said was his, and he signed his own name and that of Mr. Heron to it.

Question. Did you receive the money mentioned in this receipt?

Ans. I received a part in money, at sundry times, and a part in provisions; we have a long account with Mr. Swan; we have never settled. What I received was the same as money. Mr. Swan paid some hands at work for us. At the date of the receipt, I wanted some money, and he asked me what was the amount of our dealings. I



said that I thought it was about six hundred dollars. The next day he paid me fifty dollars. We did not know for certain the amount of our dealings with him; we only made a rough guess at it.

Ques. Was there a contract between you and Mr. Swan?

Ans. There was.

Ques. Was it written or verbal?

Ans. We had no written contract; it was merely a verbal agreement for the delivery of Joists.

Ques. What were the terms of the contract?

Ans. We were to furnish it at seven cents per lineal foot.

Mr. H. here presented a bill of the joists he was to furnish, handed to him at the time of the agreement, by Mr. Swan. The bill called for Joists

-	-	-	42 by 23 feet long.	
"	-	-	26 by 25½	"
"	-	-	36 by 23	"
"	-	-	68 by 22	"
"	-	-	2 by 25½	"
"	-	-	2 by 14	"
"	-	-	50 by 8¾	"
"	-	-	13 by 8¾	"
"	-	-	5 by 19½	"

and stated that he had furnished nearly the amount of the bill, in timber, sawed and unsawed; and that Mr. Swan had their verbal engagement to complete it.

Ques. Does this bill embrace the whole amount of lumber you were to furnish?

Ans. It does.

Ques. When do you consider your contract fulfilled?

Ans. As soon as the timber is on the ground, and sawed into joists.

Ques. What other labor have you done for Mr. Swan, pay for which is included in your receipt?

Ans. Working on the bridge, on the lintles, putlocks, and making and keeping tools in order for the masons and stone cutters.

Ques. Have you a regular account of these several items?

Ans. I do not know positively whether we have or not.

Ques. What was the amount and value of your work on bridge, lintles, putlocks, and making and keeping tools in order for masons and stone cutters?

Ans. On the bridge, I think I worked nine days, and four hands four days, and three hands eight days. My wages were (board included) three dollars and seven cents per day; the hands two dollars and twenty-five cents; the lintles and putlocks I do not remember about,—I had nothing to do with them. Mr. Heron put hands to work on them; as to the tools, it is impossible for me to tell any thing that would be correct about them.



Mr. H., at the suggestion of Mr. Heron, here explained, and said that they also, at the time they made the above contract, agreed to furnish joists and timber necessary to support the roof. This timber they had not yet furnished, for the reason that they had not received the bill.

Ques. Do you understand that the six hundred dollar receipt will cover the expense of furnishing the timber for the roof, according to your agreement?

Ans. I should not suppose it would.

James Heron, (sworn.) —Mr. Heron being present when Mr. Hanby was examined, came before the Committee for the purpose of giving his understanding of the six hundred dollar receipt.

Ques. Did you sign the receipt?

Ans. I did not, I was not present when it was signed, nor consulted about it, though I sanctioned it afterwards. I always understood receipt was given for the purpose of covering the expenses of getting out the joists and roof timber, and work on the same, and that it had no connexion with work on the bridge, lintles, making and repairing tools, &c.

Ques. What amount of timber were you to furnish for the roof?

Ans. I do not recollect. The bill of it has never been furnished us, and the reason assigned for not furnishing the bill was that the draft had not been made out.

Ques. At what rate were you to furnish the timber?

Ans. Seven cents per lineal foot.

Ques. Has any part of the lumber and labor been furnished by you to the Acting Commissioner, if so, state to how much?

Ans. The timber is all on the ground but fifteen stocks—the posts have never been delivered to Mr. Swan, though a part of them is on the ground, they are ours yet. Our agreement was to have fulfilled the contract before this time, but is still in a state of progress. I mean the joists necessary for the second tier.

Ques. Have you been paid for work on bridge, &c?

Ans. I expect we have for work on bridge; I am not certain about the bills, &c., we have an unsettled account with Mr. Swan.

Ques. How much money have you received from Mr. Swan?

Ans. I am not able to answer that question directly. I agree with Mr. Hanby, on that point.

Ques. Have you bought lots of Mr. Swan?

Ans. I bought four lots at the sale in October, eighteen hundred and thirty-nine, and I have bought second hand, two other lots of other persons, one of Mr. Cox, and one of Mr. Owen, and since the last sale, I have entered one at two hundred dollars, and paid fifty dollars on it. I have paid about twenty-eight dollars for Mr. Osbourne. One of the first lots I bought of Mr. Swan, was one hundred and five dollars, the Owen lot, was one hundred and five dollars, and I have paid



three payments on it (seventy-eight dollars and seventy-five cents.) On the Cox lot, I have paid thirty-nine dollars and sixty-five cents. Another of the first lots was about sixty-two dollars; I have paid for it. The first payment on the four first lots, I made in cash. Of the other two first lots, one was one hundred and ninety dollars, the other one hundred and twenty dollars. These two lots I consider I have paid up for.

Ques. What amount of notes and obligations given by you to Mr. Swan for lots, which you are held for, is now due and not paid?

Ans. About one hundred and eighty-five dollars and twenty-five as near as I can recollect. This sum I consider included in the six hundred dollar receipt.

Charles Drury, (sworn.)—A receipt for one thousand two hundred dollars, for forty thousand feet of lumber, was presented to Mr. D.

Ques. Is this your receipt?

Ans. I signed the receipt.

Ques. Have you received the amount of money it calls for, and in cash?

Ans. Part in cash, and a part in town in town property.

Ques. What proportion of each?

Ans. It would be hard for me to find out. I lifted some notes of my own, given for town property, and some for other individuals.

Ques. Have you minutes of the account of notes of your own and of others, that you lifted by your agreement to furnish lumber?

Ans. I have not—several of the notes are destroyed.

Ques. Have you delivered the amount of forty thousand feet of lumber?

Ans. I cannot say to be certain about it. I did not measure all the lumber myself. It was the calculation at the time of settlement that I had delivered it all.

Ques. Who measured the lumber?

Ans. It was measured by myself, and men under my employ.

Ques. Did Mr. Swan measure any of it?

Ans. I do not know.

Ques. Did you keep an account of the lumber as it was delivered?

Ans. I did keep an account of the loads that were hauled. I was delivering lumber along through the summer, and gave receipts as I received the money, and when I got through, I took up the small receipts and gave the large one.

Ques. Where was the lumber delivered, and by whom?

Ans. It was delivered at the city, and by me.

Ques. Did your books show at the time of settlement that you had delivered it all?

Ans. They did.

Ques. Where are your books?

Ans. They are some at the mills, and I think I have some bills of the lumber here in town.



Ques. How many lots have you bought of the Acting Commissioner?

Ans. I have bought two lots and a part of a lot.

Ques. What kind of lumber did you deliver?

Ans. I delivered some  $1\frac{1}{4}$  inch walnut for making patterns, and tools of different kinds; some sheeting at different times; scantling  $2\frac{1}{2}$  by 4, some  $2\frac{1}{2}$  by 8 inches, and a considerable quantity of  $1\frac{1}{2}$  inch oak lumber, used for scaffolding; and some one inch lumber.

Ques. Was your contract written or verbal, and what were its specifications?

Ans. It was verbal. I do not remember the specifications to the amount—the terms were three dollars per hundred.

Walter Butler, (sworn.)—Two receipts, one for \$154 50, the other for \$22 50, were shown to Mr. B.

Ques. Were these receipts signed and given by you?

Ans. They were.

Ques. Did you receive the amount of money therein specified, in cash, at the time you signed them?

Ans. No. I had a contract for hauling rock from Cedar with Mr. Swan, and my team worked on the Avenue, and hauled some rock on the quarry. I received the money at different times.

Ques. How much money have you received on the receipts?

Ans. I cannot tell. I have received the full amount in money and payment on a lot; I have paid \$200 on my lot, for which I gave no receipt. I have done work enough for the Acting Commissioner to cover the receipts and the \$200 payment on my lot.

Charles Connelly, (sworn.)—A receipt for \$450 was shown Mr. C.

Ques. Is this receipt yours?

Ans. It is my hand write.

Ques. At the time you gave this receipt, had you received the amount it calls for, in cash?

Ans. I had not received it all in cash; a part of the amount being paid by Mr. Swan to Mr. Jones on my order—it was the same as cash to me.

[The receipt stated that the amount was paid for timber.]

Ques. Did you make a contract with Mr. Swan for the delivery of timber?

Ans. I made none but a verbal agreement.

Ques. What amount of timber did you agree to furnish?

Ans. I cannot state the exact amount. I agreed to furnish the long joists and some short joists and lintles, according to certain bills presented to me by Mr. Swan. I was to have three cents per foot, board measure, for what I furnished on this agreement. The timber I furnished on the first agreement came to \$700. [This sum covers another receipt for \$250.] The \$250 receipt I received all in cash. I furnished about twenty-five thousand feet for the amount of the two receipts.

[Another receipt for \$479, was here exhibited to Mr. C.]



This receipt, witness states, was partly connected with his timber agreement—about twenty-five or twenty-six dollars of it.

Ques. For the balance, how much timber did you furnish?

Ans. Three hundred and eighteen putlocks, ten feet long; two hundred and fourteen lintles, five and six feet long, and one hundred and fifteen joists, six by nine; amounting to the full balance.

[Another receipt for one hundred dollars was here exhibited.]

The witness stated that he had received his share of this receipt, and his partner the balance. And that he had furnished lumber to the amount of these four receipts, with the exception of from eight to fourteen hundred feet, which he was prevented from delivering by the ice and low water.

Ques. What did you receive per hundred for sheeting?

Ans. Three dollars. It was square edged, and one inch thick.

Stephen Wicher, jr., (sworn.)—All that I know in relation to the official conduct of the Acting Commissioner, is what he told me himself a week or ten days after the second sale of lots, a year ago last fall. He, or some one else, had told me that the nominal amount of the second sale, was rising eleven thousand dollars, and he told me that the amount actually received, was, at that time, about two hundred dollars. He gave, as his reasons for the limited amount of receipts, that some of the persons in whose names purchases were made, were not present at the sale; that he had not seen them since the sale, and could not tell whether they would take the lots or not, and that some who had taken lots had not then paid the first instalment. That he had taken their notes for the first instalment for a limited time, some thirty days, some sixty, and some for a longer period. He said he supposed that the money would be paid in by the time the Territory might want it, or words to that effect. The current of the conversation seemed to be, that he was desirous that the nominal amount of sales should appear as large as possible, and that the amount of receipts was not immediately so material. The reason of my attention being directed particularly to this part of the conversation, was my having previously heard that a system of puffing was practiced at the first sale—that a Mr. Shay and Mr. Gano of Cincinnati, were deterred from bidding at the first sale in consequence thereof.

Ques. Do you know of any fictitious sales?

Ans. I know of none of my own knowledge. I inferred from Mr. Swan's conversation that there were sales that might prove to be unreal.

Ques. Do you know of any witnesses who would be apt to know of any mal-practice on the part of the Acting Commissione?

Ans. I know of some who will be able, perhaps, to communicate some light upon the subject. They are Capt. Irish, J. B. Gardner, Dr. Jesse Bowen, A. Calkin, Samuel W. Stewart, Samuel J. Frost, Mr. Fletcher, Rev. Mr. Gardner, and Messrs. Hanby and Heron.



Capt. F. M. Irish, (sworn.)—Mr. Irish's receipt for \$193 50, was exhibited to him.

Ques. Was the receipt given for what it purports to be?

Ans. It was. I received the amount of money therein specified; my team hauled eleven loads of stone from Cedar quarry at something less than fifteen dollars per load. The balance was for work on Avenue—the amount I do not recollect. I presented my bill of items, however, at the time of settlement.

Ques. Are the other receipts you have given correct and true?

Ans. They are, to the best of my recollection.

Ques. Do you know of any acts of mal-practice on the part of the Acting Commissioner, either in relation to the sale of lots, or in relation to his operations on the capitol?

Ans. So far as his having bid off lots at the sale, a year ago last October, at the minimum price, in his own name, and in the name of persons not known in this place, and afterwards disposing of these lots at an advance upon the minimum price, and stating that he had a right to all the proceeds arising thereof, over and above the minimum price; so far as all this is concerned, if it may be considered as mal-practice, it came within my own knowledge—the Acting Commissioner stating that he had a right to realize a profit or make something by the operation, as well as any body else. I should judge there were some 20 or 30 lots bid off in this manner, not all in his name, but some in the name of his friends; all of which he stated he had the control of. The reason of my mind being so fresh on the subject, is the fact of my being present at several conversations between Mr. Swan and Gen. Gano, of Cincinnati, at the time of the sale. General Gano made some enquiries of Mr. Swan about this manner of sale and expressed his dissatisfaction, saying, that he did not consider this making sale of lots to unseen purchasers, fair; and that he was unwilling to bid against such purchasers, and that he was dissuaded from bidding on some particular lots which he desired, in consequence of it. Gen. Gano was reputed to be wealthy, he bought one lot. There were two other gentlemen with him—Mr. Pew and Mr. Shay—who were also reported to be men of property.

They purchased one lot each, and I am not sure but more. The twenty or thirty lots I mentioned, were bid off by Mr. Swan, and Mr. Dillon, and when bid off, some were ordered to be put down to Mr. Swan, some to Mr. Dillon, and some to several individuals in Dubuque. Mr. Swan stated that he was authorized to bid for the persons in whose names the lots were put down to, and stated that his motive in pursuing this course was in order to have a clean sale of all the lots offered, and that there should be no lots returned unsold, lest it should have an injurious effect on future sales. The course pursued by Mr. Dillon, particularly, had a decidedly injurious effect, it prevented several citizens from purchasing lots. Frequently, when lots were of-



ferred, and the minimum price called, he would ride up and declare that a particular lot should not be sold, unless it brought so much, naming the sum, above a minimum. In one instance, I recollect the minimum of a lot was one hundred dollars, when it was called, he rode up and declared that that lot should not be sold for less than three hundred dollars. I am not aware that Mr. Swan had any control over Mr. D. or that he was accessory to his course. He did not, however, take any step to prevent it, and the citizens and persons present were generally dissatisfied with it. I am not aware that Mr. Swan tried to prevent the sale of any lots, but from the relation in which Mr. Swan and Mr. Dillon stood to each other, the feeling of dissatisfaction must necessarily have extended itself to Mr. Swan. They came here together, and appeared to act together in all matters concerning public affairs here, Dillon appearing to be prime minister of the business. I was auctioneer at the sale. The manner of managing the sale was this: We had a list of the lots to be sold, Mr. Swan had put the minimum price on many of the lots, before the sale, in some instance the minimum was put on at the sale, and then the question was asked "who will give one dollar more than the minimum price?" if no body bid, the lot was put down to Mr. Swan, or to some other person abroad. In this manner the sales were made to Mr. Swan, and to the persons at Dubuque.

So far as relates to Mr. Swan's business transactions on the capitol, I know nothing from my own knowledge.

Ques. Are you and Mr. Swan on friendly terms?

Ans. I know nothing to the contrary.

Ques. Do you know of any person who would be likely to know the same facts you have testified to?

Ans. I know of Mr. Shagley, who was present at the sale, and also Mr. Gardner, who assisted as clerk of the sale.

Mr. Langworthy, from the same Committee, submitted a Report, being that of the minority of said Committee, which was also read, as follows:

*To the Honorable the House of Representatives:*

The undersigned, one of the committee appointed under the joint resolution of the legislative assembly, to examine the public buildings at Iowa City, &c., differing in many important particulars from the majority of said committee, asks leave to submit the following report:

He would, however, preface by saying that he fully and cheerfully accords with the views of the majority of the committee, so far as their report relates to the public building, the materials on hand, and their estimates of the amount of masonry necessary to be done to erect the capitol to the base of the architrave.

He would further state, that he regrets very much the causes which have led him to adopt this mode of submitting his views to the legis-



lative, and would gladly have left the subject in the hands of the majority of the committee. But believing that much injustice will be done individuals, and that the people of the Territory will not be able fully to comprehend the facts in reference to the conduct of the Acting Commissioner in the discharge of his duty, from the report submitted by the majority of the committee, as that report is calculated, from its peculiar phraseology, to impress the reader with ideas which the facts before the committee will not warrant, when stripped of the high coloring and one-sided conclusions drawn from them by the majority of the committee. He would not be understood to accuse the majority of misstating the facts, or of wilfully endeavoring to wrong or injure the standing of the Acting Commissioner; but would willingly accord to them the most pure and patriotic motives; while he seriously attributes any false colorings and shades that characterise a part of their report, to other and more blameless causes.

Such as wishing their views on every minor matter connected with the investigation, to appear in their full and broadest light, and being pre-disposed, from rumors which have long been afloat in the country, regarding the affairs at Iowa City, to judge harshly towards the Acting Commissioner.

These considerations have induced the undersigned to submit a complete statement of all that came to the knowledge of the committee during their sitting at Iowa City, so far as the same bears any relation to the accounts of the Acting Commissioner. A copy of the testimony has been submitted by way of appendix to the report of the majority of the committee.

The undersigned would here remark, that this copy is but a partial report of the testimony taken by the committee; and that all those parts which would appear to the advantage of the Acting Commissioner are either left out of the copy of the testimony or studiously evaded in their report. It must also be remembered, that all the testimony taken, was entirely *ex parte*; and that when Mr. Swan desired to be present at the examination of witnesses, the committee refused him that privilege. For the purpose of obviating the necessity of submitting separate reports, the undersigned requested the committee to report *the facts as we found them*, without coloring, shade, or comment, and allow each member to append such other statements as a sense of duty might dictate; but was informed that they had their report prepared as it must be submitted.

With these remarks concerning the nature of the testimony as submitted to the legislative assembly, and the differences which divide the committee, the undersigned would submit the following statement of facts.

But before proceeding with his recital of the acts of the committee, it may not be amiss for the undersigned to advance his own opinions and views of the manner of conducting the investigation. And while



he regrets that such should have been the course pursued by the committee, he, nevertheless, feels bound, from a sense of duty, to say, that there was an apparent disposition to collect the gossip found afloat in the city, so far as the same could, in any way, affect the standing of the Acting Commissioner, else, why should a gentleman be called from a distant town and kept in attendance for nearly a week, ranging the city, and occasionally presenting a written communication to the committee, while the undersigned had no means of judging whether the person aforesaid was acting in the capacity of an assistant prosecutor, or what was his connection with the committee until the common talk of the city informed him that he had been called by order of the committee as a witness. He would further state, many of the acts of the committee seemed to partake more of the nature of an attack upon character, than a fair investigation after truth; and that when enquiries were made of witnesses, the questions were better calculated to embarrass than to elicit the true state of the transaction under consideration. The undersigned does not make these remarks in a spirit of censure, but for the purpose of showing the various causes which have induced him to submit his understanding of the result of the whole examination made by your committee at Iowa City.

The committee, after having examined the building, materials on hand, and the character of the workmanship generally, proceeded to compare the reports of the Acting Commissioner, heretofore made to the legislative assembly, with his receipts or vouchers, and found them very nearly to correspond: and as we were compelled to hurry over a multiplicity of figures, the undersigned believes that the reports, according to the vouchers, were substantially correct.

We next examined into the character of the several vouchers, with a view to determine whether they were what they purport to be, *true* and correct *receipts* for moneys paid out by the Acting Commissioner.

The first one was the receipt of Mr. Woodworth, for six hundred dollars and fifty-three cents.

Mr. Woodworth's pay-rolls were carefully examined, and we found that in the months of June and July, they amounted to four hundred and fifty-four dollars and forty-six cents; the balance of the receipt is made up by the exhibit of receipts of different individuals for hauling, &c. Mr. Woodworth testified that the different sums were all paid by Mr. Swan and himself, in the office.

Mr. Woodworth's next receipt was for two hundred dollars. This appeared to have been drawn without settling his pay-roll; but Mr. W. stated, that his hands had done work to that amount, at the Cedar quarry, but they had not finished working there, and the money was drawn on an estimate of the work done.

The next receipt of Mr. W. is for fifty-five dollars; and was for his own work and board for the months of September and October.



Another receipt for the sum of two thousand three hundred and eighty-two dollars and twenty-three cents, signed by Mr. Woodworth, was given on a final settlement between him and Mr. Swan, and covers the whole balance of his pay-rolls for work, hauling, &c., together with several receipts for hauling from Cedar quarry.

The several receipts amount to three thousand two hundred thirty-seven dollars and seventy-six cents, and are satisfactorily accounted for to the undersigned.

We then proceeded to examine the receipts of William Skeen, foreman on the building, and found them to amount to the sum of four thousand five hundred sixty-six dollars and five cents.

Mr. Skeen's pay-rolls for work on the capitol, amounted to only three thousand eighty-seven dollars and thirty-five cents, leaving a balance of one thousand four hundred and seventy-nine dollars and seventy cents, to be accounted for; to balance this sum, we found receipts for hauling, for work on the Avenue, &c., to the amount of one thousand two hundred and ten dollars and seventy cents; there still remained the sum of two hundred and sixty-nine dollars, for which we found no receipts; but the books of Mr. Skeen, kept for hauling, show the amount, and he has certified to its correctness; in the above amount is included the sum of seven hundred and sixty dollars and ninety cents, found on the pay-roll kept by Mr. Dillon, and certified to by Mr. Skeen. The undersigned can thus account for all the money receipted for by Mr. Skeen, which makes a large item in the report of the Acting Commissioner, and one, for various reasons, the committee thought proper to examine very carefully.

William Watt receipted for the sum of one thousand four hundred and seventy dollars and fifty-three cents; he kept the pay-rolls in October, after Mr. Skeen had left. The pay-rolls of Mr. Skeen, up to the seventeenth of said month, show an expenditure of six hundred and forty-eight dollars and eighty-six cents. After that time, those kept by Mr. Watt show an expenditure of four hundred and nineteen dollars and ninety-one cents. The balance of this receipt is made up of accounts of C. Swan, to the amount of three hundred and ninety-six dollars and sixty cents, for different items, from the first of May, eighteen hundred and thirty-nine, to the first of November, eighteen hundred and forty, and is comprised of charges as one of the board of commissioners, for services before his appointment as Acting Commissioner, for hauling tools, &c., from Dubuque; for traveling to and from Burlington for money, &c.

The receipt of Heron and Hanby for the sum of six hundred dollars, was found to be given on a contract for lumber for joists, a part of the roof, and for labor on the same. A part of the above amount was paid in money, and a part in lots. Messrs. Heron and Hanby stated that they had delivered a considerable partion of the lumber on the ground, but it was not yet ready for use, though they are at work



on it at the present time, and will have it all ready by the time the building is ready to receive it.

As none of the above named timber has actually been received by the Acting Commissioner in a shape for use, the undersigned would consider it partly as an advance of money or lots.

The several receipts of Charles Connelly were carefully examined. We found them to amount to one thousand four hundred and ninety-seven dollars, which sum Mr. Connelly affirmed he had received, and delivered the lumber to the full amount of his contract, except about eight hundred feet, which lies in the river a little above the city.

We examined the receipt of Charles Drury for the sum of \$1,200.

Mr. Drury testified, that he had delivered lumber on the capitol square for that amount, and received his pay in cash and city lots.

The next receipts were those of Mr. Butler, one for the sum of one hundred and fifty-four dollars and fifty cents, and one for twenty-two dollars and fifty cents.

Mr. Butler testified, that he had received those sums at different times in cash and in part payment for a lot, and that he performed labor to the full amount of the same in hauling from Cedar.

A large item in the reports of the Acting Commissioner, is the sum of ten thousand dollars, paid to John F. Rague and company, on their contract for furnishing rock, and erecting the capitol.

Mr. Woodworth testified, that he assisted to make an estimate of the work done, and to be done on the basement, and found there had been work performed to the value of about nine thousand dollars; and that it would cost about one thousand dollars to complete the same. About this time the board of commissioners were engaged in settling with Rague & Co., and an order was passed directing the Acting Commissioner to seize upon the effects of Rague and company, to the value of one thousand dollars, as a balance which had been overpaid him by the Acting Commissioner.

