

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

SEVENTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT IOWA CITY ON THE FIRST MONDAY OF MAY, ONE
THOUSAND EIGHT HUNDRED AND FORTY-FIVE.

FORT MADISON:

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1845.

JOURNAL

HOUSE OF REPRESENTATIVES

SEVENTH CONGRESS

REPORT

OF THE COMMITTEE ON THE MESSIAHIC PROPHECIES

IN RESPONSE TO A RESOLUTION

PASSED BY THE HOUSE OF REPRESENTATIVES

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES

OF THE
LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IOWA,

Begun and held at Iowa City, on Monday the fifth day of May, in the year of our Lord one thousand eight hundred and forty-five, by virtue of an Act of the Legislative Assembly, approved the 29th day of June, A. D. 1844.

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At 12 o'clock M. the house was called to order by GEORGE W. McCLEARY, when the following named Gentlemen appeared, presented their credentials, had the requisite oath administered to them by James Trimble Esqr., and took their seats.

From the County of Lee—JACOB HUNER.

From the County of Van Buren—FREDERICK HANCOCK, GEORGE MONTAGUE, and GEORGE W. LESTER.

From the County of Des Moines—JAMES M. MORGAN, JOHN JOHNSON, EBENEZER W. DAVIS, GEORGE CHANDLER, and RICHARD NOBLE.

From the County of Henry—NORTON MUNGER, SAMUEL D. WOODWORTH, and CHARLES CLIFTON.

From the County of Jefferson—RUBEN R. HARPER.

From the County of Louisa—GEORGE W. McCLEARY.

From the County of Washington—STEPHEN B. SHELEDY.

From the County of Muscatine—ABRAHAM T. BANKS.

From the County of Johnson—HUGH D. DOWNEY.

From the Counties of Cedar, Linn, and Jones—JOSEPH R. SNYDER and JOHN TAYLOR.

From the County of Scott—JOSEPH M. ROBERTSON.

From the County of Clinton—SHUBAEL COY.

From the County of Jackson—JAMES LEONARD.
 From the Counties of Dubuque, Delaware, and Clayton—DAVID S.
 WILSON and SAMUEL MURDOCK.

On motion of Mr. McCleary,
 Mr. Johnson was appointed Speaker *pro tempore*.

On motion of Mr. Banks,
 William Thompson of the County of Henry, was appointed Chief
 Clerk *pro tempore*.

On motion of Mr. McCleary,
 George W. Jeffries of the County of Louisa, was appointed as-
 sistant Clerk *pro tempore*.

On motion of Mr. Davis,
 John Lorton of the County of Des Moines, was appointed Ser-
 geant-at-Arms *pro tempore*.

On motion of Mr. Wilson,
 Isaac Havens of the County of Dubuque, was appointed Messen-
 ger *pro tempore*.

On motion of Mr. Downey,
 Peter Conboy of the County of Johnson, was appointed Fire-
 man *pro tempore*.

On motion of Mr. McCleary,
 Ordered, That a Committee of two be appointed to wait upon the
 Rev. Charles R. Fisk, and request him to open the present Session
 of the House, by prayer.

Messrs. McCleary and Munger were appointed said Committee.
 In a short time the Committee introduced Mr. Fisk, who engaged
 in public prayer.

On motion of Mr. Morgan,
 Ordered, That a Committee of three be appointed to examine the
 credentials of members.

The following named gentlemen were appointed said Committee,
 viz: Messrs. Morgan, Wilson, and Robertson.

On motion of Mr. Sheledy,
 Resolved, That the rules of the last Session of the House of Re-
 presentatives, be adopted for the temporary government of this
 House.

On motion of Mr. Sheledy,
 Ordered, That the Editors of Newspapers and their Reporters,
 be admitted within the bar of this House.

Mr. Morgan, on the part of the Committee appointed to examine
 the credentials of members, made the following report.

The Committee appointed to examine the credentials of members

of this House, having discharged the duty assigned them, beg leave to report, that they find the credentials of the following named gentleman, correct and in accordance with law :

Abraham T. Banks, Shubael Coy, George Chandler, Charles Clifton, Ebenezer W. Davis, Hugh D. Downey, Frederick Hancock, Ruben R. Harper, Jacob Huner, John Johnson, George W. Lester, James Leonard, George W. McCleary, Samuel Murdock, George Montague, Norton Munger, James M. Morgan, Joseph K. Snyder, Stephen B. Sheledy, John Taylor, Samuel D. Woodworth, and David S. Wilson.

On motion of Mr. Robertson,

Ordered, That the Report of the Committee be concurred in.

On motion of Mr. Wilson,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock,

TUESDAY MORNING, 10 O'CLOCK,

May the 6, A. D. 1845.

On motion of Mr. Robertson,

Ordered, That the House do now proceed to the election of a Speaker.

Messrs. Robertson and McCleary were appointed tellers.

Mr. Robertson nominated Mr. Morgan.

The members voted; and, upon counting the ballots, it appeared that

Mr. Morgan had received	21 votes,
Scattering	2 votes.

Mr. Morgan, having received a majority of all the votes, was declared duly elected Speaker.

The Speaker was then conducted to the Chair, by Messrs. Robertson and McCleary, upon which he addressed the House as follows :

"GENTLEMEN :—Before entering upon the duties of the Chair, permit me to return you my unfeigned thanks for the partiality of feeling which has prompted you to honor me with so distinguished a mark of your confidence and consideration. To be called for the second time, and by a vote so nearly unanimous, to discharge the honorable and important duties pertaining to this place, is a comple-

ment of the highest character, and for which both duty and my own heart teach me to feel deeply and sincerely grateful. I beg you to be assured, gentlemen, that it shall be my constant desire and purpose, to discharge with fidelity and impartiality the duties which may devolve upon me—promising as far as in me lies, to preserve order in our proceedings, to promote harmony in our councils, and to dispense as well as exact justice in all our deliberations. And whenever I may fail to meet your wishes, (as doubtless I often shall,) I trust your kindness will impute the act to a misapprehension of duty.

Our Session, though in many respects a highly important one, is likely to be of but brief duration; nevertheless, I sincerely hope that its labors will result advantageously to our Constituents generally.

In conclusion, I would invoke that decorum which is so essential to the despatch of business, and that harmony of spirit which is so honorable to a Legislative body.

With these brief remarks, gentlemen, and again making my acknowledgments, I would announce that the Chair is now ready to receive any propositions which it may be the pleasure of the House to make."

On motion of Mr. Johnson,

Ordered, That the House proceed now to the election of a Chief Clerk.

Messrs. Johnson and Munger were appointed tellers.

Mr. Johnson nominated William Thompson of the County of Henry.

The members voted; and, upon counting the ballots, it was found that

William Thompson had received	22 votes,
And Blank	1 vote.

Mr. Thompson, having received a majority of all the votes, was declared duly elected Chief Clerk.

On motion of Mr. Robertson,

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

Messrs. Taylor and Robertson were appointed tellers.

Mr. Taylor nominated S. W. Durham of Linn County.

Mr. Sheledy nominated M. T. Williams of Mahaska County.

The members voted; and, upon counting the ballots, it appeared that

S. W. Durham had received	15 votes,
M. T. Williams	6 votes,
And Darrah	1 vote.

Mr. Dunham, having received a majority of all the votes, was declared duly elected Assistant Clerk.

On motion of Mr. McCleary,

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

Messrs. Davis and Snyder were appointed tellers.

Mr. McCleary nominated George W. Wise of Louisa County.

The members voted; and, upon counting the ballots, it was found that

George W. Wise had received	18 votes,
And Scattering	5 votes.

Mr. Wise, having received a majority of all the votes, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Taylor,

Ordered, That the House proceed now to the election of a Messenger.

Messrs. Murdock and Clifton were appointed tellers.

Mr. Wilson nominated Isaac Havens of the County of Dubuque.

The members then balloted, and upon counting the same, it was found that

Isaac Havens had received	20 votes,
And Scattering	3 votes.

Mr. Havens, having received a majority of all the votes, was declared duly elected Messenger.

On motion of Mr. Banks,

Ordered, That the House do now proceed to the election of a Fireman.

Messrs. Noble and Leonard were appointed tellers.

Mr. Banks nominated Ulmer Farnham of Muscatine County.

The members proceeded to ballot, and upon counting the same, it was found that

Ulmer Farnham had received	21 votes,
And Scattering	1 vote.

Mr. Farnham, having received a majority of all the votes, was declared duly elected Fireman.

William Thompson, Chief Clerk; S. W. Durham, Assistant Clerk; George W. Wise, Sergeant-at-Arms; Isaac Havens, Messenger; and Ulmer Farnham, Fireman; being present were duly sworn into office.

On motion of Mr. Johnson,

Resolved, That the Secretary of the Territory, is hereby authorized to pay John Lorton, George W. Jefferies, and Peter Conboy, six dollars each for two days services as officers *pro tem.* for this House.

Mr. Wilson submitted the following:

“Resolved, That Williams and Palmer editors and proprietors of

the 'Iowa Capital Reporter,' be employed to do the incidental printing of this House during the present Session."

Mr. Sheledy made a motion to amend the resolution, by striking out all after the word "resolved," and insert the following:

"That a committee be appointed to contract with the Editors of the 'Iowa Capitol Reporter,' and 'Iowa City Standard,' for the incidental printing of this House; with instructions to apportion the same, in proportion to the Whig and Democratic representation in this House."

Which was decided in the negative.

The question then recurred on the adoption of the Resolution as offered by Mr. Wilson, and was decided in the affirmative.

On motion of Mr. Robertson,

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

Messrs. Robertson and McCleary were appointed said Committee.

On motion of Mr. Johnson,

Ordered, That a Committee of two be appointed, to act in connection with a similar Committee to be appointed by the Council, to wait upon the Governor and inform him, that the two Houses are now organized, and ready to receive any communication he may see proper to make to them.

Messrs. Johnson and Sheledy were appointed said Committee.

On motion of Mr. Taylor,

Resolved, That the Chief Clerk be directed to make arrangements with the Post Master of this City, for the payment of postage on all letters and papers sent to and from this House during the present Session, and report the same to this House.

On motion of Mr. Davis,

"Resolved, That the Secretary of the Territory, be authorized to furnish each member of this House, with a copy of the Revised Statutes of this Territory."

On motion of Mr. McCleary,

"Resolved, That the following be the Standing Committees for the present Session:

Ways and Means;	Engrossed Bills;
Judiciary;	Expenditures;
Common Schools;	Territorial Affairs;
Internal Improvements;	Roads and Highways;
On Claims;	Corporations;
Military Affairs;	Township and County Boundaries;
Enrolled Bills;	Public Buildings; and
	Agriculture."

Mr. McCleary give notice,
That he would on some future day, ask leave to introduce "a Bill to incorporate the Iowa University."

On motion of Mr. Johnson,
"Resolved, That the Secretary of the Territory, is hereby requested to inform this House, what disposition has been made of the Carpet, which was on the floor of this Hall at the last Session of the Legislature."

On motion of Mr. Banks,
Ordered, That the House do now adjourn, until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, 10 O'CLOCK,

May the 7, A. D. 1845.

James Anderson, member elect from the county of Lee, appeared, and upon motion of Mr. Hunor, was permitted to take his seat; having taken the requisite oath.

Mr. Sheledy presented the petition of 13 citizens of Township 67, R. 6, North of the Iowa River in Washington county, praying to be separated from Washington county, and attached to Johnson county.

On motion of Mr. Sheledy,
Ordered that said petition be laid upon the table.

Mr. Wilson presented the petition of 37 citizens of Delaware county, praying for the passage of an act, authorizing the Commissioners of Delaware county, to collect one eighth of the county tax for the year 1845 in cash.

On motion of Mr. Wilson,
Ordered, That said petition be referred to a select Committee, composed of the members from Dubuque, Delaware, and Clayton counties.

Mr. Johnson presented the account of William Green, against the the territory of Iowa, for pressing sheets and binding 2500 copies of Session Laws, of Iowa Territory of the year 1843-'44, which,

On motion of Mr. Johnson,
Was referred to the Committee on Claims.

Mr. McClearly presented the following :

"Resolved, That the Chief Clerk be authorized to furnish each member of this House, with 30 copies of such weekly newspapers printed in this Territory, as they may direct: *Provided*, that such weekly newspapers shall be furnished at their usual subscription prices."

Mr. Robertson made a motion to amend the resolution, by striking out the word "30," and inserting instead thereof the word "20," which passed in the affirmative.

Yeas 22, Nays 3.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Clifton, Coy, Davis, Downey, Hancock, Harper, Huner, Johnson, Leonard, Lester, Montague, Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, McCleary, and Wilson.

The question was then taken on the Resolution as amended, and passed in the affirmative.

On motion of Mr. Johnson,

"Resolved, That a Committee composed of one from each judicial district, be appointed, to revise and make such alteration in the law relative to Wills and Administrators, as they may think proper and necessary, and report as soon as practicable."

Messrs. Johnson, Downey, and Taylor, were appointed said Committee.

On motion of Mr. Sheledy,

"Resolved, That a Committee of five be appointed, to report Rules for the Government of this House."

Messrs. Sheledy, McCleary, Johnson, Robertson, and Hancock, were appointed said Committee.

On motion of Mr. Davis,

"Resolved, That the Committee on Roads and Highways, be instructed, to inquire into the expediency of so amending the present law of this Territory, prescribing the powers and duties of Township Trustees, as to authorize the Trustees of the different Townships, to lay out and establish Township Roads. Also, to enquire into the expediency of so amending the present law of this Territory, prescribing the duties of Supervisors of roads, as to authorize said Supervisors, to open and work Township roads.

Mr. Wilson gave notice, that he would on to-morrow or some

future day, ask leave to introduce, "A Bill to repeal the Charter of the Miners Bank of Dubuque, and to provide for the winding up of the affairs of the same."

Mr. Johnson gave notice, that he would on some future day, ask leave to introduce, A Bill to amend "an act concerning costs and fees," "Approved Feb. 11th, 1843."

Mr. Robertson gave notice, that he would on to-morrow or some subsequent day, ask leave to introduce, "A Bill amendatory of an act for the assessment and collection of county revenue."

Mr. Chandler gave notice, that he would on to-morrow or some subsequent day, ask leave to introduce, "A Bill regulating Marriages, and dispensing with license therefor."

Mr. Hancock gave notice, that he would at an early day, ask leave to introduce, "A Bill for taking a vote of the people, on the Constitution as formed by the Convention."

Mr. Downey gave notice, that he would, on to-morrow or some subsequent day, ask leave to introduce, "A Bill for the establishment of the Bank of Iowa."

Mr. Sheledy gave notice, that he would, on to-morrow or some day thereafter, introduce, "A Bill to amend the law, in regard to Justices of the Peace and Constables, so as to extend their Jurisdictions throughout their respective counties."

The Chief Clerk, Mr. Thompson, in compliance with a Resolution of this House, reported, that he had performed the duties required of him by said Resolution, by engaging the Post Master of this City to open an account against this House, for all the postage on letters and papers sent to and from the same, for the liquidation of which account, he is to wait until there shall be a general appropriation made, for the payment of Legislative expenses.

On motion of Mr. Robertson,
Ordered, That this House do now adjourn until 2 o'clock P. M.

2 O'CLOCK, P. M.

The Speaker announced the following Standing Committees :

On Ways and Means—Messrs. McCleary, Sheledy, Montague, Noble, and Wilson.

On the Judiciary—Messrs. Murdock Munger Downey Taylor, and Johnson.

On Common Schools—Messrs. Sheledy, Huner, Clifton, Coy, and Lester.

On Internal Improvements—Messrs. Hancock, Harper, Chandler, Leonard and Woodworth.

On Claims—Messrs. Robertson, Wilson, Snyder, Davis, and Banks.

On Enrolled Bills—Messrs. Munger and Wilson.

On Engrossed Bills—Messrs. Taylor and Downey.

On Expenditures—Messrs. Johnson, Anderson, Hancock, Robertson, and Leonard.

On Territorial Affairs—Messrs. Wilson, Chandler, Stewart, Woodworth, and Coy.

On Corporations—Messrs. Davis, McCleary, Noble, Munger, and Murdock.

On Roads and Highways—Messrs. Harper, Stewart, Woodworth, Coy, and Lester.

On Military Affairs—Messrs. Leonard, Banks, Huner, Murdock, and Noble.

On Township and County Boundaries—Messrs. Lester, Harper, Clifton, Snyder, and Coy.

On Public Buildings—Messrs. Downey, Chandler, Banks, Huner, and Taylor.

On Agriculture—Messrs. Montague, Woodworth, Anderson, Sheledy, and Snyder.

Mr. Robertson, on the part of the Committee appointed to wait upon the Council and inform that Body, that the House of Representatives is now organized and ready to proceed to business, reported, that they had performed that duty.

On motion of Mr. Davis,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

TUESDAY MORNING, 10 O'CLOCK.

May the 8, A. D. 1845.

On motion of Mr. Wilson,

Resolved, That the Secretary of this Territory, be requested to inform this House—the amount of the original appropriation for this Session, the amount he has paid upon the debts of the Territory, the amount still due the creditors of the Territory, and what amount of money is on hand to defray the expenses of this Session; so that we

may keep within its bounds, and, if possible pay all arrearages due for Legislative expenses."

Mr. McCleary gave notice, that he would, on some future day, ask leave to introduce, "A Bill for punishing the destruction of notices and advertisements."

Mr. Munger gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill amendatory of an Act entitled, "an Act allowing and regulating writs of Attachments," "Approved 16th Feb. 1843."

A Bill amendatory of an act, entitled, "an Act to establish the time of holding the District Court in the several Judicial Districts of this Territory," "Approved 12th Feb. 1844."

And,

A Bill relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of minors, and Probate Courts, and for defining their duties.

Mr. Murdock gave notice, that he would, on some future day, ask leave to introduce,

A Bill to amend an Act entitled, "an Act regulating practice in the District Courts in the Territory of Iowa."

And,

A Bill to legalize the acts of Charles E. Bensell, former Recorder of Deeds in the County of Clayton.

The following Message from the Council, was then announced by Mr. Kenney their Secretary:

Mr. Speaker, I am directed to inform the House, that the Council have appointed Messrs. Summers and Thompson a Committee, on the part of the Council, to act with a similar Committee, on the part of the House, to wait upon His Excellency the Governor, and inform him that the two Houses are now organized, and ready to receive any communication he may now make them.

Mr. McCleary having given previous notice, and upon leave being granted, introduced,

No. 1, H. R. File, "A bill to incorporate the University of Iowa."

Which was read a first time.

Mr. Wilson, having given previous notice, and upon leave being granted, introduced,

No. 2, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same."

Which was read a first time.

Messrs. Summers and Thompson, a Committee from the

Council, appeared and informed the House of Representatives, that the Council were now organized, and ready to proceed to Legislative business.

Mr. Johnson, from the Committee to wait upon the Governor, reported that they had discharged the duty assigned them, and, that the Governor would send in his communication immediately.

Mr. Burr, the private Secretary of the Governor, being announced, presented the following Message from the Governor:

Fellow Citizens of the Council,

And of the House of Representatives :

Since the last meeting of the Legislative Assembly, the people of the Territory have had renewed cause of gratitude to the most High, for the many and great blessings with which he has favored them, and especially for the general prevalence of health and abundant supplies of the necessaries and comforts of life.

The tide of emigration continues to pour into our favored land a numerous and intelligent population from almost every state of the Union, and you enjoy a high and proud privilege in representing in the law making department of the Territorial Government, a people of whom it may be justly said, that in proportion to their numbers they possess as much intelligence, morality and religion as any other within the wide limits of our national sovereignty. It gives me pleasure to inform you that the laws have been duly administered, and the duties of the public functionaries faithfully performed.

The Act of the Legislature of the 12th of February 1844, "to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of a State Constitution for the State of Iowa" resulted, as you know, in the vote of a majority in favor of a Constitution, and Delegates for a Constitution having been elected in conformity to the provisions of the act, they assembled at the Capitol in November last and performed the duty assigned them. The Constitution as it came from the hands of the Convention was presented to Congress at the last Session, and an act was passed by that body for the admission of Iowa into the Union as a State, upon certain conditions, among which was our acceptance of a boundary so greatly curtailing on the North and West the limits of the proposed State, as included in the boundary adopted by the Convention, as to cause very general dissatisfaction among the people of the Territory—indeed such is the general repugnance to the boundary offered us by Congress, that I believe it will with great reluctance be acceded to at any time.

The vote taken at the election in last month for and against the Constitution, in conformity to the provisions of the act of the 12th of February 1844, to which I have before referred, though not yet officially ascertained, has certainly resulted in the rejection of that instrument, and there is reason to believe that the boundary offered

us by Congress had much influence in producing that result. The rejection of the Constitution by the vote of the people, will impose upon you the necessity of further legislation preparatory to presenting anew to Congress, our claims to admission into the Union.

The opinion prevails with many of our fellow citizens that at present, and under existing circumstances a majority would prefer to remain under the territorial government, to incurring the responsibilities and expenses of a State government; and a proper respect for the respectable minority who voted against a Convention last year, and the well known fact that many who voted for it have since changed their opinion, would seem to justify, if not require, that the question be again submitted to the people, whether or not they will at this time have a Convention, especially as no time will be lost in again presenting our claims for admission into the Union, if the majority should at the next August election vote for a Convention—and in that case the course pursued under the act of 12th of February, 1844, would bring us to the same result, in time to present the Constitution to the new Congress at its first session.

The contested boundary between the State of Missouri and this territory has recently produced consequences greatly to be regretted. Two individuals, the Sheriff and deputy Sheriff of the county of Adair, in Missouri, which has been so organized as to embrace a part of our county of Davis, have been indicted in that county.—The Sheriff for exercising his office within our boundary, without legal authority, and contrary to our Statute, and the deputy for arresting in Davis county and falsely imprisoning a citizen of this territory. In the latter case a trial was had at the last term of the District Court in that county, which resulted in a conviction and sentence of fine and ten days imprisonment in the Penitentiary. The trial of the Sheriff was continued until the next term of the Court, and upon his refusal to enter into a recognizance (without security) for his appearance, the Court ordered him to be committed to prison. The moment I received such information in relation to these transactions as I could rely upon, I pardoned Linder, (the convicted deputy Sheriff) and remitted his fine, and at the same time pardoned Mullinix the Sheriff, the offence for which he stood indicted, and directed the officers having him in custody to release him. There can be no doubt that these men in the commission of the offences against our laws, for which they were indicted acted under the authority of the State of Missouri, and in what they considered the discharge of their official duty, and hence, as well to satisfy the authorities of Missouri that we are by no means disposed to prosecute this unfortunate controversy in a vindictive spirit, I deemed it my duty to relieve their citizens from the difficulties into which they had fallen. This controversy is to be regretted, not only for the immediate and probable effects of it, but because the Territorial Government has no power to adjust it, or join in the submission of it to a competent tribunal. Congress by an act entitled "An act re-

specting the Northern boundary of the State of Missouri," approved June 17th 1844, authorized the State of Missouri, if her Legislature thought proper to assent to the provisions of the act, to appoint one Commissioner, and the Territorial authorities to appoint one, and authorized the two so appointed to select a third to act with them in the adjustment of this controversy, and the Legislature of Missouri, as I learn from a copy of the Message of the Governor of that State, passed an act to carry into effect the act of Congress, but the Governor declined to approve it and returned it with objections to its passage, and I have understood, (though not officially informed of it,) that the measure failed, so that the controversy remains as it stood before the passage of the act of Congress. I send you a copy of a letter which I addressed to the Governor of Missouri on the occasion of the discharge of the individuals prosecuted in Davis county, and respectfully recommend that you take the lead in applying to Congress to make provision for an immediate legal adjustment of the controversy. Until it can be finally settled there will be constant danger of collision between the authorities of Missouri and those of this Territory, and citizens holding office under either Government, will be subject to much inconvenience, and possibly to injury for the discharge of what they are constrained to consider their official duties. The territorial government has no power to surrender the disputed territory, if they were disposed to do so, (which they certainly are not;) it has been committed to us by the General Government, and we have at all times exercised jurisdiction over it—to abandon it therefore would be a dereliction of duty, not only to the government of the United States, but to its inhabitants, who claim to be citizens of this territory, and demand the protection of its law; some years ago this controversy came very near producing armed hostilities between the state of Missouri and this Territory. My predecessor in office, on that occasion, called a portion of the Militia into service to protect our citizens resident within the disputed tract of country, against the exercise of the jurisdiction of Missouri over them, in doing so he acted in the discharge of a duty which evidently resulted from the relation in which the Territory stands to the government of the Union; but it would seem from the repeated refusals of Congress to provide for the payment of the officers and men called into service on that occasion, that the effort then made to sustain the right of the United States against the claims of Missouri, was not considered as authorized, and hence it may reasonably be feared that our citizens would with great reluctance perform a service which receives neither money or thanks from those for whom it would be rendered. But it is hoped that a necessity will not again occur for putting their patriotism to such a test; the idea of a resort to arms between neighbors, citizens of the same government, in such a controversy cannot be tolerated, but in a case of extreme necessity, I respectfully submit the subject to your consideration, and recommend that such measures may be

adopted as you may consider best calculated to protect our citizens resident within the disputed boundary, against the necessity of submitting to the laws of two distinct and independent governments, and of being held liable to be punished for resistance to either, and by both for any offence against the penal laws common to both.

Our Indian neighbors within the Iowa Superintendency have conducted themselves with more than ordinary propriety during the last winter and present spring. The Sacs and Foxes, with a few exceptions among the latter, give strong assurance of their intention to remove next autumn from the Western part of the lands ceded by them to the United States, by the treaty of October 1842. Their removal will open an extensive, fertile and beautiful portion of the territory to immediate settlement, and subject it to the laws of the Territory. I would therefore respectfully recommend that provision be made by law for attaching it, prospectively, to the adjacent organized counties for judicial and other purposes.

In November last, the government of the United States made a second unsuccessful effort, to induce the Winnebago Indians to relinquish the Neutral Ground and take up their residence in some part of the country, appropriated to the use of the Indian tribes removed by government from within the limits of the States. This policy of the government in reference to the Indians, however unjustly it may seem to operate in some particular instances, is for the most part humane and wise, and considered in reference to the present condition and future prospects of the Winnebagoes, is peculiarly so. The large annuities paid by government and the total insufficiency of the laws enacted for their protection against the avaricious feelings and demoralizing practices of the whites, doom them (unless speedily relieved) to become the certain victims of that rage for intoxicating drinks, to which the indolent and irregular habits of the Indian race render them particularly liable.—They have become perhaps the most degraded of all the western tribes—they have no longer the habits of the Red Man—the chase is almost abandoned, and their Council fires, if kindled at all, seem only intended to light up the wretched scene of their drunkenness and debauchery. The money and provisions furnished them by government would render them, in a location suited to their habits and remote from the poisonous influences which now surround them, entirely independent of any of those casualties affecting the means of living of the most favored communities, but so long as they are supplied with liquor by the abandoned and profligate scoundrels engaged in this most nefarious traffic, they will continue to diminish in numbers and to descend if possible, into still lower depths of degradation. Neither a regard for the comforts of the Indians themselves, nor the peace and safety of the white population residing near them, seem to impose the least restraint upon these abandoned and unprincipled men, while the immense profits accruing from the successful prosecution of their trade furnish the ready means of de-

fraying the pecuniary penalties imposed by law, and leave an ample remuneration for their most philanthropic labors. I have continued to urge upon your consideration at each successive session, the importance of further and more severe legislation upon this subject, and I now again respectfully suggest the propriety of such additional legislation as will restrain the practices referred to. The consequences resulting from the continuance of this traffic, are shocking to humanity, and disgraceful to a christian people. We have undertaken the guardianship of this unfortunate race, and are responsible for its faithful execution, and I know no reason why the persons, as well as the purses of this class of offenders should not be reached, if necessary for the attainment of the object.

Our Statutory Code seems to be satisfactory to the people, and I am not aware that any material changes in it are necessary. No provision has been made for the publication of the acts of the extraordinary session of the Legislature held in the month of June of last year. I beg leave therefore to suggest the propriety of providing for their publication with the acts of the present session.

The appropriation made last year by Congress for the expenses of your session, was made subject to the payment of the arrearages of expenses of previous sessions, and has been so far applied to that purpose, as to make it necessary that your present session should be a short one, to bring the expenses of it within the amount remaining in the hands of the Secretary for their payment, and I earnestly recommend that it may not be exceeded. The creation of demands against the Territory, for the payment of which the Treasury affords no means, under the expectation, (which may be disappointed,) that Congress will provide for them, is productive of great inconvenience to those to whom they are payable, and ought to be avoided. I therefore respectfully recommend despatch in the performance of your duties, and beg leave to assure you of my readiness to co-operate with you in any measure tending to the promotion of the general good.

I am, very Respectfully,

Your ob't. Serv't.,

JOHN CHAMBERS.

IOWA CITY, }

May 5, 1845. }

(COPY.)

EXECUTIVE OFFICE, BURLINGTON, IOWA, }

April 19, 1845. }

Sir :—I have this moment learned with deep regret, that a citizen of Missouri, known by the name of William P. Linder, has been tried and convicted in the county of Davis in this Territory, upon an in-

dictment for an assault and battery, and kidnapping and falsely imprisoning one Frederick Acheson, a citizen of this Territory, and that the charge involves a question of jurisdiction over the tract of country claimed by Missouri within the assigned limits of Iowa. Mr. Linder, as I learn, justified the arrest which gave rise to the prosecution against him, under legal process issued by authority from the county of Adair, in Missouri, and put into his hands as a deputy Sheriff of that county. No official communication of the arrest of Mr. Linder, or the circumstances which gave rise to it, had been made to me, and the rumor of the collision had passed away, under the impression on my part, and that of the judge and prosecuting attorney of the Judicial District, that it had been a mere personal collision between individuals, of which it would be the better course to take no notice; but at the commencement of the term of the territorial District Court in Davis county last Monday, Mr. Preston Mullinix Sheriff of your county of Adair, and Mr. William P. Linder (the individual convicted) presented themselves in discharge of recognizances into which they had entered, and demanded to be tried. The case of Mr. Mullinix was postponed until the next term, and upon his refusal to give his *individual recognizance* for his appearance at the next term of the Court, he was of necessity, ordered to be committed to prison. Mr. Linder having urged an immediate trial, was indulged in it, and the result was as I have stated, the effects of which, as far as he is concerned, I have hastened to prevent by extending to him an unconditional pardon. I have also pardoned Mr. Mullinix the offence imputed to him and ordered him to be released from custody.

Your Excellency will, I feel confident, unite with me in deeply regretting the effects of this unfortunate conflict of jurisdiction which has given rise to these prosecutions, and will see the unpleasant predicament in which the territorial authorities are placed. Without power to adjust the dispute, and yet bound to maintain jurisdiction over the limits assigned them by the General Government, or be considered unfaithful to their trust. You will observe that by thus presenting the subject I intentionally avoid any discussion of the question of boundary—it would be useless for us to discuss that question while Iowa remains without power to adjust it, or enter into any arrangement by which it can be judicially settled; and here it is proper that I should inform you, that it is well understood here, though not yet officially ascertained, that the people have at their election held on the first Monday in this month, refused to accept the Constitution prepared for them by their Convention. Thus circumstanced the territorial authorities can exercise no control over this difficult controversy; and it must for the present remain between the United States Government and that of Missouri. Your Excellency will therefore I hope pardon me for suggesting the propriety of an application from the State authorities of Missouri to Congress, for permission to litigate the subject of boundary

either with the territorial government or directly with that of the United States. Such an application would, I have no doubt, be seconded by the Legislative Assembly of this Territory, and the embarrassments created by this vexed question be thus gotten rid of. I had hoped that the act of Congress entitled, "An act respecting the Northern Boundary of the State of Missouri," approved June 17th 1844, might have lead to a speedy and amicable adjustment of this dispute, but I have been favored with your Excellency's objections to the bill passed by the Senate and House of Representatives of your State, giving her consent to the manner of adjustment proposed by the act of Congress, and have therefore taken the liberty to suggest another mode, or rather an application to Congress to authorise another mode, of adjustment. In the mean time, I have entire confidence that your Excellency, will unite with me in using every practicable means of prohibiting further collision between the authorities of your State and those of this Territory, until the existing difficulty can be removed.

I have the honor to be,

With great respect,

Your Excellency's Ob't. Serv't.,

[Signed] JOHN CHAMBERS,

His Excellency,

JOHN C. EDWARDS, GOVERNOR of Missouri.

Mr. Taylor made a motion,

That the Message be laid upon the table, and that the Chief Clerk be directed to furnish one thousand copies for the use of the House.

Mr. Downey made a motion,

To amend by striking out the words, "one thousand," and inserting instead thereof the words, "two thousand."

Which was decided in the negative.

Yeas 12, Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Downey, Hancock, Harper, Huner, Lester, Montague, Munger, Noble, Sheledy, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Clifton, Coy, Davis, Johnson, Leonard, McCleary, Murdock, Robertson, Snyder, Taylor, Wilson and Woodworth.

Mr. Montague made a motion,

To amend by striking out the words, "one thousand," and inserting instead thereof, the words "fifteen hundred."

Which was decided in the affirmative,

Yeas 14, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Coy, Davis, Downey, Hancock, Harper, Huner, Lester, Montague, Munger, Murdock, Noble, Sheledy, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Chandler, Clifton, Johnson, Leonard, McCleary, Rebertson, Snyder, Taylor, Wilson, and Woodworth.

The question was then put on the motion as amended, and passed in the affirmative.

On motion of Mr. Wilson,

Ordered, That forty-five copies of No. 2, H. R. File, "A bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same," be printed for the use of this House.

On motion of Mr. Taylor,

Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

FRIDAY MORNING, 10 O'CLOCK,

May the 9, A. D. 1845.

Mr. Anderson presented the credentials of Mr. CHARLES STEWART, member elect from Lee county.

On motion of Mr. Anderson,

Mr. Stewart was permitted to take his seat; having taken the usual oath of office.

Mr. Johnson presented the petition of the Mayor and Aldermen of the City of Burlington, praying to have their City Charter amended; which,

On motion of Mr. Johnson,

Was referred to a special Committee, composed of the Members from the county of Des Moines.

Mr. Downey presented three accounts of William Crum for printing.

The first—for printing, in the "Iowa Standard," the Constitution for the State of Iowa, for 8 weeks—\$265 50.

The second—for publishing, in the "Iowa Standard," the Governor's Proclamation to the electors of Iowa, to elect Delegates to the Convention—\$30 00;

And,

The third—for press work, printing rules of the Council, and paper—\$111 87 1-2 :

All of which,

On motion of Mr. Downey, were

Ordered, To be referred to the Committee "On Claims."

On motion of Mr. Noble,

"Resolved, That the Committee on the Judiciary, be instructed to examine the law, in reference to goods left in pledge with In-keepers, for debt or storage ; and, that they report by bill or otherwise."

On motion of Mr. Montague,

"Resolved, That the Committee on Ways and Means, be instructed to inquire into and ascertain—the amount of indebtedness of the Territory ; and report at the earliest possible period, the amount ; and as far as practicable, to whom owing ; together with the amount and kind of means belonging to the Territory to discharge the same."

On motion of Mr. Robertson,

"Resolved, That a Committee of three be appointed on the part of the House, to act in conjunction with a similar Committee, on the part of Council, to prepare joint Rules to govern the intercourse between the two Houses."

Messrs. Robertson, McCleary, and Hancock, were appointed said Committee.

On motion of Mr. Johnson,

"Resolved, That a Committee be appointed on the part of the House, to act in conjunction with a similar Committee to be appointed by the Council, to ascertain and report, on what day the present Session may be brought to a close, without injury to the public interest."

Messrs. Johnson, Downey, and Taylor, were appointed said Committee.

A Message was then received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER :

I am directed to inform the House, that the Council have appoint-

ed Messrs. Coop, Hempstead, and Bratton, a Committee on the part of the Council, to act with a similar Committee on the part of the House, in framing rules for the government of the intercourse between the two Houses."

And then he withdrew.

Mr. Sheledy gave notice, that he would, on to-morrow or some day thereafter, ask leave to introduce,

A Bill, to repeal "An act for the improvoment of sheep." "Approved 8th Feb. 1844."

Also,

A bill to provide for the expression, of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constioution for the State of Iowa.

Mr. Snyder gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce,

A Bill to amend an act, entitled, "An act to establish a system of Common Schools."

Mr. Davis gave notice, that on to-morrow or some subsequent day, he would ask leave to introduce,

A Bill to amend an act, entitled "An act for the organization of Townships;" "Approved Feb. 17th, 1842," so as to authorize the Trustees of Townships, to act as Judges of Township elections.

Mr. Leonard gave notice, that he would on to-morrow or some future day, ask leave to introduce,

A Bill to amend "An act providing for the election of Judges of Probate."

Mr. Sheledy, from the Committee appointed to report rules for the government of this House, made the following report:

"The Committee, to whom was referred a resolution of the House, instructing them to report rules for the Government of this House, have instructed me to report the rules of the House of Representatives at their last regular Session, and recommend their adoption."

Which was concurred in by the House.

Mr. Hancock, having given previous notice, and upon leave being granted, introduced,

No. 3, H. R. File. "A bill to provide for an expression of opinion by the people of the Territory of Iowa, upon the Constitution with State boundaries as formed by the Convention."

On motion of Mr. Johnson,

The Governor's Message was taken from the table.

On motion of Mr. Johnson,

Ordered, That so much of the Governor's Message as relates—to the boundary between Iowa and Missouri, be referred to the Committee on Territorial affairs :

That, so much as relates—to attaching Territory to organized counties for Judicial and other purposes, be referred to the Committee on Township and County boundaries.

That so much as relates to—selling spiritous liquors to the Indians, be referred to the Committee on the Judiciary.

And,

That so much as relates to—State organization, be referred to the Committee on Territorial affairs.

No. 1, H. R. File, "A bill to incorporate the University of Iowa:"

Was read a second time ;

And,

On motion of Mr. McCleary,

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

No. 2, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of the same."

Was read a second time ;

And,

On motion of Robertson,

Ordered, To be referred to a Committee of the whole House, and made the order of the day for Monday next.

On motion of Mr. Johnson,

Ordered, That Mr. Munger be added to the Committee, appointed to revise the law relative to Wills and Administration.

Mr. Taylor made a motion,

That 30 copies of the rules of this House, be printed for the benefit of its members ;

Which,

On motion of Mr. Sheledy;

Was laid on the table.

MR. SPEAKER :

Announced the following communication from the Secretary of the Territory :

"SECRETARYS OFFICE,
IOWA CITY, May 9th 1845. }

To the Honorable,

JAMES M. MORGAN,

Speaker of the House of Representatives.

Sir :—I have the honor to acknowledge the receipt of a Resolution which passed your House on yesterday, requesting information

as to the amount of the appropriation made by Congress, for the Legislative expenses of the Territory for this year, the amount that has been paid upon arrearages, the amount due thereon, and the sum of the unexpended balance.

The amount of the appropriation for the fiscal year ending July 1st, 1845, is sixteen thousand, nine hundred, and eighty-three dollars, \$16,983.

The section of the appropriation Bill embracing this item, is not in the usual form, but after the words, "incidental and miscellaneous objects," has the following, "including arrearages of expenses of of previous Sessions of said Assembly."

Of the sum above mentioned, I received in January last six thousand, nine hundred, and eighty three dollars, which I commenced paying out on the 1st day of February. My instructions from the Treasury department, were to pay in full all claims under two hundred dollars, and *pro rata* upon all above that amount. The payments have continued almost to the present day, and the full amount sent to me by the Treasury Department, has been expended in accordance with the instructions above named.

There is still due to the creditors of the Territory, upon claims ascertained to be correct, two thousand four hundred and thirteen dollars, and twenty-eight cents.

Since my arrival in this City, some small arrearage bills have been brought to my notice, which I presume are correct; and if proved up, will amount to nearly one hundred dollars, if I am properly informed as to the amount, (\$100.)

Total remaining unpaid,	\$2513 28
There remains on hand, (a draft for which, I am expecting by every mail.) to be expended for this Legislature and arrearages, ten thousand dollars,	\$10,000 00
Amount remaining due as above,	2,513 28
	<hr/>
	\$7,486 72

Leaving seven thousand, four hundred, eighty-six dollars, and seventy-two cents for defraying the expenses of your present Session.

As your resolution concludes with a desire to keep within the bounds of the appropriation, and to pay all arrearages, I trust I shall not be considered as stepping beyond my province in mentioning the following items:

The daily expenses of the two Houses, amount to one hundred and fifty-three dollars,	\$153 00
The milage of the last regular Session, was eight hundred and fifty dollars; which will be about the amount this Session,	850 00

Printing and binding the Laws and Journals of the last regular Session, was over twenty-three hundred dollars, 2300 00

This is without the incidental printing, which was several hundred more.

Contingent and miscellaneous bill of last Session, stationary, fuel, lights, papers, &c., &c., &c., 2400 00

The laws and resolutions of the extra Session, remain unprinted; and will, probably, be incorporated with those of the present Session, as it is of the utmost importance that the people should have before them, the laws under which they live.

Some inconvenience and perhaps injustice, have already resulted from the fact, of the laws being in existence and yet known to but few.

The printing bills should be particularly embraced in payments, as they are the largest, often the longest waited for, and fall upon a class but poorly remunerated, who toil for the instruction of the mass.

With a cheerful desire to co-operate with the Legislature, in the worthy effort so earnestly commenced, and,

With high respect,

I am, sir, your

Ob't. servant,

S. J. BURR,

Secretary of Iowa Territory,

Which was read, and,

On motion of Mr. Robertson,
Referred to the Committee on Ways and Means.

Mr. Downey made a motion,
To adjourn until Monday next at 10 o'clock, A. M.

The question was put,
And decided in the negative.

On Motion of Mr. Sheledy,
Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Robertson made the following report:

"The joint Committee appointed on the part of the House, to confer with a similar Committee on the part of the Council, have discharged the duties assigned them, and report to this House, the adoption of the joint rules which governed the intercourse between the two

Houses at their last Session, and ask to be discharged from the further consideration of the same."

Mr. Sheledy made a motion,

To take the motion for printing 30 copies of the rules of the House from the table,

Which was decided in the affirmative.

Mr. Sheledy then made a motion,

To amend the motion, so as to include the printing of the joint rules to govern the intercourse between the two Houses, and the Standing Committees of the House.

Which was accepted by Mr. Taylor,

The question was then put as amended,

And decided in the affirmative.

Mr. Stewart presented the report of the Warden of the Iowa Penitentiary, which is as follows :

To the Honorable the Council, and

House of Representatives, of the Territory of Iowa.

The undersigned Warden of the Penitentiary, would respectfully report :

That in the spring of 1843, he was induced, as well to preserve the work already commenced as to secure the permanent economy of the prison, to carry up the walls of the main building throughout its whole extent, and roof over so as to complete a work shop, where all the prisoners might be safely and profitably worked, and thereby obviate the general evils attendant upon out door labor, as well as silence the incessant clamor already raised against the prisoners being brought in competition with the common, or every day laborer.

This would make the main building 200 feet long, by 44 in width, 13 above the water table, or 15 in all above ground. Of which 44 of the west end, would be occupied as keeper's Houses; 56 of the middle, by the cells, blacksmith shop, shoemakers shop, and kitchen; leaving one hundred feet of the east end for a cooper's shop.

All of which was completed by the first of December 1843, and met the approbation of the Governor and sanction of the Legislative Assembly of that year.

