

JOURNAL
OF
THE COUNCIL

OF THE
SECOND LEGISLATIVE ASSEMBLY

OF THE
TERRITORY OF IOWA,

Begun and held at the City of Burlington, on the Fourth day of November, one thousand eight hundred and thirty-nine.

BURLINGTON :
JAMES G. EDWARDS, PRINTER.

1839.

THE COUNCIL

SECOND LEGISLATIVE ASSEMBLY

REPORT OF THE

COMMISSIONER OF THE CITY OF BOSTON, ON THE FINANCIAL AND

MANAGEMENT OF THE CITY OF BOSTON, FOR THE YEAR 1890.

BURBANK

JAMES A. BOWMAN, PRINTER.

1891.

JOURNAL OF THE COUNCIL

OF THE

LEGISLATIVE ASSEMBLY OF IOWA TERRITORY,

BEGUN and held at the city of Burlington, in the county of Des Moines, in the said Territory, on Monday, the 4th day of November, in the year of our Lord, one thousand eight hundred and thirty-nine, convened under the provisions of an act of the Legislative Assembly of the Territory of Iowa, approved the 23d day of January, 1839.

The House having been called to order and it appearing that the members generally were in attendance.

On motion of Mr. Hepner,

WARNER LEWIS, Esq., was appointed President, pro tem.

On motion of Mr. Payne,

B. F. WALLACE was appointed Secretary, pro tem.

On motion of Mr. Hempstead,

G. W. Harris was appointed Sergeant-at-arms, pro tem.

On motion of Mr. Hughes,

G. W. Patterson was appointed Door-keeper, pro tem.

On motion of Mr. Browne,

John N. Hetzel was appointed assistant Secretary, pro tem.

On motion of Mr. Hempstead,

William Smith was appointed assistant Door-keeper.

On motion of Mr. Inghram,

Samuel Parker was appointed Messenger, pro tem.

On motion of Mr. Payne,

Resolved, That a committee of two be appointed, to inform the House of Representatives, that the Council is now organized, pro tempore, and ready to receive communications.

The chair appointed Messrs. Payne and Parker, said committee.

Mr. Payne, from the committee appointed to inform the House of the pro tempore organization of the Council, reported that they had performed that duty.

Mr. Parker offered the following:

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

Which was adopted, and
The chair appointed Messrs. Parker, Ralston and Hughes, said committee.

Mr. Payne moved, That the Council do now proceed to the election of a President.

On which question Mr. Hempstead called for the yeas and nays, and are as follow:

Those who voted in the affirmative are Messrs. Browne, Hughes, Inghram, Keith, Lewis and Payne—6.

Those who voted in the negative, are Messrs. Hempstead, Hepner, Parker and Ralston—4.

On motion of Mr. Inghram,

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

Tuesday Morning, Nov. 5, 1839.

The Council met pursuant to adjournment.

Mr Hempstead moved

That the rules adopted for the government of the Council at the last session, be adopted for the government of the Council until otherwise ordered.

On motion of Mr. Hempstead,

Resolved, That the Secretary of the Council is hereby empowered and authorised to make arrangements immediately with the Post Master of the city of Burlington, relative to the postage on all letters, papers and documents which shall be received or transmitted by the members of the Council through said office during the present session, and that the Post Master be requested to keep a true and correct account of all postage of the members of the Council, during the session, together with the charge for keeping said account, and trouble connected with the same, and that he transmit to the Council at the close of the session his said account for allowance.

Mr. Hempstead presented the petition of George W. Jones, asking a Ferry privilege across the Mississippi River at the town of Du Buque, which was, on his motion laid on the table.

On motion of Mr. Hepner,

The Council proceeded to the election of a President. Messrs. Keith and Clark acting as tellers.

The ballots being taken and counted, it appeared that Arthur Inghram, had 5 votes, J. B. Browne, 2 votes, Stephen Hempstead 2 votes, L. B. Hughes, 1 vote, G. Hepner, 1 vote and Blank, 1 vote, and it appearing that no one had received a majority of the whole number of votes,

On motion of Mr. Payne,

The Council proceeded to a second balloting. Messrs. Payne and Whittlesey, acting as tellers. The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 5 votes and L. B. Hughes 2 votes. No one having received a majority of the whole number of votes given,

On motion of Mr. Clark,

The Council proceeded to a third balloting. Messrs. Hepner and Parker acting as tellers.

The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 5 votes, L. B. Hughes 1 vote and G. Hepner 1 vote. No one having received a majority of the whole number of votes given, a choice was not made, and

On motion of Mr. Clark,

The election of President was postponed until to-morrow.

On motion of Mr. Clark,

The Council proceeded to the election of a Secretary, Messrs. Hempstead and Browne acting as tellers.

The ballots being taken and counted, it appeared that B. F. Wallace had received 11 votes, and Blank 1.

B. F. Wallace having received a majority of the whole number of votes given, was declared duly elected Secretary to the Council.

On motion of Mr. Hempstead,

The Council proceeded to the election of an assistant Secretary. Messrs. Payne and Whittlesey acting as tellers.

The ballots being taken and counted, it appeared that J. N. Hetzel had received 4 votes; Bradford had received 5 votes; B. C. Tiffany had received 2 votes; and William Turner 1 vote. No one having received a majority of the whole number of votes, a choice was not made, and

On motion of Mr. Hempstead,

The Council proceeded to a second balloting for Assistant Secretary, Messrs. Hughes and Keith acting as tellers.

The ballots being taken and counted, it appeared that J. N. Hetzel had received 4 votes; Bradford 4 votes; B. C. Tiffany 3 votes; and William Turner 1 vote. No one having received a majority of the whole number of votes given, a choice was not made, and

On motion of Mr. Parker,

The Council proceeded to a third balloting for Assistant Secretary. Messrs. Parker and Hempstead acting as tellers.

The ballots being taken and counted it appeared that J. N. Hetzel had received 5 votes; Bradford 3 votes; B. C. Tiffany 2 votes; and Charles Weston 2 votes. No one having received a majority of the whole number of votes given, a choice was not had, and

On motion of Mr. Hepner,

The election of Assistant Secretary was postponed until to-morrow.

On motion of Mr. Hempstead,

The Council proceeded to the election of an Enrolling Clerk, Messrs. Clark and Ralston acting as tellers.

The ballots being taken and counted it appeared that A. L. McCray had received 10 votes; Mr. Reed 1 vote; and Mr. Brown 1 vote. A. L.

McCray having received a majority of the whole number of votes given, was declared duly elected Enrolling Clerk to the Council.

On motion of Mr. Whittlesey,

The Council proceeded to the election of a Recording Clerk, Messrs. Inghram and Browne acting as tellers.

The ballots being taken and counted it appeared that L. Parkhurst had received 4 votes; Edward Campbell 4 votes; Wm. P. Cowperthwait 3 votes, and Mr. Shepherd 1 vote. No one having received a majority of all the votes given, a choice was not had, and

On motion of Mr. Parker,

The Council proceeded to a second balloting, Messrs. Whittlesey and Hempstead acting as tellers.

The ballots being taken and counted, it appeared that L. Parkhurst had received 7 votes, Edward Campbell 2 votes, and Mr. Shepherd 3 votes. Mr. Parkhurst having received a majority of all the votes given, was declared duly elected Recording Clerk to the Council.

On motion of Mr. Hempstead,

The Council proceeded to the election of an Engrossing Clerk, Messrs. Clark and Ralston tellers.

The ballots being taken and counted, it appeared that Wm. P. Cowperthwait received the whole number of votes given, and was declared duly elected Engrossing Clerk to the Council.

On motion of Mr. Clark,

The Council proceeded to the election of a Sergeant at Arms. Messrs. Payne and Hepner acting as tellers.

The ballots being taken and counted, it appeared that G. W. Harris had received 10 votes, and Wm. M. Devoe 2 votes. G. W. Harris having received a majority of the whole number of votes given, was declared duly elected Sergeant at Arms to the Council.

On motion of Mr. Hepner,

The Council proceeded to the election of a Doorkeeper, Messrs Browne and Hughes acting as tellers.

The ballots being taken and counted, it appeared that Berryman Jennings had received 6 votes, and G. W. Patterson 5 votes. Berryman Jennings having received a majority of the whole number of votes given, was declared duly elected Doorkeeper to the Council.

On motion of Mr. Hempstead,

The Council proceeded to the election of an Assistant Doorkeeper, Messrs. Ralston and Parker acting as tellers.

The ballots being taken and counted, it appeared that William Smith had received 11 votes, and blank 1. William Smith was declared duly elected Assistant Doorkeeper to the Council.

On motion of Mr. Parker,

The Council proceeded to the election of a Messenger, Messrs. Whittlesey and Keith acting as tellers.

The ballots being taken and counted, it appeared that G. W. Patterson had received 11 votes, and blank 1.

G. W. Patterson was declared duly elected Messenger to the Council.

The following message was received from the House of Representatives, by Mr. Fales, their chief Clerk.

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

Messrs. Hawkins and Bailey, a committee from the House of Representatives, being introduced, informed the Council that the House was now organized and ready to proceed to legislative business.

On motion of Mr. Ralston,

The Council proceeded to the election of an Assistant Messenger, Messrs. Parker and Hughes acting as tellers.

The ballots being taken and counted, it appeared that G. W. Howe had received 9 votes, and William Cooper 3.

G. W. Howe having received a majority of all the votes given, was declared duly elected Assistant Messenger to the Council.

On motion of Mr. Whittlesey,

The Council proceeded to the election of a Fireman, Messrs. Inghram and Whittlesey acting as tellers.

The ballots being taken and counted, it appeared that Absalom Badgely had received seven votes, and Mr. Brunson 5.

Absalom Badgely having received a majority of all the votes given, was declared duly elected Fireman to the Council.

On motion of Mr. Hempstead,

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

TWO O'CLOCK, P. M.

On motion of Mr. Payne,

Resolved, By the Council that the Secretary of the Territory, be requested to furnish each member of the Council with a copy of the Acts of the first session of the Legislative Assembly of the Territory of Iowa.

Mr. Parker from the joint committee appointed to wait upon his Excellency the Governor of the Territory, and inform him of the organization of the two Houses, &c. report that they have performed that duty, and that it will be the pleasure of the Governor to communicate his annual message to the two Houses respectively at 3 o'clock, this afternoon.

On motion of Mr. Payne,

The following officers elect of the Council were brought forward and sworn into office viz:

B. F. Wallace, Secretary,
A. L. McCray, Enrolling Clerk,
Lemuel Parkhurst, Recording Clerk,
W. P. Cowperthwait, Engrossing Clerk,
G. W. Harris, Sergeant at Arms,
Berryman Jennings, Doorkeeper,
William Smith, Assistant Doorkeeper,
G. W. Patterson, Messenger,
G. W. Howe, Assistant Messenger,
A. Badgley, Fireman.

The following message was received from the House of Representatives by Mr. Fales, their chief clerk.

I am instructed to inform the Council, that the House of Representatives have appointed Messrs. Hastings, Hawkins and Rich, a committee on the part of the House to act in conjunction with a similar committee to be appointed by the Council, to prepare joint rules for the government of the two Houses.

Mr. Hempstead moved that a committee of three be appointed to draft rules for the government of the Council, which was agreed to, and the chair appointed Messrs. Hempstead, Whittlesey and Inghram, said committee.

Mr. Clark moved that a committee of three be appointed to act in conjunction with a committee appointed by the House to draft joint rules for the government of the two Houses, which was agreed to, and the chair appointed Messrs. Clark, Payne and Browne said committee.

The following Message was received from his Excellency the Governor of the Territory by Mr. Williams his private Secretary.

[FOR MESSAGE, SEE APPENDIX A.]

Mr. Hepner moved that the message be laid on the table, and that Messrs. Clark & McKenny, publishers of the Territorial Gazette, be authorised to print 500 copies of the same for the use of the Council.

On motion of Mr. Parker,

Resolved, That Messrs. Clarke & McKenney be authorized to furnish each member of the Council with twenty copies of each number of the Territorial Gazette during the session.

On motion of Mr. Payne,

The Council adjourned until 10 o'clock to morrow morning.

Wednesday Morning, Nov. 6th, 1839.

The Council met pursuant to adjournment.

On motion of Mr. Clark,

Resolved, That James G. Edwards be authorized to furnish each member of the Council with twenty copies of the Hawk-Eye and Patriot, during the session.

Mr. Hempstead, from the committee appointed for that purpose, reported a set of rules for the government of the Council.

Mr. Payne moved an amendment to the 12th rule, which was not agreed to.

On motion of Mr. Inghram,

The report was re-committed to the same committee.

Mr. Hempstead asked to be discharged from said committee, which was granted.

On motion of Mr. Payne,

Mr. Clark was appointed on said committee.

On motion of Mr. Hughes,

Resolved, That the Council do now proceed to the election of a President, to preside over this body during the present session, which was agreed to. Messrs. Whittlesey and Hughes appointed tellers.

The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 5 votes, J. D. Payne 1 vote, and L. B. Hughes 1 vote. No one having received a majority of the whole number of votes given,

On motion of Mr. Hepner,

The Council proceeded to a second balloting for President, Messrs. Hepner and Clark acting as tellers.

The ballots being taken and counted, it appeared that Arthur Inghram had received 4 votes, Stephen Hempstead 4 votes, L. B. Hughes 1 vote, Charles Whittlesey 1 vote, J. M. Clark 1 vote, and blank 1 vote. No choice being made,

On motion of Mr. Payne,

The Council proceeded to a third balloting, Messrs. Payne and Keith acting as tellers. The ballots being taken and counted, it appeared that Arthur Inghram had received 5 votes, Stephen Hempstead 2 votes, L. B. Hughes 1 vote, J. M. Clark 2 votes, Robert Ralston 1 vote, Mr. Keith 1 vote, and blank 1 vote. No choice being had

On motion of Mr. Hughes,

The Council proceeded to a fourth balloting, Messrs. Hughes and Ralston acting as tellers. The ballots being taken and counted, it appeared that Arthur Inghram had received 5 votes, Stephen Hempstead 2 votes, J. M. Clark 2 votes, and blank 3 votes. No choice being made,

On motion of Mr. Payne,

The Council proceeded to a fifth balloting. Messrs. Payne and Parker acting as tellers. The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 2 votes, L. B. Hughes 1 vote, J. M. Clark 2 votes, Mr. Keith 1 vote, and blank 1 vote. No one having received a majority of all the votes given,

On motion of Mr. Whittlesey,

The Council proceeded to a sixth balloting. Messrs. Whittlesey and Browne acting as tellers.

The ballots being taken and counted, it appeared that Arthur Inghram had 5 votes, Stephen Hempstead 2 votes, L. B. Hughes 1 vote, J. M. Clark 1 vote, J. Keith 1 vote and blank 1 vote. No one having received a majority of the whole number of votes, a choice was not made, and

Mr. Browne moved,

That the further balloting for President be postponed, and the Council proceed to the election of an assistant Secretary, which was agreed to, Messrs. Browne and Hughes acting as tellers.

The ballots being taken and counted it appeared that P. C. Tiffany had received 3 votes, J. N. Hetzel 5 votes, W. J. A. Bradford 2 votes, blank 2 votes. No choice being made,

On motion of Mr. Whittlesey,

The Council proceeded to a second balloting, Messrs. Whittlesey and Inghram, acting as tellers.

The ballots being taken and counted, it appeared that P. C. Tiffany

had received 4 votes, J. N. Hetzel 4 votes, and W. J. A. Bradford 4 votes. No choice being made,

On motion of Mr. Hughes,

The Council proceeded to a third balloting, Messrs Hughes and Whitteley acting as tellers.

The ballots being taken and counted, it appeared that P. C. Tiffany had received 4 votes, J. N. Hetzel 3 votes, and W. J. A. Bradford 5 votes. No one having received a majority of all the votes given, a choice was not made.

On motion of Mr. Clark,

The election of Assistant Secretary was postponed.

On motion of Mr. Parker,

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

TWO O'CLOCK, P. M.

On motion of Mr. Hempstead,

The following preamble and resolutions, were unanimously adopted:

Whereas, the Council have learned with deep regret of the death of WM. B. CONWAY, Secretary of the Territory, Therefore, be it

Resolved, That in consequence of the death of WM. B. CONWAY, our worthy fellow citizen, the Council adjourn until 10 o'clock, to-morrow morning.

Resolved, That as a mark of esteem and respect for the memory of the deceased the members of the Council will wear crape on the left arm for thirty days.

Resolved, That by the decease of WM. B. CONWAY, the Territory has been deprived of one of her most valuable and esteemed public officers.

Thursday Morning, November 7, 1839.

Council met pursuant to adjournment.

On motion of Mr. Payne,

Resolved, That a committee of two be appointed to act with a similar committee of the House of Representatives, to proceed to Davenport with the body of the Hon. WM. B. CONWAY, and attend his funeral, according to his request.

Messrs Payne and Parker were appointed said committee.

Mr. Clark, from the committee to whom was referred the rules for the government of the Council, reported.

Mr. Hepner moved an amendment to the third rule which was agreed to, and the rules as amended were adopted.

The following message was received from the House of Representatives:

Mr. President—

I am instructed to inform the Council, that the House of Representatives have appointed Messrs. Summers and Hawkins a committee to act in conjunction with a similar committee, to be appointed on the part of the Council, to address a letter of condolence to the widow of the Hon. Wm. B. CONWAY, on the subject of the death of her late husband.

Mr. Clark, from the committee appointed for that purpose, reported rules for the government of the two Houses of the Legislative Assembly, which were adopted,

On motion of Mr. Payne,

The Council proceeded to the election of a President, Messrs Payne and Whittlesey acting as tellers.

The ballots being taken and counted, it appeared that Stephen Hempstead had received 6 votes, Arthur Inghram 4 votes and Mr Payne 1 vote. Stephen Hempstead having received a majority of all the votes given was declared duly elected President of the Council, who being conducted to the chair by Messrs. Payne and Ralston, delivered the following address:

GENTLEMEN OF THE COUNCIL:—You will permit me to express my gratitude for the distinguished favor which you have shown me on this occasion. In selecting me to preside over your deliberations, you have bestowed upon me an honor to which I may not be entitled from parliamentary knowledge or experience; yet I shall use every exertion to discharge the duties assigned me by your kindness, with promptness and fidelity; knowing that I shall at all times receive your aid in maintaining order, and your experience in conducting the business of the Council.

We have again assembled, gentlemen of the Council, for the purpose of discharging an important trust, as the representatives of a free, prosperous and intelligent people; they have a right to expect from us a faithful discharge of our duties, in adopting such laws as will most conduce to the security of their lives, liberty and happiness. Let not our course toward each other be marked by any contracted line of sectional policy, or illiberal views. Let me hope that the course of each member of this body will be distinguished for magnanimity and kind feelings, and tend to the advancement of the best interest of the whole Territory.

Our Territory is yet in the bloom of infancy, yet its growth and prosperity has been unparalleled in the history of governments. If she proceeds as she seems to promise, only a short period will elapse before she will take her place as a sovereign state amid that bright constellation which waves from our fortresses, our ramparts, and at the mast heads of our gallant ships upon the waves. You, gentlemen, are placed here for the purpose of maintaining her rights as a territory, to enact salutary laws for her government, and to prepare her for an admission into the Union, under the great principles of civil liberty.

Gentlemen, from my knowledge of your ability and experience, I am satisfied that you will discharge your duty in such a manner as will cause you to feel proud in after years, that you were members of the first Le-

gislative Council of the Territory of Iowa, and you will return to your constituents conscious of the rectitude of your exertions.

And now gentlemen, permit me again to thank you for your unmerited kindness to me, and permit me to say that I trust I shall prove worthy of your confidence, and the trust which you have reposed in me on this occasion.

Mr Payne offered the following,

Resolved, By the Council and House of Representatives, that Charles Weston be requested and is hereby appointed acting Secretary of the Territory of Iowa, for the purpose of supplying the Legislative Assembly with all necessary stationery, and such other business as may require immediate action as far as is compatible with the laws of Congress, which was

On motion of Mr Clark, laid on the table.

On motion of Mr Payne,

The Council again proceeded to the election of an Assistant Secretary, Messrs Browne and Lewis acting as tellers.

The ballots being taken and counted, resulted as follows :

	1st	2d	3d	4th	5th	6th	7th	8th	9th
J. N. Hetzel	6	3	2	1	1	2	3	3	2
W. J. A. Bradford	4	4	5	6	6	5	5	5	4
P. C. Tiffany	2	5	5	5	5	5	4	3	3
Cyrus Olney								1	2
John B. Russell									1

No one having received a majority of the whole number of votes given, a choice was not had, and

Mr Hepner moved that the further balloting for an Assistant Secretary be postponed until to-morrow.

Mr Lewis moved to amend by postponing the same indefinitely on which question the yeas and nays being called for, are as follows:—

Those who voted in the affirmative are Messrs Inghram, Lewis and Whittlesey, 3.

Those who voted in the negative are Messrs. Browne, Clarke, Hepner, Hughes, Keith, Parker, Payne, Ralston, and Mr President, 9.

So the amendment was lost.

The original motion was then put, was not agreed to.

Mr Hughes renewed the motion to postpone the election of an Assistant until tomorrow, which was lost.

On motion of Mr Hepner

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

TWO O'CLOCK, P. M.

On motion of Mr Clark,

The vote adopting the Resolution authorizing the appointment of a Committee of two to proceed to Davenport with the body of the Hon. Wm. B. Conway, &c., was reconsidered.

Mr Payne offered the following as a substitute therefor.

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

Mr Inghram moved that a committee be appointed on the part of the Council to act with the committee on the part of the House of Representatives, to address a letter of condolence to the widow of the Hon. Wm. B. Conway on the subject of the death of her late husband which was agreed to, and the chair appointed Messrs. Inghram and Lewis said committee.

On motion of Mr. Clark,

The Council resumed the ballotings for Assistant Secretary, Messrs. Clark and Hughes acting as tellers.

The ballots being taken and counted, resulted as follows:

	1st	2d	3d	4th	5th
J. N. Hetzell	3	5	5	6	9
W. J. A. Bradford	5	1	2	1	
P. C. Tiffany	3				
E. Thomas,	1	6	5	4	3
J. B. Russell				1	
Blank	1				

J. N. Hetzel having received a majority of all the votes given was declared duly elected Assistant Secretary to the Council, and was accordingly sworn into office.

On motion of Mr Clark,

The Council adjourned until ten o'clock to-morrow morning.

Friday Morning, Nov. 8, 1839.

The Council met pursuant to adjournment.

The Chair announced the following standing committees of the Council:—

On the Judiciary—Messrs Parker, Clark and Whittlesey.

On Finance—Messrs Hepner, Keith and Hughes.

On Internal Improvements—Messrs Payne, Ralston and Browne.

On Enrollments—Messrs Whittlesey, Lewis and Hepner.

On Territorial Affairs—Messrs Lewis, Browne and Whittlesey.

On Schools—Messrs Inghram, Parker and Swazey.

On Claims—Messrs Ralston, Keith and Payne.

On Military Affairs—Messrs Browne, Lewis and Swazey.

On Roads—Messrs Hughes, Keith and Inghram.

On Expenditures—Messrs Hepner, Parker and Hughes.

On Incorporations—Messrs Lewis, Payne and Browne.

On Territorial Library—Messrs Whittlesey, Inghram and Clark.

The Chair announced the following communication from the Hon. W. W. Chapman.

BURLINGTON, Nov. 7, 1839.

To the Honorable, the President of the Council of the Territory of Iowa:

SIR:

Permit me through you, to inform the Council, that out of the numerous resolutions and memorials passed by the Assembly at the last session, but one has come to my hands except in the Journal of the House, recently placed in my hands; but that I will avail myself of the earliest opportunity to present such of these memorials as I shall be able to find.

Respectfully,

Your ob't. servant,

W. W. CHAPMAN.

Mr Keith offered the following resolution:

Resolved, That a committee be appointed to examine into the citizenship and eligibility of the officers of this Council, and that they be authorized to send for persons and papers, and make report thereon.

The ayes and noes being called for on the adoption of the resolution, were as follows:

Ayes—Messrs Browne, Inghram, Keith, Lewis and Payne, 5.

Noes—Messrs Clark, Hepner, Whittlesey and Mr President, 4.

So it was adopted, and the chair appointed the following gentlemen to compose the committee, viz:

Messrs Keith, Lewis, Hepner, Clark, Payne, Parker, Whittlesey and Browne.

On motion of Mr Inghram,

Resolved, That so much of the Governor's message as relates to printing be referred to a select committee, and that they have leave to report by bill or otherwise. The chair appointed Messrs Inghram, Browne, Parker, Lewis, Swazey, Whittlesey, Clark and Payne, said Committee.

On motion of Mr Lewis,

Resolved, That so much of the Governor's message as relates to forming a state constitution be referred to a committee to consist of one member from each electoral district, and that they report by bill or otherwise, and

The chair appointed Messrs Lewis, Clark, Hughes, Inghram, Parker, Keith, Browne and Whittlesey, said committee.

On motion of Mr Browne,

Resolved, That so much of the Governor's message as relates to townships, be referred to a select committee to consist of one member from each electoral district, and

The chair appointed Messrs Browne, Lewis, Parker, Keith, Ralston, Payne, Whittlesey, and Clarke, said Committee.

On motion of Mr Clark,

Ordered, that so much of the Governor's message as relates to the donation of land on which the seat of Government is located, be referred to the committee on Territorial affairs.

On motion of Mr Payne,

Resolved, by the Council, that The House of Representatives be re-

requested to send to the council the documents accompanying the Governor's message.

On motion of Mr Whittlesey,

Ordered that so much of the Governor's message as relates to the publishing of the laws of the last session, and journal of the House of Representatives, be referred to the committee on expenditures with power to send for persons and papers, and with instructions to report on the same.

On motion of Mr Clark,

Ordered, that so much of the Governor's message as relates to the subject of common schools, be referred to the standing committee on schools.

Mr Inghram gave notice that he would on some future day, bring in a bill to authorize the Legislative Assembly of Iowa, to punish for contempt, and privilege the members from arrest.

On motion of Mr. Payne,

Ordered, that a standing committee on public buildings be appointed.

The chair appointed Messrs. Payne, Lewis and Hepner said committee.

On motion of Mr Payne,

Resolved, That so much of the Governor's message as relates to the difficulties with the State of Missouri be referred to the committee on Territorial affairs.

On motion of Mr. Browne,

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

On motion of Mr Clark,

Ordered, that fifty copies of the joint rules for the government of the Council, and of the list of names of the members of each standing committee, be printed for the use of members of the Council.

On motion of Mr. Payne,

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

On motion of Mr. Whittlesey,

Ordered that so much of the Governor's message as relates to the passage of a law to provide for the election by the people, of all officers within the Territory, that are not expressly prohibited by the Organic Law, be referred to the committee on the Judiciary.

Mr. Lewis moved to refer so much of the Governor's message as relates to intemperance, &c. to the committee on Internal Improvements.

Mr. Clark moved to amend by referring the same to the committee on Finance, which was agreed to.

Mr. Clark moved that a standing committee on Elections be appointed, which was agreed to. The chair appointed Messrs. Clark, Hepner and Whittlesey said committee.

On motion of Mr. Whittlesey,

Ordered, that that part of the Governor's message which relates to the law with regard to the election of Delegate to Congress, and County Recorder, be referred to the standing committee on the Judiciary with instructions to report thereon.

Mr. Payne gave notice that he would on to-morrow or some future day ask leave to introduce a bill for the taking of the census of the Ter-

ritory during the present session, so that an apportionment of the representation may be made.

Mr. Clark gave notice that he would, on some future day ask leave to introduce a bill on the subject of frauds.

On motion of Mr. Browne,

Resolved, That so much of the Governor's message as relates to the Public Library be referred to the committee on the Territorial Library.

The following message was received from the House of Representatives, by Mr Fales, their Chief Clerk :

Mr President,

I am instructed to inform the Council that the House of Representatives have adopted the Joint Rules reported by the committee appointed for that purpose.

On motion of Mr. Payne,

The Council adjourned till to-morrow at 10 o'clock.

Saturday Morning, Nov. 9, 1839.

The Council met pursuant to adjournment.

On motion of Mr Browne,

Resolved, That so much of the Governor's message as relates to the transmission of prisoners to the penitentiary be referred to the committee on the Judiciary.

On motion of Mr Lewis,

Resolved, That so much of the Governor's message as refers to memorializing Congress to grant this Territory a quantity of land for literary purposes, be referred to the committee on territorial affairs.

Mr Browne, on leave, presented the following report from the directors of the Penitentiary :

To the Honorable, the Legislative Assembly of Iowa Territory :

In conformity with the provisions of the law prescribing their duties, the undersigned, the directors of the Penitentiary located at Fort Madison, respectfully report:

That the citizens of the town of Fort Madison, executed to the directors aforesaid, for the Territory of Iowa, a deed in fee simple, absolute, for ten acres of land, on which there is a suitable site for the erection of a penitentiary, which deed was recorded in the Recorder's office at Fort Madison, and deposited in the office of the Secretary of the Territory, according to law. On the 5th day of June, A. D. 1839, Amos Ladd was appointed superintendant and gave bond, and was sworn to discharge his duties in compliance with the 4th section of the above recited act. The

superintendent, under the direction of the directors aforesaid, proceeded to project a plan for said penitentiary, conforming conveniently to the Connecticut State Prison at Wethersfield, a drawing of which is herewith transmitted. The act providing for the erection of a penitentiary at Fort Madison, requires that it shall be of sufficient capacity to receive, secure and employ, one hundred and thirty-six convicts. The directors aforesaid, would here remark, that the prison projected by their superintendent will contain one hundred and thirty-eight convicts. The directors found it impossible to erect and construct the building so as to contain 136 convicts without leaving a vacancy and destroying its proportion.

The act aforesaid, provides that "the said penitentiary shall be constructed on such a scale, that in the estimation of the directors it can be fully completed, for a sum not exceeding \$40,000, exclusive of the labor of convicts. The undersigned directors, here submit their estimate of the cost of the building :

22372 cubic feet of cut stone for cells, at 1 dollar per foot	22,373 00
6500 feet of drafted and pointed work, superficial for front of building at 35 cents per foot	2,275 00
3825 perch of common stone work at 4 dollars per perch	15,300 00
138 iron grated doors with locks and bolts at 20 dollars each	2,760 00
3150 yards of plastering at 40 cents per yard	1,260 00
3000 pounds of iron for grating at 9 cents per lb.	270 00
800 pounds of lead at 5 cents	40 00
Carpenters and Joiners work	2,800 00
100,000 pine shingles, at 5 dollars	500 00
38,800 feet sawed oak lumber	25,910 00
2,500 do pine lumber, at 5 dollars	125 00
2,550 do of hewn lumber, 6 cents	153 00
1 iron grate and 7 iron grated doors, at 30 dollars	240 00
Glass, putty, &c.	150 00
Painting, glazing and spouting	300 00
Excavating of earth	200 00
16 shops, 1 kitchen and mess room	2,550 00
9088 lbs of privy pipe, at 5 cents	454 40
1 cistern	110 00
Well and copper pump	200 00
Cupola and bell	300 00
Five per cent. for contingencies	2,663 50
	<hr/>
	\$55,933 90

From the foregoing statement, it appears that the estimate of the undersigned, is \$55,933 90, over and above the sum named in the act aforesaid, as the maximum amount to be expended in the erection of the penitentiary aforesaid.

The undersigned believe that the outer wall, warden's house, and sixty cells of the prison, can be fully completed, for the sum of 40,000 dollars aforesaid; and that the remaining portion of the projected building, can be erected by the "labor of the convicts."

On the ninth day of July, A. D. 1839, the superintendent proceeded to erect the Penitentiary aforesaid, and on the first quarterly settlement

ending on the 9th day of October, the undersigned directors found that he had expended \$3,422 00, as follows, to wit:

Work performed by common laborers	\$1,211 70
Work of masons	432 50
Carpenters and Joiners work	235 50
Stone and Lime furnished	180 00
Iron, steel and smiths work	312 94
Lumber	144 13
Board of hands	405 23
	<hr/>
	\$3,422 00

A boarding house for accommodating the hands has been erected by the superintendant on the premises, the cost of which has been included in the above estimate.

On the first of November last, the superintendant received a draft from the Treasury Department for the sum of \$5,877, and at that time the whole amount expended was about \$4,800 00, which would leave in the hands of the superintendant \$1,077 00.

The construction of the aforesaid penitentiary has equalled the expectation of the undersigned. Two wells have been dug, containing excellent water, on the premises, the basement story of the Warden's house and guard room has been erected and the foundation of sixty cells has been commenced; and there is 350 feet of stone cut for the cells on the ground and about 150 perch of stone from the quarry, not yet laid in the walls.

The undersigned would respectfully and earnestly recommend to your honorable body the necessity of immediately memorializing Congress, for the additional appropriation of \$20,000 in order to complete the building aforesaid. It is highly important that the directors should know in the early part of the coming season whether an appropriation as aforesaid would be made or not in order that preparatory measures might be taken in the spring, to secure the rapid progress of the work, through the summer and autumn.

The undersigned would further respectfully suggest that an amendment be made to the act "to provide for the erection of a penitentiary" and approved January the 25th, A. D. 1839, fixing the salary of the Superintendant aforesaid; this amendment they conceive highly necessary as no provision whatever is made in the aforesaid act, with regard to his compensation.

The sixth section of the act aforesaid, relating to the pay of the *Directors* aforesaid is so vague and ambiguous, that the undersigned would respectfully direct your attention to its amendment.

The undersigned, in conclusion would remark, that the site selected for the Penitentiary aforesaid is suitable in every respect for such a building; water is abundant, and building materials although procured at some distance from the site aforesaid, are of excellent quality; in fine, they are fully convinced that if the additional appropriation above mentioned is procured at an early period during the next session of Congress, the great-

er portion of the building aforesaid can be completed the ensuing season.

All of which is respectfully submitted.

JOHN S. DAVID,
JOHN CLAYPOLE,
Directors.

Burlington, Nov. 8th, 1839.

Which report was,

On motion of Mr. Browne,

Referred to the committee on Finance, and one hundred copies ordered to be printed for the use of the Council.

Mr Keith gave notice that he would, on some future day, ask leave to bring in a bill relative to landlords and tenants.

On motion of Mr Payne,

The Council adjourned until Monday morning, 10 o'clock.

Monday Morning, Nov. 11, 1839.

The Council met pursuant to adjournment.

Mr Browne offered the following preamble and resolution:

Whereas the Territory of Iowa is deprived of a Secretary, by the recent death of the Hon. Wm. B. Conway, late Secretary of this Territory, and whereas no provision is made by the organic law, or by any act of Congress to meet such contingency, therefore be it

Resolved, by the Council and House of Representatives, that ——— be appointed a Fiscal Agent, and that he be authorized to take charge of all public funds, drafts or bills of exchange properly belonging to this department, and that he be required to make such disbursements as legally pertain to his appointment as aforesaid, taking proper vouchers for the same.

On motion of Mr Lewis,

The blank was filled with the name of Charles Weston, and the resolution as amended was adopted.

Mr Payne offered the following preamble and resolution:

Whereas the office of Secretary of the Territory of Iowa, is now vacant in consequence of the death of the Hon. Wm. B. Conway and Whereas it is of vital importance to this Territory, that the appointment to said office be made to a citizen of this Territory, therefore be it Resolved, by the Council and House of Representatives of the Territory of Iowa, that reposing implicit faith and confidence in the integrity and ability of ———, we earnestly recommend to his Excellency M. Van Buren, President of the United States, the nomination of the above nam-

ed individual as a suitable person to perform the duties of the office of Secretary of the Territory, and further we recommend to the Honorable the Senate of the United States, in Congress assembled the confirmation of said nomination, which,

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

On motion of Mr Browne,

Resolved, That Charles Weston, Esq., be requested to furnish each member of the Council with a copy of the "Acts and Resolutions" passed at the third session of the twenty-fifth Congress of the United States.

On motion of Mr Lewis,

Resolved, That the regular adjournment of the Council, for the day, shall be to 10 o'clock in the forenoon of the succeeding day, unless otherwise ordered by the Council.

The President informed the Council that the Secretary reported to him that all the papers relative to the unfinished business of last session were lost, except the bill providing for the support of illegitimate children.

On motion of Mr Whittlesey it was

Ordered, That the report of the Secretary of the Council with regard to the loss of papers relating to the unfinished business of the last session, be referred to a select committee, and that they have power to send for persons and papers.

The chair appointed Messrs Whittlesey, Lewis and Payne said committee.

On motion of Mr Hepner, the following preamble and resolution were adopted :

Whereas, a number of persons, according to the rules of this House, are entitled to seats within the bar, and whereas there appears to be a scarcity of chairs; therefore,

Be it resolved, That Charles Weston be requested to furnish the Council chamber with a sufficiency of chairs to accommodate those entitled to seats within the bar of this House.

On motion of Mr Whittlesey,

Ordered, That so much of the Governor's message as relates to the revision of the act establishing the seat of government, be referred to the committee on Territorial affairs.

Mr Payne moved to amend by referring the same to a select committee, to consist of one member from each electoral district, which was lost.

The original motion was then put and agreed to.

On motion of Mr Whittlesey,

Ordered, That the communication from the Hon. W. W. Chapman, of the 7th inst., be referred to a select committee.

The Chair appointed Messrs Whittlesey, Browne and Hepner said committee.

On motion of Mr Hughes,

Mr Inghram was added to the committee on Territorial affairs.

Mr Whittlesey gave notice that he would, on to-morrow, move for leave to introduce a bill to authorize evidence by the oath of parties.

Mr Lewis gave notice that he would, on some future day, move for leave to bring in a bill concerning the writ of habeas corpus.

Mr Hepner gave notice that he would, on some future day, move for leave to introduce a bill for the benefit of Des Moines county.

On motion of Mr Hepner,
The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Inghram, on leave being granted, presented the memorial of Jeremiah Smith, praying for relief, &c.

Mr Hughes gave notice that he would, on some future day, move for leave to introduce a bill granting a charter to Vinson H. Wamsley and Barnet Ristine, to construct a dam across the Cedar fork of Skunk river, in the county of Henry.

Mr. Inghram, from the committee appointed for the purpose, reported the following resolution;

Resolved, as the opinion of this committee, That the Journals of the Council and all other incidental printing be performed by and that the Journals be printed in pamphlet form commencing with the session.

On motion of Mr Payne,
The resolution was laid on the table.

On motion of Mr Lewis,
The petition of George W. Jones, asking a ferry privilege at the town of Du Buque, across the Mississippi river, was taken up, read and referred to the committee on Incorporations.

Mr Whittlesey gave notice that he would, on some future day, move for leave to introduce a bill for opening and repairing or vacating public roads and highways.

Mr Keith, on previous notice and leave being granted, presented a bill respecting landlords and tenants, which was read and ordered to be printed.

On motion of Mr Lewis,
Ordered that fifty copies of all bills introduced in the Council, be printed after their first reading.