Shortly after that time, the Acting Commissioner charged himself with the sum of one thousand one hundred and five dollars, received from Rague and company, in cash, tools, iron, &c.; it therefore appears that the Acting Commissioner executed the order of the board.

The undersigned is of the opinion, from the books, receipts, &c., examined, and the testimony taken by your committee, that the receipts named in the reports of the Acting Commissioner are exactly what they purport to be, actual expenditures of money for the purposes therein named. These, in all, are found to amount, from the time of making the location up to the date of his last report, to the sum of thirty-three thousand four hundred and seventy-nine dollars and thirty-two cents; add to this the salary of the Acting Commissioner from time of his appointment up to the first of November, eighteen hundred and forty, one year, five months, and twenty-three days, at one thousand two hundred and fifty dollars per year, one thousand eight hun-



dred and fifty-one dollars, making the total credits of C. Swan, Acting Commissioner, on the first of November last, thirty-five thousand three hundred and thirty dollars and thirty-two cents. We found him chargeable at the same date with the following sums, viz: drawn from the appropriation made by Congress for the erection of the public buildings, twenty thousand dollars, and from the sale of lots in Iowa City, and for tools and other receipts, the total sum of fifteen thousand one hundred sixty-one dollars and seventy-one cents, making, in all, chargeable to the Acting Commissioner, the sum of thirty-five thousand one hundred and sixty-one dollars and seventy-five cents, leaving a balance due him, at the date of his last report, of hundred and sixty-eight dollars and sixty-one cents.

These several items may not be precisely correct, as in the hurry of business some errors may have been made; but the undersigned is fully satisfied that the result could not be materially varied by the most strict and careful scrutiny.

The next business that came before us was the amount of lots sold and the amount of notes now in the office of the Acting Commissioner, we found from the books of sale, that the total amount for which lots had been sold, was thirty-four thousand three hundred and ninety-seven dollars and seventy-five cents. Of this sum there remains on hand in the office, notes to the amount of nineteen thousand seven hundred and forty-nine dollars and twenty-two cents; these include the several notes of C. Swan, given for lots, and by him reported as cash in his last report.

These notes are fast becoming due, and the sum of thirteen thousand dollars on them will be payable by the middle of July next; the balance are those which have been taken for lots sold since the late minimum price was fixed, and many of them will not be payable until late in the year eighteen hundred and forty-one, or early in eighteen hundred and forty-two.

The undersigned had reason to find fault with many of the receipts and vouchers, by their not being sufficiently explicit, and containing too many different items in one receipt, and strongly objects to the mode of keeping the pay-rolls, as the hands are not required on these to receipt for their own pay. He also thinks proper to state that many of the contracts by Mr. Swan, for building, materials, &c., are too indefinite, not setting forth the precise amount of work to be done, and the exact specifications of the different parts of the same. In the contract with Rague and company, we were not able to come at the actual value of the work done when compared with the whole contract.

In some of the contracts for lumber, the kind, quality, and quantity are not mentioned as specifically as we could wish.

In some instances there appears to have been small advances made on contracts. This was wrong, and should not be done by any one



entrusted with the prosecution of public works. As a palliation for this, it may easily be supposed that the contractors in that place were, many of them, honest men, but not sufficiently able to go on and complete their contracts without some advances; but as the instances were few, the undersigned would not attach as much blame to the transaction as he would under other circumstances.

The Acting Commissioner has charged the Territory with the sum of forty dollars, extra, for services in making out the report of the board of commissioners in July last; whether this is a correct charge or not, it is not the province of the undersigned to determine; but he would state, that as it was an extra report, and as it is the duty of the board to make it out under a resolution of the legislature, and as the commissioners did not meet for that purpose, but required him to prepare it for them, and consequently no charge was made by them for daily services; and finally, as it was an extra work of no inconsiderable amount, it seems but reasonable that some allowance should be made for it. Of the same nature, is an item of clerk hire, wherein he pays his son one hundred and fifty-five dollars, for assisting to make out said report, and also fix the valuation of lots as required to be done by the Governor and Secretary, in conjunction with the Acting Commissioner; and as all the duty was thrown upon him by the neglect of the others to assist, it was impossible for him to get along without assistance; had they all attended as contemplated in the law, they would undoubtedly have required pay for their services. These seem to be the circumstances in justification of the above named charges. There is also an item of one hundred and twenty dollars for office rent; whether, under the law, the Acting Commissioner has a right to charge this or not, the undersigned is not prepared to say; or whether the sum charged is too much or too little.

There are also, three separate charges for hauling specie from Burlington, amounting in all to about \$84, the balance of the sum is made up for services as one of the board of commissioners; some allowance is certainly due the Acting Commissioner on these charges, whether to the full amount or not, the undersigned considers it not his province to say.

In the receipts of Mr. Woodworth, is included an item of \$62 54, as a charge of Mr. Swan's, for work done on Avenue, in 1839. This is an item which needs some explanation, as it is incorporated in the receipt of a person who could not have been known to the expenditure.

These particulars are presented to the legislative assembly, without comment, as they form the principal subject of animadversion on the part of the majority of the committee.

It may be proper for the undersigned to make a few remarks concerning the cost of the building, and a few rough estimates of the probable cost of enclosing and partially finishing the same.



After deducting the sums expended in surveying the city, buying maps, grading avenue, digging the foundation of capitol, procuring scaffolding, opening quarry, purchasing tools, and all other expenditures foreign to the building to the building itself, there remains about the sum of \$18,000, actually expended on the capitol in work and materials; and the undersigned is of the opinion that as much more expended in prosecuting the work during the next summer, will erect the walls to the square, and finish the gable ends, put on the roof, and finish the two rooms designed for the temporary use of the legislative assembly; to accomplish this, there is on hand, lumber, rock, brick, lime, sand, &c., to the value of from \$2,000 to \$3,000, leaving a balance to be provided of from fifteen to sixteen thousand dollars; which will be required in cash, in order successfully to carry on the work for next season.

The undersigned would here suggest to the legislative assembly, his views as to the proper policy to be adopted in order to advance the best interests of the Territory at the present crisis:

First—He would recommend that a resolution be passed changing the day of meeting to the first Monday in December next, and providing for holding the session at Iowa City.

Second—To authorize a reduction of the price of lots, and provide for a public sale in May next, and provide also, that all lots sold, shall be paid for as follows: one half cash in hand, and one fourth in six months, and the remainder in twelve months; or let them be sold for materials, labor, &c.; and

Third—To pass a law authorising a loan of money, or the issuing of scrip on the faith of the lots sold and to be sold in the city. Also, let the Secretary of the Territory be authorized to sell the furniture, &c. now belonging to the legislature, and purchase other for their use at Iowa City.

If the above suggestions are complied with, the undersigned has no doubt but that the building can and will be fully prepared for the accommodation of the legislative assembly at its next meeting, and that the citizens will be as well prepared to accommodate the members as they now are in Burlington.

All of which is respectfully submitted for your consideration.

EDWARD LANGWORTHY

On motion of Mr. Lash,

Ordered, That the Reports do lie upon the table until Tuesday next, and that two hundred copies of the same be printed.

Mr. Van Antwerp, on leave, presented the petition of sundry citizens of Cedar county, praying that a Territorial Road may be located, leading from Moscow, Muscatine county, to Iowa City.

Ordered, That said petition be referred to the Delegations from the counties of Johnson and Muscatine, Cedar, Jones, and Linn.

Mr. Leffler, on leave, introduced No. 105, H. R. File, "A Bill to



incorporate the Iowa Insurance Company at Burlington," which was read a first time, and ordered to be printed.

Mr. Porter presented the remonstrance, of sundry citizens of Henry county, in relation to the establishment of a Territorial Road from Columbus City, in Louisa county, via John Lee's, &c., to intersect the road leading from Fort. Madison to Mount Pleasant, in Henry county.

Ordered, That said remonstrance be referred to the Select Committee composed of the delegations from Louisa and Henry counties.

On motion of Mr. Steele,

The House adjourned until Monday morning next.

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### Monday Morning, January 4, 1841.

Mr. Lash presented the remonstrance of sundry citizens of Henry County, remonstrating against any change of the county lines of said county.

On motion of Mr. Lash,

Ordered, That said remonstrance, together with the petition in relation to the same, be referred to the Delegations from the counties of Henry and Des Moines.

Mr. Wilson of H., presented the petition of sundry citizens of this Territory, asking the repeal of the present Law in relation to Blacks and Mulattoes.

Ordered, That said petition be referred to a Select Committee of one member from each electoral District.

Whereupon the Speaker appointed Messrs. Wilson of H., Miller, Avery, Steele, Wilson of J., Toole, Felkner, Summers and Langworthy said Committee.

Mr. Wilson of J., presented the petition of sundry citizens of Jefferson county, praying that a law may be passed to authorize Richard Irwin, and Alfred Colvin to erect a Dam across Big Cedar Creek in said county.

Mr. Wilson of J., presented the petition of sundry citizens of Jefferson county, asking the passage of a Memorial to Congress, for an appropriation to build a bridge across Big Cedar Creek in said county.

Ordered, That said petitions be referred to the Delegations from the counties of Jefferson and Van Buren.

Mr. Summers gave notice, that he would on some future day, introduce a Memorial to Congress, for the establishment of a National Armory on Rock Island.



Mr. Summers from the Select Committee to which was referred the petition of sundry citizens of Clinton county praying the passage of a law to allow said county to elect one member to the House of Representatives submitted the following report:

Your Committee find from the return of the Marshal of the Territory at the extra session of the Legislature in July last, that the whole population of the Territory amounted to 43,117 souls. Divide this number by 26 (the whole number of Representatives) and it will require 1658 souls and a fraction over, to entitle any county or District to one Representative in the lower branch of the Legislature and 3,316 and a fraction to a member of the upper branch.

Your Committee also find when the census was taken the population of Scott county to be 2193 souls and the population of Clinton county 800 souls making in all 2993 souls consequently it appeared that the 2 counties were found wanting 323 souls to entitle them to one member of the Council and two members of the House of Representatives but the number wanting being small the Legislature thought proper to give them the representation they now have.

Your Committee feel disposed to grant the prayer of the petitioners of Clinton county, could it be done without infringing on the rights of Scott county, but as the number of inhabitants in Scott county is nearly three times as great as that of Clinton county, and the population of Clinton county not being quite half enough to entitle her to one representative.

Your Committee are of opinion that it would be doing great injustice to the people of Scott county to be thrown on an equal footing in representation with Clinton county, when the difference in numbers is as great as it is at present.

Your Committee therefore ask to be discharged from any further consideration of the subject.

The report was concurred in.

Mr. Lash from the Committee on engrossed Bills reported Nos. 53. 90. 97. 98. 103, & 104. H. R. File, as correctly engrossed.

Mr. Mason from the Select Committee, to which the subject was referred, reported No. 106. H. R. File, "A Bill to establish the county seat of Delaware county."

Mr. Walworth in accordance with previous notice, introduced No. 107, H. R. File, A Bill to provide for, and regulate marks and brands."

Said Bills were severally read a first time.

On motion of Mr. Lash,

No. 98, H. R. File, A Bill to locate and establish a Territorial road from Columbus City in Louisa county to intersect the road from Fort Madison to Mount Pleasant in Henry county was taken up, and referred to the Delegations from Henry and Louisa counties.

On motion of Mr. Brierly,

No. 93, H. R. File, A Bill to locate and establish the county Seat of Lee county," was taken from the table and committed to a Com-



mittee of the Whole House for its consideration.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Brierly,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

On motion of Mr. Hendershott,

No. 65, H. R. File, "A Bill to establish a Territorial Road from Burlington to the mouth of the Des Moines river," was taken from the table, together with the petitions in relation to the same, and referred to the Delegations from the counties of Des Moines and Lee.

On motion of Mr. Teeple,

No. 108. H. R. File, A Memorial to Congress for the resurvey of a certain portion of the Military road from Dubuque to the Missouri line," was taken from the table.

On motion of Mr. Porter,

The House resolved itself into a Committee of the Whole House, on said Memorial.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Teeple,

Ordered, That said Memorial be engrossed and read a third time on to-morrow.

On motion of Mr. Teeple,

No. 96. H. R. File, "A Bill to authorize Michael Hayse and Joseph B. Rogers, to erect a dam across the west fork of Crooked Creek, in the county of Washington," was taken from the table and ordered to be engrossed for a third reading on to-morrow.

No. 102. H. R. File, A Bill to Divorce Sarah East from her husband Hardman E. W. East, being the order of the day, and under consideration, a motion was made by Mr. Summers, that the same be engrossed and read a third time on to-morrow.

And the question being put,

Was determined in the negative. Yeas 4, Nays 19.

The Yeas and Nays being desired by Mr. Hendershott.

Those who voted in the affirmative, were,

Messrs. Summers, Toole, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Porter, Robertson, Steele, Teeple, Van Antwerp, Walworth, and Wilson of J.

So the Bill was lost.



No. 105. H. R. File, "A Bill to incorporate the Iowa Insurance Company at Burlington," was read a second time.

On motion of Mr. Leffler,

The House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Leffler,

Ordered, That said Bill do lie upon the table until to-morrow.

No. 44, C. F. "A Bill to incorporate the Town of Farmington, in Van Buren county," and

No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace," &c., were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 90. H. R. File, "A Bill to confer on certain associations the powers and immunities of corporations, or bodies politic in law," was read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative. Yeas 16, Nays 8.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Leffler, Lewis, Miller, Robertson, Toole, Walworth, Wilson of H, Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Box, Langworthy, Lash, Mason, Steele, Summers, Van Antwerp, and Whitaker.

So the Bill passed, and the title was agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 97, H. R. File, "A Bill to amend an act entitled An act to prevent and punish Gambling," was read a third time.

And the question being put, Shall the Bill pass?

Was determined in the negative.

No. 103, H. R. File, "A Bill to authorize John S. Faber to establish and keep a Ferry across the Mississippi river, at Faber's Landing,"

No. 104, H. R. File, "A Bill to district the county of Johnson into Districts for electing County Commissioners."

Were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Leffler, from the Select Committee, to which certain petitions were referred, reported

No. 109, H. R. File, "A Bill to establish a certain Territorial Road," which was read a first time.



On motion of Mr. Robertson,

No. 12, H. R. File, "A Bill to amend an act fixing the time for the annual meeting of the Legislative Assembly," was taken from the table and referred to a Select Committee of one member from each Judicial District. Messrs. Robertson, Felkner, and Lash were appointed said Committee.

On motion of Mr. Summers,

Ordered, That the Committee on the Judiciary be instructed to report on to-morrow, in relation to the Bill defining a lawful fence, and to provide against trespassing animals.

Mr. Van Antwerp, on leave, introduced No. 110, H. R. File, "A Bill to incorporate the Washington Mill and Manufacturing Company."

Which was read a first time.

Mr. Walworth, from the Committee on Territorial Roads to which was referred No. 37, C. F. "A Bill to lay out and establish a Territorial road from Bellview to Iowa City," reported the same back to the House without amendment, which was read a first time.

Mr. Masom, from the Select Committee, to which was referred No. 15, C. F. "A Bill to provide for the appointment of a Superintendent of Public Instruction," reported the same back to the House, and recommended the passage of the same.

Said Bill was read a first time, and,

On motion of Mr. Lash,

The 42d rule was suspended, and the Bill read a 2nd time and, the question being put, Shall the Bill be read a 3d time on to-morrow?

Was determined in the affirmative. Yeas 20, Nays 3.

Yeas—Messrs. Avery, Box, Brierly, Felkner, Hebard, Hendershott, Lash, Leffler, Mason, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Nays—Messrs. Isett, Langworthy, and Lewis.

So the Bill was ordered to a third reading on to-morrow.

Mr. Isett, from the Committee appointed to examine the Records, &c., reported that they had examined the same, and found the proceedings of this House correctly recorded up to the 29th of November, inclusive.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 30th ultimo, present to the Governor, for his approval—

An Act to district the county of Linn for the election of County Commissioners.

An Act to incorporate the Fairfield Lyceum.

An Act providing for the service of Writs by Copy, in certain cases.

An Act to establish a Seminary of Learning, at or near Marion, in Linn county.



An Act supplemental to an act, regulating practice in the District Courts.

An Act supplementary to an act, for the benefit of Settlers &c. on the Half Breed lands.

An Act to amend an act, establishing certain Territorial Roads therein named.

A Joint Resolution, relative to a Mail Route from Peru, Illinois, to Davenport, Iowa, thence to Iowa City," and,

A Joint Resolution, providing for the printing of the Laws of the present session.

On motion of Mr. Brierly,  
The House adjourned.

2 O'CLOCK P. M.

A motion was made by Mr. Summers, to reconsider the vote on the passage of No. 97. H. R. File, A Bill to amend an act to prevent and punish Gambling."

To which the House agreed.

A motion was made by Mr. Wilson of H. that the Bill be referred to a Select Committee with instructions to report on to-morrow,

The motion was lost.

The question then being on the passage of the Bill, and being put, Was determined in the negative. Yeas 10, Nays 14.

Yeas, Messrs. Box, Brierly, Lash, Robertson, Steele, Summers, Teeple, Toole, Whitaker, and Wilson of H.

Nays, Messrs. Avery, Felkner, Hebard, Hendershott, Isett, Langworthy, Leffler, Lewis, Mason, Porter, Van Antwerp, Walworth, Wilson of J. and Cox, Speaker.

So the Bill was lost.

Mr. Hendershott from the Committee on Expenditures, to which was referred the petition of Wm. Anderson, asking compensation as guard of Penitentiary, submitted the following report:

Your Committee are of opinion that the petitioner's request is amply provided for, in the law providing for the appointment of Auditor of Public accounts, and regulating the duties of Territorial Treasurer, and that the Legislature can have no action on the petitioner's request.

Therefore your Committee ask to be discharged from any further consideration on said petition.

The Report was concurred in.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:--

I am directed to inform the House of Representatives that the Council have passed

No. 45. C. F. A Bill to change the time of the meeting of the Legislative Assembly, also with amendments.



No. 55. H. R. A Bill to establish certain Territorial Roads.

No. 46. C. F. A Bill to amend an act regulating interest on money.

And have agreed to amendments of the House of Representatives, to amendments of the Council to

No. 83. H. R. An Act to establish a road from Burlington to Washington in Washington county.

In which the concurrence of the H. of R. is requested,

Also without amendment,

No. 89. H. R. "A Bill amend an act entitled "an act establishing certain Territorial Roads therein named, approved January 14th 1840.

No. 68. H. R. "A Bill to establish a Territorial road from Charleston in Jackson county to Tipton in Cedar county.

No. 84. H. R. "A Memorial asking an additional Land District.

No. 99. H. R. "A Bill to make valid in Law, the survey of the Town of Dartmouth in Jones county.

No. 95. H. R. A Bill to amend an act establishing certain Territorial roads.

And then he withdrew.

No. 45. C. F. "A Bill to change the time of the meeting of the Legislative Assembly," was read a first time.

On motion of Mr. Langworthy,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now,

The Bill was then read a second time, and on motion, referred to the Select Committee appointed this morning, to which was referred No. 12. H. R. File, A Bill relative to the same subject."

No. 55. H. R. File, "A Bill to establish certain Territorial Roads" being under consideration as returned from the Council amended, was taken up, the amendments read and severally concurred in.

No. 46. C. F. A Bill to amend an act regulating interest on money, was read a first time.

On motion of Mr. Mason,

The 42nd rule was suspended and No. 106. H. R. "A Bill to establish the County Seat of Delaware county," was read a second time, and

On motion of Mr. Langworthy,

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

On motion of Mr. Wilson of H.,

Resolved, That a Select Committee be appointed, to address a memorial to Congress asking for a donation in money or land, for the encouragement of education in each and every county in the Territory.

Messrs. Wilson of H. Mason and Hebard, were appointed said Committee.

On motion of Mr. Porter,

No. 87. H. R. File, A Bill to amend the several acts relative to the



organization of the Militia &c." was taken from the table and committed to a Committee of the Whole House for its consideration,

After some time spent therein, Mr. Speaker resumed the Chair and Mr. Box reported, that the Committee had according to order, had said Bill under consideration, and had stricken out all after the enacting clause, and directed him to report the same and ask the concurrence of the House.

Pending the question of concurring in the report of the Committee.

Mr. Porter moved a call of the House which was had, and the roll being called, Mr. Browning appeared to be absent.

On motion of Mr. Summers,

Leave of absence was granted to Mr. Browning.

The question was then put; Will the House concur in the report of the Committee?

And determined in the affirmative. Yeas 13. Nays 12.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Brierly, Felkner, Hendershott, Leffler, Lewis, Mason, Robertson, Steele, Teeple, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Hebard, Isett, Langworthy, Lash, Miller, Porter, Summers, Toole, Wilson of H. and Wilson of J.

So the report was concurred in.

A Motion was then made by Mr. Porter, to refer said Bill to the Committee on Corporations.

And the question being put,

Was determined in the negative. Yeas 11. Nays. 14.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery Box, Felkner, Isett, Langworthy, Lash, Miller, Porter, Toole, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Brierly, Hebard, Hendershott, Leffler, Lewis, Mason, Robertson, Steele, Summers, Teeple, Van Antwerp, Walworth, Whitaker and Cox, Speaker.

So the motion was lost.

A motion was made by Mr. Lewis, that the same do lie upon the table.

The motion was lost.

A motion was made by Mr. Walworth, that the Bill be indefinitely postponed.

And the question being put was determined in the affirmative.

Mr. Wilson of J. on leave introduced No. 111. H. R. File "A Bill to district the county of Jefferson into County Commissioners' Districts," which was read a first time.



On motion of Mr. Hendershott,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and on motion the 42nd rule was again suspended and the same read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Porter on leave, reported No. 112. H. R. File A Bill to locate and establish a Territorial Road from Columbus City in Louisa county to intersect the Territorial Road from Fort Madison to Mount Pleasant in Henry county," which was read a first time.

On motion of Mr. Porter,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and on motion the House resolved itself into a Committee of the Whole House for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, to which the House agreed.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Walworth in accordance with previous notice, introduced No. 113. H. R. File A Bill to establish certain Territorial Roads therein named," which was read a first time.

On motion of Mr. Walworth the 42nd rule was suspended, and the Bill read a second time, and

Ordered to be engrossed and read a third time on to-morrow.

Mr. Hendershott offered the following:

Resolved, That no new Bills or business shall be introduced into this House after the 10th day of this month, except by special leave of the House.

The Resolution was lost.

On motion of Mr. Porter,

The House adjourned.

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## Tuesday Morning, January 5, 1841.

In consequence of the absence of the Speaker, Mr. Lash was appointed Speaker *pro tempore*.

Mr. Teeple presented the petition of sundry citizens of Washington and Johnson counties, praying the Legislative Assembly to grant a Charter to Joseph Ehle, to build a Dam across English river.



Ordered, That said petition be referred to a Select Committee.

Whereupon, Messrs. Teeple, Felkner, and Toole, were appointed said Committee.

Mr. Summers, from the Select Committee to which a certain petition was referred, asking an alteration of the Territorial Road, from Rockingham to Iowa City, and a remonstrance in relation to the same, reported, that they had had the same under consideration, and believe it to be inexpedient to make any change in said Road.

The Report was concurred in.

Mr. Summers, from the Select Committee, to which was referred No. 27, C. F. "A Bill to re-locate the Seat of Justice of Clinton county," reported the same back to the House, together with No. 114, H. R. File, "A Bill to enable the citizens of Clinton county to establish the Seat of Justice of said county," which were read a first time.

On motion of Mr. Summers,

No. 114, H. R. File, was ordered to be printed.