With this spacious shop and nine men already at my disposal, with every reasonable prospect of an increase, I was justified in the belief, that with proper tools, proper materials, and proper energy and care, I should be able to bring the expenditures within the earnings of the prison, and thus relieve the Territory from a burdensome debt, heretofore arising from this source.

In this, however, I have been disappointed; and have to report an actual loss, between the 1st of December 1843, and May 1st 1845, a period of 17 months; of six hundred and eighty eight dollars, and forty-nine cents. Various causes have contributed to bring about this deficiency, which I could not foresee or provide against. All of which will appear in the more detailed account of my proceedings.

In order to place the shop in a condition to meet my anticipations, and secure the experiment beyond the reach of failure, I took the necessary measure to supply all with an abundance of well selected tools, and also, an abundance of well selected material; and I have, now, the satisfaction to know, that all was provided which the prospect of success could suggest, or the exigency of the case demand.

The result is as follows: After deducting Sundays there are 3745 days, of which 268 have been lost by sickness and casualty, leaving 3477; of which 516 have been directed to the cooking, washing, and all other duties attendant upon the kitchen department; leaving 2961 days the actual or productive labor. Of which 94 days were employed in shoemaking and shoemending, yielding a profit of fifty-two dollars and eighty-seven cents, or a fraction over fifty-six cents per day. Of the remaining 2867—1515 were expended in the cooper-shop; which, with all the care and attention we could bestow, alone, produced in value of articles, sold and unsold, four hundred and seven-eighth dollars and forty-nine cents, or a fraction over thirty-one cents per day. This low product is attributable, in a great measure, to two causes. The first of which, is inexperience of most of the men in this kind of labor, or indeed in any other mechanical pursuit;—and secondly, to the great falling off in demand for cooper's work in the last year, and low prices consequent upon competition in sales. These, however, were temporary in their nature, and even with this formidable balance against me, I should not have abandoned the experiment, yet in its infancy, but from my inability longer to procure the proper materials, or supply the daily wants of the prison with the means at my disposal.

Having commenced in the first instance largely in debt, and without any available resource at my command, other than the issue of Scrip, which I was compelled to do, or make sale of that already on hand, which was never effected but at a loss, either to myself, or the Territory, of at least thirty per cent, which was deemed too ruinous to be borne, and was, therefore abandoned, and resort had to such employment as would afford, without issue or loss, an actual profit and meet immediate demands. And of the remaining 1352 days, 1161 were employed in chopping wood and getting timber yielding an actual income of five hundred and eighty dollars and fifty cents; or, fifty cents per day. Of the remaining; 87 days were employed in casual labor (digging cellars, &c.,) yielding forty-two dollars and forty-seven cents, or, forty-eight and a half cents per

day;—61 days in making laths and shingles, producing thirty-three dollars and fifty cents;—43 days in improvements, calculated at fifty cents per day, amounting to twenty-one dollars and fifty cents. All of which making up the 2961 working days originally to be employed, and producing in the aggregate one thousand two hundred and nine dollars and thirty-three cents. To which add thirty-one dollars and twenty-seven cents received for rents &c., together with bill of materials, tools, provisions, clothing, &c., &c., now remaining on hand and subject to be placed to the credit of the prison for the current year—five hundred and eighty dollars and forty-nine cents, as by recapitulation will be shown as follows:

Rents,		\$31 27
Improvements on Penitentiary Building	43 days,	21 50
Making shingles and laths	61 "	33 50
Shoemaking and mending	94 "	52 87
Casual labor	87 "	42 47
Cooperage	1515 "	478 49
Chopping wood and getting timber	1161 "	580 50
Bill of property on hand,		580 49
		<hr/>
		\$1,821 49

While the expenditures have amounted, during the same period, to two thousand five hundred and nine dollars and ninety-eight cents, as follows:

Warden's pay,	\$708 30
Guard's "	491 65
Boarding Guards,	211 44
Provision, salt, soap, and candles,	538 59
Clothing, including bedding,	141 62
Materials purchased,	141 80
Wood,	37 50
Tools and impliments,	85 12
Amunition,	4 62
Printing and advertising,	6 00
Medical attendance and medicine,	3 34
Rewards,	100 00
Shot Gun,	40 00
	<hr/>
	\$2,509 98
From which deduct	1,821 49
	<hr/>
Leaving actual deficiency	\$688 49

In addition to the causes already enumerated as producing this balance against us, may be added an important one—a considerable reduction in the number of convicts. Instead of an increase as was

expected, not a conviction has been had within a year, and the number is now reduced from nine to six.

While it is pleasing to have this evidence of the good morals of our citizens, it is nevertheless, a cause which should be enumerated, as operating largely against the profits of the prison. All incidental expenses are the same, whether the number of convicts be more or less. The same Warden's pay; the same wood; the same time employed in cooking; the same candles; amunition; repairs; &c., &c., have to be encountered, as well with six as with thirty. It will be seen that the avarage loss of time by sickness, for the seventeen months commencing December 1st, 1843, and ending May 1st, 1845, is twenty days to each individual, or less than one half day per week; which calculated at twenty-five cents, and added to 87 cents, (the avarage expense of boarding, clothing, and lodging each convict per week,) will give a loss and expense of one dollar and twelve and a half cents, which deduct from three dollars per week—the general price obtained—and we have a clear profit, on each additional man's labor, of one dollar and thirty-seven and a half cents per week.

It will then appear—that, had the number remained good, although the deficiency would not have been fully met, it would have been materially altered and reduced, and furnishes the probable conclusion, that should there be any considerable increase in the number of convicts, the prison will be able to support itself. This, however, I am compelled to say, cannot be the case the coming year; and should there be no change in the present system, a considerable augmentation of the debt must enevitably ensue. The Territorial Courts have now almost completed the spring Term; and, as far as I can learn, without a single conviction. The number is now six, and in a few days will be reduced, by the discharge of one of the most productive hands, to five. Of this number—one is the cook, whose light frame and shattered constitution, render him almost wholly useless for any other purpose.

Another, a Winnebago Indian, whose total ignorance of the English language, and aversion or inaptness to learn any mechanical labor, render him, also, almost wholly useless; leaving but three, absolutely, for productive labor. Prudence would dictate—that the men in charge should never be less than two; and should these be the Warden and one Guard, their salaries alone will be more then the men can earn. To avoid then the accumulation of a debt by the Territory, which seems inevitable, it has been suggested that the future management of the prison be made the subject of individual enterprise; and that it be let to some person or persons upon the best terms, which the wisdom of the legislature can devise. It is urged—that to place one in charge whose sole object was gain, would be, in a great measure, to defeat the object of prison discipline, and subject the prisoners to oppressive labor, and frequently, to inhu-

man treatment; but it is believed—that the prison might be let out under such regulations and restrictions, as will secure adequate protection to the prisoners, and meet all the objects for which the prison was created.

In regard to the item of guarding the prison, I have to say—that in the selection of the guards I have been governed, in a great measure, by circumstances; relying, as I was necessarily compelled to do, entirely upon the issue of scrip for pay, I found great difficulty in procuring those persons best adapted, by their temperament and character, for this purpose; and to this, may be in a great measure ascribed the many escapes, which have taken place since the establishment of the prison. Although the Legislature, with an eye to this, made liberal provision in allowing to guards twenty dollars per month, the object has been defeated by the mode and tardiness of pay; and it is proper I should here remark, that, although the guards have nominally received twenty dollars per month, they have not in reality, (as indeed is the case with all the officers connected with the government of the prison,) received seventy-five per cent of that sum.

While the number of Convicts amounted to nine, and some of them of the most desperate and determined character, I deemed it best to keep the two guards and never separated them, but upon the most urgent necessity; giving to each the special care and charge of his peculiar and particular number of men, which devolved the responsibility upon each, at the same time that it combined the power of both. This rule, so rigidly adhered to and almost solely departed from but once, and then but for a short time, leaving but two convicts with the guard, resulted in the unfortunate occurrence, which has made him a cripple in all probability for life, and lost one of the worst men ever let loose upon society.

The 11th section of the act creating the Penitentiary, and regulating its management, requires the person in charge, to submit, annually, to the Legislature such bylaws, rules, and regulations as were established for the discipline and government of the prison; a copy of which is herewith transmitted; in connection with these I would remark, that the mute system has been carried out as far as could be consistent with the labor engaged in; and that the convicts have generally shown a willingness to obey and conform to all the regulations of the prison. In the mode of punishments—the violent methods have been almost, or wholly, abandoned; and the more rational or humane one adopted—of awarding merit by means of approbation, and frequently half of Saturday afternoon has been given, for the purpose of washing up and reading; at which time the Bible, and the lives of self made men, of celebrated travellers—the Penny Magazine, and all other useful works, have been allowed them; which it is believrd has wakened a spirit of emulation here, and has had a tendency to soften the disposition and elevate the mind, and

at the same time, sends them into the world at the expiration of their term of service, better fitted and better disposed, to make good citizens.

I have good reason however to know that this rule is not without its exceptions, and that some are strangers to the emotions of gratitude, and insensible to marks of kindness and approbation; to such, the punishment resorted to has been of a kind, inksome and mortifying in character, as best calculated to subdue a long settled perversness of disposition.

In their moral education, I have to report, that each convict is provided with a Bible, and although we have no settled clergyman, preaching by voluntary contribution, is occasionally had, and all Sabbaths are devoted to Bible reading and religious exercises.

While I have reported a loss of two hundred and sixty five days by sickness and casualty, with the comparatively small medical bill, it is proper I should accompany it with an explanation.

In the first place—to secure health, as far as may be, the cells are white-washed fall and spring, and from the first of May to the first of September, once a month; and, in the next—every thing inside the prison buildings which is calculated to engender sickness, is removed and the whole interior carefully cleaned up; notwithstanding this precaution, however, billious diseases of the milder kind, have prevailed to considerable extent; so much so, that I frequently found myself during the last summer unable to muster more than one or two hands able to labor; but as the cases generally yielded readily to the common remedies, a physician was deemed unnecessary, and seldom, if ever, called. During the five months next succeeding my last report, four convicts were received into the prison; making, at one time 13, of whom two have escaped; one committed suicide; three were discharged by expiration of term of service; one pardoned, a few days previous to his time of liberation; and six still remaining in confinement.

In conclusion I would remark, that I have been induced to be thus minute in detail, that the Legislature might be in possession of all the facts, and thus be enabled to take such action, as shall to them seem best calculated to meet the ends desired.

All of which is respectfully submitted.

EDWIN GUTHRIE,
Warden of the Penitentiary.

Rules to be strictly observed by the Visitors of the Penitentiary, Gaurds and Convicts.

1st, No Visiter is allowed to speak to any of the Prisoners without permission of the Warden.

2nd, No person is allowed to use or take away the tools or other property belonging to the Penitentiary.

3rd, The convicts must be arranged when at work, that the Guards can see them all.

4th, The chain of each convict must be examined at least twice every day.

5th, The Guards must talk no more to the convicts than is necessary to carry on their work.

6th, The Guard on watch must never leave until he is relieved by another Guard.

7th, The Guards will not be permitted to punish the convicts without the Warden's directions.

8th, The convicts must submit to all orders from the Warden and Guards.

9th, The convicts will not be permitted to talk only when it may be necessary to carry on the business in which they are engaged.

10th, The convicts will not be permitted to speak to any person except the Guard without the Warden's permission.

On motion of Mr. Stewart,

Ordered, That the report be referred to a select Committee of three.

Messrs. Stewart, Murdock, and Robertson, were appointed said Committee.

Mr. Johnson made a motion,

To adjourn until Monday morning at 10 o'clock.

Mr. Hancock made a motion,

To amend the motion by inserting, "9 o'clock to-morrow morning," instead of "10 o'clock on Monday morning," which was decided in the negative.

The question was then put on the original motion, and was decided in the affirmative.

So the House adjourned until 10 o'clock on Monday morning next.

MONDAY MORNING, 10 O'CLOCK,

May the 12, A. D. 1845.

Mr. Sheledy presented the petition of Hiram Nordyke and Lu-
cinda Nordyke, praying for a divorce from the bonds of Matrimony.

On motion of Mr. Sheledy,

Ordered, That the petition be referred to a select Committee of three.

Messrs. Sheledy, McCleary and Munger, were appointed said Committee.

Mr. Davis presented the following accounts and receipts :

One, of James G. Edwards, for printing the Journals of the Council, for the Session of 1843-4, and other miscellanies—amounting to \$499 12 1-2; with that amount receipted by him, to Samuel J. Burr Secretary of the Territory.

One, of Express Printing Office, for printing 2500 copies of the Journals of the House of Representatives, of Iowa Territory; for the Session of 1843-44, and miscellanies—amounting to the sum of \$593 25; which was receipted by Wilson and Keesucker, to Samuel J. Burr Secretary of the Territory.

One, of William Green, for binding 2500 Session Laws, of the Territory of Iowa, for 1843-44—amounting to \$250; which is receipted by William Green, to S. J. Burr, Secretary of the Territory.

Also,

A receipt, of Peter Conboy to S. J. Burr Secretary of the Territory, for cutting wood and making fires, for the Library of said Territory, at the Session of 1843-44—for \$10.

And,

A receipt of William Windrem to S. J. Burr Secretary of the Territory, for step-ladder, shelves, and cutting wood for Library, for Session 1843-44—for \$15;

All of which, were

On motion of Mr. Robertson,

Ordered, To be referred to the Committee on Claims.

Mr. Robertson presented the account of Samuel Isaacs, for Stationary, &c., furnished the present Session of the Legislature.

Which was referred to the Committee on Claims.

Also,

An account, of the same person, for furnishing Stationary, &c., for the Convention, to frame a Constitution in 1844;

Which was,

On motion of Mr. Robertson,

Ordered, To be referred to the Committee on Ways and Means.

MR. SPEAKER,

Presented the account of O. H. W. Stull, for rent of Executive Office, from 18th May 1844, to May 18th 1845—\$100;

Which was,

On motion of Mr. McCleary,
Ordered, To be referred to the Committee on Claims.

On motion of Mr. Davis,
"Resolved, That a Committee of three be appointed to confer with a similar Committee, to be appointed on the part of the Council, on the subject of the length of the term of service, which the law requires of the members of this legislature; and when such service shall end; and report proceedings as early as practicable."

Messrs. Davis, Hancock, and Munger, were appointed said Committee.

On motion of Mr. McCleary,
"Resolved, That the Speaker of this House, be authorized to grant the use of this Hall, to Ministers of all professions, at his discretion; for the purpose of public worship, on the Sabbath days."

Mr. Robertson offered the following:

"Resolved, That the Resolution which passed this House, on the 9th inst., authorizing the printing of the Rules of this House, be and the same is hereby rescinded."

Mr. McCleary made a motion,
To lay the Resolution on the table;
Which was lost.

The question was then put, on the adoption of the Resolution;
And decided in the affirmative.

Mr. Murdock gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Memorial, praying Congress to improve the Territorial Road leading from Dubuque to Prairie Du Chein; and, to ask an appropriation to build a bridge across the Turkey River upon said Road;

And,

A Bill to amend an act, entitled, "An act to encourage the destruction of Wolves."

Mr. Stewart gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to relocate the Seat of Justice of Lee County.

Mr. Taylor, from the Committee on engrossed bills, reported that they have examined—

No. 1, H. R. File, "A bill to incorporate the University of Iowa;"

And find the same correctly engrossed.

Mr. Murdock, from the Committee on the Judiciary, to whom was referred, so much of the Governor's Message, as relates to selling liquor to the Indians, introduced,

No. 4, H. R. File, "A Bill to prohibit and punish the sale of liquors to the Indians."

Which was read a first time.

Mr. Stewart, from the select Committee to whom was referred, the report of the Warden of the Iowa Penitentiary, introduced,

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary ;"

Which was read a first time.

Mr. Robertson, having given previous notice, and upon leave being granted, introduced,

No. 6, H. R. File, A Bill to amend an act entitled, "An act to provide for Assessing and Collecting Public Revenue," "Approved Feb. 15th, 1844."

Which was read a first time.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER ;

I am directed to inform the House of Representatives, that the Council have appointed Messrs. Summers, Lefler and Shelby, a Committee on the part of the Council, to act with a similar Committee appointed on the part of the House, to ascertain and report—on what day, the present Session of the Legislature, may be brought to a close; without injury to the public interest.

I am also directed, to inform the House, that the Council have concurred in the report of the joint Committee, to prepare rules to regulate the intercourse between the two Houses; and have adopted the joint rules of the two Houses, for the Session of 1843-4;

And then he withdrew.

Mr. McCleary, having given previous notice, and upon leave being granted, introduced,

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c."

Which was read a first time.

Mr. Sheledy, having given previous notice, and upon leave being granted, introduced,

No. 8, H. R. File, "A Bill to provide for an expression of the people, of the Territory of Iowa, on the subject of a formation of a State Government."

No. 9, H. R. File, "A Bill, to amend an act, entitled, 'An act amendatory of, An act to provide for the election of Justice of the Peace, to prosecute their duties and powers, and regulating their proceedings,' 'Approved Feb. 14th, 1844,' "

And,

No. 10, H. R. File, "A Bill to repeal an act, entitled, 'An act for the improvement of sheep.'"

Which were severally read a first time.

Mr. Speaker presented the Treasurer's Report, which is as follows:

TREASURER'S REPORT.

TREASURER'S OFFICE,
Iowa City, May 10, 1845. }

To the Honorable,

Legislative Assembly of the Territory of Iowa:

GENTLEMEN:—In accordance with law, the following is respectfully submitted as a correct statement of the receipts and disbursements of this Office, from 6th December, 1843, to 10th May, 1845.

1843.		\$	cts.
Dec. 6,	Amount in the Treasury,	74	40

Receipts 1st Quarter, 6th Dec. 1843.

CEDAR COUNTY.

P. J. FRIEND, TREASURER,

By Warrant No. 62, J. W. Brown,	16	00
" Cash,	31	10

JOHNSON COUNTY.

THOS. SNYDER, TREASURER,

By Treasury Draft No. 6, Wm. L. Gilbert,	15	00
" Warrant, " 66, S. H. Tryon,	19	34
" " " 42, Z. C. Inghram,	7	00
" Cash,	10	00

JONES COUNTY.

By Treasury Draft, No. 4, C. C. Reid,	21	00
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JOHNSON COUNTY.

T. SNYDER, TREASURER,

By Treasury Certificate, No. 37, Murray & Sanxay,	16	00
" Warrant, " 11, S. C. Trowbridge,	2	50
" Cash	28	00

Total amount end of 1st qr. 5th March 1844.	240	34
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1843. *Disbursements 1st Quarter, 1843, Dec. 6.*

		\$	cts.	\$	cts.
Warrants,					
No. 62,	J. W. Brown,	16	00		
	Wm. L. Gilbert, salary as Auditor of Public accounts,	164	00		
" 66,	S. H. Tryon,	19	34		
" 42,	Z. C. Inghram,	7	00		
" 11,	S. C. Trowbridge,	2	50		
	Murray & Sanxay, Treasury Certifi- cate No. 37,	16	00		
				<hr/>	
Total amount end 1st quarter 1843,				224	84
Balance in the Treasury on 5th March, 1844,				15	50

Receipts 2nd Quarter.

1844. JEFFERSON COUNTY.

March 6. By Warrant No. 92, John Claypoole, 56 10

WASHINGTON COUNTY.

By Treasury Draft No. 11, Wm. L. Gilbert, 45 00

MUSCATINE COUNTY.

By Treasury Draft No. 13, Wm. L. Gilbert, 5 00

JOHNSON COUNTY.

T. SNYDER, TREASURER,

By Treasury Draft No. 10, Wm. L. Gilbert, 20 00

" " " " 9, S. C. Trowbridge, 3 09

LOUISA COUNTY.

By Treasury Draft No. 12, Wm. L. Gilbert, 20 00

HENRY COUNTY.

By Treasury Certificate No. 22, J. W. & W.
G. Albright, 202 73

Total amount end of 2nd quarter, 367 42

Expenditures 2nd Quarter, 5th March 1844.

Warrants,
No. 92, John Claypoole, 56 10

HOUSE OF REPRESENTATIVES.

39

Warrants.		\$ cts.	\$ cts.
No. 64,	J. G. Greene,	3 00	
" 124,	S. C. Trowbridge,	3 09	
	J. W. & W. G. Albright, Treasury Certificate No. 22,	202 73	
	Wm. L. Gilbert, salary as Auditor of Public accounts,	48 00	
Total amount end of 2d quarter,			312 92
Surplus in the Treasury, 5th June 1844.			54 50

Receipts 3rd Quarter, 1844, from 6th of June.

LEE COUNTY.

1844.			
June 6.	By Warrant No. 113, Edwin Guthrie,	407 99	
	" " " 116, " "	235 43	
	" Treasury Certificate No. 7, James Wilson,	48 82	

VAN BUREN COUNTY.

	By Warrant No. 17, Henry Heffleman,	50 00	
	" " " 15, " "	50 00	
	" " " 16, " "	50 00	
	" " " 13, " "	50 00	
	" " " 18, " "	50 00	
	" " " 52, J. H. Bonney,	15 00	
	" " " 22, Maj. Henry King,	32 00	
	" " of March 13, 1840, Maj. Henry King,	28 00	
	" " No. 92, Anderson & McHenry,	7 77	
	" " " 121, Henry Heffleman,	20 00	
	" " " 119, " "	25 00	
	" " " 120, " "	21 00	
	" " " 19, " "	20 00	
	" " " 75, A. W. Noe,	40 50	
	" Treasury Certificate, No. 17, Wm. Augabright,	8 27	
	" " " 6, Solomon Fine,	147 00	
	" " " 24, Fitzpatrick & Dorsey,	44 90	
Total amount end of 3rd quarter,			1406 18

Disbursements 3rd Quarter, 1844, from 6th June.

Warrants.	
No.	Wm. L. Gilbert salary as Auditor of

Warrants. No.		\$ cts.	\$ cts.
	Public accounts,	10 00	
	James Wilson, Treasury Certificate No. 7,	48 82	
" 116,	Edwin Guthrie,	235 43	
" 113,	" "	407 99	
" 17,	Henry Heffleman,	50 00	
" 15,	" "	50 00	
" 16,	" "	50 00	
" 13,	" "	50 00	
" 18,	" "	50 00	
" 52,	J. H. Bonney,	15 00	
" 22,	Maj. Henry King,	32 00	
"	" " " March 13, 1840.	28 00	
" 95,	Anderson & McHenry,	7 77	
" 121,	Henry Heffleman,	20 00	
" 119,	" "	25 00	
No. 120,	Henry Heffleman,	21 00	
" 19,	" "	20 00	
" 75,	A. W. Noe,	40 00	
	Fitzpatrick & Dorsey, Treasury Cer- tificate No. 24,	44 90	
	William Augabright, Treasury Cer- tificate No. 17,	8 27	
	Solomon Fine, Treasury Certificate No. 6,	147 00	
	Total amount end of 3rd quarter,		1361 68
	Balance in Treasury 5th Sept. 1844,		44 50

Receipts from 5th September, 1844, to 31st December, 1844.

MUSCATINE COUNTY.

1844.	By Treasury Draft No. 7, W. G. Woodward,	3 00
	" " " " 5, T. S. Parvin,	33 75

WASHINGTON COUNTY.

	By Treasury Draft No. 17, Wm. L. Gilbert,	8 18
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JOHNSON COUNTY.

	By Treasury Draft No. 8, to Bearer,	1 31
	" " " " 15, Wm. L. Gilbert,	10 00
	" " " " 16, M. P. McAllaster,	40 00

HOUSE OF REPRESENTATIVES. 41

JONES COUNTY. \$ cts.

1844. By Treasury Draft No. 14, Wm. L. Gilbert, 23 00

LINN COUNTY.

By Treasury Draft 15th September, 1844, to Wm. L. Gilbert, 7 93

VAN BUREN COUNTY.

G. B. ALEXANDER, TREASURER,

By Warrant No. 140, Josiah H. Bonney, 11 59
 " " " 139, Elisha Cutler, 5 31
 " " " 141, Anderson & McHenry, 3 15
 " " " 142, Fry B. Hazeltine, 5 12

DES MOINES COUNTY.

H. MOORE, TREASURER,

By Warrant No. 4, O. H. W. Stull, 50 00
 " " " 79, Ozra Hall, 57 50
 " " " 112, T. F. Scott, 62 64
 " Treasury Certificate No. 29, James Cameron, 223 31
 " " " " 31, Jones & Powell, 73 50
 " " " " 8, Wilson, Perry, & Co., 151 65

JOHNSON COUNTY.

T. SNYDER, TREASURER,

By Territorial taxes 14 99

Total amount, 830 43

Disbursements from 5th Sept. 1844, to 31st Dec. 1844.

Warrants.

Wm. L. Gilbert salary as Auditor of Public accounts, 11 11
 No. 130, Morgan Reno, 77 44
 " 129, " " 75 00
 " 139, Elisha Cutler, 5 31
 " 140, J. H. Bonney, 11 59
 " 141, Anderson & McHenry, 3 15
 " 142, Fry B. Hazeltine, 5 12
 " 4, O. H. W. Stull, 50 00
 " 79, Ozra Hall, 57 50
 " 112, T. F. Scott, 62 64
 James Cameron, Treasury Certificate No. 24, 223 31

Warrants.	\$ cts.	\$ cts.
Jones & Powell, Treasury Certificate No. 31,	73 50	
Wilson, Perry, & Co. Treasury Certificate No. 8,	151 65	
Murray & Sanxay, Treasury Certificate No. 39,	10 00	
	<hr/>	
Total amount,		817 32
Balance in Treasury 31st Dec. 1844,		<hr/> 13 11

Receipts 1st Quarter from 31st December, 1844.

JEFFERSON COUNTY.

G. SMITH, TREASURER,

1845.	By Warrant No. 118, John Claypoole,	90 26
	“ Treasury Certificate No. 13, John Claypoole,	137 48

LINN COUNTY.

HORACE N. BROWN, TREASURER.

	By Cash,	12 00
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LOUISA COUNTY.

GEORGE F. THOMAS, TREASURER,

	By Warrant No. 122, O. H. W. Stull,	112 50
	“ “ “ 127, Crow & Walker,	80 00
	“ “ “ 51, Emanuel Horner,	2 00

JOHNSON COUNTY.

THOS. SNYDER, TREASURER,

Feb. 11.	By Warrant No. 146, Wesly Jones,	2 25
	“ “ “ 109, Charles Martin,	2 00
	“ “ “ 124, James P. Carleton,	3 00
	“ “ “ 115, Wm. P. Doty,	19 50
	“ Cash,	41 69

MUSCATINE COUNTY.

	By Treasury Draft No. 19, Wm. L. Gilbert,	165 50
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WAPELLO COUNTY.

THOS. FOSTER, TREASURER.

March 2.	By Revenue for the year 1844,	30 00
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SCOTT COUNTY,

A. H. MILLER, TREASURER,

1845.		\$	cts.
March 26.	By Warrant No. 73, John W. Brown,	32	00
"	" " " 71, Levi Williams,	11	00
"	" " " 70, A. H. Davenport,	13	50
"	" " " 46, John G. McDonald,	6	50
"	Treasury Draft No. 20, Wm. L. Gilbert,	50	00
"	Certificate, No. 40, Murray & Sanxay,	36	77
"	Cash,	24	39

DUBUQUE COUNTY.

PATRICK QUIGLEY, TREASURER.

March 28.	By Warrant No. 43, Geo. W. Cummings,	77	00
"	Cash,	105	79

JACKSON COUNTY.

ROBERT REED, TREASURER,

By Revenue for year 1844,	40	00
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KEOKUK COUNTY,

W. W. BROWN, TREASURER,

By Revenue for year 1844,	15	51
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Total amount,	1123	75
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Disbursements 1st Quarter, from 31st Dec. 1844.

Warrants,		
No. 118,	John Claypoole,	90 26
"	" " Treasury Certificate	
	No. 13,	137 48
"	51, Emanuel Horner,	2 00
"	127, Crow & Walker,	80 00
"	122, O. H. W. Stull,	112 50
"	146, Wesley Jones,	2 25
"	109, Charles Morton,	2 00
"	124, James P. Carleton,	3 00
"	115, William P. Doty,	19 50
	Wm. L. Gilbert, salary as Auditor of	
	Public accounts,	185 19
"	128, Morgan Reno,	75 00
"	46, John G. McDonald,	6 50
"	70, A. H. Davenport,	13 50

	\$	cts.	\$	cts.
Warrants,				
No. 71, Levi Williams,	11	00		
" 73, John W. Brown,	32	00		
Murray & Sanxay, Treasury Certificate No. 40.	36	77		
" 43, George W. Cummings,	77	00		
Total amount,			885	95
Excess of receipts 31st March, 1845,			237	80

Receipts 2nd Quarter, 1845.

1845.

JEFFERSON COUNTY.

April 1. By Territorial Revenue, for 1844, 160 69

CEDAR COUNTY.

" 4. By Territorial Revenue, for 1844, 89 15

JONES COUNTY.

" 19. By Territorial Revenue, for 1844. 29 71

LEE COUNTY.

May 1.	By Warrant No. 156, Anderson & McHenry,	36	00
"	" " " 117, John A. Drake,	19	00
"	" " " 136, Charles Jewett,	69	44
"	" " " 145, " "	26	66
"	" " " 83, " "	20	00
"	" " " 90, Charles Morton,	40	00
"	" " " 97, David Myers,	40	26
"	" " " 84, Elias Frits,	20	00
"	" " " 96, Thomas F. Scott,	60	12
"	" " " 153, Edwin Guthrie,	34	00
"	Treasury Certificate, No. 2, Edwin Guthrie,	28	85
"	" " " " 11, John Waters,	12	49
"	" " " " 26, John C. Tull,	18	38
"	" " " " 15, Peter Miller,	109	37

WASHINGTON COUNTY.

" 5. By Territorial revenue, for 1844, 93 00

HENRY COUNTY.

1845.		\$	cts.
	By Warrant No. 85, Samuel Smith,	5	91
	“ “ “ 154, Edwin Guthrie,	59	37
	“ “ “ 100, Charles Jewett,	47	00
	“ “ “ 150, Richard Brazier,	3	33
	“ “ “ 149, Thadias S. Chamberlin,	60	00
	“ Cash,	35	24

VAN BUREN COUNTY.

May 9,	By Warrant No. 111, Daniel McConn,	180	00
	“ “ “ 134, Anderson & McHenry,	41	40
	“ “ “ 106, Charles Morton,	14	93
	“ “ “ 137 John Moysce,	52	50
	“ Treasury Certificate No. 21, Wm. Anderson,	132	69

DAVIS COUNTY.

	By Territorial Revenue, for 1844,	19	65
	Total amount of receipts to 10th May, 1845,	1796	94

Disbursements 2nd Quarter from 1st April, 1845.

Warrants,		\$	cts.	\$	cts.
No. 164.	Morgan Reno,	225	00		
	William Abbe, Treasury Certificate No. 32,	6	79		
	William L. Gilbert, salary as Auditor of Public Accounts,	108	60		
“ 158,	O. H. W. Stull,	50	00		
“ 156,	Anderson & McHenry,	36	00		
“ 117,	John A. Drake,	19	00		
“ 136,	Charles Jewett,	69	44		
“ 145,	“ “	26	66		
“ 83,	“ “	20	00		
“ 90,	Charles Morton,	40	00		
“ 97,	David Myers,	40	26		
“ 84,	Elias Frits,	20	00		
“ 96,	Thomas F. Scott,	60	12		
“ 153,	Edwin Guthrie,	34	00		
	“ “ Treasury Certificate No. 2,	28	85		
	John Waters, Treasury Certificate No. 11,	12	49		
	John C. Tull, Treasury Certificate No. 26,	18	38		

Warrants,		\$ cts.	\$ cts.
	Peter Miller, Treasury Certificate No. 15,	109 37	
No. 154,	Edwin Guthrie,	59 37	
" 100,	Charles Jewett,	47 00	
" 150,	Richard Brazier,	3 33	
" 149,	Thadiaz S. Chamberlin,	60 00	
" 85,	Samuel Smith,	5 91	
	Malcom Murry, Treasury Certificate No. 34,	132 30	
	Wm. Anderson, Treasuay Certificate No. 21,	132 69	
" 137,	John Moyce,	52 50	
" 106,	Charles Morton,	14 93	
" 134,	Anderson & McHenry,	41 40	
" 111,	Daniel McConn,	180 00	
	Total amount to 10th May 1845.		1654 39
	Excess of receipts to 10th May 1845.		142 55
	Total amount of receipts, from 6th December, 1843, until the 10th of May, 1845.		5325 25
	Add the Excess in Treasury 6th Dec. 1843,		74 40
	Making in all,		5399 65
	Disbursements for the same time,		5257 10
	Leaving an Excess of receipts in the Treusury of		142 55

All of which is respectfully submitted,

By Your most ob't. Servant,

MORGAN RENO,
Territorial Treasurer,

On motion of Mr. Hunor,

Ordered that the reading of The Report, be dispensed with.

On motion of Mr. McCleary,

Ordered that the Report, be referred to the Committee on Ways and Means.

Mr. Speaker presented the Report, of the Territorial Agent; which is as follows :

OFFICE OF TERRITORIAL AGENT,
IOWA CITY, MAY 5th, 1845. }

To the Honorable the Council, and
House of Representatives, of the Territory of Iowa.

In conformity to the requisition of law, I herewith submit my Report as Territorial Agent.

Since the last Report of the late Territorial Agent,
of Dec. 1st, 1843—the receipts of the office
appear to be \$4472 43
Disbursements since same period, 4099 55

Excess of Receipts over disbursements, 472 88

Amount of unsold Lots on the 1st Dec. 1843,
and lots forfeited since that period, 29,016 66
Sale of Lots since Dec. 1st, 1843, 1,406 66

Amount of unsold Lots, 27,610 00
Notes remaining in the office, 2,354 20

Total amount of unsold Lots and notes, \$29,964 20

In obedience to law, I have made a settlement with the late Territorial Agent, John M. Coleman, and the following is the result:—

Notes received by him of Jesse Williams, \$13,013 87
Amount of sale of Lots, 26,934 00
Amount of scrip issued in 1842, 3,300 00
Amount of certificates and notes issued and outstanding, 2,172 50
Incidental receipts, including interest account, 1,397 00

46,817 37

Notes remaining in the office, 2,354 20
Notes, and certificates surrendered on forfeited Lots, 2,950 65
Vouchers filed in the office, and miscellaneous credits allowed on settlement, 32,038 61
Scrip of the issue of 1841 cancelled, 4,451 71
Scrip of the issue of 1834 do. 3,193 00
Salary account, 2,037 50

47,025 67

Balance due John M. Coleman, \$208 30

The outstanding debts against the office may be estimated at something over eight thousand dollars, and without some provision for their payment other than the sale of lots or collections, they must necessarily remain unpaid for a considerable length of time, and some of the creditors consequently suffer considerable inconvenience.

It will be perceived, by the amount of sales since December 1st 1843, that the demand for lots is very limited. One cause of this is, the most desirable lots have been sold, and those who have previously purchased for labor and materials upon the Capitol, are now enabled to offer greater inducements to purchasers, than can be offered by the Territory—especially in regard to the location of property.

The notes now in the office, being payable in labor and materials, (with a very small exception,) no reliance can be placed upon means from this source to meet the demands against this office; neither can any thing more of consequence be done upon the Capitol, with the limited means at my disposal.

I would respectfully recommend that some provision be made, for the relief of Mr. William B. Snyder, whose property in Cincinnati is held, and, (as I am informed,) about to be sold for the payment of a debt contracted for shingles for the Copitol, through his agency, while acting as superintendent of the public buildings.

All of which is respectfully submitted,

ANSON HART,
Territorial Agent.

On motion of Mr. McCleary,

Ordered, That the report be referred to the Committee on Ways and Means.

No. 3, H. R. File. "A bill to provide for an expression of opinion by the people of the Territory of Iowa, upon the Constitution with State boundaries as formed by the Convention,"

Was read a second time,

And,

On motion of Mr. Hancock,

Ordered, To be laid on the table, subject to the order of the House; and that 45 copies be printed for the benefit of the Legislature.

No. 1, H. R. File, "A bill to incorporate the University of Iowa;"

Was read a third time, passed and title agreed to.

Ordered that the Council be informed thereof.

No. 2, H. R. File, "A Bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for the winding up of the affairs of

the same." Being the order of the day, was considered in Committee of the whole House; Mr. Robertson in the Chair,

And after some time spent therein, the Committee rose, and by their Chairman reported the same back to the House with amendments.

Which were concurred in.

On motion of Mr. Wilson,

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

The question was then put,

"Shall the Bill pass,"

And was decided unanimously in the affirmative.

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

Ordered, That the Council be informed thereof.

On Motion of Mr. Hancock,

Ordered; That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Johnson gave notice, that he would on to-morrow or some future day, ask leave to introduce,

A bill to abolish the office of Territorial Agent, and for other purposes.

On motion of Mr. Stewart,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

TUESDAY MORNING, 10 O'CLOCK,

May the 13, A. D. 1845.

Mr. Downey presented the account of William Sheets, & Co. for the sum of \$22 00.

On motion of Mr. Downey,

Ordered, That the account be referred to the Committee on Claims.

Mr. Downey presented the petition of forty-three citizens of Iowa County, praying for the organization of said County.

On motion of Mr. Downey,

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

He also presented two accounts of A. P. Woods,

The first—for printing in "Iowa Standard," for twelve weeks, the proposed Constitution for the State of Iowa—\$362 40.

And,

The second—for printing, folding, and stitching one hundred copies of the Catalogue of the Iowa Territorial Library—\$25 00.

On motion of Mr. Downey,

Ordered, That both of said accounts be referred to the Committee on Claims.

On motion of Mr. Sheledy,

"Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of levying a tax of one mill per cent, on the amount of taxable property, both real and personal, returned by the township and precinct Assessors, for territorial purposes; and, that they report by Bill or otherwise."

On motion of Mr. Clifton,

"Resolved, That the Committee on Ways and Means, be instructed, to inquire into the expediency of authorizing the Auditor of Public accounts to audit the claims of the members and officers of the late Convention; and, that they report by Bill or otherwise."

On motion of Mr. Stewart,

"Resolved, That the Committee on the Judiciary be instructed, to inquire into the expediency of passing a law, to prevent persons from leaving the Territory, in cases where their property is secreted; or, where other strong presumptive evidence exists, of an intention to defraud their creditors; and, that they report by bill or otherwise."

Mr. Davis gave notice, that he would, on to-morrow or some subsequent day, ask leave to introduce,

A bill to change the time of holding the General Elections.

Mr. Anderson, gave notice, that he would, on to-morrow or some day thereafter, ask leave to introduce,

A Bill to amend an act, entitled, "An act for the benefit of the Settlers of the Half Breed Tract of land," "Approved December 31st, 1840."

Also,

A Bill to punish the Captains and Clerks of steam boats, for taking wood without the consent of the owners, or leaving notice of the same.

Mr. Robertson, from the Committee on Claims, made the following report :

“The Committee on claims, to whom was referred the claim of Wilson and Keesecker, for printing and binding the Journal of the House of Representatives, for the Session of 1843-44—amounting to the sum of \$593 25.

Also,

The claim of James G. Edwards, for printing and binding the Journal of the Council for the same Session—amounting to the sum of \$499 12 1-2.

Also,

The claim of William Green, for binding laws of same Session—amounting to the sum of \$200 00.

Also,

The claim of William Whindram, for work done for the library—amounting to the sum of \$15 00;

And also,

The claim of Peter Conboy, for services in the library, during the Session of 1843-44—amounting to the sum of \$10 00,

Have had the same under their careful consideration, and have instructed me to report the following :

No. 11, H. R. File, “A Bill for the relief of S. J. Burr Secretary of Iowa Territory.”

Which was read a first time.

Mr. Sheledy, from the select Committee to whom was referred, the petition of Hiram Nordyke and Lucinda Nordyke, praying for a dissolution of the bonds of Matrimony, reported the following :

No. 12, H. R. File, “A Bill to divorce Hiram Nordyke and Lucinda Nordyke from the bonds of Matrimony.”

Which was read a first time.

Mr. Murdock having given previous notice, and upon leave being granted, introduced,

No. 13. H. R. File, “A Bill to amend an act, entitled, ‘An act to encourage the destruction of Wolves,’ ‘Approved January 7th 1840.’ ”

Also,

No. 14, H. R. File, “A Bill to amend an act, entitled, ‘An act

regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10th, 1843.' "

Which were severally read a first time.

Mr. Munger, having given previous notice, and upon leave being granted, introduced,

No. 15, H. R. File, "A Bill amendatory of an act, entitled, 'An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory,' 'Approved Feb. 12th, 1844.' "

Which was read a first time.

Mr. Davis, having given previous notice, and upon leave being granted, introduced,

No. 16, H. R. File, "A bill to amend an act, entitled, 'An act, for the organization of Townships ;' "

Which was read a first time.

Mr. Chandler, having given previous notice, and upon leave being granted, introduced,

No. 17, H. R. File, "A Bill to amend an act, entitled, 'An act regulating Marriages,' 'Approved January 6th, 1840;'"

Which was read a first time.

Mr. Johnson, having given previous notice, and upon leave being granted, introduced,

No. 18, H. R. File, "A Bill to abolish the office of Territorial Agent, and for other purposes."

Which was read a first time.

No. 4, H. R. File, "A Bill to prohibit and punish the sale of liquors to the Indians."

Was read a second time,

On motion of Mr. Murdock,

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

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary ;"

Was read a second time, and,

On on motion of Mr. Stewart,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for Thursday next.

No. 6, H. R. File, "A Bill to amend an act entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844.' "

Was read a second time, and,

On motion of Mr. McCleary,

Ordered, To be referred to a select Committee of three.

Messrs. McCleary, Noble, and Sheledy, were appointed said Committee.

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c ;"

Was read a second time, and,

On motion of Mr. M'Cleary,

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

No. 8, H. R. File, "A Bill to provide for an expression of the people, of the Territory of Iowa, on the subject of a formation of a State Government."

Was read a second time,

On motion of Mr. Wilson,

Ordered, That the Bill be laid on the table, subject to the order of the House.

No. 9, H. R. File, "A Bill, to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justice of the Peace, to prosecute their duties and powers, and regulate to their proceedings,' 'Approved Feb. 14th, 1844.'"

Was read a second time, and,

On motion of Mr. McCleary,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 10, H. R. File, "A Bill to repeal an act, entitled, 'An act for the improvement of sheep.'"

Was read a second time, and,

On motion of Mr. Snyder,

Ordered to be referred to the Committee on Agriculture.

The order of business having been gone through with,

On motion of Mr. Wilson,

No. 11, H. R. File, "A Bill for the relief of S. J. Burr Secretary of Iowa Territory,"

Was taken from the table.

On motion of Mr. Wilson,

Ordered, That the 42nd rule be suspended and the Bill read a second and third times now by its title.

The Bill was read a second and a third time by its title.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

So the Bill passed and the title was agreed to.

Ordered that the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have ordered two hundred and forty copies of the Territorial Treasurer's Report, to be printed.

And then he withdrew.

On motion of Mr. McCleary,
The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

On motion of Mr. Clifton,

Ordered, That Mr. Woodworth be added to the Committee on Township and County Boundaries.

On motion of Mr. Wilson,

Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, 10 O'CLOCK.

May the 14, A. D. 1845.

Mr. Wilson presented the petition of thirty-one persons, praying for the location of a Territorial Road from Dubuque, by the way of the Colonies and Ead's Grove to Fort Atkinson.

On motion of Mr. Wilson.

Ordered that the petition be referred to the Committee on Roads and Highways.