Mr. Inghram, on previous notice and leave being granted, presented a bill to authorise the Legislative Assembly to punish for contempt and to privilege the members from arrest, which was read and ordered to be printed.

On motion of Mr. Inghram,
The Council adjourned.

Tuesday Morning, Nov. 12, 1839.

The Council met pursuant to adjournment.

The memorial of Jeremiah Smith, jr. praying for relief, &c. was taken up, read a second time and considered in committee of the whole, Mr. Browne in the chair. After some time spent in consideration of the same, the committee rose, and by their chairman, reported the memorial to the House with an amendment, which report was concurred in, and the memorial ordered to be engrossed for a third reading on to-morrow.

Bill No. 1, C. F. A bill relative to landlords and tenants, was taken up, read a second time, and,

On motion of Mr. Clark,

The same was referred to the Judiciary committee.

Bill No. 2, C. F. A bill to authorise the Legislative Assembly to punish for contempt and to privilege the members from arrest, was read a second time and considered in committee of the whole, Mr. Clark in the chair. After some time spent therein, the committee rose and, by their chairman, reported the bill to the House with an amendment, which report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Inghram offered the following :

Resolved, by the Council and House of Representatives of Iowa Territory, That Messrs. Russell and Reeves, editors of the "Iowa News;" A. Logan, of the "Iowa Sun;" Clark and McKenney, of the "Iowa Territorial Gazette;" and James G. Edwards of the "Hawk-Eye and Patriot;" be and they are hereby authorized and required to print the laws passed at the present session of the Legislative Assembly, in their several Newspapers as they are passed and approved by the Executive, and that they receive seventy five dollars each for their services. Which resolution was read a first time and ordered to be printed.

On motion of Mr. Lewis,

Ordered, That the act entitled "An Act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," now in force in this Territory, be referred to the committee on the judiciary, and that they be required to report the same to this House with such amendments as may be deemed necessary.

Mr Hughes, on previous notice, and leave granted, introduced "A Bill to authorize Vinson H. Wamsley and Barnett Ristine to erect a dam across the Cedar fork of Skunk river, in the county of Henry," which was read a first time and ordered to be printed.

On motion of Mr Hughes,

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

TWO O'CLOCK, P. M.

Mr Inghram gave notice that he would on to-morrow, or some future day, move for leave to introduce a bill to amend the Charter of the city of Burlington.

On motion of Mr Browne, the Council adjourned.

Wednesday Morning, Nov. 13, 1839.

The Council met pursuant to adjournment.

Mr Swazey, member of the Council from the county of Van Buren, appeared, and took his seat.

On motion of Mr Payne,

Resolved, by the Council and House of Representatives of the Territory of Iowa, that the acts of the twenty-fifth Congress in possession of the Governor, shall be distributed in the following manner, viz:

One copy to the Governor, one copy to the Secretary of the Territory, one copy to each of the Judges of the Supreme Court, one copy to the District Attorney of the Territory, one copy to the Marshal of the Territory, one copy to the Clerk of the Supreme Court, eleven copies for the use of the Council, and twenty copies for the use of the House of Representatives.

Mr Payne offered the following:

Resolved, by the Council, that the standing committee on roads be instructed to enquire into the expediency of creating a charter for a turnpike road from the city of Burlington in Des Moines county to the town of Mount Pleasant in Henry county, and that they report by bill or otherwise: which,

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

On motion of Mr Hughes,

Resolved, by the Council, that the committee on internal improvements be instructed to enquire into the expediency of memorializing Congress on the subject of an additional appropriation for the completion of the Territorial road from Du Buque to the southern line of the Territory, in the direction to Jefferson City.

On motion of Mr Hepner,

Resolved, That a select committee of three be appointed, whose duty it shall be to enquire into the expediency of memorializing Congress to make an appropriation to construct a bridge across the Skunk River, at the town of Augusta, where the Territorial Road leading from Du Buque *via* Burlington to the Missouri boundary, crosses said river.

The chair appointed Messrs Hepner, Browne and Payne, said committee.

Joint Resolution, Council file, No. 1, relative to printing the laws of the present session, in the several newspapers in this Territory, was taken up, read a second time, and considered in committee of the whole, Mr Lewis in the chair, and reported, through their chairman, back to the House without amendment.

Mr Hepner offered the following amendment:

And be it further Resolved, That the Secretary of the Territory be required not to pay the aforesaid printers any thing for the above named printing, until each and every such printer, shall take and subscribe an oath, that he or they have published all the acts and joint resolutions of the present session of the Iowa Legislature, which was lost.

Mr Hepner moved to refer the resolution to the Judiciary committee, which motion, was, on leave, withdrawn.

Mr Browne offered the following amendment:

Resolved, That the foregoing editors severally be required to transmit to the Secretary of the Territory, a number of each paper containing said laws, as a voucher for the settlement of their accounts.

Which amendment was agreed to, and the resolution as amended, was ordered to be engrossed and read a third time to-morrow.

Bill No. 3, Council file, "A bill to authorize Vinson H. Wamsley and Barnett Ristine, to erect a dam across the Cedar fork of Skunk river in the county of Henry," was read a second time, and

On motion of Mr Payne, was

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

The memorial of J. Smith, Jr. to the Congress of the United States, praying for relief, &c. was read a third time and passed.

Bill No. 2, Council file, "A bill to authorize the Legislative Assembly to punish for contempt, and to privilege members from arrest, was read a third time and passed, and title agreed to.

On motion of Mr Inghram,

Resolved, That the standing committee on roads be instructed to enquire into the expediency of amending the laws now in force in this Territory, respecting public roads and highways, and that they report by bill or otherwise.

Mr Payne gave notice that he would on to-morrow, move for leave to introduce a bill to repeal an act respecting seals, approved January 24, 1839.

On motion of Mr Hepner,

The Council adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

On motion of Mr Browne,

Resolved, That a select committee be appointed to confer by written communications or otherwise, with the respective publishers of the newspapers referred to in a joint resolution adopted this day by the Council in relation to the publication of the laws of the present session of the Legislative Assembly of the Territory of Iowa, in their several newspapers, and that the committee be instructed to ascertain whether said publishers will comply with the requisition contained in the aforesaid resolution, and that they report the result to the Council.

The Chair appointed Messrs Browne, Clarke and Swazey said committee.

On motion of Mr Payne,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending the second section of the act regulating the practice in the district court, and that they report by bill or otherwise.

On motion of Mr Browne,

Resolved, That the 16th rule for the government of the Council of the Territory of Iowa, be so amended as to admit of any member on the third reading of a bill, joint resolution or memorial, to offer an amendment, but said amendment shall not be adopted, except by a unanimous consent of the members present.

On motion of Mr Inghram,
Mr Swazey was added to the committee on the Judiciary.

On motion of Mr Inghram,
Messrs Lewis and Browne were added to the committee on Roads.
Mr Browne gave notice that he would on to-morrow, or some future day, move for leave to introduce a bill providing for an equitable compensation for improvements made by settlers on the Half Breed Lands, where they have the color of a title.

Mr Hughes gave notice that he would on some future day, move for leave to introduce a bill for a ferry charter across Skunk river, at Hiram Smith's mill, in Henry county.

On motion of Mr Swazey,
Resolved, That a select committee be appointed to draft a memorial to Congress asking an appropriation of money or land for the improvement of the Des Moines river.

The Chair appointed Messrs Swazey, Inghram and Browne said committee.

On motion of Mr Payne,
The Council adjourned.

Thursday Morning, Nov. 14, 1839.

The Council met pursuant to adjournment.

On motion of Mr Lewis,
Resolved, That a committee of two be appointed to communicate with R. C. Tilghman, Esq. United States Engineer, employed to survey and establish a road from Du Buque, to the Missouri, for the purpose of ascertaining the amount necessary to complete said road, and that they report the same to this House, preparatory to memorializing Congress on that subject.

The chair appointed Messrs Lewis and Payne, said committee.

Mr Payne asked leave of absence for Mr Hughes until Tuesday next, which was granted.

Mr Clark, on previous notice, and leave being granted, introduced "A bill concerning deeds and mortgages, and to prevent frauds," which was

On motion of Mr Clark,

Read a first time by its title, and ordered to be printed.

Mr Lewis, on previous notice, and leave being granted, presented "A bill to prevent unjust imprisonment by securing the benefit of the writ of Habeas Corpus," which was read a first time by its title, and ordered to be printed.

Mr Payne on previous notice, and leave being granted, introduced "A bill respecting seals," which was read a first time, and

On motion of Mr Parker, the printing of said bill was dispensed with.

Resolution, C. F. No. 1. respecting the printing of the laws in the public newspapers, &c. was taken up, read a third time and passed.

Bill, No. 3, C. F. A Bill to authorise Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk river in the county of Henry, was taken up, read a third time and passed, and title agreed to.

On motion of Mr Payne,

The resolution on the subject of a turnpike road from the city of Burlington to Mount Pleasant, was taken from the table, and to which Mr Payne offered the following as a substitute:

Resolved by the Council, That the committee on roads be instructed to enquire into the expediency of creating a charter for a turnpike road from the city of Burlington in Des Moines county, to Mount Pleasant in Henry county, and also to memorialize Congress for an appropriation for the same, and that they report by bill or otherwise, which amendment was agreed to.

On motion of Mr Payne,

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

TWO O'CLOCK, P. M.

Mr Parker moved that the Council adjourn, on which question the yeas and nays being required, are as follows:

Those who voted in the affirmative are Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Swazey, and Mr President, 9.

Negative, Mr Payne, 1.

So the question was decided in the affirmative.

Friday Morning, Nov. 15, 1839.

The Council met pursuant to adjournment.

Mr Parker presented a petition from the citizens of Clinton county, praying for a charter for ferry privileges to Elijah Buel, across the Mississippi at the town of Lyons.

On motion of Mr. Parker,

Said petition was referred to the committee on Incorporations.

Bill C. F. No. 6, "A bill respecting Seals," was taken up, read a second time, and,

On motion of Mr. Browne,

Was referred to the committee on the Judiciary.

Mr. Browne on previous notice, and leave being granted, presented "A bill for the benefit of the Settlers, &c. on the half breed lands," which was read and ordered to be printed.

Mr. Clark gave notice that he would, on Monday next, move for leave to bring in a bill to authorise the incorporation of Lyceums.

Mr. Lewis gave notice that he would, on some future day move for leave to present a bill to establish a medical board in this Territory.

On motion of Mr Parker,

The Council adjourned.

Saturday Morning, Nov. 16, 1839.

The Council met pursuant to adjournment.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk :

Mr President—I am instructed to inform the Council that the House of Representatives have passed the following memorial, preamble and joint resolution, and bills, viz :

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

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

A bill to create the office of public printer, and to define his duties.

A preamble and joint resolutions relative to the unsurveyed lands.

A bill regulating grocery licences.

In all of which the concurrence of the Council is requested.

Mr Clark, on previous notice and leave being granted, presented "A bill to authorize the incorporation of Lyceums," which was read and ordered to be printed.

Council file, No. 4, "A bill concerning deeds and mortgages and to prevent frauds," was taken up, read a second time, considered in committee of the whole, Mr Inghram in the chair.

After some time spent in consideration of said bill, the committee rose, and through their chairman, reported the same back to the Council with several amendments, which were concurred in.

Mr Parker moved that the words, "or before the Recorder of such county," in 8th line of 9th section, be stricken out, and the words, "or before the clerk of the district court of such county," be inserted.

On motion of Mr Clark, the question was divided.

The 1st division, viz: for striking out the words "or before the Re-

corder of such county," was agreed to, and the 2d division, viz: the words, "or before the clerk of the district court of such county," was lost.

Mr Lewis moved to insert the words "or before any notary public," after the word "situate" in said 8th line of section 9, which motion to amend was, on leave of the Council, withdrawn by the mover, and the bill as amended was ordered to be engrossed, and read a third time, on Tuesday next.

Council file, No. 5, "A bill to prevent unjust imprisonment by securing the benefit of the writ of Habeas Corpus," was taken up, read a second time and considered in committee of the whole, Mr Hepner in the chair. After spending some time in consideration of said bill, the committee rose and reported the same, through their chairman, back to the Council with sundry amendments, which were concurred in.

Mr Clark moved further to amend, by inserting after the word "felony" in the second line, of the 7th section, the words, "or with suspicion of any felony."

Mr Inghram then moved to re-commit the bill to the Judiciary committee, which was agreed to.

On motion of Mr Lewis,

The Council adjourned, until 2 o'clock.

TWO O'CLOCK, P. M.

Council file, No. 7, "A bill for the benefit of the settlers, &c. on the Half Breed Lands," was taken up, read a second time and considered in committee of the whole, Mr. Parker in the chair.

After some time spent in consideration of said bill, it was reported back to the Council, through their chairman, with several amendments, which amendments were concurred in and the bill as amended was ordered to be engrossed and read a third time on Wednesday next.

On motion of Mr Clark,

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

Monday Morning, Nov. 18, 1839.

The Council met pursuant to adjournment.

Mr. Ralston offered the following:

Resolved, That the Secretary of the Council be and he is hereby directed to give the incidental printing of the Council during the present Session, to James G. Edwards, publisher of the "Hawk-Eye and Iowa Patriot."

Mr. Hepner moved to lay the Resolution on the table, which motion was lost.

The question was then taken upon the Resolution.

Mr. Payne called for the yeas and nays which were as follows:

Those who voted in the affirmative were Messrs. Browne, Clark, Inghram, Keith, Lewis, Ralston, Swazey, Whittlesey, and Mr President, 9.

Those who voted in the negative were Messrs. Hepner, Parker and Payne, 3.

So the Resolution was agreed to.

Mr. Lewis from the Select Committee appointed to communicate with R. C. Tilghman, Esq. relative to the Road from Du Buque to the northern boundary of Missouri, reported that they had performed that duty, and had received the following Communication from Mr. Tilghman.

BURLINGTON, Nov. 16, 1839.

Messrs. LEWIS & PAYNE,

Gentlemen, Your Communication of the 14th inst. accompanying a resolution of the Council calling for information relative to the amount that will be required, to complete the road from Du Buque to the northern boundary of Missouri, has been received.

As I am on the point of departure for the East, it will be impossible for me to give a detailed estimate, in time to meet the views of the Legislature. I feel safe, however, in saying that a sum equal to the last appropriation will be amply sufficient to complete the road.

Very respectfully,

Your obedient servant,

(Signed,)

R. C. TILGHMAN,

U. S. Assistant Engineer.

which, on motion of Mr. Payne, was referred to the Committee on Territorial Affairs.

Mr. Keith, from the Committee appointed to enquire into the Citizenship and eligibility of the officers of the Council, reported that they had the subject under consideration, and that as no specific charge came before them either in regard to citizenship or eligibility upon which your committee could have any action, they ask to be discharged from a further consideration of the subject.

On motion of Mr Payne, the report was concurred in, and the Committee discharged.

H. R. file, No. 2, "A Memorial on the subject of Post Roads in Iowa," was taken up read a first time, and ordered to a second reading.

Bill No. 3, H. R. file, "An act for the appointment of Librarian &c." was read a first time, and ordered to a second reading on to-morrow.

Bill No. 4, H. R. file, "An Act to create the office of Public Printer and to define his duties," was taken up, read a first time, and ordered to a second reading on to-morrow.

H. R. file, No. 5, "A Preamble and Joint Resolution relative to the unsurveyed lands," was taken up, read a first time, and ordered to a second reading on to-morrow.

Bill No. 7, H. R. file, "An Act regulating Grocery Licence" was

taken up, read a first time, and ordered to a second reading on to-morrow.

Bill No. 8, C. F. "A Bill to authorize the incorporation of Lyceums" was taken up and read a second time.

Mr. Parker moved to amend by striking out the word "five" in the 5th line of the 3d Section, and insert the word "ten."

Mr. Payne moved further to amend the amendment by adding thereto the words, "Provided the said Lyceums shall not use banking privileges," which amendment was lost.

The original motion to amend was then put, and agreed to, and

On motion of Mr. Parker, the Bill was ordered to be Engrossed and read a third time on Thursday next.

Mr. Whittlesey, on previous notice, and leave granted, introduced Bill No. 9, C. F. "To authorize evidence by the oath of parties," which was read a first time and ordered to be printed.

On motion of Mr. Parker,

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

TWO O'CLOCK, P. M.

On motion of Mr. Inghram,

The Report and Resolution of the Select Committee on the subject of Printing was taken from the table, and

On motion of Mr. Inghram,

The blank was filled with the name of James G. Edwards.

On motion of Mr. Clark,

The Report and Resolution were again laid on the table.

The following Message was received from the House of Representatives, by Mr. Fales, Chief Clerk:

MR. PRESIDENT: The House of Representatives have passed the Joint Resolutions relative to the appointment of a Fiscal Agent, with amendments. They have also passed

No. 1, C. F. A memorial for the benefit of Jeremiah Smith, Jr.

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

No. 6, H. R. file. A Bill to provide for the election of County Treasurers, and to define their duties.

No. 12, H. R. file. A Memorial for the Improvement of the Iowa and Cedar Rivers.

In which the concurrence of the Council is requested."

Mr. Clark moved that James G. Edwards be authorized to print fifty-five copies of the daily Journal of the Council, in pamphlet form, for the use of the members of the Council; on which question the yeas and nays were called for by Mr. Payne, and were as follows:

Those who voted in the affirmative were Messrs. Browne, Clark, Inghram, Keith, Parker, Ralston, Swazey, Whittlesey and Mr. President, 9.

Those who voted in the negative were Messrs. Hepner, Lewis and Payne, 3.

So the question was agreed to.

Mr. Whittlesey, from the Select Committee appointed for the purpose, made the following Report :

"The Committee appointed to inquire into the loss of missing papers of the Council, relating to the unfinished business of the last session of the Legislature, Report, That the said papers have been obtained from Mr. Charles Weston, who has in his charge the papers, &c. of the late Secretary of the Territory, they having been taken under his charge for safe keeping, by the latter gentleman, after the close of the last session of the Legislature."

Which Report was adopted, and the Committee discharged.

Joint Resolution, C. F. No. 3, being under consideration as reported back from the House of Representatives with amendments, said amendments were read and concurred in.

Bill No. 6, H. R. file. "An Act to provide for the election of County Treasurers and to define their duties," was read a first time and ordered to a second reading.

Memorial No. 12, H. R. file. "For the Improvement of the Iowa and Cedar Rivers," was read a first time and ordered to a second reading.

On motion of Mr. Clark,

Ordered, That twenty copies of the Bill, H. R. file, No. 3, providing for the appointment, &c. of Librarian, be printed for the use of the Council.

On motion of Mr. Browne,

Resolved, That the standing committee on the Territorial Library be instructed to wait on his excellency Gov. Lucas, and respectfully request him to furnish them with a catalogue of the books composing the Territorial Library, together with the original inventory of purchase, for the information of the Council.

On motion of Mr Parker,

The Council adjourned.

Tuesday Morning, Nov. 19, 1839.

The Council met pursuant to adjournment.

Mr Parker presented the Petition of Andrew Logan, Editor of the "Iowa Sun" praying for the Printing of the Laws passed during the present session of the Iowa Territorial Legislature, which was read, and

On motion of Mr Payne, laid on the table.

Mr Lewis from the Committee on Territorial affairs to whom was referred the Communication of R. C. Tilghman, Esq., presented a "memorial for an appropriation for the completion of a Road from Du Buque to the Northern boundary of Missouri," which was read a first time, and ordered to be printed.

Bill No. 9, C. F. "A Bill to authorize evidence by the oath of parties," was taken up, read a second time and considered in Committee of the whole, Mr Payne in the Chair. After spending some time in consideration of said Bill, the Committee rose, and reported the same back to the Council, through their Chairman, with sundry amendments, which amendments were concurred in, and the Bill was ordered to be Engrossed, and read a third time on to-morrow.

H. R. file, No. 2, "A memorial on the subject of Post Roads in Iowa" was taken up, read a second time, and

On motion of Mr Parker,

The memorial was referred to a Select Committee to be composed of one member from each Electoral district.

The Chair appointed Messrs Parker, Clark, Inghram, Payne, Swazey, Browne, Whittlesey and Lewis said Committee.

H. R. file, No. 4, "An Act to create a Public Printer, and to define his duties, was taken up, read a second time, and

On motion of Mr Clark,

It was referred to a Committee of the whole and made the special Order of the day for Tuesday next.

H. R. file, No. 5, Preamble and Resolutions relative to the unsurveyed lands was taken up, read a second time, and considered in Committee of the whole, Mr Swazey in the Chair. After some time spent in consideration of said Preamble and Resolutions, the Committee rose and through their chairman, reported the same back to the Council with amendments, which said amendments were concurred in, and the Preamble and Resolutions as amended were ordered to a third reading on to-morrow.

H. R. file, No. 6, "A Bill to provide for the election of county Treasurers, and to define their duties" was taken up, read a second time, and considered in Committee of the whole, Mr Whittlesey in the chair. After spending some time in consideration of said Bill, the committee rose, and through their chairman, reported the same back to the Council with sundry amendments which amendments were concurred in.

On motion of Mr Parker,

The bill was referred to the committee on the Judiciary, with instructions to report on Thursday morning next.

H. R. file, No. 7, "An act regulating grocery license," was taken up read a second time, and,

On motion of Mr Inghram,

The bill was referred to the committee on Finance.

H. R. file, No. 12, "A memorial for the improvement of the Iowa and Cedar rivers," was taken up, read a second time, and considered in committee of the whole, Mr Browne in the chair. After spending some time in consideration of said memorial, the committee rose, and, through their chairman, reported the same back to the Council with one amendment, which amendment was concurred in, and the memorial as amended, was ordered to a third reading on to-morrow.

Mr Lewis gave notice that on to-morrow or some future day he would move for leave to bring in a bill to incorporate a college in the town of Du Buque.

Mr Clark gave notice that he would on to-morrow, or on some future day move for leave to bring in a bill for the relief of the poor.

Mr Browne moved that the Council now adjourn until 2 o'clock, P. M.

Mr Parker moved to amend the motion that the Council adjourn until 10 o'clock, to-morrow, which amendment was lost, and the original motion was then put and agreed to, and the Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

H. R. file No. 3, "A bill to provide for the appointment of a Librarian and for other purposes" was taken up, read a second time and considered in committee of the whole, Mr Parker in the chair. After spending some time in consideration of said bill, the committee rose and, through their chairman reported the same back to the Council, without amendment, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr. Inghram,

The bill was referred to the committee on the Judiciary.

The following message was received from the House of Representatives by Mr. Fales, Chief Clerk:

Mr President,

The House of Representatives have passed No. 3, C. F. "An act to authorise Vinson H. Wamsley and Barnet Ristine to erect a dam across the Cedar fork of Skunk river, &c." also

No. 10, H. R. file, "A preamble and joint Resolution relative to the improvement of the Des Moines river."

No. 14, H. R. file, "A memorial to Congress for a survey of Skunk river." In which the concurrence of the Council is requested.

No. 4, Council file, "A bill concerning deeds and mortgages and to prevent frauds" being under consideration was found to have been incorrectly engrossed, and was ordered to be returned to the Engrossing Clerk for correction.

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

H. R. file, No. 14, "A memorial to Congress for a survey of Skunk river," was taken up, read a first time, and ordered to a second reading.

Mr. Swazey gave notice that he would, on to-morrow move for leave to introduce a "bill to incorporate the Iowa Academy of Literature, Arts and Sciences."

On motion of Mr Hughes,
The Council adjourned.

Wednesday Morning, Nov. 20, 1839.

The Council met pursuant to adjournment.

On motion of Mr Swazey,

Resolved, That the Committee on the Territorial Affairs, to whom was referred that part of the Governor's Message relating to the Disputed Boundary between the State of Missouri and the Territory of Iowa, be instructed to report to this House a memorial to Congress, at as early a day as practicable, praying that honorable body to establish the boundary line between the said State and Territory.

Mr Hepner, from the Committee on Finance, to whom was referred Bill No. 7, H. R. file, entitled "An Act regulating Grocery License," reported the same to the Council with amendments, which were read a first time and ordered to a second reading on to-morrow.

Mr Payne, on previous notice, and leave being granted, introduced "A Bill for taking the Census, or enumeration of the inhabitants of the Territory of Iowa," which was read a first time.

Mr Lewis moved that the Bill be rejected, which motion on leave of the Council, he withdrew, and the bill was ordered to be printed.

Mr Payne gave notice that on to-morrow, or on some future day, he would move for leave to introduce a "Bill to provide for Common Schools."

Mr Swazey, on previous notice, and leave being granted, presented a "Bill to incorporate the Iowa Academy of Literature, Arts and Sciences," which was read a first time.

Mr Hepner moved that the Bill be rejected, which motion was lost, and the Bill was ordered to be printed.

C. F. No. 2. "A memorial for an appropriation for the completion of a road from Du Buque to the Northern boundary of Missouri," was taken up, read a second time, and considered in committee of the whole, Mr Clark in the Chair. After some time, the Committee rose, and through their Chairman, reported said memorial back to the Council with one amendment, which amendment was concurred in and the memorial as amended was ordered to be Engrossed and read a third time on to-morrow.

H. R. file, No. 10. "A Preamble and Joint Resolution relative to the improvement of the Des Moines river" was taken up, read a second time, and considered in Committee of the whole, Mr Hepner in the Chair. After some time, the committee rose, and, through their Chairman, reported the said preamble, &c., back to the Council without amendment, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr Swazey,

The said Preamble and Resolution were referred to a select committee.

The chair appointed Messrs Swazey, Browne and Ingham said committee.

H. R. file, No. 14, "A memorial for the survey of Skunk river," was taken up, and read a second time.

Mr Parker moved to amend by inserting the name of the Hon. W. W. Chapman in the resolution between the words "to" and "our," which amendment was agreed to, and the bill was ordered to a third reading on to-morrow.

C. F. No. 9, "A bill to authorize evidence by the oath of parties," was taken up, read a third time and passed, and the title agreed to.

H. R. file, No. 5, "A preamble and joint resolution relative to the unsurveyed lands" was taken up, read a third time and passed.

H. R. file, No. 12, "A memorial for the improvement of the Iowa and Cedar rivers," was taken up, read a third time, and passed.

Mr Lewis offered the following:

Whereas, on the fifth day of December, 1838, a joint resolution was adopted by the Legislative Assembly authorizing the Secretary of this Territory to employ Mr Wagner forthwith to engrave an appropriate seal for the Supreme Court of this Territory, also a seal for the U. S. District Court in each organized county in this Territory, therefore

Resolved, That Charles Weston, Esq., be requested to inform the Council whether said resolution has been complied with, and the result of the same.

Which resolution was adopted.

On motion of Mr Hepner,

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

TWO O'CLOCK, P. M.

C. F. No. 7. "A Bill for the Benefit of the Settlers, &c. on the Half Breed Lands" was taken up, read a third time and passed, and the title agreed to.

On motion of Mr Lewis,

The Council adjourned.

Thursday Morning, Nov. 21, 1839.

The Council met pursuant to adjournment.

On motion of Mr Swazey,

Resolved, That the standing committee on Roads be instructed to enquire into the expediency of memorializing Congress, on the subject of an appropriation for the purpose of improving the Territorial Road from the Town of Keokuk on the Mississippi River, in the county of Lee, to Iowaville, at or near the Indian boundary line in the county of Van Bu-

ren, which Road was located by an act of the Legislature, approved Dec. 14, 1838.

Mr Hepner, from the committee on Enrollments, reported that they had examined

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

"A Resolution relative to the appointment of a Fiscal Agent," also

"A memorial of Jeremiah Smith," and report them correctly enrolled.

Mr Parker from the select committee to whom was referred the memorial H. R. file, on Post Roads in Iowa, reported the same back to the Council with amendments, which amendments were read, laid upon the table, and the memorial ordered to be printed as amended.

Mr Hepner from the committee on Finance, to whom was referred the Report of the Directors of the Penitentiary, reported a memorial to Congress asking an appropriation of twenty thousand dollars to aid in completing said Penitentiary, which was read and ordered to be printed.

Mr Payne, from the committee on the Territorial Library, to whom was referred the Resolution passed the 18th inst. reported, that they had performed their duty, and that it has been the pleasure of His Excellency Governor Lucas to comply with the same, that a catalogue of Books is herewith submitted for the inspection of the Council, and that the original Invoices are in possession of the committee, which his Excellency requests may be returned, as they will be needed in settling with his agent.

On motion of Mr Payne,

The Report, &c. was laid on the table, and one hundred copies of the Catalogue were ordered to be printed in pamphlet form, and one hundred copies of the Report and accompanying Documents in sheet form.

Mr Parker, from the committee on the Judiciary, reported Bill No. 1. C. F. back to the Council with amendments, which were read and laid on the table, and the Bill as amended was ordered to be printed.

Mr Parker, from the same committee, reported Bill No. 3, H. R. file, back to the Council with amendments, which were read, and laid on the table, and the Bill as amended was ordered to be printed.

H. R. File, No. 7, "A bill to regulate Grocery license," was taken up, read a second time, and considered in committee of the whole, Mr Payne in the chair. After spending some time in consideration of said bill, the committee rose, and, through their chairman, reported the same back to the Council without amendment, which report was concurred in.

Mr. Parker offered the following as an amendment to the bill.

Sec. 7. Any person keeping or wishing to keep a grocery in an incorporated town or city, must in addition to county license, procure one from the corporate authorities of such town or city. And unless such license be procured, such person shall be subject to the penalties of this act.

On which amendment the ayes and nays were called for, and were as follows:

Those who voted in the affirmative were Messrs Clark, Inghram, Parker and Payne, 4.

Those who voted in the negative were, Messrs Hepner, Hughes, Keith, Lewis, Ralston, Swazey and Mr President, 7.

So the amendment was lost.

Mr Clark moved to amend the 1st Sec. by striking out the word "twenty-five," and inserting "fifty," on which motion the yeas and nays were called, and were as follows :

Those who voted in the affirmative were Messrs Clark, Hughes and Parker, 3.

Those who voted in the negative were Messrs Hepner, Inghram, Keith, Lewis, Payne, Ralston, Swazey and Mr President, 8.

So the amendment was lost.

On motion of Mr Payne,

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

TWO O'CLOCK, P. M.

Mr Lewis asked leave of absence for Mr Browne until Monday next, which was granted. The Council resumed the consideration of bill No. 7, H. R. file, "A bill to regulate grocery license."

Mr. Swazey offered the following amendment :

Provided, That no provision of this act shall be so construed as to interfere or in any way abridge the powers and privileges heretofore granted to the cities and corporated towns within this Territory,' which amendment was agreed to.

Mr Clark offered the following amendment :

If a majority of the legal voters in any county, township, incorporated city or town shall petition the board of county commissioners or other authority hereby authorized to grant licenses, desiring that spirituous liquors shall not be retailed within the bounds of said county, township, or incorporated city or town, then and in that case it shall not be lawful to grant any grocery license in said county, township, city, or town, until a majority of the legal voters in said county, township, city or town shall in like manner, petition for the granting of said licenses.

On motion of Mr Swazey,

A call of the House was had, and absent members sent for.

On motion of Mr Payne,

The further call of the House was suspended, and the yeas and nays were called for on the adoption of the proposed amendment, and were as follows :

Those who voted in the affirmative were Messrs Clark, Inghram, Parker and Payne, 4.

Those who voted in the negative, were Messrs Hepner, Hughes, Keith, Lewis, Ralston, Swazey and Mr President, 7.

So the question was lost.

Mr Parker offered the following amendment:—

If a majority of two thirds of the legal voters in any county, township, incorporated city or town, shall petition the board of county commissioners or other authority hereby authorized to grant licenses, desiring that spirituous liquors shall not be retailed within the bounds of said county, township or incorporated city or town, then, and in that case, it shall not be lawful to grant any grocery license in said county, township, city or town, until a majority of the legal voters in said county, township, city or town, shall in like manner petition for the granting of said licenses.

On the adoption of the amendment, the yeas and nays were required, and were as follows :—

Those who voted in the affirmative were Messrs Clark, Inghram, Parker and Payne, 4.

Those who voted in the negative were Messrs Hepner, Hughes, Keith, Lewis, Ralston, Swazey and Mr President, 7.

So the amendment was lost.

Mr Clark moved that the further consideration of the Bill be indefinitely postponed, which motion was, on leave of the Council, withdrawn, and the yeas and nays were required on the question of its third reading, which were as follows :—

Those who voted in the affirmative were Messrs Hepner, Hughes, Keith, Lewis, Ralston, Swazey and Mr President, 7.

Those who voted in the negative were Messrs Clark, Inghram, Parker and Payne, 4.

So the Bill was ordered to a third reading on to-morrow.

On motion of Mr Clark,

Resolved, That the standing committee on Roads be instructed to enquire into the expediency of memorializing Congress on the subject of an appropriation for the improvement of the Territorial Road, located and established by an act approved Jan. 25, 1839; and commencing at the ferry landing opposite Oquaka, Illinois, and terminating at Napoleon in Johnson county.

C. F. No. 8, "A Bill to authorize the incorporation of Lyceums," was taken up, read a third time and passed, and the title agreed to.

H. R. file, No. 14, "A memorial for the improvement of Skunk river," was taken up, read a third time, and passed.

On motion of Mr Clark,

The Council adjourned.

Friday Morning, Nov. 22, 1839.

The Council met pursuant to adjournment.

The following Message was received from the House of Representatives by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have passed

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

No. 17, H. R. file. "A memorial to Congress for establishing another Land District in this Territory."

No. 18, H. R. file. "Joint Resolution relative to Russell & Reeves, printers of the laws of last session."

The House have also passed .

No. 5, C. F., "A joint resolution relative to the distribution of the Acts of the 25th Congress," with amendments, in which the concurrence of the Council is requested.

Mr. Clark gave notice that he would on some future day move for leave to introduce "A bill to incorporate the Iowa Flouring and Manufacturing Company."

No. 15, H. R. file, "A memorial to Congress for a donation of land for literary purposes," was taken up, read a first time, and ordered to a second reading.

Mr. Lewis asked leave of absence for Mr. Wallace, Secretary of the Council, until Monday next, which was granted.

On motion of Mr Payne,

The joint resolution, H. R. file, relative to Messrs Russell and Reeves was taken up, and read a first time.

On motion of Mr. Inghram,

The resolution was read a second time.

On motion of Mr. Inghram,

The rule of the Council prohibiting the second and third reading on the same day was suspended, and the resolution was read a third time and passed.

On motion of Mr Clark,

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

Monday Morning, Nov. 25, 1839.

The Council met pursuant to adjournment.

Mr Lewis presented the petition of Messrs Quigley and Dixon, Committee, &c. on the subject of ferry privileges at the town of Du Buque, which was read and referred to the Committee on Incorporations.

Mr Parker, from the committee on the Judiciary, to whom was referred bill No. 6, H. R. file, "A bill to provide for the election of County Treasurers and to define their duties," reported the same to the Council with amendments, the report was concurred in, the amendments were read a first time, and ordered to a second reading.

Mr. Whittlesey, from a select committee to whom was referred the communication of the Hon. W. W. Chapman, reported

That the committee have been unable to ascertain whether copies of the memorials or resolutions referred to by Col. Chapman in his communication have ever been forwarded, with the exception of the one received by him and forwarded by his Excellency Gov. Lucas, they would therefore recommend the passage of the following resolution:

Resolved by the Council and House of Representatives of the Territory of Iowa, That Charles Weston be requested to make and forward to the President of the Senate and Speaker of the House of Representatives of the United States, and to the Hon. W. W. Chapman, our delegate to Congress, each a copy of all memorials and resolutions of the last session now in his possession, the object of which is to obtain the aid or action of the Congress of the United States.

The Council concurred in the Report, and the Resolution was read a first time and ordered to be printed.

Mr Parker gave notice that he would, on to morrow, move for leave to introduce the following bills:

"A bill relative to Coroners and their duties."

"A bill to provide for the appointment of Notaries Public, and to prescribe their duties," and

"A bill concerning the size of counties and providing a way in which county lines may be altered."

The following message was received from the House of Representatives, by Mr. Fales, Chief Clerk:

Mr President,

The House of Representatives have passed No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships."

The House have concurred in the first amendment made by the Council to No. 5, H. R. file, entitled "Preamble and Joint Resolutions relative to the unsurveyed lands," and disagreed to the second amendment.

The House have disagreed to the amendment of the Council to No. 12, H. R. file, entitled "Memorial for the improvement of the Iowa and Cedar rivers." In which the concurrence of the Council is requested.

I herewith present for your signature the following, the same having been signed by the Speaker of the House of Representatives:

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

No. 3, C. F. entitled "Joint Resolution relative to the appointment of Fiscal Agent."

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

No. 3, C. F. entitled "An Act to authorise Vinson H. Wamsley, and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk River, &c."

No. 2, C. F. entitled "an act to authorise the Legislative Assembly to punish for contempt, &c." which were severally signed by the president of the Council.

No. 5, C. F. "Joint Resolution relative to the distribution of the acts of the 25th Congress," having been returned from the House of Representatives, with amendments, was taken up, the amendments were read, and

On motion of Mr Hepner were disagreed to.

No 17, H. R. file "A memorial to Congress for establishing another Land District in this Territory" was taken up, read a first time and ordered to a second reading.

Bill No. 3, H. R. File, "A bill to provide for the appointment of Librarian, and for other purposes," being under consideration as amended by the Judiciary Committee, was read a second time and considered in committee of the whole, Mr Lewis in the chair. After some time spent in consideration of said bill, the committee rose, and through their chair-

man, reported the same back to the Council, with sundry additional amendments, which amendments were concurred in.

Mr Clark moved to amend the 1st section, by striking out after the word "appointed," and insert "by the Governor, by and with the advice and consent of the Legislative Council."

On motion of Mr Hepner,

A call of the Council was had, and absent members sent for.

On motion of Mr Hepner,

The further call of the Council was dispensed with.

The yeas and nays were called for on the proposed amendment, and were as follows:

Those who voted in the affirmative were Messrs Clark, Keith, Swazey and Mr. President, 4.

Those who voted in the negative, were Messrs Browne, Hepner, Ingraham, Lewis, Parker, Ralston, and Whittlesey, 7.

So the amendment was lost, and the bill as amended was ordered to a third reading.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk :

Mr President,

The House of Representatives have passed No. 34, H. R. file, entitled "A bill in relation to the safe custody of persons arrested for crimes and misdemeanors" in which the concurrence of the Council is requested.

On motion of Mr Swazey,

Bill No. 34, H. R. file was taken up, read a first and second time, and considered in committee of the whole, Mr Parker in the chair. After spending some time in consideration of said Bill, the committee rose, and through their chairman, reported the Bill back to the Council, without amendment, which report was concurred in.

Mr Parker moved to amend by striking out in Sec. 6. the word "aid" where it occurs the second time, and insert "assistance" which motion, he, on leave of the Council withdrew.