Mr. Hebard, from the Committee on Territorial Affairs, to which was referred No. 6, C. F. "A Joint Resolution, respecting the reserved sections of land contiguous to Iowa City," reported:

That they have had the same under consideration, and come to the conclusion that the same ought not to receive the sanction of this House, for the following reasons:

1st. Because the statements in relation to the lands having become valuable in consequence of improvements made upon the same before the location of the Capitol, are untrue in point of fact.

2d. Because the individuals claiming the lands, have made their improvements on the same, knowing that they were reserved from sale, and stand in the same situation as claimants upon the 16th sections.

3d. Because precedent, and the circumstances under which the reserve is understood to have been made, have induced the belief that Congress will grant this land to the Territory, or hereafter to the State, in aid of the Territorial or State Treasury.

4th. Because the land derives its value principally from the location of the Capitol at Iowa City, and the expenditure of the public funds at that place, and it is reasonable that the Territory should have the advantages of the advance in value.

On motion of Mr. Felkner,

Ordered, That said Report do lie upon the table until to-morrow.

Mr. Robertson, from the Select Committee, to which was referred No. 45, C. F. "A Bill to amend an act, fixing the time for the annual meeting of the Legislative Assembly," reported the same back to the House with amendments, which were read a first time.

On motion of Mr. Teeple,

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and,



On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Langworthy reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

Mr. Avery moved a call of the House, which was had, and the roll being called, those who failed to answer to their names, were Messrs. Browning and Leffler.

The Sergeant-at-Arms was directed to require the attendance of the absentees.

On motion of Mr. Hendershott,

Leave of absence was granted to Mr. Leffler.

After a short time, a further call of the House was, on motion, suspended.

A motion was made by Mr. Hendershott, that the Bill be laid upon the table. The motion was lost.

A motion was made by Mr. Lewis, that the same do lie upon the table until Thursday next.

And the question being put,

Was determined in the negative. Yeas 12. Nays 12.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Hebard, Hendershott, Lash, Lewis, Porter, Steele, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox, Speaker.

So the motion was lost.

A motion was made by Mr. Summers, that the Bill be read a third time on Thursday next.

Pending which, a motion was made by Mr. Steele, that the House do now adjourn.

The motion was lost.

Mr. Porter moved a call of the House, which was had, and the roll being called, all the members answered to their names except Mr. Browning.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

A motion was then made by Mr. Langworthy, that a further call of the House be suspended.

And previous to the question being put,

On motion of Mr. Box,

The House adjourned.



## 2 O'CLOCK, P. M.

Mr. Robertson moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names, were Messrs. Hendershott, Mason, Miller, and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, the absentees appearing, a further call of the House was, on motion, suspended.

The question then pending, being, to order No. 45, C. F. "A Bill to amend an act fixing the time of the annual meeting of the Legislative Assembly," to a third reading on Thursday next.

And previous to the question being put,

A motion was made by Mr. Steele, to strike out the words "Iowa City the permanent seat of Government of Iowa Territory," in the first section of said Bill.

And the question being put,

Was determined in the negative. Yeas 12, Nays 14.

Yeas—Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Steele, Whitaker, Wilson of H and Wilson of J.

Nays—Messrs. Box, Brierly, Felkner, Issett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox, Speaker.

So the motion was lost.

A motion was then made by Mr. Wilson of H. to strike out the words "Iowa City," and insert "Mount Pleasant."

And the question being put,

Was determined in the negative. Yeas 12, Nays 14.

Yeas—Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Steele, Whitaker, Wilson of H. and Wilson of J.

Nays—Messrs. Box, Brierly, Felkner, Issett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox Speaker.

So the motion was lost.

A motion was then made by Mr. Browning, to strike out the words "Iowa City," and insert "Fort Madison."

And the question being put,

Was determined in the affirmative. Yeas 14, Nays 12.

Yeas—Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Langworthy, Lash, Leffler, Miller, Porter, Summers, Wilson of H. and Wilson of J.



Nays—Messrs. Felkner, Isett, Lewis, Mason, Robertson, Steele, Teeple, Toole, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

So the motion was agreed to.

A motion was made by Mr. Langworthy, to reconsider the vote last given,

And the question being put,

Was determined in the negative. Yeas 12, Nays 14.

Yeas—Messrs. Felkner, Isett, Langworthy, Lash, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox, Speaker.

Nays—Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Leffler, Lewis, Miller, Porter, Steele, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was then made by Mr. Summers, that the Bill be referred to a Select Committee.

And the question being put,

Was determined in the negative. Yeas 12, Nays 14.

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Langworthy, Lash, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Leffler, Lewis, Miller, Porter, Steele, Whitaker, Wilson of H. and Wilson of J.

So the motion to refer was lost.

On motion of Mr. Box,

Ordered, That the 42d rule be suspended, and the Bill be read a third time now. The Bill was then read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative. Yeas 24, Nays 2.

Yeas—Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lewis, Leffler, Mason, Miller, Porter, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

Nays—Messrs. Lash and Steele.

So the Bill passed, and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Miller, from the Committee appointed to confer with a similar Committee on the part of the Council, in relation to the disagreeing vote of the two Houses to No. 57, H. R. File, "An Act to amend an act relative to practice in the District Courts," reported, that the Council had receded from their amendment.

Mr. Summers, in accordance with previous notice, introduced No.



115, H. R. File, "A Joint Resolution, relative to an Armory on Rock Island."

Mr. Lewis, from the Select Committee, to which certain petitions were referred, reported

No. 116, H. R. File, "Preamble and Resolution, asking our Delegate in Congress, to use his influence to obtain an appropriation to erect a Bridge across Big Cedar Creek, in Jefferson county."

No. 117, H. R. File, "A Bill to authorize Richard Irwin and Alfred Colvin to erect a Dam across Big Cedar Creek, in Jefferson county," and,

No. 118, H. R. File, "A Bill to re-locate a Territorial Road from Keasauqua, via Rising Sun, and Philadelphia, to Fairfield, in Jefferson county."

Said Bills were severally read a first time.

On motion of Mr. Box,

The House adjourned.

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### Wednesday Morning, January 6, 1841.

Mr. Steele presented the petition of sundry citizens of Van Buren county, asking the Legislature to grant a Charter to Isaac W. McCarty and James C. McCutcheon, to erect a Dam across the Des Moines river, in said county.

Ordered, That said petition be referred to the Delegation from Van Buren county.

Mr. Hendershott, from the Select Committee, to which No. 65, H. R. File, "A Bill to establish a Territorial Road from Burlington to the mouth of the Des Moines river," was referred, together with petitions in relation to the same, reported,

No. 119, H. R. File, "A Bill to establish a Territorial road from Burlington, via, Keokuk and Montrose, &c., to the mouth of Des Moines river," as the report of the majority of said Committee.

Mr. Brierly, from the same Committee, reported back to the House the original Bill, as the report of the minority of said Committee.

Said Bills were severally read a first time.

On motion of Mr. Miller,

Ordered, That the 42d rule be suspended, and the Bills be read a second time now.

The Bills were then read a second time, and, on motion, the House resolved itself into a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that



the Committee had, according to order, had said Bills under consideration, and had stricken out all after the enacting clause of No. 119, H. R. File, and inserted No. 65, H. R. File, the original Bill, as a substitute therefor, and directed him to report the same, and ask the concurrence of the House.

And the question being put, Will the House concur in the report of the Committee?

Was determined in the affirmative. Yeas 13, Nays 11.

The yeas and nays being desired by Mr. Leffler,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Mason, Miller, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Robertson, Steele, Summers, and Whitaker.

So the report was concurred in.

On motion of Mr. Miller,

The 42d rule was again suspended, and the Bill read a third time, and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

The Council have passed—

No. 48, C. F. "A Bill to establish and lay out a Territorial Road from Marion to Bellview, via Edinburgh."

No. 49, C. F. "A Bill to authorize the Commissioners of Linn county to employ an Agent to sell lots at Marion, the Seat of Justice of said county."

No. 19, C. F. "Joint Resolution, providing for printing a list of acts &c., in the several newspapers in this Territory."

No. 20, C. F. "Joint Resolution, asking our Delegate in Congress, to procure the passage of a law, to allow the Commissioners of Linn county to pre-empt the quarter section of land upon which Marion is located."

No. 22, C. F. "Joint Resolution, asking the appointment of a Commissioner, to re-survey the northern boundary line of the Half Breed Tract."

No. 51, C. F. "A Bill to establish a Territorial Road from Dubuque to Camp Atkinson."

Also, with amendments,

No. 75, H. R. File, A Bill to locate and establish certain Territorial Roads in Louisa county, and for other purposes."

No. 82, H. R. File, A Bill to provide for the election of Legislative offices, and to fix their compensation.



No. 103, H. R. File, A Bill to authorize John S. Faber to establish and keep a Ferry across the Mississippi river, at Faber's Landing.

And have amended the amendments of the H. of R. to

No. 9, C. F. "A Bill to amend an act regulating conveyances.

In which the concurrence of the H. of R. is requested.

Also, without amendment,

No. 78, H. R. File, "A Bill to establish a Territorial Road from the north part of Washington county to the Missouri line."

No. 104, H. R. File, "A Bill to district the county of Johnson into County Commissioners' Districts.

I herewith present for your signature five Acts and Memorials.

And then he withdrew.

The Speaker then signed said Acts and Memorials.

Mr. Steele, from the Select Committee, to which a certain petition was referred reported No. 120, H. R. File, "A Bill to authorize Isaac W. McCarty and James C. McCutcheon to erect a Dam across the Des Moines river," which was read a first time.

A motion was made by Mr. Steele, that the 42d rule be suspended and the Bill be read a second time now.

The motion was lost.

Mr. Teeple, from the Committee on Enrolled Bills, reported

An Act to make valid in law, the survey of the Town of Dartmouth, in Jones county.

An Act to establish certain Territorial Roads.

An Act to amend an act entitled "An act establishing certain Territorial roads therein named," approved Jan. 14th, 1840.

An Act to amend an act, establishing certain Territorial Roads.

An Act supplementary to an act, fixing the terms of the District Courts.

A Memorial to the Post Master General; and,

A Memorial to Congress on the subject of Post Roads, as correctly enrolled.

The Speaker then signed the above entitled Acts and Memorials.

On motion of Mr. Walworth,

The House adjourned until to-morrow morning.

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### Thursday Morning January 7, 1841.

Mr. Brierly presented the petition of sundry citizens of the Town of Nashville in Lee county, asking the incorporation of said Town.

On motion of Mr. Brierly,

Ordered, That said petition be referred to the Delegation from Lee county.



Mr. Browning from the Select Committee, to which was referred the petition of sundry citizens, praying that a Charter may be granted to Joseph Wasson to build a dam across English river, together with the report of the Committee on Corporations in relation to the same, reported back to the House, the same report, and recommended the adoption of the same.

The report was concurred in.

Mr. Toole from the Committee on engrossed Bills, reported, Nos. 62. 93. 96. 108. 112, and 113. H. R. File as correctly engrossed.

Mr. Wilson of H. from the Select Committee to which was referred the petition, asking the repeal of the law in relation to Blacks and Mulattoes, reported, No. 121 H. R. File A Bill to amend an act to regulate Blacks and Mulattoes," which was read a first time.

Mr. Teeple from the Select Committee, to which was referred a petition asking the same, reported,

No. 122. H. R. File, "A Bill to authorize Joseph Ehle and Isaac Ramsey to erect a dam across English river in Washington county," which was read a first time.

A motion was made by Mr. Robertson, to take up No. 27. C. F. "A Bill to locate the county Seat of Clinton county," to which the House agreed.

The Bill was then taken from the table, and,

On motion the House resolved itself into a Committee of the Whole House, for the consideration of the same, together with No. 114. H. R. File, "A Bill to enable the citizens of Clinton county to locate the Seat of Justice of said county."

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Leffler reported, that the Committee had, according to order, had said Bills under consideration, and directed him to report the same with an amendment to No. 27. C. F. and ask the concurrence of the House.

On motion of Mr. Summers,

Ordered, That said Bills do lie upon the table until Monday next. No. 43, C. F. A Bill to establish and lay out a Territorial road from Marion to Bellview, via Edinburgh," was read a first time.

A motion was made by Mr. Miller, to take up No. 93. H. R. File "A Bill to locate Seat of Justice of Lee county," to which the House agreed.

The Bill was then taken up, read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

On motion of Mr. Walworth,

No. 107, H. R. File, A Bill to provide for, and regulate Marks and Brands," was read a second time, and ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Leffler,



No. 63, H. R. File "A Bill to amend an act entitled "an act, to provide for the survey of a Territorial Road, approved July 29th 1840," was read a second time, and committed to a Committee of the Whole House for its consideration,

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Van Antwerp reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

To which the House agreed.

On motion of Mr. Leffler,

Ordered, That the 42nd rule be suspended and the Bill be read a third time now.

The Bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Steele, to take up No. 120, H. R. File, A Bill to authorize Isaac W. McCarty and James C. McCutcheon to build a dam across the Des Moines River,"

To which the House agreed.

Said Bill was then taken up and read a second time.

On motion of Mr. Steele,

Ordered, That the 42nd rule be suspended and the Bill be read a third time now.

Said Bill was then read a third time and passed and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Walworth,

No. 113. H. R. File, "A Bill to establish certain Territorial Roads therein named," was taken up, read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Bills &c. from the Council of the following titles, to wit:

No. 49. A Bill to authorize the Commissioners of Linn county to employ an Agent to sell lots at Marion, the Seat of Justice of said county."

No. 19. A Joint Resolution, providing for printing a list of acts &c. in the several newspapers &c."

No. 22. Joint Resolution, asking the appointment of a Commissioner to resurvey the Northern Boundary of the Half Breed Tract."

No. 51. A Bill to locate and establish a Territorial road from Dubuque to Camp Atkinson," and,

No. 20. A Joint Resolution, asking our Delegate in Congress, to procure the passage of a law, to allow the Commissioners of Linn county, to pre-empt the quarter Section of Land upon which Marion is located."

Were severally read a first time.

No. 82. H. R. File, "A Bill to provide for the election of Legislative Officers and to fix their compensation," being under consideration as returned from the Council with amendments.



A motion was made by Mr. Leffler that the House do disagree to the same,

And the question being put, was determined in the affirmative.

No. 75. H. R. File, "A Bill to locate and establish a certain Territorial Road in Louisa county, and for other purposes," being returned from the Council with amendments, was taken up and considered; and,

On motion of Mr. Toole, the amendments were concurred in.

No. 103. H. R. File A Bill to authorize John S. Faber to establish and keep a Ferry across the Mississippi River, at Faber's landing," being returned from the Council, amended was taken up, the amendments read, and on motion of Mr. Langworthy severally concurred in by the House.

No. 9, C. F. "A Bill to amend an act, regulating conveyances," being returned from the Council, with the amendments of the House to the same amended, was taken up, the same read and concurred in.

No. 6. C. F. A Joint Resolution respecting the reserved sections of land contiguous to Iowa City," was read a second time.

Mr. Felkner from the Committee on Territorial Affairs to which was referred the aforesaid Resolution, submitted a report, together with a petition from sundry citizens of Johnson county which were read for the information of the House. Said report reads as follows:

The Committee on Territorial affairs to which was referred A Joint Resolution relative to the reserved sections of land at Iowa City, Report, That they have had the subject under consideration and believe that the interests of the Territory, and the rights of the citizens who have settled on, and claimed said land, demand the adoption of the resolution above referred to, for the following reasons:

1st. There is no good reason to believe that Congress will donate said land to the Territory, were we to ask it, in which case it would necessarily remain reserved as at present, which would operate against the progress and improvement of the City, as the improvement of any town depends in a great measure on the improvement of the adjoining country.

2nd. The greater part of that land having been claimed and some improvements made thereon previous to the passage of the Law establishing the Seat of Government in that county and consequently before those lands were reserved from sale, it would be doing great injustice to the citizens residing thereon to have their just rights, (according to the customs and usages of this Territory, with regard to settlers and claimants on the public lands) taken from them and appropriated to the use of the Territory.

3rd. The greater portion of those lands being timbered, which is daily being destroyed, every person, wishing so to do, taking the privilege of cutting and hauling off at pleasure, the land will soon be rendered less valuable in proportion to the timber taken off a considerable portion of said land being valuable principally on account of its timber.



Your Committee therefore recommend the adoption of the resolution requiring said lands to be sold as other government lands are sold and as soon as practicable.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House for the consideration of the Resolution

After some spent therein, Mr. Speaker resumed the Chair and Mr. Lewis reported, that the Committee had, according to order, had said Resolution under consideration and directed him to report the same without amendment.

On motion of Mr. Avery,

The House adjourned.

## 2 O'CLOCK P. M.

The House resumed the consideration of No. 6. C. F. "A Joint Resolution, relative to the reserved sections of land contiguous to Iowa City," as reported by the Committee of the Whole House, during the forenoon's Session.

Mr. Lewis moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names, were Messrs. Avery, Bronwing, Mason, Teeple, Van Antwerp, Walworth, Wilson of H. and Cox.

On motion of Mr. Lewis,

Leave of absence was granted to Mr. Cox.

The Sergeant at Arms was then directed to require the attendance of the absentees

After a short time, the absentees appearing, a further call of the House, was, on motion suspended.

Mr. Hebard then offered No. 123. H. R. File. "A Preamble and Resolution, relative to the reserved sections land contiguous to Iowa City," as a substitute for the aforesaid Resolution.

On motion of Mr. Leffler,

The substitute was amended by adding the following proviso to wit:

Provided, That our Delegate in Congress, can secure to any person or persons who may have made a *bona fide* settlement or improvement, on any of said lands prior to the location of the Seat of Government, a right to purchase by pre-emption any quantity not exceeding one hundred and sixty acres."

The substitute was then adopted, and on motion of Mr. Summers, ordered to be engrossed and read a third time on to-morrow.

No. 37, C. F. A Bill to lay out and establish a Territorial Road from Bellview to Iowa City," was read a second time.

On motion the House resolved itself into a Committee of the Whole House, on said Bill.



After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Isett reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Summers,

Ordered, That said Bill be read a third time on to-morrow.

No. 46, C. F. "A Bill to amend an act, regulating Interest on money," was read a second time, and,

On motion of Mr. Steele,

Ordered to a third reading on to-morrow.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:--

I am directed to inform the House of Representatives that the Council have amended the amendment of the H. of R. to

No. 45, C. F. "A Bill to change the time of the meeting of the Legislative Assembly."

In which the concurrence of the H. of R. is requested.

And then he withdrew.

A motion was made by Mr. Leffler, to take from the table No. 105, H. R. File, "A Bill to incorporate the Iowa Insurance Company at Burlington." To which the House agreed.

The Bill was then taken from the table, and being under consideration,

A motion was made by Mr. Mason, to amend the first section in the 2d line, by striking out the words "one hundred," and inserting "fifty" therefor. And the question being put, was determined in the negative.

A motion was made by Mr. Mason, to amend the 3d section by inserting the word "not" in the 1st line, after the word "shall," and to strike out all after the word "States," in the 4th line, to the word "Corporation," in the 9th line, and all after the word "banking" in the 12th line of said section. Pending which,

On motion of Mr. Leffler,

Said Bill was laid upon the table until to-morrow.

No. 91, H. R. File, "A Resolution providing for the appointment of a Committee, to revise the Laws," being the order of the day, was committed to the Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Lewis, that said resolution be indefinitely postponed. And the question being put,

Was determined in the affirmative.

No. 92, H. R. File, "A Bill to repeal certain acts thereing named," was read a second time.



A motion was made by Mr. Hendershott, that said Bill be indefinitely postponed. Pending which,

On motion of Mr. Lewis,

Ordered, That said Bill do lie upon the table.

No. 109, H. R. File, "A Bill to lay out and establish a certain Territorial Road," was read a second time.

On motion of Mr. Leffler,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

The Bill was then read a third time, and passed,

Ordered, That the Clerk acquaint the Council therewith.

Mr. Porter, on leave, presented the petition of sundry citizens of Henry and Jefferson counties, asking a Charter to be granted to Silas Deeds, to build a Dam across Skunk river, in Jefferson county.

Ordered, That said petition be referred to the Delegations from the counties of Henry and Jefferson.

No. 15, C. F. "A Bill to create the office of Superintendent of Public Instruction."

No. 62, H. R. "A Bill to provide for assessing and collecting county revenue."

No. 96, H. R. File, "A Bill to authorize Michael Hayse and Joseph B. Rogers, to erect a Dam across the west fork of Crooked Creek, in Washington county."

No. 101, H. R. "A Bill to incorporate the Presbyterian Church of Dubuque."

No. 106, H. R. "A Bill to establish the County Seat of Delaware county."

No. 108, H. R. File, "A Memorial to Congress, for the re-location of a certain portion of the Military Road, from Dubuque to the Missouri line."

No. 112, H. R. File, "A Bill to locate and establish a Territorial Road from Columbus City, in Louisa county, to Smith's Mills, in Henry county;" were severally read a third time, passed, and their titles agreed.

Ordered, That the Clerk acquaint the Council therewith.

No. 110, H. R. File "A Bill to incorporate the Washington Mill and Manufacturing Company," and,

No. 115, H. R. File, "A Joint Resolution relative to an Armory on Rock Island," were severally read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 116, H. R. File, "A Preamble and Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation to erect a Bridge across Big Cedar Creek, in Jefferson county," was read a second time.

On motion of Mr. Lewis,

Ordered, That the 42d rule be suspended, and the Resolution be read a 3d time now.



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

Ordered, That the Clerk acquaint the Council therewith.

No. 117, H. R. File, "A Bill to authorize Richard Irwin and Alfred Colvin to erect a Dam across Big Cedar Creek, in Jefferson county," was read a 2d time.

On motion of Mr. Lewis.

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 118, H. R. File, "A Bill to re-locate a Territorial Road from Keosauqua, via Rising Sun and Philadelphia, to Fairfield, in Jefferson county," was read a 2d time.

On motion of Mr. Lewis,

Ordered, That said Bill be engrossed, and read a third time on tomorrow.

No. 45, C. F. "A Bill to change the time of meeting of the Legislative assembly," being returned from the Council with the amendments of the House amended, was taken up, and being under consideration,

A motion was made by Mr. Langworthy, to strike out in the amendment of the Council to that of the House, all after the words "Iowa City," being as follows: "On condition that the Public Buildings at Iowa City, shall be so far completed that the legislative assembly can be accommodated in said building, or that other sufficient buildings shall be furnished for the accommodation of the legislative assembly, rent free, and in either case, the Governor shall issue his proclamation informing the members of the Legislature of the fact."

And the question being put, was determined in the affirmative.

Yeas 15, Nays 9.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Steele, and Whitaker.

So the motion was agreed to.

The question was then taken on the amendment of the Council to the amendment of the House, as amended and determined in the negative. Yeas 11, Nays 13.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,



Messrs. Felkner, Issett, Langworthy, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Wilson of H.

Those who voted in the negative, were,

Messrs. Avery Box, Brierly, Hebard, Hendershott, Lash, Leffler, Lewis, Miller, Porter, Steele, Whitaker, and Wilson of J.

So the amendment was disagreed to.

On motion, the House adjourned.

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### Friday Morning, January 8, 1841.

Mr. Brierly, from the Select Committee, to which a certain petition was referred, reported No. 124, H. R. File, "A Bill to incorporate the town of Nashville, in Lee county," which was read a first time.

On motion of Mr. Miller,

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a second and third time; and the question being put, Shall the Bill pass?

Was determined in the affirmative.

Mr. Porter, from the Select Committee, to which was referred a petition of sundry citizens of Henry county, reported

No. 125, H. R. File, "A Bill to authorize Silas Deeds to erect Dam across Skunk river," which was read a first time.

Mr. Toole, from the Committee on Engrossed Bills, reported

Nos. 107, 110, and 115, H. R. File, as correctly engrossed.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 7th inst., present to the Governor for his approval,

A Memorial to Congress, on the subject of Post Roads;

An Act supplemental to an Act, fixing the terms of the District Courts;

A Memorial to the Postmaster General;

An Act to amend an Act, establishing certain Territorial Roads;

An Act to make valid in law the survey of the Town of Dartmouth. in Jones county;

An Act to establish certain Territorial Roads;

An Act to amend an Act establishing certain Territorial Roads therein named, approved Jan. 14th, 1840;

A Memorial to Congress, on the subject of a further purchase of land from the Sac and Fox Indians;

A Memorial to Congress, asking the removal of the Winnebago



Indians from the Neutral Tract, with a view to a permanent future residence.