Mr. Downey presented the petition of thirty-eight persons, praying for an unconditional repeal of the the law, restricting the jurisdiction of Justices of the Peace and Constables to their respective Townships and Precincts.

On motion of Mr. Downey,

Ordered, That the petition be referred to the Committee on the Judiciary,

A Message from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council haave appointed Messrs. Hemstead, Summers, and Brattan a Committee on the part of the Council, to confer with a similar Committee appointed on the part of the House, relative to the term of service, which the law requires of the present Legislative Assembly.

I am, also, directed to inform the House, that the Council have passed—

No. 14, C. File, "A Bill to change the name of the village of Salem, in the County of Muscatine."

Also,

No. 3, C. File, "A Bill to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County."

Also,

No. 5, C. File, "A Bill to provide for holding an additional Term of the District Court, in and for the County of Lee."

In which the concurrence of the House is requested.

The Council have also passed without amendment,

No. 11, H. R. File, A Bill for the relief of S. J. Burr, Secretary of Iowa Territory."

And then he withdrew.

Mr. Munger from the Committee on Enrolments reported as correctly enroled,

"An act for the relief of S. J. Burr Secretary of Iowa Territory ;"

Which was signed by the Speaker of the House of Representatives.

Mr. Downey presented the account of Peter Conboy for removing rubbish and cleansing the basement story of the Capitol in March 1844, and for eight days work preparing the Capitol and Halls of the Legislature for the present Session—\$28.

Ordered, That said account be referred to the Committee on Ways and Means.

Mr. Downey gave notice, that he would, on to-morrow or some subsequent day, ask leave to introduce,

A Bill to change the Eastern boundary of the County of Washington.

Mr. Hancock gave notice, that he would, on some future day, ask leave to introduce,

A Bill repealing the 6th section of the Valuation Law, which exempts from execution fifty head of Sheep and the wool that may be shorn therefrom.

Mr. Murdock gave notice, that he would, on some future day, ask leave to introduce,

A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi River in the County of Clayton.

Mr. Robertson, from the Committee on Claims, to whom was referred the several accounts of William Crum and A. P. Wood for printing, made the following report:

"The Committee on Claims, to whom was referred the claim of William Crum for publishing the Constitution in the "Iowa Standard," 8 weeks—fifty-nine squares at \$1 per square for the 1st insertion, and 50 cents for each subsequent one—amounting to \$265 50 cents.

Also, the claim of A. P. Wood for publishing, in the "Iowa Standard" twelve weeks, the Constitution, embracing 1208 brevier lines, at two and a half cents a line for each insertion, amounting to \$362 40 cts., beg leave to report, that the Committee have had the same under consideration, and have instructed me to report adverse to the claims; and that they think the law authorising the publication of the Constitution in the different newspapers of the Territory, was virtually done away with, by the Convention authorizing their proceedings to be published in pamphlet form; besides, the Committee think, it would be furnishing a precedent for endless claims for similar work; and also that the Secretary of the Territory does not feel authorized to allow, or pay any accounts arising from the expenses of the Convention.

The Committee have also had under consideration, the claim of William Crum for printing, in the "Iowa Standard," the Governor's Proclamation to the electors of Iowa, to elect Delegates to the Convention—four squares—14 insertions—\$30; and have directed me to report the claim back to the House, and move its reference to the Committee of Ways and Means; thinking it would be paid out of the Territorial Treasury, and not out of the Legislative appropriation, as it does not properly arise from Legislative expenses.

The Committee have also had under consideration, the claim of A. P. Wood, for printing, folding, and stitching one hundred copies of the Catalogue of the Iowa Territorial Library, and would also recommend its reference to the Committee of Ways and Means."

Which was concurred in.

Mr. McCleary, from the special Committee to whom was referred,

No. 6, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844.'"

Reported the same back with amendments.

Mr. Taylor, from the Committee on engrossed bills, reported that the Committee have carefully examined—

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c ;"

And find the same correctly engrossed.

Mr. Johnson, from the select Committee to whom was referred, the petition of the Mayor and Aldermen of the City of Burlington, praying for an alteration in their City Charter, reported,

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington; and for revising and repealing all laws, and parts of laws heretofore enforced on that subject ;"

Which was read a first time.

Mr. Snyder, having given previous notice, and upon leave being granted, introduced,

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844 ;'"

Which was read a first time.

On motion of Mr. McCleary,

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

The Bill was then read a second time.

On motion of Mr. Snyder,

Ordered, That the Bill be referred to the Committee on Common Schools.

Mr. Anderson, having given previous notice, and upon leave being granted, introduced,

No. 21, H. R. File, "A Bill to amend an act, entitled, 'An act for the benefit of the Settlers on the Half Breed Tract of land,' 'Approved December 31st, 1840 ;'"

Which was read a first time.

Mr. Murdock, having given previous notice, and upon leave being granted, introduced,

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of Deeds, in the County of Clayton ;"

Which was read a first time.

Mr. Munger, having given previous notice, and upon leave being granted, introduced,

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment,' 'Approved 16th Feb. 1843;'"

Which was read a first time.

The Message from the Council was then taken up;

No. 5, C. File, "A Bill to provide for holding an additional Term of the District Court, in and for the County of Lee."

No. 3, C. File, "A Bill to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County;"

And,

No. 14, C. File, "A Bill to change the name of the village of Salem, in the County of Muscatine;"

Were severally read a first time.

No. 12, H. R. File, "A Bill to divorce Hiram Nordyke and Lucinda Nordyke from the bonds of Matrimony;"

Was read a second time,

On motion of Mr. Wilson,

Ordered, That it be referred to a Committee of the Whole House, and made the order of this day at 2 o'clock P. M.

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves,' 'Approved January 7th 1840;'"

Was read a second time, and,

On motion of Mr. Sheledy,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 14, H. R. File, "A Bill to amend an act, entitled, 'An act regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10th, 1843.'"

Was read a second time, and,

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

No. 15, H. R. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory,' 'Approved Feb. 12th. 1844;'"

Was read a second time;

On motion of Mr. Munger,

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

So the Bill was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 16, H. R. File, "A bill to amend an act, entitled, 'An act, for the organization of Townships ;'"

Was read a second time, and,

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

No. 17, H. R. File, "A Bill to amend an act, entitled, 'An act regulating Marriages,' 'Approved January 6th, 1840 ;'"

Was read a second time, and,

On motion of Mr. Chandler,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 18, H. R. File, "A Bill to abolish the office of Territorial Agent, and for other purposes;"

Was read a second time, and,

On motion of Mr. Robertson,

Referred to a Committee of the Whole House and be made the order for the present time.

The House then Resolved itself into a Committee of the Whole House; Mr. McCleary in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. McCleary reported the Bill back without amendment;

Which were concurred in.

On motion of Mr. M'Cleary,

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

No. 4, H. R. File, "A Bill to prohibit and punish the sale of liquors to the Indians;"

Was taken up, and,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for Friday next.

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c."

Was taken up, and referred to a Committee of three.

Messrs. Downey, Robertson, and Munger, were appointed said Committee.

No. 9, H. R. File, "A Bill to amend an act, entitled, 'An act a-

mendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 14th, 1844;'"

Being the order of the day;

Was referred to a Committee of the Whole House for the consideration of the same; Mr. Sheledy, in the Chair;

And after some time spent therein,

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

Mr. Wilson, made a motion,

To strike out the enacting clause; and after some time spent in debate,

Mr. Wilson withdrew his motion; and, on his motion,

Ordered, That the Bill be referred to a select Committee of five, Messrs. Wilson, Munger, Sheledy, Downey, and Davis, were appointed said Committee,

On motion of Mr. Downey,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 12, H. R. File, "A Bill to divorce Hiram Nordyke and Lucinda Nordyke, from the bonds of Matrimony,"

Being the order of the day,

Was referred to a Committee of the Whole House for the consideration of the same; Mr. McCleary in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. McCleary 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.

A motion was made by Mr. McCleary,

To refer the Bill to the Committee on the Judiciary;

Which was decided in the negative.

A motion was made by Mr. Wilson,

To strike out the enacting clause of the Bill;

Which was decided in the affirmative.

The following Message was received from the Council, by J. F. Kinney their Secretary,

MR. SPEAKER,

I am directed to inform the House, that the Council have appointed Messrs. Shelby and Ross a joint Committee on Enrolments, to act with a similar Committee to be appointed on the part of the House.

I am also directed to inform the House, that the Council have passed, without amendment,

No. 2, H. R. File, "A bill to repeal the Charter of the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

And then he withdrew.

The report of Mr. Robertson, from the Committee on Claims, was then taken up and concurred in.

The report of Mr. McCleary, from the select Committee to whom was referred,

No. 6, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844 ;

Was then taken up,

The first amendment proposed, consisted of an 8th additional section to the Bill ;

Which was agreed to.

The second amendment consisted of an additional 9th section in the words following :

SEC. 9. In addition to the property now exempt by law, the following property shall, also, be exempt from taxation, viz: All steam engines and machinery, with the apparatus attached thereto, belonging, or appertaining to any Steam, Saw, or Grist Mill ; or any Cotton, or Woolen Manufactory,

The question was then put,

"Shall the House agree to this amendment?"

And decided in the negative.

Yeas 7, Nays 19.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Downey, Huner, Leonard, McCleary, Noble, Robertson, and Stewart.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Clifton, Coy, Davis, Hancock, Harper, Johnson, Lester, Montague, Munger, Murdock, Sheledy, Snyder, Taylor, Wilson, Woodworth, and Morgan, Speaker.

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

Mr. Munger from the Committee on Enrolments reported as correctly enroled,

“An act to repeal the Charter of the Miners’ Bank of Dubuque, and to provide for winding up the affairs of the same.”

Which was signed by the Speaker of the House of Representatives.

Mr. Dewey, from the select Committee to whom was referred, No. 7, H. R. File, “A Bill to prevent the destruction of Notices, Advertisements, &c,”

Reported the same back with one amendment,

Which was agreed to.

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

Ordered that the Council be informed thereof.

The following report of Mr. Wilson was taken up:

“The select Committee to whom was referred, the petition of thirty-seven citizens of Delaware county, praying for the Legislature to pass a law empowering the Board of County Commissioners of that county, to raise one eighth of their revenue in cash, for the year 1845, have had the same under consideration, and think it is inexpedient to grant the prayers of the petitioners, owing to the present law in force, which requires the county to receive her county paper for all debts due said county, but to arrive at the same end which the petitioners pray for, the Committee begs leave to report the following Bill:

No. 24, H. R. File, “A Bill to empower the County Commissioners of Delaware county, to levy a tax not exceeding one per cent for the period of two years;”

Which was read a first time.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

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

No. 13, C. File, “A Bill to amend an act, entitled, ‘An act to incorporate the subscribers, for erecting a dam across the Muscatine Slough, ‘Approved 5th February, 1844;’”

In which the concurrence of the House is requested.

And then he withdrew.

The said Bill was then taken up and read a first time.

On motion,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

THURSDAY MORNING, 10 O'CLOCK,

May the 15, A. D. 1845.

The SPEAKER announced Messrs. Munger and Wilson, as a joint Committee on Enrolments, to act with a similar Committee on the part of the Council.

Mr. Banks presented the petition of Benjamin Covell, and ten other citizens of Muscatine county, in relation to ferries &c.

And the remonstrance of C. Sells, and eighty-six others, against said petition.

On motion of Mr. Johnson,

Ordered, That the reading of the petition and remonstrance be dispensed with.

On motion of Mr. Banks,

Ordered, That the petition and remonstrance, be referred to the Committee on Roads and Highways.

Mr. Munger presented the petition of ninety-three citizens, of Iowa, praying for an alteration in the county line, between the counties of Jefferson and Henry, so as to make Skunk River, the line through Townships 72 and 73;

And the petition of thirty-eight others, to the same purport.

On motion of Mr. Munger,

Ordered, That the reading of the petition be dispensed with.

On motion of Mr. Munger,

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

On motion of Mr. Montague,

Resolved, That the Committee on Territorial Affairs be instructed, to inquire into the propriety, of Memorializing Congress for a

grant of land, for the purpose of improving the navigation of the Des Moines River."

Mr. Munger, from the Committee on Enrolments reported that he had that morning presented to the Governor for his signature,

"An act to repeal the Miners' Bank of Dubuque, and to provide for winding up the affairs of the same."

Mr. Sheledy gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to provide for holding an additional term of the District Court, in the Counties of Keokuk and Mahaska.

Mr. McCleary gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, entitled, "An act to vacate a part of the Town plot of Port Allen, and to legalize the relocation of a part of a Territorial road," "Approved 13th February, 1843."

Mr. Davis gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to authorize the proprietors, of mill and other dams across Skunk River, to erect slides or sluices in place of locks as now required by law, for the safe and convenient passage of flat boats down said river.

Mr. Banks gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, "Approved January 21st, 1839," so that Sheriffs and Constables, in attendance on the District Courts, can receive pay but once for such services;

And,

A Bill repealing all laws for the collection of debts, for less sums than twenty-five dollars, such bill to be altogether prospective in its provisions.

Mr. Davis, from the Committee selected to confer, with a similar Committee on the part of the Council, upon the subject of the length of the term of service, which the law requires of the Members of this House; made the following report:

"The Committee selected to confer with a similar Committee on the part of the Council, upon the subject of the length of the term of service which the law requires of the members of this House, have instructed me to make the following report:

"That after bestowing that careful consideration which the importance of the subject seems to demand, they have come to the conclusion, that the clause in the sixth section of the Organic Law of this Territory, (which is the supreme law of the Territory,) which reads as follows:

“The House of Representatives, shall consist of twenty-six members, possessing the qualifications of members of the Council, and whose TERM of service SHALL continue for ONE YEAR’ secures to the Members of this House their seats, as Members of the Legislative Assembly of Iowa Territory, for the term of one year; and that the law passed at the ‘extraordinary session’ in June last, changed the time of holding the election of Members of the Territorial Legislature, from the 1st Monday in August last, to the 1st Monday in April last, and consequently the Committee believe, that the term of service of the Members of this House, will expire on the seventh day of April, 1846;”

Which was without a dissenting vote concurred in.

Ordered, That the Council be informed thereof.

Mr. Taylor, from the Committee on engrossed bills, reported that the Committee have carefully examined—

No. 14, H. R. File, “A Bill to amend an act, entitled, ‘An act regulating practice in the District Courts in the Territory of Iowa,’ ‘Approved Feb. 10th, 1843;’”

Also,

No. 6, H. R. File, “A Bill to amend an act, entitled, ‘An act to provide for Assessing and Collecting Public Revenue,’ ‘Approved Feb. 15th, 1844;’”

And find them correctly engrossed.

Mr. Wilson, from the select Committee to whom was referred, No. 9, H. R. File, “A Bill to amend an act, entitled, ‘An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,’ ‘Approved Feb. 14th, 1844;’”

Reported the same back with the following amendment, viz:

Strike out all after the enacting clause, and insert the following as a substitute:

SEC. 1. “That in all cases, to be tried before Justices of the Peace, the Plaintiff, when he commences his suit, shall set forth in writing and file with the Justice, before the suit is placed upon the docket, or process is issued thereon, a plain statement of his demand or cause of action.

SEC. 2. “That suit may be commenced, on all contracts, bonds, notes, or due bills, for a less sum than fifty dollars, before any Justice of the Peace, of the Township or Precinct wherein the same is made payable; *Provided*, that the place of payment, of such contract or instrument, be particularly specified in the same.

SEC. 3. “That so much of an act, concerning Justices of the Peace, ‘approved Feb. 14th, 1844,’ as comes in conflict with the foregoing sections, be and the same is hereby repealed.

SEC. 4. "This act shall take effect and be in force from and after the first day of July next."

On motion of Mr. Robertson,

Ordered, That the report be laid on the table.

Mr. Downey, having given previous notice, and upon leave being granted, introduced,

No. 25, H. R. File, "A Bill to change the Eastern boundary of the County of Washington;"

Which was read a first time.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington; and for revising and repealing all laws, and parts of laws heretofore enacted on that subject;"

Was read a second time, and,

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

No. 21, H. R. File, "A Bill to amend an act, to provide for the relief of the Settlers on the Half Breed Tract of land, 'Approved December 31st, 1840;'"

Was read a second time, and,

On motion of Mr. Johnson,

Ordered to be referred to the Committee on the Judiciary.

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton;"

Was read a second time; and,

On motion of Mr. Murdock,

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

Mr. Hancock, having given previous notice, and upon leave being granted, introduced,

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa;"

Which was read a first time.

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment,' 'Approved 16th Feb. 1843;'"

Was read a second time, and,

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

No. 3, C. File, "A Bill to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County;"

No. 5, C. File, "A Bill to provide for holding an additional Term of the District Court, in and for the County of Lee;"

And,

No. 14, C. File, "A Bill to change the name of the village of Salem, in the County of Muscatine;"

Were severally read a second time; and,

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

No. 24, H. R. File, "A Bill to empower the County Commissioners of Delaware County, to levy a tax not exceeding one per cent for the period of two years;"

Was read a second time, and,

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

No. 13, C. File, "A Bill to amend an act, entitled, 'An act to incorporate the subscribers, for erecting a dam across the Muscatine Slough, 'Approved 5th February, 1844;'"

Was read a second time,

On motion of Mr. McCleary,

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

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

Ordered, That the Council be informed thereof.

No. 14, H. R. File, "A Bill to amend an act, entitled, 'An act regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10th, 1843;'"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 16, H. R. File, "A bill to amend an act, entitled, 'An act, for the organization of Townships;'"

Was read a third time, and,

Ordered, To be laid on the table.

On motion of Mr. Chandler,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Sheledy,

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships;'"

Was taken from the table.

On motion of Mr. Sheledy,
The vote taken upon the engrossment of the Bill yesterday, was reconsidered.

On motion of Mr. McCleary,
Ordered, That the Bill be referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 18, H. R. File, "A Bill to abolish the office of Territorial Agent, and for other purposes;"

Was read a third time; and,
Ordered, To be laid on the table.

No. 6, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844;'"

Was read a third time; and,
The question was then put,
"Shall the Bill pass?"

And decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being demanded by two members,
Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Downey, Huner, Johnson, Leonard, McCleary, Munger, Robertson, Sheledy, Snyder, Stewart, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are
Messrs. Chandler, Davis, Hancock, Lester, Montague, and Noble.

So the Bill passed and the title was agreed to.

Ordered, That the Council be informed thereof.

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves,' 'Approved January 7th 1840;'"

Being the order of the day,

Was referred to a Committee of the Whole House for the consideration of the same; Mr. McCleary in the Chair;

And after some time spent therein,

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

Which was agreed to.

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

No. 17, H. R. File, "A Bill to amend an act, entitled, 'An act regulating Marriages,' 'Approved January 6th, 1840;'"

Being the order of the day;

Was referred to a Committee of the Whole House for the consideration of the same; Mr. Sheledy, in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Sheledy reported, that the Committee had according to order had said Bill under consideration, and directed him to report the same back to the House with two amendments;

Which were severally agreed to.

Mr. Stewart made a motion,

To strike out the words, "one dollar and fifty cents," where it occurs in the ninth section.

Mr. Davis moved to amend the motion by inserting the words, "any sum the parties may be willing to pay;"

Which was accepted by Mr. Stewart.

The question was then put, on the motion as amended, and decided in the negative.

Mr. Murdock made a motion,

To amend the 11th Section, by striking out the word, "presumptive," and inserting the word "conclusive;"

Which was decided in the affirmative.

Mr. Sheledy made a motion,

To indefinitely postpone the Bill;

Which was decided in the negative.

Yeas 9, Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Coy, Downey, Munger, Noble, Sheledy, Snyder, Stewart and Wilson,

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Davis, Hancock, Huner, Johnson, Leonard, Lester, McCleary, Montague, Murdock, Robertson, Taylor, Woodworth, and Morgan Speaker.

Mr. Wilson made a motion,

To lay the Bill on the table;

Which was decided in the negative.

Yeas 9, Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Downey, Huner, Munger, Noble, Sheledy, Snyder, Stewart, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Coy, Davis, Hancock, Johnson, Leonard, Lester, McCleary, Montague, Murdock, Robertson, Taylor, Woodworth, and Morgan, Speaker.

Mr. Wilson, made a motion to adjourn;

Which was decided in the negative.

Yeas 8, Nays 17.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, Huner, Munger, Noble, Stewart, and Wilson.

Those who voted in the negative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Johnson, Leonard, Lester, McCleary, Montague, Murdock, Robertson, Sheledy, Snyder, Taylor, Woodworth, and Morgan, Speaker.

On motion of Mr. Murdock,

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

Mr. Johnson made a motion to adjourn,

On motion of Mr. Wilson,

A call of the House was ordered,

All the members were present but Mr. Harper.

On motion of Mr. Sheledy,

Ordered, That Mr. Harper be excused, and that the further call of the House be dispensed with.

The question was then put, on Mr. Johnson's motion,

And decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Coy, Johnson, Leonard, McCleary, Robertson, Snyder, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Davis, Downey, Hancock, Huner, Lester, Montague, Munger, Murdock, Noble, Sheledy, Stewart, Taylor, Wilson, and Woodworth.

Mr. Sheledy, from the Committee on Common Schools, to whom was referred,

No, 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Reported the same back, and recommended its indefinite postponement.

Mr. Davis made a motion, ✓

That this House do now adjourn,

Which was decided in the negative.

On motion of Mr. Sheledy,
Ordered, That the report be laid on the table.

Mr. McCleary, from the Committee on Ways and Means, to whom was referred, the account of Peter Conboy, for cleansing the basement of the Capitol, and preparing the Halls for the present Legislature, reported the following resolution:

"Resolved, That the Secretary of the Territory, be authorized and required to pay Peter Conboy, the sum of twenty dollars, for services rendered in cleansing the basement story of the State House, and preparing the Halls for the reception of the Legislature;

Which was adopted.

Mr. Stewart made a motion,

That the House do now adjourn.

Which was decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Downey, Huner, Johnson, Leonard, Mc'Cleary, Munger, Robertson, Sheledy, Snyder, Stewart, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Chandler, Davis, Hancock, Lester, Montague, and Noble.

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

FRIDAY MORNING, 10 O'CLOCK,

May the 16, A. D. 1845.

On motion of Mr. Sheledy,

The vote taken on yesterday, ordering,

No. 19, H. R. File, "A bill to incorporate and establish the City of Burlington, and for revising and repealing all laws, and parts of laws heretofore enacted on that subject;"

To be engrossed and read a third time to-day, was reconsidered.

Mr. Sheledy, on leave being granted introduced,

No. 29, H. R. File, "A Joint Resolution, &c."

"Resolved by the House of Representatives, the Council concurring, that our Delegate in Congress be requested to use his best endeavours, to procure, by an action of Congress, a division of the Territory of Iowa, by an east and west line, commencing at the middle of the main channel of the Mississippi River, at latitude forty-two degrees and thirty minutes, and running thence due west to the Missouri River;"

Which was read a first time.

On motion of Mr. Johnson,

"Resolved, That the Committee on the Judiciary, are hereby instructed, to inquire into the expediency of postponing the annual election, of members of the House of Representatives, from August until April."

Mr. McCleary from the Committee on Ways and Means, to whom was referred the account of A. P. Woods, for printing, folding and stitching one hundred copies of the Catalogue of the Iowa Territorial Library, submitted the following report:

"That said Catalogue was printed without any authority of the Legislative Assembly or Librarian; but, as they are informed, by order of the Supreme Court of the Territory. The Committee are, therefore, of opinion that the account for printing said Catalogue, should be paid by the Marshal of the Territory.

"Your Committee would, therefore, asked to be discharged from the further consideration thereof."

Which was concurred in.

Mr. McCleary, from the Committee to whom was referred a resolution of the House instructing said Committee, to inquire into the ex-

pediency of authorising the Auditor to audit the claims of members and officers of the late Convention and report by bill or otherwise, reported,

No. 28, H. R. File, "A Joint Resolution for auditing the expenses of the Convention, for forming a Constitution, held in 1844 ;"

Which was read a first time.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER :

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

No. 2, C. File, "A Bill to amend an act, entitled, 'An act to provide for the partition of Real property.'"

Also,

No. 16, C. File, "A Bill to establish a Territorial Road from Marion in Linn county, to the Indian Boundary in a direct line to Fort Atkinson ;"

In which the concurrence of the House is requested.

The Council have also passed,

No. 15, H. R. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory,' 'Approved Feb. 12th, 1844 ;' "

With an amendment to its title.

And then he withdrew.

Mr. Taylor, from the Committee on engrossed bills, reported that they had examined—

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves,' 'Approved January 7th 1840 ;' "

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton ;"

No. 17, H. R. File, "A Bill to amend an act, entitled, 'An act regulating Marriages,' 'Approved January 6th, 1840 ;' "

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment,' 'Approved 16th Feb. 1843 ;' "

And,

No. 24, H. R. File, "A Bill to empower the County Commissioners of Delaware County, to levy a tax not exceeding one per cent for the period of two years ;"

And find them correctly engrossed.

Mr. Montague, from the Committee on Agriculture, to whom was referred,

No. 10, H. R. File, "A Bill to amend an act, entitled, 'An act for the improvement of sheep.'"

Reported the the following amendments,

Strike out all after the enacting clause, and insert the following:

"That if any ram, shall be found running at large, between the last day of June and the 1st day of October, it shall be lawful for any person, to take up said ram, and if the owner of said ram is known to the person taken up the same, he shall be immediately notified of such taking up, for which the owner shall pay the person taken up the same a reasonable compensation.

SEC. 2. That if the owner of such ram, is not known to the person taken up the same, he shall proceed as is provided in the law regulating the taking up estrays, and shall be allowed the sum of fifty cents for taking up the same, and a reasonable compensation for keeping.

SEC. 3. That an act, entitled, "An act to improve the breed of Sheep," "Approved Feb. 8th, 1844," be and the same is hereby repealed.

Mr. Wilson made a motion,

To amend the first section of the amendment, by striking out the words, "a reasonable compensation,"

Which was agreed to.

Mr. Snyder moved, to fill up the blank, by inserting the words, "twenty-five cents."

Mr. Taylor moved to amend the motion, by inserting "fifty cents ;"

Which was disagreed to.

The question then recurred on the motion of Mr. Snyder ;

Which was agreed to.

Mr. Sheledy moved to amend the report, by inserting the following as a third section :

"That if any boar over the age of three months, shall be found running at large, it shall be lawful for any person to alter the same."

Mr. Snyder made a motion,

To amend said section, by inserting after the word, "any," and before the word, "boar" the word "unmarked ;"

Which was decided in the negative.

The question then recurred on the motion of Mr. Sheledy,

Which was decided in the negative.

The question, was then put,

“Will the House concur in the report?”

And decided in the affirmative.

Yeas 21, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Davis, Hancock, Harper, Huner, Johnson, Leonard, McCleary, Munger, Murdock, Noble, Robertson, Snyder, Stewart, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Coy, Lester, Montague, and Sheledy.

Mr. Robertson made a motion.

To engross the Bill, and that it be read a third time on Monday next.

Mr. McCleary made a motion,

To indefinitely postpone the Bill;

Which was decided in the negative.

The question then recurred on Mr. Robertson's motion;

Which was decided in the affirmative.

So the Bill was

Ordered, To be engrossed, and read a third time on Monday next.

Mr. McCleary, having given previous notice, and upon leave being granted, introduced,

No. 27, H. R. File, “A Bill to amend an act, entitled, ‘An act to vacate a part of the Town plot of Port Allen, and to legalize the location of a part of a Territorial road,’ ‘Approved 13th February, 1843;’”

Which was read a first time.

On motion of Mr. M'Cleary,

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

The Bill was read a second and third times, passed, and title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No. 4, C. File, “A Bill to establish a Territorial Road from Bloomington to Davenport.”

No. 11, C. File, A Bill to make valid in law the acts of Joseph A. Reynolds a Justice of the Peace in and for the County of Buchanan."

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent."

Also,

No. 17, C. File, "A Bill to change the name of the Town of Louisville, in the county of Wapello."

In which the concurrence of the House is requested,

And then he withdrew.

The above Bills were severally read a first time.

On motion of Mr. Johnson,
Ordered, That the 42nd rule be suspended, and

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

Be read a second time now.

The Bill was read a second time.

On motion of Mr. Johnson,
The House Resolved itself into a Committee of the Whole House, for the consideration of the same; Mr. Sheledy in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Sheledy reported the same back to the House with several amendments,

Which were agreed to.

On motion of Mr. Johnson,
Ordered, That the 42nd rule be suspended, and the Bill read a third time now.

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

Ordered, That the Council be informed thereof.

On motion of Mr. Johnson,
Ordered, That the 42nd rule be suspended, and
No. 17, C. File, "A Bill to change the name of the town of Louisville in the county of Wapello;"

Be read a second and third time now, by its title.

The Bill was so read, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 25, H. R. File, "A Bill to change the Eastern boundary of the County of Washington;"

Was read a second time; and,

On motion of Mr. Davis,

Ordered, To be engrossed and read a third time on Monday next.

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

Was read a second time, and,

On motion of Mr. Sheledy,

Referred to a Committee of the Whole House and be made the order of the day for to-morrow.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington; and for revising and repealing all laws, and parts of laws heretofore enacted on that subject,"

Was read a second time.

On motion of Mr. Johnson,

Ordered, That it be referred to a Committee of the Whole House, and made the order of the day for Monday next.

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of deeds in the County of Clayton,"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing and regulating writs of Attachments, 'Approved, 16th Feb. 1843;'"

No. 3, C. File, "A Bill to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County;"

No. 5, C. File, "A Bill to provide for holding an additional Term of the District Court, in and for the County of Lee;"

No. 14, C. File, "A Bill to change the name of the villiage of Salem, in the County of Muscatine;" and,

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves;'"

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock made a motion to adjourn;

Which was decided in the negative.

No. 17, H. R. File. "A Bill to amend an act, entitled, 'An act regulating marriages;'"

Was read a third time.

Mr. Davis made a motion,

That the House do now adjourn.

Which was decided in the negative.

Mr. Wilson moved a call of the House, which was ordered and had.

Messrs. Downey and Banks were absent.

On motion of Mr. McCleary,
Ordered, That Mr. Banks be excused.

Mr. Downey appeared and took his seat.

Mr. Munger made a motion,
That this House do now adjourn,
Which was decided in the negative.

The question was then put,
"Shall the Bill pass?"

Which was decided in the affirmative.

Yeas 15, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are
Messrs. Anderson, Chandler, Coy, Davis, Hancock, Johnson,
Leonard, Lester, McCleary, Montague, Murdock, Robertson, Tay-
lor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are
Messrs. Clifton, Downey, Harper, Huner, Munger, Noble, Shele-
dy, Snyder, Stewart, and Wilson.

On motion of Mr. Murdock,
Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 24, H. R. File, "A Bill to empower the County Commission-
ers of Delaware County, to levy a tax of one per cent, for the period
of two years;"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 4, H. R. File, "A Bill to prohibit and punish the sale of
liquors to the Indians;"

Being the order of the day;

Was considered in Committee of the Whole House; Mr. Johnson
in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Chairman reported, the
same back to the House without amendment and asked leave to sit
again;

Which was granted.

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary;"

Being the order of the day,

Was considered in Committee of the Whole House; Mr. Mc-
Cleary in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. McCleary reported the Bill back to the House with several amendments ;

Which were severally read and agreed to.

Mr. Johnson made a motion,

To amend the 21st Section, by striking out the words, "every month," and inserting the words, "January, April, July, and October."

Which was agreed to.

On motion of Mr. Davis,

Ordered, That the Bill be recommitted to a select Committee of three.

Messrs. Davis, Stewart, and Sheledy, were appointed said Committee.

Mr. Murdock made a motion,

That this House do now adjourn until 10 o'clock on Monday morning next.

Which was decided in the affirmative.

Yeas 14, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Coy, Davis, Downey, Harper, Johnson, Leonard, Munger, Murdock, Noble, Stewart, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Hancock, Lester, McCleary, Montague, Robertson, Sheledy, Snyder, Taylor, and Woodworth.

So the House adjourned until 10 o'clock on Monday morning next.

MONDAY MORNING, 10 O'CLOCK,

May the 19, A. D. 1845.

Mr. Banks presented the petition of George W. Humphries and one hundred and thirty-five other citizens of Muscatine county, praying the Legislature to change the name of Bloomington in said county, to that of Muscatine.

Mr. Sheledy gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to declare a certain road in Washington County a public highway.

Mr. Lester, upon leave being granted introduced,

No. 30, H. R. File, A joint resolution, "Resolved by the Council and House of Representatives of the Territory of Iowa, That Paul Brattan be and he is hereby authorized, to contract with some person to furnish a full set of seals for the County of Davis, for which they shall receive such compensation, out of the Territorial Treasury, as the Legislature may hereafter direct ;

Which was read a first time.

On motion of Mr. Snyder,

"Resolved, That the Committee on the Judiciary, be instructed, to inquire into the necessity of passing an act regulating the issue of writs of ne exeat ; and report by Bill or otherwise."

Mr. Snyder, gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend An act to provide for the support of illegitimate children.

On motion of Mr. Robertson,

"Resolved, That the Secretary of Iowa Territory, or the Chief Clerk of this House, be authorized to furnish each member of this House, with one copy of 'Barrows' Map and Notes of Iowa ;' *Provided*, such Map and Notes shall be furnished at two dollars and fifty cents per copy."

Mr. Downey from the Committee on engrossed bills, reported that they have examined,

No. 10, H. R. File, "A bill to repeal an act, entitled, 'An act for the improvement of sheep ;'"

And,

No. 25, H. R. File, "A Bill to change the eastern boundary of Washington County ;"

And find them correctly engrossed.

Mr. Lester, from the Committee on Township and County boundaries, to whom was referred the petition of sundry citizens of Iowa, praying an alteration in the County line between the Counties of Jefferson and Henry, made the following report :

"The Committee on Township and County boundaries, to whom was referred two petitions, containing the names of one hundred and thirty-one citizens of the counties of Henry and Jefferson, praying that Skunk River be made the boundary between the said counties, so far as the same runs through Townships seventy-two and seventy-

three, have instructed me to report : That it is inexpedient to grant the prayer of the petitioners."

Mr. Davis, from the select Committee to whom was referred, No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary ;"

Reported the same with several amendments ;

Which were severally concurred in.

Mr. Downey presented the petition, of James Robinson and fifty-five others, praying the Legislature to charter a Territorial Stock Bank.

Mr. Downey, having given previous notice, and upon leave being granted, introduced,

No. 31, H. R. File, "A Bill to charter the Bank of Iowa in Iowa City,"

Which was read a first time.

On motion of Mr. Munger,

Ordered, That the usual number of copies of the Bill be printed.

The following Message was then received from the Council by J. F. Kinney their Secretary,

MR. SPEAKER :

I herewith present for for your signature—

"An act to provide for holding an additional Term of the District Court, in and for the County of Lee;"

"An act to authorise the Board of Commissioners of the County of Dubuque, to levy a tax on all real and personal Estate now subject to taxation in said County;"

"An act to change the name of the villiage of Salem, in the County of Muscatine ;"

"An act to change the name of the Town of Louisville, in the county of Wapello."

And,

"An act to amend an act, entitled, 'An act to incorporate the subscribers, for erecting a dam across the Muscatine Slough, 'Approved 5th February, 1844 ;' "

The Council have passed—

No. 27, H. R. File, "A Bill to amend an act, entitled, 'An act to vacate a part of the Town plat of Port Allen, and to legalize the relocation of a part of a Territorial road,' 'Approved 13th February, 1843;'"

In which the concurrence of the House is requested,

The Council have concurred in all the amendments proposed to—

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

Except so much as relates to striking out, "one hundred and fifty dollars," and inserting "seventy-five dollars."

And then he withdrew.

The said acts were severally signed by the Speaker of the House of Representatives.

No. 2, C. File, "A Bill to amend an act, entitled, 'An act to provide for the partition of Real property.'"

And,

No. 16, C. File, "A Bill to establish a Territorial Road from Marion in Linn county, to the Indian Boundary in a direct route to Fort Atkinson;"

Were read a first time.

No. 15, H. R. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts, in the several Judicial Districts in this Territory,' 'Approved Feb. 12th, 1844;'"

Having been returned from the Council with amendments was taken up, and those amendments were severally read and agreed to.

No. 4, C. File, "A Bill to establish a Territorial Road from Bloomington to Davenport."

Was read a second time, and,

On motion of Mr. Robertson,

Referred to a select Committee of three.

Messrs. Robertson, Banks, and Munger, were appointed said Committee.

No. 11, C. File, A Bill to make valid in law the acts of Joseph A. Reynolds a Justice of the Peace in and for the County of Buchanan."

Was read a second time, and,

On motion of Mr. Taylor,

Ordered, To be laid on the table.

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary,"

Was read a second time, recommitted, and made the order of the day for Monday next,

On motion of Mr. Taylor,

No. 16, C. File, "A Bill to establish a Territorial road from Marion in Linn county, to the Indian Boundary in a direct line, to Fort Atkinson,"

Was taken from the table, and read a second time.

On motion of Mr. Taylor,

Ordered, That the Bill be referred to a select Committee of three.

Messrs. Taylor, Snyder, and Noble, were appointed said Committee.

No. 28, H. R. File, "A Joint Resolution for auditing the expenses of the Convention, for forming a Constitution, held in 1844 ;"

Was read a second time, and,

On motion of Mr. McCleary,

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

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

Ordered, That the Council be informed thereof.

No. 29, H. R. File, "A Joint Resolution relative to the Northern Boundary of Iowa,"

Was read a second time.

Mr. Hancock made a motion,

To postpone the resolution indefinitely ;

Which was decided in the affirmative.

Yeas 20, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Noble, Robertson, Snyder, Stewart, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Clifton, Downey, Munger, and Sheledy.

No. 10, H. R. File, "A Bill to amend an act, entitled, 'An act for the improvement of sheep.'"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

Mr. Noble made a motion,

That the House do now adjourn.

Which was decided in the negative.

No. 19, H. R. File, "A bill to incorporate and establish the City of Burlington, and for revising and repealing all laws, and parts of laws heretofore enacted on that subject ;"

Being the order of the day,

The House resolved itself into Committee of the Whole House, for the consideration of the same ; Mr. Wilson in the Chair ;

And after some time spent therein,
The Committee rose and by their Chairman, reported the same
back to the House without amendment.

On motion of Mr. Stewart,
Ordered, That this House do now adjourn, until to-morrow morn-
ing at 10 o'clock.

TUESDAY MORNING, 10 O'CLOCK,

May the 20, A. D. 1845.

Mr. Chandler presented the petition of G. C. Neally and seven
others, in relation to a certain Territorial Road,
Which,

On motion of Mr. Chandler,
Was referred to the delegation from Des Moines County,
Mr. Taylor, from the Committee to whom was referred,
No. 16, C. File, "A Bill to establish a Territorial Road from
Marion in Linn County, to the Indian Boundary in a direct line to
Fort Atkinson,"

Reported the same to the House with amendments,
Which were agreed to.

Mr. Wilson, from the Committee on Territorial affairs, to whom
was referred so much of the Governor's Message, as relates to the
boundary line between Iowa and Missouri, made the following re-
port:

REPORT OF THE COMMITTEE ON TERRITORIAL AF-
FAIRS,

To whom was referred so much of the Governor's Message as re-
lates to our disputed boundary with the State of Missouri.—Mr.
Wilson, Chairman.

The Committee on Territorial Affairs, to whom was referred so
much of the Governor's Message as relates to our disputed bounda-
ry with Missouri, have had the same under consideration, and beg
leave to report that there is no power within our Legislative sphere
to settle the disputed boundary between the State of Missouri and
the Territory of Iowa; and therefore, the only action the Legislature
can take, is to represent strongly, by a memorial to Congress, the

disagreeable, as well as dangerous state of affairs now existing upon our southern boundary; and urge that body to either settle the same, or permit the Territory to stand as a party to a suit in the Supreme Court of the United States.

Let us for a moment look at the facts in relation to this disputed boundary. The section of country in dispute was committed to our care by the General Government, and it has at all times been under our laws and peopled by our citizens. Shall Iowa, standing in the relation with the General Government of an agent or foster child, relinquish rights which have been given her by the supreme power of the land? or shall we disfranchise our own citizens and outlaw them to satisfy and pamper to the arrogant demands of the rapacity for territory of a foreign state, who can claim under no shadow of a title, and which the authorities of said state appear not only unwilling to settle, but to throw every obstacle in the way of adjudicating the dispute. By referring to the Governor's Message, we learn "that Congress by an act entitled 'An Act respecting the Northern boundary of the State of Missouri,' approved June 17th, 1844, authorized the State of Missouri, if her Legislature thought proper to assent to the provisions of the act, to appoint one commissioner, and the Territorial authorities to appoint one, and authorized the two so appointed, to select a third, to act with them in the adjustment of this controversy, and the Legislature of Missouri as I learn from a copy of the message of the Governor of that state, passed an act to carry into effect the act of Congress, but the Governor declined to approve it, and returned it with objections to its passage, and I have understood (though not officially informed of it) that the measure failed, so that the controversy remains as it stood before the passage of the act of Congress."

This veto of the Governor of Missouri was upon the grounds the Committee learns, that the act of Congress admitting Missouri fixed her boundaries by accepting her as a sovereign state, with her constitutional boundaries. Admit the promises of the Governor of Missouri,—that boundary is disputed, and all the commissioners were empowered to do, was to find out that boundary, define it, and not to take from Missouri one inch of her constitutional boundaries. The Committee cannot avoid regretting the conduct of the Executive of our adjoining State. If the act of Congress had been permitted to have gone into effect, it would have harmoniously settled this dangerous question which now assumes a threatening aspect, and might lead to armed hostilities between citizens of an adjoining State and Territory, and daily produce collisions between the Territorial and Missouri authorities.

Iowa is placed in this difficulty in a peculiar situation, this disputed tract was placed under our jurisdiction by the General Government as we have before stated. We have no power if we were ever so much inclined to relinquish this right committed to our care by

the General Government. The next questions then that naturally arise are how are we to proceed in case of difficulty? or how are we to be extricated from this awkward embarrassment? These are questions that the Committee are unable to solve, and therefore, propound to the House, that they may all reflect upon them in hopes that some path may yet be discovered that will harmoniously quell all disturbances, and forever settle this much vexed question of boundary. Standing in the relation we do to the General Government, any expenses that might arise from any conflict with Missouri should in all justice and equity be settled by the General Government. It cannot become a tax upon our Territorial Government, as the Legislature has no right to levy a tax for any such purposes.

If the General Government should refuse to allow any claim from our Territory, for any such contingencies, if they should unfortunately arise, as she has already done for a similar demand, although in the dispute between Michigan and Ohio in relation to boundary, she not only set the precedent for such claims, but actually paid all expenses, and furnished the latter State with arms and munitions of war, and at the same session of Congress recognized her right to the disputed territory. This difference of action in precisely parallel cases, can be accounted for in no other way than that Ohio is a great and powerful State, with a voice and vote in the councils of the nation, while we are young, weak, and at present, comparatively without power in the councils of the Government. We repeat then, if Congress should again refuse to allow such claims if they should arise, [as your Committee from the present appearance of things are too fearful] we are perfectly powerless, and our Territory must be regarded in no other light, than a free and open manor which the General Government has created, upon which all surrounding States and Territories may have the implied privilege of poaching upon with impunity, and almost with the express consent of Congress.