Mr Parker, moved to amend 4th Sec. after the word "writing" to insert "Signed and Sealed by the officer making the same," which was agreed to, and the Bill as amended was ordered to a third reading.

On motion of Mr Swazey,

The Rule of the Council prohibiting the second and third reading of a Bill on the same day, was suspended, and the Bill was read a third time.

Mr Parker, moved to amend the fifth section of the Bill by inserting between the words "otherwise" and "discharged" the word "lawfully" which was agreed to by unanimous consent of the Council.

Mr Lewis then moved to insert the following as an additional section.

Sec. 8. That no expense that may be incurred in conveying persons to other counties, who are arrested for any offence relative to the disputed Territory between Missouri and this Territory, shall come under the provisions of the foregoing section of this act, but such expense shall be paid out of any money in the Territorial Treasury not otherwise appropriated, which was not agreed to.

The Bill was then passed and the title agreed to.

No. 1, C. F A Bill relative to Landlords and Tenants, was read a sec-

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ond time as amended by the Judiciary Committee, and before further action thereon

On motion of Mr Parker,
The Council adjourned, until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 1, C. F. "A Bill relative to Landlords and Tenants" was read a second time, and

On motion of Mr Parker,

Was ordered to be considered in committee of the whole, and made the special order of the day for to-morrow.

No. 3, C. F. "A memorial in relation to the Penitentiary" was read a second time, and

On motion of Mr Parker, was referred to the committee on Territorial Affairs.

On motion of Mr Payne,
The Council adjourned.

Tuesday Morning, Nov. 26, 1839.

The Council met pursuant to adjournment.

Mr Payne offered the following:

Resolved, that the select committee to whom was referred that part of the governor's message relating to forming a State constitution, be required to report by Thursday morning next, which

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

The following message was received from the House of Representatives, by Mr. Fales, chief clerk:

Mr President: The House of Representatives have concurred in the amendments made by the Council to "An act in relation to the safe custody of persons arrested for crimes and misdemeanors."

I also present the said act for your signature, the same having been signed by the Speaker of the House of Representatives."

The said Act was then signed by the President of the Council.

On motion of Mr Hepner

Resolved, That the committee to whom was referred that part of the Governor's message which relates to the election of Delegate to congress, be instructed to report on Saturday next.

Mr Whittlesey from the committee on enrollments, presented the following receipt from his Excellency Governor Lucas:

EXECUTIVE DEPARTMENT,
November 25, 1839.

Received of Charles Whittlesey, Esq. member of the legislative assembly, the following bills and memorials, submitted for my consideration, to wit:

"An act to authorise Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk River, &c." also "an Act to authorise the Legislative Assembly to punish for contempt, &c." "memorial of Jeremiah Smith," also "Joint resolution relative to the appointment of Fiscal Agent." (Signed) ROBERT LUCAS.

Mr Lewis from the committee on Territorial affairs presented a "memorial upon the subject of the disputed boundary line between this Territory, and the state of Missouri," which was read a first time, and ordered to be printed.

Mr Parker on previous notice, and leave being granted, introduced the following bills, viz:

No. 12, C. F. "A bill relative to coroners and their duties,"

No. 13, C. F. "A Bill concerning the size of counties, &c."

No 14, C. F. "A bill to provide for the appointment of Notaries Public, and to prescribe their duties,"

Which were severally read a first time and ordered to be printed.

No. 1, H. R. file, "An Act to provide for the incorporation of Townships," was read a first time and ordered to a second reading.

H. R. file, No. 5, "A Preamble, &c. relative to unsurveyed lands," having been returned from the House of Representatives with their disagreement to the amendment of the Council, was taken up, and

On motion of Mr Hepner,

The Council insisted on the amendment.

H. R. file, No. 12, "Memorial for the improvement of the Iowa and Cedar rivers," having been returned, the amendment of the Council was also disagreed to by the House of Representatives.

On motion of Mr Hepner,

The Council insisted on the amendment.

H. R. file, No. 14. "Memorial for a survey of Skunk river," having been returned from the House of Representatives with the amendment of the Council disagreed to,

On motion of Mr. Hepner,

The Council insisted on the amendment.

C. F. No. 10, A Bill for taking the Census, &c. was taken up and read a second time.

Mr Hepner moved to lay the bill on the table.

Mr Payne asked for a call of the House, which was had, and absent members sent for, and

On motion of Mr Hepner, the further call was dispensed with.

The question of laying the bill on the table was then put and agreed to.

C. F. No. 11. "A bill to incorporate the Iowa Academy of Literature, Arts and Sciences," was taken up, read a second time, and considered in committee of the whole, Mr Payne in the chair. After spending some time in consideration of said bill, the committee rose, and through their

chairman reported the same back to the Council with sundry amendments, which report was concurred in.

Mr Payne moved further to amend the bill by striking out the 9th Sec. The yeas and nays being required on this question, were as follows:

Those who voted in the affirmative were Messrs Hepner, Inghram and Payne, 3.

Those who voted in the negative were Messrs Browne, Clark, Hughes, Keith, Lewis, Parker, Ralston, Swazey, Whittlesey, and Mr President, 10.

So the amendment was lost.

Mr Whittlesey moved to strike out the words "without limitation," in the 9th Section, and insert the words "for twenty years."

Mr Inghram moved to amend the amendment by striking out the 9th Section and inserting the following in its stead :

Sec. 9. Be it further enacted, that nothing in this act shall be so construed as to prevent any future Legislature from altering, amending or repealing said act whenever they shall be satisfied that the privileges herein granted have been abused to the injury of the community at large,

Which was accepted by the mover of the original amendment, and adopted by the Council, and the bill as amended was ordered to be engrossed and read a third time.

On motion of Mr Hepner,

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

TWO O'CLOCK, P. M.

H. R. file, No. 4, "An act to create the office of Public Printer and to define his duties," being the special order of the day, was taken up and considered in committee of the whole, Mr Inghram in the chair. After spending some time in consideration of said bill, the committee rose, and through their chairman, reported progress and asked leave to sit again on to morrow, which was granted.

The following message was received from the House of Representatives by Mr. Fales, Chief Clerk :

Mr President,

The House of Representatives have passed No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware and to locate the seat of justice thereof."

No 20, H. file, "A memorial to Congress, for an appropriation to construct a rail road from Lake Michigan to the Mississippi river."

No. 24, H. R. file, "A bill for the relief of persons having conscientious scruples against bearing arms in time of peace."

In all of which the concurrence of the Council is requested.

No. 1, C. F. "A bill relative to landlords and tenants," being the special order of the day, was taken up and considered in committee of the whole, Mr Swazey in the chair. After spending some time in consideration of said bill the committee rose, and through their chairman, reported the same back to the Council with sundry amendments, which amendments were concurred in, and the bill as amended was ordered to be engrossed and read a third time on Friday next.

Mr. Payne gave notice that he would, on _____ or on some future day, move for leave to introduce "A bill to legalize the acts of the county commissioners of Henry county, in appointing an agent to transact the business pertaining to the sale of the county pre-emption, under the act of Congress of the 26th May, 1824, and also to empower said agent to convey the titles in accordance with the sales already made by their agent, J. B. Teas.

No. 4, C. F. "A bill concerning deeds and mortgages, and to prevent frauds," was taken up, read a third time, passed and the title agreed to.

No. 2, C. F. "A memorial on the subject of an appropriation on the Territorial Road from Du Buque to the northern boundary of Missouri, was taken up, read a third time and passed.

No. 7, H. R. file, "A bill regulating grocery license" being under consideration,

Mr Payne moved that the further consideration of the bill be postponed until the 4th of July next.

The yeas and nays were required on this question and were as follows:

Those who voted in the affirmative were Messrs. Inghram, Parker, Payne, and Whittlesey, 4.

Those who voted in the negative were, Messrs. Browne, Hepner, Hughes, Keith, Lewis, and Mr. President, 6.

So the question was lost.

On motion of Mr. Inghram,

The bill was recommitted to a select committee. The chair appointed Messrs Inghram, Lewis, Clark, Hepner and Parker said committee.

Mr. Whittlesey from the joint committee on enrollments reported

That they had presented to the Governor for his approval and signature, H. R. file No. 34, "an Act in relation to the safe custody of persons arrested for crimes and misdemeanors."

Mr. Hughes gave notice that he would on to-morrow, or on some future day, move for leave to introduce

"A bill to legalise the acts of the surveyor of Henry county," and

"A bill to district the county of Henry, into three separate commissioner districts."

H. R. file No. 3, "A bill to provide for the appointment of a Librarian and for other purposes," was taken up and read a third time.

Mr Parker moved to strike out the word "at" and insert "previous to," in the 14th section, which was agreed to by unanimous consent of the Council.

Mr Whittlesey moved to refer the bill to a select committee, which was agreed to, and the Chair appointed Messrs Whittlesey, Parker and Swazey said committee.

On motion of Mr Hughes,

The Council adjourned.

Wednesday Morning, Nov. 27, 1839.

The Council met pursuant to adjournment.

Mr. Whittlesey, from a select committee to whom was referred H. R. file, No. 3, "A bill to provide for the appointment of a Librarian, and for other purposes," reported the same with two amendments.

On motion of Mr Clark,

The question was taken on the amendments separately, and they were both disagreed to by the Council.

On motion of Mr Clark,

The Bill was recommitted to the committee on the judiciary.

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

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

Mr. Hughes moved to lay the memorial on the table, which motion was lost.

Mr Hughes moved to reject the memorial, which motion, on leave of the Council, he withdrew, and the memorial was ordered to a second reading.

H. R. file, No. 24, "A bill for the relief of persons having conscientious scruples against bearing arms in time of peace," was taken up and read a first time.

Mr Payne moved to reject the bill, which motion he, on leave of the Council, withdrew, and the bill was ordered to a second reading.

H. R. file, No. 2, "A memorial to Congress on the subject of Post Roads in Iowa," was taken up, and the amendments made by the committee on Territorial affairs, were read a second time, and,

On motion of Mr Lewis,

Was committed to a committee of the whole, and made the order of the day for to-morrow.

No. 1, H. R. file, "A Bill to provide for the incorporation of Townships," was taken up and read a second time.

Mr Inghram moved to refer the Bill to the committee on Territorial Affairs.

Mr Parker moved to amend by referring the same to a committee of the whole, which motion was lost.

Mr Lewis then moved to amend by referring the Bill to the Judiciary committee, which last motion was agreed to.

On motion of Mr Inghram,

Mr Lewis was added to the committee on the Judiciary.

Mr Fales, Chief Clerk of the House of Representatives, being announced, delivered the following message :

Mr. President: The House of Representatives request that a committee of conference may be appointed in relation to the disagreeing vote of the two Houses, on Nos. 5, 12, & 14, H. R. file, and have appointed Messrs Hawkins, Langworthy and Bailey, the committee on the part of the House.

The House insist on their amendment to a joint resolution relative to the distribution of the acts of the 25th Congress.

No 15, H. R. file, "Memorial for a donation of land for literary purposes, was taken up, read a second time, and

On motion of Mr. Parker

Was amended by striking out the word "College" and inserting "University," and the memorial as amended was ordered to a third reading.

Mr Clark moved to suspend the rule prohibiting the second and third reading on the same day, which was agreed to, and the memorial was read a third time, and

On motion of Mr. Parker,

The memorial was amended by prefixing a caption thereto, which was agreed to by unanimous consent of the Council.

On motion of Mr Inghram,

The memorial was further amended by unanimous consent of the Council by inserting "W. W. Chapman" before the words "our delegate" in the resolution, and the memorial as amended was passed.

No 17, H. R. file, "memorial to congress for the establishment of another Land District in this Territory, was taken up, read a second time, and considered in committee of the whole, Mr Lewis in the chair. After some time spent therein, the committee rose, and by their chairman reported the same to the Council, with an amendment, and asked to be discharged from the further consideration of the subject, which report was concurred in, and

On motion of Mr. Clark,

The memorial was referred to the committee on Territorial affairs.

On motion of Mr Lewis,

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

TWO O'CLOCK, P. M.

H. R. file, No. 6, "A bill to provide for the election of County Treasurers and to define their duties," was taken up, and the amendments reported by the Judiciary committee, were read a second time. The Council resolved itself into a committee of the whole for the consideration of said amendments, Mr Clark in the chair. After spending some time therein, the committee rose, and, through their chairman, reported to the Council that they had adopted the amendments made by the Judiciary committee, which report was concurred in, and the bill as amended, was ordered to a third reading on to-morrow.

Mr. Clark from the Judiciary committee, to whom was referred H. R. file, No. 3, "A bill to provide for the appointment of a Librarian and for other purposes," reported the same with two amendments to the Council.

On motion of Mr Parker,

The first amendment was rejected.

Mr. Parker moved to amend the second amendment by striking out "two hundred and ten" and inserting the words "two hundred and fifty," which was lost.

Mr. Parker then moved to amend by striking out the same words and inserting "two hundred," which was also lost, and

The second amendment of the committee on the Judiciary was adopted, and the bill as amended was ordered to a third reading on to morrow.

Mr Fales, clerk of the House of Representatives, being announced delivered the following message:

Mr President:

The House of Representatives have passed No. 25, H. R. file. "A Bill to regulate the institution of suits by foreign Executors and Administrators in this Territory."

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

No. 27, H. R. file, "A Bill regulating Marriages," in which the concurrence of the Council is requested.

The consideration of H. R. file No. 4. "An Act to create the office of Public Printer, and to define his duties," was resumed in committee of the whole, Mr Inghram in the chair. After spending some time in consideration of said Bill, the committee rose, and through their chairman, reported the same to the Council with sundry amendments, which amendments were concurred in.

Mr Lewis offered the following amendment,

Sec. 7. If the public printer elected under the provisions of this Act shall fail to print the Laws within the time above specified, the Secretary of the Territory is authorized, and he is hereby required to employ other printers to perform the work herein required of said public printer.

Mr Parker moved to amend the amendment by inserting between the words "required" and "to" the words "if he deem it expedient," which was agreed to.

And the amendment as amended was adopted.

Mr Clark moved further to amend the Bill by inserting between the words "two" and "sufficient" in section 6 the words "or more," and by adding to the said section "which Bond to be approved by the Governor," which amendment was agreed to, and the Bill as amended was ordered to a third reading on to-morrow.

On motion of Mr Hepner,

The Council adjourned.

Thursday Morning, Nov. 28, 1839.

The Council met pursuant to adjournment.

Mr Clark, on previous notice, and leave being granted, introduced "A bill for the relief of the poor," which was read a first time, and ordered to be printed.

Mr Hughes, on previous notice, and leave being granted, introduced "A bill to make valid in law the Acts of Mathew Mather, &c.," which was read a first time, and ordered to be printed.

Mr Swazey, from the committee to whom was referred H. R. file, No. 10, "A preamble and resolution relative to the improvement of the Des Moines river," reported the same with sundry amendments, which amendments were read a first time, and ordered to a second reading.

C. F. No. 5, "A joint resolution relative to the distribution of the Acts of the 25th Congress," having been returned again from the House of Representatives with a message informing the Council that they insisted on their amendment, was taken up, and,

On motion of Mr Clark,

The Council insisted on their disagreeing vote.

On motion of Mr Clark,

The Chair appointed Messrs Clark, Hepner and Payne, a committee of Conference in relation to the said disagreeing vote on said joint resolution," &c. to confer with a similar committee on the part of the House of Representatives.

Mr Clark moved that a committee of conference be appointed on the part of the Council to act with a similar committee appointed on the part of the House of Representatives, in relation to the disagreeing vote of the two houses on memorials Nos. 5, 12 and 14, H. R. file, which was agreed to, and

The Chair appointed Messrs Clark, Parker and Hepner said committee.

No. 25, H. R. file, "A bill to regulate the institution of suits by foreign executors," &c., was taken up, read a first time, and ordered to a second reading.

No. 26, H. R. file, "A bill to amend 'An act relative to the Penitentiary,'" was taken up, read a first time, and ordered to a second reading.

H. R. file, No. 27, "A bill regulating marriages," was taken up, read a first time, and ordered to a second reading.

No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware," &c., was taken up, read a second time, and considered in committee of the whole, Mr Whittlesey in the chair; after spending some time, the committee rose, and through their chairman, reported the same back to the Council, with sundry amendments, which amendments were concurred in.

Mr Parker moved to amend the bill by striking out in the 6th section, the words "within thirty days," and insert the words "at the first regular session of their board," which amendment was agreed to, and the bill as amended, was ordered to a third reading on Saturday next.

H. R. file, No. 20, "A memorial to Congress for an appropriation to construct a Railroad from Lake Michigan to the Mississippi river," was taken up, read a second time, and considered in committee of the whole, Mr. Parker in the chair; after spending some time in consideration of said memorial, the committee rose, and through their chairman, reported the same back to the Council, with one amendment.

On the question of adopting the report of the committee, the yeas and nays were required, and are as follows:

Those who voted in the affirmative, were Messrs Clark, Hughes, Inghram, Keith, Swazey, Whittlesey and Mr President—7.

Those who voted in the negative, were Messrs Browne, Hepner, Lewis, Parker and Payne—5.

So the amendment was adopted.

On motion of Mr Payne,

The caption of the memorial was referred to the committee on Territorial affairs.

H. R. file, No. 24, "A bill for the relief of persons having conscientious scruples against bearing arms in time of peace," was taken up, read a second time, and considered in committee of the whole, Mr Hepner in the chair; after spending some time in consideration of said bill, the committee rose, and through their chairman, reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject, which report was adopted.

Mr Payne moved to refer the bill to a select committee, which motion was lost.

On motion of Mr Hughes,

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

TWO O'CLOCK, P. M.

No 12, C. F. "A bill relative to coroners and their duties," was taken up, read a second time and considered in committee of the whole, Mr. Browne in the chair. After spending some time therein, the committee rose, and through their chairman, reported said bill back to the Council, without amendment, which report was concurred in, and the bill was ordered to be engrossed and read a third time on Saturday next.

No 13, C. F. "A bill concerning the size of counties, &c." was taken up, read a second time, and on motion of Mr. Browne, was referred to the committee on the Judiciary.

No. 6, C. F. "A joint resolution respecting the forwarding of copies of memorials, resolutions, &c. to Congress," was taken up, read a second time, and considered in committee of the whole, Mr. Payne in the chair. After some time spent therein, the committee rose, and, through their chairman, reported the same back to the Council without amendment, which report was adopted, and the said resolution was ordered to be engrossed and read a third time on Monday next.

H. R. file, No 2, "A memorial on the subject of Post Roads in Iowa," as amended by the Judiciary committee, was taken up, being the special order of the day, and considered in committee of the whole, Mr. Parker in the chair. After spending some time in consideration of said memorial, the committee rose, and through their chairman, reported the same back to the Council, without any additional amendments, which report was concurred in.

On motion of Mr. Parker,

The amendments proposed by the Judiciary committee were adopted, and the memorial as amended, was ordered to a third reading on to-morrow.

H. R. file, No. 3, "A Bill to provide for the appointment of a Librarian, and for other purposes," was taken up and read a third time.

Mr Lewis moved to amend the Bill by striking out the words "two hundred and ten" and inserting "two hundred and fifty" in the 15th Section, which motion was lost. The Bill then passed, and title agreed to.

H. R. file, No. 4, "An Act to create the office of Public Printer, and to define his duties," was taken up, and read a third time.

Mr Parker moved to amend the 4th Section, by inserting the words "similar to the Acts of the last Congress," after the words "Pamphlet form," which was agreed to by unanimous consent of the Council, after which the bill passed, and title agreed to.

H. R. file, No 6, "A bill to provide for the election of county treasurers, and to define their duties," was taken up, read a third time, and passed, and title agreed to.

On motion of Mr Keith,
The Council adjourned.

Friday Morning, Nov. 29, 1839.

The Council met pursuant to adjournment.

On motion of Mr Browne,

Resolved, That the Committee on Military Affairs be instructed to memorialize Congress for an appropriate amount either in money or lands for the survey and construction of a military road from Fort Madison, to a contemplated military post to be erected on the Des Moines river, somewhere contiguous to the Racoon fork of said river on the cordon of posts already established from Fort Leavenworth to Fort Snelling.

Mr Browne, from the committee on Territorial Affairs, to whom was referred memorial No. 3, C. F. reported a substitute therefor, which was read a first time and ordered to a second reading.

No. 10, H. R. file, A Preamble and Joint Resolution relative to the improvement of the Des Moines river, was read a second time and considered in committee of the whole, Mr Hepner in the chair, after some time spent therein the committee through their chairman reported the same back to the Council without amendment, which report was concurred in and the Preamble and Joint Resolution was ordered to a third reading on to-morrow.

No. 4, C. F. A memorial upon the subject of the disputed boundary line between this Territory and the State of Missouri, was read a second time.

Mr Lewis moved to amend in the 16th line by striking out the word "return" and insert "secure" which was agreed to.

On motion of Mr Lewis,

The memorial was further amended by adding thereto the following Resolution:

Resolved, That the Governor of this Territory forward one copy of this memorial to the President of the Senate of the United States, one to the Speaker of the House of Representatives and one to the Hon. W. W. Chapman our Delegate in Congress.

On motion of Mr Swazey,

The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the memorial as amended was read a third time and passed.

Mr Hughes, on previous notice and leave granted, presented Bill No. 17, C. F. to district the county of Henry in three County Commissioner districts, which was read a first time and ordered to be printed.

No. 14, C. F. "A Bill to provide for the appointment of Notaries Public," was read a second time and considered in committee of the whole, Mr Clark in the chair, after some time spent therein the committee rose and through their chairman reported the Bill to the Council, with amendments which were concurred in and the bill as amended, ordered to be engrossed and read a third time on Monday next.

Mr Fales, Chief Clerk of the House of Representatives being introduced delivered the following message.

Mr President:

I herewith present for your signature, a Resolution relative to Russell and Reeves, printers of Laws of the last session, the same having been signed by the Speaker of the House of Representatives.

The President thereupon signed said Resolution.

No. 15, C. F. "A Bill for the relief of the poor," was read a second time, and,

On motion of Mr Clark,

Was laid upon the table for the present.

No. 25, H. R. file, "A Bill to regulate the institution of suits by foreign Executors and Administrators within this Territory," was read a second time, and,

On motion of Mr Clark,

Was referred to the Judiciary Committee.

No. 26, H. R. file, "A Bill to amend an act relative to the Penitentiary," was read a second time and considered in committee of the whole,

Mr Inghram in the chair, after some time spent therein the committee, by their chairman reported the same to the Council without amendment, which report was concurred in.

Mr Hughes moved to amend by striking out "1,000 dollars" and insert "800 dollars," which was not agreed to.

On motion of Mr Clark,

The Bill was referred to the Judiciary Committee.

No. 27, H. R. file, "A Bill regulating Marriages," was read a second time, and considered in committee of the whole, Mr Lewis in the chair, after some time spent therein, the committee through their chairman reported the same to the Council with amendments, which were concurred in.

On motion of Mr Payne,

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

TWO O'CLOCK, P. M.

On motion of Mr Lewis,

H. R. file, No. 27, "A Bill regulating Marriages," was referred to the Committee on the Judiciary.

On motion of Mr Hughes,

The Council adjourned until Monday morning at 10 o'clock.

Monday Morning, Dec. 2, 1839.

The Council met pursuant to adjournment.

Mr Browne presented the petition of Joseph N. Green, praying for a divorce, which was referred to the committee on the Judiciary.

Mr Browne presented a preamble and joint resolutions relative to releasing the Sheriff of Clark county, Missouri, &c. which was read a first time and ordered to be printed.

On motion of Mr Lewis,

Resolved, That the standing committee on Territorial Affairs be instructed to enquire into the expediency of memorializing Congress to grant an appropriation for the improvement of the harbor of Du Buque, in this Territory, and that they report by memorial or otherwise.

Mr Browne presented a preamble and joint resolution relative to the sale of lots in Iowa city, which was read a first and second time, and

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

Mr Clark, on previous notice, and leave being granted, introduced a "Bill to incorporate the Iowa Flouring Mill and Manufacturing Company," which was read a first time and ordered to be printed.

C. F. No. 3. "A memorial relative to an additional appropriation for the Penitentiary," was taken up, read a second time, and ordered to be engrossed and read a third time on to-morrow.

C. F. No. 16. "A Bill to make valid the acts of Matthew Mather," &c. was taken up, read a second time, and ordered to be engrossed and read a third time on to-morrow.

C. F. No. 17. "A Bill to district the county of Henry into three Commissioners Districts," was taken up and read a second time.

Mr Payne moved to amend the Bill by striking out in Sec. 2, the word "one," in the second line, and inserting in the third line, between "district" and "according," the words "one county commissioner alternately," which was agreed to, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

H. R. file, No. 24. "A Bill for the relief of persons having conscientious scruples against bearing arms, &c." was taken up, read a second time, and

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

C. F. No. 11. "A Bill to incorporate the Iowa Academy of Literature, Arts and Sciences," was taken up, and

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

H. R. file, No. 2. "A memorial on the subject of Post Roads in Iowa," was taken up, read a third time and passed.

Mr. Fales, Chief Clerk of the House of Representatives, being introduced, delivered the following message:

'Mr President: The House of Representatives have passed

No. 22, H. R. file, "A memorial to Congress for an amendment to the Organic Law."

No. 28, H. R. file, "A Bill to regulate conveyances."

No. 29, H. R. file, "A Bill to encourage the destruction of wolves."

No. 31, H. R. file, "A Bill for the relief of the administrators of the estate of the late Benj. W. Clarke." In all of which the concurrence of the Council is requested.'

H. R. file, No. 10, "A preamble and joint resolution relative to the improvement of the Des Moines River," was taken up, read a third time and passed.

C. F. No. 6, "A Resolution relative to memorials and Resolutions passed at the last session," was taken up read a third time and passed.

H. R. file, No. 19, "A Bill to provide for the organization of the county of Delaware, &c." was taken up, read a third time and passed.

C. F. No. 1, "A Bill relative to Landlords and Tenants" was taken up, read a third time, and passed and title agreed to.

C. F. No. 14, "A Bill to provide for the appointment of Notaries Public, &c." was taken up and read a third time.

Mr Lewis moved to amend by striking out in the 6th Sec. all after the word "dower," which was agreed to by unanimous consent of the Council, and the Bill as amended passed and title agreed to.

H. R. file, No. 22, "A memorial to Congress for an amendment to the Organic Law," was taken up read a first time, and ordered to a second reading.

H. R. file, No. 28, "A Bill to regulate conveyances," was read a first time, and ordered to a second reading.

H. R. file, No. 29, "A Bill to encourage the destruction of wolves," was read a first time and ordered to a second reading.

H. R. file, No. 31, "A Bill for the relief of the administrator of the Estate of the late Benj. W. Clarke," was read a first time, and ordered to a second reading.

On motion of Mr Inghram,

Resolved, That the Standing Committee on Finance be instructed to enquire into the expediency of amending the laws now in force respecting Estrays, and that they report by Bill or otherwise.

On motion of Mr Parker,

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

TWO O'CLOCK, P. M.

On motion of Mr Browne,

The Council adjourned.

Tuesday Morning, Dec. 3, 1839.

The Council met pursuant to adjournment.

Mr Payne offered the following:

Resolved, That the Committee on Public buildings be instructed to enquire of the acting commissioner of the seat of government at Iowa city

1st, What number of lots are sold,

2d, To whom they are sold,

3d, How much cash has been paid for the same,

4th, How many lots have been forfeited,

5th, Whether or not the money paid, has been paid into the Territorial treasury.

On motion of Mr Clark,

The resolution was ordered to be laid on the table until Monday, the 16th inst.

Mr Parker from the judiciary committee, to whom was referred H. R. file, No. 25, "A Bill to regulate the institution of suits by foreign Executors, &c." reported the same to the Council with sundry amendments, which were concurred in.

Mr Parker, from the same committee, to whom was referred H. R. file No. 26, "A Bill to amend an act relative to the Penitentiary," reported

the same to the Council with three amendments, the adoption of one of which, would supersede action on the other two, which report was concurred in.

Mr Browne moved the adoption of the first amendment, which is as follows: Strike out all after the enacting clause, of the first Sect. and insert "that the directors shall each be allowed a salary of three hundred dollars per annum, which shall be paid by the Superintendent of the Penitentiary quarterly out of the fund for the erection of said building, he taking receipts for the same," which was not agreed to.

Mr Parker moved the adoption of the second amendment which is as follows:

Add to Sect. 1. the words "Provided that no one Director shall receive pay for more than seven visits to said building in any one year."

Which was agreed to, and the Bill as amended was considered in committee of the whole, Mr Swazey in the chair. After spending some time in consideration of said Bill, the committee rose, and through their chairman, reported some progress, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr Payne,

The Bill was referred to a select committee, to be composed of one member from each Electoral district.

The chair appointed Messrs Payne, Browne, Clark, Lewis, Inghram, Parker, Swazey and Whittlesey said committee.

Mr Fales, Chief Clerk of the House of Representatives, being introduced, delivered the following message.

Mr President:

The House of Representatives have receded from their amendments to the Resolution relative to the distribution of the acts of the 25th Congress, and have concurred in the amendments of the Council to No. 3, H. R. file, "A Bill to provide for the appointment of Librarian, and for other purposes."

The House have concurred in all the amendments made by the Council to No. 4, H. R. file, "A Bill to create the office of Public Printer, and to define his duties," except that made to the 4th Sect. to which the House have disagreed; and have amended the amendments of the Council to the 6th and 8th sections.

The House have concurred in all the amendments made by the Council to No. 6, H. R. file, "A Bill to provide for the election of County Treasurers and to define their duties," except the first amendment to the first section, the striking out of the 7th section, the last amendment made to the 8th section, and the addition of the 13th section, to all of which the House have disagreed. The House have concurred in the first amendment made by the Council to No. 15, H. R. file, "A memorial to Congress for a donation of Land for literary purposes," and have disagreed to the second amendment.

The House have passed No. 35, H. R. file, "A Bill to provide for the execution of title Deeds to lots in Iowa city, and for other purposes," in all of which I am directed to ask the concurrence of the Council.

The House have also passed No. 4, C. F. "Memorial on the subject of the disputed Boundary with Missouri "without amendment."

Mr Whittlesey from the Committee on Enrollments, reported that said committee had presented to his Excellency, the Governor, for his approval and signature, Joint Resolution H. R. file, relative to Russell and Reeves, printers of the laws of the last session."

C. F. No. 7, "Preamble and Joint Resolutions relative to the discharge of the Sheriff of Clark county, Missouri, &c." was taken up and read a second time.

Mr Swazey moved that the consideration of said preamble, &c. be indefinitely postponed.

Mr Clark moved to amend by laying them on the table, which was agreed to.

C. F. No. 18, "A Bill to incorporate the Iowa Flouring Mill, and Manufacturing Company," was read a second time, and

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

H. R. file, No. 22, "Memorial to Congress to amend the Organic law," was read a second time, and ordered to a third reading on to-morrow.

Mr Payne presented the petition of Lewis Watson, praying for privilege to erect a dam across the Cedar fork of Skunk river," which, on his motion, was referred to a select committee.

The Chair appointed Messrs Payne, Browne, and Swazey said committee.

On motion of Mr Parker,

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

TWO O'CLOCK, P. M.

The President laid before the Council the following communication from Charles Weston, Fiscal Agent, &c.

Burlington, Nov. 30, 1839.

To the Honorable the President of the Legislative Council of the Territory of Iowa,

Sir:—Yesterday I received from His Excellency, Governor Lucas, a joint resolution of the Honorable the Legislative Assembly, appointing me fiscal agent for the territory, with authority to take charge of all public funds, drafts, &c. properly belonging to the department of the Secretary of the Territory, and requiring me to make such disbursements as legally shall pertain to my appointment, and containing sundry other necessary provisions.

For the information of the Honorable the Legislative Assembly, I will state that their said resolution received the sanction of the Executive, on the 25th instant; and that a proper *bond* has been executed by me in the sum of \$20,000, with the requisite securities, to the Governor of the Territory which has been duly approved by him as required in and by said resolution.

It is probably well understood by the members of the Legislative Assembly that no public funds were left in his office by the late Secretary of the Territory; but it is believed that drafts to meet the expenses of the present session are now on the way here from the department at Washington, and that upon their arrival, there will be no difficulty in negotiating them at this place; and even if no funds should reach here before the

close of the session, it is hoped and expected that a loan sufficient to cover the demands of the Legislature may be effected upon pledging the faith of the territory for its repayment.

In accepting the appointment of fiscal agent, and in entering upon the discharge of my duties under the resolution, allow me to express to the Honorable the Legislative Assembly, the high regard which I entertain for this mark of their confidence, and to beg their acceptance of the assurance that in the official intercourse with them, which my appointment will necessarily induce, it will be my pride, as it will be my duty, to use the best endeavors of which I am capable, to make that intercourse agreeable and satisfactory.

Permit me to request the Honorable the President of the Council to order a copy of this communication to be transmitted to the Honorable the Speaker of the House of Representatives, together with an expression of my most respectful regard; while you will please accept for yourself the sincere respect with which I have the honor to be,

Sir, your very obedient servant,

CHARLES WESTON,

Fiscal Agent for the Territory of Iowa.

On motion of Mr Inghram,

The communication was ordered to be printed.

No. 4, H. R. file, "An act to create the office of public printer, and to define his duties," having been returned from the House of Representatives, with their disagreement to the amendment of the Council to the 4th section, and with amendments to the amendments of the Council on the 6th and 8th section, being under consideration,

On motion of Mr. Clark,

The Council receded from their amendment to the 4th section, and concurred in the additional amendments made by the House to sections 6 and 8.

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

On motion of Mr Lewis,

Was referred to the committee on the judiciary.

No. 29, H. R. file "A bill to encourage the destruction of wolves," was read a second time, and considered in committee of the whole, Mr Browne in the chair.

After spending some time in consideration of said bill the committee rose, and through their chairman, reported the same to the Council, with sundry amendments, which amendments were concurred in.

Mr Inghram offered the following amendment to the close of section 2: "And it shall be the duty of said Justice to destroy the scalp upon granting such certificate," which was agreed to, and the bill as amended was ordered to a third reading on to-morrow.

No 31, H. R. file, "A bill for the relief of the administrators of the estate of the late Benj. W. Clark, was read a second time, and considered in Committee of the whole, Mr. Parker in the chair. After some time, the committee rose, and through their Chairman reported said bill back to the Council without amendment, which report was concurred in, and the bill was ordered to a third reading on to-morrow.

C. F. No. 3, "A memorial for an additional appropriation for the Penitentiary was read a third time and passed.

No. 35, H. R. file "A bill to provide for the execution of title deeds to lots in Iowa city," &c. was read a first and second time, and made the special order of the day for Friday next.

No. 6. H. R. file, "A bill to provide for the election of County Treasurers, and to define their duties," having been returned from the House of Representatives with their disagreement to the amendments of the Council in several sections of the bill, being under consideration,

On motion of Mr Parker,

The Council receded from their amendment to section 1.

On motion of Mr Hepner,

The Council insisted upon their amendment to the 7th section.

Mr Clark moved that the Council recede from their amendment to section 8, which was lost, and

On motion of Mr. Browne,

The Council insisted on their amendment to said section.

On motion of Mr Hepner,

The Council insisted on their amendment of the 13th section.

H. R. file, No 15 "Memorial for a donation of land for literary purposes," having been returned from the House of Representatives with their disagreement to the amendment of the Council, being under consideration,

On motion of Mr Lewis,

The Council receded from their amendment.

On motion of Mr Lewis,

The Council adjourned.

Wednesday Morning, Dec. 4, 1839.

Council met pursuant to adjournment.

Mr Browne presented the petition of W. A. Richardson, administrator of Benjamin O. Henly, praying for privilege to dispose of certain lots in the town of Fort Madison, &c., which was read and referred to the committee on the judiciary, with instructions to report by bill or otherwise.

C. F. No. 12, "A bill relative to coroners and their duties," was read a third time, and passed, and title agreed to.

C. F. No. 17, "A bill to district the county of Henry into three commissioners districts," was read a third time.

Mr Parker moved to amend the 3d section, by striking out the word "from" and insert the word "at."

Mr Payne moved to amend by striking out the whole of section 3,

which was agreed to by unanimous consent of the Council, and the bill, as amended, passed, and title agreed to.

The following message was received from the House of Representatives, by Mr. Fales, chief clerk.

Mr President: The House of Representatives have concurred in all the amendments made by the Council to

No. 2, H. R. file, "A memorial to Congress on the subject of post roads in Iowa," excepting the 1st, 5th, 10th, 11th, and 15th, to which they have disagreed.

The House have concurred in all the amendments made by the Council to No. 10, H. R. file, "Preamble and joint resolution relative to the improvement of the Des Moines river."

The House have concurred in all the amendments made by the Council to No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," except the 1st and 2d, to which the House have disagreed.

The House have stricken out the enacting clause of No. 8, C. F. "A bill to authorize the incorporation of lyceums."

The House have passed,

No. 7, C. F. "A bill for the benefit of settlers, &c. on the Half Breed Lands," with amendments, also,

No. 30, H. R. file, "A bill to prevent the exercise of foreign jurisdiction within this territory." In all of which I am directed to ask the concurrence of the Council.

Mr Keith asked leave of absence for Mr Swazey until Monday next, which was granted.

H. R. file, No. 22, "A memorial to Congress for amending the organic law," was read a third time and passed.

H. R. file, No. 25, "A bill to regulate the institution of suits by foreign executors, &c." was read a third time and passed.

H. R. file No. 29, "A Bill to encourage the destruction of Wolves," was read a third time.

Mr Lewis moved to strike out all after the enacting clause, which motion, on leave, he withdrew, and

On motion of Mr Inghram,

The Bill was referred to a select committee. The chair appointed Messrs Inghram, Whittlesey, and Browne said committee.

H. R. file, No. 31, "A Bill for the relief of the administrators of the estate of Benj. W. Clark," was read a third time.

The Yeas and Nays being required on the passage of said Bill, were as follows:

The Ayes were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Whittlesey and Mr President, 10.

The Nays were Messrs Payne and Ralston, 2.

So the Bill passed, and the title agreed to.

No. 2, H. R. file, "A memorial on the subject of Post Roads in Iowa," being under consideration, having been returned from the House of Representatives with their disagreement to the 1st, 5th, 10th, 11th and 15th amendments of the Council.

The Council receded from their 1st, 5th, 10th and 11th amendments, and insisted on their 15th.

H. R. file, No. 19, "A Bill to provide for the organization of the county of Delaware, &c." being under consideration, having been returned from the House of Representatives with their disagreement to the 1st and 2d amendments of the Council. The Council receded from said amendments.

C. F. No. 8, "A Bill to authorize the incorporation of Lyceums," having been returned from the House of Representatives with the enacting clause stricken out,

On motion of Mr Hepner,

The Council disagreed to the amendment made to said Bill by the House.

No. 7. C. F. "A bill for the benefit of the settlers, &c. on the half breed lands," being returned from the House of Representatives with two amendments were read and concurred in by the Council.