An Act for the relief of the citizens of Muscatine county;

An Act to amend an act, entitled "An act to authorize the keeping of certain Ferries therein named;" and,

An Act to authorize Wm. St. John to keep a Ferry.

Mr. Mason also reported, as correctly enrolled,

An Act to amend an act relative to practice in the District Courts;

An Act to establish a Territorial Road from Charleston, in Jackson county, to Tipton, in Cedar county;

An Act to District the county of Johnson into County Commissioners' Districts;

An Act to establish a Territorial Road from the north part of Washington county, to the Missouri line;

An Act to establish the Territorial Roads therein named;

A Memorial to Congress, asking an additional Land District; and,

An Act to locate and establish certain Territorial Roads in Louisa county.

The Speaker pro tem. then signed the above entitled Acts and Memorial.

A motion was made by Mr. Summers, to re-consider the vote of yesterday, in striking out the condition in the amendment of the Council to the amendment of the House to No. 45, C. F. "A Bill to amend an act fixing the time of the annual meeting of the Legislative Assembly." Pending which,

Mr. Hendershott moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names, were Messrs. Browning and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, the absentees appearing, a further call, was, on motion, suspended.

The question was then put on the re-consideration of said vote, and determined in the affirmative. Yeas 16, Nays 10.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Langworthy, Lash, Lewis, Mason, Robertson, Steele, Summers, Toole, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Leffler, Miller, Porter, and Wilson of J.

So the motion was agreed to.

A motion was then made by Mr. Summers, that the House concur in said amendment. Pending which,

A motion was made by Mr. Hendershott, to amend said amendment,



by striking out the word "shall," and inserting the word "may," in which it was made obligatory on the part of the Governor to convene the Degislature at Iowa City, provided either of the conditions in the amendment were complied with.

And the question being put,

Was determined in the negative. Yeas 7, Nays 19.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Leffler, Lewis, and Porter.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Lash, Mason, Miller, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H, Wilson of J. and Cox, Speaker.

So the motion was lost.

The question then recurring on concurring in said amendment.

And previous to its being put,

A motion was made by Mr. Browning, that the House do now adjourn. The motion was lost.

A motion was made by Mr. Hendershott, that the House do now adjourn until to-morrow morning.

And the question being put,

Was determined in the negative. Yeas 6, Nays 20.

The Yeas and Nays being desired by Mr. Steele.

Those who voted in the affirmative, were,

Messrs. Browning, Hendershott, Lewis, Miller, Porter, and Wilson of H—6.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Felkner, Hebard, Isett, Langworthy, Lash, Leffler, Mason, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson, of J., and Cox, Speaker.—20.

So the motion was lost.

A motion was then made by Mr. Porter, that the House adjourn, which was lost.

A motion was made by Mr. Browning, to amend said amendment by requiring the Governor to give sixty days' notice.

And the question being put,

Was determined in the negative.

The question was then put on concurring in said amendment, made by the Council, and determined in the affirmative, Yeas 19, Nays 7.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Felkner, Isett, Langworthy, Lash, Lewis, Mason, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.



Those who voted in the negative, were,  
Messrs. Box, Browning, Hebard, Hendershott, Leffler, Miller, and Porter.

On motion of Mr. Hendershott,  
The House adjourned until to-morrow morning.

### Saturday Morning, January 9, 1841.

Mr. Avery presented the account of Evan Evans, against the Territory, for furniture furnished the Legislative Assembly &c., which was on motion referred to the Committee on claims.

On motion of Mr. Summers,

Ordered, That Joseph M. Robertson be allowed his *per diem* pay as a member of this House from the commencement of the present session.

Mr. Browning from the majority of the Select Committee, to which was referred the petitions of sundry citizens of Des Moines and Henry counties, praying a portion of Henry county to be attached to Des Moines repoted that they had, had the same under consideration and would recommend the passage of a law according to the prayer of the said petition.

The Committee find that there are fifty-one names on the petition in favor of the passage of said law, and one hundred and thirty-eight signers to the remonstrance.

Mr. Porter from the minority of said Committee reported that having had the same under consideration believe it to be inexpedient to make any change in said county lines from the fact of there being more subscribers to the remonstrance than to the petition, and therefore ask to be discharged from the further consideration of the subject.

A motion was made by Mr. Porter that the report of the minority be adopted,

And the question being put,

Was determined in the affirmative. Yeas 20, Nays 5.

The Yeas and Nays being desired by Mr. Porter.

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Lash, Lewis, Mason, Miller, Porter, Robertson Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J

Those who voted in the negative, were,

Messrs. Avery, Browning, Hebard, Hendershott, and Leffler.

So the Report of the minority was adopted.



On motion of Mr. Porter,  
Ordered, That the Report of the majority do lie upon the table until Christmas next.

A message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

I am directed to inform the House of Representatives that the Council have passed,

No. 54, C. F. A Bill to amend an act entitled an act additional and supplementary to an act for the benefit of settlers &c. on the half breed lands passed the present session.

No. 53, C. F. A Bill entitled "an act to charter the Ellenborough Ferry Company.

No. 23, C. F. Joint Resolution asking the establishment of an armory at Rock Island.

Also with amendments,

No. 101, H. R. A Bill to incorporate the Presbyterian Church of Dubuque,

In which the concurrence of the House of Representatives is requested,

Also without amendment,

No. 111, H. R. A Bill to district the county of Jefferson into three County Commissioner's districts.

No. 116, H. R. Preamble and Resolutions asking our Delegate in Congress to use his influence to obtain an appropriation to erect a bridge across Big Cedar Creek in Jefferson county.

The Council insist upon their amendments to

No. 82, H. R. File A Bill to provide for the election of Legislative Officers and to fix their compensation.

I herewith present for your signature, An act to incorporate the Town of Farmington in Van Buren county."

And then he withdrew.

The Speaker pro tem. then signed the above entitled acts.

Mr. Avery from the Committee on records, reported that the Journals of this House were correctly recorded up to the 12th day of Dec. 1840.

Mr. Issett from the Select Committee to which was referred No. 77. H. R. File, A Bill to amend an act subjecting Real and Personal estate to execution," reported No. 126. H. R. File, as a substitute, which was read a first time.

Mr. Hebard in accordance with previous notice, introduced No. 127. H. R. File, A Bill to provide for the survey of a Territorial road from Burlington to Keosauqua and Missouri line, which was read a first time.

Mr. Teeple, from the Committee on Enrolled Bills, reported

An act to authorize John S. Faber to establish and keep a Ferry across the Mississippi river, at Faber's Landing, as correctly enrolled.



The Speaker pro tem. then signed the said Act.

Mr. Toole, from the Committee on Engrossed Bills, reported No. 118, H. R. File, as correctly engrossed.

Mr. Browning, on leave, introduced No. 128, H. R. File, "A Bill relative to Imprisonment for Debt," which was read a first time.

On motion of Mr. Browning,

Ordered, That the 42d rule be suspended, and the Bill read a 2nd time now.

Said Bill was then read a second time, and,

On motion, The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Miller,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, Messrs. Miller, Isett, and Mason were appointed said Committee.

Mr. Isett, on leave, introduced No. 129, H. R. File, "A Bill to locate a Territorial from Bloomington, in Muscatine county, to Columbus City, in Louisa county," which was read a first time.

Mr. Leffler, from the Committee on the Judiciary, to which was referred No. 4, H. R. File, "A Bill defining a lawful Fence, and to provide against trespassing animals," reported the same back to the House with an amendment, which was read a first time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time, and,

On motion, The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

Several slight amendments being made to said Bill,

A motion was made by Mr. Walworth, that the same be referred to a Select Committee, with instructions to report during the afternoon's session.

And the question being put,

Was determined in the affirmative.

Whereupon, Messrs. Walworth, Summers, and Toole were appointed said Committee.

Mr. Langworthy, on leave, introduced No. 130, H. R. File, "A Joint Resolution, authorizing the Secretary of the Territory to sell the furniture belonging to the Legislative Assembly," &c., which was read a first time.



Mr. Van Antwerp, from the Committee on Enrolled Bills, reported, that they had this day presented to His Excellency the Governor, for his approval,

An act to authorize John S. Faber to establish and keep a Ferry across the Mississippi river at Faber's Landing.

A Memorial to Congress, asking an additional Land District."

Also—

An act to establish a Territorial Road from the north part of Washington county, to the Missouri line.

An act to establish the Territorial Roads therein named.

An act to amend an act relative to Practice in the District Courts.

An act to district the county of Johnson into County Commissioners' Districts.

An act to establish a Territorial Road from Charleston, in Jackson county, to Tipton, in Cedar county.

An act to locate and establish certain Territorial Roads.

On motion of Mr. Brierly,  
The House adjourned.

2 O'CLOCK, P. M.

No. 105, H. R. File, "A Bill to incorporate the Iowa Insurance Company at Burlington," was taken up, and being under consideration, and the question being on the motion made by Mr. Mason on the 7th inst, to amend the 3d section by inserting the word "not" in the 1st line, after the word "shall," and strike out all after the word "States" in the 4th line to the word "Corporation" in the 9th line, and all after the word "Banking" in the 12th line of said section.

And upon which a division of the question was called for.

The question then recurring on inserting the word "not" after the word "shall," and being put, was determined in the affirmative.

The question was then put on striking out all after the word "States" in the 4th line, to the word "Corporation," in the 9th line, and determined in the negative.

The question then recurring on striking out all after the word "Banking," in the 12th line of said section,

And being put, was determined in the negative.

Several slight emendments being made to said Bill, a motion was made by Mr. Leffler, to suspend the 42d rule, and the Bill be read a third time now. To which the House agreed.

The Bill was then read a third time, passed, and the title agreed to. Ordered, That the Clerk acquaint the Council therewith.

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

MR. SPEAKER—

I am directed to inform the H. of R. that the Council have passed, No. 23, C. F. A Bill to amend an act to encourage the destruction of Wolves.



No. 47, C. F. A Bill providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

No. 55, C. F. A Bill requiring clerks of the District Courts to give bonds.

No. 57, C. F. A Bill to amend an act entitled "an act to re-locate the county seat of Jackson county."

No. 58, C. F. A Bill for the relief of the Sheriff of Jefferson county.

No. 59, C. F. A Bill to amend an act concerning costs and fees.

No. 60, C. F. A Bill to amend an act regulating General Elections, &c.

No. 62, C. F. A Bill providing for the building of Locks in the dams on the Des Moines river.

Also, with amendments—

No. 93, H. R. A Bill to locate the county seat of Lee county.

No. 113, H. R. A Bill to establish certain Territorial Roads therein named.

In which the concurrence of the H. of R. is requested.

Also, without amendment,

No. 85, H. R. A Bill to authorize Elias Smith to keep a Ferry across the Mississippi river; and,

No. 106, H. R. File, A Bill to establish the county seat of Delaware county.

And then he withdrew.

No. 19, C. F. "A Joint Resolution, providing for printing a list of acts, &c., in the several newspapers," was read a second time.

On motion of Mr. Summers,

Ordered, That said Resolution be read a third time on Monday next.

No. 20, C. F. "A Joint Resolution, asking our Delegate in Congress to procure the passage of a law to allow the Commissioners of Linn county to pre-empt the quarter section of land on which Marion is located," was read a second time.

On motion of Mr. Hendershott,

Ordered, That the 42d rule be suspended, and the Resolution be read a third time now.

Said Resolution was then read a third time, passed, and the title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 22, C. F. "A Joint Resolution, asking the appointment of a Commissioner to re-survey the northern boundary line of the Half Breed Tract," was read a second time, and,

On motion of Mr. Hendershott,

The 42d rule was suspended, and the Resolution read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.



No. 48, C. F. "A Bill to establish and lay out a Territorial Road, from Marion to Bellview, via Edinburgh," was read a second time.

On motion of Mr. Walworth,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments, to which the House agreed.

On motion of Mr. Walworth,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 49, C. F. "A Bill to authorize the Commissioners of Linn county, to employ an Agent to sell lots at Marion, the Seat of Justice of said county," was read a second time.

On motion of Mr. Summers.

Ordered, That the 42d rule be suspended, and the Bill be read a third time now.

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

Ordered, That the Clerk acquaint the Council therewith.

Mr. Walworth, from the Select Committee, to which was referred

No. 4, H. R. File, "A Bill concerning enclosures and trespassing animals," reported the same back to the House with an amendment, which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Isett, to take up No. 53, C. F. "A Bill to Charter the Ellenborough Ferry Company."

To which the House agreed.

Said Bill was then taken up, and read a first time.

A motion was made by Mr. Isett, that the 42d rule be suspended, and the Bill be read a second time.

The motion was lost.

Mr. Van Antwerp, on leave, introduced No. 131, H. R. File, "A Bill to locate a Territorial Road from Edinburgh to Iowa City," which was read a first time.

Mr. Isett, in accordance with previous notice, introduced No. 132, H. R. File, "A Bill regulating County Seats," which was read a first time.

On motion of Mr. Robertson,

No. 45, C. F. "A Bill to incorporate the first regular Baptist Church of Davenport," was taken from the table, and read a second time.



Ordered, That the 42d rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 51, C. F. "A Bill to locate and establish a Territorial Road from Dubuque to Camp Atkinson," was read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

To which the House agreed.

A motion was made by Mr. Walworth, that the Bill be laid upon the table. The motion was lost.

A motion was made by Mr. Summers, that the Bill be read a third time on Monday next.

And the question being put,

Was determined in the negative. Yeas 5, Nays 14.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,  
Messrs. Hebard, Isett, Lewis, Steele, and Summers.

Those who voted in the negative, were,  
Messrs. Box, Brierly, Felkner, Hendershott, Lash, Leffler, Mason, Miller, Robertson, Teeple, Toole, Walworth, Whitaker, and Wilson of H.

So the motion was lost.

On motion of Mr. Mason,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Mason, Walworth, and Summers said Committee.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

The Council have passed,

No. 43, H. R. File, An Act to amend an act, concerning Executions, approved Jan. 25, 1839.

No. 69, H. R. File, A Bill to establish a Territorial Road from Burlington to the mouth of the Desmoines river.

Also, with amendments,

No. 67, H. R. File, A Bill to authorize John Godden, his heirs and assigns, to build a Dam across the Desmoines river.

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

Mr. Isett gave notice, that he would, on some day hereafter, intro-



duce a Bill to incorporate the Bloomington Library and Reading Room Association.

On motion of Mr. Hendershott,  
The House adjourned.

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### Monday Morning, January 11, 1841.

Mr. Miller presented the petition of sundry citizes of Denmark, in Lee county asking the repeal of certain sections of the present law in relation to Blacks and Mulattoes, so as to allow them the right of trial by jury when claimed as fugitive slaves.

Ordered, That said petition do lie upon the table.

Mr. Wilson of H. from the Select Committee to which was referred the petition of George Jones asking for a charter to be granted him to erect a dam across Skunk River, also the petition of Duvall W. Henderson asking a charter to be granted him to erect a dam across Skunk River at or near the same place, reported, that having had the same under consideration, they had come to the conclusion not to report a bill in favor of either, from the fact of the subscribers to each petition being so nearly equal. They therefore ask to be discharged from the further consideration of the same.

The report was concurred in.

Mr. Miller, from the Select Committee to which was referred No. 128. H. R. "A Bill relative to imprisonment for debt," reported the same back to the House without amendment, which was read a first time.

On motion of Mr. Browning,

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time, and on motion, The House resolved itself into a Committee of the Whole House, for its consideration.

After some spent therein, Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said Bill under consideration and directed him to report the same without amendment.

A motion was made by Mr. Browning, that the Bill be engrossed and read a third time on to-morrow.

Pending which,

On motion of Mr. Leffler,

Said Bill was laid upon the table until to-morrow.

Mr. Porter, on leave, introduced No. 133. H. R. File, "A Bill to



authorize Samuel and John B. Crawford to erect a dam across Skunk River," which was read a first time.

On motion of Mr. Porter,

Ordered, That the 42nd rule be suspended and the Bill be read a second and third time now.

Said Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

Mr. Mason, from the Select Committee, to which was referred No. 51. C. F. A Bill to locate and establish a Territorial Road from Dubuque to Camp Atkinson," reported the same back to the House with amendments, which was read a first time.

On motion of Mr. Langworthy,

Ordered, That the 42nd rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time. a motion was made by Mr. Mason to strike out the amendments made by the Select Committee to which the same was referred,

And the question being put, Was determined in the affirmative.

Ordered, That the 42d rule was again suspended, and the Bill read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Felkner,

The House adjourned.

## 2 O'CLOCK P. M.

The Speaker not being present, Mr. Summers, was on motion of Mr. Robertson, appointed Speaker Pro Tempore.

No. 67. H.R. File, "A Bill to authorize John Godden, his heirs or assigns, to build a dam across the Des Moines River," being returned from the Council amended, and being under consideration,

A motion was made by Mr. Lewis, that the House concur in the amendment to the first Section relative to the length and width of the Locks, which was lost.

The question was then taken on the remaining amendment, and concurred in.

Mr. Browning, on leave, presented the account of Messrs. David and Kitchen against the Territory, which was referred to the Committee on Claims.

No. 82, H. R. "A Bill to provide for the election of Legislative Officers, and to fix their compensation," being returned from the Council with their amendments insisted upon, being under consideration, a motion was made by Mr. Steele, that the House insist upon their disagreement to the same, to which the House agreed.



On motion of Mr. Lash,  
Ordered, That there be a Committee of conference appointed in relation to the disagreeing vote of the two Houses on said Bill.

Whereupon, the Speaker pro tem. appointed Messrs. Lash, Lewis, and Browning said Committee.

No. 93, H. R. File, "A Bill to locate the county Seat of Lee county," as returned from the Council amended, was taken up, and on motion of Mr. Brierly, the amendments were concurred in.

No. 101. H. R. File, A Bill to incorporate the Presbyterian Church of Dubuque," being returned from the Council with an amendment, and being under consideration, a motion was made by Mr. Langworthy, that the House disagree to the same. Which was determined in the affirmative.

No. 113, H. R. A Bill to establish certain Territorial Roads therein named," as returned from the Council amended, was taken up, the amendments read, and on motion of Mr. Van Antwerp, severally concurred in.

No. 22, C. F. A Bill to amend an act to encourage the destruction of Wolves," was read a first time.

On motion of Mr. Avery,

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time, and on motion of Mr. Steele, the House resolved itself into a Committee of the Whole House for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

A motion was made by Mr. Mason to strike out the words "not exceeding six months old."

And previous to the question being put, a motion was made by Mr. Lash to strike out the enacting clause of said Bill.

And the question being put, was determined in the affirmative.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:--

The Council have passed,

No. 50, C. F. A Bill for the benefit of Insane Persons.

Also, with amendments,

No. 70, H. R. "A Bill to amend the act concerning the distribution of the Laws;

No. 120, H. R. File, A Bill to authorize Isaac W. McCarty, &c. to erect a Dam across the Des Moines river;

No. 124. H. R. File, A Bill to incorporate the Town of Nashville, in Lee county.

In which the concurrence of the House is requested.



Also, without amendment:

No. 63. H. R. File, An act to amend an act, to provide for the survey of a Territorial Road, approved July 29th, 1840.

No. 109, H. R. File, A Bill to lay out and establish a certain Territorial Road;

No. 117, H. R. File, A Bill to authorize Richard Irwin and Alfred Colvin to erect a Dam across Big Cedar Creek, in Jefferson county.

The Council have indefinitely postponed

No. 53. H. R. File, A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

I also herewith present for your signature,

An act to create the office of Superintendent of Public Instruction.

An act to amend an act regulating Conveyances.

And then he withdrew.

The Speaker pro tem. then signed the above entitled Acts.

No. 54, C. F. A Bill to amend an act entitled "An act additional and supplemental to an act for the benefit of Settlers, &c., on the Half Breed Lands, passed the present session," was read a second time.

On motion of Mr. Miller,

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 47, C. F. A Bill providing for the appointment of a Superintendent of Public Buildings at Iowa City, and a Territorial Agent, and for other purposes," was read a first time.

A motion was made by Mr. Porter, that the 42d rule be suspended, and the Bill be read a second time now.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 9.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Robertson, Steele, Toole, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Isett, Langworthy, Mason, Miller, Summers, Teeple, Walworth, and Van Antwerp.

Two-thirds not voting in the affirmative, the rule was not suspended.

Bills from the Council of the following titles, to wit:

No. 55, "A Bill requiring Clerks of the District Courts to give bonds," &c.

No. 57, "A Bill to amend an act entitled an act to re-locate the county seat of Jackson county."



No. 58, "A Bill for the relief the Sheriff of Jefferson county."

No. 59, "A Bill to amend an act concerning Costs and Fees."

No. 60, "A Bill to amend an act regulating General Elections," &c. and

No. 62, "A Bill providing for the building of Locks in the Dams across the Des Moines river."

Were severally read a first time.

No. 23, C. F. "A Joint Resolution asking the establishment of an Armory on Rock Island," was read a first time.

On motion of Mr. Robertson,

Ordered, That the 42d rule be suspended, and the Resolution be read a 2d and 3d time now.

Said Resolution was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Isett,

No. 53, C. F. "A Bill entitled, An act to incorporate the Ellenborough Ferry Company," was taken up and read a second time.

On motion, The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments.

To which the House agreed.

A motion was made by Mr. Isett, to amend the 5th section by adding the words "and the encouragement of emigration and settlement on the same."

To which the House agreed.

A motion was made by Mr. Lash, to strike out the 8th section of said Bill, which reads as follows:

"That the Shares of Stock of said Company shall be deemed and considered personal estate: and all the joint property, funds and effects of said Company shall be answerable for all the contracts made or authorized by or for said Company, and for all just claims against the same, but none of the Stockholders shall be liable in person or property, for any of the contracts of, or claims against the said corporation; and the service of legal process on the President, or any of the Trustees, shall be a sufficient service on the Corporation."

And the question being put,

Was determined in the negative. Yeas 10, Nays 13.

Yeas—Messrs. Avery, Box, Brierly, Hendershott, Lash, Mason, Steele, Summers, Van Antwerp, and Whitaker.

Nays—Messrs. Browning, Felkner, Hebard, Isett, Langworthy, Miller, Porter, Robertson, Teeple, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was lost.



A motion was made by Mr. Lash, to strike out all after the 2d line in said section.

And the question being put,

Was determined in the negative. Yeas 2, Nays 22.

Yeas—Messrs. Lash, and Steele.

Nays—Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lewis, Mason, Miller, Porter, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost

A motion was made by Mr. Isett, to strike out all after the 3d line in said section.

And the question being put,

Was determined in the affirmative. Yeas 18, Nays 6.

Yeas—Messrs. Avery, Box, Brierly, Felkner, Hebard, Isett, Langworthy, Lewis, Mason, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Nays—Messrs. Browning, Hendershott, Lash, Robertson, Steele, and Whitaker.

So the motion was agreed to.

A motion was made by Mr. Lash, to strike out all after the second line in the 2d section.

And the question being put,

Was determined in the negative.

A motion was made by Mr. Steele, that the Bill be indefinitely postponed.

And the question being put,

Was determined in the negative. Yeas 10, Nays 14.

Yeas—Messrs. Box, Brierly, Browning, Hendershott, Langworthy, Lash, Mason, Steele, Van Antwerp, and Whitaker.

Nays—Messrs. Avery, Felkner, Hebard, Isett, Lewis, Miller, Porter, Robertson, Summers, Teeple, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was lost.

Mr. Mason, from the Committee on Enrolled Bills, reported,

An act to authorize Elias Smith to keep a Ferry across the Mississippi river.

An act to amend an act concerning Executions, approved Jan. 25, 1839.