Resolved, That our Delegate in Congress be requested to use his influence to have a law passed to bring the disputed boundary between Iowa and Missouri to a speedy close, by obtaining consent to let the Territory stand as a party to a suit in the Supreme Court of the United States, or such other manner as he shall deem best upon a full investigation of the subject, and also, that the claims of our citizens arising from a call from the officers of the General Government for duty and service upon a similar occasion of difficulty with Missouri, is just and equitable, and such claim should in all honor be paid by the General Government.

In conclusion your Committee beg leave to be discharged from the further consideration of the subject.

Which was adopted.

On motion of Mr. McCleary,

Ordered, That two hundred and forty copies of said report be printed.

Mr. Murdock from the Committee on the Judiciary, who was instructed to inquire into the expediency of postponing the election of Members of the House of Representatives, reported,

No. 32, H. R. File, "A Bill to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April ;"

Which was read a first time.

Mr. Sheledy, having given previous notice, and upon leave being granted, introduced,

No. 33, H. R. File, "A Bill to declare a certain road therein named a public highway."

Which was read a first time.

Mr. Davis, having given previous notice, and upon leave being granted, introduced,

No. 34, H. R. File, "A Bill authorizing the construction of slopes in mill dams in Skunk River ;"

Which was read a first time.

Mr. Johnson having given previous notice, and upon leave being granted, introduced,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843 ;' "

Which was read a first time.

Ordered, That the usual number of copies be printed.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No. 12, C. File, "A Bill to provide for taking the Census of Iowa Territory, and for the re-apportionment of the Legislative Assembly."

Also,

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Des Moines river."

Also,

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa."

In which the concurrence of the House is requested.

The Council have also passed,

No. 14, H. R. File, "A Bill to amend an act, entitled, 'An act

regulating practice in the District Courts in the Territory of Iowa,
'Approved Feb. 10th, 1843 ;' "

Also,

No. 22, H. R. File, "A Bill to legalize the acts of Charles E. Bensil, former Recorder of deeds in the County of Clayton,"

The Council have indefinitely postponed,

No. 23, H. R. File, "A Bill to amend an act, entitled, 'An act allowing and regulating writs of Attachments, 'Approved, 16th Feb. 1843 ;' "

And then he withdrew.

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

Being returned from the Council, with a message informing the House, that the Council insist upon their disagreement to the amendments of the House,

On motion of Mr. Robertson,

The House insisted on its amendment.

On motion of Mr. Sheledy,

Ordered, That a Committee of conference, on the part of the House, be appointed in relation to the same.

Messrs. Johnson and Sheledy were appointed said Committee.

No. 30, H. R. File, A joint resolution, "Resolved by the Council and House of Representatives of the Territory of Iowa, That Paul Brattan be and he is hereby authorized, to contract with some person to furnish a full set of seals for the County of Davis, for which they shall receive such compensation, out of the Territorial Treasury, as the Legislature may hereafter direct ;"

Was read a second time.

On motion of Mr. Sheledy,

The resolution was referred to a select Committee.

Messrs. Sheledy, Hancock, and Harper, were appointed said Committee.

No. 32, H. R. File, "A Bill to postpone the election of the Members of the House of Representatives of the Territory of Iowa, from August until April,"

Was read a second time, and,

On motion of Mr. Wilson,

Referred to the Committee on the Judiciary.

No. 16, C. File, "A Bill to establish a Territorial road from Marion in Linn County, to the Indian boundary in a direct line to Fort Atkinson,"

Was read a second time ; and,

On motion of Mr. Robertson,

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

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington ; and for revising and repealing all laws, and parts of laws heretofore enacted on that subject, "

Was read a second time, and,

On motion of Mr. Johnson,

Referred to a select Committee of five.

Messrs. Johnson, Sheledy, Hancock, Snyder, and Clifton, were appointed said Committee.

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships ;' "

Being the order of the day ;

Was considered in Committee of the Whole House ; Mr. Hancock in the Chair ;

And after some time spent therein,

The Committee rose and by their Chairman, reported the same to the House with several amendments ;

Which were severally agreed to.

On motion of Mr. Davis,

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

On motion of Mr. Snyder,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 4, H. R. File, "A Bill to prohibit and punish the sale of liquors to the Indians ;"

Being the order of the day,

Was considered in Committee of the Whole House ; Mr. Sheledy in the Chair ;

And after some time spent therein,

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

Mr. Murdock made a motion,

To indefinitely postpone the Bill.

Mr. McCleary made a motion,

To amend the Bill by striking out the words "Penitentiary for a period of not less than three months, or more than one year," and inserting instead thereof, the "words; "County Jail and be fed on bread and water not exceeding thirty days."

The question, was then put,

"Will the House agree to the amendment?"

And decided in the negative.

Yeas 5, Nays 18.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Davis, McCleary, Snyder, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Coy, Downey, Hancock, Harper, Huner, Johnson, Lester, Montague, Murdock, Noble, Robertson, Sheledy, Stewart, Taylor, Woodworth, and Morgan, Speaker.

The question then recurred on Mr. Murdock's motion; and

The question being put,

"Shall the Bill be indefinitely postponed?"

It was decided in the negative.

Yeas 7, Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Coy, Davis, Downey, Harper, McCleary, Murdock, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Banks, Clifton, Hancock, Huner, Johnson, Lester, Montague, Noble, Robertson, Sheledy, Snyder, Stewart, Taylor, Woodworth, and Morgan, Speaker.

Mr. Hancock made a motion,

To suspend, the 42nd rule and that the Bill be read a third time now;

Which was decided in the affirmative.

Yeas 20, Nays 3.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, Montague, Noble, Robertson, Sheledy, Snyder, Stewart, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. McCleary, Murdock, and Wilson.

The Bill was then read a third time; and,

The question being put,

“Shall the Bill pass,”

It was decided in the affirmative,

Yeas 17, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Davis, Hancock, Harper, Johnson, Lester, Montague, Noble, Robertson, Sheledy, Snyder, Stewart, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Coy, Downey, Huner, McCleary, Murdock, and Wilson.

So the Bill was passed and the title agreed to.

No. 26, H. R. File, “A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,”

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Davis in the Chair;

And after some time spent therein,

The Speaker resumed the Chair, and Mr. Davis reported the same to the House with one amendment;

Which was agreed to.

Mr. Murdock made a motion,

To amend the Bill by inserting before the word “6th” the words “3rd 4th and”

On motion of Mr. Anderson,

A call of the House was ordered.

Messrs. Chandler, Dewey, Leonard, and Munger were absent.

On motion of Mr. M’Cleary,

Ordered, That Messrs. Leonard and Chandler, be excused from attendance.

On motion of Mr. Murdock,

Ordered, That the further call of the House be dispensed with.

Mr. Murdock on leave of the House withdrew his amendment.

On motion of Mr. M’Cleary,

Ordered, That the Bill be referred to the Committee on the Judiciary.

No. 25, H. R. File, “A Bill to change the Eastern boundary of the County of Washington;”

Being the order of the day,
Was considered in Committee of the Whole House ; Mr. Robertson in the Chair ;

And after some time spent therein,
Mr. Speaker resumed the Chair, and Mr. Robertson, reported the same back to the House without amendment.

Mr. Snyder made a motion,
To strike out the enacting clause of the Bill ;
Which was decided in the negative.
On motion of Mr. Robertson,
Ordered, That the Bill be engrossed and read a third time to-morrow.

Mr. Taylor gave notice, that he would on to-morrow or some future day, ask leave to introduce,
A Bill to more fully prevent trespass on timbered lands.

On motion of Mr. McCleary,
Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, 10 O'CLOCK,

May the 21, A. D. 1845.

Mr. Morgan presented the petition of David Scott, Sen. and seventeen others, in relation to township roads,
Which was,

On motion of Mr. Morgan,
Referred to the Committee on Roads and Highways.

Mr. Munger presented the petition of Samuel Parker of the county of Henry, praying relief in a certain case therein named, and the certificate of E. Killpatrick, Clerk of the District Court for the County of Henry.

Which were,
On motion of Mr. Munger.
Ordered, To be referred to a select Committee.
Messrs. Munger, Downey, and Johnson, were appointed said Committee.

Mr. Downey presented the petition of John Campbell and seven others, praying that the acts of William Foster a Justice of the Peace, in and for the County of Johnson, be legalised,

Which,

On motion of Mr. Downey,

Was referred to the Committee on the Judiciary.

Mr. Huner presented the petition of one hundred and sixty persons, praying an alteration in the law in relation to Mechanics Liens.

Which was referred to the Committee on the Judiciary.

Mr. Sheledy gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, entitled, "An act for opening and regulating Roads and Highways."

Mr. Robertson gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to incorporate the Scott County Hydraulic Company.

Mr. Johnson, from the select Committee, to whom was referred, No. 19, H. R. File, "A bill to incorporate and establish the City of Burlington; and for revising and repealing all laws, and parts of laws heretofore enacted on that subject;"

Reported the same back to the House with two amendments;

On motion of Mr. Sheledy,

Ordered, That the Bill be recommitted to a Committee of the Whole House, and made the order of the day for this day.

Mr. Taylor, from the Committee on engrossed bills, reported that they have examined—

No. 25, H. R. File, "A Bill to change the eastern boundary of Washington County."

Also,

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships,'"

Mr. Sheledy, from the select Committee to whom was referred, No. 30, H. R. File, A joint resolution, "Resolved by the Council and House of Representatives of the Territory of Iowa, That Paul Brattan be and he is hereby authorized, to contract with some person to furnish a full set of seals for the County of Davis, for which they shall receive such compensation, out of the Territorial Treasury, as the Legislature may hereafter direct;"

Reported the same back to the House with amendments;

Which were agreed to.

Mr. Banks, having given previous notice, and upon leave being granted, introduced,

No. 36, H. R. File, "A Bill to regulate fees of Sheriffs and Constables, in attendance on the District Courts ;"

Which was read a first time.

No. 12, C. File, "A Bill to provide for taking the Census of Iowa Territory, and for the re-apportionment of the Legislative Assembly ;"

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Desmoines river ;"

And,

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa ;"

Were severally read a first time.

No. 33, H. R. File, "A Bill to declare a certain road therein named a public highway,"

Was read a second time.

On motion of Mr. Sheledy,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 34, H. R. File, A Bill authorizing the construction of slopes in mill dams in Skunk River ;"

Was read a second time, and,

On motion of Mr. Robertson,

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

No. 2, C. File, "A Bill to amend an act, entitled, 'An act to provide for the partition of Real property,'"

Was read a second time, and,

On motion of Mr. Downey.

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

No. 32, H. R. File, "A Bill to postpone the election of the Members of the House of Representatives of the Territory of Iowa, from August until April,"

Was read a second time, and,

On motion of Mr. Murdock,

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

No. 31, H. R. File, "A Bill to charter the Bank of Iowa in Iowa City,"

Was read a second time.

Mr. Downey made a motion,
To refer the Bill to a select Committee, and,
The question being put,
"Shall the Bill be so referred?"

It was decided in the affirmative.

Yeas 14, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, Huner, Johnson, McCleary,
Munger, Noble, Robertson, Sheledy, Snyder, Taylor, Woodworth,
and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Coy, Davis, Hancock, Harper, Lester, Montague,
Murdock, and Wilson.

No. 25, H. R. File, "A Bill to change the eastern boundary of
Washington County;"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Munger, from the Committee on Enrolments reported back
to the House,

"An act, to repeal the Charter of the Miners' Bank of Dubuque,
and to provide for winding up the affairs of the same," with the fol-
lowing endorsement thereon:

"This Bill received at the Executive Office on the 15th of May
1845, and retained until the 20th, and then returned to the Commit-
tee from which it was received."

(Signed,) JOHN CHAMBERS.

Governor.

The following Message was then received from the Council by
J. F. Kinney their Secretary.

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—
No. 20, C. File, "A Bill to amend 'An act defining the duties of
County Surveyor,' 'Approved Feb. 9th 1843.'"

Also,

No. 24, C. File, "Joint Resolution providing for the adjournment
of the Legislative Assembly."

In which the concurrence of the House is requested.

The Council have also passed without amendment,

No. 6, H. R. File, "A Bill to amend an act, entitled, 'An act to
provide for Assessing and Collecting Public Revenue,' 'Approved
Feb. 15th, 1844;'"

Also with amendments,
No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c."

I herewith return—

"An act to amend an act, entitled, 'An act to vacate a part of the Town plat of Port Allen, and to legalize the relocation of a part of a Territorial road,' 'Approved 13th February, 1843.'"

Also,

"An act amendatory of an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in the Territory,' 'Approved Feb. 12th, 1844;'"

They having been signed by the President of the Council.

And then he withdrew.

No. 16, C. File, "A Bill to establish a Territorial road from Marion in Linn County, to the Indian boundary in a direct line to Fort Atkinson,"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Snyder,

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Was taken from the table, and upon his motion, referred to a select Committee of three.

Messrs. Snyder, Clifton, and Montague, were appointed said Committee.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,"

Being the order of the day,

Was considered in Committee of the Whole House; Mr. Wilson in the Chair;

And after some time spent therein,

The Committee rose and by their Chairman reported progress and asked leave of the House to sit again;

Which was granted.

On motion of Mr. Taylor,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,"

Being the order of the day,

The consideration thereof was resumed in Committee of the Whole House; Mr. Hancock in the Chair;

And after some time spent in consideration of the same,

The Committee rose and by their Chairman reported the same to the House without amendment.

Mr. Davis made a motion,

To amend the 12th section of the Bill, by adding the following:—

"*Provided*, That all laws or ordinances, passed by said City Council, conflicting in any wise, with the Constitution of the United States, the Organic or Statute laws of this Territory, shall be null and void, and of no effect."

Mr. Johnson made a motion,

To amend the amendment, by striking out the words; "Constitution of the United States, the Organic or,"

Which was agreed to.

The question then recurred on Mr. Davis' motion as amended by Mr. Johnson, and

Was decided in the affirmative.

On motion of Mr. Sheledy,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Johnson,

No. 9, H. R. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 14th, 1844;'"

Was taken from the table; together with the report of the Committee, thereon.

The question, was then put;

"Will the House agree to the amendment reported by the Committee?"

Which was decided in the affirmative.

Yeas 18, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Munger, Murdock, Noble, Robertson, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Clifton, Downey, Sheledy, and Woodworth.

On motion of Mr. Johnson,

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

Mr. McCleary gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill amendatory of "An act to authorise evidence by the oath of parties," "Approved 20th January, 1843."

On motion of Mr. Banks,

Ordered, That this House do now adjourn, until to-morrow morning at 10 o'clock.

THURSDAY MORNING, 10 O'CLOCK,

May the 22, A. D. 1845.

The House met pursuant to adjournment.

Mr. Wilson rose and made the following announcement:—

MR. SPEAKER:

It becomes my painful duty to announce to this House, the death of our esteemed and worthy associate, the Honorable JAMES LEONARD of Jackson county.

How true it is, "that in the midst of life, we are in the midst of death"—we are all passing away "like the dew of the morning," and the places that we now fill, will soon be vacant, and know us no more, we will have gone—

"And like the baseless fabric of a vision,
Leave not a wreck behind."

Oblivion, however painful the thought, is the common fate of all

mankind, none can avoid it, or flee from the presence of the grim monster—death. Some who have gone before us in ages past, have tried in vain to build up a name that would stand the ravages of time, and the mutations of centuries. But, turn over the partial and distorted pages of history, or point to the mouldering ruins where once the storied urn—the towering column—or the emblazoned designs, told of knightly trophies of arms, or the services done the state, and it will also forcibly tell, a sad story of the feeble power of puny man to gain a single point above the common level, or to possess in a single iota, any part of the attributes pertaining to Omnipotence. If oblivion is the common fate of all—if the cold and silent grave awaits us, what a mockery we make of death in our every day's transactions—how little is thought of it, and if ever the unpleasant thought of our final dissolution flits across our imagination, it is shrunk from as an odious and disagreeable thought, that we should not dwell upon, or permit for a single moment to engross our time. But, think of it we must, and the oftener the better—for there it stands—there is no alternative but to meet it, and how careful should we be to meet it in that calm and blessed way that at its approach we should exclaim—

“Oh! death where is thy sting,
Oh! grave where is thy victory?”

To accomplish so desirable an end should be our aim, it will be more valuable than the glittering bauble FAME, that dazzles but to deceive, more precious than WEALTH, that takes unto itself wings and disappeareth forever, and the possession of which peace will not only make us more wise, virtuous, and happy here, but through all the countless years of eternity.

Our deceased friend needs no studied eulogy from me; to know him was to love him, and his death has caused a chasm in the society in which he moved, that for a long time will be irreparable. So pure and fair was his character, that for once the poisoned fang of partisan violence was stripped of its slime and malevolence, and he was elected by an intelligent and virtuous people, almost without opposition.

It now only remains for us to pay the last tribute of memory to our departed friend, and soon the winding sheet—the pall—the bier—the tolling bell, and the cold and silent grave will have swallowed up all recollections of the generous, amiable and beloved stranger, save in the heart of that bereaved wife and those orphan children; to them language is inadequate to portray their loss, or time may attempt in vain to throw over his shroud of forgetfulness.

But a short time ago, he left home in the full possession of life, health and vigor, with high and buoyant hopes connected with the future. These hopes have all been blasted in their spring time, and now he lies a cold and lifeless being. But, I will not any longer harrow up your already deeply sympathising spirits, for, although,

it can be said, that he died surrounded with strangers, there was not one soul there, that was not overrunning with a generous and deep feeling for his sufferings; it was with a feeling akin to that which inspires us to higher and holier aspirations, with which the members of this Legislature watched the final exit of his parting soul, and the only thing they can now do, is to offer their poor sorrow to the bereaved wife— orphan children—and sympathising friends, and hope that he has gone to a better and purer world where sorrow never comes.

Mr. Murdock on leave being granted, introduced the following:

No. 37, H. R. File, Joint Resolutions, "Resolved by the Council and House of Representatives of the Territory of Iowa, That the Members and Officers of both Houses, will attend the funeral of James Leonard, a member of the House of Representatives, at 10 o'clock to-morrow morning.

"Resolved, That a Joint Committee of two Members of each House, be appointed to take order for the superintending the funeral of James Leonard, deceased,

"Resolved, That the Members and Officers of both Houses, will testify the respect for the memory of their deceased, by wearing crape on the left arm for thirty days.

"Resolved, That when the two Houses adjourn to-day, they will adjourn to meet again on Saturday morning at 10 o'clock."

Which was read a first time.

On motion of Mr. Murdock,

The 42nd rule was suspended, the Resolutions were read a second and third times, and passed unanimously.

Ordered, That the Council be informed thereof.

Messrs. Murdock and Robertson, were appointed said Committee.

On motion of Mr. Johnson,

Ordered, That the House do now adjourn until Saturday morning at 10 o'clock.

SATURDAY MORNING, 10 O'CLOCK.

May the 24, A. D. 1845.

Mr. Taylor, from the Committee on engrossed bills, reported the following Bills correctly engrossed; viz:

No. 30, H. R. File, A joint resolution, "Resolved by the Council and House of Representatives of the Territory of Iowa, That Paul Brattan be and he is hereby authorized, to contract with some person to furnish a full set of seals for the County of Davis, for which they shall receive such compensation, out of the Territorial Treasury, as the Legislature may hereafter direct;"

No. 32, H. R. File, "A Bill to postpone the election of the Members of the House of Representatives of the Territory of Iowa, from August until April,"

And,

No. 9, H. R. File, "A Bill to amend an act, entitled, 'An act amendatory of an act, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Feb. 12th, 1844.'"

Mr. Murdock from the Committee on the Judiciary, reported:

No. 38, H. R. File, "A Bill to legalize the acts of William Foster, an acting Justice of the Peace."

Which was read a first time.

Mr. McCleary, having given previous notice, and upon leave being granted, introduced,

No. 39, H. R. File, "A Bill amendatory of 'An act to authorize evidence by the oath of the parties,'"

Which was read a first time.

No. 20, C. File, "A Bill to amend 'An act defining the duties of County Surveyors,' 'Approved Feb. 9th 1843,'"

Was read a first time.

No. 24, C. File, A Joint Resolution providing for the adjournment of the Legislative Assembly,"

Was read a first time.

No. 7, H. R. File, "A Bill to prevent the destruction of Notices, Advertisements, &c."

Having been returned by the Council, passed with an amendment, was taken up and the amendment agreed to.

No. 36, H. R. File, "A Bill to regulate fees of Sheriffs and Constables, in attendance on the District Courts ;"

Was read a second time, and,

On motion of Mr. M'Cleary,

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

Mr. Downey on leave being granted, presented the following Report of the Auditor of Public Accounts :

AUDITOR'S OFFICE, IOWA, }
IOWA CITY, 15th May, 1845. }

To the Honorable the Council and

House of Representatives of the Territory of Iowa :

GENTLEMEN:—

In conformity to the eight section of an act of the Legislative Assembly of the Territory of Iowa entitled, "An act providing for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer, I herewith submit to you the following Report :

Warrants issued since my last annual Report bearing date 6th December, 1843.

For pay of Military Officers, &c.

To Chas. Mattoon as member of court martial,	\$10 00
" J. G. Green, do do	3 00
" Arthur Washburn, do do	2 00
" S. C. Hastings, do do	2 00
" A. T. Banks, do do	3 25
" Hiram Mathews, Marshal do	2 00
" Wm. Parvin, do do	4 00
" Jacob Butler, Judge Advocate do	6 00
" Irad C. Day, do do	6 00
" O. H. W. Stull, for salary as Adjutant General	112 50
" do do do	37 50
" do do do	50 00
" do do do	50 00
" David R. Warfield for service as Brigade Inspector,	64 00
" James Clarke for printing military commissions	17 50
	<hr/> \$369 75

For Expenses of Penitentiary.

To Thos. Hardy,	\$24 06
" Luke Alpine,	29 33
" do	334 00
" Aquilline W. Noe,	40 50
" Thos. Hale,	16 75
" do	16 18
" Chas. Jewett,	58 66
" do	4 66
" do	3 33
" do	20 00
" do	47 00
" do	69 44
" do	26 66
" do	7 00
" Ozra Hall,	57 50
" do	7 00
" Elias Frits,	23 00
" do	20 00
" do	60 00
" Darrias Wellington,	33 80
" Thomas F. Scott,	29 20
" do	11 00
" do	8 64
" do	60 12
" Anderson & McHenry,	10 75
" do	7 77
" do	41 40
" do	3 15
" do	36 00
" do	44 10
" Charles Martin,	40 00
" do	2 00
" Patrick Gilligan,	5 96
" John Claypool,	56 10
" do	90 26
" John Carl,	17 47
" Aaron Scott,	12 75
" David Myers,	40 26
" do	117 40
" do	10 50
" William Wilson,	3 00
" do	31 50
" Amos Ladd,	6 00
" Daniel McConn,	8 00
" do	180 00

To John Moyce,	\$31 84
" do	52 50
" do	144 66
" do	40 00
" Charles Morton,	14 93
" do	8 25
" do	7 50
" Smith & Deming,	17 11
" T. F. Scott,	62 64
" Edwin Guthrie,	407 99
" do	335 43
" do	200 00
" do	100 00
" do	34 00
" do	59 37
" John A. Drake,	19 00
" Crow & Walker,	80 00
" Ward Lampson,	8 00
" Guy Wells,	36 25
" John Waters,	34 50
" Thadius Chamberlain,	234 00
" do	60 00
" James G. Edwards,	11 00
" Zennis Nash,	100 09
" Richard Brazier,	3 33
" Agrippa Henderson,	3 33
" Samuel Smith,	7 50
" Southwick Guthrie,	40 00
" Edward Kilbourn,	36 80
" Franklin Snapp,	4 00
" H. Cattermole,	59 85
" J. P. Eddy,	10 00
	<hr/>
	\$1035 98

For fees of Sheriffs and Clerk of the District Courts.

To Wm. P. Doty, Depty. Sheriff for attending Supreme Court,	19 50
" Henry Heffleman, sheriff of Van Buren county for attending District Court,	25 00
" Henry Heffleman, do do do	21 00
" do do do do do	20 00
" Josiah H. Bonney, do do do	11 59
" D. J. Snyder, sheriff Muscatine co. do	85 50
" E. Cutler, Clerk Dis. Court in Van Buren co.	5 31
" F. B. Hazeltine - do do	5 12
	<hr/>
	\$193 02

*For salary of Territorial Treasurer and postage of
Treasurer's Office.*

" To Morgan Reno,	\$227 44	
" do	225 00	
	<hr/>	452 44
		<hr/>
		\$5051 19

For Contingent Expenses.

To James P. Carleton for seal press,	3 00	
" S. C. Trowbridge for postage of Aud's Office,	3 00	
" do do do	1 87	
" Wesley Jones for paper,	2 25	
	<hr/>	10 12

Total amount of warrants issued since 6th Dec.
1843. \$5061 31

Amount outstanding against the Territory 6th
Dec. 1843, 13154 25

\$18215 25

Warrants canceled and payments by Territorial
Treasurer, 5257 10

Amount remaining in the Treasury on the 10th
inst., as per Treasurer's Report, 142 55

5399 65

Amount now outstanding against the Territory, \$12815 91

The following statement of the accounts with the several Counties in the Territory will exhibit the apparent resources of the Territory as the means of discharging the above amount of liabilities, now outstanding against the Territory. The first statement exhibits the condition of the old accounts from the year 1839 to 1843 inclusive, from which I am satisfied there will be but little, if any, more realized by the Territorial Treasury.

The late act of the Legislative Assembly approved 15th Feb. 1844, entitled, "An act for assessing Territorial tax, and for other purposes," which makes it the duty of the County Treasurers to collect the Territorial tax and pay into the Territorial Treasury, has had a tendency to secure a degree of promptness, in a portion of the county Treasurers not here-

tofore manifest by a large majority of the County officers who have had the handling of the Territorial Revenue, and being aware that such would be the case under the law above referred to, (from the fact that the responsibility is now placed upon, and confined to one individual, viz: the County Treasurer, and that he can now be reached by law and coerced into a faithful performance of his duty,) I have deemed it expedient and proper to open a new set of accounts for the taxes of 1844, as will be found in the second statement under the head of new accounts.

Statement of old Accounts from 1839 to 1843 inclusive.

CEDAR COUNTY.

	Dr.	Cr.
To amount due 6th Dec. 1843 as per last report,	\$143 61	
By Territorial Treasurer's rect. 29th Oct. '44,		\$47 10
Balance now due,	\$96 51	

CLAYTON COUNTY.

To amt. due 6th Dec. 1843, as per last report,	\$48 65
" Assessment of territorial tax, for 1843,	25 79
Amount now due,	\$74 44

CLINTON COUNTY.

To amt. due 6th Dec. 1843, as per last report,	\$65 18
" Assessment of territorial tax for 1843,	22 43
Amount now due,	\$87 61

DESMOINES COUNTY.

To balance due 6th Dec. as per last report,	\$649 87
" Assessment of territorial tax for 1843,	783 56
	1433 43
By Territorial Treasurer's rect. 29th Oct. '44,	618 60
" Delinquent list for 1842,	11 44
	630 04
To balance now due	\$803 39

Dr. Cr.

DUBUQUE COUNTY.

\$ cts. \$ cts.

To amt. due 6th Dec. 1843, as per last report,	193 16	
“ Assessment of territorial tax for 1841,	112 37	
“ “ “ “ 1842,	79 05	
“ “ “ “ 1843,	100 00	
	<hr/>	
	484 58	
By Territorial Treasurer's rect. May 12th 1845,		67 29
	<hr/>	
To balance now due,	417 29	

HENRY COUNTY.

To balance due 6th Dec. 1843, as per last report,	\$17 60	
By Territorial Treasurer's rect. June 20, 1844,		166 83
		<hr/>
“ By balance as appears upon the books,		\$149 23

The abstract of the Assessment for the year 1843, has not been transmitted by the Clerk of the Board of County Commissioners to this office as required by law, consequently the assessment for that year, (which would leave a small balance in favor of the Territory,) is not charged to the county.

SCOTT COUNTY.

By balance due Scott County 6th, Dec. 1843, as per report,		10 00
To amount transferred to new account for 1844,	10 00	
	<hr/>	

MUSCATINE COUNTY,

To balance due 6th Dec. 1843, as per last report,	466 75	
“ Assessment of territorial tax for 1843,	287 70	
	<hr/>	
	754 45	
By cash paid on three drafts as per Treasurer's report,		41 75
	<hr/>	
To balance now due,	712 70	

	<i>Dr.</i>	<i>Cr.</i>
JACKSON COUNTY,		
	\$ cts	\$ cts.
To amt. due 6th Dec. 1843, as per last report,	79 75	
“ Assessment of territorial tax for 1843,	55 32	
	<hr/>	
Amount now due,	135 07	
JEFFERSON COUNTY.		
To amt. due 6th Dec. 1843, as per last report,	230 95	
“ Assessment of territorial tax for 1843,	139 13	
	<hr/>	
	370 08	
By Territorial Treasurer's rect. 10th May 1844,		56 10
“ “ “ “ 12th “ 1845,		227 74
		<hr/>
		283 84
To balance now due,	<hr/>	
	86 24	
JOHNSON COUNTY.		
To balance due 6th Dec. 1843, as per last report,	275 54	
By Territorial Treasurer's rect. 12th May 1845,		190 51
	<hr/>	
To balance now due,	85 03	
JONES COUNTY.		
To balance due 6th Dec. 1843, as per last report,	28 96	
“ Assessment of territorial tax for 1843,	16 77	
By cash paid on two drafts as per Treasurer's report,		44 00
By Collector's commission,		1 73
	<hr/>	<hr/>
	45 73	45 73
LEE COUNTY,		
To balance due 6th Dec. 1843, as per last report,	298 35	
“ Assessment of territorial tax for 1843,	536 83	
By Territorial Treasurer's receipt 29th October 1844,		692 24
By Territorial “ rect. 1st May, 1845,		35 06
“ Delinquent list for 1842-3,		37 82
“ Collector's commission,		70 06
	<hr/>	<hr/>
	835 18	835 18

	<i>Dr.</i>	<i>Cr.</i>
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LINN COUNTY.

	\$ cts.	\$ cts.
To balance due 6th Dec. 1843, as per report,	13 82	
“ Assessment of Territorial tax for 1843,	52 22	
	<hr/>	
	66 04	
By cash paid on draft as per Treasurer's report,		7 93
	<hr/>	
To balance now due,	58 11	

LOUISA COUNTY.

To balance due 6th Dec. as per report,	116 34	
By Territorial Treasurer's rect. May 12, 1845,		214 50
		<hr/>
“ Balance as appears upon the books		98 16

The Clerk of the Board of County Commissioner's has neglected to transmit to this office an abstract of the assessment for the year 1843, which when filed in this office, and placed to the account of Louisa County will leave a considerable balance in favor of the Territory.

VAN BUREN COUNTY.

To amount due 6th Dec. 1843, as per report,	988 14	
By Territorial Treasurer's rect. 29th Oct. 1844,		684 61
	<hr/>	
Balance now due,	303 53	

WASHINGTON COUNTY.

To balance due 6th Dec. 1843, as per report,	167 83	
By cash paid on two drafts as per Treasurer's report,		53 18
	<hr/>	
Balance now due,	114 15	

Recaptulation of old Accounts.

Due from Cedar county,	96 51
“ “ Clayton county,	74 44
“ “ Clinton county,	87 61
“ “ Des Moines county,	803 39
“ “ Dubuque county,	417 29
“ “ Muscatine county,	712 70

	Dr.	Cr.
	\$ cts.	\$ cts.
Due from Jackson county,	135 07	
“ “ Jefferson county,	86 24	
“ “ Johnson county,	85 03	
“ “ Linn county,	58 11	
“ “ Van Buren county,	303 53	
“ “ Washington county,	114 15	
	<hr/>	
	3474 07	

To this amount should be added such balances as may be found to be due from Henry and Louisa counties, after the abstracts of the assessments for the year 1843, shall have been filed in this office, and charged to said counties.

Statement of new Accounts for the Taxes of 1844.

Treasurer of Muscatine County,

To Assessment for the year 1844,	269 18	
By cash paid on draft as per Treasurer's report,		165 50
	<hr/>	
To balance now due,	103 68	

Treasurer of Clinton County.

To Assessment for the year 1844.	46 43	
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Treasurer of Henry County.

To Assessment for the year 1844,	330 69	
By delinquent list,		64 64
“ County Treasurer's commission on 266 05,		13 30
“ Travelling fees,		6 00
“ Territorial Treasurer's rect. 12th May 1845,		246 75
	<hr/>	
	330 69	<hr/> 330 69

Treasurer of Mashaska County.

To Assessment for the year 1844,	23 33	
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HOUSE OF REPRESENTATIVES.

111

	<i>Dr.</i>	<i>Cr.</i>
	\$ cts.	\$ cts.
<i>Treasurer of Davis County.</i>		
To Assessment for the year 1844,	29 17	
By Territorial Treasurer's rect. 12th May 1845,		19 65
“ Delinquent list,		3 74
		<hr/> 23 39
To balance now due,	<hr/> 5 78	

Treasurer of Clayton County.

To Assessment for the year 1844	40 37	
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Treasurer of Scott County.

To Assessment for the year 1844,	199 33	
By County Treasurer's commission on \$199 33,		9 97
“ Travelling fees,		5 20
“ Balance due Scott county, 6th Dec. 1843 as per report,		10 00
“ Territorial Treasurer's rect. 12th May 1845,		174 16
	<hr/> 199 33	<hr/> 199 33

Treasurer of Jones County.

To Assessment for the year 1844,	31 27	
By Territorial Treasurer's receipt,		29 71
“ County Treasurer's commission on \$31 27		1 56
	<hr/> 31 27	<hr/> 31 27

Treasurer of Jefferson County.

To Assessment for the year 1844,	226 31	
By delinquent list,		50 85
“ County Treasurer's commission on 175 46		8 77
“ Travelling fees,		6 00
“ Territorial Treasurer's rect. 12th May 1845,		160 69
	<hr/> 226 31	<hr/> 226 31

	<i>Dr.</i>	<i>Cr.</i>
<i>Treasurer of Keokuk County.</i>		
	\$ cts.	\$ cts.
To Assessment for the year 1844,	18 01	
By territorial treasurer's rect. 12th May 1845,		15 51
" Delinquent list,		1 66
" County treasurer's commission on \$16 35,		84
	<hr/>	<hr/>
	18 01	18 01
<i>Treasurer of Des Moines County.</i>		
To Assessment for the year 1844,	702 21	
<i>Treasurer of Washington County.</i>		
To Assessment for the year 1844,	130 70	
By territorial treasurer's receipt,		93 00
	<hr/>	
To balance now due,	37 70	
<i>Treasurer of Linn County.</i>		
To assessment for the year 1844,	94 06	
By territorial treasurer's receipt,		12 00
	<hr/>	
To balance now due,	82 06	
<i>Treasurer of Jackson County.</i>		
To Assessment for the year 1844,	80 67	
By territorial treasurer's receipt,		40 00
	<hr/>	
To balance now due,	40 67	
<i>Treasurer of Louisa County.</i>		
To Assessment for the year 1844,	198 36	
<i>Treasurer of Delaware County.</i>		
To Assessment for the year 1844,	20 01	
<i>Treasurer of Cedar County.</i>		
To Assessment for the year 1844.	106 22	
By delinquent list,		9 75
" County treasurer's commission on 96 47,		4 82
" Travelling fees,		2 50
" Territorial treasurer's rect. 12th May '45,		89 15
	<hr/>	<hr/>
	106 22	106 22

Dr. Cr.

Treasurer of Wapello County.

	\$	cts.	\$	cts.
To Assessment for the year 1844,	41	68		
By Territorial Treasurer's rect. 12th May 1845,			30	00
“ Delinquent list,			7	53
			<u>37</u>	<u>53</u>

To balance now due, 4 15

Treasurer of Lee County.

To Assessment for the year 1844,	624	97		
By delinquent list,			127	62
“ County Treasurer's commission on \$497 35			24	86
“ Travelling fees,			8	00
“ Territorial Treasurer's receipt,			499	51
			<u>659</u>	<u>99</u>
By balance as appears upon the books,			35	02

Treasurer of Johnson County.

To Assessment for the year 1844,	219	35		
By Territorial Treasurer's rect. 12th May 1845,			65	17
To balance now due,	154	18		

Treasurer of Dubuque County.

By Territorial Treasurer's rect. May 12th 1845,	115	50		
“ Travelling fees,			8	60
“ County Treasurer's commission on \$130 63			6	53
			<u>130</u>	<u>63</u>

Treasurer of Van Buren County.

By Territorial Treasurer's rect. 12th May 1845, 421 52

The abstracts of the assessments for the year 1844 have not been sent up to this office from the two last mentioned counties. From the amount of the assessments in those two counties for the preceding year, I am inclined

	Dr.	Cr.
	\$ cts.	\$ cts.
to believe, that, when the abstracts for 1844 shall be charged, and the delinquent lists credited, the accounts will about balance.		
<i>Recapitulation of amount due on new Accounts for 1844.</i>		
Due from Muscatine county,	103 68	
“ “ Clinton county,	46 43	
“ “ Mahaska county,	23 33	
“ “ Davis county,	5 78	
“ “ Clayton county,	40 37	
“ “ Des Moines county,	702 21	
“ “ Washington county,	37 70	
“ “ Linn county,	82 06	
“ “ Jackson county,	40 67	
“ “ Louisa county,	198 36	
“ “ Delaware county,	20 01	
“ “ Wapello county,	4 15	
“ “ Johnson county,	154 18	
	<hr/>	
	1458 93	
Due upon old accounts,	3474 07	
	<hr/>	
	4933 00	
Amount over paid by Lee county deducted,	35 02	
	<hr/>	
Total amount of resources,	4897 98	
Amount of liabilities now outstanding,		12815 91
		<hr/>
Excess of liabilities above resources,		7917 93
		<hr/>
All of which is most respectfully submitted by		
	WM. L. GILBERT,	
	Auditor of Public Accounts.	

On motion of Mr. M'Cleary,

Ordered, That the Report be referred to the Committee on Ways and Means.

On motion of Mr. Taylor,

Ordered, That the usual number of copies be printed.

No. 12, C. File, "A Bill to provide for taking the Census of Iowa Territory, and for the re-apportionment of the Legislative Assembly;"

Was read a second time; and,

On motion of Mr. Sheledy,

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

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Desmoines river;"

Was read a second time ;

Mr. Hancock made a motion,

To refer it to the Committee on Internal Improvements.

Mr. Downey made a motion,

To refer it to a select Committee;

Which was agreed to.

Messrs Downey, Hancock, and Johnson, were appointed said Committee.

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;"

Was read a second time ; and,

On motion of Mr. McCleary,

Laid upon the table.

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

Was read a second time ; and,

On motion of Mr. Johnson,

Referred to a Committee of two members from each Judicial District.

Messrs. Johnson, Munger, Downey, McCleary, Coy, and Murdock, were appointed said Committee.

No. 30, H. R. File, "A Joint Resolution, in regard to seals."

Was read a third time ; and passed.

Ordered, That the Council be informed thereof.

No. 2, C. File, "A Bill to amend an act, entitled, 'An act to provide for the partition of Real property,'"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 34, H. R. File, A Bill authorizing the construction of slopes in mill dams in Skunk River ;”

Was read a third time ; and,

On motion of Mr. Johnson,

Laid upon the table.

No. 32, H. R. File, “A Bill to postpone the election of Members of the House of Representatives of the Territory of Iowa, from August until April,”

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 9, H. R. File, “A Bill to amend an act, entitled, ‘An act amendatory of an act, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,’ ‘Approved Feb. 12th, 1844.’”

Was read a first time.

Mr. Sheledy made a motion,

To lay the Bill on the table, until the 4th day of July next ;

Which was decided in the affirmative,

Yeas 15, Nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Downey, Hancock, Harper, Huner, Lester, Montague, Noble, Sheledy, Stewart, Wilson, and Woodworth.

Those who voted in the negative, are

Messrs. Coy, Johnson, McCleary, Murdock, Robertson, Taylor, and Morgan, Speaker.

Mr. Wilson, made a motion,

To take from the table,

No. 11, C. File, A Bill to make valid in law the acts of Joseph A. Reynolds a Justice of the Peace in and for the County of Buchanan.”

Which was decided in the affirmative.

The Bill was then read a second time ;

On motion of Mr. Wilson,

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

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

Ordered, That the Council be informed thereof.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER :

I am directed to inform the House, that the Council have passed—
No. 18, C. File, "A Bill to submit to the people a draft of a Constitution framed by the late Convention."

Also,
No. 25, C. File, "A Bill to organize and decipline the Militia.
In which the concurrence of the House is requested.

The Council have indefinitely postponed—
No. 4, H. R. File, "A Bill to prohibit and punish the sale of intoxicating liquors to the Indians;"

The Council have appointed Messrs. Summers and Abbe a Committee of Conference, to confer with a similar Committee appointed on the part of the House, relative to the disagreeing vote of the two Houses, upon

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

The Council have unanimously passed,
No. 37, H. R. File, "Joint Resolutions expressive of the respect of the two Houses, to the memory of the late Honorable James Leonard, a member of the House of Representatives from the County of Jackson."

The Council have appointed Messrs. Brierly and Lesler a Committee on the part of the Council, to act with a similar Committee appointed on the part of the House, in superintending the funeral of the Honorable James Leonard, deceased.

And then he withdrew.

Mr. Sheledy made the following report:—

"The joint Committee of the two Houses, appointed to confer on the disagreement of the two Houses, in regard to the salary of the Treasurer, for the performance of the duties of Territorial Agent, have agreed to recommend to their respective Houses, to so amend the Bill, as to allow the Treasurer one hundred and twenty-five dollars for such services.

No. 18, C. File, "A Bill to submit to the people the draft of a Constitution framed by the late Convention,"

And,

No. 25, C. File, "A Bill to organize and discipline the Military of this Territory."

Were read a first time.

On motion of Mr. Johnson,
Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Johnson made a motion.

That the report of Mr. Sheledy from the Committee of Conference, in regard to the salary of the Treasurer, for performing the duties of Territorial Agent, be taken from the table.

Which was decided in the affirmative.

The Report was then concurred in.

Ordered That the Clerk acquaint the Council therewith.

On motion of Mr. Harper,

Ordered, That this House do now adjourn, until 10 o'clock on Monday morning next.

MONDAY MORNING, 10 O'CLOCK,

May the 26, A. D. 1845.

Mr. Sheledy presented the petition of J. W. Spelson and 231 others, praying the Legislature to relocate the Seat of Justice of Keokuk County ;

Also,

The remonstrance of S. A. Jones and two hundred and forty-one others, on the same subject ; which,

On motion of Mr. Sheledy,

Were referred to a select Committee.

The Chair appointed Messrs. Sheledy, McCleary, Clifton, Downey, and Harper said Committee.

Mr. Banks presented the remonstrance of Edward E. Fay and various other citizens of Muscatine County, remonstrating against any change in the name of the town of Bloomington ; which,

On motion of Mr. Banks,

Was referred to a select Committee of five.

Messrs. Banks, Robertson, Downey, McCleary, and Johnson, were appointed said Committee.

Mr. Munger presented the petition of James Wamsley and various

others, praying the Legislature to relocate a certain Territorial road; which,

On motion of Mr. Munger,
Was referred to a select Committee.

Messrs. Munger, Hancock, and Harper were appointed said Committee.

On motion of Mr. Munger,
Mr. Woodworth was added to said Committee.

Mr. Murdock gave notice, that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, entitled, "an act to regulate the institution of suits by foreign executors, administrators, and guardians within this Territory."

Mr. McCleary gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill amendatory of "An act to provide for changing the venue in civil and criminal cases," "Approved 13th Feb. 1843."