On motion of Mr Hepner,

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

TWO O'CLOCK, P. M.

The Chair announced a communication from Charles Weston, Esq. fiscal agent, accompanied by the correspondence of the late secretary of the territory, and W. Wagner, on the subject of seals for the different courts in this territory, which were read, and

On motion of Mr Payne, referred to the committee on territorial affairs.

Mr Lewis moved for a reconsideration of the vote given yesterday respecting H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in Iowa city, &c." being made the special order of the day for Friday next.

Mr Payne moved for a call of the Council which was had, and absent members sent for.

On motion of Mr Browne,

The further call was dispensed with.

On Mr Lewis' motion the yeas and nays being required, were as follows:

Ayes, Messrs Browne, Clark, Hepner, Lewis, Parker, Whittlesey and Mr President, 7.

Nays, Messrs Hughes, Inghram, Keith and Payne, 4.

So the motion for reconsidering was agreed to, and

On motion of Mr Lewis,

The Council resolved itself into a committee of the whole for consideration of said bill, Mr Inghram in the chair. After spending some time the committee rose, and through their chairman, reported said bill back to the Council, with several amendments, and before any action was had upon said amendments,

Mr Hepner moved a call of the Council,

Mr Lewis moved that the Council adjourn, on which question the Yeas and Nays being required, were as follows :

Ayes; Messrs Browne, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Whittlesey and Mr President, 9.

Nays, Messrs Clark and Payne, 2.

So the Council adjourned.

Thursday Morning, Dec. 5, 1839.

The Council met pursuant to adjournment.

Mr Payne, from the committee to whom was referred the petition of Lewis Watson, praying for Mill privilege, &c. reported "A Bill granting a charter to Lewis Watson for Mill privilege, &c." which was read and ordered to be printed.

Mr Payne, from the committee to whom was referred H. R. file, No. 26, "A Bill to amend an Act relative to the Penitentiary," reported the same back to the Council with sundry amendments, which report was concurred in.

Mr Inghram from the committee to whom was referred H. R. file, No. 7, A Bill regulating Grocery License, reported the same back to the Council with sundry amendments, which report was concurred in.

H. R. file, No. 30, "A Bill to prevent the exercise of foreign Jurisdiction within the Territory of Iowa," was read a first time.

H. R. file, No. 35, "A Bill to provide for the execution of title deeds to lots in Iowa city, &c." being under consideration as returned from the committee of the whole,

Mr Hepner offered the following as a substitute for the first amendment:

Sect. 2. The acting commissioner shall quarterly make out and transmit under his hand and seal, to the Treasurer of the Territory, a full statement of all the moneys received and paid out by him in which the Territory is interested.

Sect. 3. It shall be the duty of the Treasurer of the Territory to have the returns aforesaid published in one newspaper within this Territory for four weeks immediately after the reception thereof, and the publishing of such returns shall be paid for as may be prescribed by law.

Mr Inghram offered the following, which was accepted as an addition to the 2d Sect.

And also to make an annual report of the progress of the buildings, which report shall be made to the Legislature within the first fifteen days of its session.

Mr Payne moved to refer the Bill to the committee on Territorial Affairs, which motion, on leave, he withdrew.

On motion of Mr Parker, the Bill was ordered to be laid on the table until to-morrow.

On motion of Mr Browne,
The Council adjourned.

Friday Morning, Dec. 6, 1839.

The Council met pursuant to adjournment.

H. R. file No 7, "An act regulating grocery license," was taken up, read a second time, and considered in committee of the whole, Mr. Payne in the chair. After spending some time in consideration of said bill, the Committee rose, and through their chairman, reported the same back to the Council with amendments. The council concurred in all the amendments, with the exception of that made in the 3d section.

On the adoption of which the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Browne, Keith, Lewis, Ralston and Mr President, 5.

Those who voted in the negative were Messrs Clark, Hepner, Hughes, Inghram, Parker, Payne, and Whittlesey, 7.

So the amendment was not agreed to.

Mr Lewis moved to refer the bill to the Committee on the Judiciary, which motion, on leave, he withdrew.

Mr Parker moved to strike out the word "Grocery" wherever it occurs in the Bill and insert the words "Grog Shop," and on this motion the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Clark and Parker, 2.

Those who voted in the negative were Messrs Browne, Hepner, Hughes, Inghram, Keith, Lewis, Payne, Ralston, Whittlesey, and Mr President, 10.

So the amendment was lost.

Mr Parker moved to amend by striking out the word "Grocery" wherever it occurs, and insert the words "retail liquor store," which was lost.

Mr Clark moved to amend the 1st section by striking out the words "the" "of" and "dollars." and insert the word "a," which was agreed to and the bill as amended was ordered to a third reading on Monday next.

The following message was received from the House of Representatives by Mr Fales, chief clerk:

Mr President: The House of Representatives have passed

No. 32, H. R. file, "A bill to relocate the seat of justice in and for the county of Cedar."

No 36, H. R. file, "A bill authorising aliens and foreigners to hold real estate in the Territory of Iowa."

No 37, H. R. file, a memorial to congress for a further appropriation for the road from Burlington to the Des Moines River.

The House have also passed with an amendment, No 9, C. F. "A bill to authorise evidence by the oath of parties."

The House adhere to their disagreeing vote to the 15th amendment made by the Council to No. 2, H. R. file "A memorial on the subject of Post Roads in Iowa," and have appointed Messrs Summers and Hastings a committee of conference on the part of the House.

No. 26, H. R. file, "A Bill to amend an Act relative to the Penitentiary," with the amendments reported by the Select Committee, was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time, the committee rose, and, through their chairman, reported the Bill back to the Council, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr Browne,

The Bill was referred to the Committee on the Judiciary.

No. 30, H. R. file, A Bill to prevent the exercise of foreign Jurisdiction within the limits of the Territory of Iowa: was read a second time.

Mr Payne moved to amend 2d section by inserting the word "such" between the words "any" and "conviction" which was agreed to, and

On motion of Mr Whittlesey,

The Bill was referred to the Judiciary Committee.

Mr Hughes presented "A memorial relative to pre-emption by the County Commissioners of Henry county," which was read a first time.

On motion of Mr Hepner,

The Council adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

On motion of Mr Parker,

Resolved, That the committee on expenditures be instructed to enquire into the expediency of requesting our delegate in Congress to apply for an additional appropriation to defray the expenses of the present Legislative Assembly, and report thereon as soon as practicable.

C. F. No. 5, "A memorial relative to pre-emption by the County Commissioners of Henry county," being under consideration,

Mr Payne moved that the rule to print memorials, &c. be suspended, and that the memorial be read a second time, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Hughes, Inghram, Keith, Lewis and Payne, 5.

Those who voted in the negative were Messrs Hepner, Parker, and Mr President, 3.

The rule required three fourths of the votes of the members present. So the motion to suspend was lost.

No. 2, H. R. file, "A memorial relative to Post Roads in Iowa," being

under consideration, as returned again from the House of Representatives, with their disagreeing vote adhered to.

On motion of Mr Parker,

Messrs Parker and Hepner were appointed a committee of conference, on the part of the Council on the subject of said memorial.

C. F. No. 9, "A Bill to authorize evidence by the oath of Parties," being under consideration as amended by the House of Representatives.

Mr Whittlesey moved to amend the amendment of the House, by striking out the word "them" and insert the words "such party."

Mr Parker moved to amend by striking out the whole of the amendment of the House, and insert the words "any person of such party," which was accepted by Mr Whittlesey, and agreed to by the Council.

H. R. file, No. 36, "A Bill authorizing aliens and foreigners to hold real estate in the Territory of Iowa," was read a first time, and

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

H. R. file, No. 37, "A memorial to Congress for a further appropriation for the Road from Burlington to the Des Moines river," was read a first time, and ordered to a second reading.

H. R. file, No. 32, "A Bill to relocate the seat of Justice for the county of Cedar," was read a first time, and ordered to a second reading.

Mr Whittlesey from the Joint Committee on enrollments, reported that they have examined No. 4, "Memorial on the subject of disputed boundary with Missouri," No. 5, Joint Resolution relative to the distribution of the Acts of the 25th Congress; Also No. 7, "An act for the benefit of settlers, &c. on the half breed lands," and find them correctly enrolled, and that they had presented them to his Excellency the Governor, and taken the following receipt:

"Received, Dec, 6, 1839, from Charles Whittlesey, Esq. of the Council, "Memorial (No 4) on the subject of the disputed boundary with Missouri," "Joint Resolution (No 5) relative to the distribution of the Acts of the 25th Congress," also an Act (No 7) for the benefit of settlers on the half breed land," filed for consideration.

(Signed)

ROBERT LUCAS.

Executive Department, Dec. 6, 1839.

On motion of Mr Parker,
The Council adjourned.

Saturday Morning, Dec. 7, 1839.

The Council met pursuant to adjournment.

Mr Payne offered the following:

Resolved, By the Council and House of Representatives, that the Reporter of the Supreme Court of Iowa furnish the Supervisor of the Laws, a copy of all the Reports of the decisions of the Supreme Court, &c. &c. which shall be printed after the Laws, in the same volume, which was read a first time and ordered to be printed.

Mr Parker offered the following:

Resolved, That a committee of two be appointed on the part of the Council to act in conjunction with a similar committee on the part of the House of Representatives, to wait upon the gentlemen from Missouri, to learn what are their wishes, and report the result of such conference to the respective Houses, which

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

Mr Hepner from the Select Committee appointed for that purpose reported the following:

Memorial No. 6, C. F. to Congress for an appropriation for the completion of a road from Farmington to Du Buque, which was read a first time and ordered to be printed.

Mr Lewis, from the committee on Territorial Affairs, to whom was referred the communication of Charles Weston, Esq. acting Secretary of this Territory, upon the subject of seals for the Supreme and District Courts, &c. of this Territory, beg leave to report the following Resolutions:

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the devices of the seals for the Supreme Court and District Courts, &c. as suggested by the Hon. Wm. B. Conway in his communication to Mr Wm. Wagner, are very appropriate and emblematic of the duties of the several courts to which they belong.

Resolved, That the acting Secretary of this Territory be and he is hereby authorized to pay Wm. Wagner upon the delivery of said seals such sums of money, as is customary for such work, and that he be required to make the necessary distribution of said seals, which was read a first time and the resolutions ordered to a second reading.

No. 5, C. F. A memorial relative to pre-emption by the County Commissioners of Henry county, &c. &c. was read a second time.

Mr Payne then moved that the same be engrossed for a third reading, which was lost.

Mr Inghram then moved that the same be referred to a select committee, with power to send for persons and papers, which was agreed to, and the chair appointed Messrs Inghram, Parker, Hepner and Hughes said committee.

The following message was received from the House by Mr. Fales, their Chief Clerk:—

Mr President,

The House of Representatives have passed No. 2, C. F. "A memorial on the subject of an appropriation on the Territorial Road from Du Buque, to the Northern boundary of Missouri."

No. 38, H. R. file, "A bill to provide for the support of illegitimate children."

No. 40, H. R. file, "A resolution relative to a supervisor, to the printing of the laws of the present session."

In all of which the concurrence of the Council is requested.

No. 37, H. R. file, "A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river."

Mr Inghram moved to amend, by striking out the words "Des Moines" and insert "Henry," which was lost.

On motion of Mr. Inghram,

The memorial was referred to the committee on Territorial Affairs.

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

Mr Whittlesey moved to refer the same to a select committee, which was agreed to, and the chair appointed Messrs Whittlesey, Parker, Lewis, Hepner and Hughes, said committee.

No. 40, H. R. file, "Resolution to appoint a supervisor to the printing of the laws of the present session." Which was read a first time and ordered to a second reading.

No. 38, H. R. file, "A bill to provide for the support of illegitimate children" was read a first time and ordered to a second reading.

Mr Whittlesey gave notice that he would, on some future day, move for leave to introduce a bill relative to costs.

Mr Inghram, from a select committee to whom was referred No. 29, H. R. file, "A bill to encourage the destruction of wolves," reported the same back to the Council with one amendment. Before any action thereon,

On motion of Mr Payne,

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

TWO O'CLOCK, P. M.

No. 29, H. R. file, "A bill to encourage the destruction of wolves," which was pending, as amended by the select committee that reported the same this morning, when the Council adjourned this forenoon, was taken up and the amendment read a first time and ordered to a second reading.

On motion of Mr Parker,

The Council adjourned.

Monday Morning, Dec. 9, 1839.

The Council met pursuant to adjournment.

Mr Payne offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That we regret the unfortunate quarrel with the State of Missouri, and would respectfully request that should the hostile armies meet on the disputed Territory, that they would all lay down their arms and agree to await the decision of Congress and that it would meet the views of a large majority of the people of this Territory, and would be alike honorable to both parties.

Resolved, That it is the sincere desire of this Legislative Assembly, to have peace with the State of Missouri, and that a resort to arms by the State or Territory would not in any wise strengthen the claims of either party, therefore we recommend an amicable adjustment of this quarrel.

Mr Whittlesey moved to lay the resolutions on the table. On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Inghram, Lewis, Ralston, Whittlesey, and Mr President, 5.

Those who voted in the negative were Messrs Hughes, Keith, Parker and Payne, 4.

So the resolutions were laid on the table.

Mr Lewis offered the following:

Resolved, That the committee on the Judiciary to whom was referred that part of the Governor's message which relates to the election of Delegate to Congress, &c. report upon the same by Friday morning next.

Mr Payne moved to amend by striking out the words, "Friday morning next," and insert "the 18th inst." which was agreed to, and the resolution as amended passed.

Mr Parker, from the Judiciary committee, to whom was referred H. R. file, No. 27, "A bill regulating marriages," reported the same back to the Council with several amendments. The report was concurred in, the amendments were read a first time; and ordered to a second reading.

The chair announced two communications from His Excellency the Governor, enclosing nominations, &c.

On motion of Mr Whittlesey,

The Council went into an Executive Session.

After a short time the Council resumed their regular session.

C. F. No. 6, "A memorial for an appropriation for the completion of a road from Farmington to Du Buque," was read a second time, and

On motion of Mr Parker, was referred to a select committee.

The Chair appointed Messrs Parker, Lewis, Hepner, Keith and Browne said committee.

H. R. file, No. 40, "Resolution relative to a Supervisor to the Printing of Laws of the present session," was read a second time and ordered to a third reading on Monday next.

C. F. No. 9, "Resolutions relative to Seals for the several Courts in the Territory," was read a second time, and ordered to be engrossed and read a third time on Monday next.

C. F. No. 10, "Joint Resolution relative to furnishing the Supervisor of the Laws a copy of all the Reports of the Decisions of the Supreme Court," was read a second time.

Mr Whittlesey moved to lay the Resolution on the table, on which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Inghram, Keith, Lewis, Parker, Ralston, Whittlesey, and Mr President, 7.

Those who voted in the negative, were Messrs Hughes and Payne, 2. So the motion was agreed to.

H. R. file, No. 29, "A Bill to encourage the destruction of wolves," was taken up, and the amendments reported by the select committee, were read a second time, and ordered to a third reading on Monday next.

H. R. file, No. 38, "A Bill to provide for the support of Illegitimate Children," was read a second time.

Mr Hughes moved to lay the Bill on the table, which motion, on leave, he withdrew, and

On motion of Mr Parker,

It was referred to the committee on the judiciary.

H. R. file, No. 35, "A Bill to provide for the execution of title deeds to lots in Iowa city," &c. was taken up, and read as amended by the Select Committee, to whom it was referred, and

On motion of Mr Payne,

It was ordered to be laid on the table until the 16th inst.

On motion of Mr Whittlesey,

C. F. No. 18, "A Bill to incorporate the Iowa Flouring Mill and Manufacturing Company," was taken from the table, and considered in committee of the whole, Mr Lewis in the chair. After some time the committee rose, and through their chairman, reported said Bill back to the Council with some amendments, which amendments were concurred in, and the Bill was ordered to be engrossed and read a third time on Monday next.

Mr Whittlesey on previous notice, and leave granted, introduced "A Bill concerning Costs," (No. 20, C. F.) which was read a first time, and ordered to be printed.

Mr Whittlesey moved that the Council adjourn until 2 o'clock, P. M. which was lost.

Mr Lewis moved that the Council adjourn until 2 o'clock P. M. which was also lost.

Mr Payne offered the following:

Resolved, by the Council, That we extremely regret the difficulty that now exists between the Territory of Iowa and the State of Missouri, and that we would recommend a cool, calm and dispassionate action of the hostile armies and save if possible the shedding of blood of those who ought to be and in many instances are brothers and kindred, and before any action was had thereon,

On motion of Mr Inghram,

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

TWO O'CLOCK, P. M.

The Resolutions of Mr Payne being under consideration, were,

On motion of Mr Inghram, laid on the table.

Mr Lewis asked leave of absence for Mr Browne until Monday next, which was granted.

Mr Keith asked leave of absence for Mr Swazey until Monday next, which was granted.

Mr Whittlesey offered the following:

Whereas a difficulty has arisen with regard to the boundary line between this Territory and the State of Missouri, and whereas, we regard this as a question of right of property, solely between the United States and the State of Missouri, and believe that a tortuous or disputed possession can be of no permanent advantage to either party, therefore

Resolved, That entrusted to our government and jurisdiction as the Territory now in dispute has been, by the general government, and having exercised that jurisdiction peacefully and uninterruptedly from the time when put in possession, we cannot consistently with our own honor, or our duty to the government of the United States, make any concession with regard to our right of jurisdiction over the disputed Territory.

Resolved, That we most earnestly deprecate the invasion of our Territory on the part of the State of Missouri, as an event which must lead to a sanguinary conflict which can only terminate in the effusion of the best blood of our country, in the destruction of the lives of the citizens of the same soil, of the lives of those who instead of viewing each other as enemies, should regard them as friends, brothers and fellow citizens and be ever ready to peril their lives and fortunes for mutual protection, and that we view a resort to arms to settle this dispute as an act of madness and folly which nothing can justify.

On motion of Mr Lewis,

Said preamble and resolutions were laid on the table.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk.

Mr President: The House of Representatives have passed Preamble and Resolutions relative to the difficulties between this Territory and the State of Missouri, and have appointed Messrs Leffler, Bailey and Patterson the committee on the part of the House to carry into effect said Resolutions.

The Resolutions referred to in the preceding message were then taken up, read a first and second time, and considered in committee of the whole, Mr Payne in the chair. After spending some time in consideration of said preamble, &c. the committee rose and through their chairman, reported the same back to the Council with one amendment.

Mr Payne moved that the Council do not concur in the report of the committee, and on the adoption of this motion the yeas and nays being required, were as follows:

Mr Payne voted in the affirmative, 1.

Those who voted in the negative were Messrs Hughes, Inghram, Keith, Lewis, Parker, Ralston, Whittlesey and Mr President, 8.

So the report of the committee was concurred in.

Mr Whittlesey moved to refer the Preamble and Resolutions to the committee on the judiciary, and on this question the yeas and nays being required, were as follows :

Those who voted in the affirmative, were Messrs Ralston and Whittlesey, 2.

Those who voted in the negative, were Messrs Hughes, Inghram, Keith, Lewis, Parker, Payne, and Mr President, 7.

So the motion was lost.

On motion of Mr Parker, the following was substituted for the amendment made in Committee of the Whole.

Resolved, That the Governor be requested to forward a copy of these Resolutions to the Governor of Missouri, one to the County Court of Clark county, and copies to the Officers in command on the disputed ground, to be by them presented to the Officers of the Missouri forces.

Mr Whittlesey moved to amend the preamble, &c. by striking out the latter part of the preamble relating to the delegation from Clark county, Mo. &c. which was not agreed to, and said preamble, &c. as amended, ordered to a third reading.

On motion of Mr Parker,

The Rule prohibiting Joint Resolutions, &c. to be read a second and third time on the same day, was suspended, and said preamble, &c. was read a third time, and

On the question of their passage, the yeas and nays being required, were as follows :

Those who voted in the affirmative were Messrs Hughes, Inghram, Keith, Lewis, Parker, Payne, and Mr President, 7.

Those who voted in the negative were Messrs Ralston and Whittlesey, 2.

So the preamble and resolutions passed.

On motion of Mr Whittlesey,

The Council adjourned.

Tuesday Morning, Dec. 10, 1839.

Council met pursuant to adjournment.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk :

Mr. President,

The House of Representatives have passed No. 6, C. F. "Resolution relative to Memorials and Resolutions passed at the last session."

No. 39, H. R. file, "Memorial relative to the rangers of the last war."

No. 41, H. R. file, "A memorial to the President of the United States for the postponement of the land sales, in the Burlington Land District."

No. 42, H. R. file, "A bill to establish a seminary of learning at Parkhurst in Scott county."

No. 44, H. R. file, "A bill to repeal a part of the 86th section of an act entitled "An act relative to proceedings in Chancery."

No. 49, H. R. file, "A preamble and Resolution asking for an appropriation for the improvement of a Territorial road on the Des Moines river."

No. 50, H. R. file, "A Memorial to Congress for the improvement of the roads therein named."

No. 56, H. R. file, "A bill for the relief of Van Buren County."

In all of which the concurrence of the Council is requested.

The House of Representatives have concurred in the amendments of the Council to

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

I herewith present for your signature "An act for the relief of the administrators of the estate of the late Benj. W. Clark."

"Preamble and resolution relative to the improvement of the Des Moines river."

"Preamble and Resolutions relative to the difficulties between the Territory of Iowa and the State of Missouri."

Which were then severally signed by the President of the Council.

On motion of Mr. Payne,

The Council adjourned until Friday morning next.

Friday Morning, Dec. 13, 1839.

The Council met pursuant to adjournment.

There not being a quorum present,

On motion of Mr Parker,

The Council adjourned.

Saturday Morning, Dec. 14, 1839.

The Council met pursuant to adjournment.

Not being a quorum present,

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

Monday Morning, Dec. 16, 1839.

The Council met pursuant to adjournment.

A quorum not being present,

On motion of Mr Parker,

The Council adjourned.

Tuesday Morning, Dec. 17, 1839.

The Council met pursuant to adjournment.

Mr Parker, from the committee on the judiciary, to whom was referred C. F. No. 5, "A bill to prevent unjust imprisonment by securing the benefit of the writ of habeas corpus," reported that said committee had stricken out all after the enacting clause, and inserted a substitute to said bill, which was read a first time, and

On motion of Mr Inghram,

Was ordered to be printed.

H. R. file, No. 39, "A memorial relative to the rangers of the late war," was read a first time, and ordered to a second reading.

H. R. file, No. 41, "A memorial for the postponement of the Land Sales in the Burlington Land District," was read a first time, and ordered to a second reading.

H. R. file, No. 42, "A bill to establish a seminary of learning at Parkhurst, in Scott county," was read a first time, and ordered to a second reading.

H. R. file, No. 44, "A bill to repeal a part of the 86th section of an act entitled "An act relative to proceedings in chancery," was read a first time, and ordered to a second reading.

H. R. file, No. 49, "A preamble and resolution asking an appropriation for the improvement of a territorial road on the Des Moines river," was read a first time, and ordered to a second reading.

H. R. file, No. 50, "A memorial to Congress for the improvement of the roads therein named," was read a first time, and ordered to a second reading.

H. R. file, No. 56, "A bill for the relief of Van Buren county," was read a first time and ordered to a second reading.

H. R. file, No. 27, "A bill regulating marriages," was taken up, and the amendments reported by the Judiciary Committee were read a second time, and the bill, as amended, was considered in committee of the whole, Mr Inghram in the chair. After spending some time in consideration of said bill, the committee rose, and through their chairman reported the same back to the Council with amendments, which were concurred in.

Mr Inghram moved further to amend by striking out the word "judge" wherever it occurs in said bill, which was agreed to.

Mr Parker moved that the words "justices of the peace," be stricken out wherever they occur in said bill, which was lost, and

The bill, as amended, was ordered to a third reading on to-morrow.

The following message was received from the House of Representatives by Mr. Fales, Chief Clerk,

Mr President: The House of Representatives have passed,

No. 33, H. R. file, "A bill relative to the incompatibility of officers."

No. 45, H. R. file, "A bill to repeal a part of an act regulating the issuing of writs of *ne exeat*," &c.

No. 53, H. R. file, "A bill to incorporate the Bloomington education society."

No. 55, H. R. file, "A memorial relative to the Sioux half breed reservation on Lake Pepin."

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections."

No. 3, C. F. "A memorial to Congress for an appropriation for the completion of the penitentiary."

No. 12, C. F. "A bill relative to coroners," &c.

No. 17, C. F. "A bill to district the county of Henry into three county commissioners districts."

Also, with amendments,

No. 14, C. F. "A bill to provide for the appointment of notaries public, and to prescribe their duties."

I herewith present, for your signature,

"An act to create the office of public printer, and to define his duties," and

"A memorial for a donation of land for literary purposes," which were then signed by the President of the Council, and Mr Fales withdrew.

Mr Hepner moved a call of the Council, which was had, and an absent member having returned,

On motion of Mr Inghram,

The further call was dispensed with.

No. 9, C. F. "Joint resolutions relative to seals for the supreme and district courts," &c. was read a third time.

Mr Inghram moved to amend by striking out the word "acting," which was agreed to by unanimous consent of the Council, and the resolutions, as amended, passed.

No. 16, C. F. "A bill to make valid in law the acts of Mathew Mather, &c." was read a third time.

On motion of Mr Hughes, and by unanimous consent of the Council, the word "Mathew" was stricken out, wherever it occurred, and "John C." inserted, and the bill as amended passed, and title agreed to.

No. 18, C. F. "A bill to incorporate the Iowa flouring mill and manufacturing company," was read a third time, and passed, and title agreed to.

Mr Parker, on leave, introduced,

C. F. No. 21, "A bill to define the jurisdiction of the several counties in this territory that front upon the Mississippi river," and

C. F. No. 22, "A bill to be entitled an act to regulate ferries in certain cases," which were read a first time, and ordered to be printed.

On motion of Mr Keith,

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

TWO O'CLOCK, P. M.

C. F. No. 20, "A Bill concerning costs, and for other purposes," was read a second time, and

On motion of Mr Hepner,

Was referred to the committee on the judiciary.

C. F. No. 14, "A Bill to provide for the appointment of Notaries Public, and to prescribe their duties," having been returned from the House of Representatives with amendments, was taken up, and

On motion of Mr Parker,

The Council concurred in said amendments.

H. R. file, No. 33, "A Bill relative to the incompatibility of officers."

H. R. file, No. 45, "A Bill to repeal a part of an act regulating the issuing of writs of *ne exeat*," &c.

H. R. file, No. 53, "A Bill to incorporate the Bloomington Education Society."

H. R. file, No. 55, "A memorial relative to the Sioux half breed reservation on Lake Pepin."

H. R. file, No. 61, "A memorial for the relief of settlers upon School sections,"

Were severally read a first time, and ordered to a second reading.

H. R. file, No. 7, "An act regulating grocery license," being the special order of the day, was taken up and read a third time, and on the question of its passage the yeas and nays being required, were as follows:—

Those who voted in the affirmative, were Messrs Hepner, Hughes, Inghram, Keith, Ralston and Mr President, 6.

Mr Parker voted in the negative.

So the bill passed and title agreed to.

The following message was received from the House of Representatives by Mr. Fales, Chief Clerk:—

Mr President: I am instructed to inform the Council that the preamble and resolutions, relative to the difficulties between the Territory of Iowa and the State of Missouri, having been returned by the Governor with his objections, the same have again been considered and passed the House by a majority of two thirds. The concurrence of the Council is asked to the same.

The preamble and resolutions referred to in the preceding message, being under consideration, the objections of His Excellency, Gov. Lucas, were read.

On motion of Mr Hepner,

The further consideration of said preamble, &c. was made the special order of the day for Thursday next.

H. R. file, No. 35, "A Bill to provide for the execution of title deeds to lots in Iowa city," &c. being the special order of the day, was taken up, and

On motion of Mr Parker,

Was laid on the table, subject to the order of the Council.

C. F. No. 22, "A Bill to regulate ferries in certain cases," was read the second time.

Mr Inghram moved to amend, by striking out the 4th section in said bill.

On motion of Mr Hepner,

The bill was referred to the committee on incorporations.

C. F. No. 21, "A Bill to define the jurisdiction of the several counties in this Territory, that front upon the Mississippi river," was read a second time, and was ordered to be engrossed and read a third time on tomorrow.

On motion of Mr Hughes,

The Council adjourned.

Wednesday Morning, Dec. 18, 1839.

The Council met pursuant to adjournment.

On motion of Mr Keith,

Resolved, That the Secretary of the Territory be requested to inform the Council whether he has or can procure the means to defray the expenses of the present Legislative Assembly so far as the Members and Officers are concerned.

Mr Hepner, from the Committee on Expenditures who were instructed to inquire into the expediency of requesting our Delegate in Congress to apply for an additional appropriation to defray the expenses of the present Legislative Assembly, &c. reported a Joint Resolution which was read a first time and ordered to be printed.

Mr Parker from the Committee on the Judiciary, to whom was referred that part of the Governor's Message relative to the election of Delegate to Congress and County Recorder, made a report accompanied by "A Bill to amend the Act providing for and regulating general elections in this Territory," on the adoption of which Report the yeas and nays being required were as follows—all voting in the affirmative viz: Messrs Hepner, Hughes, Inghram, Keith, Parker, Payne, Ralston and Mr President, 8.

On motion of Mr Hepner,

Five hundred Copies of said Report were ordered to be printed.

The Bill was then read a first time, and ordered to be printed.

On motion of Mr Inghram.

Resolved, That the Standing Committee on Military affairs be instructed to enquire into the expediency of providing by law for the raising and equipping of one Company of mounted Volunteers from each Regiment of the Iowa Militia, and ask for the necessary equipments from the Secretary of war.

Mr Parker from the Committee on the Judiciary to whom was referred H. R. file, No. 38, "A Bill to provide for the support of illegitimate children" reported the same back to the Council with amendments, which were read a first time.

No. 33, H. R. file, "A Bill relative to the incompatibility of officers" was read a second time, and considered in Committee of the whole, Mr Payne in the Chair. After spending some time in consideration of said Bill, the Committee rose, and through their chairman, reported the same back to the Council with amendments, which were concurred in.

Mr Parker moved to amend the Bill by striking out the third Section, and the yeas and nays being required were as follows :

Those who voted in the affirmative were Messrs Hepner, Hughes, Parker and Payne, 4.

Those who voted in the negative were Messrs Inghram, Keith, Ralston and Mr President, 4.

So the motion to strike out the third section was lost.

On motion of Mr Hepner,

The bill was referred to the committee on the judiciary.

On motion of Mr Inghram,

Mr Hepner was added to said committee.

H. R. file, No. 39, "A memorial relative to the rangers of the late war," was read a second time, and considered in committee of the whole, Mr Parker in the chair. After some time the committee rose, and through their chairman, reported the same back to the Council with one amendment, and asked to be discharged from a further consideration of the subject; which report was concurred in.

On motion of Mr. Payne,

The memorial was laid on the table, subject to the order of the Council.

H. R. file, No. 41, "A memorial relative to the postponement of the land sales in the Burlington District," was read a second time, and

On motion of Mr Inghram,

It was referred to a committee of the whole, and made the special order of the day for Friday next.

H. R. file, No. 42, "A bill to establish a seminary of learning at Parkhurst, in Scott county," was read a second time, and considered in committee of the whole, Mr Hepner in the chair. After some time the committee rose, and through their chairman reported the same back to the Council with amendments.

On motion of Mr Payne,

The bill was referred to the committee on the judiciary.

H. R. file, No. 44, A bill to repeal a part of the 86th section of an act entitled "An act relative to proceedings in chancery," was read a second time, and

On motion of Mr Parker,

Was referred to the committee on the judiciary.

H. R. file, No. 45, "A bill to repeal a part of an act regulating the issuing of writs of ne exeat, &c. was read a second time, and

On motion of Mr Payne,

Was referred to the committee on the judiciary.

H. R. file, No. 49, "A preamble and resolution asking an appropriation for the improvement of a territorial road on the Des Moines river," was read a second time, and ordered to a third reading on Friday next.

H. R. file, No. 50, "A memorial to Congress for the improvement of roads therein named," was read a second time, and

On motion of Mr Hughes,

Was laid on the table.

H. R. file, No. 53, "A bill to incorporate the Bloomington Education Society," was read a second time.

Mr Hepner moved to lay the bill on the table, which was lost.

Mr Payne moved to postpone the bill indefinitely, which, on leave, he withdrew, and

On motion of Mr Parker,

The bill was referred to the committee on incorporations.

H. R. file, No. 55, "A memorial relative to the Sioux half breed reservation on Lake Pepin," was read a second time.

On motion of Mr Payne,

The Council adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

H. R. file, No. 55, "A Memorial relative to the Sioux half breed reservation on lake Pepin," being under consideration,

On motion of Mr Parker,

It was ordered to a third reading on Saturday next.

H. R. file, No. 56, "A Bill for the relief of Van Buren county," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose and asked to be discharged from the further consideration of the subject, which report was concurred in, and

On motion of Mr Keith,

The Bill was referred to a Select Committee. The President appointed Messrs Keith, Inghram and Hughes said committee.

H. R. file, No. 61, "A Memorial for the relief of settlers upon School Sections," was read a second time.

Mr Payne moved to lay the Memorial on the table, on which motion the Yeas and Nays being required were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Payne and Ralston, 4.

Those who voted in the negative were Messrs Inghram, Keith, Parker and Mr President, 4.

So the motion was lost.

Mr Inghram moved that the Memorial be ordered to a third reading on Saturday next.

Mr Hepner moved that the Memorial be referred to the Committee on Schools, which was agreed to.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk.

Mr President: The House of Representatives have passed No. 1, C. F. "A Bill relative to Landlords and Tenants," also No. 58, H. R. file, A Bill to relocate the seat of Justice of the county of Johnson.

No. 63, H. R. file, A Memorial to Congress for the survey of the Harbor of Du Buque,

In which the concurrence of the Council is requested.

The House have disagreed to the amendments made by the Council to No. 7, H. R. file, "A Bill regulating Grocery License."

C. F. No. 21, "An Act to define the Jurisdiction of the several counties in this Territory that front upon the Mississippi river," was read a third time, and passed, and title agreed to.

H. R. file, No. 27, "A Bill regulating Marriages," was read a third time, and passed, and title agreed to.

H. R. file, No. 7, "A Bill regulating Grocery License," having been returned from the House of Representatives with their disagreement to the amendments of the Council, being again under consideration,

On motion of Mr Inghram,

The Council insisted on their amendments.

Mr Parker from the Judiciary Committee to whom was referred C. F. No. 13, A Bill concerning the size of counties, &c. reported the same back to the Council without amendment.

Mr Payne moved to lay the Bill on the table, on which motion the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes and Payne, 3.

Those who voted in the negative, were Messrs Inghram, Keith, Parker, Ralston and Mr President, 5.

So the motion was lost.

Mr Hepner, moved to amend the Bill by adding the following section. "This act to be in force from and after the first day of June next," which was agreed to, and the Bill as amended was ordered to a third reading on Saturday next.

On motion of Mr Parker,
The Council adjourned.

Thursday Morning, Dec. 19, 1839.

The Council met pursuant to adjournment.

Mr Parker from the Judiciary Committee to whom was referred H. R. file, No 28, "A Bill to regulate Conveyances," reported the same to the Council without amendment which report was concurred in, and the Bill was ordered to a third reading on to-morrow.

Mr Hepner from the Committee on Enrollments reported that said committee had presented to the Governor on the 13th inst. "An Act for the relief of the administrators of the estate of the late Benj. W. Clarke," "A Preamble and Joint Resolutions relative to the improvement of the Des Moines river," and "A Preamble and Joint Resolutions relative to the difficulty between the Territory of Iowa and the State of Missouri." Also, on the 17th inst. "An act to create the office of Public Printer, and to define his duties," and "A Memorial for a donation of land for literary purposes."

H. R. file, No. 58, "A Bill to relocate the seat of Justice of the county of Johnson,"

H. R. file, No. 63, "A Memorial for the Survey of the harbor at the town of Du Buque," were read a first time, and ordered to a second reading.

H. R. file, No. 38, "A Bill to provide for the support of illegitimate children," was taken up, and the amendments were read a second time, and ordered to a third reading on to-morrow.

"A Preamble and Resolutions relative to the difficulty with Missouri," being again under consideration as returned with the objections of his Excellency the Governor to the same, the said objections, were again read.

On the question of the passage of the Resolutions by a constitutional majority the yeas and nays were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Inghram, Keith, Parker, Payne and Mr President, 7.

Mr Ralston voted in the negative.

So the Preamble and Resolutions passed.

On motion of Mr Payne,

The communication of the Governor relative to said Preamble and Resolutions, was referred to a Select Committee.

The President appointed Messrs Payne, Parker, Inghram and Keith, said committee.

Mr Parker from the Judiciary Committee, to whom was referred H. R. file, No. 42, "A Bill to establish a Seminary of Learning at Parkhurst in Scott County," reported the same back to the Council, without amendment, which report was concurred in.

Mr Payne moved to lay the Bill on the table, which motion was lost.

Mr Parker moved to amend the Bill by inserting the name of William Hopson in the 1st Section, which was agreed to.

Mr Parker moved that the Bill be read a third time on to-morrow.

Mr Payne moved to amend by naming the 8th of January for the third reading, which was lost, and

The motion for a third reading on to-morrow was agreed to.

Mr Hughes offered the following,

Resolved, That his Excellency Gov. Lucas be respectfully requested to inform this Council who was despatched as Special Messenger to Washington City, and what was the object to be effected.

Mr Ralston moved to lay said Resolution on the table, on which motion the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Hepner, Keith, Parker, Payne, and Ralston, 5.

Those who voted in the negative were Messrs Hughes, Inghram, and Mr President, 3.

So the Resolution was laid on the table.

On motion of Mr Parker,

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

TWO O'CLOCK, P. M.

Mr Inghram from the Committee on Schools to whom was referred H. R. file, No. 61, "A Memorial for the relief of Settlers upon School Sections" reported the same to the Council without amendment, which report was concurred in, and the Memorial was ordered to a third reading on Monday next.

Mr Inghram from a Select Committee to whom was referred No. 5, C. F. "A Memorial relative to pre-emption, &c. of the Commissioners of Henry County" reported the same back to the Council without amendment, which report was concurred in, and the Memorial was read a third time.

On motion of Mr Inghram,

The Memorial was laid on the table for the present.

H. R. file, No. 58, "A Bill to re-locate the seat of Justice of the County of Johnson" was read a second time, and ordered to a third reading on to-morrow.

On motion of Mr Inghram,

The "Memorial (C. F. No. 5,) relative to pre-emption, &c. of the Commissioners of Henry County" was taken from the table.

Mr Parker moved to amend the Memorial by striking out the words "or otherwise" which was agreed to by unanimous consent of the Council.

On the question of the passage of said Memorial the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Hughes, Inghram, Keith, Parker, Payne, and Mr President, 6.