An act to establish a Territorial Road from Burlington to the mouth of the Desmoines river.

An act to establish the County Seat of Delaware county.

An act to District the county of Jefferson into County Commissioners' Districts; and,

A Preamble and Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation to erect a Bridge across Big Cedar Creek, in Jefferson county, as correctly enrolled.



The Speaker pro tem. then signed the above entitled Acts and Resolution.

A motion was made by Mr. Robertson, that the House do now adjourn until six o'clock, this evening.

And the question being put,

Was determined in the affirmative. Yeas 14, Nays 10.

Yeas—Messrs. Avery Box, Brierly, Browning, Hendershott, Lash, Mason, Miller, Robertson, Steele, Teeple, Toole, Van Antwerp, and Whitaker.

Nays—Messrs. Felkner, Hebard, Isett, Langworthy, Lewis, Porter, Summers, Walworth, Wilson of H. and Wilson of J.

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

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

The House resumed the consideration of No. 53, C. F. "A Bill entitled An act to Charter the Ellenborough Ferry Company."

Mr. Miller moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names were, Messrs. Hendershott, Langworthy, Leffler, Mason, Porter, Robertson, Teeple, Van Antwerp, Walworth, Wilson of H. and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Miller,

Leave of absence was granted to Messrs. Cox and Leffler.

After a short time, a further call of the House was, on motion, suspended.

A motion was made by Mr. Lewis, to lay said Bill on the table until Wednesday next.

The motion was lost.

On motion of Mr. Lash,

Ordered, That said Bill do lie upon the table until to-morrow.

No. 121, H. R. File, "A Bill to amend an act relative to Blacks and Mulattoes," was read a second time.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Whitaker, to strike out the first section of said Bill.

And the question being put,

Was determined in the affirmative. Yeas 19, Nays 4.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hen-



dershott, Isett, Langworthy, Lash, Lewis, Mason, Robertson, Steele, Summers, Toole, Van Antwerp, Walworth, and Whitaker.

Those who voted in the negative, were,

Messrs. Miller, Porter, Wilson of H. and Wilson of J.

So the motion was agreed to.

No. 122, H. R. File, "A Bill to authorize Joseph Ehle and Isaac Ramsey to build a Dam across English River, in Washington county," was read a second time.

On motion of Mr. Porter,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a third, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 125, H. R. File, "A Bill to authorize Silas Deeds to build a Dam across Skunk River," was read a second time.

On motion of Mr. Porter,

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a third and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 126, H. R. File, "A Bill to amend an act, subjecting Real and Personal Estate to Execution," was read a second time.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration, and have stricken out all after the enacting clause, and directed him to report the same, and ask the concurrence of the House.

And the question being put, Will the House concur in the Report of the Committee?

Was determined in the affirmative.

A motion was made by Mr. Walworth, to strike out the enacting clause.

And the question being put,

Was determined in the affirmative.

No. 127, H. R. File, A Bill to provide for the re-survey of a Territorial Road from Burlington to Keosauqua, in Van Buren county," was read a second time.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Avery reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Lewis,



Ordered, That said Bill do lie upon the table.

A motion was made by Mr. Walworth, to take up the Reports of the Committee appointed to visit and examine the Public Buildings, &c., at Iowa City.

The motion was lost.

No. 129, H. R. File, A Bill to locate a Territorial Road, from Bloomington, in Mucatine county, to Columbus City, in Louisa county," was read a 2d time.

On motion of Mr. Isett,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 130, H. R. File, "A Joint Resolution, authorizing the Secretary to sell the furniture, &c., belonging to the Legislative Assembly," was read a second time.

A motion was made by Mr. Langworthy, to suspend the 42d rule, and the Resolution be read a third time now.

The motion was lost.

A motion was made by Mr. Steele, to lay the Resolution upon the table.

And the question being put,

Was determined in the negative. Yeas 7, Nays 17.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hebard, Lewis, Porter, Robertson, and Steele.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Mason, Miller, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

On motion of Mr. Porter.

The House resolved itself into a Committee of the Whole House, for the consideration of said Resolution. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same with an amendment.

And the question being put, Will the House concur in the Report of the Committee?

Was determined in the negative. Yeas 10, Nays 10.

The Yeas and Nays being desired by Mr. Langworthy,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Hendershott, Lash, Lewis, Steele, Whitaker, Wilson of H. and Wilson of J.



Those who voted in the negative, were,  
Messrs. Box, Felkner, Langworthy, Mason, Robertson, Summers,  
Teeple, Toole, Van Antwerp, and Walworth.

So the report was not concurred in.

A motion was made by Mr. Langworthy, that the Resolution be engrossed, and read a third time on to-morrow.

And the question being put,

Was determined in the affirmative. Yeas 14, Nays 7.

The yeas and nays being desired by Mr. Browning,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Hebard, Hendershott, Langworthy, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Wilson of H.

Those who voted in the negative, were,

Messrs. Avery, Browning, Lash, Lewis, Steele, Whitaker, and Wilson of J.

So the motion was agreed to.

No. 131, H. R. File, "A Bill to locate a Territorial Road from Edinburgh to Iowa City," was read a second time, and,

On motion of Mr. Felkner,

The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Langworthy reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Steele,

Ordered, That the 42d rule be suspended, and the Bill be read a third time now.

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

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Wilson of H. that the House do now adjourn.

The motion was lost.

No. 132, H. R. File, "A Bill regulating County Seats," was read a second time.

A motion was made by Mr. Whitaker to lay said Bill upon the table. The motion was lost.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and have stricken out all after the enacting clause, and directed him to report the same, and ask the concurrence of the House.

The Report was concurred in.



A motion was made by Mr. Whitaker to strike out the enacting clause.

And the question being put,

Was determined in the affirmative.

No. 107, R. File, "A Bill to provide for, and regulate Marks and Brands," and

No. 110, H. R. File, "A Bill to incorporate the Washington Mill and Manufacturing Company."

Were severally read a 3d time, passed, and titles agreed to

Ordered, That the Clerk acquaint the Council therewith.

No. 115, H. R. File, "A Preamble and Resolution, relative to the establishment of an Armory on Rock Island," was read a 3d time, and

On motion of Mr. Hendershott,

Laid upon the table.

No. 118, H. R. File, "A Bill to re-locate a Territorial Road from Keosauqua, via Rising Sun and Philadelphia, to Fairfield, in Jefferson county," was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 19, C. F. "A Joint Resolution, providing for the printing of a list of the Acts, &c., in the several newspapers," was read a 3d time, and

On motion of Mr. Lash,

Laid upon the table.

No. 37, C. F. "A Bill, to lay out and establish a Territorial Road from Bellview to Iowa City," was read a 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 46, C. F. "A Bill to amend an Act, regulating Interest on Money," was read a third time.

On motion of Mr. Mason,

Ordered, That said Bill do lie upon the table.

No. 70, H. R. File, "A Bill to amend the Act concerning the distribution of the laws," being returned from the Council with an amendment was taken up the same read and concurred in by the House.

No. 120, H. R. File, "A Bill to authorize Isaac W. McCarty and Jas. C. McCutchen to erect a Dam across the Des Moines river," being returned from the Council amended, was taken up, the amendments read and severally concurred in.

No. 124, H. R. File, "A Bill to incorporate the Town of Nashville, in Lee county," as returned from the Council, amended, was taken up, the amendments read, and on motion of Mr. Miller, severally concurred in.

No. 50, C. F. "A Bill for the benefit of Insane Persons," was read a first time.

On motion, The House adjourned.



## Tuesday Morning, January 12, 1841.

Mr. Toole from the Committee on engrossed Bills reported Nos. 123 and 130. H. R. File as correctly engrossed.

Mr. Lash offered the following:

Resolved, That the officers of this House be allowed the following sums to wit:

The Chief Clerk six dollars per day, The Assistant Clerk five dollars per day, and all other officers three dollars per day from the commencement of the present session to the close of the same.

A motion was made by Mr. Porter to amend the Resolution by striking out the word "*three*" and inserting the word "*four*"

And the question being put,

Was determined in the negative. Yeas 2, Nays 23.

The Yeas and Nays being desired by Mr. Steele,

Yeas.—Messrs. Porter, and Wilson of H.

Nays.—Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, and Wilson of J.

So the motion was lost.

A motion was made by Mr. Steele, to strike out the word "*six*" and insert the word "*five*."

And previous to the question being put a division of the same was called for.

The question was then put on striking out the word "*six*,"

And determined in the negative. Yeas 2, Nays 23.

The Yeas and Nays being desired by Mr. Miller.

Those who voted in the affirmative, were,

Messrs. Miller, and Steele.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Porter, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., and Wilson of J.,

So the motion to strike out was decided in the negative.

A motion was made by Mr. Browning to strike out the words "*and all other officers*" and insert the following to wit: "*and enrolling Clerk, Sergeant at Arms, Door-keeper, Messenger, and Fireman each.*"

A motion was made by Mr. Wilson of Henry, to amend the amend-



ment so as to allow the messenger four dollars per day.

The motion was lost.

The question was then put on the amendment offered by Mr. Browning.

To which the House agreed.

The question was then put on the adoption of the Resolution as amended and determined in the affirmative.

Mr. Teeple from the Committee on claims, to which was referred the account of Evan Evans and others, reported that they had, had the same under consideration and directed him to offer the following resolution for adoption.

Resolved, That Evan Evans be allowed twenty-six dollars, and Messrs. David and Kitchen be allowed three dollars and fifty cents, as per Bills laid in.

The Report was concurred in and the Resolution adopted.

Mr. Teeple from the Committee on enrolled Bills reported,

An act to lay out and establish a certain Territorial Road," and

An act to authorize Richard Irwin and Alfred Colvin to erect a dam across Big Cedar Creek in Jefferson county as correctly enrolled.

No. 27, C. F. "A Bill to relocate the Seat of Justice of Clinton county," being the order of the day and under consideration.

A motion was made by Mr. Summers, to amend said Bill, by adding the following, to wit:

That at the next August election, the qualified voters of the said Clinton county, may vote for the Seat of Justice as follows, to wit:

Those who are in favor of the present location shall vote for Camanche, and those who are in favor of the location made by the Commissioners aforesad shall vote for said location, and it is hereby made the duty of the Judges of election at each precinct in said county to keep a separate box to deposit the votes for Seat of Justice, and in the election for Seat of Justice, the Judges and Clerks of election shall be governed in all respects, and the parties shall have the privilege of contesting, in the same manner and every thing else relative to said election shall be done and performed as is provided in "An act entitled "an act to establish the Seat of Justice of Scott county," approved July 29. 1840, so far as it may be applicable; and the point receiving the greatest number of legal votes shall thenceforward be the Seat of Justice of Clinton county, *provided*, that if the Seat of Justice is removed from Camanche, it shall continue to be the temporary Seat of Justice, until the public buildings are erected at the new location.

And the question being put,

Was determined in the negative. Yeas 6. Nays 16.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Brierly, Felkner, Isett, Mason, Summers, and Van Antwerp,

Those who voted in the negative, were,



Messrs. Avery, Box, Browning, Hebard, Hendershott, Langworthy, Leffler, Lewis, Robertson, Steele, Teeple, Toole Walworth, Whitaker, Wilson of H. and Wilson of J.

So the amendment was disagreed to.

A motion was then made by Mr. Summers, that the Bill be laid up on the table until the first Monday in December next.

And the question being put,

Was decided in the negative. Yeas 6. Nays 18.

Yeas.—Messrs. Felkner, Isett, Mason, Steele, Summers, and Van Antwerp.

Nays.—Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Langworthy, Lash, Leffler, Lewis, Miller, Robertson, Teeple, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was made by Mr. Summers, to lay the Bill on the table until Thursdays next.

The motion was lost.

On motion of Mr. Robertson,

Ordered, That said Bill be read a third time on to-morrow.

A motion was made by Mr. Browning, to take up No. 128, H. R. "A Bill relative to Imprisonment for Debt."

To which the House agreed.

Said Bill was then taken up, and,

On motion of Mr. Browning,

The 42d rule was suspended, and the Bill read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative. Yeas 19, Nays 4.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Isett, Langworthy, Leffler, Lewis, Mason, Miller, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Hendershott, Lash, Robertson, and Steele.

So the Bill passed, and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Isett, to take up No. 53, C. F. "A Bill entitled An act to incorporate the Ellenborough Ferry Company." The motion was lost.

A motion was made by Mr. Teeple, to take from the table No. 16, H. R. File, "A Bill to provide for ascertaining the wishes of the legal voters of this Territory on the mode of voting by *ballot*, or *viva voce*."

To which the House disagreed.

On motion of Mr. Lash,

Ordered, That the Reports of the Committee appointed to visit and



examine the Public Buildings, &c., at Iowa City, be taken from the table.

Said Reports were then taken up, and being under consideration, a motion was made by Mr. Hebard, that the Report of the majority be accepted, and the Committee be discharged.

Pending which,

On motion of Mr. Avery,

The House adjourned.

## 2 O'CLOCK P. M.

The question pending at the adjournment, being to accept the Report of the majority of the Committee, appointed to visit and examine the Public Buildings, &c., at Iowa City, and that the same be discharged. And after debate,

On motion of Mr. Box,

Said Reports were laid upon the table.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:--

The Council have passed,

No. 56, C. F. "A Bill to levy a Territorial Tax."

No. 65, C. F. "A Bill to change the name of the town of Rising Sun, in Van Buren county, to that of Pittsburg."

No. 52, C. F. "A Bill to amend an act entitled An act to provide for the erection of a Penitentiary."

No. 63, C. F. "A Bill to authorize a loan of money, to be expended on the Capitol."

No. 66, C. F. "A Bill to authorize Judah Learning to erect a Dam across Big Cedar Creek, in Jefferson county."

No. 61, C. F. "A Bill relative to Salaries of the Auditor, Treasurer, and Librarian."

No. 67, C. F. "A Bill to amend an act regulating the action of Replevin."

Also, with amendments,

No. 51, H. R. File, "A Bill to amend the acts therein named."

No. 4, H. R. File. "A Bill concerning enclosures," &c.

No. 112, H. R. "A Bill to locate and establish a Territorial Road from Columbus City, in Louisa county, to Smith's Mills, in Henry county," and,

No. 118, H. R. "A Bill to re-locate a Territorial Road, from Keosauqua, via Rising Sun and Philadelphia, to Fairfield, in Jefferson county.

In which the concurrence of the H. of R. is requested.

Also, without amendment,

No. 108, H. R. File, A Memorial to Congress, for the re-location of a certain portion of the Military Road, from Dubuque to the Missouri line."



The Council insist upon their amendment to

No. 101, H. R. File, "A Bill to incorporate the Presbyterian Church of Dubuque," and have appointed Messrs. Hastings, Springer, and Hall a Committee of Conference in relation to the disagreeing vote of the two Houses upon

No. 82, H. R. "A Bill to provide for the election of Legislative officers and to fix their compensation."

I herewith present for your signature six Acts and two Joint Resolutions.

And then he withdrew.

The Speaker pro tem. then signed the above Acts and Resolutions.

Mr. Mason, from the Committee on Enrolled Bills, reported as correctly enrolled:

An act to establish certain Territorial Roads therein named.

An act to amend an act to provide for the survey of a Territorial Road," approved July 29, 1840.

The speaker pro tempore then signed said acts.

Mr. Mason, from the Committee on Enrolled Bills reported, that the Committee had, this day, laid before the Governor, for his approval,

An act to authorize Richard Irwin and Alfred Colvin to erect a dam across Big Cedar Creek, in Jefferson county;

An act to establish certain Territorial Roads;

An act to authorize Elias Smith to keep a Ferry across the Mississippi river;

An act to establish the County Seat of Delaware county;

An act to amend an act concerning Executions;

An act to District the county of Jefferson into three County Commissioners' Districts;

An act to establish a Territorial Road from Burlington to the mouth of the Des Moines river;

A Preamble and Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation, to erect a Bridge across Big Cedar Creek, in Jefferson county;

An act to amend an act to provide for the survey of a Territorial Road, approved 27 July, 1840.

An act to establish certain Territorial Roads therein named.

On motion, the House adjourned until 6 o'clock in the evening.

6 O'CLOCK, P. M.

Mr. Lash, from the Committee on Expenditures, on leave, reported No. 134, H. R. File, A Bill to provide for the compensation of the Members, Officers, and Printers of the Legislative Assembly, and for other purposes, which was read a first time.

On motion of Mr. Lash,



No. 47, C. F. "A Bill providing for the appointment of a Superintendent of Public Buildings at Iowa City, and for other purposes," was taken up, read a second time, and being under consideration,

Mr. Brierly moved a call of the House, which was had, and the roll being called, those who failed to answer to their names, were, Messrs. Hendershott, Langworthy, Leffler, Mason, Miller, Porter, Van Antwerp, Walworth, and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Whitaker,

Leave of absence was granted to Mr. Cox.

After a short time, the absentees appearing, a further call of the House, was, on motion of Mr. Steele, suspended

On motion of Mr. Miller,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lash reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Teeple, to amend the 19th section, by striking out the word "seven" and inserting the word "five," making the sum allowed the Agent, five hundred dollars per annum.

And the question being put, was determined in the negative.

A motion was made by Mr. Mason, to amend the 11th section, by striking out the word "thirty," and inserting the word "sixty."

The motion was lost.

A motion was made by Mr. Langworthy, to strike out all after the enacting clause in the 1st section, and all of the 2d section of said Bill.

And the question being put,

Was determined in the negative. Yeas 9, Nays 16.

The Yeas and Nays being desired by Mr. Langworthy,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Issett, Langworthy, Mason, Summers, Teeple, and Van Antwerp.

Those who voted in the negative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Miller, Porter, Robertson, Steele, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was made by Mr. Lewis, to suspend the 42d rule, and the Bill be read a third time now.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 9.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler,



Lewis, Miller, Porter, Robertson, Steele, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs Box, Brierly, Felkner, Isett, Langworthy, Mason, Summers, Teeple, and Van Antwerp.

Two-thirds not voting therefor, the rule was not suspended.

A motion was made by Mr. Box, to strike out the 8th section of said Bill.

And the question being put,

Was determined in the negative. Yeas 6, Nays 19.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Langworthy, Summers, and Teeple.

Those who voted in the negative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Isett, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was made by Mr. Miller, to amend by striking out the words "elected by Joint Ballot of both Houses of the Legislative Assembly," in the 2d and 8th sections of said Bill, and inserting the words "appointed by the Governor, by and with the advice and consent of the Council."

And the question being put,

Was determined in the affirmative. Yeas 15, Nays 10.

Yeas—Messrs. Avery, Brierly, Hebard, Hendershott, Isett, Lash, Lewis, Mason, Miller, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Nays—Messrs. Box, Browning, Felkner, Langworthy, Leffler, Porter, Robertson, Steele, Summers, and Teeple.

So the motion was agreed to.

On motion of Mr. Lash,

Ordered, That said Bill be read a third time on to-morrow.

No. 46, C. F. "A Bill to amend an act regulating Interest on Money," was read a 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 127, H. R. File, "A Bill to provide for the re-survey of a Territorial Road from Burlington to Keosauqua, in Van Buren county," was read a second time.

On motion of Mr. Porter,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 53, C. F. A Bill to incorporate the Ellenborough Ferry Company, was taken up, and being under consideration,



A motion was made by Mr. Isett, to strike out the 8th section of said Bill. To which the House agreed.

A motion was made Mr. Porter, to strike out the 11th section of the same. The motion was lost.

A motion was made by Mr. Whitaker, to strike out the words "of Muscatine county" in the 11th section.

To which the House agreed.

A motion was made by Mr. Lash to strike out the words "and mixed" in the 2d section. The motion was lost.

A motion was made by Mr. Lash, to strike out all after the word "purposes" in the 7th line of the 2d section.

And the question being put,

Was determined in the negative. Yeas 6, Nays 16.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Lash, Van Antwerp, and Whitaker.

Those who voted in the negative, were,

Messrs. Browning, Felkner, Hebard, Hendershott, Isett, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was made by Mr. Isett, that the 42d rule be suspended, and the Bill be read a third time now. Pending which,

A motion was made by Mr. Steele to strike out all after the enacting clause of said Bill

And the question being put,

Was determined in the negative. Yeas 5, Nays 16.

Yeas—Messrs. Box, Brierly, Lash, Steele, and Whitaker.

Nays—Messrs. Avery, Browning, Felkner, Hebard, Hendershott, Isett, Lewis, Mason, Miller, Porter, Robertson, Summers, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was lost.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

The Council have passed,

No. 68, C. F. A Bill to relocate a part of the Territorial Road from Black Hawk, in Louisa county, via Mount Pleasant, in Henry county, via Bentonsport, in Van Buren county, in a direction to the Missouri line.

No. 69, C. F. A Bill to amend an act, providing for the organization of Townships." in which the concurrence of the H. of R. is requested.

I herewith present for your signature, two Acts and one Joint Resolution.

And then he withdrew.

The Speaker pro tem. then signed the above entitled Acts and Resolution.



A motion was made by Mr. Miller, that the previous question be now put.

And the question being put, Shall the main question be now put?  
Was determined in the affirmative.

And previous to same being put,

Mr. Lash moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names, were, Messrs. Leffler, Teeple, and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Lewis,

The further call of the House was suspended.

A motion was made by Mr. Lash, that the House do now adjourn.

And the question being put,

Was determined in the negative. Yeas 3, Nays 20.

Yeas—Messrs. Hendershott, Lash, and Steele.

Nays—Avery, Box, Brierly, Browning, Felkner, Hebard, Isett, Langworthy, Lewis, Miller, Mason, Porter, Robertson, Summers, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion to adjourn was lost.

The main question being, Shall the rule be suspended, and the Bill be read a third time now? was put, and determined in the affirmative.

The Bill was then read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative. Yeas 14, Nays 7.

The yeas and nays being desired by Mr. Mason,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Felkner, Hebard, Isett, Lewis, Miller, Porter, Robertson, Summers, Toole, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Box, Hendershott, Lash, Mason, Steele, Van Antwerp and Whitaker.

So the Bill passed, and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Robertson,

The House adjourned.



### Wednesday Morning, January 13, 1841.

Mr. Avery presented the account of A. L. Stoddard against the Territory, for labor done &c., which was referred to the Committee on Claims.

Mr. Robertson offered the following:

Resolved, That the Hon. Thomas Cox be allowed the sum of three dollars per diem extra pay for his services as Speaker of this House from the 2nd day of Nov. 1840, until the 4th day of January 1841, both days inclusive; and that the Speaker Pro Tempore be allowed the sum of three dollars per diem extra pay for so many days as he may officiate in that capacity.

A motion was made by Mr. Brierly to strike out all after the word "*inclusive*" in said Resolution,

To which the House agreed.

The question was then put, on the adoption of the Resolution as amended, and determined in the affirmative.

Mr. Steele offered the following:

Resolved, That the Hon. John B. Lash be allowed the sum of three dollars per day extra pay for six days service as Speaker Pro Tempore of this House, and that Hon. Laurel Summers be allowed the sum of three dollars per diem extra pay for five days service as Speaker pro tempore of this House.

A motion was made by Mr. Brierly to lay the Resolution upon the table,

Pending which,

Mr. Steele moved the previous question.

And the question being put,

Shall the main question be now put?

It was determined in the affirmative. Yeas 21. Nays 3.

The yeas and nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Teeple, Toole, Van Antwerp, Walworth, and Wilson of J.

Those who voted in the negative, were,

Messrs. Lash, Whitaker, and Wilson of H.

The main question being, Shall the Resolution be adopted?

Was put, and determined in the negative. Yeas 11. Nays 12.

The yeas and nays being desired by Mr. Langworthy,



Those who voted in the affirmative, were,  
Messrs. Avery, Felkner, Hebard, Isett, Langworthy, Lewis, Mason,  
Robertson, Steele, Teeple, and Van Antwerp.

Those who voted in the negative were,  
Messrs. Box, Brierly, Browning, Hendershott, Leffler, Miller,  
Porter, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.  
So the Resolution was lost.