Mr. Noble gave notice, that, on to-morrow or some future day, he would ask leave to introduce,

A Bill to amend the 13th Section of "An act concerning water crafts, and the taking up of estray animals."

Mr. Taylor, from the Committee on engrossed bills, reported—

No. 36, H. R. File, "A Bill to regulate fees of Sheriffs and Constables, in attendance on the District Courts;"

As correctly engrossed.

Mr. Lester having given previous notice, and upon leave being granted, introduced,

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Which was read a first time.

Mr. Chandler, having given previous notice, and upon leave being granted, introduced,

No. 41, H. R. File, "A Bill to relocate a part of the Territorial road, running from Burlington via Fort Madison, to the bridge on Sugar Creek in Lee county."

Which was read a first time.

Mr. Munger, from the Committee on enrolled Bills, reported as correctly enrolled,

"An act to prevent the destruction of Notices, Advertisements, &c.;"

And,

"An act to amend an act, entitled, An act to vacate a part of the

Town plat of Port Allen, and to legalize the relocation of a part of a Territorial road, 'Approved Feb. 13th, 1843.' "

Which were signed by the Speaker of the House of Representatives.

Mr. Sheledy having given previous notice, and upon leave being granted, introduced,

No. 42, H. R. File, "A Bill to amend an act, entitled, "An act for opening and regulating Roads and Highways;"

Which was read a first time.

Mr. Robertson, having given previous notice, and upon leave being granted, introduced,

No. 43, H. R. File, "A Bill to incorporate the Scott county Hydraulic Company;"

Which was read a first time.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River;"

Also,

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"

Also,

No. 32, C. File, "Joint Resolutions providing that the Maps voted for the use of the Legislative Assembly be distributed among the different counties;"

Also,

No. 31, C. File, "A Bill to authorize Hugh Nieper, to establish and keep a Ferry at the town of Belview in the County of Jackson Iowa Territory."

In which the concurrence of the House is requested,

The Council have passed with amendments,

No. 24, H. R. File, "A Bill to empower the Commissioners of Delaware County, to levy a tax not exceeding one per cent for the period of two years, to defray the expenses of said County."

The Council have indefinitely postponed,

No. 10, H. R. File, "A bill to amend an act, entitled, 'An act for the improvement of sheep;'"

The Council have agreed to the report of the Joint Committee of Conference in relation to the amendment made to—

No. 15, C. File, "A Bill to abolish the Office of Territorial Agent,"

And have amended the Bill by inserting one hundred and twenty-five dollars.

I herewith present for your signature—

"An act to establish a Territorial road from Marion in Linn county, to the Indian Boundary in a direct line to Fort Atkinson,"

Also,

"An act to abolish the office of Territorial Agent."

I herewith return you—

"An act to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton ;"

Also,

"An act to amend an act, entitled, 'An act regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10th, 1843 ;'"

Both of which have been signed by the President of the Council.

And then he withdrew.

The said acts presented therefor, were signed by the Speaker of the House of Representatives.

Mr. Stewart, having given previous notice, and upon leave being granted, introduced,

No. 44, H. R. File, "A Bill to relocate the Seat of Justice of Lee county ;"

Which was read a first time.

Mr. Snyder having given previous notice, and upon leave being granted, introduced,

No. 45, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for the support of illegitimate children ;'"

Which was read a first time.

No. 31, C. File, "A Bill to authorize Hugh Nieper, to establish and keep a Ferry at the town of Bellview in the County of Jackson, Territory of Iowa."

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River ;"

And,

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844 ;'"

Were severally read a first time.

No. 32, C. File, "Joint Resolution providing that the Maps

voted for the use of the Legislative Assembly be distributed among the different counties ;”

Was read a first time.

On motion of Mr. Robertson,

The 42nd rule was suspended, and the Resolution read a second time.

Mr. Morgan made a motion,

To strike out the words, “Legislative Assembly,” wherever they occur, and insert instead thereof, the word, “Council ;”

Which was decided in the affirmative.

On motion of Mr. Hancock,

The 42nd rule was suspended, the Resolution read, a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 24, H. R. File, “A Bill to empower the County Commissioners of Delaware and Linn Counties, to levy a tax not exceeding one per cent. for the period of two years, to defray the expenses of said County.”

Was read a second time ; and,

On motion of Mr. Taylor,

Ordered, To be laid on the table.

No. 38, H. R. File, “A Bill to legalize the acts of William Foster, an acting Justice of the Peace.”

Was read a second time ; and,

On motion of Mr. Downey,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 39, H. R. File, “A Bill amendatory of ‘An act to authorize evidence by the oath of the parties,’ ”

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Wilson in the Chair ;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported the Bill back to the House without amendment.

Mr. Downey made a motion,

To refer the Bill to a select Committee ;

Which was decided in the negative.

Mr. Murdock made a motion,

To refer the Bill to the Committee on the Judiciary ;

Which was decided in the affirmative,

No. 20, C. File, "A Bill to amend 'An act defining the duties of County Surveyors,' 'Approved Feb. 9th, 1843,' "

Was read a second time; and,

On motion of Mr. M'Cleary,

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

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly."

Was read a second time;

Mr. Murdock made a motion,

To refer the Bill to the Committee on the Judiciary;

Which was decided in the negative.

Mr. Hancock made a motion,

To lay the Bill on the table;

Which was decided in the affirmative.

No. 18, C. File, "A Bill to submit to the people the draft of a Constitution framed by the late Convention,"

Was read a second time,

Mr. Murdock made a motion,

That the Bill be made the order of the day for Monday next,

Which was decided in the negative.

On motion of Mr. Robertson,

Ordered, That the Bill be made the order of the day for Thursday next.

No. 25, C. File, "A Bill to organize and discipline the Militia of this Territory."

Was read a second time;

Mr. Murdock made a motion,

That the Bill be indefinitely postponed,

Mr. Banks made a motion,

That the Bill be referred to the Committee on Military Affairs;

Which was decided in the negative.

Mr. Wilson made a motion,

That the Bill be made the order of the day for to-morrow,

Which was decided in the negative.

The question then recurred on Mr. Murdock's motion, and,

Was decided in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Coy, Downey, Hancock, Harper, Johnson, Lester, Montague, Munger, Murdock, Noble, Sheledy, Snyder, Stewart, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Huner, McCleary, Robertson, Wilson, and Morgan, Speaker.

On motion of Mr. Morgan,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 36, H. R. File, "A Bill to regulate the fees of Sheriffs and Constables in attendance on District Courts,"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 12, C. File, "A Bill to provide for taking the Census of Iowa Territory, and for the re-apportionment of the Legislative Assembly;"

Being the order of the day ;

Was considered in Committee of the Whole House ; Mr. Hancock in the Chair ;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hancock reported the same back to the House with one amendment ;

Which was agreed to.

On motion of Mr. Hancock, it was

Ordered, That the Bill be laid on the table.

No. 5, H. R. File, "A Bill to lease the Iowa Penitentiary ;"

Being the order of the day,

Mr. Stewart made a motion,

That the Bill be indefinitely postponed,

Which was decided in the affirmative.

On motion of Mr. Sheledy,

Ordered, That

No. 34, H. R. File, A Bill authorizing the construction of slopes in mill dams in Skunk River ;"

Be taken from the table and read a third time ;

The Bill was so read, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Taylor,

No. 24, H. R. File, "A Bill to empower the County Commission-

ers of Delaware and Linn Counties to levy a tax not exceeding one per cent. for the period of two years ;”

Was taken from the table,

And the amendments made by the Council agreed to.

Mr. Taylor made a motion,

To reconsider the vote taken on the indefinite postponement of No. 25, C. File, “A Bill to organize and discipline the Militia of Iowa Territory,”

Which was decided in the affirmative,

Yeas 18, Nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Coy, Davis, Downey, Harper, Huner, Lester, McCleary, Murdock, Noble, Robertson, Snyder Stewart, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Clifton, Hancock, Johnson, Montague, Munger, Sheledy, and Woodworth.

On motion of Mr. Banks,

Ordered, That the Bill be referred to the Committee on Military Affairs.

On motion of Mr. Banks,

Ordered, That Mr. McCleary be added to the Committee on Military Affairs, as Chairman of said Committee.

Mr. Wilson, made a motion,

To reconsider the vote taken on Saturday last, upon the motion made by Mr. Sheledy to lay upon the table until the 4th day of July next.

No. 9, H. R. File, “A Bill to amend an act, entitled, ‘An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,’ ‘Approved Feb. 14th, 1844;’”

Which was decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Coy, Davis, Johnson, McCleary, Noble, Robertson, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Banks, Clifton, Downey, Hancock, Harper, Huner, Lester, Montague, Munger, Murdock, Sheledy, Stewart, and Woodworth.

Mr. Banks presented the petition of R. P. Phelps and twenty-seven other citizens of Muscatine County, in addition to the former petition on the same subject, praying the Legislature to prohibit any person from ferrying across the Mississippi River without license; which,

On motion of Mr. Banks,

Was referred to the Committee on Roads and Highways.

Mr. Clifton made a motion,

That the House do now adjourn,

Which was decided in the affirmative,

Yeas 20, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Davis, Downey, Harper, Huner, Johnson, Lester, McCleary, Munger, Noble, Robertson, Sheledy, Snyder, Stewart, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Chandler, Hancock, Montague, Murdock, and Wilson.

So the House adjourned until 10 o'clock to-morrow morning.

TUESDAY MORNING, 10 O'CLOCK,

May the 27, A. D. 1845.

Mr. Downey, from the Committee to whom the subject was referred, made the following report:

The select Committee, to whom was referred—

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Des Moines river;"

Have examined the same and now move, that the Memorial be referred to the Committee on Internal Improvements.

The question, was then put,

"Shall the Bill be so committed?"

And decided in the affirmative.

Mr. Sheledy having given previous notice, and upon leave being granted, introduced,

No. 46, H. R. File, "A Bill to relocate the Seat of Justice of Keokuk County."

Which was read a first time.

Mr. Robertson, from the Committee on claims to whom the subject was referred, made the following report:

"The Committee on claims, to whom was referred the account of William Green for pressing in sheets and binding 2500 Session Laws of Iowa, for the Session of 1843-'44 at 14 cts. \$350 00

On which there is a credit of 200 00

Have had the same under consideration, and beg leave to report, that they have thoroughly examined it, and are in favor of allowing him 300 00

Your Committee therefore recommend the adoption of the following:

"Resolved, That the sum of one hundred dollars be allowed William Greene, and that the Secretary be authorized to pay the same, out of any monies now in his hands not otherwise appropriated."

Mr. Snyder, from the same Committee, submitted the following minority report:

"The minority of the Committee on claims, to whom was referred the claim of William Green for binding 2500 copies of the laws of 1843-'44, beg leave to report, that they are compelled to differ in their judgment, from the majority of the Committee on the claim of said Green. According to the view of the minority, the Secretary of the Territory in the matter of the printing and distributing the laws of that Session, was the executive officer of the Legislative Assembly, and according to his statements, and a Bill rendered to him by Mr. Green, \$250 was the amount charged for the work of Mr. Green, on which amount as appeared on the face of the bill, was paid \$200 by the Secretary; leaving a balance of \$50 due Mr. Greene, which they suppose to be justly due him. The minority of the Committee cannot see any good reason to increase the amount over the Bill once presented to the Secretary, and would therefore respectfully recommend, that he be allowed fifty dollars, as a full payment of the balance of his claim.

JOS. K. SNYDER,
A. T. BANKS."

Mr. Sheledy made a motion,

That the Resolution be laid upon the table;

Which was decided in the negative.

Mr. Montague made a motion,

To reconsider the vote upon Mr. Sheledy's motion;

Which was decided in the negative.

Mr. Johnson made a motion,

That the further consideration of the Resolution be postponed until this afternoon;

Which was decided in the affirmative.

Mr. Murdock from the Committee on the Judiciary, reported—

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by oath of parties,' 'Approved 29th Jan. 1843,' " without amendment.

Mr. Munger, from the Committee on enrolled Bills, reported as correctly enrolled,

"An act to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15th, 1844;'"

Mr. Munger, from the select Committee to whom was referred the petition of Samuel Parker, reported,

No. 47, H. R. File, "A Bill for the relief of Samuel Parker;"

Which was read a first time.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment.'"

In which the concurrence of the House is requested,

The Council have passed with amendments,

No. 1, H. R. File, "A Bill to Incorporate the University of Iowa."

Also,

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves;' 'Approved January 7th, 1840.'"

The Council have concurred in the amendments of the House, to No. 32, C. File, "A Joint Resolution providing that the Maps voted for the use of the Legislative Assembly, be distributed among the different Counties."

The Council have passed without amendments—

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,"

And then he withdrew,

Mr. Taylor, having given previous notice, and upon leave being granted, introduced,

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Which was read a first time.

Mr. M'Cleary, having given previous notice, and upon leave being granted, introduced,

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843;'"

Which was read a first time.

Mr. Noble, having given previous notice, and upon leave being granted, introduced,

No. 50, H. R. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;'"

Which was read a first time.

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment.'"

Was read a first time.

No. 1, H. R. File, "A Bill to Incorporate the University of Iowa;"

Being returned from the Council with several amendments, was taken up, and the amendments were severally agreed to.

No. 13, H. R. File, "A Bill to amend an act, entitled, 'An act to encourage the destruction of Wolves;'" 'Approved January 7th, 1840.'"

Being returned from the Council with amendments, was taken up and the amendments agreed to.

No. 19, H. R. File, "A Bill to incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject,"

Was returned from the Council with one amendment, which was agreed to.

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House and made the order of the day for to-morrow.

No. 41, H. R. File, "A Bill to relocate a part of the Territorial road, running from Burlington via Fort Madison, to the bridge on Sugar Creek in Lee county."

Was read a second time; and,

On motion of Mr. Chandler,

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

No. 42, H. R. File, "A Bill to amend an act, entitled, "An act for opening and regulating Roads and Highways;"

Was read a second time; and,

On motion of Mr. Sheledy,

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

No. 43, H. R. File, "A Bill to incorporate the Scott county Hydraulic Company;"

Was read a second time; and,

On motion of Mr. M'Cleary,

Ordered, To be referred to a select Committee of five.

Messrs. McCleary, Robertson, Davis, Munger, and Banks, were appointed said Committee.

No. 44, H. R. File, "A Bill to relocate the Seat of Justice of Lee county;"

Was read a second time; and,

On motion of Mr. Johnson,

Ordered, To be referred to the delegation from Lee County.

No. 45, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for the support of illegitimate children;'"

Was read a second time; and,

On motion of Mr. Wilson,

Referred to the Committee on the Judiciary.

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River;"

Was read a second time; and

On motion of Mr. Banks,

Referred to a select Committee, of three

Messrs. Banks, Snyder, and Downey, were appointed said Committee.

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"

Was read a second time; and,

On motion of Mr. Sheledy,

Referred to a select Committee of three.

Messrs. Sheledy, Robertson, and Downey were appointed said Committee.

No. 31, C. File, "A Bill to authorize Hugh Nieper, to establish and keep a Ferry at the town of Bellview in the County of Jackson, Territory of Iowa."

Was read a second time; and,

On motion of Mr. Davis,

Ordered, To be referred to a select Committee.

Messrs. Davis, Coy, and Wilson, were appointed said Committee.

No. 20, C. File, "A Bill to amend 'An act defining the duties of County Surveyors,' 'Approved Feb. 9th, 1843,'"

Was read a third time; and,

On motion of Mr. Davis,

Ordered, To be laid on the table.

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;"

Was,

On motion of Mr. McCleary,

Taken from the table and read a second time.

On motion of Mr. McCleary,

Ordered, That the Bill be read a third time to-morrow.

On motion of Mr. Murdock,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Resolution recommended by the Committee on Claims authorising the Secretary of the Territory, to pay William Green one hundred dollars, was taken up for consideration.

Mr. Robertson moved a call of the House.

Messrs. Davis and Downey were absent.

Messrs. Davis and Downey appearing in their seats the further call of the House was dispensed with.

Mr. Snyder made a motion,

To amend the Resolution, by striking out the words "one hundred" and inserting instead thereof the word "fifty."

Mr. Wilson called for a division of the question.

The question, being on striking out the words, "one hundred,"

Was decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Hancock, Lester, Montague, Munger, Sheledy, Snyder, and Taylor.

Those who voted in the negative, are

Messrs. Chandler, Davis, Downey, Harper, Huner, Johnson, McCleary, Murdock, Noble, Robertson, Stewart, Wilson, Woodworth, and Morgan, Speaker.

The question then recurred on the adoption of the Resolution,

Which was decided in the affirmative,

Yeas 16, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Davis, Downey, Hancock, Harper, Huner, Johnson, McCleary, Murdock, Noble, Robertson, Sheledy, Stewart, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Banks, Clifton, Coy, Lester, Montague, Munger, Snyder, and Taylor.

Mr. Johnson, from the Committee to whom it was referred, reported back,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

With sundry amendments all of which were agreed to.

Mr. McCleary made a motion,

To strike out the 13th line in the Bill;

Which was decided in the negative.

Mr. Davis made a motion,

To strike out all that part of the Bill, which relates to Clerks of the District Courts; pending which,

Mr. Taylor made a motion,

That the Bill be laid on the table;

Which was decided in the affirmative.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

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

No. 6, C. File, "A Bill to amend an act, entitled an act defining the jurisdiction of the Supreme Court and regulating practice therein."

Also,

No. 27, C. File, "A Bill to amend 'An act, to provide for levying

a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

In which the concurrence of the House is requested.

The Council have also, passed,

No. 25, H. R. File, "A Bill to change the Eastern boundary of the County of Washington;"

Also with amendments,

No. 30, H. R. File, "A Joint Resolution, in regard to seals, for certain counties herein named.

No. 33, H. R. File, "A Bill to declare a certain road therein named a public highway,"

And then he withdrew.

The above Bills were signed by the Speaker of the House of Representatives.

No. 6, C. File, "A Bill to amend an act, entitled, 'An act defining the jurisdiction of the Supreme Court, and regulating the practice therein,'"

And,

No. 27, C. File, "A Bill to amend 'An act to provide for the levying of tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842.'"

Where read a first time.

No. 30, H. R. File, "A Joint Resolution in regard to seals for certain counties therein named."

Having been returned from the Council passed with an amendment to the title, was taken up and the amendment agreed to.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

I herewith return you—

"An act to prevent the destruction of Notices, Advertisements, &c.;"

Also,

"An act to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,'"

Also,

"An act to empower the County Commissioners of Delaware and Linn Counties, to levy a tax not exceeding one per cent. for the period of two years."

The same having been signed by the President of the Council,

And then he withdrew.

On motion of Mr. Munger,

Ordered, That the House do now adjourn until to-morrow morning, at 10 o'clock.

WEDNESDAY MORNING, 10 O'CLOCK,

May the 28, A. D. 1845.

Mr. Sheledy presented the petition of 64 citizens of Washington and Keokuk counties, praying for a Territorial road, from section 26 in township 70, to Miles B. Friend's, in Keokuk county; and to vacate a road therein named.

Which was referred to a Committee of three.

Messrs. Sheledy, Harper, and Munger, were appointed said Committee.

Mr. Robertson presented the petition of Sage W. Coy, praying for the privilege of establishing a ferry across the Mississippi river, at the town of Lyons, in the county of Clinton.

Which was referred to a select Committee of three.

Messrs. Robertson, Taylor, and Davis, were appointed said Committee.

Mr. Munger presented the remonstrance of 95 persons, against any change in the road leading from Wilson's Mills, on Skunk river, in Henry county, to Glasgow in Jefferson county.

Which was referred to Messrs. Munger, Hancock, Harper, and Woodworth.

Mr. Wilson presented the petition of 151 persons, praying a charter authorising Charles Onderdonk, to keep a ferry across the Mississippi river at the town of Bellview.

Which was referred to Messrs. Davis, Coy, and Wilson.

Mr. Snyder gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend "An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

Mr. Downey gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A memorial to Congress, praying for a grant of Land for the improvement of the Iowa river.

Mr. Taylor, from the Committee on engrossed bills, reported—
as correctly engrossed.

No. 41, H. R. File, "A Bill to relocate part of the Territorial road running from Burlington *via* Fort Madison, to the Bridge on Sugar Creek in Lee county,"

And,

No. 42, H. R. File, "A Bill to amend an act, entitled, 'An act for opening and regulating Roads and Highways.' "

Mr. Sheledy, to whom was referred,

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Court, in the several Judicial Districts in this Territory,' 'Approved 12th February, 1844;'"

Reported the same back with an amendment.

Mr. Taylor made a motion,

To lay the report upon the table;

Which was decided in the negative.

On motion of Mr. McCleary,

Ordered, That the question on concurring in the report be postponed until 2 o'clock, P. M.

Mr. McCleary from the Committee to whom was referred,

No. 43, H. R. File, "A Bill to incorporate the Scott County Hydraulic Company."

Reported the same back with one amendment.

Which was agreed to.

On motion of Mr. McCleary,

The Bill was referred to a Committee of the Whole House, and made the order of the day for Friday next.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

I herewith present for your signature—

"An act to make valid in law, the acts of Joseph A. Reynolds a Justice of the Peace in and for the County of Buchanan."

Also,

"An act to amend an act, entitled, 'An act to provide for the partition of Real property.'"

Also,

"An act to abolish the Office of Territorial Agent,"

Also,

"An act to establish a Territorial road from Marion, in Linn county, to the Indian Boundary in a direct line to Fort Atkinson."

Also,

"Joint Resolution, providing that the Maps voted for the use of the Legislative Assembly be distributed among the different counties."

And then he withdrew.

Said Acts which were severally signed by the Speaker of the House of Representatives.

Mr. Harper, from the Committee on Roads and Highways, made the following report:

"The Committee on Roads and Highways, to whom was referred the petition of sundry citizens, praying for the relocation of a Territorial Road from Dubuque, by way of the Colonies and Ead's grove to Fort Atkinson; also, the petition of sundry persons, praying for the enactment of a law, for opening township roads, and defining the width of the same, have instructed me to report—that they have carefully examined the same, and are of opinion, that it is inexpedient to take any further action on the subject; and beg to be discharged from its further consideration."

On motion of Mr. Murdock,

The report and petitions, were referred to the Delegation from Dubuque and Clayton.

Mr. Murdock, having given previous notice, and upon leave being granted, introduced,

No 51, H. R. File, "A Joint Resolution, instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa."

On motion of Mr. Wilson,

The 42nd rule was suspended, and the Resolution read a second time.

On motion of Mr. Sheledy,

Ordered, That the Resolution be referred to a Committee of the Whole House, and made the order for this afternoon.

Mr. Anderson, having given previous notice, and upon leave being granted, introduced,

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

Which was read a first time.

No. 46, H. R. File, "A Bill to relocate the County Seat of Keokuk County."

Was read a second time.

On motion of Mr. Sheledy,

The 42nd rule was suspended, and the Bill read a third time.

On motion of Mr. Downey,

A call of the House was ordered.

Messrs. Huner, Stewart, Munger, and Morgan, were absent.

On motion of Mr. Sheledy,

Ordered, That Messrs. Huner and Stewart, be excused from attendance.

Messrs. Munger and Huner appeared in their seats.

Mr. Downey made a motion,

That the further call of the House be now dispensed with;

Which was decided in the affirmative.

The question, was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 12, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Coy, Downey, Huner, Johnson, Munger, Noble, Robertson, Sheledy, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Chandler, Davis, Hancock, Harper, Lester, McCleary, Montague, Murdock, Snyder, and Wilson.

Mr. Munger, from the Committee on Enrolments, reported that the Committee had presented the following acts, to the Governor for his approval and signature:

"An act to amend an act, entitled, 'An act regulating practice in the District Court, in the Territory of Iowa,' 'Approved Feb. 10, 1843.'"

"An act to amend an act, entitled, 'An act to vacate a part of the Town plat of Port Allen, and to legalize the relocation of a part of a Territorial Road,' 'Approved 13th Feb. 1843.'"

"An act to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton."

"An act to empower the County Commissioners of Delaware and Linn Counties to levy a tax not exceeding one per cent. for the period of two years;"

And,

"An act to prevent the destruction of Notices, Advertisements, &c.;"

On motion of Mr. Noble,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Sheledy's report on—

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"

Being postponed until this hour—was taken up ; and,

On motion of Mr. Downey,

The further consideration thereof, was postponed until to-morrow morning.

No. 47, H. R. File, "A Bill for the relief of Samuel Parker ;"

Was read a second time,

On motion of Mr. Munger,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Was read a second time ; and,

Referred to the Committee on the Judiciary.

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843 ;'"

Was read a second time ; and,

Referred to the Committee on the Judiciary.

No. 50, H. R. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals ;'"

Was read a second time ; and,

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

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment ;'"

Was read a second time ; and,

Referred to the Committee on the Judiciary.

No. 6, C. File, "A Bill to amend an act, entitled, 'An act defining the jurisdiction of the Supreme Court, and regulating practice therein.'"

Was read a second time ; and,

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

No. 27, C. File, "A Bill to amend 'An act, to provide for levying a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

Was read a second time ; and

On motion of Mr. Sheledy,

Ordered, To be referred to a Committee of the Whole House, and made the order of the day for Saturday next.

No. 39, H. R. File, "A Bill amendatory of 'An act to authorize evidence by the oath of the parties,' 'Approved 20th January, 1843.' "

Was read a second time,

On motion of Mr. Downey,

The 42nd rule was suspended, and the Bill read a third time.

The question being put,

"Shall the Bill pass?"

It was decided in the negative.

Yeas 9, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Downey, Johnson, McCleary, Munger, Murdock, Robertson, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Coy, Hancock, Harper, Lester, Montague, Sheledy, Snyder, Taylor, and Woodworth.

Mr. Taylor made a motion,

To reconsider the vote just taken on the passage of the Bill.

On motion of Mr. Murdock,

Ordered, That the motion to reconsider be laid upon the table.

No. 42, H. R. File, "A Bill to amend an act, entitled, 'An act for opening and regulating Roads and Highways.' "

Was read a third time;

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative,

Yeas 16, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Coy, Downey, Hancock, Harper, Huner, Lester, McCleary, Montague, Munger, Robertson, Sheledy, Snyder, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Chandler, Johnson, Murdock, and Wilson.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No. 34, C. "A Bill to vacate a street in the town of Marion, Linn county."

Also,

No. 35, C. File, "A Bill for the relief of William B. Snyder."

Also,

No. 37, C. File, "A Bill to provide for the election of an additional Justice of the Peace, in the Township of Fort Madison, in the County of Lee."

Also,

No. 38, C. File, A Bill to Incorporate the Bloomington and Iowa City Rail Road Company."

In which the concurrence of the House is requested,

And then he withdrew.

No. 41, H. R. File, "A Bill to relocate a part of the Territorial road, running from Burlington via Fort Madison, to the bridge on Sugar Creek in Lee county."

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 22, C. File, "A Bill to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;"

Was read a third time, passed, and title agreed to.

Ordered, That the Council be informed thereof.

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Being the order of the day ;

Was considered in Committee of the Whole House ; Mr. Robertson in the Chair ;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Robertson reported the same back to the House with several amendments ;

All of which were agreed to.

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

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER :

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

No. 41, C. File, "A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin.

In which the concurrence of the House is requested.

And then he withdrew.

No 51, H. R. File, "A Joint Resolution, instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa;"

Being the order for 2 o'clock P. M. of this day,

Was considered in Committee of the Whole House; Mr. Sheledy in the Chair;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Resolution back to the House without amendment.

Mr. Wilson, made a motion,

To amend the resolution, by striking out the word, "them," and inserting instead thereof the word, "Congress,"

Which was agreed to.

On motion of Mr. Wilson,

The 42nd rule was suspended, and the Resolution read a third time.

Mr. Sheledy made a motion,

To indefinitely postpone the further consideration of the Resolution.

Which was decided in the negative.

Yeas 7, Nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Coy, Munger, Robertson, Sheledy, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Chandler, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Snyder, Taylor, and Wilson.

The question was then put,

"Shall the Resolution pass?"

And decided in the affirmative.

Yeas 16, nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Downey, Hancock, Harper, Huner, Johnston, Lester, McCleary, Montague, Murdock, Snyder, Taylor, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Munger, Robertson, Sheledy, and Woodworth.

On motion of Mr. Banks,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

THURSDAY MORNING, 10 O'CLOCK,

May the 29, A. D. 1845.

Mr. Munger, from the Committee on enrolled Bills, reported the following acts as having been approved by the Governor :

"An act to empower the County Commissioners of Delaware and Linn Counties, to levy a tax not exceeding one per cent. for the period of two years."

"An act to amend an act, entitled, 'An act regulating practice in the District Courts in the Territory of Iowa,' 'Approved Feb. 10, 1843.'

"An act to amend an act, entitled, 'An act to vacate a part of the town plat of Port Allen, and to legalize the relocation of a part of a Territorial road,' 'Approved Feb 13, 1843.'"

"An act to amend an act, entitled, 'An act to provide for Assessing and Collecting Public Revenue,' 'Approved Feb. 15, 1844.'"

"An act to legalize the acts of Charles E. Bensil, former Recorder of Deeds in the County of Clayton."

And,

"An act to prevent the destruction of Notices, Advertisements, &c."

Mr. McCleary made a motion,

To take from the table, the motion of Mr. Taylor to reconsider the vote taken on the passage of

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843,'"

Which was decided in the affirmative.

The question was then put,

"Shall the vote be reconsidered?"

And decided in the affirmative.

On motion of Mr. Snyder,

The Bill was recommitted to a select Committee, of three;

Messrs. Snyder, McCleary, and Sheledy, were appointed said Committee.

Mr. Johnson made a motion,

To reconsider the vote taken on the passage of
No. 46, H. R. File, "A Bill to relocate the County Seat of Keokuk County."

Which was decided in the negative.

Yeas 11, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Davis, Huner, Lester, McCleary, Montague, Murdock, Snyder, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Coy, Downey, Hancock, Harper, Johnson, Noble, Robertson, Sheledy, Taylor, and Woodworth.

Mr. Downey presented the petition of sixty-two persons, praying for the establishment of a road from Iowa City to Bloomington.

Which was referred to the Committee on Roads and Highways,

Mr. Downey, having given previous notice, and upon leave being granted, introduced,

No. 53, H. R. File, "Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Iowa river ;"

Which was read a first time.

Mr. Taylor, from the Committee on engrossed bills, reported—
as correctly engrossed,

No. 50, H. R. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and stray animals;'"

Mr. McCleary, from the Committee on Way and Means, submitted the following report :

"The Committee of Ways and Means, to whom was referred a Resolution of the House, instructing the Committee to inquire into the expediency of levying a tax, of one mill per cent, on the amount of taxable property, both real and personal, returned by the township and precinct assessors for Territorial purposes—have according to order had the same under consideration, and have instructed me to report, that the Committee are of the opinion that it would be inexpedient to increase the taxes at this time: your Committee, therefore, beg leave to be discharged from the further consideration of the subject."

Which was concurred in.

Mr. McCleary from the Committee on Ways and Means, submitted, also, the following report :

"The Committee on Ways and Means, to whom was referred the account of Wm. Crum, for publishing the Governor's Proclamation, declaring the result of the election for and against a Convention, have

had the same under consideration, and have instructed me to make the following report :

Your Committee, as soon as said account was referred to them, addressed a note to Mr. Crum, inquiring by what authority he had published said Proclamation, so as to entitle him to pay for the same; and have subsequently received an answer from Mr. Crum, stating that he founded his charge upon the latter clause of the 8th section of the "Act providing for the expression of the opinion of the people of the Territory, upon the subject of forming a State Government," in these words, "who shall issue his proclamation declaring the result." Your Committee are clearly of the opinion, that nothing in said act can be so construed, as to allow pay to any person for publishing said Proclamation, unless specially authorized by the Governor to publish the same; and as Mr. Crum does not claim to have been so authorized, your Committee have come to the conclusion, that his account ought not to be allowed. Your Committee would, therefore, respectfully ask to be discharged from the further consideration of the subject;"

Which was concurred in.

Mr. Johnson from the select Committee to whom was referred No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843;'"

Reported the same back to the House with one amendment,

Which was agreed to.

Mr. Downey, having given previous notice, and upon leave being granted, introduced

No. 54, H. R. File, "Joint Resolution, to instruct the Territorial Agent to inclose the Capital Square in Iowa City;"

Which was read a first time.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER :

I am directed to inform the House, that the Council have passed with amendments—

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships ;'"

And then he withdrew.

No. 34, C. File, "A Bill to vacate a street in the town of Marion in Linn county;"

No. 35, C. File, "A Bill for the relief of Wm. B. Snyder;"

And,

No. 37, C. File, "A Bill to provide for the election of an addition-

al Justice of the Peace, in the Township of Fort Madison, in the County of Lee;"

Were severally read a first time.

No. 38, C. File, "A Bill to incorporate the Bloomington and Iowa City Rail Road Company;"

Was read a first time.

Mr. Murdock made a motion,

To suspend the 42nd rule and read the Bill a second time now;

Which was decided in the affirmative,

Yeas 23, Nays 1.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Coy, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Taylor, Woodworth, and Morgan, Speaker.

Mr. Wilson voted in the negative.

On motion of Mr. Murdock,

The Bill was referred to a select Committee of five.

Messrs. Murdock, Downey, Banks, Snyder, and Hancock, were appointed said Committee.

No. 41, C. File, "A Bill to divorce Amelia Scanlin, from her husband, Thomas Scanlin;"

Was read a first time.

Mr. Morgan made a motion,

That the House do now adjourn,

Which was decided in the negative.

Mr. Sheledy made a motion

To suspend the 42nd rule, and read,

No. 41, C. File, "A Bill to divorce Amella Scanlin from her husband Thomas Scanlin," a second time now;

Which was decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Clifton, Coy, Davis, Downey, Harper, Huner, Johnson, Montague, Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Hancock, Lester, McCleary, Taylor, and Wilson.

Mr. Morgan called for the reading of the papers in regard to said Bill, if any such were in the House.

There being none,

On motion of Mr. Wilson,

Ordered, That the Bill be referred to the Committee on the Judiciary.

Mr. Murdock made a motion, to adjourn;

Which was decided in the negative.

Yeas 11, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Coy, Downey, Johnson, Munger, Murdock, Noble, Robertson, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Chandler, Davis, Hancock, Harper, Huner, Lester, McCleary, Montague, Sheledy, Snyder, and Taylor.

No. 50, H. R. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and stray animals;'"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Taylor made a motion, That the House do now adjourn;

Which was decided in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Coy, Harper, Huner, Johnson, McCleary, Montague, Munger, Noble, Robertson, Taylor, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Davis, Downey, Hancock, Lester, Murdock, Sheledy, Snyder, and Wilson.

2 O'CLOCK, P. M.

No. 18, C. File, "A Bill to submit to the people a draft of a Constitution framed by the late Convention;"

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Johnson in the Chair;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Johnson reported the same back to the House with one amendment.

The question, was then put,
"Will the House concur in the report of the Committee?"

Which was decided in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Downey, Munger, Noble, Robertson, Sheledy, and Woodworth.

Mr. Murdock made a motion,

To postpone the further consideration of the Bill, until Monday next;

Which was decided in the negative.

On motion of Mr. M'Cleary,

The further consideration thereof, was postponed until to-morrow, 2 o'clock, P. M.

On motion of Mr. Johnson,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs and fees,' 'Approved Feb. 11th, 1843;'"

Was taken from the table, and referred back to the Committee who reported it; consisting of

Messrs. Johnson, Munger, Dowey, McCleary, Coy, and Murdock.

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"

Having been postponed until this morning, was taken up; and

On motion of Mr. Taylor,

Referred to a select Committee, composed of the members from the second Judicial District.

On motion of Mr. Wilson,

Ordered, That the House do now adjourn until to-morrow morning at 10 o'clock.

FRIDAY MORNING, 10 O'CLOCK,

May the 30, A. D. 1845.

Mr. Montague gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill for the punishment of offences against chastity, morality, and decency.

Mr. Taylor, from the Committee on engrossed bills, reported— as correctly engrossed,

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Mr. Sheledy, from the select Committee to whom was referred "the petition of sixty-four citizens of Washington and Keokuk counties, praying for a Territorial road from Section twenty-six in Township seventy, to Miles B. Friend's in Keokuk county, and to vacate a road therein named;" reported,

No. 55, H. R. File, "A Bill to locate a road from Washington County, to Miles B. Friend's in Keokuk County;"

Which was read a first time.

Mr. Snyder from the Committee to whom it was referred, reported:

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843,' "

With one amendment;

Which was agreed to.

Mr. McCleary, from the Committee on Military Affairs to whom was referred:

No. 25, C. File, "A Bill to organize and discipline the Militia of Iowa Territory,"

Reported the same back with one amendment;

Which was agreed to.

Mr. Johnson from the Committee to whom it was referred, reported back to the House,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

With several amendments;

Which were severally agreed to.

Mr. Johnson, from the Committee instructed to consider the subject of Wills and Administration; reported,

No. 56, H. R. File, "A Bill to amend "An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Miners, Probate Courts, and for defining their duties," 'Approved Feb. 15, 1843.'"

Which was read a first time.

Mr. Murdock, from the Committee on the Judiciary to whom they were referred, reported back to the House without amendment,

No. 9, C. File, "A Bill to amend an act, entitled, 'An act allowing, and regulating writs of Attachment;'"

No. 45, H. R. File, "A Bill to amend an act, entitled, 'An act to provide for the support of illegitimate children;'"

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

And,

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Mr. Snyder, from the Committee to whom it was referred, reported back to the House,

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

With amendments; which were agreed to.

Mr. Downey, from the Committee to whom it was referred, reported:

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Court, in the several Judicial Districts in this Territory,' 'Approved 12th February, 1844;'"

With an amendment; which was agreed to.

On motion of Mr. McCleary,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 16, H. R. File, "A Bill to amend an act, entitled, 'An act for the organization of Townships,'"

Having been returned from the Council passed with amendments, was taken up, and the amendments were agreed to.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

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

No. 19. C. File, "A Bill to amend an act, entitled, 'An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Fed. 9, 1839.' "

Also,

No. 39, C. File, "Joint Resolution requesting our Delegate in Congress, to endeavor to procure the establishment of a main route, from Burlington via. Lowell, Salem, and Washington in Henry County, to the seat of Wapello County."

Also,

No. 36, C. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;' 'Approved Jan. 22, 1839.' "

Also,

"No. 40, C. File, "A Bill to change a part of a Territorial Road in the County of Lee."

In which the concurrence of the House is requested.

The Council have also passed—

No. 36, H. R. File, "A Bill to regulate fees of Sheriffs and Constables, in attendance on the District Courts ;"

Also,

No. 38, H. R. File, "A Bill to legalize the acts of William Foster an acting Justice of the Peace."

And then he withdrew.

No. 53, H. R. File, "Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Iowa river ;"

Was read a second time.

On motion of Mr. Downey,

The 42nd rule was suspended, the Memorial read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843 ;' "

Was read a second time ; and,

On motion of Mr. McCleary,

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

No. 54, H. R. File, "Joint Resolution, to instruct the Territorial Agent to inclose the Capital Square in Iowa City ;"

Was read a second time ; and,

On motion of Mr. Johnson,

Referred to the Committee on Public Buildings.

No. 34, C. File, "A Bill to vacate a street in the town of Marion in Linn county;"

Was read a second time,

On motion of Mr. Snyder,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No 35, C. File, "A Bill for the relief of Wm. B. Snyder;"

Was read a second time; and,

On motion of Mr. Downey,

Referred to the Committee on the Judiciary.

No. 37, C. File, "A Bill to provide for the election of an additional Justice of the Peace, in the Township of Fort Madison in the County of Lee,"

Was read a second time,

On motion of Mr. Anderson,

The 42nd rule was suspended, the Bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

Was read a second time; and,

On motion of Mr. Anderson,

Referred to a Committee of seven, composed of Members of the river Counties.

Messrs. Anderson, Chandler, McCleary Banks, Coy, Wilson, and Murdock, were appointed said Committee.

No. 40, H. R. File, "A Bill for the organization of the County of Iowa,"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, H. R. File, "A Bill to Incorporate the Scott county Hydraulic Company;"

Was announced from the Chair as being the order of the day.

On motion of Mr. Davis,

The further consideration thereof, was postponed until Monday next.

No. 19, C. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' Approved Feb. 9th, 1839;"

Was read a first time.

No. 39, C. File, "Joint Resolution, requesting our Delegate in Congress, to procure the establishment of a mail route from Burlington via Lowell, Salem, and Washington in Henry county, to the County Seat in Wapello County,"

Was read a first time.

On motion of Mr. Sheledy,

The 42nd rule was suspended, the Bill read a second time, and referred to a select Committee.

Messrs. Sheledy, Harper and Hancock, were appointed said Committee.

No. 40, C. File, A Bill to change a part of a Territorial road in the County of Lee."

Was read a first time.

On motion of Mr. Noble,

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

On motion of Mr. Anderson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 36. C. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;'"

Was read a first time.

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs and fees,' 'Approved Feb. 11, 1843,'"

Was read a second time,

On motion of Mr. Johnson,

The House resolved itself into a Committee of the Whole House, for the consideration thereof; Mr. Sheledy in the Chair;

And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Chairman reported the the Bill back with sundry amendments;

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No. 45, C. File, "A Bill to establish a Territorial Road, from Linn Grove of Linn county, to the Military Road in Johnson county."

In which the concurrence of the House is requested.

And then he withdrew.

On motion of Mr. McCleary,

Ordered, That the House do now adjourn until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The question was then put, on agreeing to the amendments of the Committee of the Whole House, to—

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs and fees,' 'Approved Feb. 11th, 1843;'"

And decided in the affirmative.

On motion of Mr. Johnson,

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

No. 18, C. File, "A Bill to submit to the people a draft of a Constitution framed by the late Convention;"

Was read a second time; and,

Ordered, To a third reading to-morrow.

No. 20, C. File; "A Bill to amend 'An act defining the duties of County Surveyors,' 'Approved Feb. 9th, 1843;'" was

On motion of Mr. McCleary,

Taken from the table; and read a second time.

The question, was then put,
"Shall the Bill be read a third time to-morrow?"

And decided in the negative.

Yeas 6, Nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Clifton, Coy, McCleary, and Noble.

Those who voted in the negative, are

Messrs. Anderson, Davis, Hancock, Harper, Johnson, Lester, Montague, Murdock, Robertson, Sheledy, Snyder, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Mr. Hancock made a motion,

To indefinitely postpone the further consideration of the Bill;

Which was decided in the affirmative,

Yeas 16, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Davis, Hancock, Harper, Johnson, Lester, Montague, Noble, Robertson, Sheledy, Snyder, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Banks, Chandler, Coy, McCleary, and Murdock.

Mr. Banks, having given previous notice, and upon leave being granted, introduced,

No. 57, H. R. File, "A Bill to prevent the collection of debts, contracted after the first of January 1847, of all sums under twenty-five dollars; and all sums over twenty-five dollars, unless reduced to writing,"

Which was read a first time.

Mr. Banks made a motion,

That the usual number of copies be printed ;

Which was decided in the negative.

No. 25, C. File, "A Bill to organize and discipline the Militia of this Territory;" was

On motion of Mr. Wilson,

Taken from the table, and read a second time.

Mr. Munger moved to amend the Bill in the 2nd Section, by adding the following :

"Provided that the Quakers, or such as are commonly called Friend Quakers, be exempted from Military duty ;"

Which was decided in the negative.