Those who voted in the negative were Messrs Hepner and Ralston, 2.
So the Memorial passed.

H. R. file, No. 40, "Resolution relative to a Supervisor to the printing of the laws of the present Session" was read a third time and passed.

On motion of Mr Inghram,

The Council adjourned.

Friday Morning, Dec. 20, 1839.

The Council met pursuant to adjournment.

Mr Ralston offered the following,

Whereas Chauncy Swan, Acting Commissioner of Public Buildings, in his report to the Legislative Assembly, at this session, could not, because of the absence of the Architect, present a plan of the Public Building; and whereas, Mr Rague, the Architect, is now in Burlington with said plan, therefore,

Resolved, That a committee of two be appointed to call on Mr Rague, and request that said plan be exhibited to the Council at 3 o'clock, P. M. of this day,

Which was adopted, and the President appointed Messrs. Ralston and Parker said committee.

The following message was received from the House of Representatives, by Mr. Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 8, H. R. file, "A bill providing for the appointment and duties of Territorial Treasurer."

I am instructed to inform the Council that the House have concurred in the report of the Committee of Conference on the several memorials and resolutions referred to them.

I herewith present, for your signature "An act to provide for the appointment of a Librarian, and for other purposes," "An act to regulate the institution of suits by foreign executors and administrators within this Territory," "An act to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," and "A memorial to Congress for amending the Organic Law," which were severally signed by the President of the Council, and then Mr Fales withdrew.

H. R. file, No. 63, "A memorial for the survey of the harbor of the town of Du Buque," was read a second time, and ordered to a third reading on to-morrow.

C. F. No. 5, "A bill relative to habeas corpus," was read a second time, referred to a committee of the whole, and made the special order of the day for Monday next.

C. F. No. 23, "A bill to amend the act providing for and regulating general elections in this Territory," was read a second time, and

On motion of Mr Parker,

Was re-committed to the judiciary committee.

C. F. No. 11, "Resolution relative to an additional appropriation to defray the expenses of the present Legislative Assembly," was read a second time.

On motion of Mr Parker,

The blank was filled with the word "fourteen," and the resolution as amended was ordered to be engrossed and read a third time on to-morrow.

H. R. file, No. 28, "A bill to regulate conveyances," was read a third time, and passed, and title agreed to.

H. R. file, No. 42, "A bill to establish a seminary of learning at Parkhurst, in Scott county," was read a third time, and passed, and the title agreed to.

H. R. file, No. 58, "A bill to re-locate the seat of justice of the county of Johnson," was read a third time, and passed, and title agreed to.

H. R. file, No. 38, "A bill to provide for the support of illegitimate children," was read a third time and passed, and title agreed to.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed the following:

"Resolved, That a committee of two be appointed to wait upon Mr Rague, the Architect of the Public Buildings at Iowa city, to examine his plans for said buildings, in conjunction with a similar committee appointed by the Council;" and Messrs Hastings and Rich have been appointed on the part of the House.

H. R. file, No. 41, "A memorial for the postponement of the Land Sales in the Burlington Land District," was taken up, and

On motion of Mr Inghram,

Was referred to a Select Committee. The President appointed Messrs Inghram, Clark, Hughes, Browne and Keith said committee.

H. R. file, No. 8, "A Bill providing for the appointment and duties of Auditor of Public Accounts and regulating the duties of Territorial Treasurer," was read a first time, and ordered to a second reading.

Mr Hepner, offered the following:

Resolved, That the Secretary of the Territory is hereby authorized and required to pay to the several officers of the Council the per diem pay as herein specified, viz: to the Secretary of the Council, six dollars, the Assistant Secretary, four dollars, the Enrolling, Recording and Engrossing Clerks, each three dollars, the Sergeant at-Arms, Doorkeeper, Assistant Doorkeeper, Messenger, Assistant Messenger and Fireman, each three dollars, and be it further Resolved that the President of the Council shall issue a certificate countersigned by the Secretary setting forth the number of days each officer has served, naming the office to which each officer has been elected, which certificate when presented shall be a sufficient voucher for the Secretary of the Territory to make his settlement with the Secretary of the Treasury of the United States.

On motion of Mr Hughes,

The Resolutions were amended by allowing four dollars per day to the Sergeant-at-Arms.

On motion of Mr Ralston,

The Resolutions were further amended by allowing the Assistant Secretary five dollars per day.

Mr Hepner moved that the Recording, Enrolling and Engrossing Clerks and the Doorkeeper, Assistant Doorkeeper, Messenger, Assistant Messenger and Fireman, each receive, four dollars per day, which was lost, and the Resolutions as amended were adopted.

Mr Hepner from the Committee on Enrollments reported that they had examined the following and find them as correctly enrolled:

C. F. No. 2, "Memorial on the subject of an appropriation for the Territorial Road from Du Buque to the northern boundary of Missouri."

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

C. F. No. 17, "An Act to district the county of Henry into three County Commissioners Districts."

C. F. No. 6, "Resolutions relative to Memorials and Resolutions passed at the last session," and

C. F. No. 12, "An Act relative to Coroners and their duties."

On motion of Mr Ralston,

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

TWO O'CLOCK, P. M.

Mr Hepner, from the Joint Committee on Enrollments reported that they had on this day presented to the Governor, "A Memorial to Congress for amending the Organic Law," "An Act to provide for the appointment of a Librarian and for other purposes," "An Act to regulate the institution of suits by foreign executors and administrators within this Territory," and "An Act to provide for the organization of the county of Delaware and to locate the seat of justice thereof."

Mr Ralston, from the Select Committee appointed for the purpose, reported that they had called on Mr Rague, architect, &c. and that he was now present and ready to exhibit his plans for the Public buildings, &c." which report was adopted.

On motion of Mr Inghram,

Mr Rague was invited within the Bar of the Council to exhibit said plans.

On motion of Mr Browne,

The plans were referred to a Select Committee. The President appointed Messrs Browne, Parker, Payne and Inghram said committee.

On motion of Mr Parker,

The Council adjourned.

Saturday Morning, Dec. 21, 1839.

The Council met pursuant to adjournment.

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

On motion of Mr Hepner,

Was referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives insist upon their disagreement to the amendments made by the Council to No. 7, H. R. file, "A bill to regulate grocery license," and request a conference; Messrs Summers and Biggs have been appointed a committee on the part of the House.

The House have concurred in all the amendments made by the Council to No. 27, H. R. file, "A bill regulating marriages," except the 4th and 7th, to which they have disagreed.

The House have passed,

No. 16, H. R. file, "A resolution relative to the publication of the laws of the present session in the several newspapers in the Territory," in which the concurrence of the Council is requested.

I am directed to inform the Council that the Governor has returned to the House, with his objections, "An act to create the office of public printer, and to define his duties," and that the House have refused to pass the same by the constitutional majority.

I herewith present, for your signature,

"A memorial to Congress on the subject of post roads in Iowa."

Which was then signed by the President, and Mr Fales withdrew.

No. 55, H. R. file, "A memorial to the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin," and

No. 63, H. R. file, "A memorial for the survey of the harbor at the town of Du Buque,"

Were read a third time and passed.

No. 7, H. R. file, "A bill to regulate grocery license," having been returned from the House of Representatives with information that they insisted on their disagreement to the amendments of the Council, being under consideration,

On motion of Mr Payne,

A committee of conference was appointed on the part of the Council, in relation to said bill, and the President appointed Messrs. Payne and Hepner said committee.

H. R. file, No. 27, "A bill regulating marriages," being under consideration as returned from the House of Representatives with their disagreement to the 4th and 7th amendments of the Council,

On motion of Mr Hepner,

The Council insisted on their fourth amendment.

Mr Parker moved that the Council recede from their 7th amendment; which motion was lost, and,

On motion of Mr Payne,

The Council insisted on said amendment.

On motion of Mr Parker,

A committee of conference, in relation to said disagreement, was appointed on the part of the Council, and

The President appointed Messrs Parker and Keith said committee.

H. R. file, No. 16, "A joint resolution relative to publishing the laws in the newspapers," was read a first time.

Mr Parker moved that the Council adjourn until Monday morning, and the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Keith, Ralston, and Mr President, 4.

Those who voted in the negative, were Messrs Hughes, Parker, Payne, and Whittlesey, 4.

So the motion was lost.

On motion of Mr Parker,

H. R. file, No. 16, "A joint resolution relative to publishing the laws in the newspapers," was read a second time.

Mr Payne moved to lay the same on the table, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hughes, Keith, Payne, Ralston and Mr President, 5.

Those who voted in the negative, were Messrs Hepner, Parker and Whittlesey, 3.

So the Resolution was laid upon the table.

Mr Ralston moved that the Council adjourn until Monday, 10 o'clock, A. M. which was lost.

Mr Payne moved that the vote taken on yesterday on the adoption of the Resolution fixing the per diem pay of the officers of the Council be reconsidered, which was agreed to, and

On motion of Mr Hepner,

The Resolution was referred to a Select Committee, with instructions, to so amend it as to allow the officers therein named, the same per diem allowance, with the exception of the Secretaries, and the Chair appointed Messrs Hepner, Whittlesey and Payne said committee.

Mr Hepner moved that the Council adjourn until 2 o'clock, P. M.

On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Keith, Parker, Whittlesey and Mr President, 6.

Mr Payne voted in the negative.

So the Council adjourned.

TWO O'CLOCK, P. M.

Mr Hepner, from the Select Committee, to whom was referred a Resolution fixing the per diem pay of the officers of the Council, reported the same back to the Council with an amendment.

Mr Hughes moved to lay the Resolution on the table until Monday next, which was not agreed to, the amendment of the Select Committee was then read and concurred in.

Mr Parker then moved to lay the Resolution on the table until Monday, which was agreed to.

Mr Parker, from the Judiciary Committee, to whom was referred No. 23, C. F. "A Bill to amend the 'Act providing for and regulating General Elections in this Territory,' approved January, 25, 1839," reported the bill back with an entire substitute for the same, which report was concurred in, and the substitute read a first time and ordered to a second reading.

Mr Payne, from the Committee on Incorporations, to whom was referred No. 53, H. R. file, "A Bill to incorporate the Bloomington Education Society," reported the same back to the Council with an additional section, which report was concurred in, and the amendment read a first time and ordered to a second reading.

Mr. Whittlesey, from the select committee, to whom was referred No. 32, H. R. file, "A Bill to relocate the seat of justice in and for the county of Cedar," reported the same back to the Council with amendments, which report was concurred in, and the amendments read a first time.

On motion of Mr. Payne,

The amendments were read a second time, and the bill as amended, was considered in committee of the whole, Mr Hepner in the chair. The chairman reported the same with an amendment, which amendment was disagreed to by the Council, and the bill ordered to a third reading on Monday next.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed with amendments,

No. 16, C. F. "A Bill to make valid the acts of John C. Mather, &c."

No. 18, C. F. "A Bill to incorporate the "Iowa Flouring Mill and Manufacturing Company."

The House have concurred in all the amendments made by the Council to

No. 38, H. R. file, "A Bill to provide for the support of illegitimate children," except the striking out the "Proviso" in the 4th section, to which the House have disagreed.

Mr Parker moved to take up No. 38, H. R. file, "A Bill to provide for the support of illegitimate children," the same being returned from the House of Representatives, with their disagreement to the amendment of the Council, to the 4th section of said bill.

Mr Parker moved that the Council insist on their said amendment. On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Parker and Ralston, 4.

Those who voted in the negative were Messrs Keith, Payne, Whittlesey and Mr President, 4.

So the motion was lost.

Mr Payne moved that the Council recede from said amendment.

On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Keith, Payne, Whittlesey and Mr President, 4.

Those who voted in the negative, were Messrs Hepner, Hughes, Parker and Ralston, 4.

So the Council did not recede.

Mr Hepner moved that the Council adjourn, which was lost. The yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Parker and Ralston, 4.

Those who voted in the negative, were Messrs Keith, Payne, Whittlesey, and Mr President, 4.

So the motion was lost.

Mr Payne moved that the Council adhere to their said amendment, which was lost.

Mr Parker moved to lay the bill upon the table until Monday next. On which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Hughes, Parker, Ralston, Whittlesey and Mr President, 6.

Those who voted in the negative, were Messrs Keith and Payne, 2

So the Bill was laid upon the table until Monday next.

Mr Parker gave notice that he would, on some future day move for leave to introduce, "A Bill to authorize H. H. Gear to keep a Ferry across the Mississippi river," "A Bill to authorize Elijah Buel to keep a Ferry across the Mississippi at the town of Lyons," and

"A Bill to organize Clinton County, and to provide for locating the County Seat."

Mr Whittlesey gave notice, that he would on some future day move for leave to introduce "A Bill amendatory to 'An Act for assessing and collecting County Revenue, approved January 24, 1839,'" and "A Bill for the relief of certain Territorial Officers."

On motion of Mr Parker,

The Council adjourned until Monday morning next.

Monday Morning, Dec. 23, 1839.

The Council met pursuant to adjournment.

Mr Payne presented the petition of sundry citizens of the Territory praying for the location of a road from Wapello to Fairfield, which was read, and

On motion of Mr. Payne,

Was referred to a select committee.

The President appointed Messrs Payne, Clark and Hughes said committee.

Mr Inghram introduced a Joint Resolution relative to printing the Laws, &c. of the present session, which was read a first and second time.

On motion of Mr Parker,

Said resolution was made the order of the day in committee of the whole for to-morrow.

Mr Payne from the committee of conference, to whom was referred the disagreeing vote to the amendment made by the Council to H. R. file No. 7, "An act regulating grocery license," reported that they had performed that duty, and that both Houses have agreed to adhere.

On motion of Mr Payne,

The report was laid on the table until to-morrow.

Mr Parker, from the Judiciary Committee, to whom was referred H. R. file, No. 8, "A bill providing for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer," reported the same back to the Council with several amendments.

The report was concurred in, and the amendments were read a first time.

C. F. No. 16, "A Bill to make valid in law the acts of John C. Mather, &c." being under consideration, as returned from the House of Representatives with amendments,

On motion of Mr Hughes,

The Council concurred in said amendments.

C. F. No. 18, "A bill to incorporate the Iowa Flouring Mill, and Manufacturing Company," being under consideration with the amendments made thereto by the House of Representatives,

On motion of Mr Payne,

The Council disagreed to said amendments.

H. R. file, No. 53, "A Bill to incorporate the Bloomington Education Society" was taken up; the amendments were read a second time, and the bill as amended was ordered to a third reading on to morrow.

Joint Resolution, No. 11, C. F. relative to an additional appropriation to defray the expenses of the present session of the Legislative Assembly, was read a third time and passed.

C. F. No. 13, "A bill concerning the size of Counties, &c." was read a third time, and passed and the title agreed to.

H. R. file, No. 32, "A bill to relocate the seat of Justice of the County of Cedar" was read a third time and passed, and title agreed to.

H. R. file, No. 61, "A memorial for the relief of Settlers on School Sections" was read a third time, and

On motion of Mr Hepner,

Referred to the Committee on Territorial Affairs.

H. R. file, No. 49, "A Preamble, &c. relative to the improvement of a Territorial Road on the Des Moines River," was read a third time and passed.

H. R. file, No. 38, "A bill to provide for the support of illegitimate children," was taken from the table.

Mr Parker moved to reconsider the vote to adhere to the amendment of the Council given on Saturday last, which was agreed to, and

On motion of Mr Inghram,

The Council insisted on their amendment.

Resolution relative to the pay of Officers of the Council, was taken from the table.

Mr Hughes moved to strike out the word "three" wherever it occurred in said Resolution and insert the word "four" and on this motion, the yeas and nays were required.

Mr Ralston moved a call of the Council, and absent members sent for.

Upon a call of the names of the members, it was found that Messrs Clark, Lewis, Payne, and Whittlesey, were absent.

On motion of Mr Browne,

Mr Clark was excused.

On motion of Mr Inghram,

Mr Whittlesey was excused.

Mr Payne, the absent member, having returned,

On motion of Mr Browne,

The further call of the Council was dispensed with.

Mr Payne then moved a division of the question, which was had, and on the question to strike out, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Mr Hughes and Mr President, 2.

Those who voted in the negative, were Messrs Browne, Hepner, Inghram, Keith, Parker, Payne, Ralston and Mr Swazey, 8.

So the motion was lost.

Mr Browne then moved to strike out the word three, and insert "four."

Mr Hepner objected to the motion being put, as being out of order.

The Chair decided that the motion was in order.

Mr Hepner then moved a division of the question.

The Chair decided the motion out of order.

From which decision,

Mr Hepner moved an appeal to the Council, which motion was seconded by Mr Payne.

The question being then put, will the Council sustain the decision of the Chair:

The yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Inghram, Keith, Parker, Ralston and Swazey, 7.

Those who voted in the negative, were Messrs Hepner and Payne, 2.

So the decision of the Chair was sustained.

The question then recurred, on the motion of Mr Browne, to strike out the word "three" and insert "four," on which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Inghram, Keith, Ralston and Mr President, 6.

Those who voted in the negative, were Messrs Hepner, Parker, Payne and Swazey, 4.

So the amendment was agreed to.

The question was then taken by yeas and nays on the adoption of the resolution as amended, and were as follows:

Those who voted in the affirmative, were Messrs Browne, Hepner, Hughes, Inghram, Keith, Ralston, Swazey and Mr President, 8.

Those who voted in the negative, were Messrs Parker and Payne, 2.

On motion of Mr Hughes,

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

TWO O'CLOCK. P. M.

C. F. No. 5, "A bill relative to habeas corpus," being the order of the day, was taken up, and considered in committee of the whole, Mr Parker in the Chair. After spending some time in consideration of said bill, the

committee rose and through their Chairman, reported the same back to the Council with one amendment, which amendment was not concurred in, and the bill was ordered to a third reading on Friday next.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have disagreed to the report of the committee of conference relative to No. 7, H. R. file, "A bill regulating grocery license," and have appointed Messrs Brewer and Hastings a committee, on the part of the House, to again take the disagreements of the two Houses under consideration.

The House have passed,

No. 5, C. F. "A memorial to Congress relative to the county seat of Henry county."

No. 9, C. F. "Resolution relative to seals for the several courts."

No. 13, H. R. file, "A bill to amend an act fixing the terms of the supreme and district courts, and for other purposes."

No. 65, H. R. file, "A bill concerning enclosures and trespassing animals."

No. 67, H. R. file, "A bill to regulate the practice of attorneys at law and solicitors in chancery, &c."

No. 69, H. R. file, "A resolution requesting our Delegate in Congress to urge the passage of a law for a post road."

In which the concurrence of the Council is requested. Mr Fales then withdrew.

Mr Parker, on previous notice, and leave granted, introduced No. 24, C. F. "A bill to authorize Elijah Buel to keep a ferry," which was read a first time, and ordered to be printed.

Mr Hepner, on previous notice, and leave granted, introduced C. F. No. 25, "A bill for the benefit of Des Moines county."

Which was read a first time, and ordered to be printed.

On motion of Mr Parker,

H. R. file, No. 8, "A bill providing for the appointment of auditor, &c." was taken up, and the amendments thereto read a second time, and the bill, as amended, was ordered to a third reading on Friday next.

The message from the House of Representatives relative to H. R. file, No. 7, "A bill regulating grocery license," being under consideration,

On motion of Mr Payne,

Was laid on the table until to-morrow.

H. R. file, No. 13, "A bill to amend an act fixing the terms of the supreme and district courts, &c." was read a first and second time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

H. R. file, No. 65, "A bill concerning enclosures and trespassing animals," was read a first time.

Mr Browne moved to reject the bill, which motion was lost.

On motion of Mr Payne,

The bill was read a second time by its title, and,

On motion of Mr Parker,

Was referred to the committee on Incorporations.

H. R. file, No. 67, "A bill to regulate the practice of Attorneys, &c." was read a first and second time, and

On motion of Mr Parker,

Was referred to the committee on the Judiciary.

H. R. file, No. 69, "A Resolution requesting our Delegate in Congress, to urge the passage of a law for a post road" was read a first time, and

On motion of Mr Parker,

It was laid on the table.

Mr Hepner, from the joint committee on Enrollments reported that they had examined the following, and find them correctly enrolled, viz :

C. F. No. 14, "A bill to provide for the appointment of Notaries Public, &c." and

C. F. No. 3, "A memorial to Congress for an additional appropriation for the completion of the Penitentiary."

On motion of Mr Parker,

The committee to whom was referred H. R. file, No. 26, "An act to amend an act to provide for the erection of a Penitentiary, &c." was instructed to report on to-morrow.

On motion of Mr Parker,

The Council adjourned.

Tuesday Morning, Dec. 24, 1839.

The Council met pursuant to adjournment.

Mr Inghram moved to amend the Journal of yesterday.

Mr Payne moved a call of the Council, which was had. It was found upon the call of the names of the members, that Messrs Clark, Lewis, Swazey and Whittlesey were absent.

On motion of Mr Browne,

Messrs Clark and Whittlesey were excused.

On motion of Mr Parker,

Mr Swazey was excused.

On motion of Mr Payne,

The further call of the Council was dispensed with.

Mr Hepner moved to lay the motion to amend the Journal on the table.

Mr Inghram moved to amend the motion by adding the words "subject to the order of the Council," which was agreed to, and the motion as amended passed.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk.

Mr President: The House of Representatives have appointed Messrs Hawkins and Summers, a committee of conference on the part of the House in relation to the disagreements on No. 27, H. R. file, "A Bill regulating Marriages."

I am directed to inform the Council that the Governor having returned to the House with his objections, "An Act to provide for the appointment of a Librarian, and for other purposes," the House have refused to pass the same by the constitutional majority.

The House have indefinitely postponed No. 21, C. F., A Bill to define the jurisdiction of the several counties in this Territory that front on the Mississippi river. Mr Fales then withdrew.

Mr Payne from the Select Committee, to whom was referred the petition of sundry citizens of the Territory with regard to a road, reported C. F. No. 26, "A Bill to locate and establish a Territorial Road from Fairfield in Jefferson county by way of Jefferson in the county of Henry to Wapello in Louisa county. The report was concurred in, the Bill was read a first time, and ordered to be printed.

Mr Hepner, from the Committee on Enrollments, stated that they had received the following from His Excellency, the Governor.

EXECUTIVE DEPARTMENT, }
Dec. 24, 1839. }

Received from Mr Hepner of the Council of the Legislative Assembly, "An Act to provide for the appointment of Notaries Public and to prescribe their duties," also, "A memorial to Congress for an additional appropriation for the completion of the Penitentiary," presented for my consideration and approval. (Signed) ROBERT LUCAS.

No. 23, C. F. A Bill providing for and regulating General Elections in this Territory," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose, and, through their chairman, reported said Bill back to the Council with one amendment.

Mr Hepner moved to amend the Bill by striking out part of the amendment made in committee of the whole, viz. the words "shall not serve more than four years out of six," which was not agreed to, and the amendment made in said committee was concurred in.

Mr Parker moved further to amend the Bill by adding the following proviso to the last section, viz:

Provided, That no order need be made for such election if no inconvenience to the people will arise by waiting till the next succeeding general election, which was agreed to.

Mr Inghram moved to strike out the word "one" in the 7th section and insert the word "two," which was agreed to, and

The Bill as amended was ordered to be engrossed and read a third time on Friday next.

C. F. No. 24, "A Bill to authorize Elijah Buel to keep a ferry," was read a second time, and ordered to be engrossed and read a third time on Friday next.

C. F. No. 25, "A Bill for the benefit of Des Moines county," was read a second time.

Mr Payne moved that the Bill be referred to a Select Committee, to be composed of one member from each electoral district, and that said committee have power to send for persons and papers, and be instructed to report within ten days, which was agreed to, and the President ap-

pointed Messrs Payne, Parker, Clark, Browne, Lewis, Keith, Whittlesey and Inghram said committee.

On motion of Mr Hepner,

The engrossing of C. F. No. 5, "A Bill relative to Habeas Corpus," was dispensed with.

H. R. file, No. 53, "A Bill to incorporate the Bloomington Education Society," was read a third time and passed, and title agreed to.

On motion of Mr Hughes,

The Council adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

C. F. No. 12, "Joint resolutions relative to printing the laws, &c. of the present session," having been made the special order of the day, was taken up, and considered in committee of the whole, Mr Payne in the Chair. After spending some time therein, the committee rose, and through their chairman, reported said resolutions back to the Council with amendments, and asked to be discharged from a further consideration of the subject, which report was concurred in.

On motion of Mr Payne,

The resolutions were referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 70, H. R. file, "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river opposite Cordova, Illinois."

No. 71, H. R. file, "A memorial to Congress for an appropriation for a road opposite Burlington in the Mississippi bottom."

No. 73, H. R. file, "A bill for the limitation of suits on penal statutes and criminal prosecutions."

No. 74, H. R. file, "Resolution relative to compensation to J. G. Edwards."

No. 75, H. R. file, "A bill for the relief of the sheriff of Jackson county."

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant, to Fairfield."

In all of which the concurrence of the Council is requested.

The House insist upon their amendments to

No. 18, C. F. "A bill to incorporate the Iowa flouring mill and manufacturing company."

The House have receded from their disagreement to amendments made by Council to

No. 38, H. R. file, "A bill to provide for the support of illegitimate children," and have concurred in the amendments made by the Council to

No. 32, H. R. file, "A bill to re-locate the seat of justice in and for the county of Cedar."

I herewith present, for your signature,

"An act to provide for the election of county treasurers and to define their duties."

"Preamble and resolutions relative to the unsurveyed lands."

"Memorial for a survey of Skunk river," and,

"Memorial for the improvement of the Iowa and Cedar rivers."

Which were severally signed by the President, and then Mr Fales withdrew.

The report of the committee of conference, in relation to H. R. file, No. 7, A bill regulating grocery license, was taken from the table.

Mr Parker moved that the report of the committee be concurred in, which was lost.

Mr Inghram moved that the bill be indefinitely postponed, which motion, on leave, he withdrew.

Mr Hepner moved that another committee of conference be appointed.

Mr Hughes moved that the motion be indefinitely postponed, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs. Hughes, Inghram, Parker and Payne, 4.

Those who voted in the negative, were Messrs. Browne, Hepner, Keith, Ralston, Whittlesey and Mr President, 6.

So the question was lost.

Mr Parker moved to lay the motion on the table, which was lost.

The question was then taken on Mr Hepner's motion, and was agreed to.

Mr Payne moved that Mr Inghram be appointed chairman. The Council excused Mr Inghram from serving on said committee.

The President appointed Messrs Hepner and Keith said committee.

No. 18, C. F. "A bill to incorporate the Iowa Flouring mill and manufacturing Company," being again under consideration, as returned from the House with their amendments insisted on.

On motion of Mr Hepner,

The Council receded from their disagreeing vote to the first amendment.

Mr Parker moved that the Council insist on their disagreeing vote to the 2d amendment, which was lost.

On motion of Mr Payne,

The Council receded from their disagreeing vote to said amendment.

Mr Hepner moved to insist on the disagreeing vote of the Council to 3d amendment, which was lost.

On motion of Mr Payne,

The Council receded from their disagreeing vote to said amendment.

H. R. file, No. 70, 71, 73, 75, and 80 referred to in the preceding message from the House of Representatives, were severally read a first time and ordered to a second reading.

H. R. file, No. 74, Resolution relative to compensation to James G. Edwards was read a first time, and,

On motion of Mr Payne,

Was laid on the table subject to the order of the Council.

Mr Hepner from the joint committee on enrollments, reported that he had presented to the Governor for his approval, on the 23d inst.,

H. R. file, "A memorial on the subject of Post Roads in Iowa."

Mr Parker moved that the Council adjourn until Friday morning next, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Browne, Hepner, Inghram, Keith, Parker, Ralston and Mr President—7.

Those who voted in the negative were Messrs Hughes, Payne, and Whittlesey—3.

So the motion was agreed to, and

The Council adjourned until Friday morning at 10 o'clock.

Friday Morning, Dec. 27, 1839.

The Council met pursuant to adjournment.

Mr Browne, from the Committee on Territorial Affairs, to whom was referred No. 26, H. R. file, "A Bill to amend 'An Act relative to the Penitentiary,'" reported the same back to the Council with amendments. The Report was concurred in, and the amendments were read a first time.

Mr Hepner, from the committee of conference, appointed to confer with a similar committee on the part of the House of Representatives relative to a disagreeing vote to "A Bill regulating Grocery License," reported that the committee on the part of the House have receded from their disagreeing vote to the amendments made by the Council to said Bill.

Mr Browne, from the Committee on Territorial Affairs, to whom was referred H. R. file, No. 61, "A memorial for the relief of Settlers upon School Sections," reported the same back to the Council without amendment which report was concurred in.

Mr Inghram, from a Select Committee, to whom was referred H. R. file, No. 41, "A memorial for the postponement of the Land Sales in the Burlington District," reported the same back to the Council without amendment, which report was concurred in.

Mr Parker moved that the Bill be laid on the table, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes and Parker, 3.

Those who voted in the negative, were Messrs Clark, Hepner, Inghram, Keith, Payne, Swazey, Whittlesey and Mr President, 8.

So the motion was lost.

On motion of Mr Clark,

The Bill was referred to a select committee. The President appointed Messrs Clark, Browne, Hepner, Payne, Swazey, Parker, Lewis and Whittlesey said committee.

Mr Payne, from the committee on incorporations, to whom was referred C. F. No. 22, "A Bill to regulate Ferries in certain cases," reported the same back to the Council without amendment, which report was concurred in.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 1, "An Act to provide for the incorporation of Townships," reported the same back to the Council with amendments. The Report was concurred in, and the amendments were read a first time.

On motion of Mr Parker,

The amendments were read a second time, and the Bill as amended was considered in committee of the whole, Mr Hepner in the chair. After spending some time in consideration of said Bill, the committee rose, and, through their chairman, reported the same back to the Council with several amendments, which amendments were concurred in, and

On motion of Mr Parker,

The Bill was recommitted to the committee on the judiciary.

C. F. No. 26, "A Bill to locate a Territorial Road from Fairfield to Wapello, &c." was read a second time, and ordered to be engrossed, and read a third time on to-morrow.

H. R. file, No. 70, "A Bill to authorize Avery Thomas to establish a Ferry across the Mississippi river, &c." was read a second time.

Mr Parker moved to amend by inserting after the words "flat boat" the words "and other necessary boats," which was agreed to.

Mr Inghram moved further to amend by striking out the word "fifteen" and inserting the word "twelve" in the 1st section, which was agreed to, and the Bill as amended was ordered to a third reading on to-morrow.

H. R. file, No. 71, "A memorial for an additional appropriation for a road opposite Burlington, &c." was read a second time, and ordered to a third reading on to-morrow.

On motion of Mr Clark,

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

TWO O'CLOCK, P. M.

H. R. file, No. 73, "A bill for the limitation of suits on penal statutes and criminal prosecutions," was read a second time, and

On motion of Mr Parker,

Was referred to the judiciary committee, with instructions to report on to-morrow morning.

H. R. file, No. 75, "A bill for the relief of the sheriff of Jackson county," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 80, "A memorial on the subject of a turnpike road from Burlington, via Mount Pleasant, to Fairfield," was read a second time, and

On motion of Mr Payne,

Was referred to a select committee.

The President appointed Messrs Inghram, Payne and Whittlesey, said committee.

C. F. No. 5, "A bill relative to habeas corpus," was read a third time, and passed, and title agreed to.

H. R. file, No. 61, "A memorial for the relief of settlers upon school sections," was read a third time.

Mr Hughes moved that the memorial be indefinitely postponed, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hughes, Payne and Whittlesey, 3.

Those who voted in the negative, were Messrs Clark, Hepner, Inghram, Keith, Parker, Swazey, and Mr President, 7.

So the motion was lost.

Mr Hepner moved to refer the memorial to a select committee, and on this question, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Inghram, Keith, Parker, Payne, Swazey, Whittlesey and Mr President, 9.

Mr Hughes voted in the negative.

So the motion was agreed to, and the President appointed Messrs Hepner, Clark and Swazey said committee.

Mr Clark gave notice that he would, on to-morrow, or on some future day, introduce an amendment to the 8th standing rule of the Council.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 72, H. R. file, "A memorial to Congress for appropriations for building bridges and making other public improvements on the mail routes in the territory of Iowa."

No. 76, H. R. file, "A bill to amend an act entitled, an act to organize the county of Linn, and establish the seat of justice thereof."

No. 79, H. R. file, "A bill to re-locate the county seat of Clayton county."

No. 78, H. R. file, "A bill to amend an act for assessing and collecting county revenue."

No. 84, H. R. file, "A joint Resolution on the subject of Post Offices, &c."

No. 85, H. R. file, "A bill to incorporate the upper Mississippi Hydraulic Company." In all of which the concurrence of the Council is requested.

Mr Fales then withdrew.

C. F. No. 23, "A bill to provide for the election of Delegate to Congress, &c." was read a third time, and

On motion of Mr. Parker,

Was laid on the table until to-morrow.

C. F. No. 24, "A Bill to authorise Elijah Buel to keep a ferry," was read a third time and passed, and title agreed to.

The President of the Council announced a communication from the Hon. W. W. Chapman, on the subject of arms and munitions of war for this Territory, which was read, and

On motion of Mr. Payne,

Was referred to the committee on Military Affairs.

Mr Parker, from the committee on the Judiciary, to whom was referred C. F. No. 12, "Joint resolution relative to printing the laws, &c. of the present session," reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Parker,

The rule prohibiting the 2d and 3d reading of bills, resolutions, &c.

on the same day was suspended, and the resolutions were read a third time and passed.

H. R. file, No. 8, "A Bill providing for the appointment and duties of Auditor of public accounts, &c." having been made the special order of the day, was taken up and read a third time.

Mr Clark moved to recommit the Bill to the judiciary committee, which motion on leave, he withdrew, and

On the question of the passage of the Bill, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Parker, Swazey and Whittlesey, 5.

Those who voted in the negative, were Messrs Hughes, Inghram, Keith, Payne and Mr President, 5.

So the Bill did not pass.

Mr Inghram moved to reconsider the vote just given, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Clark, Hepner, Inghram, Keith, Parker, Swazey, Whittlesey and Mr President, 8.

Those who voted in the negative, were Messrs Hughes and Payne, 2.

So the motion to reconsider was agreed to.

Mr Clark renewed his motion to recommit the Bill to the judiciary committee, on which question the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Clark, Hepner, Hughes, Inghram, Keith, Parker, Swazey, Whittlesey and Mr President, 9.

Mr Payne voted in the negative.

So the Bill was recommitted to the judiciary committee.

Mr Parker, on previous notice, and leave granted, introduced "A Bill (C. F. No. 27,) to regulate the admission of Attorneys," which was read a first time, and ordered to be printed.

Mr Inghram, from a select committee to whom was referred H. R. file, No. 80, "A memorial on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield," reported the same back to the Council with an amendment. The report was concurred in, and the amendment was read a first time.

On motion of Mr Hughes,
The Council adjourned.

Saturday Morning, Dec. 28, 1839.

The Council met pursuant to adjournment.

Mr Hepner, from a select committee, to whom was referred H. R. file, No. 61, "A memorial for the relief of settlers upon school sections," reported the same back to the Council with one amendment. The report was concurred in, and the amendment was read a first time.

H. R. file, No. 72, "A memorial for appropriations for building bridges and making other public improvements on mail routes, &c." was read a first time.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 81, H. R. file, "A memorial for the speedy settlement of the Du Buque land claim."

No. 86, H. R. file, "A bill to enable the citizens of Des Moines county to establish the seat of justice of said county."

No. 91, H. R. file, "A bill supplementary to an act for the relief of the administrators of the estate of the late Benj. W. Clark."

In all of which the concurrence of the council is requested.

I herewith present for your signature, "An act to establish a seminary of learning at Parkhurst, in Scott county."

Which was signed by the President of the Council, and Mr Fales withdrew.

H. R. file, No. 76, "A bill to amend an act entitled an act to organize the county of Linn, &c."

H. R. file, No. 79, "A bill to re-locate the county seat of Clayton county."

H. R. file, No. 84, "A joint resolution on the subject of post offices, &c."

H. R. file, No. 78, "A bill to amend an act for assessing and collecting county revenue," and

H. R. file, No. 85, "A bill to incorporate the upper Mississippi hydraulic company."

Were severally read a first time.

C. F. No. 27, "A bill to regulate the admission of attorneys," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose, and, through their chairman, reported progress, and asked to be discharged from a further consideration of the bill, which report was concurred in, and

On motion of Mr Clark,

The bill was referred to a select committee.

The President appointed Messrs Clark, Swazey and Whittlesey said committee.

H. R. file, No. 26, "A bill to amend an act relative to the penitentiary," was taken up, the amendments were read a second time, and the bill, as amended, was considered in committee of the whole, Mr Whittlesey in the Chair. After some time the committee rose, and through their chairman, reported the bill back to the Council with one amendment, which amendment was concurred in.

On motion of Mr Inghram,

The bill was referred to a select committee, viz: Messrs Clark, Hepner and Parker, with instructions to report on Monday next.

No. 80, H. R. file, "A memorial on the subject of a turnpike road from Burlington, *via* Mount Pleasant, to Fairfield," was read a second time, and ordered to a third reading on Monday next.

No. 70, H. R. file, "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river, &c." was read a third time, and passed, and title agreed to.

No. 71, H. R. file, "A memorial for an appropriation for a road on the Mississippi bottom opposite Burlington," was read a third time.

On the question of its passage, the yeas and nays being required, were as follows--(all the members voting in the affirmative) viz: Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Parker, Payne, Ralston, Swazey, Whittlesey and Mr President, 12.

So the memorial passed.

H. R. file, No. 75, "A bill for the relief of the sheriff of Jackson county," was read a third time, and passed, and title agreed to.

C. F. No. 22, "A bill to regulate ferries in certain cases," was read a third time, and passed, and title agreed to.

C. F. No. 26, "A bill to establish a territorial road from Fairfield to Wapello," was read a third time.

Mr Payne moved to amend the bill by striking out the name of Andrew Kennedy, and inserting that of David Cowan, which was agreed to by unanimous consent of the Council, and the bill, as amended, passed, and title agreed to.

C. F. No. 23, "A bill to amend the act providing for and regulating general elections, &c." was taken up, and

On motion of Mr Payne,

Was referred to a select committee.

The President appointed Messrs Inghram, Clark and Parker said committee.

On motion of Mr Hughes,

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

TWO O'CLOCK, P. M.

The President submitted the following communication from James Clarke, Esq. Secretary of the Territory.

SECRETARY'S OFFICE,
Burlington, Dec. 28, 1839. }

Hon. S. HEMPSTEAD,

President of the Council,

Sir: A Resolution which was adopted by the Honorable body over

which you preside, on the 18th inst. calling upon the Secretary of the Territory to "inform the Council whether he has or can procure the means to defray the expenses of the present Legislative Assembly, so far as the members and officers are concerned," was handed to me by the clerk on yesterday.