No. 123, H. R. Joint Resolution respecting the reserved sections  
of land contiguous to Iowa City," was read a third time, passed, and  
title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Browning, on leave, introduced No. 135, "A Bill to amend  
an act incorporating the City of Burlington," which was read a first  
time.

Ordered, That the 42nd rule be suspended and the Bill be read a  
second and third time now.

The Bill was then read a second and third time, passed, and title  
agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Miller, on leave, introduced No. 136 H. R. A Bill to author-  
ize Peter Brewer and Company to build a Bridge over Skunk River,"  
which was read a first time.

On motion of Mr. Miller,

Ordered, That the 42nd rule be suspended, and the Bill be read a  
second time now.

The Bill was then read a second time, and on motion, referred to  
the Committee on Territorial Affairs.

On motion of Mr. Wilson of J.,

No. 66. C. F. A Bill to authorize Judah Leaming to erect a dam  
across Big Cedar Creek in Jefferson county," was taken up and read  
a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a  
second and third time now.

Said Bill was then read a second and third time, and passed.

Mr. Felkner, on leave, introduced No. 137. H. R. "A Bill to in-  
corporate Iowa City" which was read a first time

Ordered, That the 42nd rule be suspended, and the Bill be read a  
second and third time now.

Said Bill was then read a second and third time, passed, and title  
agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Mason, from the Committee on enrolled Bills, reported, as cor-  
rectly enrolled,

An act to locate a Territorial Road from Keosauqua via Rising Sun  
&c. to Fairfield in Jefferson county," and

An act to amend an act concurring the distribution of the Laws."



Mr. Van Antwerp, on leave, introduced No. 138. H. R. A Bill to district the county of Cedar into county Commissioner's Districts," which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a second and third time, and passed.

Mr. Walworth, on leave, introduced No. 139, H. R. "A Bill to amend the act defining Crimes and Punishments, and the act regulating Criminal proceedings," which was read a first time.

A motion was made by Mr. Walworth to suspend the 42d rule and the Bill be read a second time now.

The motion was lost.

A motion was made by Mr. Whitaker to reconsider the vote on the Resolution to allow the Speaker pro tempore extra pay &c.

To which the House agreed

A motion was made by Mr. Steele, to amend the same, so as to allow extra to Mr. Summers, agreeable to the time which he may serve.

Pending which,

Mr. Porter moved a call of the House, which was had, and the roll being called, those who failed to answer to their names were, Messrs. Wilson of H. Wilson of J. and Cox.

On motion of Mr. Whitaker,

Leave of absence was granted to Mr. Cox.

After a short time a farther call of the House was, on motion, suspended.

A motion was made by Mr. Browning to lay the Resolution upon the table,

To which the House agreed.

No. 130. H. R. A Joint Resolution authorizing the Secretary to sell the furniture &c. belonging to the Legislative Assembly."

No. 27, C. F. A Bill to relocate the Seat of Justice of Clinton county." and

No. 47, C. F. A Bill to provide for the appointment of a Superintendent of Public Buildings at Iowa City &c." were severally read a third time, passed, and titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 50, C. F. A Bill for the benefit of Insane persons," was read a second time.

A motion was made by Mr. Brierly, that the Bill be referred to a Committee of the Whole House.

The motion was lost.

A motion was made Mr. Robertson, that the 42d rule be suspended and the Bill be read a third time now.

Pending which,

A motion was made by Mr. Lash to lay the same on the table until the first Monday in December next,



To which the House disagreed.

The question was then put, on the motion made by Mr. Robertson to suspend the 42d rule,

To which the House agreed.

A motion was then made by Mr. Lash to lay the Bill on the table.

And the question being put,

Was determined in the negative. Yeas 9, Nays 15.

Yeas—Messrs. Hebard, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, and Toole.

Nays—Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Lewis, Miller, Robertson, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

The Council have passed,

No. 71. C. F. A Bill to amend an act providing for the appointment of Justices of the Peace &c., approved January 21st 1839.

Also with amendments,

No. 105, H. R. A Bill to incorporate the Iowa Insurance Company of Burlington,

In which the concurrence of the House of Representatives is requested.

Also without amendment,

No. 122, H. R. A Bill to authorize Joseph Ehle and Isaac Ramsey to erect a dam across English River, in Washington county.

No. 125, H. R. A Bill to authorize Silas Deeds to erect a dam across Skunk River.

No. 127, H. R. A Bill to provide for a resurvey of a Territorial Road from Burlington to Keosauqua, in Van Buren county.

No. 133, H. R. A Bill to authorize Samuel and John B. Crawford to erect a dam across Skunk River.

The Council have concurred in all the amendments made by the House of Representatives to,

No. 53. C. F. A Bill entitled "An act to charter the Ellenborough Immigration and Ferry Company.

And then he withdrew.

The House then resumed the consideration of No. 50. C. F. A Bill for the benefit of Insane persons," and

The question being put, shall the Bill pass?

Was determined in the affirmative. Yeas 13, Nays 6.

Yeas—Messrs. Box, Brierly, Browning, Felkner, Hendershott, Leffler, Mason, Miller, Robertson, Steele, Walworth, Wilson of H. and Wilson of J.

Nays—Messrs. Isett, Langworthy, Lash, Summers, Toole, and Van Antwerp.



So the Bill passed, and the title was agreed to.

No. 55, C. F. A Bill requiring Clerks of the District Courts to give Bonds &c." was read a second time, and ordered to a third reading on to-morrow,

On motion of Mr. Hendershott,  
The House adjourned.

2 O'CLOCK, P. M.

Mr. Brierly, on leave, introduced No. 140, H. R. "A Bill to provide for the election of an additional Justice of the Peace at Montrose and Keokuk, in Lee county," which was read a first time.

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

Said Bill was then read a second time, and on motion of Mr. Porter referred to the Delegations from Henry and Lee counties.

Mr. Isett on leave, introduced No. 141, H. R. "A Joint Resolution authorizing the Secretary to forward copies of the Laws &c. under the Franking privilege of the Executive," which was read a first time.

Ordered, That the 42d rule be suspended and the Resolution be read a second and third time now.

Said Resolution was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Steele,

The Resolution relative to the extra pay &c. of the Speakers pro-tempore was taken from the table.

The motion pending on said Resolution, being to amend the same so as to allow extra pay to Mr. Summers agreeable to the time which he may serve.

And the question being put,

Was determined in the affirmative. Yeas 13, Nays 6.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Isett, Mason, Porter, Robertson, Steele, Teeple, Van Antwerp, and Whitaker.

Those who voted in the negative were,

Messrs. Box, Miller, Toole, Walworth, Wilson of H. and Wilson of J.

So the amendment was agreed to.

The question was then put, on the adoption of the Resolution as amended.

And determined in the affirmative. Yeas 15, Nays 5.

The yeas and nays being desired by Mr. Miller,

Those who voted in the affirmative were,

Messrs. Avery Brierly, Browning, Felkner, Hebard, Isett, Lewis,



Mason, Porter, Robertson, Steele, Teeple, Toole, Van Antwerp, and Whitaker.

Those who voted in the negative were,

Messrs. Box, Miller, Walworth, Wilson of H. and Wilson of J.

So the Resolution as amended was agreed to.

Mr. Browning, on leave, introduced No. 142, H. R. "A Bill to amend an act relative to practice in the District Courts" which was read a first time.

Ordered, That the 42d rule be suspended and the Bill be read a second and third time now.

The Bill was then read a second time, and on motion of Mr. Mason, the word "adjoining" was inserted after the word "any" so as to read in any adjoining county."

A motion was then made by Mr. Browning that the Bill be indefinitely postponed.

The motion was lost.

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

Ordered, That the Clerk acquaint the Council therewith.

Mr. Porter, from the Select Committee to whom was referred No. 140. H. R. "A Bill to provide for the election of additional Justices of the Peace &c." reported the same back to the House with amendments, which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

The Bill was then read a 2d and 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Avery, on leave, introduced No. 143, H. R. A Bill to amend an act concerning Wills and Testaments," which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Box,

No. 134, H. R. A Bill to provide for compensating the members, officers and Printers of the Legislative Assembly, and for other purposes," was taken up, and read a second time.

Mr. Issett, moved a call of the House, which was had, and the roll being called, those who failed to answer to their names were Messrs. Langworthy and Porter.

The Sergeant at Arms was then directed to require the attendance of the absentees.

After some time a further call of the House was on motion, suspended.

On motion of Mr. Felkner,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,



Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments, and ask leave to sit again.

Leave was granted.

On motion of Mr. Browning,  
The House adjourned until six o'clock in the evening.

6 O'CLOCK, P. M.

No. 57. C. F. A Bill to amend an act entitled "an act to relocate the County Seat of Jackson county," was read a second time.

On motion of Mr. Hendershott,

Ordered, That the 42d rule be suspended, and the Bill be read a third time now.

The Bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Lash,

The House again resumed the consideration of No. 134, H. R. File, A Bill to provide for compensating the members, officers, and Printers, of the Legislative Assembly, and for other purposes," in Committee of the Whole House.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with sundry amendments, and ask the concurrence of the House.

On motion of Mr. Hendershott,  
The House adjourned.

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### Thursday Morning, January 14, 1841.

The Speaker pro tem. presented the petition of sundry citizens of Scott county, asking the passage of a law to Divorce H. E. W. East and his wife Sarah East.

On motion of Mr. Toole,

Ordered, That said petition be referred to a Select Committee.

Whereupon, Messrs. Toole, Robinson, and Lash, were appointed said Committee.

Mr. Hebard, from the Committee on Territorial Affairs, to which was referred No. 136, "A Bill to authorize Peter Brewer and Company to build a Bridge over Skunk River," reported the same back to the House with amendments, which was read a first time.



A motion was made by Mr. Steele, to take up No. 62, C. F. "A Bill providing for the building of Locks in the Dams across the Des-moines River."

To which the House agreed.

The Bill was then taken up, and read a second time.

A motion was made by Mr. Brierly, that said Bill be indefinitely postponed.

And the question being put,

Was determined in the negative. Yeas 10, Nays 11.

The Yeas and Nays being desired by Mr. Whitaker,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Isett, Lash, Mason, and Van Antwerp.

Those who voted in the negative, were,

Messrs. Hebard, Lewis, Miller, Porter, Steele, Summers, Teeple, Toole, Walworth, Whitaker, and Wilson of J.

So the motion was lost.

A motion was made by Mr. Brierly, to amend the Bill by striking out "one aundred and twenty," and inserting "one hundred and forty five," making the length of the Locks one hundred and forty-five feet.

To which the House agreed.

A motion was made by Mr. Box, to strike out of said Bill the word "twenty-six," and insert that of "thirty-six," so as to make the width of the Locks thirty-six feet.

And the question being put,

Was determined in the affirmative.

On motion of Mr. Steele,

Ordered, That said Bill do lie upon the table until the 1st Monday in December next.

The House resumed the consideration of No. 134, H. R. File, "A Bill to provide for the compensation of the Members, Officers, and Printers of the Legislative Assembly, and for other purposes, as reported by the Committee of the Whole House, with amendments.

A motion was made by Mr. Lash, that the House disagree to the amendment made to the 27th section, relative to compensating Levi Hager for taking care of the furniture, &c., belonging to the Legislative Assembly.

The motion was lost.

A motion was made by Mr. Langworthy, to amend the amendment made in Committee of the Whole House to the 29th section, by striking out the words "four hundred and fifty," and inserting "three hundred," making the amount allowed for the rent of the building occupied by the House of Representatives, three hundred dollars.

Pending which,

A motion was made by Mr. Avery, to amend the motion by striking out "four hundred and fifty," and inserting "five hundred."



And the question being put,  
Was determined in the negative. Yeas 7, Nays 16.  
The Yeas and Nays being desired by Mr. Whitaker,  
Those who voted in the affirmative, were,  
Messrs. Avery, Browning, Hebard, Hendershott, Lash, Miller, and  
Walworth.

Those who voted in the negative, were,  
Messrs. Box, Brierly, Felkner, Isett, Langworthy, Lewis, Mason,  
Porter, Steele, Summers, Teeple, Toole, Van Antwerp, Whitaker  
Wilson of H. and Wilson of J.

So the motion was lost.

The question then pending being the motion made by Mr. Langworthy, and previous to its being put,

Mr. Avery moved a call of the House, which was had, and the roll being called, those who failed to answer to their names, were Messrs. Leffler, Robertson, and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Whitaker,  
The further call of the House was suspended.

The question pending, then being put,

Was determined in the negative. Yeas 7, Nays 18.

The yeas and nays being desired by Mr. Miller,

Those who voted in the affirmative, were,  
Messrs. Felkner, Langworthy, Steele, Summers, Teeple, Toole,  
and Wilson of H.

Those who voted in the negative, were,  
Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott,  
Isett, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Van  
Antwerp, Walworth, Whitaker, and Wilson of J.

So the motion was disagreed to, and the amendment made by the  
Committee of the Whole House was agreed to.

A motion was made by Mr. Langworthy, to strike out in the 43d  
section, the word "eighteen," and insert "one," so as to make the sum  
allowed Stephen Whicher as fees, &c., for attendance as witness at Io-  
wa City, the sum of one dollar.

Pending which,

A motion was made by Mr. Porter, to amend said motion by stri-  
king out "eighteen" and inserting "twelve."

To which the House agreed.

A motion was made by Mr. Whitaker, to amend the Bill, by ad-  
ding the following as a new section:

To John R. Woods, for recording the Journal of this House, one  
hundred dollars.

A motion was made by Mr. Van Antwerp, to amend the amend-  
ment, by striking out "one hundred," and inserting "two hundred."



The motion was lost.

A motion was made by Mr. Steele, to strike out "one hundred," and insert "one hundred and fifty."

And the question being put,

It was determined in the affirmative. Yeas 19, Nays 3.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative were,

Messrs. Avery, Box, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Miller, Robertson, Steele, Summers, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Browning, Hebard, and Lewis.

So the amendment was agreed to.

The section was then adopted as amended.

On motion of Mr. Lash,

The Bill was further amended, by allowing the sum of four dollars and fifty cents for paper, &c., to Henry W. Moore.

On motion, The 42d rule was then suspended, and the Bill read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:--

The Council have passed,

No. 123, H. R. File, substitute for No. 6, C. F. A Joint Resolution respecting the reserved sections of land contiguous to Iowa City.

No. 135, H. R. File, An act to amend an act, incorporating the City of Burlington.

No. 137, H. R. "A Bill to incorporate Iowa City."

No. 138, H. R. File, "A Bill to district the county of Cedar into County Commissioners' Districts.

No. 64, C. F. "A Bill to re-locate a Territorial Road from Hope Farm, in Louisa county, to Mount Pleasant, in Henry county.

Also, with amendments,

No. 62, H. R. "A Bill to provide for assessing and collecting County Revenue.

In which the concurrence of the H. of R. is requested.

The Council insist upon their amendment to

No. 67, H. R. "An act to authorize John Godden, his heirs or assigns, to build a Dam across the Des Moines river," and have appointed Messrs. Bailey and Coop a Committee of Conference in relation thereto.

The Council have also passed,

No. 72, C. F. "A Bill to authorize Hezekiah H. Gear to keep a Ferry.

No. 140, H. R. File, "A Bill to provide for the election of additional Justices of the Peace."

No. 143, H. R. File, "A Bill to amend an act relative to Wills and Testaments."



I herewith present for your signature, four Acts.

And then he withdrew.

The Speaker pro tem. then signed said Acts.

On motion of Mr. Miller,

No. 52, "A Bill to amend an act entitled An act to provide for the erection of a Penitentiary," was taken up and read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time, and, on motion,

The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

To which the House agreed.

On motion of Mr. Miller,

The 2d section was amended, by adding the following, to wit:

"But said convicts shall not be hired out of the town in which the Penitentiary is located, nor shall they be hired out seperately.

On motion, The 42d rule was suspended, and the Bill read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Whitaker,

The House adjourned.

## 2 O'CLOCK P. M.

Mr. Van Antwerp, on leave, introduced No. 144, H. R. File, "A Bill to establish a Territorial Road from Moscow to Marion," which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Avery, on leave, introduced No. 145, H. R. "A Bill to legalize the survey and make valid in law the present plat of the north half of the Town of Columbus, in the county of Des Moines," which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 67, H. R. File, A Bill to authorize John Godden, his heirs and assigns, to build a Dam across the Des Moines river, being returned from the Council with their amendments insisted upon, was taken up, and,



On motion of Mr. Lewis,

Ordered, That there be a Committee of Conference appointed in relation to the disagreeing vote to the same.

Whereupon, Messrs. Lewis, Steele, and Whitaker, were appointed said Committee.

No. 105, H. R. File, "A Bill to incorporate the Iowa Insurance Company at Burlington," being returned from the Council with amendments, and being under consideration,

A motion was made by Mr. Steele, that the House concur in said amendments.

And the question being put,

Was determined in the negative.

No. 51, H. R. "A Bill to amend an act providing for the valuation and sale of lots in Iowa City," being returned from the Council with amendments, was taken up, and,

On motion of Mr. Felkner,

The amendments were concurred in.

No. 4, H. R. "A Bill concerning Enclosures," being returned from the Council with amendments, and being under consideration,

A motion was made by Mr. Steele, that the House concur in the same. To which the House disagreed.

No. 112, H. R. "A Bill to locate and establish a Territorial Road from Columbus City, in Louisa county, to Smith's Mills, in Henry county," as returned from the Council amended, was taken up, the amendments read, and,

On motion of Mr. Lash,

Ordered, That the House disagree to the same.

No. 101, H. R. "A Bill to incorporate the Presbyterian Church of Dubuque," being returned from the Council with their amendment insisted upon, was taken up, and,

On motion of Mr. Langworthy,

Ordered, That the House do recede from said amendment.

No. 62, H. R. "A Bill to provide for assessing and collecting county Revenue, being returned from the Council with amendments, and being under consideration, the same were read, and severally concurred in.

No. 58, C. F. "A Bill for the relief of the Sheriff of Jefferson county," was read a first time.

On motion of Mr. Miller,

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 59, C. F. "A Bill to amend an act concerning Costs and Fees," was read a second time.

On motion of Mr. Mason,

Ordered, That said Bill do lie upon the table.



No. 60, C. F. "A Bill to amend an act regulating General Elections," &c., was read a second time.

On motion of Mr. Browning.

Ordered, That said Bill do lie upon the table.

No. 139, H. R. "A Bill to amend the act defining Crimes and Punishments, and the act regulating Criminal Proceedings," was read a second time.

On motion of Mr. Mason,

Ordered, That said Bill be indefinitely postponed.

No. 55, C. F. "A Bill requiring Clerks of the District Courts to give Bonds," &c., was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 56, C. F. "A Bill to levy a Territorial Tax," was read a 1st time.

A motion was made by Mr. Whitaker, that said Bill be rejected.

And the question being put,

Was determined in the affirmative.

No. 61, C. F. "A Bill relative to the Salaries of Auditor, Treasurer, and Librarian," was read a first time.

A motion was made by Mr. Toole, to reject said Bill.

And the question being put,

Was determined in the affirmative.

No. 63, C. F. "A Bill authorizing a loan of money, to be expended on the Capitol," was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 64, C. F. "A Bill to re-locate a Territorial Road from Hope Farm, in Louisa county, to Mount Pleasant, in Henry county," was read a first time.

No. 65, C. F. "A Bill to change the name of Rising Sun, in Van Buren county, to that of Pittsburg," was read a first time.

Ordered, That the 42d rule be suspended, and said Bill be read a 3d and 5d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Langworthy, to rescind the 42d rule of this House for the remainder of the session.

The motion was lost.

No. 67, C. F. "A Bill to amend an act regulating the action of Replevin," was read a first time.

A motion was made by Mr. Hendershott, to reject said Bill.

To which the House agreed.

No. 68, C. F. "A Bill to re-locate a part of a Territorial Road from Black Hawk, in Louisa county, in a direction to the Missouri line," was read a first time.



On motion of Mr. Steele,

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 69, C. F. "A Bill to amend an act providing for the organization of Townships," was read a first time.

A motion was made by Mr. Whitaker, to suspend the 42d rule, and the Bill be read a 2d and 3d time. The motion was lost.

No. 71, C. F. "A Bill to amend an act, providing for the appointment of Justices of the Peace," was read a first time.

On motion of Mr. Hendershott,

Ordered, That said Bill be rejected.

No. 72, C. F. "A Bill to authorize Hezekiah H. Gear to keep a Ferry," was read a first time now.

On motion of Mr. Mason,

Ordered, That the 42d rule be suspended and the Bill be read a second and third time now.

Said Bill was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Robertson, from the Select Committee, to which was referred the petition of sundry citizens of Scott county, reported, No. 146, H. R. File, "A Bill to dissolve the bonds of matrimony between H. E. W. East and Sarah East," was read a first time.

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and, on motion,

The House resolved itself into a Committee of the Whole House for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same without amendment.

A motion was made by Mr. Steele, that the 42d rule be suspended, and the Bill be read a third time now.

Pending which,

A motion was made by Mr. Wilson of H. to lay the same upon the table until the first day of March next.

And the question being put,

Was determined in the negative. Yeas 8, Nays 12.

Yeas—Messrs. Avery, Box, Hendershott, Langworthy, Mason, Walworth, Wilson of H. and Wilson of J.

Nays—Messrs. Browning, Felkner, Isett, Lash, Leffler, Lewis, Robertson, Steele, Summers, Teeple, Van Antwerp, and Whitaker.

So the motion to lay on the table was lost.

The question then being to suspend the 42 rule, and being put,

Was determined in the affirmative. Yeas 14, Nays 8.



Those who voted in the affirmative, were,  
Messrs. Avery, Browning, Felkner, Hebard, Isett, Lash, Leffler,  
Lewis, Robertson, Steele, Summers, Teeple, Toole, and Whitaker.

Those who voted in the negative, were,  
Messrs. Box, Hendershott, Langworthy, Mason, Van Antwerp,  
Walworth, Wilson of H. and Wilson of J.

Two-thirds not voting in the affirmative, the rule was not suspended.

On motion of Mr. Robertson,

Ordered, That said Bill be engrossed, and read a third time on tomorrow.

Mr. Mason, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to locate the Seat of Justice of Lee county;

An act to authorize Joseph Ehle and Isaac Ramsey to build a Dam across English River, in Washington county;"

The Speaker pro tem. then signed said Acts.

Mr. Mason, from the Committee on Enrolled Bills, reported, that the Committee had this day, presented to the Governor for his approval and signature,

An act to lay out and establish a Territorial Road from Bellview to Iowa City;

An act to amend an act entitled An act additional and supplemental to an act for the benefit of settlers, &c., on the Half Breed lands, &c. passed the present session.

A Joint Resolution asking the establishment of an Armory on Rock Island;

An act to amend an Act regulating conveyances;

An act to create the office of Superintendent of Public Instruction.

An act to incorporate the first regular Baptist Church of Davenport.

An act to locate and establish a Territorial Road from Dubuque to Camp Atkinson;"

An act to authorize the Commissioners of Linn county to employ an agent to sell lots in Marion, the Seat of Justice of said county.

An act fixing the time for the annual meeting of the Legislative Assembly.

A Joint Resolution, asking our Delegate in Congress to procure the passage of a law to allow the Commissioners of Linn county to preempt the quarter section of land on which Marion is located.

A Joint Resolution, asking the appointment of a Commissioner to re-survey the northern boundary line of the Half Breed Tract of the Sac and Fox Indians.

Mr. Box asked leave to withdraw the petition of sundry citizens of Denmark, in Lee county, in relation to Blacks and Mulattoes.

Leave was granted.

Mr. Mason asked leave to withdraw the petition of George W.



Jones, of Dubuque, in relation to a Ferry, &c.

Leave was granted.

Mr. Avery, from the Committee on Records, reported, that the Journals of this House were correctly recorded up to the 28th of December, 1840.

On motion of Mr. Lash,

No. 92, H. R. "A Bill to repeal certain acts therein named," was taken from the table, and being under consideration,

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House for consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Steele, that said Bill be indefinitely postponed.