Yeas 6, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Clifton, McCleary, Munger, Robertson, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Coy, Davis, Hancock, Harper, Lester, Montague, Murdock, Noble, Sheledy, Snyder, Taylor, Wilson, and Morgan, Speaker.

Mr. Hancock made a motion,

To amend the Bill by adding the following proviso ;

"Provided that no person shall be compelled to perform Military duty in time of peace, unless he give his consent in writing to the commanding officer ;"

Which was decided in the negative.

Mr. Munger made a motion,

To amend, by adding the following :

" Provided, that all who have conscientious scruples against bearing arms, be exempted from doing military duty in time of peace."

Mr. Taylor made a motion,

To amended the amendment, by adding the words following:—
“Provided they pay an equivalent in money ;”

Which was decided in the negative.

The question was then put, on the original amendment,
And decided in the negative.

Yeas 9, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Clifton, Davis, Lester, McCleary, Munger,
Robertson, Sheledy, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Coy, Hancock, Harper, Montague, Murdock,
Noble, Snyder, Taylor, Wilson, and Morgan, Speaker.

Mr. McCleary made a motion,

To lay the Bill on the table ;

Which was decided in the negative.

On motion of Mr. Murdock,

A call of the House was ordered,

Messrs. Banks, Huner, Johnson, and Stewart were absent.

On motion of Robertson,

Messrs. Huner and Stewart, were excused from the call.

Messrs. Banks and Johnson appeared immediately, and the call
was dispensed with.

Mr. Montague made a motion,

That the Bill be indefinitely postponed ;

Which was decided in the negative.

Yeas 9, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Davis, Hancock, Harper, Johnson, Montague,
Munger, Snyder, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Coy, Downey, Lester, Mc-
Cleary, Murdock, Noble, Robertson, Sheledy, Taylor, Wilson, and
Morgan, Speaker.

Ordered, That the Bill be read a third time to-morrow.

On motion of Mr. Taylor,

Ordered, That the House do now adjourn until to-morrow morn-
ing at 10 o'clock.

SATURDAY MORNING, 10 O'CLOCK.

May the 31, A. D. 1845.

On motion of Mr. McCleary,

“Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of amending the act defining crimes and punishments, so as to punish an attempt to commit the crime specified in the 27th section of said act.”

No. 45, C. File, “A Bill to establish a Territorial Road, from Linn Grove of Linn county, to the Military Road in Johnson county,”

Was read a first time.

On motion of Mr. Snyder,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 55, H. R. File, “A Bill to locate a road from Washington County, to Miles B. Friend’s in Keokuk County;”

Was read a second time; and,

On motion of Mr. Sheledy,

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

No. 39, H. R. File, “A Bill amendatory of ‘An act, to authorize evidence by the oath of parties,’ ‘Approved 20th Jan. 1843,’ ”

Was read a second time; and,

Ordered, To be engrossed, and read a third time on Monday next.

No. 9, C. File, “A Bill to amend an act, entitled, ‘An act allowing, and regulating writs of Attachment;’”

Was read a second time; and,

On motion of Mr. Hancock,

Ordered, To be read a third time on Monday next.

No. 45, H. R. File, “A Bill to amend an act, entitled, ‘An act to provide for the support of illegitimate children;’ ”

Was read a second time; and,

On motion of Mr. Johnson,

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

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

Was read a second time; and,

Ordered, To be engrossed, and read a third time on Monday next.

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Was read a second time; and,

On motion of Mr. McCleary,
Referred to a Committee of the Whole House, and made the order of the day for Tuesday next.

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Was read a second time.

On motion of Mr. Clifton,

The 42nd rule was suspended, and the Bill read a third time.

On motion of Mr. Johnson,

The bill was referred back to the Committee on the Judiciary.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

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

No. 43, C. File, "A Bill to divorce Silas Deeds from his wife Lucy Ann Deeds."

Also,

No. 44, C. File, "A Bill to relocate a certain Territorial road."

The Council have also passed—

No. 30, C. File, "A Bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the County of Lee."

In which the concurrence of the House is requested.

The Council have also passed—

No. 41, H. R. File, "A Bill to relocate part of the Territorial road running from Burlington *via* Fort Madison, to the Bridge on Sugar Creek in Lee county."

The Council have indefinitely postponed—

No. 42, H. R. File, "A Bill to amend an act, entitled, 'An act for opening and regulating Roads and Highways.'"

I herewith present for your signature—

“An act to provide for the payment of the expenses of the Convention, which assembled in Iowa City on the 1st Monday of October, A. D. 1844, to frame a Constitution for the future State of Iowa;”

Also,

“An act to amend an act, entitled, ‘An act defining the jurisdiction of the Supreme Court, and regulating practice therein;’”

And then he withdrew.

Said acts were signed by the Speaker of the House of Representatives.

No. 19. C. File, “A Bill to amend an act, entitled, ‘An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,’ ‘Approved Feb. 9, 1839.’”

Was read a second time; and,

On motion of Mr. Snyder,

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

No. 36, C. File, “A Bill to amend an act, entitled, ‘An act concerning water crafts found adrift, lost goods, and estray animals;’ ‘Approved Jan. 22, 1839.’”

Was read a second time; and,

On motion of Mr. Sheledy,

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

No. 57, H. R. File, “A Bill to prevent the collection of debts, contracted after the first day of January, 1847, of all sums under \$25; and of all sums over \$25 unless reduced to writing;”

Was read a second time; and,

On motion of Mr. Banks,

Referred to a select Committee.

Messrs. Banks, Sheledy, and Montague, were appointed said Committee.

No. 56, H. R. File, “A Bill to amend ‘An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Miners, Probate Courts, and for defining their duties,’ ‘Approved Feb. 13, 1843.’”

Was read a second time; and,

On motion of Mr. Johnson,

Referred to the Committee on the Judiciary.

No. 25, C. File, "A Bill to organize and discipline the Militia of Iowa Territory,"

Was read a third time.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 16, nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Coy, Davis, Downey, Hancock, Harper, Lester, McCleary, Montague, Murdock, Noble, Robertson, Sheledy, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Clifton, Johnston, Munger, Snyder, Taylor and Woodworth.

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

Ordered, That the Council be informed thereof.

No. 18, C. File, "A Bill to submit to the people, the draft of a Constitution framed by the late Convention,"

Was read a third time.

Mr. Wilson asked the unanimous consent of the House, to amend the Bill by inserting in the first section, "April," instead of "August."

Pending which,

Mr. Murdock made a motion,

To recommit the Bill with instruction, to amend the Bill by striking out the word "August," where it occurs in the first section, and inserting "April;"

Which was decided in the negative.

Yeas 11, nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, Murdock, Munger, Noble, Robertson, Sheledy, Taylor, Wilson, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Harper, Johnson, Lester, McCleary, Montague, Snyder, and Morgan, Speaker.

Mr. Munger made a motion,

That this House do now adjourn;

Which was decided in the affirmative.

Yeas 15, nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are
Messrs. Coy, Davis, Downey, Johnson, McCleary, Montague,
Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Wilson,
Woodworth, and Morgan, Speaker.

Those who voted in the negative, are
Messrs. Anderson, Banks, Chandler, Hancock, Harper, Lester,
and Taylor.

So the House adjourned.

2 O'CLOCK, P. M.

The discussion and consideration of—
No. 18, C. File, "A Bill to submit to the people, the draft of a
Constitution framed by the late Convention;"

Was continued by Messrs. Munger, Morgan, and Wilson.

Mr. Murdock made a motion, to adjourn;

Which was decided in the negative.

Yeas 7, nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Davis, Downey, Hancock, Murdock, Wilson,
and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Banks, Clifton, Coy, Johnson, Lester, Mc-
Cleary, Montague, Noble, Robertson, Sheledy, Snyder, Taylor, and
Woodworth.

Mr. Sheledy, then continued the discussion; after which,

Mr. Anderson made a motion,

To reconsider the vote taken on the passage of

No. 37, C. File, "A Bill to provide for the election of an addition-
al Justice of the Peace, in the Township of Fort Madison, in the
County of Lee."

Which,

On motion of Mr. Snyder,

Was laid on the table.

On motion of Mr. Sheledy,

The House adjourned.

MONDAY MORNING, 10 O'CLOCK.

June the 2, A. D. 1845.

Mr. Sheledy presented the petition of one hundred and seventy-four citizens of Mahaska county and the attached Territory, praying for the organization of a new county, by the name of "Marion county;"

Which was referred to a select Committee.

Messrs. Sheledy, Harper, and Lester, were appointed said Committee.

Mr. Sheledy presented the petition of twelve persons, praying for the establishment of a Territorial Road, from Eddyville to the southern boundary of Iowa Territory.

Also,

The petition of thirteen persons, praying for the establishment of a Territorial Road, from Eddyville to Bennets Point.

Also,

The petition of eighteen persons, praying for the establishment of a Territorial Road, from Eddyville to intersect the road leading from Iowa City to Oskaloosa.

Also,

The petition of thirty-two persons, praying for the establishment of a road, from Clarksville in Kiskekosh county, down Cedar river to the south line of Mahaska county;

All of which were referred to the Committee on Roads and Highways.

Mr. Sheledy presented the petition of eighty-one persons, praying the appointment of George Gilaspi to the office of Sheriff of "Marion County;"

Which was referred to a Committee, consisting of Messrs. Sheledy, Harper, and Lester.

Mr. Huner presented the petition of one hundred and sixty citizens of Fort Madison, praying the passage of a law allowing the people of each township, to prohibit grocery license by a vote;

Which was referred to a select Committee, consisting of Messrs. Huner, Sheledy, Murdock, and Montague.

Mr. Johnson presented the account of S. J. Barr, Secretary of the Territory of Iowa, for fifty-eight dollars and twenty-five cents paid to Bridgman and Brothers, for articles furnished the Legislative Assembly;

Which was referred to the Committee on Claims.

Mr. Snyder gave notice that he would, on to-morrow or some future day, ask leave to introduce,

A Bill to amend an act, entitled, 'An act concerning Bail,' 'Approved Jan. 25th, 1839.' "

Mr. Taylor, from the Committee on engrossed Bills, reported as correctly engrossed;

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa;"

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

No. 55, H. R. File, "A Bill to locate a road from Washington County, to Miles B. Friend's in Keokuk County;"

No. 49, H. R. File, "A Bill amendatory of 'An act to provide for changing the venue in civil and criminal cases,' 'Approved 13th Feb. 1843;'"

And,

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843;'"

Mr. Sheledy from the Committee to whom it was referred, reported back to the House,

No. 39, C. File, "Joint Resolution, requesting our Delegate in Congress, to procure the establishment of a mail route from Burlington via. Lowell, Salem, and Washington in Henry county, to the County Seat in Wapello County,"

With amendments; which were agreed to.

Mr. Banks, from the Committee to whom was referred the petition of sundry citizens, praying for a change in the name of the town of Bloomington, in the County of Muscatine, reported

No. 58, H. R. File, "A Bill to establish the name of the town of Bloomington, in Muscatine county;"

Which was read a first time; and

On motion of Mr. Sheledy,

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

On motion of Mr. Banks,

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

Mr. Huner, from the Committee to whom it was referred, reported back to the House, without amendment,

No. 44, H. R. File, "A Bill to relocate the Seat of Justice of Lee county;"

Mr. Anderson, from the same committee, made the following minority report:

The minority of the Committee, to whom was referred a Bill to provide for the relocation of the County Seat of Lee county, beg leave to report:

That, after carefully examining said Bill in connection with the majority of your Committee, the minority will state that the main body of said Bill they are in favor of, and think it just, and would give general satisfaction to a large majority of the people; but your Committee cannot agree with the majority, upon the principals contained in the 17th and 18th Sections of said Bill, and are confidently of the opinion, that if the Bill should pass with those Sections contained in it, it would not only operate injuriously, but would give the two points specified in said sections, decided advantage over all others in the county; your Committee, therefore, recommend that the said sections be stricken out of said Bill.

Mr. Montague, having given previous notice, and upon leave being granted, introduced,

No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency;"

Which was read a first time.

No. 30, C. File, "A Bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the County of Lee;"

Was read a first time.

On motion of Mr. Murdock,

The 42nd rule was suspended, the Bill read a second time, and referred to the Committee on the Judiciary.

No. 44, C. File, "A Bill to relocate a certain Territorial road."

Was read a first time.

No. 43, C. File, "A Bill to divorce Silas Deeds, of Jefferson county, from his wife Lucy Ann Deeds."

Was read a first time.

No. 55, H. R. File, "A Bill to locate a road from Washington county to Miles B. Friends's in Keokuk county,"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 39, H. R. File, "A Bill amendatory of 'An act to authorize evidence by the oath of the parties,' 'Approved 20th January, 1843.'"

Was read a third time.

On motion of Mr. Murdock,

A call of the House was ordered.

Messrs Banks, Downey, and Stewart, were absent.

On motion of Mr. Anderson,
Mr Stewart was excused from the call.

Mr. Banks came in and took his seat.

On motion of Mr. Taylor,

The further call of the House was dispensed with.

The question was then put,

“Shall the Bill pass?”

And decided in the affirmative,

Yeas 14, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Davis, Johnson, McCleary, Munger, Murdock, Noble, Robertson, Sheledy, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Coy, Hancock, Harper, Huner, Lester, Montague, and Woodworth.

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

Ordered, That the Council be informed thereof.

No. 9, C. File, “A Bill to amend an act, entitled, ‘An act allowing, and regulating writs of Attachment;’”

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 26, H. R. File, ‘A Bill to repeal the 6th section of an act commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa;’

Was read a third time; and,

On motion of Mr. Banks,

Re-committed to the Committee on the Judiciary, with instruction to amend the 5th section of said act.

No. 35, H. R. File, ‘A Bill amendatory of an act, entitled, ‘An act concerning costs and fees,’ ‘Approved Feb. 11th, 1843;’”

Was read a third time; and,

On motion of Mr. Clifton,

Re-committed with instruction to strike out the County of Henry.

No. 49, H. R. File, ‘A Bill amendatory of ‘An act to provide for changing the venue in civil and criminal cases,’ ‘Approved 13th Feb. 1843;’”

Was read a third time, passed, and its title agreed to.

Ordered, That the Clerk inform the Council thereof.

No. 45, H. R. File, ‘A Bill to amend an act, entitled, ‘An act

to provide for the support of illegitimate children;”

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Hancock in the Chair;

And after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back to the House with several amendments;

Which were severally agreed to.

Mr. Wilson made a motion,

To strike out the enacting clause of the Bill;

Which was decided in the negative.

Yeas 4, Nays 18.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Coy, Munger, Murdock, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Clifton, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Noble, Robertson, Sheledy, Snyder, Taylor, and Woodworth.

Mr. Banks made a motion,

To amend the last section of the Bill, by inserting after the word “August” the word “next;”

Which was agreed to.

On motion of Mr. Sheledy,

The 42nd rule was suspended, the Bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, H. R. File, “A Bill to incorporate the Scott County Hydraulic Company.”

Being the order of the day; was,

On motion of Mr. Wilson,

Postponed until to-morrow.

On motion of Mr. Wilson, The House adjourned.

2 O’CLOCK, P. M.

No. 18, C. File, “A Bill to submit to the people, the draft of a Constitution framed by the late Convention;”

Being under consideration when the House adjourned yesterday, was resumed in debate by Messrs. Anderson, Sheledy, and Wilson.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No 28, C. File, "Joint Resolution providing for an examination of the affairs of the Penitentiary."

In which the concurrence of the House is requested.

The Council have concurred in the amendments made by the House to—

No. 29, C. File, "A Bill to amend an act, entitled, 'An act to establish the time of holding the District Court in the several Judicial Districts in this Territory,' 'Approved 12th Feb. 1844;'"

The Council have also concurred in the amendments made by the House, to—

No. 25, C. File, "A Bill to organize and discipline the Militia of this Territory;"

The Council have passed with amendments—

No. 47, H. R. File, "A Bill for the relief of Samuel Parker;"

I herewith return to you—

"An act to Incorporate the University of Iowa."

The same having been signed by the President of the Council.

And then he withdrew.

Mr. Johnson moved a call of the House, which was ordered, Mr. Coy was absent, but appeared immediately and took his seat.

The question, was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Downey, Munger, Noble, Robertson, Sheledy, and Woodworth.

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

Ordered, That the Council be informed thereof.

Mr. Sheledy presented the following protest, and asked that it might be placed on the Journals of the House.

"The undersigned, Members of the House of Representatives, of the Territory of Iowa, beg leave to enter their solemn protest, against

the final passage of the "Bill to submit to the people the draft of a Constitution formed by the late Convention."

In the name, and in behalf of the constituents we have the honor to represent, we protest against the passage of this Bill, because we believe that this Legislative Assembly has no delegated authority to pass it;—and because we believe it is designed to control rather than to ascertain public sentiment, in reference to the vote the electors shall give, for or against this *draft* of a Constitution.

The Constitution which was framed by the Convention in October last, has been formerly submitted to a vote of the whole people of this territory, and by them it was most deliberately rejected. To call upon them again to vote for or against accepting it, looks very much like trifling with their feelings, their judgments, and their constitutional privileges. They have sent up no memorials asking us to give them another opportunity to vote upon it. And if they had, we ought not to pass this Bill unless there was exhibited upon our table a clearly expressed majority in favor of such a measure.

The instructions we received at the ballot box on the first Monday in April last, most assuredly cannot be mistaken. A majority of nine hundred and ninety-eight votes stands recorded against this same "draft of a Constitution." Have one thousand votes, in the short space of sixty days—without any assignable reason, suddenly changed their opinions as to the merits of this draft of a Constitution? If they have the evidence and cause of their conversion is not before us. But it is contended that the people did not vote understandingly at the last election, and that another appeal must be made to their sober second thoughts. If we were influenced by no other considerations, a conscious deference to the judgment of a free and independent constituency, would constrain us from submitting to them a Constitution which they have so recently and so signally rejected. Such a course would be derogatory to a free people, whose province it is to give, and not to receive instructions in the affairs of Government. Again it is alledged that the conditions imposed by Congress in altering and curtailing the boundaries of the proposed State, caused the rejection of the Constitution. This doubtless had influence in different sections of the territory, both for and against it. What was lost on the north and the south by the change, was partially made up by the vote of the centre, where the Congressional boundaries are more acceptable than those defined in the Constitution. But if we were certain that the change of boundaries caused the rejection of the Constitution, we could not vote for this Bill. The amendment made by Congress was anticipated by the framers and provided for, by declaring that the Constitution together with whatever conditions might be made to the same by Congress, should be ratified or rejected by a vote of the qualified electors in April last, in the manner prescribed by the act providing for the Convention. The amendments made by Congress attached to and formed as much

a part of the Constitution when it was submitted to the people, as if originally engrafted in it. The people were not deceived, they knew what they were about. They knew full well that if a majority of the votes should be cast in favor of it, that we should go into the union with the boundaries prescribed by Congress; and if a majority should be against its adoption the instrument would be a dead letter, and that Iowa would occupy the same position she did before the call of the Convention. In view of the whole grounds—they chose to remain under a territorial government, considering, most wisely, that they would not be worsted by delay. The question of territory was with them a minor consideration; their main objections were to the body of the Constitution.

We protest against the passage of this Bill as impolitic and improper, even were it certain that the people would adopt the Constitution as it came from the Convention, for it is manifest that Congress will impose the same, or similar conditions to our admission. Should this be done, in how much better situation shall we be, than we are now? We shall still be out of the Union unless we accept of the conditions imposed. And it would seem by the passage of this Bill that its advocates consider the constitutional boundaries as paramount to every other consideration. If this Legislature reflects the will of the people and there shall be no change off in it, the Legislature which is to accept or reject the conditions imposed by Congress will reject them by the same relative majority which is brought to bear in the passage of this Bill. What must then be done preparatory to entering the Union as a State? Will another trial strain be made with the same old defunct Constitution until the people are wearied out with territorial vasselage and compelled to adopt it as the choice between two evils. To this alternative we hope and trust they will not be driven. They have a right to say whether they will have another convention; and in their name we protest against a policy which deprives them of that privilege.

We are opposed to submitting to the people this "draft" of a Constitution for such it only is, and a very rough one at that. If this Legislature has power to submit to the people drafts for their consideration, common courtesy would seem to suggest the propriety of presenting one which had not already been passed upon. The passage of this Bill is a virtual assumption that this constitutional draft is the *ne plus ultra* of statesmanship, and that it should not be profaned by the second touch of progressive democracy. This principle is at war with the creed of our political faith, which teaches that the people have at all times the right to alter or abolish their government and to institute new rules for their guidance. Shall Iowa commence by reversing the basis of power and declare that the Government derives its just power from the consent of the *governors* instead of the *governed*—and that the people have not a right to alter or abolish it without the consent of the Legislature? Shall it dictate to the peo-

ple the form of Government they shall have, and shall the people be told by their Legislators that they shall take that or nothing.

The citizens of Iowa had a right to expect a Constitution with such guards as should secure to them all the rights, privileges, and immunities which are secured to their fellow citizens in the other States of the confederacy. In this, however, they were suddenly disappointed. They have had tendered to them a Constitution in one respect different from any in Christendom. The solemnity of an oath in this new declaration of rights is virtually done away with, by admitting the Atheist to all the privileges of a conscientious witness. If this is a progression in the science of government, it is unquestionably a retrogression in christianity. It is presumed that a few people with old fashioned notions of morality voted against the Constitution in consequence of this novel feature.

The Constitution also surrenders to the Governor the right to deprive a majority of the people's representatives from enacting laws unless two thirds of both Houses concur. Thus constituting the Executive a branch of the Legislative power which in another part of the Constitution is declared shall be separate and distinct.

This Constitution also virtually prohibits the Legislature from ever adopting a system of internal improvement, such as the construction of roads and canals to facilitate the operations of trade and commerce. And from the creation of corporations for manufacturing and other useful purposes. Nor can any bank ever be established under the provisions of this Constitution. It is true that there is a provision for the establishment of State Banks under certain conditions; but those conditions amount to a perfect mockery. The members of the Convention well knew that no bank would ever be established without an alteration of the Constitution. They knew that no sane man would take stock in a bank where the stockholders were liable in their individual capacity, not only to the amount of stock by them owned respectively, but to an unlimited extent.

The consequence of depriving the citizens of Iowa of the privileges of banking and the issuance of their own paper currency is too palpable to be questioned by the meanest intellect. The adjoining States will furnish us with a currency of which we can know but little and over which we can have no Legislative control. And it is fair to presume that the annual loss to our citizens by the use of such a currency would exceed in amount the entire direct tax for the support of the State government. Every tyro in politics knows that the meaner the paper currency the scarcer will be the precious metals. The adoption of the Constitution proposed will cause an influx of worthless paper and the disappearance of gold and silver. A little specie will remain in the State it is true, but it will be an article of merchandize, and can be had of those consistent advocates of a hard money currency called brokers or shavers, at the market price, which ranges at this ill fated period, at from twelve to fifty per cent.

This Constitution has many other defects either of which would induce many good men to vote against it, and taken as a whole it is deficient in style, manner, and matter, and far behind the spirit of this enlightened and liberal age.

STEPHEN B. SHELEDY,
JOSEPH M. ROBERTSON,
RICHARD NOBLE,
JAMES ANDERSON,
CHARLES STEWART,
N. MUNGER,
HUGH D. DOWNEY,
CHARLES CLIFTON,
S. D. WOODWORTH.

Mr. Munger made a motion,

That the protest be entered on the Journals ;

Which was decided in the affirmative, by a vote of all the members present being twenty-three in number.

On motion of Mr. Murdock,

The House adjourned.

TUESDAY MORNING, 10 O'CLOCK,

June the 3, A. D. 1845.

Mr. Munger, from the Committee on Enrolments, reported the following acts as correctly enrolled, to wit :

"An act to amend an act, entitled, "An act to encourage the destruction of wolves, 'Approved Jan. 7, 1844.'"

"An act to declare a certain road in Washington county a public highway."

"An act to regulate fees of sheriffs and constables in attendance on District courts."

"An act to legalize the acts of William Foster, an acting Justice of the Peace."

"An act to relocate a part of the Territorial road, running from Burlington *via*. Fort Madison, to the bridge on Sugar Creek in Lee county."

"An act to amend an act, entitled, 'An act for the organization of townships.'"

"An act to change the Eastern boundary of Washington county.'"

"Joint Resolution providing seals for certain counties therein named,"

Which were severally signed by the Speaker of the House of Representatives.

Mr. Downey presented the account of Charles Gaman, for six days work, in fitting up the Capitol for the Convention, at two dollars per day, amounting to twelve dollars.

Which was referred to the Committee on Ways and Means.

Mr. Coy, having given previous notice, and upon leave being granted, introduced,

No. 62, H. R. File, "Joint resolution, instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228,"

Which was read a first time.

On motion of Mr. Coy,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Robertson presented the account of J. S. Kimball for forty-seven dollars fifty cents;

Which was referred to the Committee on Claims.

Also,

The account of Jonathan Read, for twenty-five dollars; which was referred to the same Committee.

Mr. Harper, from the Committee on roads and Highways, to whom was referred sundry petitions and remonstrances in relation to a certain ferry, kept by Henry Decamp and Samuel H. Collier across the Mississippi River at the town of Wyoming, reported:

No. 60, H. R. File, "A Bill to amend An act authorizing Henry Decamp and Samuel H. Collier, to keep a ferry across the Mississippi River, at the town of Wyoming in the County of Muscatine." "Approved Feb. 14, 1843."

Which was read a first time.

Mr. McCleary, from the Committee to whom it was referred, reported:

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

With an amendment which was agreed to.

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

Mr. Sheledy, from the Committee to whom was referred the petition of sundry persons, praying the organization of the County of Marion, reported:

No. 61, H. R. File, "A Bill to organize the County of Marion;"

Which was read a first time.

On motion of Mr. McCleary,

The 42nd rule was suspended, the Bill read a second time ;
 Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

Mr. Taylor, from the Committee on engrossed Bills, reported as correctly engrossed;

No. 58, H. R. File, "A Bill to establish the name of the town known as the town of Bloomington, in Muscatine county;"

Mr. Murdock, from the Committee on the Judiciary, to whom they were referred, reported, without amendment,

No. 30, C. File, "A Bill to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the County of Lee;"

On motion of Mr. Murdock,

The 42nd rule was suspended, the Bill read a third time, passed, and preamble and title agreed to.

Ordered, That the Council be informed thereof.

No. 56, H. R. File, "A Bill to amend "An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors, Probate Courts, and for defining their duties," 'Approved Feb. 13, 1843,'"

Which,

On motion of Mr. Johnson, was

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

Also,

No. 26, H. R. File, "A Bill to repeal the 6th section of an act, commonly called the Valuation Law, chapter 155 of the revised Statutes of Iowa,"

With one amendment.

The question was then put,

"Will the House agree to the amendment made by the Committee?"

And decided in the negative.

Yeas 9, nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Davis, Hancock, Harper, Lester, Murdock, Robertson, Sheledy, and Snyder.

Those who voted in the negative, are

Messrs. Anderson, Chandler, Clifton, Coy, Downey, Huner, Johnson, McCleary, Montague, Munger, Noble, Taylor, Wilson, and Woodworth.

The 42nd rule was suspended and the Bill read a third time.

The question, was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 19, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Clifton, Coy, Downey, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Noble, Robertson, Sheledy, Taylor, Wilson, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Davis, Munger, and Snyder,

Mr. McCleary made a motion,

To amend the title of the Bill by striking out all after the word "act," and insert the words, "subjecting real and personal estate to execution;"

Which was agreed to.

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

Also,

No 35, C. File, "A Bill for the relief of Wm. B. Snyder;"

With amendments which were agreed to.

On motion of Mr. Downey.

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Mr. Johnson, from the Committee to whom was recommitted with instructions to strike out the "County of Henry," reported back to the House,

No. 35, H. R. File, "A Bill amendatory of an act, entitled, 'An act concerning costs, and fees,' 'Approved Feb. 11th, 1843;'"

With said amendment,

Which was agreed to.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 17, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Clifton, Coy, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, Montague, Munger, Noble, Robertson, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Murdock, Sheledy, Snyder, and Wilson.

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

Mr. Murdock from the Judiciary Committee to whom it was referred, reported

No. 38, C. File, A Bill to Incorporate the Bloomington and Iowa City Rail Road Company."

With amendments; which were agreed to.

On motion of Mr. Downey,

The Bill was laid on the table.

The following Message was received from the Council, by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No. 52, C. File, "Joint Resolution to provide for the appointment of a Fiscal Agent for Iowa Territory;"

In which the concurrence of the House is requested.

And then he withdrew.

On motion of Mr. Johnson,

The Message was taken up,

The 42nd rule was suspended, and the Resolution read a first and second times.

On motion of Mr. Robertson,

The Resolution was laid on the table.

Mr. Downey from the Committee to whom it was referred, reported

No. 54, H. R. File, "Joint Resolution, to instruct the Territorial Agent to inclose the Capitol Square in Iowa City;"

With amendments; which were agreed to.

On motion of Mr. Downey,

The 42nd rule was suspended, and the Resolution read a third time.

On motion of Mr. Taylor,

The Resolution was laid on the table;

Mr. Murdock, having given previous notice, and upon leave being granted, introduced

No. 63, H. R. File, "Joint Resolution instructing the Secretary to pay the Widow of the late James Leonard, the full amount of his *per diem*, for this entire Session;"

Was read a first time.

On motion of Mr. Johnson,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and the title agreed to.

On motion of Mr. McCleary,
The House adjourned.

2 O'CLOCK, P. M.

Mr. Snyder, having given previous notice, and upon leave being granted, introduced,

No. 64, H. R. File, "A Bill to amend an act, entitled, An act concerning Bail," "Approved Jan. 25th, 1839."

Which was read a first time.

On motion of Mr. Snyder,

The 42nd rule was suspended and the Bill read a second time,

On motion of Mr. Clifton,

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

Mr. Murdock, having given previous notice, and upon leave being granted, introduced,

No. 65, H. R. File, "A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi river in the County of Clayton,"

Which was read a first time,

Also,

No. 66, H. R. File, "Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey River, in the County of Clayton,"

Which was read a first time;

On motion of Mr. Wilson,

The 42nd rule was suspended, the Memorial read a second and third times, passed and its title agreed to.

Mr. Wilson having given previous notice, and upon leave being granted, introduced,

No. 67, H. R. File, "A Bill to legalize the location of a Territorial Road from Cascade in Dubuque County, to O. A. Olmstead's Mill in Delaware county."

Which was read a first time.

On motion of Mr. Wilson,

The 42nd rule was suspended, the Bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No 28, C. File, "Joint Resolution providing for an examination of the affairs of the Penitentiary."

Was read a first time.

No. 47, H. R. File, "A Bill for the relief of Samuel Parker ;"

Having been returned from the Council with an amendment, was taken up and the amendment agreed to.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed, No. 53, H. R. File, "Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Iowa river;"

The Council have concurred in the amendments made by the House to—

No. 18, C. File, "A Bill to submit to the people a draft of a Constitution framed by the late Convention;"

I herewith present for your signature—

"An act to vacate a street in the town of Marion in Linn county."

"An act to change a part of a Territorial road in the County of Lee."

"An act to establish a Territorial Road, from Linn Grove of Linn county, to the Military Road in Johnson county,"

"An act to organize and discipline the Militia of Iowa Territory,"

"An act to submit to the people, the draft of a Constitution framed by the late Convention,"

And then he withdrew.

The above acts were signed by the Speaker of the House of Representatives.

Mr. Downey, having given previous notice, and upon leave being granted, introduced

No. 68, H. R. File, "Joint Resolution, to authorize the Clerk of the Supreme Court to use a certain room in the Capitol for the purpose of a Clerk's Office;"

Which was read a first time.

No. 39, C. File, "Joint Resolution, requesting our Delegate in Congress, to endeavor to procure the establishment of a mail route from Burlington via Lowell, Salem, and Washington in Henry county, to the County Seat in Wapello County,"

Was read a second time.

On motion of Mr. Robertson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title amended and agreed to.

No. 44, H. R. File, "A Bill to relocate the Seat of Justice of Lee county,"

Was read a second time.

On motion of Mr. Huner,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency;"

Was read a second time; and,

On motion of Mr. McCleary,

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 44, C. File, "A Bill to relocate a certain Territorial road."

Was read a second time.

On motion of Mr. Robertson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

No. 43, C. File, "A Bill to divorce Silas Deeds, of Jefferson county, from his wife Lucy Ann Deeds."

Which was read a second time; and,

Referred to the Committee on the Judiciary.

No. 58, H. R. File, "A Bill to establish the name of the town known as the town of Bloomington, in Muscatine county;"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, H. R. File, "A Bill to incorporate the Scott County Hydraulic Company."

Being the order of the day,

Was considered in Committee of the Whole House; Mr. McCleary in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair; and Mr. McCleary reported the Bill back to the House with one amendment;

Which was agreed to.

Mr. Murdock made a motion,

To amend the Bill, by inserting before the last Section, a new Section in these words, "any future Legislature may alter or repeal this charter."

Mr. Wilson moved a call of the House.

Mr. Stewart only was absent.

On motion of Mr. McCleary,

The further call was dispensed with.

The question was then put,

"Will the House agree to the amendment?"

And decided in the negative.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed, No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College."

In which the concurrence of the House is requested.

The Council have also passed—

No. 32, H. R. File, "A Bill to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April ;"

And then he withdrew.

The question, was then put,

"Shall the Bill be engrossed and read a third time to-morrow?"

And decided in the affirmative.

Yeas 13, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Davis, Downey, Huner, McCleary Munger, Noble, Robertson, Sheledy, and Woodworth.

Those who voted in the negative, are

Messrs. Hancock, Harper, Johnson, Lester, Montague, Murdock, Snyder Taylor, Wilson, and Morgan, Speaker.

On motion of Mr. Murdock,

No. 52, C. File, "Joint Resolution to provide for the appointment of a Fiscal Agent for Iowa Territory;"

Was taken from the table.

Mr. Davis made a motion,

To refer it to the Judiciary ;

Which was decided in the negative.

Mr. Murdock made a motion,

To suspend the 42nd rule, and read the Resolution a third time now.

Which was decided in the negative.

Mr. Banks made a motion,

To refer it to a Committee on Ways and Means ;

Which was decided in the negative.

On motion of Mr. Taylor,

The House adjourned.

WEDNESDAY MORNING, 9 O'CLOCK.

June the 4, A. D. 1845.

On motion of Mr. Johnson,

No. 52, C. File, "Joint Resolution to provide for the appointment of a Fiscal Agent for Iowa Territory,"

Was taken up, and read a second time; and,

On motion of Mr. Noble,

Referred to a select Committee, with instructions to report immediately.

Messrs. Noble, Murdock, and McCleary, were appointed said Committee.

Mr. Noble, from said Committee, reported the same back with two amendments;

Which were agreed to.

On motion of Mr. M'Cleary,

The 42nd rule was suspended, and the Bill read a third time.

The question was then put,

"Shall the Resolution pass?"

And decided in the affirmative.

Yeas 13, nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Clifton, Davis, Downey, Hancock, Harper, Huner, Lester, McCleary, Montague, Murdock, Noble, Robertson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Coy, Johnston, Munger, Sheledy, Taylor, Wilson and Woodworth.

Ordered, That the Council be informed thereof.

Mr. Davis, having given previous notice, and upon leave being granted, introduced,

No. 69, H. R. File, "A Joint Resolution, authorizing the Secretary of the Territory to contract for the printing of the Laws of the present session, with the lowest bidder;"

Which was read a first time.

Mr. Taylor, from the Committee on Engrossed Bills, reported as correctly engrossed,

No. 56, H. R. File, "A Bill to amend 'An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors and Probate Courts, and for defining their duties.' 'Approved Feb. 13, 1843.'"

Also,

No. 64, H. R. File, "A Bill to amend an act, entitled, 'An act concerning Bail,' 'Approved Jan. 25th, 1839.'"

Mr. Harper, from the Committee on Roads and Highways, made the following Report:

"The Committee on Roads and Highways, to whom was referred a petition for a road from Eddysville to Bennett's Point; also a petition for a road from Eddysville to the Southern Boundary of the Territory; and also, a petition for a road from Clarksville down Cedar River, in Kishkekosh County, have had the same under careful consideration, and have instructed me to report that it is inexpedient to grant the prayers of the petitioners;

Which was concurred in.

Mr. Johnson, having given previous notice, and upon leave being granted, introduced

No. 70, H. R. File, "An act to amend an act, entitled, 'An act to regulate the institution of suits by foreign Executors, Administrators and Guardians within this Territory;'"

Which was read a first time.

No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College;"

Was read a first time,

On motion of Mr. Downey,

The 42nd rule was suspended, and the Resolution read a second time.

Mr. Downey made a motion to amend the Resolution, by inserting after the word "Church," the words, "or a majority of them," and by adding the words following: "and the said Trustees of the Iowa City College, or a majority of them, shall have full power to sell and convey said premises for religious or literary purposes, whenever, in their opinion, such conveyance will advance the interest of said College;"

Which was agreed to.

The 42nd rule was suspended, the Resolution read a third time, passed and the preamble and title agreed to.

No. 60, H. R. File, "A Bill to amend An act authorizing Henry Decamp and Samuel H. Collier, to keep a ferry across the Mississippi River, at the town of Wyoming in the County of Muscatine," "Approved Feb. 14, 1843."

Was read a second time.

Mr. Banks made a motion to refer the Bill to the Committee on Corporations ;

Which was decided in the negative.

On motion of Mr. Banks, it was

Referred to a select Committee of three.

Messrs. Banks, Robertson, and McCleary, were appointed said Committee.

No. 68, H. R. File, "Joint resolution to authorize the Clerk of the Supreme Court, to use a certain room in the Capitol, for the purpose of a Clerk's Office ;"

Was read a second time.

On motion of Mr. Downey,

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered that the Council be informed thereof.

No. 65, H. R. File, "A Bill to authorize Duncan McGregor to keep a Ferry across the Mississippi River, in the county of Clayton ;"

Was read a second time.

Mr. Banks made a motion,

To amend the Bill by inserting the following as a new section :

"Any future Legislature may alter, amend or repeal this Charter ;"

Which was decided in the affirmative.

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

No 28, C. File, "Joint Resolution providing for an examination of the affairs of the Penitentiary."

Was read a second time ; and,

On motion of Mr. Wilson,

Referred to a Committee of the Whole House, and made the order of the day for 2 o'clock P. M. of this day.

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes ;"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 56, H. R. File, "A Bill to amend "An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors, and Probate Courts, and for defining their duties," 'Approved Feb. 13, 1843,'"

Was read a third time.

Mr. Snyder moved to amend by way of rider, by adding to the ninth section, the words following: "Provided, That whenever the Probate Judge shall be satisfied that the compensation now provided by law, is insufficient for the services rendered by Executors or Administrators, he shall be authorized to make such additional allowance as he shall deem reasonable;"

Which was agreed to.

The Bill was then passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 64, H. R. File, "A Bill to amend an act, entitled, 'an act concerning Bail,' 'Approved January 25th, 1839;'"

Was read a third time; and,

On motion of Mr. Murdock,

Referred to a select committee, with instructions to amend the last section of the Bill.

Messrs. Murdock, McCleary and Taylor were appointed said Committee.

No. 43, H. R. File, "A Bill to Incorporate the Scott county Hydraulic Company;"

Was read a third time.

On motion of Mr. Snyder,

A call of the House was ordered.

Messrs. Hancock, Sheledy, and Stewart, were absent.

On motion of Mr. Woodworth,

Messrs. Sheledy and Stewart, were excused from the call.

On motion of Mr. McCleary,

The further call of the House was dispensed with.

The question was then put:

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 11, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Coy, Davis, Downey, Huner, McCleary, Munger, Noble, Robertson, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Harper, Johnson, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

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

Ordered, That the Council be informed thereof.

No. 61, H. R. File, "A Bill to Organize the County of Marion,"
Being the order of the day for this day, in Committee of the Whole
House, was postponed until to-morrow.

On motion of Mr. Harper,
The House adjourned.

2 O'CLOCK, P. M.

No. 59, H. R. File, "A Bill to provide for the punishment of of-
fences against chastity, morality, and decency;"

Being the order of the day, was considered in Committee of the
Whole House; Mr. Johnson in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Chairman reported the
Bill back, with one amendment;

Which was disagreed to.

On motion of Mr. Hancock,

The Bill was referred to the Committee on Internal Improvements.

No. 28, C. File, "Joint Resolution providing for an examination
of the affairs of the Penitentiary."

Being the order of the day, was considered in Committee of the
Whole House; Mr. Robertson in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Chairman reported the
Bill back to the House, without amendment.

On motion of Mr. Johnson,

The 42nd rule was suspended, the Bill read a third time, passed,
and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Davis,

Mr. Taylor was added to the Committee on Internal Improve-
ments.

Mr. Johnson moved a call of the House, which was ordered.

Messrs. Downey and Wilson were absent.

Mr. Robertson made a motion to suspend the call;

Which was decided in the negative.

Mr. Johnson made a motion to adjourn;

Which was decided in the negative.

On motion of Mr. Murdock,

The further call of the house was dispensed with.

No. 27, C. File, "A Bill to amend 'An act, to provide for levying

a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Robertson in the Chair;

And after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back to the House without amendment;

Mr. Hancock made a motion,

To lay the bill on the table;

Which was decided in the negative.

On motion of Mr. Murdock,

Ordered, That the Bill be read a third time to-morrow.

No. 19, C. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 9th, 1839;'"

Being the order of the day;

Was considered in Committee of the Whole House, Mr. Wilson in the Chair;

After some time spent therein;

Mr. Speaker resumed the Chair; and Mr. Chairman reported the Bill back to the House, with one amendment;

Which was agreed to.

Mr. Downey made a motion,

To strike out all after the first section;

Which was decided in the affirmative.

Mr. Johnson made a motion,

To amend the Bill, by adding the following as a new section:

"That suits may hereafter be commenced on all Contracts, Notes, or Duebills, for any sum not exceeding Fifty Dollars, before any Justice of the Peace of the Township or Precinct wherein the same is made payable: Provided, The place of payment of such contract or instrument, be particularly specified in the same:

Which was decided in the affirmative.

Yeas 13, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Chandler, Coy, Davis, Downey, Johnson, McCleary, Munger, Noble, Robertson, Snyder, Taylor, Wilson, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Banks, Hancock, Harper, Huner, Lester, Montague, and Murdock.

Mr. Wilson made a motion,

To amend the Bill, by adding a new section, in the words following :

This act shall take effect, and be in force, from and after the first day of August next ;

Which was agreed to.

On motion of Mr. Johnson,

The following was added as an additional new section :

“ That all acts, and parts of acts, that conflict with this act, are hereby repealed.”

On motion of Mr. Taylor,

Ordered, That the Bill be read a third time to-morrow.

Mr. Huner offered the following Resolution :

“ Resolved, That R. W. Albright, Editor of the Lee County Democrat, be authorized to print the usual number of copies of the Journal of the House of Representatives of the present session and that he be allowed the price established by law for such printing.”

Mr. Taylor made a motion,

To lay the Resolution on the table ;

Which was decided in the negative.

Mr. Wilson made a motion,

To amend, by striking out R. W. Albright, Editor of the Lee County Democrat,” and inserting “ Williams & Palmer, Editors of the Iowa Capital Reporter.”

On motion of Mr. Anderson,

The Resolution was laid on the table.

On motion of Mr. Anderson,

No. 24, C. File, “ A Joint Resolution providing for the adjournment of the Legislative Assembly,”

Was taken from the table.

Mr. Davis made a motion,

To strike out the word, “ tenth,” and insert, “ seventh.”