In reply, I beg leave to state, that no drafts have as yet been received by me for the amount appropriated by Congress at its last session, to defray the expenses of the present Legislative Assembly of the Territory of Iowa, nor, indeed have I had any communication with the Treasury Department since the receipt of my commission as Secretary of the Territory. The delay, however, I think can be accounted for. It is understood to be a rule with the Department at Washington never to forward drafts to a disbursing officer until after the receipt of his letter of acceptance; and there is no probability that there has been any departure from this rule in the present instance. Supposing this to be the cause of the failure of funds thus far there is but little probability that any will be received much before the expiration of the time limited by law for the sessions of the Legislature; for although a notification of my acceptance of the appointment was transmitted immediately after the receipt of my commission, the time which intervenes will barely be sufficient to bring me an answer before the adjournment.

In view of the possibility of the non arrival of a draft previous to the adjournment of the Legislature, I have had a conversation with V. P. Van Antwerp, Esq. the Receiver of public moneys at this place, and it affords me pleasure to inform the Council and Legislative Assembly that he entertains every disposition to come to the relief of the Territory so far as he can do so consistently with his duties as an Officer. The Receiver, it is well known, is not authorized to pay out money except upon drafts from the Treasury Department; but inasmuch as the money has been already appropriated specifically, and undoubtedly will soon be received, Mr Van Antwerp has signified his willingness to make an advance upon his own responsibility, provided the Legislative Assembly will adopt resolutions setting forth, in general terms, the exigency of the case, and pledging the faith of the Territory for the payment of such amounts as he may feel warranted in advancing to me, and of the undrawn appropriation for the expenses of the present session. The receiver desires an expression of this kind on the part of the Legislature, in order that in his correspondence with the Treasury Department he may be enabled to show under what circumstances he acted.

Should the action of the Honorable the Legislative Assembly be of such a character as is desired by the receiver, and as will enable him to make the desired advance of funds, it is scarcely necessary for me to say that disbursements will be promptly made to such as are legally entitled to receive payment out of the appropriation referred to.

Respectfully,

Your obedient servant,

(SIGNED)

JAMES CLARKE,

Secretary of the Territory.

On motion of Mr Inghram,

The communication was referred to the committee on expenditures.

No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 81, H. R. file, "A memorial for the speedy settlement of the Du Buque land claim."

No. 86, H. R. file, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," and

No. 91, H. R. file, "A bill supplementary to an act for the relief of the administrators of the late Benj. W. Clarke,"

Were severally read a first time, and ordered to a second reading.

On motion of Mr Payne,

The Council adjourned until Monday next, at 10 o'clock.

Monday Morning, Dec. 30, 1839.

The Council met pursuant to adjournment.

Mr Browne presented "A memorial for the construction of a military road from Fort Madison to a contemplated military post on the Des Moines River," which was read, and ordered to be printed.

Mr Payne, from the committee on incorporations, to whom was referred H. R. file, No. 65, "A bill concerning enclosures and trespassing animals," reported the same without amendment, and recommended the indefinite postponement of the bill.

On the question of concurring in the report of the committee, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Keith, Parker, Payne, Whittlesey and Mr President, 7.

Those who voted in the negative, were Messrs Clark and Hepner, 2.

So the report was concurred in, and the bill indefinitely postponed.

Mr Clark, from a select committee, to whom was referred No. 26, H. R. file, "A bill relative to the penitentiary," asked further time to report, which was granted.

Mr Hepner, from the committee on expenditures, to whom was referred the communication of the Secretary of the Territory, of the 28th inst. reported "Joint resolutions (C. F. No. 13,) relative to funds to defray the expenses of the present session." The report was concurred in, the resolutions were read a first time, and ordered to be printed.

Mr Whittlesey, from the committee on enrollments, presented the following receipt:

EXECUTIVE DEPARTMENT, }
December 21, 1839. }

Received of Charles Whittlesey, Esq. member of the Council of the Legislative Assembly, C. F. No. 17, "An act to district the county of

Henry into three county commissioners districts;" C. F. No. 9, "An act to authorize evidence by the oath of parties;" C. F. No. 12, "An act relative to coroners and their duties;" C. F. No. 2, "Memorial on the subject of an appropriation on the Territorial Road from Du Buque to the northern boundary of Missouri;" also, "Resolution relative to memorials and resolutions passed at the last session;" presented for my consideration and approval.

(Signed)

ROBERT LUCAS.

Mr Clark, from a select committee, to whom was referred C. F. No. 27, "A bill regulating the admission of attorneys," reported the same with amendments; the report was concurred in, and the amendments were read a first time.

Mr Hepner, from the joint committee on enrollments, reported that said committee had examined, and find correctly enrolled, C. F. No. 9, "Joint resolutions relative to Seals for the Supreme and District Courts;" C. F. No. 1, "An act relative to landlords and tenants;" also, C. F. No. 16, "An act to make valid in law the acts of John C. Mather, &c."

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 1, "A bill to provide for the incorporation of townships," and No. 8, H. R. file, "A bill providing for the appointment and duties of Auditor of Public Accounts, &c." reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first time.

Mr Parker, from the same committee, to whom was referred H. R. file, No. 73, "A bill for the limitation of suits in penal statutes and criminal prosecutions," reported the same without amendment, which report was concurred in.

On motion of Mr Payne,

H. R. file, No. 74, "Resolution relative to compensation to J. G. Edwards," was taken from the table, read a second time, and considered in committee of the whole, Mr Swazey in the chair. After some time, the committee rose, and through their chairman, reported the same back to the Council without amendment, which report was concurred in.

Mr Hepner offered the following amendment,

Strike out all after the word "resolved," and insert "that in addition to the sum of two hundred dollars allowed James G. Edwards for printing five hundred copies of the justices' act, at the last session of the Legislature, he be allowed an additional sum of twenty-five dollars."

On motion of Mr Payne,

The resolution and amendment were laid on the table for the present.

H. R. file, No. 61, "A memorial for the relief of settlers upon school sections," was taken up, the amendments were read a second time, and the memorial, as amended, was ordered to a third reading on to-morrow.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed, No. 11, C. F. Resolution without a title.

No. 92, H. R. file, "A bill to amend an act to divide the several counties in this territory for the election of county commissioners."

No. 93, H. R. file, "A bill to organize the county of Clinton, and establish the seat of justice thereof."

No. 96, H. R. file, "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport."

No. 107, H. R. file, "A bill supplementary to an act to re-locate the seat of justice of Cedar county."

No. 106, H. R. file, "A bill for the relief of the sheriff of Lee county."

In all of which the concurrence of the Council is requested. Mr Fales then withdrew.

H. R. file, No. 72, "A memorial for appropriations for building bridges, &c." was read a second time, and

On motion of Mr Parker,

Was referred to the committee on the judiciary.

H. R. file, No. 6, "A bill to amend an act entitled an act to organize the county of Linn, &c." was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 7, "A bill to incorporate the Philadelphia mill and manufacturing company," was read a second time, and considered in committee of the whole. Mr Inghram in the chair. After some time the committee rose, and through their chairman reported the same back to the Council with one amendment, which report was concurred in, and the bill, as amended, was ordered to a third reading on to-morrow.

H. R. file, No. 78, "A bill to amend an act for assessing and collecting county revenue," was read a second time, and

On motion of Mr Parker,

Was referred to the committee on the judiciary.

H. R. file, No. 79, "A bill to re-locate the county seat of Clayton county," was read a second time, and considered in committee of the whole. Mr Browne in the chair. After some time spent in consideration of said bill the committee rose and through their chairman, reported the same back to the Council without amendment, which report was concurred in, and the bill was ordered to a third reading on to-morrow.

H. R. file, No. 81, "A memorial for the speedy settlement of the Du Buque land claim," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 84, "A joint resolution on the subject of post offices, &c." was read a second time.

Mr Payne moved to amend by striking out the words "one at Bratton's Grove, in Van Puren county, and that Jonathan Bratton be appointed post master," which was agreed to.

Mr Parker moved further to amend by striking out the words "line of post coaches," and insert "mail carried," which was agreed to, and the resolution, as amended was ordered to a third reading on to-morrow.

H. R. file, No. 85, "A bill to incorporate the Upper Mississippi hydraulic company," was read a second time.

Mr Parker moved to lay the bill on the table, which on leave, he withdrew.

Mr Payne moved to amend the bill by adding to the second section the words "provided it shall not obstruct the navigation of the Mississippi by dams."

On motion of Mr Hepner,

The bill with the proposed amendment was laid on the table.

H. R. file No. 86, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," was read a second time and considered in committee of the whole, Mr Whittlesey in the chair. After some time the committee rose, and through their chairman, reported the bill back to the Council without amendment, which report was concurred in.

On motion of Mr Hepner,

The bill was referred to a select committee composed of the delegation from Des Moines county.

H. R. file, No. 91, "A bill supplementary to an act entitled an act for the relief of the administrators of the estate of the late Benj. W. Clark," was read a second time.

Mr Payne moved to lay the bill on the table, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hughes, Keith, Payne, Ralston, Swazey and Mr President, 8.

Those who voted in the negative, were Messrs Hepner, Inghram, Parker and Whittlesey, 4.

On motion of Mr Hepner,

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

TWO O'CLOCK, P. M.

H. R. file, No. 80, "A memorial on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield," was read a third time and passed.

On motion of Mr Parker,

The Council adjourned.

Tuesday Morning, Dec. 31, 1839.

The Council met pursuant to adjournment.

Mr Hepner, from a select committee, to whom was referred H. R. file, No. 86, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," reported the same with one amendment; the report was concurred in, and the amendment was read a first time.

Mr Whittlesey, from the committee on enrollments, presented the following receipt from his excellency the governor:

EXECUTIVE DEPARTMENT,

Dec. 30, 1839.

Received from Mr Whittlesey, member of the Council, C. F. No. 1, "An act relative to landlords and tenants." "An act to make valid in law the acts of John C. Mather, done and performed by him as County Surveyor of the county of Henry and Territory of Iowa," (Council file, No. 16.) "Joint resolution relative to seals, &c." (C. F. No. 9)—filed for consideration and approval.

[Signed.]

ROBERT LUCAS.

Mr Inghram, from a Select Committee to whom was referred H. R. file, No. 23, "A bill to provide for the election of delegate to Congress, &c." reported the same with amendments. The report was concurred in, and the amendments were read a first time.

Mr Hepner, from the committee on enrollments, reported that said committee had examined, and found correctly enrolled, C. F. No. 18, "An act to incorporate the Iowa flouring mill and manufacturing company," also, No. 5, "Memorial relative to pre-emption of the commissioners of Henry county, &c." The report was concurred in.

On motion of Mr Clark,

C. F. No. 13, "Joint resolutions relative to funds to defray the expenses of the present session," was taken up and read a second time.

Mr Parker moved to amend by striking out the words "the above requested" and insert "Gen. V. P. Van Antwerp," which was agreed to.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the resolutions were read a third time and passed.

No 92, H. R. file, "A bill to amend an act entitled an act to district the several counties in this territory for the election of county commissioners."

No. 93, H. R. file, "A bill to organize the county of Clinton, and establish the seat of justice thereof," and

No. 96, H. R. file, "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. W. B. Conway to Davenport,"

Were severally read a first time.

No. 107, H. R. file, "A bill supplementary to an act to re-locate the seat of justice of Cedar county," was read a first time.

Mr Whittlesey moved to reject the bill, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Keith, Parker, Ralston, Swazey and Whittlesey, 9.

Those who voted in the negative, were Messrs Inghram and Mr President, 2.

So the bill was rejected.

H. R. file, No. 106, "A bill for the relief of the sheriff of Lee county," was read a first time, and ordered to a second reading.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 82, H.

R. file, "A bill to establish a territorial road from Burlington, *via* Loyd's ford and Fort Madison, to the town of Keokuk."

No. 89, H. R. file, "A Bill to extend the time for locating the several Territorial roads authorized by the last Legislature."

No. 90, H. R. file, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi."

No. 98, H. R. file, "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque."

No. 100, H. R. file, "A Bill to provide for the appointment of a Librarian, and for other purposes."

No. 102, H. R. file, "A Bill to encourage the raising of Sheep."

In all of which the concurrence of the Council is requested.

I herewith present for your signature "An Act to relocate the seat of justice in and for the county of Cedar."

"An Act to relocate the seat of justice of the county of Johnson."

"A memorial to the President of the United States in relation to the Sioux half breed reservation on Lake Pepin."

"A memorial for the survey of the harbor of the town of Du Buque."

"A Preamble and Resolutions to the Congress of the United States asking for an appropriation for the improvement of a Territorial road on the Des Moines river."

"A Resolution providing for the appointment of a supervisor to the printing of the laws of the present session."

All of which have been signed by the Speaker of the House of Representatives.

The President of the Council then signed said acts, memorials, &c. and Mr Fales withdrew.

No. 27, C. F. "A Bill to regulate the admission of Attorneys," was taken up, and the amendments were read a second time.

Mr Lathram moved to amend by striking out the 3d section, which was agreed to.

Mr Parker moved further to amend by inserting in the 2d section the words "and satisfactory" between the words "thorough examination," which was agreed to, and the Bill as amended was ordered to a third reading on Thursday next.

No. 100, H. R. file, "A bill to provide for the appointment of a Librarian and for other purposes," was read a first and second time.

On motion of Mr Clark,

The Rule prohibiting the second and third readings of Bills, &c on the same day, was suspended, and the bill was read a third time, and passed, and title agreed to.

C. F. No. 7, "A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river," was read a second time and ordered to a third reading on Thursday next.

H. R. file No. 1, "A Bill to provide for the incorporation of Townships," was taken up, and the amendments were read a second time.

Mr Parker moved to amend the bill by adding to section 22d the words

"which shall be a full compensation for such services," which was agreed to.

On motion of Mr Inghram,

The Rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the bill was read a third time and passed.

Mr Parker moved to amend the title by striking out the word "incorporation," and inserting "organization," which was agreed to, and the title as amended agreed to.

H. R. file, No. 8, "A bill to provide for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer," was taken up, and the amendments read a second time.

Mr Parker moved that the rule prohibiting the second and third reading of bills, &c. on the same day, be suspended, and that said bill be read a third time, and

On this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Browne, Clark, Hepner, Keith, Parker, Swazey, Whittlesey and Mr President, 8.

Those who voted in the negative were Messrs Hughes and Inghram, 2.

So the motion was agreed to, and the bill was read a third time, and on the question of its passage the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Browne, Clark, Hepner, Keith, Parker, Swazey, Whittlesey and Mr President, 8.

Those who voted in the negative were Messrs Hughes and Inghram, 2.

So the bill passed and title agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: I am instructed to inform the Council that the House of Representatives have passed No. 13, C. F. "Resolution relative to funds to defray the expenses of the present session."

Mr Fales then withdrew.

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections,"

No. 76, H. R. file, "A bill to amend an act entitled an act to organize the county of Linn and establish the seat of justice thereof," and

No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company," were severally read a third time, and passed, and titles agreed to.

No. 79, H. R. file, "A bill to re-locate the county seat of Clayton county," was taken up, and

On motion of Mr Parker,

Was laid on the table, subject to the order of the Council.

No. 73, H. R. file, "A bill for the limitation of suits in penal statutes and criminal prosecutions," was read a third time.

Mr Parker moved to amend the bill by striking out the word "man-stealing" wherever it occurred and inserting the word "kidnapping" which was agreed to by unanimous consent of the Council, and the bill as amended passed and title agreed to.

No 81, H. R. file, "A memorial for the speedy settlement of the Du-Buque land claim," was read a third time and passed.

No. 81, H. R. file, "A Joint Resolution on the subject of Post Offices, &c." was read a third time and passed.

On motion of Mr Browne,
The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Ralston offered the following :

Whereas, it is the duty of this Legislative Assembly at all times, and under all circumstances to maintain a dignified and honorable course, and

Whereas, the action of a portion of its members as a delegation from this assembly without its authority or sanction is worthy of our severest censure, and whereas it has been published in the public prints of this Territory, as well as those of the State of Missouri, that certain members of this House taking upon themselves the character of delegates and ministers plenipotentiary to a foreign state have proceeded to transact business with such state, representing themselves to be authorized by this assembly so to do, contrary to the known wishes and instructions of this House, therefore,

Resolved, That a committee be appointed to examine into the truth of the above named publications, and that they have power to send for persons and papers, and report the same at as early a period as practicable.

On motion of Mr. Browne,

Said preamble and resolution was referred to a select committee to consist of Messrs Clark, Parker and Lewis.

The following message was received from the House of Representatives :

Mr President : The House of Representatives have passed, No. 97, H. R. file, " A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa."

No. 99, H. R. file, " A bill establishing certain territorial roads therein named."

No. 109, H. R. file, " A bill to provide for an extra session of the Legislative Assembly."

In all of which the concurrence of the Council is requested.

The House have disagreed to the first, and agreed to the second amendment made by the Council to No. 81, H. R. file, " A memorial to Congress on the subject of a turnpike road from the city of Burlington to Fairfield."

I herewith present, for your signature, "An act to incorporate the Bloomington education society."

Which was signed by the President of the Council, and then Mr Fales withdrew.

H. R. file, No. 82, " A bill to establish a Territorial Road from Burlington *via* Loyd's ford and Fort Madison, to the town of Keokuk," was read a first time.

H. R. file, No. 80, " A bill to extend the time for locating the several Territorial roads authorized by the last session of the Legislature," was read a first and second time, and

On motion of Mr. Parker,

Was referred to the committee on the Judiciary.

H. R. file. No. 90, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi," and

H. R. file, No. 98, "A Resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque,"

Were read a first time, and ordered to a second reading.

H. R. file, No. 102, "A Bill to encourage the raising of Sheep," was read a first and second time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington *via* Mount Pleasant to Fairfield," having been returned from the House of Representatives with their disagreement to the amendment made by the Council, and being again under consideration,

On motion of Mr Inghram,

The Council insisted on their amendment.

H. R. file, No. 99, "A Bill establishing certain Territorial Roads therein named," was read a first and second time, and

On motion of Mr Browne,

Was referred to a select committee consisting of one member from each electoral district. The President appointed Messrs Browne, Parker, Whittlesey, Clark, Inghram, Keith, Hughes and Lewis said committee.

H. R. file No. 97, "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa," was read a first and second time, and

On motion of Mr Browne,

Was referred to the committee on Territorial Affairs.

H. R. file, No. 109, "A Bill to provide for an extra session of the Legislative Assembly," was read a first time.

Mr Whittlesey, from the joint committee on Enrollments, reported that said committee had presented to His Excellency, the Governor for his consideration and approval the following:

H. R. file, No. 32, "An Act to relocate the seat of justice in and for the county of Cedar."

H. R. file, No. 63, "A memorial to Congress on the subject of the harbor of Du Buque."

H. R. file, No. 58, "An act to relocate the seat of justice in and for the county of Johnson."

H. R. file, No. 55, "A memorial in relation to the Sioux half breed reservation on Lake Pepin."

H. R. file. No. 40, "A resolution in relation to the Supervision of the Laws of the present session," and

H. R. file, No. 49, "A preamble and resolution asking for an appropriation to improve a Territorial Road on the Des Moines river."

On motion of Mr Whittlesey,

Ordered, That the committee on Territorial affairs, to whom was referred No. 17. H. R. file. "A memorial to Congress for establishing another Land District in this Territory," be instructed to report on the same on Friday next.

Mr Whittlesey, on previous notice, and leave being granted, introduced "A bill (C. F. No. 28,) for the relief of certain Territorial officers," which was read a first time, and ordered to be printed.

On motion of Mr Clark,

H. R. file, No. 90, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi," was taken up, and read a second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and

The memorial was read a third time and passed.

Mr Parker gave notice that he would on Thursday next, move for leave to introduce "A bill to abolish imprisonment for debt."

Mr Clark moved that the Council adjourn.

Mr Inghram moved to amend by adding "until Thursday morning next at 10 o'clock," and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative were Messrs Browne, Inghram, Parker and Ralston, 4.

Those who voted in the negative were Messrs Clark, Hepner, Hughes, Keith, Lewis, Swazey, Whittlesey, and Mr President, 8.

So the amendment was lost, and the question recurred on the original motion which was agreed to, and

The Council adjourned.

Wednesday Morning, Jan 1, 1840.

The Council met pursuant to adjournment.

Mr Browne moved that the Council adjourn, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Lewis and Mr President, 3.

Those who voted in the negative, were Messrs Clark, Hepner, Hughes, Inghram, Keith, and Swazey, 6.

So the motion was lost.

Mr Clark, from a select committee, to whom was referred a preamble and resolution relative to certain publications in the newspapers, respectfully report that said committee are of opinion, that no necessity exists for any action of the Council upon this subject, and they therefore recommend that the Preamble and Resolution be laid upon the table, and that they be discharged from a further consideration of the subject.

On motion of Mr Hughes,

The report was laid on the table subject to the order of the Council.

C. F. No. 28, "A Bill for the relief of certain Territorial officers," was read a second time and ordered to a third reading on to-morrow.

C. F. No. 23, "A Bill to provide for the election of Delegate to Congress, &c," was taken up, the amendments read a second time, the Bill as amended referred to a committee of the whole, and made the special order of the day for to-morrow.

H. R. file, No. 86, "A Bill to enable the citizens of Des Moines county to establish the seat of justice for said county," was taken up, the amendments read a second time, and the Bill as amended was ordered to a third reading on to-morrow.

H. R. file, No. 82, "A Bill to establish a Territorial road from Burlington *via* Loyd's ford and Fort Madison to the town of Keokuk," was read a second time, and,

On motion of Mr Hepner,

Was referred to a select committee.

The President appointed Messrs Hepner, Browne and Lewis, said committee.

H. R. file, No. 92, "A bill to amend an act entitled an act to district the several counties in this Territory for the election of county commissioners was read a second time, referred to a committee of the whole and made the special order of the day for to-morrow.

Mr Whittlesey, from the joint committee on enrollments, presented the following receipt from his Excellency the Governor:

*Executive Department, Iowa Territory, }
December 31, 1839.*

Received of C. Whittlesey, Esqr. member of the Council, the following bills and memorials, viz: "An act to incorporate the Iowa flouring mill and manufacturing company," and a memorial relative to the location by commissioners of Henry county.

[Signed.]

ROBERT LUCAS.

On motion of Mr Lewis,
The Council adjourned.

Thursday Morning, Jan. 2, 1840.

The Council met pursuant to adjournment.

Mr Whittlesey, from the joint committee on enrollments, reported the following:

EXECUTIVE DEPARTMENT, I. T. }

January 1, 1840. }

Received from Mr Whittlesey, member of the Legislative Council, No. 13, C. F. "Resolutions relative to the pay of officers, members, &c." filed for consideration and approval.

(Signed)

ROBERT LUCAS.

H. R. file, No. 93, "A bill to organize the county of Clinton, and establish the seat of justice thereof," was read a second time, and referred to a committee of the whole, and made the special order of the day for Monday next.

H. R. file, No. 96, "Resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. W. B. Conway, to Davenport," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 98, "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," was read a second time, and ordered to a third reading on Saturday next.

H. R. file, No. 106, "A bill for the relief of the sheriff of Lee county," was read a second time, and

On motion of Mr Hepner,

Was referred to the committee on the judiciary.

H. R. file, No. 109, "A bill providing for an extra session of the Legislative Assembly," was read a second time, and

On motion of Mr Clark,

Was laid on the table.

On motion of Mr Clark,

H. R. file, No. 74, "A resolution relative to compensation to James G. Edwards," with the amendment pending to the same, was taken from the table.

Mr Hepner, on leave, withdrew the amendment, and the resolution was read a second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the resolution was read a third time, and passed.

H. R. file, No. 29, "A bill to encourage the destruction of wolves," was read a third time, and passed, and title agreed to.

H. R. file, No. 86, "A bill to enable the citizens of Des Moines county to establish a seat of justice for said county," was read a third time, and passed, and title agreed to.

C. F. No. 23, "A bill to amend the act providing for the election of delegate to Congress, &c." being the special order of the day, was taken up and considered in committee of the whole, Mr. Lewis in the chair. After some time spent in consideration of said bill, the committee rose, and, through their chairman, reported the same back to the Council with one amendment.

Mr Hughes moved a call of the Council, which was had, and upon cal-

ling the names of the members, it was found that Messrs. Browne and Ralston were absent. The Sergeant-at-Arms was despatched for them.

Mr Browne having arrived.

On motion of Mr Hughes,

The further call of the Council was suspended.

Mr Hughes moved that the Council do not concur in the report of the committee, which motion on leave he withdrew.

On the question of concurring in the report of the committee, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Payne, Swazey, and Whittlesey, 6.

Those who voted in the negative were, Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

So the report was not concurred in, and the bill was ordered to a third reading on to-morrow.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President:—

The House of Representatives have passed with an amendment, No. 12, C. F. Resolutions relative to the printing of the laws, &c. of the present session.

The House have agreed to all the amendments made by the Council to No. 1, H. R. file, "A bill to provide for the organization of townships," except that made to the 16th section, and the two first amendments to the 19th section, to which the House have disagreed.

The House have agreed to all the amendments made by the Council to No. 8, H. R. file, "A Bill providing for the appointment and duties of Auditor of Public Accounts, &c." except the first amendment to the first section, to which the House have disagreed. The House have disagreed to the amendment made by the Council to No. 61, H. R. file, "A memorial for the relief of settlers upon School Sections," and have passed with amendments No. 26, C. F. "A Bill to locate and establish a Territorial road from Fairfield to Wapello, &c."

The House have passed No. 104, H. R. file, "A Bill for opening and regulating Roads and Highways."

In which the concurrence of the Council is requested. Mr Fales then withdrew.

On motion of Mr Lewis,

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

TWO O'CLOCK, P. M.

On motion of Mr Payne,

The Preamble and Resolution relative to certain publications in regard to the adjustment of difficulties with the State of Missouri, with the Report of the select committee was taken from the table, and the report of the committee was concurred in.

On motion of Mr Hughes,

The Preamble and Resolution was taken up.

Mr Hughes moved that said Preamble and Resolution be stricken from

the Journal, and on this question the yeas and nays being required were as follows: (Messrs Payne and Ralston at their own request were excused from voting.)

Those who voted in the affirmative were Messrs Hepner, Hughes, Inghram, Keith, Lewis, Parker and Swazey, 7.

Those who voted in the negative, were Messrs Browne and Mr President, 2.

So the question was decided in the affirmative, and the said Preamble and Resolution was ordered to be stricken from the Journal.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk.

Mr President: The House of Representatives insist upon their disagreement to the amendment made by the Council to No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington to Fairfield," and ask a conference on the same. Messrs Leffler and Hawkins have been appointed a committee on the part of the House. The House have passed,

No. 22, C. F. "A Bill to regulate Ferries in certain cases."

No. 24, C. F. "A Bill to authorize Elijah Buel to keep a Ferry."

No. 105, H. R. file, "A Bill to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

No. 110, H. R. file, "A Bill for the relief of Carriers."

No. 115, H. R. file, "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque in the winter of 1838-9."

In all of which the concurrence of the Council is requested. Mr Fales then withdrew.

H. R. file, No. 92, "A Bill to amend an act entitled An act to district the several counties in this Territory for the election of County Commissioners," being the special order of the day, was taken up, and considered in committee of the whole, Mr Hepner in the chair. After some time, the committee rose and through their chairman, reported said bill back to the Council without amendment. The report was concurred in, and the bill was ordered to a third reading on to-morrow.

C. F. No. 28, "A bill for the relief of certain Territorial Officers," was read a third time and passed.

Mr Parker moved to amend the title by striking out the word "Territorial" and adding after the word "Officers" the words "in the Territory," which was agreed to, and the title as amended was agreed to.

C. F. No. 12, "Resolution relative to printing the laws of the present session," having been returned from the House of Representatives, with amendments, was taken up, and,

On motion of Mr Parker,

The Council concurred in said amendments.

H. R. file, No. 1, "A bill to provide for the organization of townships," having been returned from the House of Representatives with their disagreement to the amendments made by the Council to sections 16 and 19, was again under consideration,

On motion of Mr Parker,

The Council receded from their amendment to the 16th section, and insisted on their amendments to the 19th section.

H. R. file, No. 8. "A bill providing for the appointment and duties of Auditor of Public Accounts, &c." with their disagreement to the first amendment made by the Council to the first section, being again under consideration,

On motion of Mr Hepner,

The Council insisted on said amendment.

H. R. file, No 61. "A memorial for the relief of settlers upon school sections," having been returned from the House of Representatives with their disagreement to the amendment of the Council, and being again under consideration,

On motion of Mr Clark,

The Council insisted on their amendment.

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant, to Fairfield," having been returned from the House of Representatives with their disagreement to the amendments of the Council insisted on, and being again under consideration,

On motion of Mr Hughes,

Messrs Inghram and Payne were appointed a committee of conference, to act with a similar committee on the part of the House, in relation to said disagreement.

H. R. file, No. 104, "A bill for opening and regulating roads and highways."

H. R. file, No. 105, "A bill to authorize the arrest and detention of fugitives from justice from other states and territories of the United States."

H. R. file, No. 110, "A bill for the relief of carriers," and

H. R. file, No. 115, "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque, in the winter of 1838-9,"

Were severally read a first time, and ordered to a second reading.

On motion of Mr Clark,

H. R. file, No. 69, "A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road," was taken from the table, read a second time, and,

On motion of Mr Clark,

Was referred to a select committee.

The President appointed Messrs Clark, Parker and Hughes said committee.

The President of the Council announced a communication from his Excellency the Governor.

On motion of Mr Lewis,

The Council went into an executive session for the consideration of the nominations made in said communication.

After some time, the Council resumed their regular session, and,

On motion of Mr Lewis,

The Council adjourned.

Friday Morning, Jan. 3, 1840.

The Council met pursuant to adjournment.

Mr Whittlesey, from the joint committee on enrollments, reported that they have examined and find correctly enrolled C. F. No. 11, "A resolution instructing our delegate to Congress to apply for an additional appropriation to defray the expenses of the present Legislative Assembly of Iowa Territory," and also that said committee, on the 30th ult. presented to the Governor, for his approval and signature, H. R. file, "An act to establish a seminary of learning at Parkhurst, in Scott county," and on the 31st ult. H. R. file, "An act to incorporate the Bloomington Education Society."

Mr Lewis, from the committee on territorial affairs, to whom was referred H. R. file, No. 17, "A memorial to Congress for establishing another land district in this territory," reported the same back to the Council without amendment. The report was concurred in.

Mr Clark, from a select committee, to whom was referred joint resolution (H. R. file, No. 69) requesting our delegate in Congress to urge the passage of a law for a post road, reported the same with an amendment. The report was concurred in, and the amendment was read a first time.

Mr Payne gave notice that on to-morrow, or some future day, he would move for leave to introduce "A bill for a charter for Adam Ritchie to build a dam across Crooked creek, on the west half of section 6, township 73 north, range 5 west."

Mr Payne gave notice that he would on to-morrow, or on some future day, move for leave to introduce "A bill to apportion the next Legislative Assembly," and asked that a select committee be appointed, consisting of one from each electoral district, to prepare said bill. The request was granted, and the President appointed Messrs Payne, Browne, Lewis, Parker, Clark, Whittlesey, Inghram and Swazey said committee.

On motion of Mr Swazey, it was

Resolved, that his Excellency Governor Lucas be requested to transmit to this House a copy of his correspondence with the War Department on the subject of public arms and munitions of war for the use of the militia of this territory.

C. F. No. 26, "A bill to locate and establish a territorial road from Fairfield to Wapello, &c." having been returned from the House of Representatives, with three amendments, and being again under consideration,

On motion of Mr Hughes,

The Council disagreed to the first amendment.

On motion of Mr Clark,

The Council concurred in the second amendment.

On motion of Mr Hughes,

The Council concurred in the third amendment.

H. R. file, No. 104, "A bill opening and regulating roads and high-

ways," was read a second time, and considered in committee of the whole, Mr Parker in the Chair. After some time, the committee rose, and through their chairman, reported progress, and asked to be discharged from a further consideration of the bill. The report was concurred in, and

On motion of Mr Whittlesey,

Said bill was referred to the committee on roads.

On motion of Mr Inghram,

Messrs Clark and Whittlesey were added to the committee on roads.

H. R. file, No. 105, "A bill to authorize the arrest and detention of fugitives from justice from other states and territories of the United States," was read a second time, and

On motion of Mr Whittlesey,

Was referred to the committee on the judiciary.

H. R. file, No. 110, "A bill for the relief of carriers," was read a second time, and

On motion of Mr Payne,

Was referred to the committee on the judiciary.

H. R. file, No. 115, "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque, in the winter of 1838-9," was read a second time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

H. R. file, No. 92, "A bill to amend an act to district several counties in this territory for the election of county commissioners," was read a third time, and

On motion of Mr Whittlesey,

Was laid on the table.

H. R. file, No. 96, "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport," was read a third time.

Mr Whittlesey moved to amend the resolution by striking out the word "thirty-five" and inserting "fifty," which was agreed to by unanimous consent of the Council, and the resolution, as amended, passed.

H. R. file, No. 17, "A memorial on the subject of an additional Land District in the Territory of Iowa," was taken up.

Mr Parker moved to strike out in the clause relative to boundary all after the words "Land District," and insert before the word "Land" the word "New," which was agreed to.

Mr Whittlesey moved to amend further by striking out in 26th line of last paragraph the words, "Your memorialists would recommend the location of the Land Office in the proposed Land District," and insert the words "the office for which shall be located" and that the two last paragraphs as amended be read in connection, which was agreed to, and the bill as amended was ordered to a third reading on to-morrow.

On motion of Mr Whittlesey,

H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in the city of Iowa, and for other purposes," was taken from the table, and,

On motion of Mr Parker,

Was recommitted to the committee on Territorial Affairs, with instructions to provide in said bill that the Governor shall sign the title deeds, and that the seal of the Territory shall be impressed thereon, and also with instructions to said committee to report said bill back to the Council on to-morrow.

On motion of Mr Hepner,
The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The President of the Council called Mr Browne to the Chair for the purpose of laying before the Council a Preamble and Resolution relative to a certain publication in the "Iowa News."

On motion of Mr Inghram,

Said Preamble and Resolution was referred to a select committee to consist of one member from each electoral district. The chair appointed Messrs Inghram, Clark, Hughes, Lewis, Parker, Swazey, Browne, and Whittlesey said committee.

On motion of Mr Inghram,

The President resumed the chair.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed Bills of the House, to wit:

No. 63, "A Bill to incorporate the Bloomington Insurance Company."

No. 103, "A Bill defining the duties of Supervisors of Roads and Highways."

No. 111, "A Bill to amend an act entitled 'An act providing for and regulating general elections.'"

No. 114, "A Bill to alter the manner of electing the County Commissioners of Des Moines County."

No. 116, "A Bill to establish a system of Common Schools."

No. 117, "A Preamble and Resolution for the benefit of former Sheriffs."

No. 119, "A Bill to incorporate the Tuscarora Steam Mill Company, and

No. 123, "A Bill for the benefit of the Sheriff of Des Moines county."

In all of which the concurrence of the Council is requested. Mr Fales then withdrew.

On motion of Mr Whittlesey,

H. R. file, No. 91, "A Bill supplementary to an act entitled An act for the relief of the administrators of the estate of the late Benj. W. Clarke," was taken from the table, and referred to the committee on the judiciary.

C. F. No. 23, "A Bill to provide for the election of Delegate to Congress, &c." was read a third time.

Mr Hepner moved that the Bill be referred to a select committee, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 6.

Those who voted in the negative, were Messrs Browne, Clark, Hughes, Inghram, Keith, Parker and Mr President, 7.

So the motion to refer was lost.

Mr Clark, moved to recommit the Bill to the committee on Territorial Affairs, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 7.

Those who voted in the negative, were Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

So the motion to recommit was agreed to.

C. F. No. 7, "A memorial for an appropriation for the construction of a military road from Fort Madison to a contemplated military post on the Des Moines river," was read a third time and passed.

C. F. No. 27, "A Bill to regulate the admission of Attorneys," was read a third time, and passed, and title agreed to.

Mr Lewis, from the committee on Territorial Affairs, made a report in relation to C. F. No. 23, which report on leave he withdrew.

Mr Clark moved that Mr Payne be added to the committee on Territorial affairs, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Ralston, Swazey and Whittlesey, 6.

Those who voted in the negative, were Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

So the motion was lost.

Mr Parker moved that the Council adjourn, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

Those who voted in the negative, were Messrs Clark, Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 7.

So the motion to adjourn was lost.

Mr Lewis moved that Mr Clark be added to the committee on Territorial Affairs, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Payne, Ralston, Swazey and Mr Whittlesey, 7.

Those who voted in the negative, were Messrs Browne, Hughes, Inghram, Keith, Parker and Mr President, 6.

So the motion was agreed to, and Mr Clark was added to the committee on Territorial Affairs.

Mr Hughes moved that Mr Parker be added to the committee on Territorial Affairs, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Hughes, Inghram, Keith and Mr President, 4.

Those who voted in the negative, were Messrs Browne, Clark, Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 8.

So the motion was lost.

Mr Hepner moved that the Council adjourn, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Payne, Ralston, Swazey and Whittlesey, 12.

Mr President voted in the negative.

So the Council adjourned.

Saturday Morning, Jan. 4, 1840.

The Council met pursuant to adjournment.

Mr Payne presented a petition from citizens of Henry County, in regard to the admission of Iowa into the Union, which was read, and

On motion of Mr Payne,

Was referred to the committee on Territorial Affairs.

Mr Payne also presented a petition from citizens of Henry County, in relation to a certain road, which was read, and

On motion of Mr Payne,

Was referred to the committee on Roads.

Mr Clark, from a select committee, to whom was referred No. 26, H. R. file, "A Bill to amend an act relative to the Penitentiary," reported the same back to the Council with amendments. The Report was concurred in, and the amendments were read a first and second time, and the Bill with the amendments,

On motion of Mr Clark,

Was laid on the table until Monday next.

On motion of Mr Hughes,

The motion of Mr Payne respecting a petition in relation to a certain road, was reconsidered, and the petition was referred to the select committee on roads composed of one member from each electoral district.

Mr Parker presented the petition of citizens of Muscatine and Johnson Counties, in relation to a certain road, which was read and referred to the same committee.

Mr Whittlesey presented the petition of citizens of Cedar county, in relation to a certain road, which was read, and also referred to the same committee.

Mr Lewis, from a select committee, to whom was referred H. R. file, No. 35, "A Bill to provide for the execution of title deeds to lots in Iowa city, and for other purposes," reported the same back with amendments. The report was concurred in, the amendments were read a first time, and ordered to a second reading on Tuesday next.

Mr Lewis, from the committee on Territorial Affairs, to whom was referred C. F. No. 23, "A Bill to provide for the election of Delegate to Congress, &c." reported the same back to the Council with one amend-

ment, viz: to strike out in the 4th section after the word "years" the words "six years inclusive."