And the question being put,

Was determined in the affirmative.

Mr. Lewis, from the Committee of Conference, appointed on the part of the House to confer with a similar Committee on the part of the Council, in relation to the disagreeing vote of the two Houses to

No. 67, H. R. "A Bill to authorize John Godden, his heirs, and assigns, to build a Dam across the Desmoines river," reported, that they have agreed to amend said Bill, so as to require the Lock in said Dam to be thirty-five feet wide, and one hundred and thirty feet long.

The Report was concurred in.

On motion of Mr. Langworthy,

Ordered, That the Chief Clerk be authorized to employ as many assistant Clerks as he thinks necessary to aid the Enrolling Clerk of this House. And that the Secretary is hereby authorized to pay said Clerks three dollars per diem on the certificate of the Chief Clerk.

A motion was made by Mr. Walworth, that the House do now adjourn until six o'clock in the evening.

And the question being put,

Was determined in the negative. Yeas 2, Nays 20.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Avery, and Robertson.

Those who voted in the negative, were,

Messrs. Box, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

On motion of Mr. Wilson of H.,

The House adjourned until to-morrow morning, 9 o'clock.



## Friday Morning, January 15, 1841.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

The Council have passed,

No. 130, H. R. Joint Resolution authorizing the Secretary to sell the furniture &c. belonging to the Legislative Assembly."

No. 142, H. R. A Bill concerning practice in the District Courts of this Territory."

Also with amendments,

No. 134, H. R. A Bill to provide for the compensation of the members, officers, and Printers of the Legislative Assembly, and for other purposes."

The Council have concurred in the amendments of the House to, No. 52, C. F. A Bill to amend an act entitled an act to provide for the erection of a Penitentiary."

The Council insist upon their amendments to,

No. 105, H. R. A Bill to incorporate the Iowa Insurance Company at Burlington." and

No. 4, H. R. "A Bill concerning enclosures."

And have receded from their amendments to,

No. 112, H. R. A Bill to locate and establish a Territorial Road from Columbus City, in Louisa county to Smith's Mill in Henry county."

The Council have also passed,

No. 145, H. R. A Bill to legalize the survey &c. of the north half of the Town of Columbus, in Des Moines county."

I herewith present for your signature three acts.

And then he withdrew.

The Speaker pro-tempore then signed said acts.

No. 105, H. R. "A Bill to incorporate the Iowa Insurance company at Burlington," being returned from the Council with their amendments insisted upon, and being under consideration,

On motion of Mr. Leffler,

Ordered, That the House insist upon said disagreeing vote, and that there be a Committee of Conference appointed in relation thereto.

Whereupon Messrs. Leffler, Browning, and Avery, were appointed said Committee.

Mr. Mason, from the Committee on enrolled Bills, reported as correctly enrolled,

An Act to amend an act incorporating the City of Burlington.



An Act to provide for the election of additional Justices of the Peace.

An Act to district the county of Cedar into county Commissioner's Districts.

An Act to authorize Silas Deeds, to erect a Dam across Skunk River.

An Act to authorize Samuel and John B. Crawford to erect a Dam across Skunk River; and

An Act to amend an act relative to Wills and Testaments &c."

Mr. Mason, from the Committee on enrolled Bills reported that the Committee had this day presented to the Governor for his approval.

An Act to authorize Joseph Ehle and Isaac Ramsey, to erect a Dam across English River; and

An Act to locate and establish the county Seat of Lee county.

Mr. Lash, from the Committee of conference, appointed to confer with a similar Committee on the part of the Council, in relation to the disagreeing vote to No. 82. H. R. A Bill to provide for the election of Legislative officers, and to fix their compensation," reported that the Committee on the part of the Council have receded from their amendments.

The Report was concurred in.

No. 134. H. R. A Bill to provide for the compensation of the members, officers, and Printers of the Legislative Assembly, and for other purposes," being returned from the Council with amendments was taken up, and being under consideration.

A motion was made by Mr. Langworthy, that the House disagree to the amendment made by the Council to the 5th section, in which the officers of the Council, viz: Recording, Enrolling, and Engrossing Clerks, Sergeant-at-Arms, Door-Keeper, Fireman, and Messenger, were allowed four dollars per diem pay, for services during the Session.

And the question being put,

Was determined in the affirmative. Yeas 15. Nays 6.

Yeas—Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Isett, Langworthy, Leffler, Mason, Steele, Summers, Teeple, Whitaker, and Wilson of J.

Nays—Messrs. Hebard, Lash, Lewis, Miller, Porter, and Wilson of H.

So the amendment was disagreed to.

The question was then taken on the remaining amendments as read and severally concurred in.

A message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

The Council have passed,

No. 144. H. R. A Bill to establish a Territorial Road from Moscow to Marion.



And then he withdrew.

No. 146, H. R. A Bill to Divorce H. E. W. East and his wife Sarah East," was read a third time.

And the question being put,

Was determined in the affirmative. Yeas 11, Nays 9.

The Yeas and Nays being desired by Mr. Browning,

Those who voted in the affirmative were,

Messrs. Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Steele, Summers, Teeple, and Whitaker.

Those who voted in the negative were,

Messrs. Avery, Box, Hebard, Hendershott, Langworthy, Mason, Miller, Wilson of H. and Wilson of J.

So the Bill passed and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 130, H. R. "Joint Resolution authorizing the Secretary to sell the Furniture &c. belonging to the Legislative Assembly," being returned from the Council amended, was taken up, the amendment read and concurred in.

No. 4. H. R. "A Bill concerning enclosures" being returned from the Council with their amendment insisted upon, and under consideration, a motion was made by Mr. Steele that the House do recede from their disagreement.

The motion was lost.

A motion was made by Mr. Lash, that there be a Committee of Conference appointed in relation thereto.

The motion was not agreed to.

So the Bill was lost.

No. 69. C. F. "A Bill to amend an act providing for the organization of Townships," was read a second time.

On motion, The House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair and Mr. Brierly reported that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Steele,

Ordered, That the 42d rule be suspended and the Bill be read a 2d and 3d time now.

The Bill was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 64, C. F. A Bill to relocate a Territorial Road from Hope Farm in Louisa county to Mount Pleasant in Henry county," was read a second time.

A motion was made by Mr. Wilson of H. to suspend the 42d rule and the Bill be read a third time now.

Pending which,



On motion of Mr. Lash,  
Said Bill was laid upon the table.

No. 136, H. R. A Bill to authorize Peter Brewer to build a Bridge across Skunk River, was read a second time.

On motion of Mr. Avery,  
Ordered, That the 42d rule be suspended and the Bill be read a 3d time now.

Said Bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Leffler moved a call of the House which was had, and the roll being called, those who failed to answer to their names, were Messrs. Hendershott, Langworthy, Lewis, Porter, Toole, Van Antwerp, Wilson of J. and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Walworth,  
Leave of absence was granted to Mr. Cox.

On motion of Mr. Robertson,  
Leave of absence was granted to Mr. Toole.

On motion of Mr. Isett,  
Leave of absence was granted to Mr. Van Antwerp.

After a short time, the further call of the House was, on motion suspended.

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

MR. SPEAKER—

The Council have disagreed to the report of the Committee of Conference upon No. 82, H. R. A Bill providing for the election of Legislative Officers, and fixing their compensation, which report recommended that the Council recede from their amendment to said Bill,

The Council insist up their amendment to the 5th Section of,  
No. 134, H. R. A Bill to provide for the compensation of the members, officers and Printers of the Legislative Assembly, and for others purposes, and have appointed Messrs. Wallace, Browne and Johnston a Committee of Conference in relation thereto; and,

No. 105, H. R. A Bill to incorporate the Iowa Insurance Company of Burlington, and have appointed Messrs. Hawkins, Parker and Hall, a Committee of Conference in relation thereto.

And then he withdrew.

No. 134, H. R. "A Bill to provide for the compensation of the members, officers, and Printers of the Legislative Assembly, and for other purposes," being returned from the Council with their amendment to the 5th sect. insisted upon, and under consideration.

On motion of Mr. Lash,

Ordered, That the House do recede from said disagreement.

Mr. Miller offered the following:



Resolved, By the Council and House of Representatives of the Territory of Iowa, that the officers of the H. of R. be allowed the same pay for their services as is provided for the officers performing similar services in the Council," which was read a first time.

A motion was made by Mr. Miller, that the 42d rule be suspended and the Resolution be read a second and third time now.

And the question being put,

There appeared, Yeas 7, Nays 13.

Yeas—Messrs. Box, Brierly, Hendershott, Miller, Steele, Whitaker, and Wilson of H.

Nays—Messrs. Avery, Browning, Felkner, Hebard, Isett, Langworthy, Lash, Leffler, Mason, Robertson, Summers, Walworth, and Wilson of J.

Two-thirds not voting in the affirmative, the rule was not suspended.

A motion was then made by Mr. Miller, that the 42d rule be suspended, and the Resolution be read a second time now.

And the question being put,

There appeared, Yeas 7, Nays 12.

Yeas.—Messrs. Box, Brierly, Felkner, Miller, Steele, Summers, and Wilson of H.

Nays.—Messrs. Avery, Browning, Hebard, Isett, Langworthy, Lash, Leffler, Mason, Robertson, Walworth, Whitaker, and Wilson of J.

Two-thirds not voting therefor, the rule was not suspended.

Mr. Leffler from the Committee of Conference appointed to confer with a similar Committee on the part of the Council in relation to the disagreeing vote of the two Houses to No. 105. H. R. A Bill to incorporate the Iowa Insurance company at Burlington" reported that they had met, and could not agree in relation to the same.

The Report was concurred in,

So the Bill was lost.

Mr. Hebard, on leave, introduced No. 147. H. R. Joint Resolution compensating Jesse Williams for money paid by him for Seal &c." which was read a first time.

On motion of Mr. Avery,

Ordered, That the 42d rule be suspended and the Resolution be read a second and third time now.

Said Resolution was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Hebard to reconsider the vote of yesterday on the rejection of No. 61. C. F. A Bill relative to the salaries of Auditor, Treasurer, and Librarian."

The motion was lost.

A motion was made by Mr. Browning to reconsider the vote of



yesterday on the rejection of No. 56. C. F. "A Bill to levy a Territorial Tax."

To which the House agreed.

Said Bill was then read a first time and on motion of Mr. Lash, the 42d rule was suspended and the Bill read a second time.

A motion was made by Mr. Felkner to amend said Bill by striking out "one-half," and inserting "one-fourth," making the tax one fourth mill per centum,

To which the House agreed.

On motion of Mr. Lash,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Mason, from the Committee on enrolled Bills reported as correctly enrolled,

An Act to incorporate Iowa City."

An Act to authorize John Godden, his heirs and assigns to build a Dam across the Des Moines River; and

An Act to legalize the survey &c. of the north half of the Town of Columbus in Des Moines county. The Speaker pro-tempore then signed said acts.

On motion of Mr. Browning,

The House adjourned.

## 2 O'CLOCK, P. M.

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

Mr. SPEAKER:

The Council have passed,

No. 136, H. R. "A Bill to authorize Peter Brewer to build a Bridge across Skunk River."

No. 146, H. R. "A Bill to divorce H. E. W. East and his wife Sarah East.

No. 141, H. R. "Joint Resolution, authorizing the Secretary to forward copies of the Laws under the franking privilege of the Executive."

No. 147, H. R. "Joint Resolution compensating Jesse Williams for money paid by him for seals, &c.

The Council have concurred in the amendment of the H. of R. to

No. 56, C. F. "A Bill to levy a Territorial Tax.

I herewith present for your signature,

An act to amend an act entitled An "act for the erection of a Penitentiary."

And then he withdrew.

The Speaker pro tempore then signed the above entitled Acts.



Mr. Browning being in the Chair officiating as Speaker,

Mr. Steele offered the following:

Resolved, That the thanks of this House be given to the Hon. Laurel Summers, for the dignity, skill, and impartiality he has on all occasions displayed, while acting as Speaker pro tempore of this House.

Which was adopted without a dissenting voice.

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

MR. SPEAKER—

I herewith present for your signature,

An act to amend an act, providing for the organization of Townships; and,

An act to levy a Territorial Tax.

And then he withdrew.

The Speaker pro tempore then signed the above entitled Acts.

On motion of Mr. Mason,

The House adjourned until six o'clock in the evening.

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

Mr. Mason, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to amend an act providing for the valuation and sale of Lots in Iowa City.

An act to establish a Territorial Road from Moscow to Marion;

An act concerning Practice in the District Courts of this Territory;

An act to authorize John R. Sparks and his associates to erect a Dam across the Des Moines River;

An act to provide for the compensation of the members, Officers, and Printers of the Legislative Assembly, and for other purposes;

An act to authorize Peter Brewer and Company to build a Bridge across Skunk River;

A Joint Resolution, authorizing the Secretary to forward copies of the Laws, &c., under the franking privilege of the Executive.

A Joint Resolution, authorizing the Secretary to sell the furniture belonging to the Legislative Assembly; and,

A Joint Resolution, compensating Jesse Williams, for money paid by him for Seals, &c.

On motion of Mr. Steele,

Ordered, That there be a Committee appointed to wait upon the Council, and inform them that the House has no further business before them, and are now ready to adjourn, *sine die*.

Mr. Mason, from the Committee on Enrolled Bills, reported, that the Committee had this day laid before the Governor, for his approval,

An act to amend an act entitled An act to provide for the erection of a Penitentiary.

An act authorizing a loan of money, to be expended on the Capitol;



- An act requiring Clerks of the District Courts to give bonds.
- An act to re-locate a part of the Territorial Road leading from Black Hawk, in Louisa county, via Mount Pleasant, in Henry county, via Bentonsport, in Van Buren county, in a direction to the Missouri line.
- An act to authorize H. H. Gear to keep a Ferry;
- An Act for the relief of the Sheriff of Jefferson county.
- An act to change the name of Rising Sun, in Van Buren county, to that of Pittsburg;
- An act to amend an act entitled An act to re-locate the county seat of Jackson county, approved July 24th, 1840.
- An act to District the county of Cedar into County Commissioners' Districts.
- An act to amend an act, incorporating the City of Burlington;
- An act to provide for the election of Justices of the Peace.
- An act to amend an act, relative to Wills and Testaments.
- An act to authorize John R. Sparks and his associates, to erect a Dam across the Des Moines river.
- An act to authorize Peter Brewer and Company, to build a Bridge over Skunk River;
- An act to provide for the compensation of the Members, Officers, and Printers of the Legislative Assembly, and for other purposes.
- An act to establish a Territorial Road from Moscow to Marion.
- An act to amend an act, relative to Practice in the District Courts.
- A Joint Resolution, compensating Jesse Williams for money paid by him for seals, &c.
- A Joint Resolution, authorizing the Secretary to forward copies of the Laws under the franking privilege of the Executive.
- An act for the benefit of Insane Persons.
- An act to charter the Ellenborough Immigration and Ferry Company.
- An act to establish and lay out a Territorial Road from Marion, in Linn county, to Bellview, via Edinburghh.
- An act to re-locate the Seat of Justice of Clinton county.
- An act to amend an act regulating Interest on money.
- An act to authorize Judah Learning to erect a Dam across Big Cedar Creek in Jefferson county.
- An act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes.
- An act to locate a Territorial Road from Columbus City, in Louisa county, to Smith's Mills, in Henry county.
- An act to authorize John Godden, his heirs and assigns, to build a Dam across the Des Moines River.
- An act to provide for assessing and collecting county Revenue.
- An act to legalize the survey, and make valid in law, the present



plat of the north half of the Town of Columbus in Des Moines county.

An act to Incorporate Iowa City.

An act to Incorporate the Town of Nashville, in Lee county.

Joint Resolution, respecting the reserved sections of land contiguous to Iowa City.

An act to authorize Silas Deeds to erect a Dam across Skunk River.

An act to incorporate the Presbyterian Church at Dubuque.

A Memorial to Congress for the re-location of a certain portion of the Military Road from Dubuque to the Missouri line.

An act to divorce Sarah East from her husband Hardman E. W. East.

An act to re-locate a Territorial Road, running from Keosauqua, via Rising Sun and Philadelphia, to Fairfield, in Jefferson county, and

An act to provide for a re-survey of a Territorial Road from Burlington to Keosauqua, in Van Buren county.

On motion of Mr. Hebard,

Ordered, That a Committee be appointed to act in conjunction with a similar Committee on the part of the Council, to wait upon the Governor, and inform him that the two Houses have no further business before them, and to know if he has any further communications to make to them, and if not, they are now ready to adjourn *sine die*.

Whereupon, Messrs. Hebard and Langworthy were appointed said Committee.

The Committee retired, and after a short time returned, and reported, that they had performed the duty assigned them, and that the Governor had no further communication to make to the Legislative Assembly at the present session.

Messrs. Hall and Parker, a Committee from the Council, were announced, and informed the House that the Council had no further business before them, and were now ready to adjourn *sine die*.

A motion was made by Mr. Langworthy, that the House do now adjourn *sine die*. And the question being put,

Was determined in the affirmative.

The Speaker pro tempore then addressed the House as follows:

GENTLEMEN—Our session has at length come to a close, and on account of the indisposition of the Speaker, it has become my duty to adjourn this House. Our session, gentlemen, has passed away as calmly as could be expected; true, we have disposed of several very exciting questions, which were calculated to arouse our passions; but if any bad feelings have arisen at any time during the session, one towards another, may all such feelings die within these walls—may they be forgotten forever. Gentlemen, be assured that each of you will carry with you to your homes my respect and esteem, and may you all be received by your constituents in a manner which your untiring industry so justly merits. This House stands adjourned *sine die*.



## APPENDIX.

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### A MEMORIAL

To Congress, for an appropriation to improve and continue the Military Road from Dubuque to the Missouri line.

*To the Honorable the Senate and House of Representatives in Congress assembled.*

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That the Military Road established by an act of the Twenty-fifth Congress, on which has been expended Twenty Thousand Dollars, appropriated by your Honorable Body, is fast becoming one of the most important internal thoroughfares in the Territory, and is proving to be of immense importance to the country, affording the most direct and convenient route from St. Louis, and the lower Mississippi, via Iowa City, (the Seat of Government of this Territory,) to Dubuque, and the upper Mississippi.

Your Memorialists therefore beg leave respectfully, to call the attention of your Honorable Body to the importance of making a further appropriation of Twenty Thousand Dollars for the erection of bridges and for the continuation of said road south of Iowa City.

Your Memorialists would respectfully represent, That the travel on said road is frequently interrupted, and at times, for weeks together, for want of bridges on some of the streams over which the road passes, thus putting an entire stop to the travel, as well to the Mail, which passes over said road semi-weekly.

Your Memorialists deem it unnecessary to further urge upon your consideration the magnitude of an improvement of such vital importance to the community, as it will be seen, that by the improvement and completion of the route, it will afford a certain and convenient thoroughfare at all seasons of the year, thus rendering an incalculable relief to the whole traveling community on said route, at seasons when the navigation of the Mississippi, as well as the crossing of its tributaries, are entirely obstructed by ice, also affording a certain and convenient highway for the transportation of troops and munitions of war, without which, portions of our frontier country would be subject to great exposure in case of Indian hostilities.



Your Memorialists would further call the attention of your honorable body to the report of Capt. W. B. Guion, Engineer on Public Works in this Territory, as an additional evidence of the importance of this improvement.

Your Memorialists would therefore pray your honorable body to take the subject under their wise deliberation and give it that consideration which its magnitude demands, and in conclusion would say, that in view of the consideration above mentioned, together with a knowledge of the liberality which your honorable body has manifested on like occasions in other Territories, that they feel the fullest assurance, that their prayer will be favorably received.

*Resolved*, That the Governor be respectfully requested to forward three copies of this Memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to A. C. Dodge, our Delegate in Congress.

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### A MEMORIAL

To Congress, to amend the Organic Law of the Territory of Iowa.

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

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That the inhabitants of the Territory of Iowa are put to great inconvenience, and in many cases have suffered actual loss, by reason of the limited jurisdiction conferred upon Justices of the Peace by the Law organizing this Territory.

Your Memorialists would further represent, That in a great many cases, it is preferable for those who have a good and just cause of action, when the amount due is more than fifty dollars, to submit to the loss and neglect to enforce the claim, than to seek redress in a Court of Record, thereby subjecting themselves to the expense and trouble of traveling, in many cases, twenty or thirty miles to the place where the Court is held, and all the expense incidental to prosecuting a suit to final judgment.

Your Memorialists would therefore respectfully pray your Honorable Body so to amend that part of the 9th section of the Organic Law, confining the jurisdiction of Justices of the Peace to a sum not exceeding fifty dollars, and extend said jurisdiction to one hundred dollars.

*Resolved*, That his Excellency the Governor, be requested to forward three copies of the above Memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to A. C. Dodge, our Delegate in Congress.



## A MEMORIAL

To Congress, for an appropriation to continue the construction of the Agency Road.

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

Your Petitioners, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That under the provisions of a law of the twenty-fifth Congress, appropriating five thousand dollars, a Road was authorized and commenced, running west from the City of Burlington, through the counties of Des Moines, Henry, and Van Buren, toward the Indian Agency. That the above appropriation was found sufficient to survey the entire route, and construct a part of it lying between Burlington, on the Mississippi, and the point where the said road crosses Skunk river, a distance of about seventeen miles—That the said road, touching at important mills, and leading through a country densely populated, is felt to be one of great importance to the citizens generally, aside from any accommodation it may be to the Agency itself—That the said road, running directly west into the interior of the country, would greatly facilitate immigration, and consequently hasten the sale and settlement of the public lands, and in the event of another purchase from the Indians, an object much desired and confidently expected, it would become one of the most important routes to the country so obtained.

Your Memorialists would further remind your Honorable Body, that the United States Agent and Engineer was induced by a conviction of the importance of the route to furnish the proper department at Washington with an estimate of the amount necessary to finish the road and bridge the streams, and that the Secretary at War recommended an appropriation according to the estimate of the Engineer, of twenty-three thousand dollars. Your Memorialists therefore pray that an appropriation of the above estimate be made, to continue the construction of said Road.

*Resolved,* That the Governor be requested to forward one copy of this Memorial to the President of the Senate, one copy to the Speaker of the House of Representatives, and one copy to the Honorable A. C. Dodge, our Delegate in Congress.



## A MEMORIAL

To Congress, for an appropriation to improve the Territorial Road from the City of Burlington to the town of Fairfield, in the county of Jefferson.

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

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent, That the Territorial Road from the city of Burlington to the town of Fairfield, in Jefferson county, by the way of Mount Pleasant, the county Seat of Henry county, is, perhaps, as important a Road as any in the Territory, from the following facts: That it passes through as populous and fertile a portion of the country as any in the Territory, besides passing immediately through the following named thriving towns and villages, viz: New London, Mount Pleasant, Rome, and Lockridge.

And your Memorialists would further represent, That at certain seasons of the year, said road is rendered impassable, from the fact of said road crossing several small streams that are past fording a considerable portion of every year.

Your Memorialists would further say, That no appropriation from the General Government ever having been made to the counties of Des Moines, Henry and Jefferson, that has been of much benefit to that portion of the Territory, they feel justifiable, and do not think they will be considered extravagant, in asking an appropriation of fifteen thousand dollars for the improvement of said road.

*Resolved*, That His Excellency be requested to forward three copies of this Memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to the Honorable A. C. Dodge, our Delegate in Congress.

## A MEMORIAL,

Asking for an additional Land District.

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

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully call your attention to the necessity of establishing another Land District in this Territory.

Your Honorable Body will readily perceive, by reference to the



map of Iowa, the great difficulties and many inconveniences suffered by the inhabitants of the middle part of this Territory, being compelled to go to either extreme of the Territory to secure their homes, there being at present but two Land Offices in the Territory, one at Dubuque, the other at Burlington. The Dubuque District extends south to the Township line dividing Townships seventy-seven and seventy-eight, rendering the south-western extreme of this District more than one hundred miles from the Land Office. This subjects the numerous and bona fide settlers residing in this part of the District, to many and unnecessary inconveniences. The settlers on the north part of the Burlington District suffer similar difficulties from their remoteness from the Land Office, and from the bad roads and impassable streams at certain seasons of the year.