On motion of Mr. Murdock,

The resolution was laid on the table.

Mr. Downey offered the following :

“ Resolved, That the Secretary of the Territory of Iowa, be instructed to pay James Trimble, Esq., the sum of Five Dollars, for his services in administering the Oath of Office to the members of this House.

Mr. Davis made a motion,

To amend the Resolution, by striking out the word, "five," and inserting the word, "three;"

Which was agreed to.

The Resolution was then adopted,

No. 48, H. R. File, "A Bill to amend 'An act, to punish for trespass on School lands,' 'Approved Jan. 17, 1840.'"

Being the order of the day,

Was considered in Committee of the Whole House, Mr. Johnson in the Chair;

And after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back to the House without amendment;

Mr. Davis made a motion,

To refer the Bill to a select Committee;

Which was decided in the negative.

Mr. Snyder made a motion,

To suspend the 42nd rule and read the Bill a third time now;

Pending which,

On motion of Mr. Noble,

The Bill was referred to the Committee on the Judiciary.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I herewith present for your signature,—

"Joint Resolution providing for the appointment of a Fiscal Agent for the Territory of Iowa;"

And then he withdrew.

The said Resolution was then signed by the Speaker of the House of Representatives.

Ordered, That the Council be informed thereof immediately.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No 47, C. File, "A Bill establishing a Territorial Road, from the Eastern line of Washington county, to the Widow Fry's, on Old Man's Creek."

Also,

No. 48, C. File, "A Bill to establish a Territorial Road in the Counties of Van Buren and Davis;"

Also,

No. 49, C. File, "A Bill to divorce George Beebe from his wife, Mahala Beebe;"

In which the concurrence of the House is requested.

The Council have indefinitely postponed,

No. 39, H. R. File, "A Bill amendatory of 'An act, to authorize evidence by the oath of parties,' 'Approved 20th Jan. 1843,' "

And then he withdrew.

On motion of Mr. Downey.

The House adjourned.

THURSDAY MORNING, 10 O'CLOCK,

June the 5, A. D. 1845.

Mr. McCleary made a motion,

To reconsider the vote, of yesterday, taken, on ordering to a third reading,

No. 19, C. File, "A Bill to amend an act, entitled, 'An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Feb. 9, 1839.' "

Which was decided in the affirmative,

On motion of Mr. McCleary,

The vote taken on yesterday—on striking out all after the first Section, was reconsidered;

And the Bill referred to a select Committee,

Messrs. McCleary, Snyder, and Johnson, were appointed said Committee.

Mr. Montague made a motion,

To reconsider the vote taken on the passage of

No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College;"

Which,

On motion of Mr. Murdock,

Was laid on the table.

On motion of Mr. Anderson,

The motion to reconsider the vote taken on the passage of

No. 37, C. File, "A Bill to provide for the election of an addition-

al Justice of the Peace, in the Township of Fort Madison in the County of Lee,"

Was taken from the table,

The vote was then reconsidered, and the Bill recommitted with instruction to amend the Bill, by striking out the words, "Township of Fort Madison," and insert the words, "Madison Township," wherever it occurs in the Bill and title.

Mr. Anderson, and Huner, were appointed said Committee; who reported the same back immediately with said amendments;

Which were agreed to.

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

Ordered, That the Council be informed thereof.

Mr. Downey presented two accounts—one of Thomas Snyder, for repairing desks and other furniture for the Legislature, amounting to \$4 00; the other of Wesley Jones, for Stationary, Wood, &c., amounting to \$24 59;

Which were referred to the Committee on Claims.

Mr. Huner gave notice, that he would, on to-morrow, or some future day, ask leave to introduce,

"A Bill requiring persons commencing suits in the Courts of this Territory, to give security for costs, when required."

On motion of Mr. Snyder,

"Resolved, That the Committee on the Judiciary be instructed to report back to this House, by 2 o'clock P. M.,

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

Which was referred to them on Saturday last.

Mr. Downey gave notice, that he would, on to-morrow, or some future day, ask leave to introduce,

"A Bill Supplementary to an act Incorporating the Iowa City University."

The following Message was received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have passed—
No. 66, H. R. File, "Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey River, in the County of Clayton,"

Also, with an amendment,

No. 63, H. R. File, "Joint Resolution instructing the Secretary

to pay the Widow of the late James Leonard, the full amount of his *per diem*, for this entire Session;"

Also, with an amendment,

No. 62, H. R. File, "Joint Resolution, instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228,"

In which the concurrence of the House is requested.

The Council have passed,

No. 55, H. R. File, "A Bill to locate a road from Washington County, to Miles B. Friend's in Keokuk County ;"

The Council have concurred in the first and third amendments made by the House, to

No. 35, C. File, "A Bill for the relief of William B. Snyder,"

And have amended the amendment of the House to the 2nd section of said Bill.

The Council have concurred in the amendments made by the House, to

No. 39, C. File, "Joint Resolution, requesting our Delegate in Congress, to endeavor to procure the establishment of a mail route from Burlington via. Lowell, Salem, and Washington in Henry county, to the County Seat in Wapello county,"

Also, to

No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College ;"

And then he withdrew.

Mr. Banks, from the select Committee, to whom the subject was referred, submitted the following Report :

"The select Committee, to whom was re-committed,

No. 60, H. R. File, Relative to a certain Ferry at Wyoming, in Muscatine county, are of opinion that said Ferry, by not complying with the requisitions of its charter, has forfeited the same. And your Committee are also of opinion, that the petition praying for an amendment of said charter, more properly comes under the jurisdiction of the County Commissioners of the proper County, than it does of this body ;"

Which was concurred in.

Mr. Taylor, from the Committee on engrossed Bills, reported as properly engrossed ;

No. 65, H. R. File, "A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi river in the County of Clayton,"

Mr. McCleary, from the Committee to whom it was referred, reported,

No. 19, C. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 9th, 1839;'"

With amendments, which were agreed to.

On motion of Mr. Murdock,

The word "ten," in the seventh section, was stricken out, and the word "five" inserted.

On motion of Mr. McCleary,

The 42nd rule was suspended and the Bill read a third time,

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 13, nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Johnson, McCleary, Murdock, Noble, Robertson, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Hancock, Harper, Huner, Lester, and Montague.

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

Ordered, That the Council be informed thereof.

Mr. Banks, from the Committee to whom the subject was referred, submitted the following report:

"The select Committee, to whom was referred,

No. 57, H. R. File, "A Bill to prevent the collection of debts, contracted after the first of January 1847, of all sums under twenty-five dollars; and all sums over twenty-five dollars, unless reduced to writing,"

Report, That they have had the same under mature consideration; and, although they are of opinion that if the said bill, or something like it, was once established as a law, that it would prove beneficial to the community, yet, taking into consideration the fact, that the public mind is not prepared for it at this time, we suggest, that it is not expedient for the Legislature to give the same further consideration at this time. All of which is respectfully submitted; and your Committee ask to be discharged therefrom.

The report was then concurred in.

Mr. Murdock, from the Committee to whom it was referred, reported

No. 48, H. R. File, "A Bill to amend an act to punish for trespass on School lands," with amendments ;

Which were agreed to.

On motion of Mr. McCleary,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock also reported,

No. 64, H. R. File, "A Bill to amend an act, entitled, 'An act concerning Bail,' 'Approved Jan. 25th, 1839.' "

With an amendment to the last section, as inserted ;

Which was agreed to.

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

Ordered, That the Council be informed thereof.

Mr. Hancock, from the Committee to whom it was referred, reported,

No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency,"

Without amendment.

On motion of Mr. Wilson,

The House resolved itself into a Committee of the Whole House, for the consideration thereof; Mr. Robertson in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Chairman reported the Bill back to the House without amendment;

Mr. Wilson made a motion,

To amend the Bill, by striking out the words, "its passage," in the fourth section, and to insert the words, "the fourth of August next."

Mr. Murdock made a motion,

To amend the motion, by inserting, "the first of January next;"

Which was decided in the negative.

The question then recurred on the motion made by Mr. Wilson;

Which was decided in the affirmative.

Mr. Noble made a motion,

To amend the last section of the Bill, by adding the following proviso :

"Provided, That this act shall only be in force in Van Buren and Louisa counties."

Mr. McCleary made a motion,

To amend the motion, by striking out "Louisa ?"

Which was decided in the affirmative.

Mr. Montague made a motion
To amend further, by striking out "the county of Van Buren;"

Which was decided in the affirmative.

The question was then put,

On adopting the amendment of Mr. Noble, as amended;
And decided in the negative.

Yeas 7, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Chandler, Clifton, Downey, Noble, Snyder,
and Wilson,

Those who voted in the negative, are

Messrs. Banks, Davis, Hancock, Harper, Huner, Johnson, Lester,
McCleary, Montague, Murdock, Robertson, and Morgan, Speaker.

Mr. Johnson made a motion,

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

Which was decided in the negative.

Yeas 10, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Davis, Hancock, Harper, Johnson, Les-
ter, McCleary, Montague, and Robertson.

Those who voted in the negative, are

Messrs. Anderson, Chandler, Downey, Huner, Murdock, Noble,
Snyder, Taylor, Wilson, and Morgan, Speaker.

On motion of Mr. Robertson,

The bill was laid on the table.

No. 47, C. File, "A Bill to establish a Territorial Road, from the
Eastern line of Washington county, to the Widow Fry's, on Old
Man's Creek;"

Was read a first time.

On motion of Mr. Clifton,

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

No. 48, C. File, "A Bill to establish a Territorial Road in the
Counties of Van Buren and Davis,"

Was read a first time.

No. 49, C. File, "A Bill to divorce George Beebe, from his wife,
Mahala Beebe,"

Was read a first time.

On motion of Mr. Anderson,

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

On motion of Mr. Murdock,

The Bill was laid on the table.

No. 69, H. R. File, "A Joint Resolution, authorizing the Secretary of the Territory to contract for the printing of the Laws of the present session, with the lowest bidder ;"

Was read a second time ; and,

On motion of Mr. Murdock,

The further consideration thereof was indefinitely postponed.

No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act, to regulate the institution of suits by foreign Executors, Administrators, and Guardians, within this Territory,'"

Was read a second time ; and,

On motion of Mr. Johnson,

Referred to the Committee on the Judiciary.

No. 65, H. R. File, "A Bill to authorize Duncan McGregor to keep a Ferry across the Mississippi River, in the county of Clayton ;"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 27, C. File, "A Bill to amend 'An act to provide for the levying of tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

Was read a third time ; and,

Referred to a select Committee, with instructions to amend.

Messrs. Chandler, McCleary, and Murdock, were appointed said Committee.

No. 61, H. R. File, "A Bill to Organize the County of Marion,"

Being the order of the day, was taken up ; and,

On motion of Mr. Clifton,

The further consideration thereof was postponed until 2 o'clock P. M.

No. 36, C. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;' 'Approved Jan. 22, 1839.'"

Being the order of the day, was considered in Committee of the Whole House ; Mr. Hancock in the Chair ;

After some time spent therein,

Mr. Speaker resumed the Chair, and the Chairman reported the same back, with sundry amendments.

On motion of Mr. Johnson,
The Bill was laid on the table.

On motion of Mr. Noble,
The House adjourned.

2 O'CLOCK, P. M.

On motion of Mr. M'Cleary,

No. 36. C. File, "A Bill to amend an act, entitled, 'An act concerning water crafts found adrift, lost goods, and estray animals;'— 'Approved January 22, 1839;'"

Was taken from the table, and considered in Committee of the Whole House, Mr. Hancock in the Chair;

After some time spent therein;

Mr. Speaker resumed the Chair; and Mr. Chairman reported the Bill back to the House, with one amendment.

On motion of Mr. Murdock,

The Bill was laid on the table.

Mr. Murdock reported that the Committee on the Judiciary, had found

No. 20, H. R. File, "A Bill to amend 'an act to establish a system of Common Schools;' 'Approved January 16th, 1844.'"

On motion of Mr. Snyder,

The House granted time until to-morrow morning, to report said Bill.

On motion of Mr. Clifton.

No. 61, H. R. File, "A Bill for the Organization of the county of Marion;"

Was taken up, and considered in Committee of the Whole House; Mr. Wilson in the Chair;

After some time spent therein,

Mr. Speaker resumed the Chair; and Mr. Chairman reported the Bill back to the House, with amendments.

Which were agreed to.

Mr. Anderson made a motion,

To lay the bill on the table;

Which was decided in the negative.

Mr. Snyder made a motion,

To amend, by striking out "Joseph M. Robertson," and inserting "John B. Lash, of Henry County;"

Which was decided in the negative.

Mr. Hancock made a motion,

To lay the Bill on the table,

Which was decided in the negative.

On motion of Mr. McCleary,

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

On motion of Mr. Banks,

No. 38, C. File, "A Bill to Incorporate the Bloomington and Iowa City Rail Road Company,"

Was taken up and read a second time.

The amendments to said Bill were severally agreed to.

On motion of Mr. Murdock,

The 42nd rule was suspended, and the Bill read a third time.

Mr. Wilson moved to amend the Bill, by way of rider, so as to extend the Rail Road from Washington Ferry to Dubuque;

Which was decided in the negative,

Yeas 2, nays 19.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Noble, and Wilson.

Those who voted in the negative, are

Messrs. Anderson, Banks, Chandler, Clifton, Davis, Downey, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Robertson, Sheledy, Taylor, Woodworth, and Morgan, Speaker.

On motion of Mr. Wilson,

A call of the House was ordered;

All were present except Messrs. Stewart, Sheledy, Coy, and Munger; who, on motion, were excused from the call, and the further call dispensed with.

On motion of Mr. Johnson,

The previous question was ordered and put,

"Shall the Bill pass?"

Which was decided in the affirmative.

Yeas 16, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Clifton, Davis, Downey, Huner, Johnson, Lester, McCleary, Murdock, Noble, Robertson, Snyder, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Hancock, Harper, Montague, Wilson, and Morgan, Speaker.

On motion of Mr. Huner,

"The Resolution authorising R. W. Albright, Editor of the Lee County Democrat, to print the usual number of copies of the Journal of the House of Representatives,

Was taken from the table, and adopted.

On motion of Mr. Montague,

The motion to re-consider the vote, taken on the passage of No. 53, C. File, "Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College,"

Was taken from the table.

The question, was then put,

"Will the House reconsider the vote?"

And decided in the negative.

Mr. Taylor made a motion,

To take from the table,

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly,"

Which was decided in the negative.

On motion of Mr. Chandler,

The House adjourned.

FRIDAY MORNING, 10 O'CLOCK.

June the 6, A. D. 1845.

Mr. Downey presented the account of Powell and Jones for Stationary, &c; \$44 46;

Which was referred to the Committee on Claims.

Mr. McCleary, from the Committee of Ways and Means, to whom was referred the account of Charles Gayman, reported,

No. 71, H. R. File, "Joint Resolution for the payment of Charles Gayman for work done at the Capitol;"

Which was read a first time.

On motion of Mr. McCleary,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. McCleary, from the Committee on Ways and Means, to whom was referred the account of Samuel Isaacs, reported,

No. 72, H. R. File, "Joint Resolution providing for auditing the account of Samuel Isaacs for Stationary furnished the Convention;"

Which was read a first time.

On motion of Mr. McCleary,

The 42nd rule was suspended, and the Resolution read a second time.

Mr. Murdock, from the Committee on the Judiciary, reported—

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"

With one amendment; which was agreed to.

On motion of Mr. Wilson,

The Bill was referred to a Committee of the Whole House, and made the order of the day for 2 o'clock P. M.

Mr. Robertson from the select Committee to whom the subject was referred, made the following report:

"The select Committee to whom was referred—

No. 4, C. File, "A Bill to establish a Territorial Road from Bloomington in Muscatine county, to Davenport in Scott county;" have had the same under consideration, and have authorized me to report:

That they deem it inexpedient, at this time to legislate on local matters; when the Board of Commissioners of the several Counties interested, are fully competent to act, and are much more likely to do justice in the premises, (having all the facts of the case before them,) than this body can possibly do. Your Committee, therefore, pray to be discharged from the further consideration of the subject.

Mr. Banks, from the same Committee, submitted a minority report in the words following:

"The minority of the select Committee, to whom—

No. 4, C. File, "A Bill to locate a Territorial Road from Bloomington in Muscatine county, to Davenport in Scott county," ask leave to report:

That so far as Muscatine county is concerned, they are very anxious for the establishment of said road; and ask that the Bill may be passed, amended so as to not include Scott county."

The report of the minority was adopted; and,

On motion of Mr. Banks,

The Bill was recommitted to a select Committee, consisting of Messrs. Banks, Downey, and Snyder, who, after a short time, reported the Bill back with the proposed amendments;

Which were agreed to.

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered that the Council be informed thereof.

Mr. Murdock, from the Committee on the Judiciary to whom it was referred, reported—

No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act to regulate the institution of suits by foreign Executors, Administrators and Guardians within this Territory;'"

With one amendment; which was agreed to.

Mr. Huner having given previous notice, and upon leave being granted, introduced,

No. 73, H. R. File, "A Bill requiring persons commencing suits in Court to give security for costs,"

Which was read a first time,

Mr. Munger, from the Committee on Engrossed Bills, reported that they have examined,

"An act for the relief of Samuel Parker;" and

"An act for postponing the election of members of the House of Representatives, of the Territory of Iowa, from August until April;"

And find them correctly engrossed.

Mr. Downey, having given previous notice, and upon leave being granted, introduced,

No. 74, H. R. File, "A Bill for a supplement to an act, entitled, 'an act to Incorporate the University of Iowa City,' 'Approved 2nd day of June, 1845;'"

Which was read a first time.

On motion of Mr. Downey,

The 42nd rule was suspended, the Bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Murdock,

"Resolved, That a select Committee be appointed to inquire what disposition has been made of the Carpet that was on this floor at the last session of the Legislature; with instructions to report at 2 o'clock this afternoon.

Messrs. Murdock, Montague, and Taylor, were appointed said Committee.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

No. 75, H. R. File, "Memorial to Congress, for an appropriation to finish the Capitol and Penitentiary;"

Which was read a first time.

On motion of Mr. Johnson,

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

On motion of Mr. Johnson,

The Memorial was amended by adding the following :

“Resolved further, That his Excellency the Governor, is hereby requested to forward a copy of the above Memorial to our Delegate in Congress.”

The 42nd rule was then suspended, the Memorial read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Speaker then appointed Messrs. Davis and Huner a Committee, to act with a similar Committee on the part of the Council, to examine the affairs of the Penitentiary.

No. 62, H. R. File, “Joint Resolution, instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228,”

Having been returned from the Council with an amendment, was taken up, and the amendment agreed to.

No 35, C. File, “A Bill for the relief of Wm. B. Snyder;”

Having been returned from the Council, with an amendment made by the Council, to the amendment made by the House, to the second section, it was taken up and agreed to.

No. 48, C. File, “A Bill to establish a Territorial Road in the Counties of Van Buren and Davis,”

Was read a second time.

On motion of Mr. Lester,

Ordered, That the Bill be read a third time to-morrow.

No. 47, C. File, “A Bill to establish a Territorial Road, from the Eastern line of Washington county, to the Widow Fry’s, on Old Man’s Creek;”

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. McCleary,

The vote, taken on ordering to a third reading,

No. 61, H. R. File, “A Bill to organize the county of Marion;” was reconsidered.

Also,

The vote taken upon the amendment, changing the name of the county to “Polk.”

The question was then put :

“Will the House agree to the amendment?”

Which was decided in the negative.

So the word "Marion" was not stricken out.

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

Ordered, That the Council be informed thereof.

On motion of Mr. Banks,
The House adjourned.

2 O'CLOCK, P. M.

On motion of Mr. McCleary,

No. 72, H. R. File, "Joint Resolution, providing for Auditing the account of Samuel Isaacs, for Stationary furnished the Convention ;"

Was taken from the table,

The 42nd rule suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools ;' 'Approved January 16th 1844 ;' "

Being the order of the day for this hour,

Was considered in Committee of the Whole House, Mr. Wilson in the Chair ;

And after some time spent therein ;

Mr. Speaker resumed the Chair, and Mr. Chairman reported the Bill back to the House with amendments ;

Which were agreed to.

On motion of Mr. Snyder,

The 7th section was amended, by striking out "13," and inserting "11."

Mr. Chandler made a motion,
To recommit the Bill ;

Which was decided in the negative.

On motion of Mr. Taylor,

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

No. 51, C. File, "A Bill to amend an act, entitled, 'An act Organizing a Board of County Commissioners in each county ;' 'Approved Feb. 15th, 1843 ;' "

Was read a first time.

No. 40, H. R. File, "A Bill for the organization of the County of Iowa."

Having been returned from the Council, with amendments, was taken up and the amendments agreed to.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I herewith return you—

“Joint Resolution, instructing our Delegate in Congress, to procure an increase of facility on Mail Route No. 4228;”

Also,

“An act for the relief of Samuel Parker;”

Also,

“Memorial to Congress, for the purpose of obtaining a grant of land for the Improvement of the Iowa River.”

Also,

“An act to create a Territorial Road from Washington county, to Miles B. Friends' in Keokuk county.”

Also,

“An act to postpone the election of the members of the House of Representatives of the Territory of Iowa, from August until April.”

The same having been signed by the President of the Council;

And then he withdrew.

No. 44, H. R. File, “A Bill to relocate the Seat of Justice of Lee county;”

Also,

No. 49, H. R. File, “A Bill amendatory of ‘An act to provide for changing the venue in civil and criminal cases;’ ‘Approved 13th Feb. 1843;’”

Having been returned from the Council, with amendments, were taken up, and the amendments severally agreed to.

Mr. Davis gave notice, that he would, on to-morrow, or some future day, ask leave to introduce,

A Bill to postpone the annual session of the Legislative Assembly.

Mr. Johnson, having given previous notice, and upon leave being granted, introduced,

No. 75, H. R. File, Joint Resolution providing for the safe keeping of the property belonging to the Capitol, and for other purposes,”

Which was read a first time,

On motion of Mr. Noble,

The 42nd rule was suspended, and the Resolution read a second time.

Mr. McCleary made a motion,

To strike out the words, “for religious and political purposes.”

Mr. Robertson made a motion,

To amend the amendment, by inserting the words “either of the

Legislative Halls, to be used for any purpose, during the recess of the Legislature ;”

Which was agreed to.

Mr. Davis made a motion,

To indefinitely postpone the further consideration thereof ;

Which was decided in the negative.

The question then recurred on the amendment of Mr. McCleary as amended ;

Which was decided in the affirmative.

Mr. Downey made a motion,

To amend by striking out all after the word “same ;”

Which was decided in the negative.

On motion of Mr. Robertson,

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Mr. Murdock, from the Committee appointed to examine in regard to the carpet, reported verbally.

Mr. Davis made a motion,

That the said Committee have further time with power to send for persons, papers, &c., and to administer oaths ;

Which was decided in the negative.

The following Message was received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER :

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

No. 51, C. File, “A Bill to amend an act, entitled, ‘An act organizing a Board of County Commissioners in each county ;’ ‘Approved Feb. 15th, 1843 ;’ ”

Also, with amendments,

No. 40, H. R. File, “A Bill for the organization of the County of Iowa,”

Also, with amendments,

No. 44, H. R. File, “A Bill to relocate the Seat of Justice of Lee county,”

Also, with amendments,

No. 49, H. R. File, “A Bill amendatory of ‘An act to provide for changing the venue in civil and criminal cases,’ ‘Approved 13th Feb. 1843 ;’ ”

In which the concurrence of the House is requested.

I herewith present for your signature,—

“An act to amend an act, entitled, ‘An act allowing and regulating writs of attachment ;’ ”

“An act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the County of Lee;”

“An act to amend an act, entitled, ‘An act to establish the time of holding the District Courts in the several Judicial Districts in this Territory,’ ‘Approved 12th Feb. 1744;’ ”

“An act to relocate a certain Territorial road;”

And,

“A Joint Resolution, requesting our Delegate in Congress, to endeavor to procure the establishment of a Mail route, from Burlington via Lowell, Salem, and Washington in Henry county, to the county seat of Wapello county;”

And then he withdrew.

Said acts were signed by the Speaker of the House of Representatives.

Mr. Munger, from the Committee on enrolments, reported as correctly enroled :

“Joint Resolution, instructing our Delegate in Congress to procure an increase of facility on mail route No. 4228;”

“An act for the relief of Samuel Parker;”

“Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Iowa river;”

“An act to establish a Territorial road from Washington county to Miles B. Friends’ in Keokuk county,”

And,

“An act to postpone the election of members of the House of Representatives, of the Territory of Iowa, from August until April;”

All of which, have been presented to the Governor this day for his signature.

On motion of Mr. Murdock,
The House adjourned.

SATURDAY MORNING, 10 O’CLOCK,

June the 7, A. D. 1845.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

I herewith present—

“An act to submit to the people, the draft of a Constitution framed by the late Convention.”

The same having originated in the Council and passed both Houses, and having been returned to the Council with the accompanying objections of the Executive, to the passage of said act.

I am directed to inform the House that the said act has again been passed by the Council, by a majority of two thirds, of the members of the whole Council.

And then he withdrew.

On motion of Mr. Johnson,

The Message from the Council was taken up; and the Message of the Governor read; which is as follows:

VETO OF THE GOVERNOR, ON THE BILL TO RESUBMIT THE CONSTITUTION TO A VOTE OF THE PEOPLE.

EXECUTIVE DEPARTMENT, IOWA CITY, }
June 6th, 1845. }

I return to the Council, in which it originated, the act, entitled—
“An act to submit to the people the draft of a Constitution framed by the late Convention,” with my objections to it.

The act of the Legislature, under the provisions of which the late Convention assembled, expressly reserves to the people, the right to vote for or against the Constitution, at the April election succeeding its formation; and the ordinary course would have been, to await the action of the people upon it, before presenting it to Congress, and asking admission into the Union; but the Convention did not deem it necessary to do so, and at the close of their labors adopted a memorial to Congress, asking to be received into the Union. This application for admission, before the people had determined whether they would adopt or reject the Constitution, though out of the usual course, was the less objectionable, because the Constitution put Congress in possession of the fact, that it was subject to be rejected, if such should be the pleasure of the qualified electors of the Territory, at the April election of the present year. That provision of the Constitution will be found in the sixth section of the thirteenth article in the following words: “This Constitution, together with whatever conditions may be made to the same by Congress, shall be ratified or rejected by a vote of the qualified electors of this Territory, at the Township Elections in April next, in the manner prescribed by the act of the Legislative Assembly, providing for holding this Convention: *Provided, however,* that the General Assembly of this State may ratify or reject any conditions Congress may make to this Constitution after the first Monday in April next.”

Congress did make provision for the admission of Iowa, by an act,

entitled, "An act for the admission of the States of Iowa and Florida into the Union," in which will be found the following provision, "that it is made and declared to be a fundamental condition of the admission of the said State of Iowa into the Union, that so much of this act as relates to the said State of Iowa, shall be assented to by a majority of the qualified electors at their Township Elections, in the manner, and at the time prescribed in the sixth section of the thirteenth article of the Constitution adopted at Iowa City, the first day of November, Anno Domini eighteen hundred and forty-four, or by the Legislature of the said State." It will be seen that this provision of the act of Congress goes beyond the Constitution, in providing that the Legislature of the State may, as well as the qualified electors, assent to the provisions of that act; but it is difficult to comprehend how a Legislature of *the State* can assent to or reject terms of admission, the acceptance of which is "declared to be a fundamental condition," of our becoming a *State*.

The power to reject or accept the conditions upon which our entrance into the Union was made to depend, having been thus plainly presented to us, it is not easy to account for the fact that no poll was opened or vote taken at the April election, for or against the ratification of the conditions upon which Congress had provided for our admission. Owing to this unfortunate oversight, and without appearing to be aware of their right to accept or reject those conditions by a direct vote at the April election, a question was raised among the people, whether the adoption of the Constitution would, as a necessary consequence, carry with it the adoption of the boundary for the new State, proposed by Congress; or, in other words, the people did not seem to understand that they possessed the same right to vote upon, and accept or reject the boundaries, that they had in reference to the Constitution itself, and this confusion in the public mind, "there is reason to believe, had much influence in producing the rejection of the Constitution."

This view presents an outline of the proceedings in relation to our effort to obtain admission into the Union; out of them has arisen a necessity for further legislation to carry out the previously expressed wish of the people to throw off the Territorial Government, or to ascertain whether that wish is still entertained.

I had the honor, at the commencement of your present session, in my Message to the two Houses, to suggest the course of legislation which I thought best calculated to give general satisfaction in relation to this matter, and which, if adopted, would have enabled us, if such had appeared to be the will of the majority, to present anew to Congress, at the commencement of the next session, and wish to be admitted as a member of the Union. Of that particular course, however, I am not all tenacious. There is no Constitutional provision or established usage which should restrain a Territorial Legislature from directing polls to be opened for the purpose of ascer-

taining the will of the constituent body in relation to the adoption or rejection of any proposition for forming a Constitution, or adopting it after it had been formed, or to decide upon the terms imposed by Congress for their admission, when that power has been reserved by the Constitution, or conceded by Congress. The right to so legislate being admitted, the propriety of resubmitting the Constitution to the people by whom it has been so recently rejected, is between the people and their representatives; and the justification of it can only be found in the acknowledged fact that a great, if not a decisive, influence was produced, resulting in the rejection of that instrument, by a supposed connection between it and the question of boundary.

The adoption or rejection of the boundary ought to have been decided at the April election by a direct vote upon the conditions imposed by Congress upon our admission, as directed both by the Constitution and the act of Congress. It remains yet to be settled in some way before we can gain admittance into the Union. The first Monday in April having passed, the Constitution "as it came from the Convention," if it is adopted at the August election, will permit the Legislature of the State to accept any conditions which Congress subsequently to that time, may impose upon our admission into the Union, but that provision will be inoperative as to the conditions imposed by the act of Congress above referred to, because it was enacted before the first Monday in April, and they must, therefore, if the act remains in force, and effect is given to the Constitution, be ultimately met by a direct vote of the people.

The act under consideration declares in the eighth section, "that the admission of the State shall not be deemed complete until whatever conditions may be imposed by Congress shall be ratified by the people"—if the Constitution should be ratified at the August election, this provision of the act will be found to conflict with it. The people having failed to vote at the April election for or against the conditions upon which the act of Congress proposed to admit us, it would but be carrying into effect the provision of the Constitution, and of the act of Congress to allow the people to dispose of those conditions by a direct vote, at the same time that they are called upon to vote a second time for or against the adoption of the Constitution. Until that question is decided, we cannot become a State without the act of Congress referred to is repealed. I cannot, therefore, discover the propriety of withholding that question from the people. The Constitution provides for the submission of the two questions at the same election, and the neglect so to vote upon them has already given rise to much confusion.

† The Constitution which this act provides for resubmitting to the people at the August election, has not assumed an obligatory force, and can only derive it from the adoption of the people; and although it may be a proper exercise of legislative authority to fix the time

and provide the manner of bringing it before the people, it is not in my opinion competent to the legislative power to alter or amend it in any particular, so as to control its operations, if it should be adopted by the people "as it came from the hands of the Convention." A direct attempt is made by this act to control several of its important provisions. The seventh section of the thirteenth article of the Constitution provides that "the first general election under this Constitution shall be held on the first Monday in August, next after the adoption of the Constitution by the people of the Territory. The eighth section of the act says that "no election for State officers shall be held under said Constitution if ratified at said election, until the admission of the State of Iowa is complete." Now if the Constitution "as it came from the hands of the Convention," is ratified by the people, at the August election, which will be the paramount law, the Constitution thus ratified, which says there shall be an election of State Officers on a certain day after its ratification by the people, or this act which attempts to abrogate that provision of the Constitution, by declaring that "no election of State Officers shall be held under said Constitution, if ratified, until the admission is complete?" This conflict between the Constitution and the Legislative act, would inevitably produce confusion, and if effect should be given to the act, when, and by what authority would the first general election under the Constitution be held? who would be authorized to declare the admission of the State of Iowa to be complete? Without such a power somewhere, and without a time fixed for holding the first general election under the Constitution, the organization of the State Government could not be effected, and we should probably be compelled to resort to the novel expedient of organizing a State Government by Territorial legislation, if perchance the Territorial Legislature had not ceased to exist when "the admission of the State of Iowa was complete." From such a state of things nothing but inextricable confusion and difficulty can result. A critical examination and comparison of this act with the Constitution will expose other discrepancies of less importance; but those already stated forbid me to give effect to the act by my official approbation.

JOHN CHAMBERS.

The question was then stated:

"Shall the act pass, the objections of the Governor notwithstanding?"

Mr. Downey made a motion,

To postpone the further consideration thereof until 2 o'clock P. M.

Mr. Davis made a motion,

To amend the motion by inserting 11 o'clock A. M.

Which was agreed to.

So the further consideration thereof was postponed until 11 o'clock A. M.

Mr. Taylor having given previous notice, and upon leave being granted, introduced,

No. 77 H. R. File, "Memorial for an appropriation to improve the Cedar and Wapsipinicon Rivers;"

Which was read a first time.

The 42nd rule was suspended, the Memorial read a second and third times, passed and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Taylor, from the Committee on Engrossed Bills, reported as correctly engrossed,

No. 20, H. R. File, "A Bill to amend 'an act to establish a system of Common Schools;' 'Approved January 16th, 1844.'"

Also,

No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act to regulate the institution of suits by foreign Executors, Administrators and Guardians within this Territory.'"

Mr. Robertson, from the Committee on Claims, to whom they were referred,

Reported in favor of the claims of Thomas Snyder, J. S. Kimball, Read and Powell, and Jones and Powell;

The first three of which were severally concurred in, and the last was re-committed to the same Committee, with instructions to examine the accounts of the said "Jones and Powell," presented to former Legislatures.

The hour of 11 o'clock having arrived.

"An act to submit to the people the draft of a Constitution framed by the late Convention;"

With the message from the Council, was again taken up.

Mr. Downey made a motion,

To postpone the further consideration thereof until 2 o'clock P. M.

Which was decided in the negative,

Mr Downy presented the following request from Mr. Sheledy:

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

The undersigned, a member of said House, being closely confined to his room by severe indisposition, and feeling a deep interest in the fate of a bill providing for the re-submission of the Constitution to a vote of the people in August next, does most earnestly and respectfully ask your honorable body to appoint a Committee of the members of the House, to wait upon him at his lodgings, and receive his vote on said Bill.

[Signed,]

STEPHEN B. SHELEDY.

Iowa City, June 7th, 1845.

Which was decided by the Chair, to be out of order.

The following Message was then received from the Council by J. F. Kinney, their Secretary:

MR. SPEAKER,

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

No. 54, C. File, "A Bill to relocate a part of a Territorial road, leading from Rockingham in Scott county to Moscow in Muscatine county;"

Also,

No. 56, C. File, "Memorial to Congress, for an appropriation to improve the Des Moines and Rock River Rapids in the Mississippi river.

Also with amendments—

No. 67, H. R. File, "A Bill to legalize the location of a Territorial Road, from Cascade in Dubuque county to O. A. Olmstead's Mill in Delaware county."

In which the concurrence of the House is requested.

The Council have passed—

No. 68, H. R. File, "Joint Resolution, to authorize the Clerk, of the Supreme Court to use a certain room in the Capitol for the purpose of a Clerk's Office;"

The Council have indefinitely postponed—

No. 58, H. R. File, "A Bill to establish the name of the town known as the town of Bloomington, in Muscatine county;"

The Council have concurred in the amendments of the House, to—

No. 37, C. File, "A Bill to provide for the election of an additional Justice of the Peace, in the Township of Fort Madison, in the County of Lee."

The Council have refused to concur in the amendments of the House to—

No. 19, C. File, "A Bill to amend an act, entitled, 'An act to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings,' 'Approved Feb. 9, 1839.'"

The Council have refused to concur in the first and third amendments of the House to—

No. 38, C. File, "A Bill to incorporate the Bloomington and Iowa City Rail Road Company;"

But have concurred in the second amendment to said Bill.

The Council have rejected—

No. 74, H. R. File, "A Bill for a supplement to an act, entitled, 'an act to Incorporate the University of Iowa City,' 'Approved 2nd day of June, 1845;'"

The Council have passed with amendments—

No. 51, H. R. File, "A Joint Resolution, instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa;"

In which the concurrence of the House is requested.

I herewith present for your signature—

"A Joint Resolution, authorizing the Trustees of the Protestant Methodist Church, to convey their Church half lot in Iowa City, to the Trustees of the Iowa City College;"

And then he withdrew.

Said act was signed by the Speaker of the House of Representatives.

Mr. Munger made a motion to adjourn;

Which was decided in the negative.

The question "Shall the act, entitled 'An act to submit to the people the draft of a Constitution framed by the late Convention;' pass—the objections of the Governor to the contrary notwithstanding?"

And decided in the affirmative, by a Constitutional majority.

Yeas 16, nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Coy, Davis, Hancock, Harper, Huner, Johnson, Lester, McCleary, Montague, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Clifton, Downey, Munger, Noble, Robertson, Stewart and Woodworth.

Ordered, That the Clerk inform the Council thereof.

On motion of Mr. Johnson,

No. 51, H. R. File, "Joint Resolution, instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa,"

Was taken up, and the amendment of the Council agreed to.

Mr. Wilson, having given previous notice, and upon leave being granted, introduced

No. 78, H. R. File, "A Bill to repeal 'An act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson,' 'Approved Jan. 13th 1841,' and providing for the relocation of said road;"

Which was read a first time.

On motion of Mr. Wilson,

The 42nd rule was suspended, the Bill read a second and third times, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Banks, from the Committee to whom it was referred reported—

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River ;"

With a substitute for the original Bill ;

Which was read a first time.

On motion of Mr. Banks,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Hancock from the Committee to whom it was referred, reported—

No. 21, C. File, "A Memorial to Congress, for the purpose of obtaining a grant of Land for the improvement of the Desmoines river ;"

Without amendment.

On motion of Mr. Hancock.

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock, from the Committee on the Judiciary to whom they were referred, reported—

No. 41, C. File, "A Bill to divorce Amelia Scanlin, from her husband, Thomas Scanlin ;"

And,

No. 43, C. File, "A Bill to divorce Silas Deeds of Jefferson county from his wife Lucy Ann Deeds,"

And recommend their indefinite postponement.

On motion of Mr. Chandler,

They were laid on the table.

Mr. Chandler from the Committee to whom it was referred, reported—

No. 27, C. File, "A Bill to amend 'An act, to provide for levying a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

With an amendment, which was agreed to.

On motion of Mr. Chandler,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 54, C. File, "A Bill to relocate a part of a Territorial road,

leading from Rockingham in Scott county to Moscow in Muscatine county,"

Was read a first time.

On motion of Mr. Banks,

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

The Bill was read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I am directed to inform the House, that the Council have passed—
No. 58, C. File, "Joint Resolution to provide for the printing of the laws."

In which the concurrence of the House is requested.

The Council have reconsidered the vote rejecting,
No. 74, H. R. File, "A Bill for a supplement of an act, entitled, 'An act to Incorporate the University of Iowa,' 'Approved, 2nd day of June, 1845;'"

And have passed said Bill.

And then he withdrew.

No. 56, C. File, "Memorial to Congress for an appropriation to improve the Des Moines and Rock River Rapids in the Mississippi river,"

Was read a first time.

On motion of Mr. Anderson,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Munger, from the Committee on Enrolled Bills, reported as correctly enrolled—

"An act to Incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of Laws, heretofore enacted, on that subject."

"An act to locate a Teritorial road from Washington county to Miles B. Friends' in Keokuk county," and a

"Supplement to an act to Incorporate the University of Iowa City, Approved 2nd day of June, 1845."

No. 19, C. File, "A Bill to amend an act, entitled, 'An act amendatory of, an act to provide for the election of Justices of the Peace, to prescribe their duties and powers, and to regulate their proceedings,' 'Approved Feb. 9th, 1839;'"

Having been sent back from the Council, with their refusal to concur in the amendments made by the House;

Mr. Snyder made a motion, to insist upon the amendments;

Which was decided in the negative.

Mr. McCleary, made a motion,

To adhere—and that a Committee of conference be appointed;

Which was decided in the negative.

On motion of Mr. Murdock,

The Bill was laid on the table.

On motion of Mr. Murdock,

Ordered that the House do now adjourn.

2 O'CLOCK, P. M.

Mr. Downey presented the account of John Larue for wood—amounting to \$100 00,

Also,

The account of Henry Felkner, for fifty cords of hickory wood, at \$1 62 1-2 per cord—\$81 25.

Both of which were referred to the Committee on Claims.

No 38, C. File, 'A Bill to Incorporate the Bloomington and Iowa City Rail Road Company;'

Having been returned from the Council, with their disagreement to the first and third amendments of the House.

Mr. Banks, made a motion,

To recede from the first amendment;

Which was decided in the negative,

Yeas 8, nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Chandler, Downey, Harper, Huner, McCleary, and Robertson.

Those who voted in the negative, are

Messrs. Clifton, Coy, Davis, Johnson, Lester, Montague, Munger, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

Mr. Downey made a motion,

To recede from the third amendment;

Which was decided in the negative.

Yeas 6, Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, McCleary, Munger, and Robertson.

Those who voted in the negative, are

Messrs. Chandler, Coy, Davis, Harper, Huner, Johnson, Lester, Montague, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

No. 58, C. File, "A Joint Resolution to provide for the printing of the Laws,"

Was read a first time,

On motion of Mr. Taylor,

The 42nd rule was suspended, and the Resolution read a second time,

On motion of Mr. Taylor,

The Resolution was amended by striking out the words, "twelve and a half," and inserting "ten."

Mr. Robertson made a motion,

To refer the Resolution to a select Committee;

Which was decided in the negative.

On motion of Mr. Clifton,

The 42nd rule was suspended, the Resolution read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER,

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

No. 50, C. File, "A Bill for the relief of James Davis, and James W. Tallman, former sheriffs of Muscatine and Cedar counties;

Also,

No. 55, C. File, "A Bill to provide for the payment of the debt due to the Miners' Bank of Dubuque;"

In which the concurrence of the House is requested.

The Council have, also, passed, with amendments,

No. 52, H. R. File, "A Bill to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes;"

Also, with amendments,

No. 64, H. R. File, "A Bill to amend an act, entitled, 'an act concerning Bail,' 'Approved January 25th, 1839;'"

The Council have concurred in the amendments of the House to—

No. 4, C. File, "A Bill to establish a Territorial road, from Bloomington to the county line of Scott county, near the present road leading to Davenport."

And then he withdrew.

On motion of Mr. Robertson,

The Message was taken up.

No. 50, C. File, "A Bill for the relief of James Davis, and James

W. Tallman, former sheriffs of Muscatine and Cedar counties;"

Was read a first time.

On motion of Mr. Banks,

The 42nd rule was suspended, and the Bill read a second time, and referred to a select Committee, with instruction to report on Monday morning.

Messrs. Snyder, Banks, and Taylor, were appointed said Committee.

No. 55, C. File, "A Bill to provide for the payment of the debt due to the Miner's Bank of Dubuque;"

Was read a first time.

On motion of Mr. Wilson,

The 42nd rule was suspended, the Bill read a second time, and referred to the Committee on the Judiciary, with instruction to report on Monday morning next.

Mr. Banks having given previous notice, and upon leave being granted, introduced,

No. 79, H. R. File, "Joint Resolution providing for the care of public property;

Which was read a first time.

On motion of Mr. Taylor,

The 42nd rule was suspended, and the Bill read a second and third times, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 73, H. R. File, "A Bill requiring persons commencing suits in Court to give security for costs,"

Was read a second time; and,

On motion of Mr. Anderson,

Laid on the table.