On the question of concurring in the amendment, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Payne, Ralston, Swazey and Whittlesey, 7.

Those who voted in the negative, were Messrs Hughes, Inghram, Keith, Parker and Mr President, 5.

So the amendment was concurred in, and read a first and second time, and

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill, as amended, was read a third time, and passed, and title agreed to.

Mr Payne, from the committee to whom was referred C. F. No. 25, requested further time to be allowed said committee to report, which was granted.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 105, "A bill to authorize the arrest and detention of fugitives from justice from other states, &c." reported the same back to the Council without amendment. The report was concurred in, and the bill was read a third time, and passed, and title agreed to.

On motion of Mr Inghram,

Resolved, That the standing committee on roads be instructed to enquire into the expediency of appointing commissioners to review so much of the territorial road leading from Burlington, by Trenton, York's and Lee's, to the Indian boundary line as it runs through Des Moines county, and that they report on Monday next.

On motion of Mr Hepner,

Resolved, That the select committee, to whom was referred a memorial to Congress, asking for an additional appropriation for the benefit of the territorial road leading from Farmington to Du Buque, be instructed to report thereon on Monday next.

Mr Lewis asked leave of absence for Mr Browne until Tuesday next, which was granted.

No. 66, H. R. file, "A bill to incorporate the Bloomington insurance company," was read a first time.

H. R. file, No. 103, "A bill defining the duties of supervisors of roads and highways," was read a first and second time, and

On motion of Mr Lewis,

Was referred to the committee on roads.

H. R. file, No. 111, "A bill to amend an act entitled an act providing for and regulating general elections," was read a first time.

Mr Hughes moved to reject the bill, and on this question, the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Clark, Hughes, Parker, Payne and Whittlesey, 5.

Those who voted in the negative, were Messrs Hepner, Inghram, Keith, Lewis, Ralston, Swazey and Mr President, 7.

So the motion to reject was lost, and the bill was read a second time, and,

On motion of Mr Inghram.

Was referred to the committee on elections.

No 114, H. R. file, "A bill to alter the manner of electing the commissioners of Des Moines county," was read a first and second time.

Mr Inghram moved to refer the bill to the committee on elections, which motion, on leave, he withdrew.

Mr Clark moved that the bill be indefinitely postponed, which was agreed to.

H. R. file, No. 116, "A bill to establish a system of common schools," was read a first time.

Mr Payne, on previous notice and leave being granted, introduced "a bill (C. F. No. 29) to authorize Adam Ritchie to erect a dam across Crooked Creek, &c." which was read a first time and ordered to be printed.

On motion of Mr Whittlesey.

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

TWO O'CLOCK, P. M.

Mr Hughes offered the following:

Resolved, That James G. Edwards be employed to print copies of the Journals of the Council of the present session. And that he be allowed the same prices as have been heretofore allowed printers to Congress for similar work.

Resolved, That the Secretary of the Council be instructed to superintend the printing, indexing, &c. of the Journal of the Council of the present session, and that he be allowed the sum of two hundred dollars for the same, which the Secretary of the Territory is authorised to pay out of the appropriation to defray the expenses of the Legislative Assembly of the Territory of Iowa, session 1839-40.

On motion of Mr Clark,

The blank in the first resolution was filled with "one hundred and fifty."

On motion of Mr Parker,

The resolutions were laid on the table until Monday next.

Mr Hepner offered the following:

Resolved, That a committee of two be appointed to confer with the Marshal of the Territory, for the purpose of ascertaining when he can or will make returns of the census of this territory, provided he is indemnified for any extra expenses that may be incurred. Which,

On motion of Mr Whittlesey,

Was laid on the table.

No 117, H. R. file, "Preamble and Resolution for the benefit of former sheriffs."

No. 119, H. R. file, "A bill to incorporate the Tuscarora Steam-mill Company."

No. 123, H. R. file, "A bill for the benefit of the Sheriff of Des Moines County."

Were severally read a first time.

No. 69, H. R. file, "A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road."

Mr Parker moved to amend by striking out the words "to Iowa city," and insert the word "to" before "Moscow," which was agreed to, and the bill, as amended, was ordered to a third reading on Monday next.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr. President: The House of Representatives have passed bills of the House, to wit:

No. 112, A bill to incorporate the town of Salem, in Henry county,

No. 118, A bill to further encourage the improvement of the breed of horses,

No. 120, A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie du Chien, and from Du Buque to the county seat of Delaware county,

No. 121, A memorial to Congress for the improvement of the mail road from Davenport to Burlington,

In all of which the concurrence of the Council is requested.

The House insist on their disagreement to the amendment made by the Council, to

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," and request a conference on the same.

Messrs Churchman, Hall and Owen have been appointed a committee on the part of the House.

The House have disagreed to the amendments made by the Council, to

No. 86, H. R. file, A bill to enable the citizens of Des Moines county to establish the seat of justice for said county.

I herewith present for your signature, An act to authorize Avery Thomas to keep a ferry across the Mississippi river opposite Cordova, Illinois,

An act to provide for the appointment of a librarian, and for other purposes,

An act regulating marriages,

An act regulating grocery license,

An act for the relief of the sheriff of Jackson county,

An act to regulate conveyances,

An act to provide for the support of illegitimate children.

The President submitted a communication from the Executive, containing the correspondence between the executive and the War Department at Washington, which were severally read, and

On motion of Mr Swazey,

Was referred to the committee on military affairs.

No. 17, H. R. file, "Memorial to Congress for establishing another Land District," in this Territory, and

No. 98, H. R. file, "A Resolution requesting our Delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," were severally read a third time and passed, and titles agreed to.

On motion of Mr Parker,
No. 109, H. R. file, "A Bill to provide for an extra session of the Legislative Assembly," was taken from the table, and

On motion of Mr Parker,
The bill was amended by adding a new section thereto.

On motion of Mr Inghram,
The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the Bill as amended was read a third time and passed, and title agreed to.

On motion of Mr Inghram,
No. 86, H. R. file, "A Bill to enable the citizens of Des Moines county to establish the seat of justice for said county," the same having been returned from the House of Representatives with their disagreement to the amendment of the Council, was taken up.

On motion of Mr Hepner,
The Council receded from their amendment.

On motion of Mr Clark,
No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," the same having been returned from the House of Representatives, requesting a committee of conference, was taken up.

Mr Clark moved that a committee of conference be appointed on the part of the Council, to act with a similar committee appointed on the part of the House of Representatives, which was agreed to, and

The President appointed Messrs Clark, Hepner and Hughes said committee.

Mr Parker, on leave, introduced No. 30, C. F. "A bill relative to the authentication of statutes without the approval of the Governor, &c.

On motion of Mr Whittlesey,
The Council adjourned until Monday morning next, at 10 o'clock.

Monday Morning, Jan. 6, 1840.

The Council met pursuant to adjournment.

Mr Hepner presented the petition of Webber & Remey, which was read, and

On motion of Mr Whittlesey,

Was referred to the Committee on Expenditures.

Mr Whittlesey presented the petition of citizens of Johnson and Muscatine in relation to a road, which was read, and referred to the select committee on roads.

Mr Parker, from the judiciary committee, to whom was referred C. F. No. 6, and H. R. file, No. 72, reported a substitute (C. F. No. 6,) for

the two, in which the substance of both were embraced. The report was concurred in, and the memorial was read a first time.

A communication from his excellency the governor was announced, by Mr Williams his private secretary, in relation to certain nominations.

On motion of Mr Parker, it was

Ordered, that said communication be taken up for consideration on to-morrow.

Mr Inghram, from a select committee, to whom was referred a preamble and resolution in relation to a certain publication in the "Iowa News," reported the following (the President of the Council having called Mr Parker to the chair.)

Whereas, it is stated in a public newspaper, entitled the "Iowa News," published in this territory, on Saturday, the 14th day of December, 1839, that the President of this body, in his remarks upon a memorial for the lake Michigan and Mississippi rail road, made use of the following language, to wit: "He gave his further reasons for opposing it, that he was legislating for the benefit of the whole territory, and not for Du Buque county alone, and as Du Buque county and town were the only parts to be benefited he must vote against it." And whereas, no such language or argument was made use of in the discussion of said memorial by any member of this body; therefore

Resolved, That the statement above alluded to in the "Iowa News," is wholly incorrect, and untrue.

The report of the committee was adopted, and on the question of the passage of the preamble and resolution, the yeas and nays being required, were as follows, every member present voting in the affirmative, viz: Messrs. Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Swazey and Whittlesey, 9.

So the preamble and resolution passed, and the President then resumed the chair.

Mr Hepner, from the joint committee on enrollments, reported that said committee, on the 3d inst. presented to the Governor for his consideration and approval "An act to authorize Avery Thomas to keep a Ferry across the Mississippi river opposite Cordova, Ill." "An act for the relief of the Sheriff of Jackson County," "An act regulating Grocery License," "An act regulating Marriages," "An act to regulate Conveyances," "An act to provide for the support of Illegitimate Children," and "An act for the appointment of a Librarian and for other purposes."

Mr Lewis, from the committee on Territorial Affairs, to whom was referred the Petition of a number of citizens of Henry county, relative to forming a State Constitution, reported that they had the same under consideration, and that they deem it inexpedient to grant the prayer of the petitioners, they therefore ask to be discharged from a further consideration of the subject.

The report was concurred in.

Mr Parker, from a select committee, to whom was referred H. R. file, No. 99, "A Bill establishing certain Territorial roads therein named," reported the same back to the Council with amendments. The report was concurred in, the amendments were read a first and second time, and the Bill as amended was considered in committee of the whole, Mr Lewis in

the chair. After some time spent in consideration of said Bill, the committee rose, and, through their Chairman, reported the same back to the Council with sundry additional amendments.

The Report was concurred in, and the Council adopted all the amendments, with the exception of that for the third section, to which they disagreed.

On motion of Mr Whittlesey,

The Bill was further amended by adding the following to section — “and that the seat of justice of Cedar county shall be a point in lieu of Rochester in section third of said act,” and by striking out the words “to Iowa City in Johnson county.”

On motion of Mr Clark,

The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the bill as amended was read a third time and passed, and title agreed to.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 89, “A Bill to extend the time for locating the several Territorial roads authorized by the last session of the Legislature,” reported the same back to the Council, and asked that it be laid on the table subject to the order of the Council, which report was concurred in.

Mr Parker from the same committee to whom was referred H. R. file No. 110, “A bill for the relief of carriers,” reported the same back to the Council with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. was suspended, and the bill as amended was read a third time, and passed.

Mr Parker moved to amend the title by prefixing the word “certain” to “carriers” which was agreed to, and the title as amended was agreed to.

Mr Whittlesey presented a Joint Resolution (C. F. No. 14) relative to having the census taken, &c.” which was read and ordered to be printed.

H. R. file, No. 112, “A bill to incorporate the town of Salem in Henry county,” was taken up, being on its first reading, and previous to its being gone through with,

On motion of Mr Whittlesey,

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

TWO O'CLOCK, P. M.

H. R. file, No. 112, “A bill to incorporate the town of Salem, in Henry county,” being resumed, was read a first and second time, and

On motion of Mr Payne,

Was referred to the committee on the judiciary.

H. R. file, No. 118, “A bill to further encourage the improvement of the breed of horses,” was read a first time.

Mr Payne moved that the bill be rejected, which was agreed to.

H. R. file, No. 120, “A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie du Chien, and from Du Buque to the county seat of Delaware county,” was read a first time.

H. R. file, No. 121, "A memorial to Congress for the improvement of the mail road from Davenport to Burlington," was read a first time, and

On motion of Mr Parker,
Was laid on the table.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have passed bills of the House, as follows:

No. 124, A bill to punish trespass on school and other lands,

No. 125, A bill to amend "An act to incorporate the Iowa mutual fire insurance company,"

No. 126, A resolution providing for the payment of the rent of the building occupied by the Legislative Assembly,

No. 127, A bill to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp, deceased,

No. 128, A bill for the relief of certain officers of the county of Scott.

The House have passed, with amendments, No. 4, C. F. A bill to prevent frauds,

In which the concurrence of the Council is requested.

The House have receded from their first amendment to No. 26, C. F. A bill to locate and establish a territorial road from Fairfield to Wapello, &c.

I herewith present, for your signature, A memorial to Congress for an appropriation for a road opposite Burlington in the Mississippi bottom,

Which was then signed by the President of the Council, and Mr Fales withdrew.

C. F. No. 29, "A bill to authorize Adam Ritchie to erect a dam across Crooked creek, in Henry county," was read a second time, and ordered to be engrossed, and read a third time on to-morrow.

H. R. file, No. 66, "A bill to incorporate the Bloomington Insurance company," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 116, "A bill to establish a system of Common Schools," was read a second time, and

On motion of Mr Payne,

Was referred to the committee on schools.

H. R. file, No. 117, "Preamble and resolution for the benefit of former sheriffs," was read a second time.

Mr Payne moved to amend, by striking out the name of "William B. Slaughter," which was not agreed to.

On motion of Mr Clark,

The rule prohibiting the second and third reading, on the same day, of bills, &c. was suspended, and the preamble and resolution was read a third time, and passed.

H. R. file, No. 119, "A bill to incorporate the Tuscarora steam mill company," was read a second time, and ordered to a third reading on to-morrow.

H. R. file, No. 123, "A bill for the relief of the Sheriff of Des Moines county," was read a second time, and

On motion of Mr Inghram,

Was referred to the committee on expenditures.

H. R. file, No. 93, "A bill to organize the county of Clinton, and to establish the seat of justice thereof," being the special order of the day, was taken up, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose, and, through their chairman, reported said bill back to the Council with several amendments.

The Report was concurred in, and the amendments were read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time and passed, and title agreed to.

Resolutions relative to the printing of one hundred and fifty copies of the Journal, and of employing the Secretary of the Council to superintend the same, being the special order of the day, was taken up.

On the adoption of the first Resolution, the yeas and nays being required were as follows :

Those who voted in the affirmative, were Messrs Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Swazey, Whittlesey and Mr President, 10.

Mr Payne voted in the negative.

So the resolution was adopted.

The question was then taken on the adoption of the second Resolution, which was also agreed to.

Mr Whittlesey, on previous notice, and leave being granted, introduced "A Bill (C. F. No. 31,) amendatory to an act for assessing and collecting county revenue," which was read a first time, and ordered to be printed.

Mr Hughes, on previous notice, and leave granted, introduced "A Bill (C. F. No. 32,) appointing commissioners to review a Territorial Road from Burlington to the Indian boundary line," which was read a first time, and ordered to be printed.

Mr Payne, from the select committee to whom was referred No. 25, C. F. "A bill for the benefit of Des Moines county," reported that said committee had the same under consideration, and that they found the claim that the county of Des Moines has against Lee, Van Buren, Henry, Washington, Louisa and Muscatine counties, originated under a law passed at the session of the Legislative Assembly held at Bellmont in Wisconsin, in the year 1836-7, which was to remain in force one year, and at a subsequent session of the same, held at Burlington in 1837-8, again revised the Act, and as said committee have under those acts enquired of the several clerks of the different Counties what the assessment value of property was in 1836, and have received under the seals of the clerks, information that there was no assessment in the year 1836, and said committee is utterly unable to get any data from which to act, and as it is now a matter that properly comes before the several boards of County Commissioners of the different Counties, and as the County Commissioners of Des Moines county have not made any effort to collect the same, nor have they shown to said committee any necessity for further Legislation on the subject, therefore said committee recommend the indefinite postponement of said bill.

Mr Hepner moved that the Report be laid on the table, which motion on leave he withdrew, and

On motion of Mr Hepner,

Said Bill and Report was made the order of the day for Friday next.

Mr Whittlesey, from a select committee, to whom was referred No. 41, H. R. file, "A memorial for the postponement of the Land Sales in the Burlington District," reported the same back to the Council with amendments. The Report was concurred in, and the amendments were read a first time.

H. R. file, No. 69, "A joint resolution requesting our Delegate in Congress to urge the passage of a law for a post road," was read a third time and passed.

Mr Parker, from the committee on the judiciary, to whom was referred "An act providing for the appointment of Justices of the Peace, &c. approved January, 21, 1839," introduced "A Bill (Council file, No. 33,) amendatory thereof," which was read a first time and ordered to be printed.

On motion of Mr Clark,

The Council adjourned.

Tuesday Morning, Jan. 7, 1840.

The Council met pursuant to adjournment.

Mr Hepner, from the committee on expenditures, to whom was referred H. R. file, No. 123, "A bill for the benefit of the sheriff of Des Moines county," reported the same back to the Council with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Hepner,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time and passed, and title agreed to.

Mr Keith, from a select committee, to whom was referred H. R. file, No. 56, "A bill for the relief of Van Buren county," reported the same back to the Council, with amendments. The report was concurred in, and the amendments were read a first and second time, and considered in committee of the whole, Mr Inghram in the chair. After some time the committee rose, and through their Chairman, reported said bill back to the Council, with one amendment. The report was concurred in.

Mr Inghram moved further to amend, by striking out the word "the" in the second line of the bill, and insert the word "lawful," which was agreed to, and the amendments were read a first and second time.

Mr Clark moved that the rule prohibiting the second and third reading of bills, &c. on the same day, be suspended, which was agreed to, and

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

Mr Whittlesey, from the joint committee on enrollments, reported that said committee had examined, and found correctly enrolled, Council Files, No. 12, No. 22 and No. 24.

H. R. file, No. 124, "A bill to punish trespass on school and other lands," was read a first time.

H. R. file, No. 125, "A bill to amend an act to incorporate the Iowa mutual fire insurance company," was read a first and second time, and

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 126, "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," was read a first time.

H. R. file, No. 127, "A bill to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp, deceased," was read a first and second time.

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time.

On the question of the passage of the bill, the yeas and nays being required, were as follows :

Those who voted in the affirmative, were Messrs Browne, Clark, Keith, Parker, Ralston, Swazey, Whittlesey, and Mr President, 8.

Those who voted in the negative, were Messrs Hughes, Inghram, and Lewis, 3.

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

H. R. file, No. 128, "A bill for the relief of certain officers of the county of Scott," was read a first time.

Mr Parker moved that the bill be indefinitely postponed, and on this question the yeas and nays being required, were as follows :

Those who voted in the affirmative, were Messrs Browne, Clark, Hughes, Inghram, Keith, Lewis, Parker, Ralston, Swazey, and Mr President, 10.

Mr Whittlesey voted in the negative.

So the bill was indefinitely postponed.

Mr Whittlesey presented a "Joint Resolution, (C. F. No. 15,) relative to requesting the Secretary of War to appoint as Resident Engineer, a citizen of this Territory," which was read a first time and ordered to be printed.

C. F. No. 4, "A bill to prevent frauds," being under consideration as amended by the House of Representatives,

On motion of Mr Parker,

The amendments were referred to the committee on the Judiciary.

C. F. No. 6, "A memorial to Congress for appropriations to be expended in building bridges, and improving roads on the mail routes in this Territory," was read a second time.

On motion of Mr Parker,

The memorial was amended by adding thereto the following:

"Resolved, That the Governor forward a copy of this memorial to our delegate in Congress."

Mr Parker moved further to amend by striking out the words "the ten thousand dollars appropriated by Congress in 1837, and ten thousand dollars additional," and insert "twenty thousand dollars" which was agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have concurred in the amendment made by the Council to

No. 109, H. R. file, "A bill to provide for an extra session of the Legislative Assembly," by amending the same, in which the concurrence of the Council is requested.

I herewith present for your signature,

"A memorial for the speedy settlement of the Du Buque Land Claim."

"A memorial to Congress for an appropriation to remove obstructions on the Rapids of the Mississippi."

"A Resolution relative to compensation to J. G. Edwards, for printing in pamphlet form the act prescribing the duties of Justices of the Peace."

"An act to amend an act entitled an act to organize the county of Linn, and establish the seat of Justice thereof."

"An act providing for the appointment and duties of Auditor of public accounts, and regulating the duties of Territorial Treasurer."

"An act to encourage the destruction of wolves."

"An act to incorporate the Philadelphia mill and manufacturing company."

"An act for the limitations of suits on penal statutes and criminal prosecutions."

Which acts, memorials, &c. were then signed by the President of the Council, and Mr Fales withdrew.

On motion of Mr Parker,

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

TWO O'CLOCK, P. M.

The consideration of C. F. No. 6, "A memorial to Congress for appropriations to be expended in building bridges, and improving roads on the mail routes in this territory," being resumed,

On motion of Mr Inghram,

Was ordered to a third reading on Thursday next.

H. R. file, No. 41, "A memorial to the President of the United States for the postponement of the land sales in the Burlington land district," was read a second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time, and passed.

C. F. No. 30, "A bill relative to the authentication of statutes, without the approval of the Governor, and for other purposes," was read a second time, and ordered to be engrossed and read a third time on to-morrow.

On motion of Mr Inghram,

The Council went into an executive session for the purpose of taking into consideration the nominations contained in the communication from the Governor of yesterday.

After some time the Council resumed their regular session.

On motion of Mr Hepner,

Ordered, That fifty copies of the Executive Journal of last session be printed for the use of the Council.

Mr Payne moved that the Council adjourn, and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Hughes, Inghram, Keith, Payne and Swazey, 5.

Those who voted in the negative, were Messrs Browne, Clark, Hepner, Lewis, Parker, Whittlesey and Mr President, 7.

So the motion to adjourn was lost.

C. F. No. 31, "A bill amendatory to an act for assessing and collecting county revenue, &c." was read a second time, and considered in committee of the whole, Mr Browne in the chair. After some time, the committee rose, and through their chairman, reported said bill back to the Council without amendment, which report was concurred in.

Mr Hughes moved a call of the Council, which was had, and upon calling the names of the members, it was found Messrs Lewis, Parker, Payne and Ralston were absent. They were sent for, after which,

On motion of Mr Hughes,

The further call of the Council was dispensed with, and

C. F. No. 31, was ordered to a third reading on to-morrow.

On motion of Mr Parker,

The Council adjourned.

Wednesday Morning, Jan. 8, 1840.

The Council met pursuant to adjournment.

Mr Clark offered the following:

Ordered, That so much of the 33d standing rule of the Council, as prohibits the publication of the Executive Journal be rescinded, and that the proceedings of the Council when acting in their Executive capacity for the present session be published in pamphlet form until otherwise ordered by the Council.

On the adoption of which the yeas and nays being required were as follows: all the members present voted in the affirmative, viz:

Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Payne, Swazey, Whittlesey and Mr President, 12.

So the Resolution was agreed to.

Mr Payne presented the petition of citizens of Henry county relative to a road, which

On motion of Mr Payne,

Was referred to a select committee composed of the members of Henry and Louisa counties.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 112, "A bill to incorporate the town of Salem in Henry county," reported the same back to the Council with one amendment. The Report was concurred in, and the amendment was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of Bills, &c. on the same day, was suspended, and the Bill as amended was read a third time, and passed, and title agreed to.

Mr Parker, from the judiciary committee, to whom was referred C. F. No. 6, "A Bill respecting Seals," and H. R. file, No. 44, "A Bill to repeal a part of the 86th section of an act entitled "an act relative to proceedings in Chancery," reported a substitute for the two, viz: C. F. No. 34, "A Bill to repeal the acts therein mentioned," and asked to have the said two Bills laid on the table. The Report was concurred in, and the bill was read a first time, and ordered to be printed.

Mr Hepner, from the committee on expenditures, to whom was referred the petition of Webber and Remey, reported "A preamble and joint resolution (C. F. No. 16,) relative to compensation to Webber and Remey," which was read a first time, and ordered to be printed.

Mr Whittlesey, from the joint committee on enrollments, presented the following :

EXECUTIVE DEPARTMENT, }
January 8, 1840. }

Received from C. Whittlesey, Esqr. member of the Council "an act to regulate Ferries in certain cases," (C. F. No. 22,) "An act to authorize Elijah Buel to keep a Ferry," (C. F. No. 24.) Resolutions relative to printing the Laws, &c. of the present session," (C. F. No. 12,) "Resolution," (C. F. No. 11,) presented for my consideration and approval.

[Signed.]

ROBERT LUCAS.

Mr Hepner, from a select committee, to whom was referred H. R. file, No. 82, "A bill to establish a Territorial road from Burlington *via* Loyd's ford and Fort Madison to the town of Keokuk," reported the same without amendment. The Report was concurred in.

On motion of Mr Inghram,

The bill was amended by striking out the name of Wm. Morgan and inserting that of Geo. Gearhart, and the bill as amended was ordered to a third reading on to-morrow.

Mr Parker gave notice that he would on to-morrow move for leave to introduce a "Bill relative to evidence."

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr. President: The House of Representatives have adopted the following resolution:

Resolved, (the Council concurring herein) That the two Houses will meet in the Hall of the House of Representatives at the hour of 3 o'clock, P. M. on Saturday next, when by joint ballot they will proceed to the election of a Director of the Penitentiary to fill the vacancy occasioned by the expiration of the term of office of John Claypole.

I herewith return the following acts and resolution, which have been signed by the Speaker of the House of Representatives, viz.

An act to regulate ferries in certain cases.

An act to authorize Elijah Buel to keep a Ferry.

A resolution relative to printing the laws of the present session.

Mr Fales then withdrew.

Mr Whittlesey, from the Judiciary committee, to whom was referred H. R. file, No. 91, "A bill supplementary to an act entitled an act for the relief of the Administrators of the estate of the late B. W. Clarke," and "A petition from W. A. Richardson, reported them back to the Council, with "A bill (C. F. No. 35) for the relief of certain administrators," embracing provisions for both of the foregoing, and recommending that H. R. file, No. 91, be laid on the table.

The report was concurred in, and the bill was read a first time and ordered to be printed.

H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in Iowa City, and for other purposes," was taken from the table and the amendments were read a second time.

Mr Inghram moved to lay the bill on the table, which motion, on leave he withdrew.

Mr Hughes moved that the bill be indefinitely postponed, which motion, on leave he also withdrew, and

On the question of its being ordered to a third reading, the yeas and nays being required, were as follows:

Those who voted in the affirmative were, Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Whittlesey and Mr President, 9.

Those who voted in the negative were Messrs Hughes, Payne and Swazey, 3.

So the question was carried and the bill was ordered to a third reading on to-morrow.

H. R. file, No. 109, "A bill to provide for an extra session of the Legislative Assembly," having been returned from the House of Representatives with an amendment made to the amendment of the Council, and being again under consideration,

On motion of Mr Lewis,

The Council concurred in said amendment.

C. F. No. 28, "A bill for the relief of certain officers in the Territory," being under consideration as returned from the House of Representatives with amendments, said amendments were read a first time, and ordered to a second reading.

C. F. No. 14, "Joint Resolution relative to having the census taken,"

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

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed, with amendments, No. 28, C. F. A bill for the relief of certain officers in the Territory. I herewith present for your signature,

An act to enable the citizens of Des Moines county to establish the seat of justice for said county.

An act to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States.

An act to amend an act to incorporate the Iowa Mutual Fire Insurance Company.

An act to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp deceased.

A resolution on the subject of Post Offices.

A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. William B. Conway, to Davenport.

A memorial on the subject of an additional Land District in the Territory of Iowa.

Preamble and resolution for the benefit of the former Sheriffs. All of which have been signed by the Speaker of the House of Representatives.

Which said acts, memorials, &c. were then severally signed by the President of the Council, and then Mr Fales withdrew.

On motion of Mr Lewis,

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

TWO O'CLOCK, P. M.

Mr Whittlesey presented joint resolutions (C. F. No. 17,) relative to requesting the Delegate to Congress to endeavor to have a law passed, authorizing the election of governor of this territory by the people," which was read and ordered to be printed.

C. F. No. 15, "Joint resolution relative to having a resident engineer appointed, &c." was read a second time.

Mr Whittlesey moved that the rule prohibiting the second and third reading of bills, &c. on the same day be suspended, which was agreed to, and the resolution was read a third time.

On the question of its passage, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Inghram, Parker, Whittlesey, and Mr President, 8.

Those who voted in the negative, were Messrs Keith, Lewis, Payne, and Swazey, 4.

So the resolution passed.

C. F. No. 32, "A bill to appoint commissioners to review a territorial road," was read a second time, and

On motion of Mr Lewis,

Was referred to the committee on roads.

C. F. No. 33, "A bill to amend the act providing for the appointment of justices of the peace, &c." was read a second time, and considered in committee of the whole, Mr Lewis in the Chair. After some time spent in consideration of said bill, the committee rose, and through their chairman, reported the same back to the Council with amendments, which amendments were concurred in, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President:—The House of Representatives have agreed to all the amendments made by the Council to

No. 99, H. R. file, A bill establishing certain territorial roads therein named, except the striking out of the 7th and 19th sections, and the amendments made to the 22d section, which relates to the fees of the commissioners, to which the House have disagreed.

The House have amended the amendment of the Council to the 3d and 21st sections of said bill.

The House have agreed to all the amendments made by the Council to Nos. 56, 69, 110, 123, H. R. file.

The House have also agreed to all the amendments to No. 93, H. R. file, "A bill to organize the county of Clinton, and establish the seat of justice thereof," except that made to the 5th section, to which the House have disagreed.

The House have passed with amendments, No. 5, C. F. A bill relative to habeas corpus. Also, bills of the House, as follows:

No. 101, A bill to amend an act for assessing and collecting county revenue,

No. 130, A bill to establish a seminary of learning at or near Antwerp, in Cedar county.

In all of which the concurrence of the Council is requested. Mr Fales then withdrew.

On motion of Mr Hepner,
The Council adjourned.

Thursday Morning, Jan. 9, 1840.

The Council met pursuant to adjournment.

Mr Hughes, from the Committee on Roads to whom was referred H. R. file, No. 103, "A bill defining the duties of supervisors of roads and highways," reported the same back to the Council without amendment. The report was concurred in, and the bill was ordered to a third reading on Monday next.

Mr Hughes, from the same committee. to whom was referred C. F.

No. 32, "A bill appointing commissioners to review a Territorial road," reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first and second time.

Mr Inghram moved to amend by striking out the word "all" in the 6th line of the 4th section and insert the word "any" which was agreed to, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

Mr Clark, from the committee of conference appointed on the part of the Council to confer with a similar committee on the part of the House, in relation to the disagreeing votes of the two Houses on Memorials No. 5, 12, and 14, H. R. file, reported that they had met the committee of the House in conference, and had agreed to recede from the amendments of the Council to said memorials. The report was concurred in.

C. F. No. 5, "A bill relative to habeas corpus," having been returned from the House of Representatives with amendments, and being under consideration,

On motion of Mr Parker,

The amendments were referred to the Judiciary committee.

H. R. file, No. 99, "A bill establishing certain Territorial Roads therein named," having been returned from the House of Representatives with amendments to the amendments of the Council to Sections 3d and 21st, and with their disagreement to the amendments made by the Council to the 7th, 19th, and 22d, sections, and being under consideration,

On motion of Mr Whittlesey,

The Council concurred in the first amendment to the amendment of the Council.

On motion of Mr Clark,

The Council concurred in the second amendment to the amendment of the Council.

On motion of Mr Lewis,

The Council receded from their amendment to the bill by striking out the 7th section.

On motion of Mr Parker,

The Council insisted on their amendment to the 19th section, and

On motion of Mr Clark,

The Council insisted on their amendment to the 22d section.

On motion of Mr Clark,

A committee of conference was appointed to act with a similar committee on the part of the House of Representatives, in relation to said bill.

The President appointed Messrs Clark and Hepner said committee.

H. R. file, No. 101, "An act to amend an act for assessing and collecting county revenue," was read a first time.

H. R. file, No. 93, "A bill to organize the county of Clinton, and establish the seat of Justice thereof," being under consideration as returned from the House of Representatives with their disagreement to the amendment made by the Council to the 5th section,

On motion of Mr Parker,

The Council receded from said amendment.

H. R. file, No. 130, "A bill to establish a seminary of learning at or near Antwerp in Cedar county," was read a first time.

The President announced a communication from his Excellency the Governor containing certain nominations, the consideration of which was made the order of the day for to-morrow.

Mr Clark, from the committee of conference appointed to confer with a similar committee on the part of the House of Representatives in relation to the disagreement between the two Houses, on the amendment of the Council to No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," reported that they had an interview with the committee of the House and that they were unable to agree in relation to said amendment, they therefore recommend that the Council adhere to its amendment to said memorial. The report was concurred in.

H. R. file, No. 120, "A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie Du Chien, and from Du Buque to the county seat of Delaware county," was read a second time.

On motion of Mr Lewis,

The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the memorial was read a third time, and passed.

H. R. file, No. 124, "A Bill to punish trespass on School and other lands," was read a second time, and considered in committee of the whole, Mr Hepner in the chair. After some time the committee rose and through heir chairman reported the same back to the Council with one amendment. The report was concurred in, and the bill as amended was ordered to a third reading on to-morrow.

C. F. No. 28, "A bill for the relief of certain officers in the Territory," was taken up, the amendments of the House were read a second and third time, and

On motion of Mr Whittlesey,

The Council concurred in said amendments.

H. R. file, No. 126, "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," was read a second time.

Mr Hepner moved to amend by striking out the word "six" and inserting "eight," and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Inghram and Payne, 4.

Those who voted in the negative, were Messrs Browne, Hughes, Keith, Lewis, Parker, Swazey, Whittlesey and Mr President, 8.

So the motion to amend was lost.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the resolution was read a third time, and passed.

C. F. No. 6, "A memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this Territory," was read a third time, and passed.

C. F. No. 29, "A bill to authorize Adam Ritchie to erect a dam across

Crooked creek in Henry county," was read a third time, and passed, and title agreed to.

C. F. No. 30, "A bill relative to the authentication of Statutes without the approval of the Governor, and for other purposes," was read a third time.

Mr Parker moved to amend by filling the blank with the word "twenty-five" which was agreed to by unanimous consent of the Council, and the bill as amended passed, and title agreed to.

C. F. No. 31, "A bill amendatory to 'an act for assessing and collecting county revenue, &c.'" was read a third time, and passed, and title agreed to.

Mr Payne, from a select committee, to whom was referred a petition from the citizens of Henry county in relation to a road, reported "A bill (C. F. No. 36,) for the location of a Territorial road from Mount Pleasant to the county seat of Washington county," which was read, and ordered to be printed.

C. F. No. 33, "A bill to amend the act providing for the appointment of Justices of the Peace, &c." was read a third time, and passed, and title agreed to.

C. F. No. 14, "Resolution relative to taking the Census," was read a third time, and passed.

H. R. file, No. 26, "A bill to amend an act relative to the Penitentiary," was read a third time, and

On motion of Mr Browne,

Was laid on the table, and made the order of the day for Monday next.

H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in Iowa city, and for other purposes," was read a third time.

On motion of Mr Payne,

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

TWO O'CLOCK, P. M.

The consideration of H. R. file, No. 35, "A bill to provide for the execution of title deeds to lots in Iowa city, &c." was again resumed.

On motion of Mr Swazey,

The 5th section of said bill was referred to a select committee, to consist of one member from each electoral district, with instructions to report on to-morrow.

The chair appointed Messrs Swazey, Browne, Clark, Hepner, Parker, Hughes, Lewis and Whittlesey said committee.

On motion of Mr Whittlesey,

The whole bill was referred to the same committee.

Mr Hughes offered a Resolution relative to the adjournment *sine die* of the Council, which,

On motion of Mr Hepner,

Was laid on the table.

H. R. file, 119, "A bill to incorporate the Tuscarora Steam Mill Company," was read a third time and passed, and title agreed to.

H. R. file, No. 82, "A bill to establish a Territorial Road from Bur-

lington *via* Loyd's ford and Fort Madison to Keokuk, was read a third time and passed, and title agreed to.

H. R. file, No. 66, "A bill to incorporate the Bloomington Insurance Company," was read a third time, and passed, and title agreed to.

On motion of Mr Clark,

C. F. No. 15, "A bill for the relief of the Poor," was taken from the table, and referred to the committee on the judiciary.

Mr Parker, on previous notice, and leave being granted, introduced "A bill (C.F. No. 37,) relative to evidence," which was read, and ordered to be printed.

On motion of Mr Whittlesey,

H. R. file, No. 16, "Joint Resolution relative to printing the laws, &c. of the present session," was taken from the table, read a second time, and considered in committee of the whole, Mr. Whittlesey in the chair. After spending some time, the committee rose, and through their chairman, reported said resolution back to the Council with one amendment, viz: striking out all after the word Resolved.

On the question of concurring in said amendment, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Hughes, Keith, Lewis, Payne, Swazey, Whittlesey and Mr President, 9.

Those who voted in the negative, were Messrs Browne, Inghram and Parker, 3.

So the amendment was concurred in.

On motion of Mr Parker,

The word "resolved" was referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed C. F. No. 27, "A bill to regulate the admission of Attorneys."

I herewith present for your signature "An act to provide for the organization of Townships,"

"A resolution requesting our Delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," and

"An act to locate and establish a Territorial road from Fairfield to Wapello," the same having been signed by the Speaker of the House of Representatives.

Said acts, &c. were then signed by the President of the Council, and Mr Fales withdrew.

On motion of Mr Lewis.

The Council adjourned.

Friday Morning, Jan. 10, 1840.

The Council met pursuant to adjournment.

On motion of Mr Lewis,

Resolved, That no new bills shall be introduced in the Council after Monday next.

Mr Parker, from the committee on the Judiciary, to whom was referred the amendments made by the House of Representatives to C. F. No. 5, "A bill relative to Habeas Corpus," reported that they recommend the concurrence of the Council to all the amendments made by the House, with the exception of that to the 6th section. The report was concurred in, and

On motion of Mr Lewis,

The Council also concurred in the amendment of the House to the 6th section.

Mr Clark, from the committee of conference, appointed by the Council to confer with a similar committee of the House of Representatives, in relation to the disagreement between the two Houses on the amendments of the Council to the 19th and 22d sections of "A bill (No. 99, H. R. file) establishing certain Territorial Roads therein named," reported that they had an interview with the committee on the part of the House and that said committee have agreed to recede from their disagreeing vote to said amendments. The report was concurred in.

Mr Payne presented a resolution relative to the distribution of the Journal of the present session, which,

On motion of Mr Clark,

Was referred to the committee on Territorial Affairs.

Mr Swazey, from the select committee to whom was referred H. R. file. No. 35, "A bill to provide for the execution of title deeds to lots in Iowa City, &c." reported the same with an amendment to the 5th section, viz. striking out "eighteen hundred" and inserting "twelve hundred and fifty."

Mr Parker moved to amend the amendment by inserting "fifteen hundred," and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Clark, Hepner, Lewis, Parker, and Mr President, 5.

Those who voted in the negative, were Messrs Browne, Hughes, Inghram, Keith, Payne, Swazey and Whittlesey, 7.

So the amendment to the amendment was lost.

The question then recurred on the amendment made by the select committee, on the adoption of which the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Hughes, Inghram, Keith, Payne, Swazey and Whittlesey, 7.