Your Memorialists would therefore most respectfully recommend the passage of a law creating a new Land District, the office for which shall be established at Iowa City, the Seat of Government for Iowa Territory.

This location, your Memorialists believe, would have the desired effect of affording more facilities to the settlers in purchasing the public lands than any other point that could be selected, as the principal part of the Lands on the Mississippi River have already been sold. This location would be central to a large district of country, part of which is already surveyed, and the whole of which is settling very rapidly. And your Memorialists, &c.

*Resolved*, That His Excellency, the Governor, be requested to forward three copies of this Memorial, one to the President of the Senate, one to the Speaker of the House Representatives, and one to the Hon. A. C. Dodge, our Delegate in Congress.

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#### A MEMORIAL

*To the Senate and House of Representatives of the United States of America in Congress Assembled.*

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully ask: That the Military road leading from Dubuque to the southern boundary of Iowa, be so far altered in its location as to make Washington the seat of Justice of Washington County, and Jefferson and Trenton in Henry County, points on said road. Washington is situated in the midst of a rich and thriving country, and bids soon to become a place of consideration importance. Said road may be relocated in such a way as to pass through Washington, the seat of Justice of said county without an increase of perhaps more than one and a half miles distance, and by this route several difficult hills and streams can be avoided at a saving of perhaps four or five thousand dollars in improving said road.



Also, that said road may be relocated in its route between the towns of Mount Pleasant and Washington, in Henry County, so as to make Salem, in said county, a point. The relocation of said road will not increase its distance and furnish a better and more suitable route between those points than its present location which is considerably hilly, and passes over considerable low and rather wet land.

Your memorialists would therefore most respectfully recommend the passage of a law, requiring the relocation above mentioned to be made, and your memorialists, &c.

Resolved, That the Governor be requested to forward three copies of the foregoing memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to A. C. Dodge, our Delegate in Congress.

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### A MEMORIAL

To Congress for the benefit of Jeremiah Smith Jr.

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

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That by an act of the Legislature of Wisconsin approved 3d Dec. A. D. 1836, entitled an act to establish the Seat of Government of said Territory, and provide for the erection of public buildings &c. the Seat of Government was permanently located at Madison, and temporarily at Burlington now in the Territory of Iowa. At the time of the location of said Seat of Government, there were no buildings in said Burlington sufficiently large, and in other respects suitable for convening the Legislative Assembly, and Major Jeremiah Smith was urgently requested and prevailed upon, to erect one at his own expense, for their exclusive use and benefit. He was persuaded by the members of the Legislative Assembly, and the Federal officers engaged in the government of this Territory to erect a large and commodious house at an expense of eight thousand dollars which was used solely by them and their officers, and while in their actual possession and occupancy was totally destroyed by fire on the morning of the 13th December 1839.

At the commencement of the session of said Assembly, entire, and uncontroled possession of the whole of said building was given to them by Major Smith.

The origin of the fire is unknown to your memorialists, but they are induced to believe it was the result of unforeseen accident and misconduct, chargeable to no one.

Your Memorialists would further represent, That the building was not insured either in whole or in part, from the fact that there were



no insurance officers within the Territory or adjacent State of Illinois.

Your memorialsts would represent, That the loss of said building is a peculiar hardship to the owner, and that the greatest part of his hard earnings through life were invested in it at the special instance of the servants of the people and government officers, and that too in a spirit of accommodation and liberality rather than of gain, that he has a large family entirely dependant upon him for their support and education, that he is a public spirited and estimable citizen, and deserves compensation for his labour and relief from the heavy loss he has sustained.

Your memorialists the therefore respectfully pray you to make an appropriation of eight thousand dollars to Jeremiah Smith Jr., to compensate him for the loss of the aforesaid building, believing that he is justly entitled to it, and that misfortune, poverty, and merit will not apply in vain.

Resolved, That his Excellency Robert Lucas, be requested to forward a copy of this memorial to our Delegate in Congress.

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### A MEMORIAL

To Congress on the subject of Post Roads.

*To the Honorable the Senate and House of Representatives in Congress Assembled.*

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully call your attention to the subject of establishing an additional number of mail routes within this Territory.

Your memorialists would represent, That since the establishment of any mail routes by Congress, many parts of this Territory have become densely settled and destitute of all mail facilities.

Your memorialists would therefore most respectfully recommend the establishment by law of the following routes: from Burlington to Iowa City, via Virginia Grove, Hope Farm, and Columbus City; from New Boston, Illinois, to Iowa City, via Harrison, Williamsport, and Fredonia; From Grand river, to Iowa City; From Keosauqua, in Van Buren County, to the southern line of said county; From St. Francisville, in Missouri, to the town of Keokuk; thence to Montrose, Iowa; From Iowa City, Johnson County, to Iowaville, in Van Buren County, via Washington and Brighton, in Washington County, and Fairfield, in Jefferson County; From Iowa City, in Johnson County, to Keosauqua, in Van Buren County, by the way of Washington, in Washington County; Trenton, Mount Pleasant, Salem, and Washington, in Henry County; From Dubuques, on the Military Road to Iowa City, via Edenburgh, the county Seat of Jones County.



From Dixon's Ferry, in Illinois, via Albany, to Camanche, Iowa Territory; thence to Iowa City.

From Dixon's Ferry, Illinois, via Fulton City, to Lyons, Clinton County, Iowa; thence through the centre of said county, to the county Seat of Cedar County."

From Davenport, via Joseph Denson's, in Cedar County, and Seely's Mills, and Pamaho, in Jones county, to Marion, in Linn county.

From Bloomington to Moscow, in Muscatine county, to Rochester, Antwerp, and Mason's Grove, in Cedar county, to Marion, in Linn county, via Ivanhoe.

From Davenport to Tipton, in Cedar county; thence to Marion, in Linn county, via Poston's, Red Oak, Pioneer, and Linn Groves.

From Port Byron, Illinois, via Berlin Iowa, to the County Seat of Cedar county.

From Savannah, Illinois, via Charleston and Goodnoe's mills, and Burrison's settlement, to Edinburgh, the county Seat of Jones county.

From Keokuk, in the county of Lee, to the town of Franklin, from thence to the Town of Mount Pleasant, in Henry county.

From Knoxville, Illinois, via Millersburgh, Ill., and Bloomington, Iowa, to Iowa City.

From Keosauqua, on the County Road, leading from that place to the Western Boundary of said county, via Ely's Ford, &c. to B. F. Wilsons, and from Keosauqua to Mount Pleasant, in Henry County.

From Iowa City to Prairie du Chien, via Westport, and Marion in Linn county, and the Seat of Justice of Deleware county, to Camp Atkinson, in Clayton county.

From Marion to Pleasantville, in Linn county.

*Resolved*, His Excellency the Governor, be respectfully requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

## A MEMORIAL

To the Honorable John M. Niles, Post-Master General.

Your Memorialists would respectfully recommend the establishment of the following Post Offices:

One on the Military road, in Jones county, where said road crosses the Makoketa river, to be called the Makoketa Post Office, and that Wm. Clarke be appointed Postmaster.

One on said Military road, at Wm. T. Gilbert's, to be called the Linn Grove Post Office, and that William T. Gilbert be appointed Post Master.



One on said road at Ivanhoe, to be called the Ivanhoe Post Office, and that Anson Cowles be appointed Postmaster.

One at Princeton, in Scott county, and that Haswell H. Pinneo be appointed Postmaster.

One on said Military road, in Big Grove, in Johnson county, to be called the Worthington Post Office, and that Samuel B. Trotter be appointed Postmaster.

One at Washington, Henry county, and Charles Brewington be appointed Postmaster.

One at Sturge's Ferry, in Johnson county, to be called Sturge's Post Office, and that Geo. W. Hawkins be appointed Postmaster.

One at Franklin, and that Samuel Brown be appointed Postmaster.

One at Edinburgh, the county seat of Jones county, and that be appointed Postmaster.

One at Joseph Denson's, in Cedar county, to be called Denson Post Office, and that Joseph Denson be appointed Postmaster.

One at Seely's Mills, in Jones county, to be called the Walnut Fork Post Office, and that Norman Seely be appointed Postmaster.

One at Poston's Grove, to be called the Poston's Grove Post Office, and that William Worthington be appointed Postmaster.

One at Red Oak Grove, in Cedar county, to be called the Red Oak Grove Post Office, and that Washington A. Rigby be appointed Postmaster.

One at Pioneer Grove, to be called the Pioneer Grove Post Office, and that Daniel Comstock be appointed Postmaster.

One at Keokuk, in Lee county, and that Laben B. Fleak be appointed Postmaster.

One at Nashville, Lee county, and that Dr. James C. Goode be appointed Postmaster.

One at Virginia Grove, in Louisa county, to be called the Virginia Grove Post Office, and that Aaron Chamberlin, Jr., be appointed Postmaster.

One at Johnson Meeks', in Lee county, and that said Meeks be appointed Postmaster.

One at West Port, in Linn county, on the contemplated route from Iowa City to Galena, via Bellview, and that Albert Henry be appointed Postmaster.

One at Pleasantville, in Linn county, and that Charles S. Dorsey be appointed Postmaster.

One at John Hale's, in Van Buren county, and that John Hale be appointed Postmaster, to be called Hale's Post Office.

One at John H. Kingston's, in Van Buren county, to be called Kingston's Post Office, and that John H. Kingston be appointed Postmaster.

One at Webster McDowell's, to be called Centre Post Office, and Webster McDowell be Postmaster.



*Resolved*, That the Governor be requested to forward two copies of this Memorial, one to the Post-Master General, and one to our Delegate in Congress.

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A MEMORIAL,

For an appropriation to improve the Rapids of the Mississippi River.

*To the Honorable the Senate and House of Representatives of the United States.*

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, beg leave again to call your attention to the importance of improving the navigation of the Mississippi river, by removing the obstructions at the Rapids.

The Des Moines, or Lower Rapids, at the south extreme of this Territory, and the Rock River, or Upper Rapids, about one hundred and fifty miles above, are the only obstructions to the steam boat navigation of the Mississippi, from its mouth to the Falls of St. Anthony.

The removal of these obstructions, in the opinion of your Memorialists, is a work of great national importance, and well deserves your most favorable consideration.

The Mississippi forms the eastern boundary of Iowa, and the western boundary of Wisconsin, and a part of the State of Illinois, for about seven hundred miles above the first of these Rapids, and runs through a fertile, healthy, and beautiful country, rich in mines of lead and copper. The greater part of these lands are still in the hands of the Government, and would be increased in value very much by thus affording an easy access to the enterprising emigrant.

Your Memorialists would further represent, That in low water, none but the smallest class of steam boats, and these without freight, can cross the Rapids, consequently all freights going up or down the river, must either be towed in keel boats, or transported by land a distance of twenty miles. At such times, the price of freight advances so, that from the usual cost (ten dollars per ton) we are sometimes compelled to pay forty dollars per ton.

From the best data we have been able to obtain, we come to the conclusion, that in this way our inhabitants are taxed an amount annually, sufficient to remove these obstructions. Further, that the Government itself is loser to no inconsiderable amount as there are several United States Garrisons above, which receive their supplies by way of the Mississippi, and the Indians of the north-west must be supplied by the same route for the freight on these articles, you will pay in high water, from St. Louis to St. Peters, from fifteen to twenty dollars per ton, while in low water, they vary from forty to one hundred and twenty dollars per ton. It is estimated, that the sum of



four hundred thousand dollars was added to the usual cost of freighting up and down the river, last season, in consequence of the low water of these rapids—the government having paid a considerable portion this loss.

In calling your attention to this subject, we feel confident we ask an improvement of no ordinary national importance; for when we consider the vast amount of public lands yet unsold, and the increased value that would thereby be given to those lands, by increasing the sales, and facilitating their settlement, we are constrained to believe that a very important branch would be added to our national revenue. The Government would also save considerable money annually in the expense of transporting troops, stores, and ammunition to their garrisons on the upper Mississippi; besides, it would be enabled speedily to check any sudden inroads that are liable almost daily to be made upon our frontier settlements by the hordes of Indians living on our northwest border.

The channel of the Mississippi, in low water, is said to be at least four deep at any place from St. Louis to St. Peters, except the two Rapids, where it is scarcely two feet deep. By deepening the channel at these points, two feet, there would be water sufficient to admit boats of from one to two hundred tons burthen, at the lowest stage, and thereby secure an uninterrupted communication between this country and the parts below at all seasons.

We would further state, that these inestimable advantages can only be secured to the country by the interposition and aid of Congress, for the States and Territories most immediately interested have not the means, if, indeed, they have the power, to make these improvements.

And we would further suggest the propriety, as well as economy, of making a large and sufficient appropriation for this object at once, as a small one would go but little further than to prepare the necessary Boats, tools, and equipments, and get ready to commence, and, as in a former instance, just begin to do something, when the money would all be expended, and the proper season for the work just coming on.

For these, and other reasons, which will naturally suggest themselves to your consideration, we would respectfully, but earnestly, urge the necessity of making an immediate appropriation sufficient to complete the improvement above referred to, and render navigable this our only great thoroughfare of trade.

*Resolved*, That the Governor be requested to forward six copies of this Memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress. Also, one to the Governor of the State of Missouri, one to the Governor of the State of Illinois, and one to the Governor of Wisconsin, with a request that it may be submitted to their several Legislatures, with a recommendation that they join with this Legislature in memorializing Congress on this subject.



## A JOINT RESOLUTION

Requesting our Delegate in Congress to use his influence to have the office of Governor made elective by the people.

*Resolved*, By the Council and House of Representatives of the Territory of Iowa, that the Hon. Augustus C. Dodge, our Delegate in Congress, be and he is hereby requested to use his influence to have the organic law of this Territory so amended as to make the office of Governor elective by the people.

## PREAMBLE AND RESOLUTION

Asking our Delegate in Congress to use his influence to obtain an appropriation to erect a Bridge across Big Cedar Creek, in Jefferson county.

Whereas, a Territorial Road has been established by the Legislative Assembly of the Territory of Iowa, commencing at Keosauqua, in Van Buren county, and running to Fairfield, in Jefferson county, where it meets a Territorial Road, running to Iowa City, the Seat of Government for said Territory.

And whereas said road is of great importance, passing through a thickly settled portion of said Territory, and being the nearest road from Jefferson city, the Seat of Government of the State of Missouri to Iowa City, in said Territory.

And whereas the inhabitants of said Territory and travelers are often put to great trouble and inconvenience to cross Big Cedar Creek, for the want of a Bridge across the same. Therefor be it

Resolved by the Council and House of Representatives of the Territory of Iowa that General A. C. Dodge our Delegate in Congress be requested to use his influence in Congress to obtain an appropriation of four thousand dollars to erect a Bridge across Big Cedar Creek, in Jefferson county, at or near where the Territorial Road from Keosauqua to Fairfield crosses said Creek, and that his Excellency Governor Lucas be requested to forward a copy of this Preamble and Resolution to the President of the Senate, Speaker of the House of Representatives, and our Delegate to Congress.



# RULES

## OF THE

### HOUSE OF REPRESENTATIVES.

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#### THE DUTY OF THE SPEAKER.

I. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

II. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

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

IV. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye:" and after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a decision be called for, the House shall decide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

V. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.

VI. The Speaker shall examine and correct the Journal before it is read. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

VII. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

VIII. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

IX. All acts, addresses, and joint resolutions, shall be signed by



the Speaker, and all writs, warrants and subpoenas issued by order of the House shall be under his hand and seal, attested by the clerk.

X. In cases of any disturbances or disorderly conduct in the lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

#### ORDER OF THE BUSINESS OF THE DAY.

XI. After the Journal is read, the following order shall govern:

1st—Petitions or Memorials to be offered.

2d—Resolutions.

3d—Reports of Committees.

4th—Bills, messages, and communications on the Speaker's table.

5th—Bills and resolutions ready for a second reading.

6th—Bills on their passage.

7th—Reports in possession of the House, which offer grounds for a bill, are to be taken up in order that the bill may be ordered in.

8th—Bills or other matters before the House, and unfinished the preceding day.

9th—These matters being despatched for expediting business, the general file of bills and other matters are to be taken up, agreeable to their first introduction to the House.

#### OF DECORUM AND DEBATE.

XII. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

XIII. If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed. If otherwise, he shall not be permitted to proceed without leave of the House, and if the case require it, he shall be liable to the censure of the House.

XIV. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

XV. No member shall speak more than twice to the same question without leave of the House, nor more than once until every member choosing to speak shall have spoken.

XVI. Whilst the Speaker is putting any question or addressing the House, none shall walk out of or across the House, or when a member is speaking, shall entertain private discourse, nor whilst a member is speaking shall pass between him and the Chair.



XVII. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

XVIII. Upon a division and count of the House on any question, no member without the bar shall be counted.

XIX. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

XX. When a motion is made and seconded, it shall be stated by the Speaker, or being in writing, it shall be handed to the Chair and read aloud by the Clerk before debated.

XXI. Every motion shall be reduced to writing if the Speaker or any member desire it.

XXII. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

XXIII. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

XXIV. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House, a Standing Committee; a Select Committee.

XXV. A motion to adjourn shall be always in order: that, and the motion to lie on the table, shall be decided without debate.

XXVI. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment and further debate upon the main question.

XXVII. On a previous question there shall be no debate.

XXVIII. When a question is postponed indefinitely, it shall not be acted upon again during the session.

XXIX. Any member may call for a division of the question, which shall be divided, if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

XXX. Motions and reports may be committed at the pleasure of the House.



XXXI. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

XXXII. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the re-consideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

XXXIII. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

XXXIV. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

XXXV. A proposition requesting information from the Governor, Secretary, or any other Territorial officer, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from Select Committees, and when adopted, the clerk shall cause the same to be delivered.

XXXVI. Any five members, including the Speaker, if there be one, shall be authorized to compel the attendance of absent members.

XXXVII. Upon calls of the House, or in taking the Ayes and Noes on any question, the names of the members shall be called alphabetically.

XXXVIII. No member shall absent himself from the service of the House, unless he is sick and unable to attend.

XXXIX. Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over, and the Sergeant-at-Arms shall be directed by the Speaker to compel their attendance.

XL. No Committee shall sit during the sitting of the House without special leave.

#### OF BILLS.

XLI. Every bill shall be introduced by motion for leave, or by an order of the House on the report of a Committee. One day's notice at least shall be given of the motion to bring in a Bill.

XLII. Every bill shall receive three several readings in the House previous to its passage, and all bills shall be despatched in order as they were introduced unless where the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.

XLIII. The first reading of a bill shall be for information; and if



opposition be made to it, the question shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

XLIV. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed, then the question shall be whether to a select or standing Committee, or to a Committee of the whole House. If to a Committee of the whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

XLV. Not more than three bills originating in the House, shall be committed to the same Committee of the whole, and such bills being analogous in their nature, which analogy shall be determined by the Speaker.

XLVI. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

XLVII. All bills ordered to be engrossed shall be executed in a fair round hand.

XLVIII. No amendment except by way of rider shall be received to any bill on its third reading.

XLIX. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

#### OF COMMITTEES OF THE WHOLE HOUSE.

L. In forming Committees of the whole House, the Speaker shall leave his chair, and a chairman to preside in Committee shall be appointed by the Speaker.

LI. Upon bills committed to Committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered, after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it, be taken.

LII. All amendments made to an original motion in Committee shall be incorporated with the motion and so reported.

LIII. All amendments made to a report committed to a Committee of the whole House, shall be noted, and reported as in case of bills.

LIV. All questions whether in Committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks the largest sum and longest time shall be first put.

LV. The rules of the House shall be observed in Committee of the whole House, so far as they are applicable.

LVI. No standing rule, or order of the House shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two thirds of the members present, nor shall the order of business, as established by the rules of the House be postponed or changed, except by a vote of at least two thirds of the members present.



LVII. It shall be in order, for the Committee on enrolled bills to report at any time.

LVIII. All incidental printing shall be done by special order of the House, and that when any member may desire to have any bill, report, memorial, or other document printed, the number of copies to be printed shall be stated in such order.

## JOINT RULES OF BOTH HOUSES.

I. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer; such Committee shall, at convenient 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, if he shall think it proper to be passed.



which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

IX. All orders, resolutions and votes, which are to be presented to the Governor for his approbation, shall also, in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same Committee, as provided in cases of bills.

X. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

XI. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days and leave of two thirds of that House in which it shall be renewed.

XII. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

XIII. After each House shall have adhered to their disagreements, a bill or resolution is lost.

XIV. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

## CENSUS OF IOWA.

### COUNTIES.

1840.

1838.

Lee,	6,096	2,839	Des Moines.
*Van Buren,	6,166	3,174	
Des Moines,	5,546	4,605	
Henry,	3,784	3,058	
Jefferson,	2,780		
Louisa,	1,925	1,180	
Washington,	1,571	283	
Muscatine,	1,942	1,247	



Johnson,	1,504	237	} Dubuque.
Cedar,	1,225	557	
Linn,	1,385	205	
Scott,	2,193	1,252	
Clinton,	800	445	
Jackson,	1,452	881	
Jones,	475	241	
Dubuque,	3,056	2,381	
Delaware,	171		
Clayton,	1,045	274	
	<hr/> 43,117	<hr/> 22,859	

\*Of the number placed to Van Buren, 136 belong to the country attached to it.

In 1832 settled; 1834 attached to Michigan; 1836 attached to Wisconsin; 1838 created a Territorial Government.

### VOTE FOR AND AGAINST A CONVENTION—OFFICIAL.

COUNTIES.	CONVENTION.	NO CONVENTION.
Clinton,	17	24
Jefferson,	47	173
Linn,	81	39
Johnson,	54	117
Muscatine,	93	210
Lee,	108	423
Henry,	164	229
Van Buren,	97	373
Scott,	115	277
Clayton,	3	52
Des Moines,	56	440
Louisa,	59	126
Washington,	29	154
Jackson,	14	260
	<hr/> 937	<hr/> 2907
		<hr/> 937

Majority against a Convention, 1,970  
No return has yet been made from Dubuque or Jones counties.



The following is the official vote for Delegate to Congress at the October Election, 1840.

### VOTE FOR DELEGATE---OFFICIAL.

COUNTIES.	Dodge.	Rich.	Churchman.
Scott,	264	173	1
Washington,	151	141	
Des Moines,	479	524	
Jones,	32	58	
Henry,	283	347	
Jackson,	203	100	18
Linn,	164	91	
Lee,	563	535	
*Clayton,	47	28	18
Johnson,	167	160	
Louisa,	162	205	
Muscatine,	225	191	
Clinton,	115	65	
Jefferson,	250	208	
Van Buren,	609	497	
Dubuque and Delaware,	295	171	55
	<hr/> 4009	<hr/> 3494	<hr/> 92
	3494		

Majority for Dodge

515

52 maj. Cedar county, unofficial.

567

\*18 votes polled at the St. Peters precinct;  
all for General Dodge.

Majority for Dodge

585



The following is the official vote for Delegate to Congress at the October Election, 1840.

VOTE FOR DELEGATE-OFFICIAL.

COUNTIES. Dodge. Rich. Chambers.

Scott	264	173	1
Washington	161	141	
Des Moines	478	324	
Jones	32	38	
Henry	283	247	
Jackson	303	100	18
Linn	164	91	
Lee	263	232	
Clayton	47	28	19
Johnson	167	160	
Louis	162	205	
Muscatine	225	191	
Clinton	115	65	
Jefferson	250	208	
Van Buren	609	427	
Dodge and Delaware	225	171	52
	4000	3494	92
Majority for Dodge	615		
	52		
	567		
* 18 votes polled at the St. Petersburg			
all for General Dodge			
Majority for Dodge	585		

52 maj. Cedar county, unofficial.



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