No. 51, C. File, "A Bill to amend an act, entitled, 'An act organizing a Board of County Commissioners in each county;' 'Approved Feb. 15th, 1843;'"

Was read a second time.

On motion of Mr. Taylor,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 48, C. File, "A Bill to establish a Territorial Road in the Counties of Van Buren and Davis;"

Was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 20, H. R. File, "A Bill to amend 'An act to establish a system of Common Schools,' 'Approved January 16th, 1844;'"
Was read a third time.

The question, was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 11, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Chandler, Clifton, Davis, Huner, Johnson, Munger, Noble, Snyder, Taylor, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Coy, Downey, Harper, Lester, McCleary, Montague, Murdock, Robertson, and Wilson,

Ordered, That the Council be informed thereof.

On motion of Mr. Anderson,

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly,"

Was taken from the table.

On motion of Mr. Morgan,

The Resolution was amended by striking out the word, "next," and inserting the word "instant."

On motion of Mr. Robertson,

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Montague,

No. 59, H. R. File, "A Bill to provide for the punishment of offences against chastity, morality, and decency;"

Was taken from the table.

The 42nd rule suspended, the Bill read a third time, and passed.

Yeas 12, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Davis Downey, Harper, Johnson, Lester, McCleary, Montague, Murdock, Robertson, and Taylor.

Those who voted in the negative, are

Messrs. Anderson, Chandler Coy, Huner, Munger, Noble, Snyder, Wilson, and Morgan, Speaker.

On motion of Mr. M'Cleary,

"Resolved that the Hon. James M. Morgan be allowed three dol-

fars per day, for his services as Speaker of the House of Representatives at the present session, and that the Secretary be authorized to pay the same."

The following Message was then received from the Council by J. F. Kinney, their Secretary:

MR. SPEAKER:

I herewith present for your signature—
"An act to establish a Territorial road from the western line of Washington county to the Widow Fry's on Old Man's Creek."

And then he withdrew.

Said act was signed by the Speaker of the House of Representatives.

On motion of Mr. Taylor,
No. 41, C. File, "A Bill to divorce Amelia Scanlin, from her husband, Thomas Scanlin;"

And,
No. 43, C. File, "A Bill to divorce Silas Deeds of Jefferson county from his wife Lucy Ann Deeds,"

Were taken from the table.

On motion of Mr. Wilson;
The House adjourned.

MONDAY MORNING, 10 O'CLOCK,

June the 9, A. D. 1845.

The following Message was received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have passed, with amendments:—

No. 65, H. R. File, "A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi river in the County of Clayton,"

Also,

No. 56, H. R. File, "A Bill to amend "An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors, and Probate Courts, and for defining their duties," 'Approved Feb. 13, 1843,'"

In which the concurrence of the House is requested.

I herewith present for for your signature :

“ Joint Resolution, providing for an examination into the affairs of the Penitentiary.”

I am directed to inform the House, that James Brierly has been appointed a Committee on the part of the Council, to act with a Committee on the part of the House, to examine into the affairs of the Penitentiary.

The Council have concurred in the amendments of the House, to—
No. 4, C. File, “A Bill to establish a Territorial Road from Bloomington to the county line of Scott county, near the present road leading to Davenport;”

And then he withdrew.

The said act was then signed by the Speaker of the House of Representatives.

Mr. Harper presented the petition of 40 persons, praying for the organization of Kishkekosh county ;

Which was referred to the Delegate from Wapello county.

Mr. Munger, from the Committee on Enroled Bills, reported as correctly enroled :

“ An act to relocate the Seat of Justice of Lee county ;”

Which was signed by the Speaker of the House of Representatives.

Mr. Downey presented the account of Hepburne and Shoup, for cutting wood for Library—\$18 00 ;

Which was referred to the Committee on Claims.

Also,

The account of A. P. Woods, for Papers—\$80 60 ;

Which was referred to the Committee on Expenditures.

Mr. Anderson having given previous notice, and upon leave being granted, introduced,

No. 81, H. R. File, “ Joint Resolution, instructing our Delegate in Congress, to use his influence for an appropriation to repair the Bridge on Devil Creek, in Lee county ;”

Which was read a first time.

Ordered that the 42nd rule be suspended, and the Resolution be read a second and third times now.

The Resolution was then read a second and third times, passed, and its title agreed to.

Ordered that the Council be informed thereof.

Mr. Davis, having given previous notice, and upon leave being granted, introduced,

No. 82, H. R. File, "A Joint Resolution, supplementary to a Joint Resolution adopted by the Council and House of Representatives, for the appointment of a Committee to examine into the affairs of the Penitentiary ;"

Which was read a first time.

On motion of Mr. Davis,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Harper, from the Committee to whom the petition of 40 persons, praying for the organization of Kishkekosh county, was referred, reported :

No. 83, H. R. File, "A Bill to organize the 'County of Kishkekosh,' and to provide for the location of the Seat of Justice thereof ;"

Which was read a first time.

On motion of Mr. Hancock,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Robertson, from the Committee on Claims, to whom the several accounts hereafter named, were referred, reported as follows :

The Committee on Claims, to whom was referred, the claim of John Larue, for Wood furnished the Legislative Assembly, as per contract under date of December 1st, 1844—fifty-five cords, at \$1,62 1-2 per cord,

	\$89,37 1-2
--	-------------

To hauling goods from Bloomington, as per Secretaries receipt,	7 00
--	------

\$96,37 1-2

Also, the claim of Henry Felkner, for Wood furnished the Legislative Assembly, as per contract under date of March 17th, 1843—fifty cords, at \$1,62 1-2 per cord,

	\$81,25
--	---------

Also, the claim of S. J. Burr, for amount paid Bridgman Brothers, for articles furnished the Legislative Assembly,	\$58,25
--	---------

Also, the claim of Wesley Jones, for articles furnished the Legislative Assembly, as per bill rendered, bearing date June 2nd, 1845,	\$24,59
--	---------

Also, the claim of Sam'l. Isaacs, of New York, for Stationary furnished Legislature, present session, as per agreement with the Secretary, under date of the 28th March, 1845—amounting to \$185,50,

Have had the same under consideration, and have authorized me to report the following resolution :

"Resolved, That the individuals herein named, be allowed the sums affixed to their respective names, viz: To John Larue the sum of \$96,37 1-2—to Henry Felkner the sum of \$81,25—to S. J. Burr the sum of \$58,25—to Wesley Jones the sum of \$24,59—to Sam'l. Isaacs the sum of \$185,50."

The report was concurred in, and the resolution adopted.

Mr. Murdock, from the Committee on the Judiciary, to whom it was referred, reported—

No. 55, C. File, "A Bill to provide for the payment of the debt due to the Miners' Bank of Dubuque;"

Without amendment.

On motion of Mr. Wilson,

The 42nd rule was suspended, the Bill read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Davis, having given previous notice, and upon leave being granted, introduced—

No. 84, H. R. File, "A Bill to attach the country ceded to the United States by the Sac and Fox Indians, in 1842, to the adjacent counties;"

Which was read a first time.

Ordered that the 42nd rule be suspended, and the Bill read a second and third times now.

The Bill was so read, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock made a motion,

To reconsider the vote taken on the passage of,

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly,"

Which was decided in the affirmative.

On motion of Mr. Murdock,

The vote ordering said Bill to a third reading was reconsidered.

On motion of Mr. Murdock,

The Bill was amended by striking out "10th," and inserting "11th."

On motion of Mr. Murdock,

The 42nd rule was suspended, and the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

Mr. Downey having given previous notice, and upon leave being granted, introduced,

No. 85, H. R. File, "Joint Resolution providing for a relocation of a certain Road:"

Which was read a first time.

Ordered that the 42nd rule be suspended, the Resolution read a second time.

The Resolution was so read, and referred to the Delegation from Johnson and Muscatine counties.

Message from the Council was then taken up.

No. 65, H. R. File, "A Bill to authorize Duncan McGregor to keep a Ferry across the Mississippi River, in the county of Clayton;"

Being returned from the Council, passed with amendments; was,

On motion of Mr. Murdock,

Postponed until 2 o'clock P. M.

No. 56, H. R. File, "A Bill to amend 'An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors' and Probate Courts, and for defining their duties.' 'Approved Feb. 13, 1843.'"

Was taken up, and the amendments made by the Council agreed to.

No. 41, C. File, "A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin,"

Was read a second time.

On motion of Mr. Clifton,

The 42nd rule was suspended, and the Bill read a third time.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative,

Yeas 11, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Downey, Hancock, Huner, McCleary, Munger, Noble, Robertson, Stewart, and Woodworth.

Those who voted in the negative, are

Messrs. Banks, Johnson, Lester, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

No. 43, C. File, "A Bill to divorce Silas Deeds, of Jefferson county, from his wife, Lucy Ann Deeds;"

Was read a second time.

Mr. Murdock made a motion,

To amend the Bill by inserting the following: "Provided, That said Lucy Ann Deeds, shall be entitled to one third of all the real property of said Silas Deeds, and one half of his personal property;"

Which was agreed to.

Mr. Wilson made a motion,
To lay the Bill on the table ;
Which was decided in the negative.

On motion of Mr. Taylor,
The 42nd rule was suspended, and the Bill read a third time.

On motion of Mr. Munger,
The Bill was laid on the table,
No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act, to regulate the institution of suits by foreign Executors, Administrators, and Guardians, within this Territory ;' Approved December 20th, 1839 ;"

Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Johnson having given previous notice, and upon leave being granted, introduced,

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses, at the present session, and for other purposes ;"

Which was read a first time.

On motion of Mr. Johnson,
The 42nd rule was suspended, the Bill read a second time, referred to a Committee of the Whole House, and made the order of the day for this afternoon.

Mr. Johnson presented the account of Williams & Palmer, for printing ;

Which was referred to the Committee on Expenditures.

On motion of Mr. Johnson,
The House adjourned.

2 O'CLOCK, P. M.

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes ;"

Being the order of the day, for this hour was considered in Committee of the Whole House ; Mr. Davis in the Chair ;

After some time spent therein,

Mr. Speaker resumed the Chair, and the Chairman reported that the Committee had, according to order, had the Bill under consideration, made some progress therein, and asked leave to sit again to-morrow.

Which was granted.

On motion of Mr. Downey,
No. 54, H. R. File, "Joint Resolution, to instruct the Territorial Agent to inclose the Capitol Square in Iowa City ;"

Was taken from the table, and the amendment of the Committee agreed to.

Mr. Taylor made a motion,

To amend, by striking out all that part of the Resolution which relates to fencing said square.

Which was decided in the affirmative.

Mr. Davis made a motion,

To amend, by striking out the word "lots," and inserting "rocks ;"

Which was decided in the affirmative.

Mr. Lester made a motion,

To postpone the Resolution indefinitely ;

Which was decided in the negative.

Mr. Taylor made a motion,

To refer the Resolution to the Committee on Public Buildings ;

Which was decided in the negative.

The question was then put,

"Shall the Resolution pass ?"

And decided in the negative.

Yeas 9, Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Clifton, Davis Downey, Harper, Huner, McCleary, Noble, and Stewart.

Those who voted in the negative, are

Messrs. Banks, Coy, Hancock, Johnson, Lester, Montague, Munger, Murdock, Robertson, Snyder, Taylor, Woodworth, and Morgan, Speaker.

On motion of Mr. Anderson.

No. 73, H. R. File, "A Bill requiring persons commencing suits in Courts, to give security for costs ;"

Was taken from the table.

The 42nd rule was suspended, and the Bill read a third time.

The question, was then put,

"Shall the Bill pass ?"

And decided in the negative.

Yeas 10, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Coy, Davis, Downey, Huner, Robertson, Stewart, Taylor, and Woodworth.

Those who voted in the negative, are

Messrs. Anderson, Hancock, Harper, Johnson, Lester, McCleary, Montague, Munger, Murdock, Snyder, and Morgan, Speaker.

No. 65, H. R. File, "A Bill authorizing Duncan McGregor to keep a Ferry across the Mississippi River, in the county of Clayton;"

Having been returned from the Council, with amendments, was taken up, and the amendments disagreed to.

Mr. McCleary made the following report:

The Committee on Ways and Means, to whom was referred a Resolution of the House, instructing said Committee to inquire into the indebtedness of the Territory, to whom owing, and the kind of means to pay the same; have, according to order, had the same under consideration; and would respectfully report: That the Committee have examined the several Reports of the Auditor of Public Accounts, Territorial Agent, and Treasurer, and have consulted with said Officers in relation to the subject, and from all the information they have been able to obtain, your Committee cannot arrive at the exact amount of indebtedness of the Territory, in consequence of the payment of a considerable amount of outstanding Warrants for the debt of the Penitentiary, which have been canceled by A. H. W. Stull, late Secretary of the Territory, which was paid out of an appropriation made by Congress in the year 1842, for the completion of the Penitentiary.— The Secretary not being required by law to produce his vouchers to, or inform the Territorial Officers of the amount so paid by him, said Officers are unable to give any account of the amount so paid, but suppose it to have been Ten or Twelve Thousand Dollars.

Your Committee, from such Reports as have been made to this House, find the state of the accounts of the Territory to be as follows:

Amount of debt 6th December, 1843,	-	-	\$13,154 25
Warrants issued since that time,	-	-	5,661 31

\$18,215 56

Warrants canceled and payments made by Territorial Treasurer,	-	-	5,257 10
Amount remaining in the Treasury,	-	-	142 55
Amount supposed to be paid by Stull,	-	-	12,000 00
			17,399 65

815 91

In addition to the above, an act has passed the present session, providing for the Auditing of the expenses of the Convention; which

are as follows: Per diem of Members,	5,616 00
Mileage of do.	1,746 00
Printing and other contingent expenses,	1,323 20
	8,682 20

Total amount of debts,	-	-	\$9,498 11
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Amount due Territory from the several counties, as per Report,	4,897 98
	<hr/>
	\$4,590 13
Debt of the Territory now due, after deducting the amount due from the several counties of the Territory,	\$4,590 13

In addition to the above, there are several debts due and owing for carrying on the Public Building at the Capitol, and which the Committee did not take into consideration, as they are not debts of the Territory, but are payable out of the funds arising from the sale of Lots in Iowa City.

Your Committee are clearly of opinion that, with the necessary increase of taxable property in this Territory, all the outstanding debts of the Territory will be paid off in the course of a year or two, without any increase of the Territorial tax.

All of which is respectfully submitted.

G. W. McCLEARY, Chairman."

Mr. Snyder, from the Committee to whom it was referred, reported—

No. 50, C. File, "A Bill for the relief of James Davis, and James W. Tallman, former sheriffs of Muscatine and Cedar counties;"

And recommended its indefinite postponement.

On motion of Mr. Banks,

The Bill was laid on the table.

Mr. Downey reported in favor of the passage of—

No. 85, H. R. File, "Joint Resolution providing for a relocation of a certain Road."

On motion of Mr. Banks,

The Resolution was amended, by striking out the name of "Edward E. Fay," and inserting that of "Samuel Lucas."

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I herewith present for your signature—

"An act to provide for the election of an additional Justice of the Peace, in Madison Township, in the county of Lee."

"An act to establish a Territorial Road from Bloomington to the county line of Scott county, near the present road leading to Davenport."

"An act for the relief of William B. Snyder."

"An act to establish a Territorial Road in the counties of Van Buren and Davis."

"An act to relocate a part of the Territorial Road leading from Rockingham, in Scott county, to Moscow, in Muscatine county."

"A Memorial to Congress, for the purpose of obtaining a Grant of Land, for the improvement of the Des Moines River."

Also,

"A Memorial to Congress, for an appropriation to improve the Des Moines and Rock River Rapids, in the Mississippi River."

I herewith return,

"A supplement to an act, entitled 'an act to Incorporate the University of Iowa City;' Approved the 2d day of June, 1845;"

Which have been signed by the President of the Council.

And then he withdrew.

The foregoing acts were severally signed by the Speaker of the House of Representatives.

Mr. Munger, from the Committee on Enrolments, reported the following acts as correctly enroled:

"An act for the Organization of the county of Iowa."

"An act to relocate the Seat of Justice of Lee county."

"An act amendatory of 'An act to provide for changing the venue in civil and criminal cases;' 'Approved 13th February, 1843.'"

"An act to legalize the location of a Territorial Road, from Cascade, in Dubnque county, to O. H. Olmsted's Mills, in Delaware county."

"Joint Resolution, to authorize the Clerk of the Supreme Court to use a certain room in the Capitol, for a Clerk's Office."

"Supplement of an act, entitled, 'an act to Incorporate the University of Iowa;' 'Approved 2d day of June, 1845.'"

On motion of Mr. Robertson,

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

TUESDAY MORNING, 9 O'CLOCK.

June the 10, A. D. 1845.

Mr. Lester introduced the following:

"Resolved, That Wm. Thompson be, and he is hereby authorized, to superintend the Printing, Indexing, and distribution, of the Jour-

nals of this House, and that he be allowed the sum of three hundred dollars for such services."

Mr. Johnson made a motion,

To amend the Resolution, by striking out the words "three hundred," and inserting the words, "two hundred."

Mr. Robertson made a motion,

To amend, by inserting "one hundred and fifty."

A division of the question was ordered.

The question was then put,

On striking out the words "three hundred,"

And decided in the affirmative.

Mr. Wilson made a motion,

To fill the blank with "two hundred and fifty ;"

Which was decided in the affirmative.

Yeas 16, Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Coy, Davis, Hancock, Harper, Huner, Lester, McCleary, Montague, Munger, Murdock, Stewart, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Downey, Johnson, Robertson, Snyder, and Taylor.

The Resolution, as amended, was adopted.

Mr. Johnson Reported the accounts of Messrs. Palmer and Williams ;

Also,

The account of Wm. Crum ;

Which were agreed to.

Mr. Munger, from the Committee on Enrolments, reported as correctly enroled, the following acts :

"An act to amend an act, entitled, 'An act concerning bail ;' Approved ————25th, 1839."

"Joint Resolution instructing our Delegate in Congress, in regard to the Boundaries of the future State of Iowa."

"Joint Resolution, to authorize the Clerk, of the Supreme Court to use a certain room in the Capitol for the purpose of a Clerk's Office ;"

"Joint Resolution instructing the Secretary to pay the Widow of the late James Leonard, the full amount of his *per diem*, for this entire Session ;"

"An act for the Organization of the county of Iowa."

"An act amendatory of 'An act to provide for changing the venue in Civil and Criminal cases;' Approved 13th Feb., 1843."

"Memorial to Congress, praying an appropriation for the purpose of building a bridge across the Turkey River, in the County of Clayton,"

"An act to legalize the location of a Territorial Road from Cascade, in Dubuque county, to O. H. Olmstead's Mill, in Delaware county."

"An act to amend 'An act relative to the Probate of Wills, Executors, Administrators, Guardians, Trustees of Minors, and Probate Courts, and for defining their duties,' 'Approved Feb. 13, 1843,'"

"An act to prevent and punish the owners and masters of Steam Boats, committing trespass upon the property of persons living in this Territory, and for other purposes."

"An act to Organize the county of Marion."

"Joint Resolution, providing for the appointment of a Fiscal Agent."

"An act to authorize the Board of Commissioners of Muscatine county, to License certain Ferries, across the Mississippi River."

Mr. Johnson presented the account of Samuel C. Trobridge, Post Master, for Postage, amounting to \$175 92 1-2.

Mr. Robertson made a motion,

To refer the account to the Committee on Expenditures.

Which was decided in the negative.

Mr. Hancock, having given previous notice, and upon leave being granted, introduced,

No. —, H. R. File, "Joint Resolution, providing for the appointment of a Fiscal Agent;"

Which was read a first time.

On motion of Mr. Taylor,

The 42nd rule was suspended, the Resolution read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

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

No. 60, C. File, "A Bill to authorize Henry Swan, Administrator of the Estate of David Duke, late of the county of Henry, deceased, to convey certain Lands;"

Also,

No. 63, C. File, "A Bill to prevent and punish the obstruction of Public Roads and Highways;"

Also,

No. 62, "Joint Resolution, relative to the distribution of the Laws;"

In which the concurrence of the House is requested.

The Council have agreed to the amendments of the House, to—

No. 27, C. File, "A Bill to amend 'An act to provide for the levying a tax on real and personal property for road purposes,' 'Approved Feb. 16th, 1842,'"

Also, to the substitute of the House, to—

No. 26, C. File, "A Bill to authorise James Davis to keep a Ferry across the Mississippi River;"

The Council have appointed Messrs. Brierly and Summers a Committee on the disagreeing vote of the two House, to—

No. 38, C. File, "A Bill to Incorporate the Bloomington and Iowa City Rail Road Company;"

The Council have concurred in the amendments of the House to—

No. 58, C. File, "Joint Resolution to provide for the printing of the laws."

The Council have passed,

No. 48, H. R. File, "A Bill to amend an act to punish for trespass on School lands,"

Also,

No. 79, H. R. File, "Joint Resolution providing for the care of public property at the Capitol;

Also,

No. 84, H. R. File, "A Bill to attach the country ceded to the United States by the Sac and Fox Indians, in 1842, to the adjacent counties;"

Also,

No. 81, H. R. File, "Joint Resolution, instructing our Delegate in Congress, to use his influence for an appropriation to repair the Bridge on Devil Creek, in Lee county;"

Also, with amendments,

No. 61, H. R. File, "A Bill to Organize the County of Marion,"

Also,

No. 78, H. R. File, "A Bill to repeal 'An act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson,' 'Approved Jan. 13th 1841,' and providing for the relocation of said road;"

Also, with amendments.

No. 77 H. R. File, "Memorial for an appropriation to improve the Cedar and Wapsipinicon Rivers;"

The Council have concurred in the amendments of the House, to—

No. 24, C. File, "Joint Resolution providing for the adjournment of the Legislative Assembly,"

The Council have passed, without amendments—

No. 83, H. R. File, "A Bill to organize the 'County of Kishkekosh,' and to provide for the location of the Seat of Justice thereof;"

I also return—

"An act to relocate the Seat of Justice of Lee county;"

Which has been signed by the President of the Council.

And then he withdrew.

Mr. Robertson, from the Committee on Claims, made the following report:

"The Committee on Claims to whom was referred the claim of J. S. Kimball, for paper, amounting to \$47 50, have deducted \$5 from the amount, and recommend that he be allowed \$42 50 cents, on account of the deficiency in the quality of the paper.

The Committee on Claims, to whom was referred the claim of Powell & Jones, for article furnished the Legislative Assembly in May, 1845, amounting to \$29 46 have examined said claim, and recommend that \$29 46 be allowed.

The Committee on Claims, have had under consideration—the claim of Wm. Sheets & Co., of Indiana, of a balance amounting to \$52 00, for paper furnished the Legislative Assembly in 1841, and recommend that said bill be postponed until the meeting of the Legislature in December next, and that the present Chairman of the Committee on Claims be requested, to write to Mr. Stull, the former Secretary, for information as to the account.

The Committee on Claims have also had under consideration the account of Wm. Crum, for a balance of a bill for printing for the sessions of '42 and '43, amounting to \$111 87 1-2 cents, and report the same to the House, as rejected by the Committee;"

Which was agreed to

On motion of Mr. Wilson,

That part of Mr. Robertson's Report, which relates to the account of Powel and Jones, was recommitted to the Committee on Claims.

Mr. Robertson, from said Committee, reported the said account back, with a reduction of \$15 00;

Which was agreed to.

The Message from the Council was then taken up.

No. 60, C. File, "A Bill to authorize Henry Swan, Administrator of the Estate of David Duke, late of the county of Henry, deceased, to convey certain Lands;"

Was read a first time.

On motion of Mr. Munger,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

No. 63, C. File, "A Bill to prevent and punish the obstruction of Public Roads and Highways ;"

Was read a first time.

On motion,

The 42nd rule was suspended, the Bill read a second and third times, passed, and its title agreed to.

No. 62, C. File, "Joint Resolution relative to the distribution of the Laws ;",

Was read a first time.

On motion of Mr. McCleary,

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

On motion of Mr. Murdock,

The Resolution was referred to a select Committee of five.

Messrs. Murdock, Taylor, McCleary, Robertson, and Hancock, were appointed said Committee.

The Chair appointed Messrs. Wilson and Banks a Committee of Conference, on the part of the House, on the disagreeing vote of the two Houses, to—

No. 38, C. File, "A Bill to incorporate the Bloomington and Iowa City Rail Road Company ;"

No. 61, H. R. File, "A Bill for the Organization of the county of Marion ;"

Was taken up, and the amendments made by the Council agreed to.

No. 77, H. R. File, "Memorial for an appropriation to improve the Cedar, Maquokities and Wapisipenicon Rivers ;"

Was taken up, and the amendments of the Council agreed to.

No. 78, H. R. File, "A Bill to repeal an act, repealing a portion of an act, to locate and establish a Territorial Road from the town of Du Buque to Camp Atkison ;"

Was taken up, and the amendments made by the Council agreed to.

The following Message was then received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

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

No. 70, H. R. File, "A Bill to amend an act, entitled, 'An act, to regulate the institution of suits by foreign Executors, Administrators, and Guardians, within this Territory ;' Approved December 20th, 1839 ;"

Also,

No. 82, H. R. File, "A Joint Resolution, supplementary to a Joint Resolution adopted by the Council and House of Representa-

tives, for the appointment of a Committee to examine into the affairs of the Penitentiary ;”

I herewith return—

“An act to Incorporate and establish the City of Burlington, and for revising and repealing all laws and parts of laws heretofore made on the subject ;” the same having been signed by the President of the Council.

I am also directed to inform the House, that the Council have passed—

No. 80, H. R. File, “Joint Resolution, providing for the safe keeping of the property, belonging to the Capitol, and for other purposes.”

I herewith return—

“An act to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the County of Lee ;”

With a Message from His Excellency, the Governor, vetoing the same.

And, I am directed to inform the House, that said act has been passed by a unanimous vote of the whole Council.

I am also directed to inform the House, that the Council have passed—

No. 87, H. R. File, “Joint Resolution, providing for the appointment of a Fiscal Agent.”

The Council have adhered to their amendments made to—

No. 65, H. R. File, “A Bill to authorise Duncan McGregor, to keep a ferry across the Mississippi river in the County of Clayton,”

And have appointed Messrs, Coop and Brierly, a Committee on the disagreeing vote of the two Houses.

I herewith present for your signature—

“An act to amend ‘An act, to provide for levying a tax on real and personal property for road purposes,’ ‘Approved Feb. 16th, 1842,’”

“An act to provide for the payment of the debt due to the Miner’s Bank of Dubuque ;”

“Joint Resolution providing for the adjournment of the Legislative Assembly.”

“An act to amend an act, entitled, ‘An act organizing a Board of County Commissioners in each county ;’ ‘Approved Feb. 15th, 1843.’”

“An act to divorce Amelia Scanlin from her husband Thomas Scanlin.”

“Joint Resolution to provide for the printing of the Laws.”

And then he withdrew.

Said acts were severally signed by the Speaker of the House of Representatives.

The House resolved itself into a Committee of the Whole House on—

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes;"

Mr. Davis in the Chair; after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Chairman reported, the Bill back with several amendments;

Which were agreed to.

On motion of Mr. Wilson,
The House adjourned.

2 O'CLOCK, P. M.

Mr. Murdock, from the Committee to whom it was referred reported, without amendment—

No. 62, C. File, "Joint Resolution relative to the distribution of the laws."

Mr. Taylor made a motion,

To amend the resolution by striking out, "three hundred," and inserting, "one hundred and fifty."

A division of the question was ordered.

The question was then put,

On striking out, "three hundred;"

And decided in the affirmative.

Mr. Davis made a motion,

To insert "two hundred and fifty;"

Which was decided in the affirmative.

On motion of Mr. McCleary,

The Resolution was amended by inserting, "the county of Marion."

On motion of Mr. Murdock,

The 42nd rule was suspended, the Resolution read a third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses, of the present session, and for other purposes;"

Was taken up.

On motion of Mr. Johnson,

The 42nd rule was suspended, the Bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was received from the Council, by J. F. Kinney, their Secretary.

MR. SPEAKER,

I am also directed to inform the House, that the Council have indefinitely postponed,

No. 85, H. R. File, "Joint Resolution providing for a relocation of a certain Road."

And then he withdrew.

The Message from the Council, in regard to the passage of—

"An act for the better settling and adjudicating of the several titles, to the Half Breed Lands, in the county of Lee;"

Was taken up, and the question put,

"Shall the act pass—

The objections of the Governor to the contrary, notwithstanding?"

Which was decided in the affirmative, by a Constitutional majority.

Yeas 19, Nays 2.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Coy, Davis, Hancock, Harper, Huner, Lester, McCleary, Montague, Munger, Murdock, Robertson, Snyder, Taylor, Wilson, Woodworth, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Johnson and Stewart.

On motion of Mr. Davis,

The House adjourned until 8 o'clock to-morrow morning.

WEDNESDAY MORNING, 8 O'CLOCK,

June the 11, A. D. 1845.

On motion of Mr. Murdock,

“Resolved, That the thanks of this Body, be tendered to James M. Morgan for the able, impartial, and judicious manner in which he has discharged the responsible duties of Speaker of the House.”

On motion of Mr. Johnson,

“Resolved, That the Chief Clerk be requested to furnish the Committee appointed to inquire into the affairs of the Penitentiary, a copy of the report of the Warden of the Penitentiary to the present Legislature.”

Mr. Johnson having given previous notice, and upon leave being granted, introduced,

No. 88, H. R. File, “Joint Resolution instructing the Secretary of the Council and Clerk of the House;”

Which was read a first time.

Ordered, That the 42nd rule be suspended, and the Resolution read a second and third times now.

The Resolution was then read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following Message was then received from the Council by J. F. Kinney their Secretary.

MR. SPEAKER:

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

No. 86, H. R. File, “A Bill to provide for the compensation of Members and Officers of both Houses of the present session, and for other purposes;”

Also,

No. 65, C. File, “A Bill for the relief of Henry Heffman, former Sheriff of Van Buren county;”

In which the concurrence of the House is requested.

And then he withdrew.

No. 86, H. R. File, “A Bill to provide for the compensation of Members and Officers of both Houses of the present session, and for other purposes;”

Having been returned from the Council, with amendments, was taken

ken up, and all the amendments agreed to, but two; which were disagreed to.

No. 65, C. File, "A Bill for the relief of Henry Heffleman, former Sheriff of Van Buren county;"

Was read a first time.

On motion of Mr. Clifton,

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

On motion of Mr. Downey,

The Bill was amended by inserting "Marlin Harless of Louisa county."

On motion of Mr. Snyder,

The Bill was further amended, by inserting the names of "J. W. Tallman of Cedar county, and James Davis of Muscatine county."

The 42nd rule was suspended, and the Bill read a third time.

The question was then put,

"Shall the Bill pass?"

And decided in the affirmative.

Yeas 15, nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Clifton, Coy, Davis, Downey, Hancock, Haperr, Huner, Lester, McCleary, Montague, Murdock, Stewart Wilson, and Morgan, Speaker.

Those who voted in the negative, are

Messrs. Anderson, Johnson, Robertson, Snyder, Taylor, and Woodworth.

The title was then amended by striking out, "former sheriff of Van Buren county," and inserting, "and others."

The title was then agreed to.

Ordered, That the Council be informed thereof.

Mr. Banks submitted the following report :

"The Committee of Conference, appointed relative to the disagreeing vote on 'A Bill Incorporating the Bloomington and Iowa City Rail Road Company;' report that they have had the same under consideration, and recommend that the House recede from their amendment to the 6th Section of said Bill.

The question, was then put,

"Will the House agree to the report of the Committee?"

And decided in the negative.

Yeas 9, Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Anderson, Banks, Clifton, Downey, Huner, McCleary, Robertson, Stewart, and Woodworth.

Those who voted in the negative, are

Messrs. Coy, Davis, Harper, Johnson, Lester, Montague, Munger, Murdock, Snyder, Taylor, Wilson, and Morgan, Speaker.

On motion of Mr. Robertson,

A Committee of two was appointed to wait on the Fiscal Agent.

Messrs. Robertson, and Taylor, were appointed said Committee.

Mr. Munger, from the Committee on Enrolments, reported the following acts, as being correctly enroled—and presented to the Governor for his signature :

“An act to repeal ‘An act repealing a portion of an act to locate and establish a Territorial road from the town of Dubuque to Camp Atkinson,’ ‘Approved Jan. 13th 1841,’ and providing for the relocation of said road ;”

“Memorial for an appropriation to improve the Cedar, Maquoketa and Wapsipinicon Rivers ;”

“A act to attach the country ceded to the United States by the Sac and Fox Indians, in 1842, to the adjacent counties ;”

“Joint Resolution, providing for the safe keeping of the property belonging to the Capitol, and other purposes.”

“Joint Resolution providing for the care of public property at the Capitol ;”

“An act to authorize the Board of Commissioners of Muscatine county, to License certain Ferries, across the Mississippi River.”

“A Joint Resolution, supplementary to a Joint Resolution adopted by the Council and House of Representatives, for the appointment of a Committee to examine into the affairs of the Penitentiary ;”

“An act to punish persons trespassing upon lands.”

“Joint Resolution, instructing our Delegate in Congress, to use his influence for an appropriation to repair the Bridge on Devil Creek, in Lee county ;”

“An act to amend an act, entitled, ‘An act to regulate the institution of suits by foreign Executors, Administrators, and Guardians, within this Territory ;’ Approved Dec. 20, 1839.”

On motion of Mr. Johnson,

The House adjourned until 11 o'clock A. M.

11 O'CLOCK, A. M.

The following Message was received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER :

I am directed to inform the House that the Council have receded from all the amendments that were adhered to by the House to—

No. 86, H. R. File, "A Bill to provide for the compensation of Members and Officers of both Houses of the present session, and for other purposes," except one which they have amended by inserting an appropriation to the Secretary of the Council.

The Council have passed—

No. 88, H. R. File, "Joint Resolution, instructing the Secretary of the Council and Clerk of the House."

And then he withdrew.

Message from the Council was then taken up.

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes ;"

Having been returned from the Council with an amendment, allowing the Secretary of the Council three hundred dollars for Superintending, Indexing, and Distributing the Journals of the Council ;

On motion of Mr. Robertson,

The amendment was amended, by striking out "three hundred," and inserting "two hundred and fifty."

Ordered, That the Council be informed thereof.

The following Message was then received from the Council, by J. F. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that the Council have adhered to the amendment to the 16th section of—

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes ;"

And have appointed Messrs. Brierly and Hempstead a Committee of Conference on the disagreeing vote of the two Houses.

And then he withdrew.

The House appointed Messrs. Wilson and McCleary a similar Committee on the part of the House, in regard to said amendment ;

Who, in a short time, reported that the Council would agree to the

amendment made by the House, to the amendment made by the Council.

The following Message was then received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER—

I am directed to inform the House that the Council have agreed to the report of the Committee of Conference, on the disagreeing vote of the Houses, and have agreed to the amendment of the two House, to the amendment of the Council, to the 16th section of—

No. 86, H. R. File, "A Bill to provide for the compensation of members and officers of both Houses of the present session, and for other purposes;"

And then he withdrew.

Mr. Munger, from the Committee on Enroled Bills, reported as correctly enroled,

"An act to provide for the compensation of members and officers of both Houses of the present session, and for other purposes;"

Which was signed by the Speaker of the House of Representatives.

The following Message was then received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER—

I herewith present for your signature—

"An act to prevent and punish the obstruction of Public Roads and Highways."

"An act to authorize Henry Swan, Administrator of David Duke, late of the county of Henry, deceased, to convey certain lands."

"Joint Resolution, relative to the distribution of the Laws."

And then he withdrew.

Said acts were signed by the Speaker of the House of Representatives.

The following Message was then received from the Council, by J. F. Kinney, their Secretary :

MR. SPEAKER—

I am directed to inform the House that—

Messrs. Smmmers and Hepstead have been appointed a Committee to act with a similar Committee to be appointed on the part of the House, to wait upon His Exeellency the Governor, and inform him that the two Houses are now ready to adjourn *sine die*, and to ascertain whether he has any further communications to make to them.

I herewith return—

“An act to provide for the compensation of members and officers of both Houses of the present session, and for other purposes;”

Which has been signed by the President of the Council;

And then he withdrew.

The House appointed Messrs. Johnson and Anderson a Committee to wait upon His Excellency the Governor. They retired; and after a short time, reported, that the Governor informed them that he had no further communication to make to the Legislative Assembly.

On motion of Mr. McCleary,

Ordered, That the House do now adjourn *sine die*.

Whereupon, Mr. Speaker arose, and addressed the House as follows:—

GENTLEMEN—

The moment which is to sever our official connexion has arrived—but, before announcing the decision of the Chair on the vote just taken, permit me to congratulate you on the harmony which has prevailed throughout your deliberations, and to express the hope that the results of your labors will promote the happiness and general welfare of the people.

In looking back upon the events of the past few weeks, the mind cannot but recur to the afflicting dispensations of Providence with which this body has been visited. Several of its members have been prostrated by disease—and one of the number has been gathered to his Fathers. While these events may call forth our sympathies, they should also teach us a lesson of humility, so that we may realize “what shadows we are—what shadows we pursue.”

Saving the circumstances to which allusion has just been made, I am happy to say that nothing has occurred to cast a shade of regret upon what will soon become our recollections of the present session.

It is due from me to return to you, Gentlemen, my profound thanks for the courtesy which you have uniformly extended towards me as the presiding officer of this House—and I shall always remember your kindness with feelings of gratitude and pride. Wishing you every degree of prosperity and happiness, and hoping that you will each and all find happy homes awaiting your return, it but remains for me to announce that this House is now adjourned *sine die*.

R U L E S
OF THE
HOUSE OF REPRESENTATIVES.

Duty of the Speaker.

1. 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.

2. 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.

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

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that [as the question may be] say AYE"—and, after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for the House shall divide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. 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.

8. All Acts, Addresses, and Joint Resolutions shall be signed by the Speaker; and all Writs, Warrants, and Subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

9. In case 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.

10. Order of the Business of the Day.

After the Journal is read, the following order shall govern:

- 1st—Petitions or Remonstrances to be offered.
- 2d—Resolutions and Notices to bring in Bills.
- 3d—Reports of Committees.
- 4th—Bills to be introduced, of which notice has been given.
- 5th—Messages and Communications on the Speaker's table.
- 6th—Bills and Resolutions ready for a second reading.
- 7th—Bills on their passage.
- 8th—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.
- 9th—Bills or other matters before the House and unfinished the preceding day.

Of Decorum and Debate.

11. 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.

12. 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, but may be permitted, with leave of the House, 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.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

14. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

15. 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.

16. 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, unless the Speaker again state the question.

17. Upon a division and count of the House on any question, no member without the bar shall be counted.

18. 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.

19. 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.

20. Every motion shall be reduced to writing, if the Speaker, or any member desire it.

21. 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 by leave of the House.

22. 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.

23. 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.

24. A motion to adjourn shall be always in order, excepting when a member is speaking, or the House voting; that, and the motion to lie on the table, shall be decided without debate.

25. 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.

26. On a previous question there shall be no debate.

27. When a question is postponed indefinitely, it shall not be acted upon again during the session.

28. 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.

29. Motions and Reports may be committed at the pleasure of the House.

30. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

31. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the reconsideration thereof, on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

32. 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.

33. 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.

34. Any five members, if the Speaker be in the Chair, shall be authorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the Ayes and Noes on any question, the names of the members shall be called alphabetically.

36. No member shall absent himself from the service of the House without leave, unless he is sick or unable to attend.

37. 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.

38. No Committee shall sit during the sitting of the House without special leave.

39. Fourteen members, including the Speaker, shall constitute a quorum, and, upon the demand of any two members, the Ayes and Noes shall be ordered.

40. The hour to which this House shall stand adjourned from day to day, shall be 10 o'clock, A. M., and 2 o'clock, P. M., unless otherwise ordered by the House.

Of Bills.

41. Every Bill shall be introduced by motion for leave, or by an order of the House on the Report of a Committee. One days' notice at least shall be given of the motion to bring in a Bill.

42. Every Bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in the order 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.

43. 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.

44. 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 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.

45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of the Committee have been read.

46. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

47. All bills ordered to be engrossed shall be executed in a fair round hand.

48. No amendment, unless by way of rider, shall be received to any bill on its third reading.

49. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

Of Committee of the Whole House.

50. 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.

51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, 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.

52. All amendments made to an original motion in Committee, shall be incorporated with the motion, and so reported.

53. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in case of bills.

54. 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.

55. The rules of the house shall be observed in Committee of the Whole House, so far as they are applicable.

56. 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.

57. It shall be in order for the Committee on Enrolled Bills to report at any time.

58. No Bill, Memorial, or Joint Resolution, shall be printed unless ordered by the House.

59. When any matter is referred to a Standing Committee, by motion of any member, it shall be the duty of the Chairman of such Standing Committee to notify such member of their time of sitting upon such matter so referred; and said member shall be permitted to confer with such Committee during their consideration of such matter.

JOINT RULES OF BOTH HOUSES.

1. In every case of an amendmet 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 apppoint 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 reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. 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.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may be deemed to be proper.

5. After a bill shall have passed both Houses, it shall be duly enroled 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.

6. When bills are enroled, 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 enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enroled bills, make their report forthwith to the House in which the bill originated.

7. 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.

8. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his appro-

bation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes which are to be presented to the Governor for his approbation, shall also, in the same manner, be previously enroled, examined and signed, and shall be presented in the same maner, and by the same Committee, as provided in cases of Bills.

10. 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.

11. 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 the House in which it shall be renewed.

12. Each House shall transmit to the other all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreements, a bill or resolution is lost.

14. 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.

15. All Messages, Reports, or other documents, presented to either House for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other, so that the same order may not be made in both Houses.

STANDING COMMITTEES.

On Ways and Means—Messrs. McCleary, Sheledy,ⁿ Montague, Noble, and Wilson.

On the Judiciary—Messrs. Murdock, Munger, Downey, Taylor, and Johnson.

On Common Schools—Messrs. Sheledy, Huner, Clifton, Coy, and Lester.

On Internal Improvements—Messrs. Hancock, Harper, Chandler, Leonard, and Woodworth.

On Claims—Messrs. Robertson, Wilson, Snyder, Davis, and Banks.

On Enrolled Bills—Messrs. Munger and Wilson.

On Engrossed Bills—Messrs. Taylor and Downey.

On Expenditures—Messrs. Johnson, Anderson, Hancock, Robertson, and Leonard.

On Territorial Affairs—Messrs. Wilson, Chandler, Stewart, Woodworth, and Coy.

On Corporations—Messrs. Davis, McCleary, Noble, Munger, and Murdock.

On Roads and Highways—Messrs. Harper, Stewart, Woodworth, Coy, and Lester.

On Military Affairs—Messrs. Leonard, Banks, Huner, Murdock, and Noble.

On Township and County Boundaries—Messrs. Lester, Harper, Clifton, Snyder, and Coy.

On Public Buildings—Messrs. Downey, Chandler, Banks, Huner, and Taylor.

On Agriculture—Messrs. Montague, Woodworth, Anderson, Sheledy, and Snyder.

STANDING COMMITTEES

On Highways—Messrs. Montague, Sheledy, and Lester.
On the Judiciary—Messrs. Noble, and Wilson.
On the Land Office—Messrs. Downey, Taylor, and Johnson.
On Common Schools—Messrs. Clifton, Coy, and Lester.
On Territorial Affairs—Messrs. Stewart, Woodworth, and Coy.

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