Those who voted in the negative, were Messrs Clark, Hepner, Lewis, Parker and Mr President, 5.

So the amendment of the select committee was agreed to.

Said amendment was then read a second time.

Mr Whittlesey moved further to amend by striking out the words "of the Territory not otherwise appropriated," and inserting "from the sale of lots in Iowa City," which was agreed to.

Mr Parker moved further to amend the bill by striking out in the 5th section, the word "three" and inserting "five," on which question the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Swazey, Whittlesey and Mr President, 11.

Mr Payne voted in the negative.

So the amendment was adopted, and,

On motion of Mr Inghram,

The rule prohibiting the 2d and 3d reading of bills, &c. on the same day was suspended, and the bill as amended was read a third time.

On the question of the passage of the bill, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Swazey, Whittlesey and Mr. President, 11

Mr Payne voted in the negative.

So the bill passed and the title was agreed to.

Mr Lewis offered the following:

Whereas by a resolution passed the Council at the last session, the Secretary of the Territory was required to pay the Hon. Jesse B. Browne an extra allowance of three dollars per day, for his services as president of the Council, and whereas the said sum of three dollars per day still remains unpaid, therefore

Resolved, That the present Secretary of the Territory be required to pay the Hon J. B. Browne, the sum of three dollars per day for his extra services as President of the Council, at its last session, amounting to two hundred and twenty-five dollars, upon the certificate of the President of the Council and countersigned by the Secretary, which was agreed to.

C. F. No. 16, "Joint resolution relative to compensation to Webber & Remey," &c. was read a second time, and ordered to be engrossed and read a third time on to-morrow.

C. F. No. 17, "Joint resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people," was read a second time.

On motion of Mr Whittlesey,

The joint resolution was amended by striking out the word "that," in the 4th line, and inserting after the word "Territory," the word "to."

Mr Clark moved further to amend by adding after the word "people," the words "after the term of office of the present incumbent expires," which was agreed to, and

On the question of having the resolutions, as amended, engrossed and read a third time, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Payne, Swazey, Whittlesey and Mr President, 11.

Mr Hughes voted in the negative.

So the question was carried, and the resolutions as amended were ordered to be engrossed and read a third time on to-morrow.

C. F. No. 34, "A bill to repeal the acts therein mentioned," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time spent in consideration of said bill, the committee rose, and through their chairman reported the same back to the Council with one amendment, which was concurred in, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Hughes,

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

TWO O'CLOCK, P. M.

C. F. No. 35, "A bill for the relief of certain administrators," was read a second time.

Mr Payne moved that the bill be indefinitely postponed, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Clark, Hughes, Keith, Payne, Swazey and Mr President, 6.

Those who voted in the negative, were Messrs Browne, Hepner, Inghram, Lewis, Parker and Whittlesey, 6.

So the motion was lost.

Mr Whittlesey moved that the bill be engrossed and read a third time on to-morrow, and on this question the yeas and nays being required were as follows:

Those who voted in the affirmative, were Messrs Browne, Hepner, Inghram, Lewis, Parker, and Whittlesey, 6.

Those who voted in the negative, were Messrs Clark, Hughes, Keith, Payne, Swazey and Mr President, 6.

So the motion was lost, and

On motion of Mr Whittlesey,

The bill was laid on the table.

H. R. file, No. 101, "An act to amend an act to assess and collect county revenue," was read a second time, and

On motion of Mr Clark,

Was referred to the judiciary committee.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 51, H. R. file, "A bill to incorporate the city of Du Buque," and have disagreed to the amendments made by the Council to No. 41, H. R. file, "A memorial to the President of the United States for the postponement of the Land Sales in the Burlington land district."

The House have also passed No. 29, C. F. "A bill to authorize Adam Ritchie to erect a dam across Crooked creek in Henry county." Mr Fales then withdrew.

H. R. file, No. 130, "A bill to establish a Seminary of learning at or near Antwerp in Cedar county," was read a second time.

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

The communication from his Excellency the Governor, containing certain nominations, having been made the special order of the day, was taken up.

On motion of Mr Parker,

The Council went into an Executive session.

After some time the Council resumed its regular session.

C. F. No. 32, "A bill appointing commissioners to review a Territorial road from Burlington to the Indian boundary line," was read a second time, and

On motion of Mr Hepner,

Was laid upon the table subject to the order of the Council.

H. R. file, No. 124, "A bill to punish trespass on School and other lands," was read a third time, and

On motion of Mr Inghram,

Was referred to the committee on schools.

C. F. No. 25, "A bill for the benefit of Des Moines county," with the report of the select committee accompanying the same, was taken from the table.

On the question of concurring in the report of the committee the yeas and nays being required were as follows:

The ayes were Messrs Browne, Clarke, Hughes, Keith, Payne, Swazey, Whittlesey, and Mr President, 8.

The nays were Messrs Hepner, Inghram, Lewis and Parker, 4.

So the report was concurred in, and the bill was indefinitely postponed.

H. R. file, No. 41, "A memorial to the President of the United States for the postponement of the land sales in the Burlington Land district," having been returned from the House of Representatives with their disagreement to the amendments made by the Council, and being again under consideration,

On motion of Mr Clark,

The Council insisted on their amendments.

C. F. No 14, "A resolution relative to taking the census," being under consideration as amended by the House of Representatives,

On motion of Mr Whittlesey,

The Council concurred in said amendments.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed bills of the House as follows:

No. 131, A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp deceased, in the half breed lands in Lee county.

No. 133, A bill to authorise William Warner to erect a dam across Big Cedar, in Henry county.

No. 134, A bill to amend an act subjecting real and personal estate to execution.

No. 135, A bill defining a lawful fence and providing against trespassing animals.

No. 136, A bill to incorporate the Bloomington mill and manufacturing company.

No. 7, C. F. A memorial to Congress for an appropriation for a military Road from Fort Madison to a contemplated military post on the Des Moines River.

Also, with amendments,

No. 6, C. F. A memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this territory.

No. 14, C. F. A resolution relative to the taking of the census.

I herewith present for your signature (the same having been signed by the speaker of the House of Representatives,)

An act to organise the county of Clinton and establish the seat of justice thereof.

An act for the benefit of the sheriff of Des Moines county.

Which acts were then signed by the President of the Council, and Mr Fales withdrew.

C. F. No. 6, "A memorial to Congress for appropriations to be expended in building bridges, and improving roads on the mail routes in this Territory," being under consideration as returned from the House of Representatives with three amendments,

On motion of Mr Hepner,

The Council concurred in the first amendment.

On motion of Mr Clark,

The Council concurred in the second amendment, and

On motion of Mr Parker,

The Council concurred in the third amendment.

Mr Parker, on previous notice, and leave being granted, introduced "A bill (C. F. No. 38,) relative to divorce, alimony, and other purposes," which was read and ordered to be printed.

On motion of Mr Hughes,

The Council adjourned,

Saturday Morning, Jan. 11, 1840.

The Council met pursuant to adjournment.

Mr Lewis, from the committee on Territorial Affairs, to whom was referred a resolution of yesterday, upon the subject of the disposal of the

Journals of the Council reported the following as a substitute for said resolution.

Resolved, That as soon as the Journal of the Council is printed and received by the Secretary of the Territory, he is hereby requested to forward three copies to each member of the Council, one copy to each member of the House of Representatives, twenty copies to be deposited in the public Library for the use of the next session of the Council, and the remainder to be deposited in the Library subject to the order and disposal of the Governor of this Territory.

The report was concurred in, and the resolution adopted.

Mr Parker, from the committee on the judiciary, to whom was referred the amendments of the House of Representatives to C. F. No. 4, "A bill to prevent frauds," reported the same back to the Council without amendment.

On motion of Mr Parker,

The amendments of the House were concurred in.

Mr Payne moved that the rule requiring one day's notice previous to introducing a bill be suspended, which was agreed to, and he introduced "A bill (C. F. No. 39,) to establish a University at the town of Mount Pleasant in Henry county," which was read and ordered to be printed.

Mr Parker, from a select committee, to whom was referred H. R. file, No. 115, "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque in the winter of 1838-9," reported as a substitute a joint resolution, C. F. No. 18.

The report was concurred in, and the resolution was read a first and second time.

On motion of Mr Lewis,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the resolution was read a third time and passed.

C. F. No. 36, "A bill for the location of a Territorial road from Mount Pleasant to the county seat of Washington county," was read a second time, and

On motion of Mr Payne,

Was referred to the same committee that reported the bill.

On motion of Mr Clark,

Ordered, That the committee on Territorial Affairs, to whom was referred H. R. file, No. 97, "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa," be instructed to report the same back to the Council on Monday next.

H. R. file, No. 51, "A bill to incorporate the city of Du Buque," and

H. R. file, No. 131, "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp deceased, in the half breed lands in Lee county," were severally read a first time.

H. R. file, No. 133, A bill to authorise William Warner to erect a dam across Big Cedar in Henry county," was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 134, "A bill to amend an act subjecting real and personal estate to execution," and

H. R. file, No. 135, "A bill defining a lawful fence, and providing against trespassing animals," were read a first time.

H. R. file, No. 136, "A bill to incorporate the Bloomington mill and manufacturing company," was read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

Mr Payne, from a select committee, to whom was referred C. F. No. 36, "A bill for the location of a territorial road from Mount Pleasant to the county seat of Washington county," reported the same with amendments. The report was concurred in; the amendments were read a first and second time, and the bill, as amended, was ordered to be engrossed and read a third time on Monday next.

C. F. No. 37, "A bill relative to evidence," was read a second time, and

On motion of Mr Brown,

Was referred to the committee on the judiciary.

C. F. No. 16, "Joint resolution relative to compensation to Webber & Remey."

C. F. No. 17, "Joint resolution requesting our Delegate to Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people," and

C. F. No. 34, "A bill to repeal the acts therein mentioned," were severally read a third time and passed.

The President of the Council announced a communication from Charles Weston, Esq. Fiscal Agent, &c. on the subject of memorials, &c. sent to Congress, which was read, and

On motion of Mr. Browne,

Was laid on the table, subject to the order of the Council.

The Resolution of the House of Representatives, relative to the election of a Director of the Penitentiary, at three o'clock, P. M. of this day, was taken up, and

On motion of Mr Payne,

The Council concurred in said resolution.

Mr Inghram offered the following:

Resolved, That a committee be appointed, to consist of one member from each electoral district to bring in a bill to authorise the county commissioners of Des Moines, Lee, Van Buren, Henry, Louisa, Slaughter, and Muscatine counties to liquidate and settle the debt due by the county of Des Moines on the 1st day of December, 1836.

Mr Hepner moved to amend by adding "and that said committee be instructed to report on or before Monday next," which was agreed to, and the resolution, as amended, was adopted.

The President appointed Messrs Inghram, Browne, Parker, Clark, Lewis, Swazey, Hughes and Whittlesey said committee.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed, with amendments,

No. 23, C. F. "A bill to provide for the election of Delegate to Congress, Judges of Probate, &c." and

No. 33, C. F. "A bill to amend the act providing for the appointment of Justices of the Peace, &c."

In which the concurrence of the Council is requested.

The House have agreed to the report of the committee of conference relative to No. 99, H. R. file, "A bill establishing certain Territorial roads therein named." Mr Fales then withdrew.

Mr Parker, on previous notice, and leave being granted, introduced "A bill (C. F. No. 40) to abolish imprisonment for debt," which was read and ordered to be printed.

No. 23, C. F. "A bill to provide for the election of Delegate to Congress, Judges of Probate, &c." being under consideration as returned from the House of Representatives with amendments,

On motion of Mr Parker,

The Council disagreed to said amendments.

On motion of Mr Browne,

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

TWO O'CLOCK, P. M.

C. F. No. 33, "A bill to amend the act providing for the appointment of Justices of the Peace, &c." being under consideration as returned from the House of Representatives with amendments to the 4th and 14th sections,

On motion of Mr Lewis,

The Council concurred in the first amendment.

On the question of concurring in the second amendment, the yeas and nays being required, were as follows:

Those who voted in the affirmative, were Messrs Browne, Clark, Hughes, Inghram, Keith, Swazey and Mr President, 7.

Those who voted in the negative, were Messrs Hepner, Lewis, Parker and Payne, 4.

So the second amendment was also concurred in.

On motion of Mr Lewis,

H. R. file, No. 79, "A bill to relocate the county seat of Clayton county," was taken from the table, read a third time, and passed, and title agreed to.

Mr Inghram from the committee of conference appointed to act with a similar committee of the House of Representatives, in relation to the amendment made to the memorial for an appropriation to make a McAdamized road from the city of Burlington to Fairfield in Jefferson county, reported that the committee appointed by the House have agreed to recede from their disagreeing vote to the amendment made by the Council to said memorial.

Mr Inghram, from a select committee, to whom was referred a resolution relative to a debt due by Des Moines county in December 1836, reported "A bill (C. F. No. 41,) to provide for the settlement of the claim that Des Moines county has upon Lee, Van Buren, Henry, Slaughter

(now Washington) Louisa and Muscatine counties," which was read, and ordered to be printed.

On motion of Mr Hepner,

C. F. No. 32, 'A bill appointing commissioners to review a Territorial road,' was taken from the table, and

On motion of Mr Inghram,

Was referred to the committee on roads.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed,

No. 113, H. R. file, A bill to authorise the keeping of certain ferries therein named,

No. 150, H. R. file, A resolution instructing our Delegate in Congress, to procure an appropriation, to defray the expenses, incurred by reason of the late difficulties, with the State of Missouri.

No. 15, C. F. A resolution requesting the appointment of a resident engineer.

Also, with amendments,

No. 30, C. F. A bill relative to the authentication of statutes, &c.

No. 31, C. F. A bill amendatory to "an act for assessing and collecting county revenue,"

In which the concurrence of the Council is requested.

I herewith present for your signature,

A memorial to Congress for an appropriation to improve roads from Iowa City to Prairie du Chien, and from Du Buque to the county seat of Delaware county,

A resolution requesting our Delegate in Congress, to urge the passage of a law for a post road,

A resolution, providing for the payment of the rent of the building occupied by the Legislative Assembly,

An act to incorporate the Tuscarora steam mill company,

An act to provide for an extra session of the Legislative Assembly,

An act for the relief of Van Buren county,

An act to incorporate the Bloomington insurance company,

An act for the relief of certain carriers,

All of which have been signed by the speaker of the House of Representatives.

Which acts, memorials, &c. were then severally signed by the President of the Council, and Mr Fales withdrew.

C. F. No. 30. A bill relative to the authentication of statutes, &c. being under consideration as amended by the House of Representatives,

On motion of Mr Parker,

The Council disagreed to the amendments made by the House, by yeas and nays, viz: (all voting in the affirmative)

Messrs Brown, Clark, Hepner, Hughes, Inghram, Keith, Lewis, Parker, Payne, Swazey, Whittlesey, Mr President, 12.

No. 31, C. F. A bill amendatory to "an act for assessing and collecting county revenue," being under consideration with amendments made by the House of Representatives,

On motion of Mr Clark,

The Council concurred in said amendments.

H. R. file, No. 113, "A bill to authorise the keeping of certain ferries therein named," was read a first time.

H. R. file, No. 150, "A resolution instructing our Delegate in Congress to procure an appropriation to defray the expenses incurred by reason of the late difficulty with the state of Missouri," was read a first time, and

On motion of Mr. Browne,

Was laid on the table, subject to the order of the Council.

Mr Lewis, from the committee on the judiciary, reported "a bill (No. 42, C. F.) to amend "an act relative to mechanics' liens, &c." which was read, and ordered to be printed.

Messrs Hawkins and Hastings, from the House of Representatives, were introduced, and stated that the Hall of the House of Representatives, was now in readiness for the reception of the members of the Council, for the purpose of going into an election for a Director of the Penitentiary, and

On motion of Mr. Parker,

The Council repaired to the Hall of the House of Representatives.

On motion of Mr Bailey,

The two Houses proceeded to balloting.

On motion of Mr Hughes,

Messrs Lewis and Patterson were appointed tellers.

Mr Browne put in nomination John Claypole.

The ballots being taken and counted resulted as follows, viz:

For John Claypole, 31 votes.

" John H. Randolph 1 vote.

" James G. Edwards, 2 votes.

John Claypole having received a majority of the whole number of votes given was declared duly elected Director of the Penitentiary.

After which the members of the Council returned to their Chamber.

Mr Whittlesey, from the joint committee on enrollments, reported that said committee had examined and found correctly enrolled C. F. No. 27, "An act to regulate the admission of Attorneys," and also that they had presented on the 10th, "An act (C. F.) for which the following is a receipt:

EXECUTIVE DEPARTMENT, }

January 10, 1840. }

Received of Mr Whittlesey, member of the Council, "A bill to locate and establish a Territorial road from Fairfield to Wapello, &c." presented for my consideration.

[Signed]

ROBERT LUCAS.

On motion of Mr Parker,

H. R. file, No. 134, "A bill to amend an act subjecting real and personal estate to execution," was taken from the table, and referred to the committee on the Judiciary.

Mr Whittlesey, on leave, introduced a "A memorial (C. F. No. 8) requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government of this 'Territory,' which was read and ordered to be printed.

On motion of Mr Browne,

The Council adjourned until Monday next, at 10 o'clock, A. M.

Monday Morning, Jan. 13, 1840.

The Council met pursuant to adjournment.

Mr Browne offered the following:

Resolved, That Stephen Hempstead be allowed the sum of three dollars per day, extra pay, for his services as President of the Council, during the present session of the Legislative Assembly, and that the Secretary of the Territory is hereby authorized to pay the same.

Mr Payne, from the committee on incorporations, to whom was referred sundry petitions relative to constructing a dam across Skunk river, introduced "A bill (C. F. No. 43,) to authorize William Ingersoll to build a dam across Skunk river in the northern part of Jefferson county," which was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

Mr Parker, from the judiciary committee, to whom was referred No. 134, H. R. file, "A bill amending an act subjecting real and personal estate to execution," reported a substitute. The report was concurred in, and the bill (C. F. No. 44,) was read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

C. F. No. 39, "A bill to establish a University at Mount Pleasant, in Henry county," was read a second time.

On motion of Mr Payne,

The bill was amended by filling the blank in the first section with the names of J. H. Randolph, E. Killpatrick, Rev. Samuel Hutton, Robert Caulk, George Miller, jr. John S. Stephenson, Lyman Chase, Aaron Street, sen. Joseph B. Teas, Elisha Bell, Joseph Forbes, T. T. Qualls, Doct. J. M. Robertson, Rev. Alexander Ewing, Samuel C. Reid, Isham Keith, Samuel Shuffleton, Edward Thomas, Philip Viele, and William R. Ross, and in the second section by inserting after the word "real" in the 5th line the word "personal."

The bill as amended was ordered to be engrossed and read a third time on to-morrow.

Mr Lewis, from the committee on Territorial affairs, presented "A memorial (C. F. No. 9,) for an appropriation to defray expenses of the militia, &c." which was read and ordered to be printed.

H. R. file, No. 51, "A bill to incorporate the city of Du Buque," was read a second time, and considered in committee of the whole, Mr Clark in the chair. After some time the committee rose, and through their chairman, reported the same back to the Council with amendments, which

amendments were concurred in, and the bill as amended was ordered to a third reading on to-morrow.

Mr Parker, from the judiciary committee, to whom was referred C. F. No. 20, "A bill concerning costs and for other purposes," reported the same back with one amendment, viz: striking out the 7th section, which report was concurred, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr Clark,

H. R. file, No. 50, "A memorial to Congress for the improvement of roads therein mentioned," was taken from the table, and referred to a select committee.

The President appointed Messrs Clark, Inghram, Keith and Lewis said committee.

H. R. file, No. 113, "A bill to authorize the keeping of certain ferries therein named," was read a second time.

No order being taken upon the bill, it was laid upon the table, to be again taken up in its order.

H. R. file, No. 131, "A bill to authorize Harriett Knapp to sell and convey the interest of Nathaniel Knapp deceased, in the half breed lands in Lee County," was read a second time, and

On motion of Mr Payne,

Was laid upon the table, subject to the order of the Council.

C. F. No. 40, "A bill to abolish imprisonment for debt," was read a second time, and considered in committee of the whole, Mr Inghram in the chair. After some time spent in consideration of said bill, the committee rose, and, through their chairman, reported the same back to the Council with one amendment, which amendment was not agreed to, and the bill was ordered to be engrossed and read a third time on to-morrow.

C. F. No. 41, "A bill to provide for the settlement of the claim that Des Moines county has upon Lee and other counties," was read a second time.

On motion of Mr Hepner,

The bill was amended by inserting after the word "portion" in the 4th line, the words "of the original debt of said county."

The bill as amended was ordered to be engrossed and read a third time on to-morrow.

C. F. No. 38, "A bill relative to divorce, alimony and other purposes," was read a second time, and considered in committee of the whole, Mr Hepner in the chair. After some time the committee rose, and through their chairman, reported said bill back to the Council with amendments, which amendments were concurred in.

Mr Payne moved further to amend by striking out the word "neighborhood," in the 7th section, and inserting the word "Territory," which was agreed to.

Mr Whittlesey moved to amend the 2nd section by striking therefrom the sixth clause, and inserting the words "when either party shall be addicted to habitual drunkenness," and on this question the yeas and nays being required, were as follows:

Those who voted in the affirmative were Messrs Clark, Hughes, Inghram, Keith, Parker, Payne, Ralston, Swazey and Whittlesey, 9.

Those who voted in the negative were Messrs Hepner, Lewis and Mr President, 3.

So the amendment was agreed to, and before any further action was had on said bill,

On motion of Mr Hughes,

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

TWO O'CLOCK, P. M.

The consideration of No. 38, C. F. was resumed.

On motion of Mr Payne,

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

Mr Payne, from the committee on incorporations presented C. F. No. 45, "A bill to establish a Ferry across the Mississippi river," which was read a first and second time, and considered in committee of the whole, Mr Parker in the chair. After some time, the committee rose, and through their chairman reported said bill back to the Council without amendment. The report was concurred in, and

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time and passed, and title agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have passed with an amendment :

No. 17, C. F. Resolutions requesting our Delegate to Congress, to obtain the passage of a law relative to the election of Governor of this Territory by the people.

The House insist upon their amendment to No. 23, C. F. A bill to provide for the election of Delegate to Congress, &c.

The House also insist on their disagreeing vote to the amendments of the Council to No. 41, H. R. file, A memorial to the President of the United States for the postponement of the land sales in the Burlington district, and request a conference thereon. Messrs Summers, Bailey and Lash have been appointed the committee on the part of the House.

The House of Representatives have passed bills of the House as follows :

No. 139, A memorial to Congress for an appropriation for a road from Keokuk *via* West Point to Mount Pleasant.

No. 141, A bill to authorize John Troxell to erect a dam across Big Cedar in Jefferson county.

No. 142, A bill to authorize Joseph Clinkenbeard to erect a dam across Big Cedar in Jefferson county.

No. 143, A bill to provide for the annual organization of the House of Representatives.

No. 145, A bill to establish a Territorial road from Bloomington by Point Comfort to the Western line of Washington county.

No. 147, A resolution relative to a post route.

In all of which the concurrence of the Council is requested.

I herewith return for your signature an act to regulate the admission of

Attorneys, the same having been signed by the Speaker of the House of Representatives.

Which was signed by the President of the Council, and then Mr Fales withdrew.

Mr Inghram, from the committee on schools, to whom was referred H. R. file, No. 116, "A bill to establish a system of common schools," reported the same back to the Council without amendment. The report was concurred in, and the bill was considered in committee of the whole, Mr Swazey in the chair. After some time spent in consideration of said bill, the committee rose and through their chairman, reported the same back to the Council with amendments, which amendments were concurred in.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill as amended was read a third time and passed and title agreed to.

Mr Hughes, from the committee on roads, to whom was referred C. F. No. 32, "A bill appointing commissioners to review a Territorial road from Burlington to the Indian boundary line," reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first and second time.

Mr Inghram moved further to amend by filling the blank in the 1st section with the names of Joshua Holland, Henry Swan and Thomas Blair, which was agreed to.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill as amended was read a third time and passed, and title agreed to.

Mr Whittlesey from the joint committee on enrollments,

Reported that they had presented to the Governor for his approval and signature on the 11th inst. H. R. file, "An act for the benefit of the sheriff of Des Moines county," and "An act to organize the County of Clinton," and have to-day examined and find correctly enrolled,—

C. F. No. 14, "Resolution relative to taking the census."

" 28, "An act for the relief of certain officers in this Territory."

C. F. No. 31, "An act amendatory to an act for assessing and collecting county revenue."

C. F. No. 29, "An act to authorise Adam Ritchie to erect a dam."

C. F. No. 6, "A memorial to Congress for appropriations to be expended in bridges and roads on mail routes."

C. F. No. 33, "An act to amend an act providing for the appointment of Justices of the Peace."

C. F. No. 15, "Resolution requesting the appointment of a Resident Engineer."

Mr Lewis, from the committee on Territorial Affairs, to whom was referred H. R. file, No. 37, "A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river," reported the same back to the Council without amendment. The Report was concurred in, and the memorial was read a third time and passed.

Mr Whittlesey, on leave, presented "A bill (C. F. No. 46) relating to auctioneers and auction sales," which was read and ordered to be printed.

No. 26, H. R. file, "A bill to amend an act relative to the Penitentiary," being the special order of the day was taken up, the amendments were again read, and,

On motion of Mr Clark,

The bill was referred to the committee on the Judiciary with instructions to report to-morrow morning.

C. F. No. 36, "A bill for the location of a Territorial road from Mount Pleasant, to the county seat of Washington county, was read a third time and passed and title agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed

No. 18, C. F. Resolution relative to pay for carrying the extra mail.

No. 151, H. R. file, A bill to authorise Robert E. Mott to keep a ferry across the Des Moines river, at the Round Mound in Lee county.

The House have receded from their amendment to

No. 30, C. F. A bill relative to the authentication of statutes without the approval of the Governor, and for other purposes.

The President of the Council announced a communication from the Governor, containing certain nominations.

On motion of Mr Hughes

The Council went into an executive session.

After some time the Council resumed its regular session.

Mr Parker from the committee on the judiciary on leave, introduced "A bill (C. F. No. 47) amendatory of an act regulating practice, &c. approved January 25, 1839," which was read and ordered to be printed.

C. F. No. 17, "Joint resolutions requesting our Delegate to Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people," being under consideration as amended by the House of Representatives,

On motion of Mr Inghram,

The Council concurred in the amendment of the House.

C. F. No. 23, "A bill to provide for the election of Delegate to Congress, &c." having been returned from the House with their amendments insisted on, and being again under consideration,

On motion of Mr Parker,

The Council insisted on their disagreeing vote and a committee of conference was appointed (Messrs. Parker and Clark) to act with a similar committee of the House, in relation to said bill.

H. R. file, No. 41, "A memorial to the President of the United States, for the postponement of the land sales in the Burlington land district," being under consideration as returned from the House of Representatives insisting on their disagreeing vote to amendments of the Council.

Messrs Payne, Whittlesey and Swazey were appointed a committee of conference on the part of the Council in relation to said memorial.

H. R. file, No. 147, "A joint resolution relative to a Post Route," was read a first time.

H. R. file, No. 139, "A memorial to Congress for an appropriation for

a road from Keokuk *via* West Point to Mount Pleasant," was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time and passed.

H. R. file, No. 141, "A bill to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county," was read a first and second time.

On motion of Mr Payne,

The rule prohibiting, &c. was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 142, "A bill to authorise Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county," was read a first and second time.

On motion of Mr Payne,

The rule prohibiting, &c. was suspended, and the bill was read a third time and passed, and title agreed to.

H. R. file, No. 143, "A bill to provide for the annual organization of the House of Representatives," was read a first and second time, and

On motion of Mr Clark,

Was referred to the committee on the judiciary.

H. R. file, No. 145, "A bill to establish a Territorial road from Bloomington by Point Comfort to the western line of Washington county," was read a first time.

H. R. file, No. 151, "A bill to authorise Robert E. Mott to keep a ferry across the Des Moines river at the Round Mound in Lee county," was read a first and second time.

On motion of Mr Parker,

The rule prohibiting, &c. was suspended, and the bill was read a third time, and passed, and title agreed to.

Mr Swazey, on leave, introduced "A memorial (C. F. No. 10,) to the Secretary of War, on the subject of arms and munitions of war for Iowa Territory," and "A memorial (C. F. No. 11,) to Congress on the subject of a public armory, in the Territory of Iowa," which were read and ordered to be printed.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: I herewith present for your signature,

An act to provide for the execution of title deeds to lots in Iowa city, and for other purposes.

An act to incorporate the Bloomington mill and manufacturing company.

An act establishing certain Territorial roads therein named.

An act to incorporate the town of Salem, in Henry county.

An act to establish a Seminary of Learning, at or near Antwerp, in Cedar county.

All of which have been signed by the Speaker of the House of Representatives.

Which acts were then severally signed by the President of the Council, and Mr Fales withdrew.

On motion of Mr Lewis,

The Council adjourned.

Tuesday Morning, Jan. 14, 1840.

The Council met pursuant to adjournment.

Mr Clark, from a select committee, to whom was referred H. R. file, No. 50, "A memorial to Congress for the improvement of roads therein named," reported the same with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time, and passed.

Mr Clark, from the judiciary committee, to whom was referred H. R. file, No. 143, "A bill to provide for the annual organization of the House of Representatives," reported the same back to the Council with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Hepner,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 157, H. R. file, A bill to provide for the compensation of the printers, members and officers of the Legislative Assembly, and for other purposes.

In which the concurrence of the Council is requested.

I herewith return for your signature An act amendatory to "an act for assessing and collecting county revenue," approved January 24th, 1839.

An act for the relief of certain officers in the Territory.

An act to authorize Adam Ritchie to erect a dam across Crooked creek in Henry county.

An act to amend the "act providing for the appointment of Justices of the Peace, &c." approved January 21st, 1839.

A memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this Territory.

A resolution relative to the taking of the census.

A resolution requesting the appointment of a resident Engineer.

All of which have been signed by the Speaker of the House of Representatives.

Said acts, &c. were then signed by the President of the Council, and Mr Fales withdrew.

Mr Clark, from the judiciary committee, to whom was referred C. F. No. 15, "A bill for the relief of the Poor," reported the same back to the Council with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Clark,

The rules requiring bills to be engrossed previous to their third reading, and prohibiting the second and third readings on the same day, were suspended, and the bill was read a third time, and passed, and title agreed to.

Mr Hughes, from the committee on roads, to whom was referred H. R. file, No. 104, "A bill for opening and regulating roads and highways," reported the same back without amendment. The report was concurred in, and the bill was considered in committee of the whole, Mr Whittlesey in the chair. After some time the committee rose, and through their chairman, reported the same back to the Council with one amendment and asked to be discharged from a further consideration of the subject. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Hughes,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill as amended was read a third time and passed, and title agreed to.

H. R. file, No. 157, "A bill to provide for the compensation of printers, members, &c." was read a first and second time, and,

On motion of Mr Lewis,

Was referred to the committee on expenditures.

On motion of Mr Payne,

Messrs Lewis and Clark were added to the committee on expenditures.

Mr Parker from the committee on the judiciary, to whom was referred H. R. file, No. 26, "A bill to amend an act relative to the Penitentiary," reported the same with one amendment. The report was concurred in, and the amendment was read a first and second time.

Mr Clark moved further to amend by striking out the second section of the bill, and on this question the yeas and nays being required were as follows:

The yeas were Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Swazey, Whittlesey, and Mr President, 11.

Mr Payne voted in the negative.

So the amendment was agreed to.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time.

Mr Clark moved to fill the blank in the 3d section of the bill with the word "six hundred" and on this question the yeas and nays being required, were as follows:

The yeas were, Messrs Browne, Clark, Keith, Lewis, Parker, Payne, Ralston, and Swazey, 8.

The Nays were Messrs Hepner, Inghram, Whittlesey and Mr President, 4.

So the amendment was agreed to.

On the question of the passage of the bill, the yeas and nays being required were as follows:

The yeas were Messrs Browne, Clark, Hepner, Inghram, Keith, Parker, Payne, and Swazey, 8.

The nays were Messrs Lewis, Ralston, Whittlesey and Mr President, 4.

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

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 161, H. R. file, "A bill to lay out and establish a Territorial road from Wyoming to Iowa city." In which the concurrence of the Council is requested. Mr Fales then withdrew.

C. F. No. 10, "A memorial to the Secretary of War, on the subject of arms, &c." was read a second time.

Mr Payne moved to amend the memorial by striking out the words "Fort Armstrong on Rock Island," and inserting "Fort Madison," and on this question the yeas and nays being required, were as follows:

The yeas were Messrs Browne, Hepner, Hughes, Inghram, Keith, Payne, Ralston and Swazey, 8.

The nays were Messrs Clark, Lewis, Parker, Whittlesey and Mr President, 5.

So the amendment was agreed to.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time.

On the question of its passage, the yeas and nays being required were as follows:

The yeas were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Payne, Ralston and Swazey, 9.

The nays were Messrs Lewis, Parker, Whittlesey and Mr President, 4.

So the memorial passed.

C. F. No. 11, "A memorial to Congress on the subject of a public armory in the Territory of Iowa," was read a second time.

Mr Payne moved to strike out the words "Fort Armstrong on Rock Island" and insert "Fort Madison."

Mr Clark moved to amend the amendment by striking out the words "Fort Armstrong on Rock Island," and inserting "Iowa City," and on this question the yeas and nays being required were as follows:

The yeas were Messrs Clark, Hepner, Inghram, Ralston and Whittlesey, 5.

The nays were Messrs Browne, Hughes, Keith, Lewis, Parker, Payne, Swazey, and Mr President, 8.

So the amendment to the amendment was lost.

Mr Parker moved to amend the amendment by striking out the words "Fort Armstrong on Rock Island," and insert "Davenport," and on this question the yeas and nays being required were as follows:

The yeas were Messrs Browne, Inghram, Keith, Lewis, Parker, Ralston, Swazey, Whittlesey, and Mr President, 9.

The nays were Messrs Clark, Hepner, Hughes and Payne, 4.

So the amendment to the amendment was agreed to.

On motion of Mr Inghram,

The memorial was referred to the committee on military affairs.

C. F. No. 47, "A bill amendatory to an act regulating practice, &c." was read a second time.

Mr Parker moved to amend the bill by striking out the 4th and 5th

sections, which was agreed to, and the bill as amended was ordered to be engrossed and read a third time on to-morrow.

Mr Lewis from the committee on military affairs to whom was referred C. F. No. 11, "A memorial on the subject of a public armory in the Territory of Iowa," reported the same with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Lewis,

The rules requiring engrossing, and prohibiting the second and third reading of bills, &c. on the same day, were suspended, and the memorial was read a third time and passed.

H. R. file, No. 161, "A bill to lay out and establish a Territorial road from Wyoming to Iowa city," was read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time, and passed, and title agreed to.

On motion of Mr. Whittlesey,

C. F. No. 35, "A bill for the relief of certain administrators," was taken from the table, read a third time and passed, and title agreed to.

C. F. No. 42, "A bill to amend an act relative to mechanic's liens, &c." was read a second time.

On motion of Mr Parker,

The rules requiring engrossing, and prohibiting the second and third reading of bills, &c. on the same day, were suspended, and the bill was read a third time and passed, and title agreed to.

On motion of Mr Payne,

C. F. No. 39, "A bill to establish a University at the town of Mount Pleasant, in Henry county," was taken up, read a third time, and passed, and title agreed to.

C. F. No. 8, "A preamble and memorial relative to requesting the donation of sections of land, &c." was read a second time.

On motion of Mr Whittlesey,

The rules requiring engrossing, and prohibiting the second reading of bills, &c. on the same day, were suspended, and the preamble and memorial was read a third time.

On the question of its passage, the yeas and nays being required, were as follows:

The ayes were Messrs Browne, Clark, Hepner, Inghram, Keith, Lewis, Parker, Ralston, Swazey, Whittlesey and Mr President, 11.

The nays were Messrs Hughes and Payne, 2.

So the preamble and memorial passed.

C. F. No. 9, "A memorial asking an appropriation to defray the expenses incurred in the difficulty with Missouri," was read a second time.

Mr Lewis moved to amend the memorial by filling the blank with the word "thirty," which was agreed to.

On motion of Mr Whittlesey,

The rules requiring engrossing, and prohibiting the second and third reading of bills, &c. on the same day, were suspended, and the memorial was read a third time and passed.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk :

Mr President: The House of Representatives have passed

No. 149, H. R. file, A bill allowing and confirming the compensation of printers of the last Legislative Assembly, and for other purposes.

No. 154, H. R. file, A resolution to provide for printing the reports of the decisions of the Supreme Court.

No. 156, H. R. file, A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly.

No. 153, H. R. file, A bill to relocate the county seat of Lee county.

In all of which the concurrence of the Council is requested.

On motion of Mr Hughes,

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

TWO O'CLOCK, P. M.

On motion of Mr Browne,

H. R. file, No. 131, "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the half breed lands in Lee county," was taken from the table, read a third time, and passed, and title agreed to.

On motion of Mr Lewis,

H. R. file, No. 51, "A bill to incorporate the city of Du Buque," was taken from the table, read a third time, and passed, and title agreed to.

C. F. No. 46, "A bill relating to auctioneers and auction sales," was read a second time. No order having been taken upon said bill, it was ordered to a third reading in its order.

H. R. file, No. 103, "A bill defining the duties of supervisors of roads and highways," being upon the third reading.

On motion of Mr Parker,

Was considered in committee of the whole, Mr Clark in the chair. After some time spent in consideration of said bill, the committee rose, and through their chairman reported the same back to the Council with several amendments, which amendments were concurred in.

On motion of Mr Parker,

The bill was further amended by striking out the word "three" in the 1st section and inserting the word "one."

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 145, "A bill to establish a Territorial road from Bloomington *via* Point Comfort to the western line of Washington county," was read a second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

H. R. file, No. 147, "A joint resolution relative to a post route," was read a second time.

Mr Inghram moved to amend by striking out the word "instructed" and inserting "requested," which was agreed to.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed.

Mr Parker, from the committee on the judiciary, to whom was referred C. F. No. 37, "A bill relative to evidence," reported the same with amendments. The report was concurred in, and the bill as amended was considered in committee of the whole, Mr Inghram in the chair. After some time spent in consideration of said bill, the committee rose, and through their chairman, reported the same back to the Council with one amendment, which amendment was concurred in.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time and passed, and title agreed to.

C. F. No. 20, "A bill concerning costs and other purposes," was read a third time, and passed, and title agreed to.

C. F. No. 40, "A bill to abolish imprisonment for debt," was read a third time, and passed and title agreed to.

The following message was received from the House of Representatives by Mr Fales, chief clerk:

Mr President: The House of Representatives have passed

No 8. C. F. "Preamble and memorial to Congress, requesting the donation of the land contiguous to the section donated as a location for the seat of government of this Territory.

I herewith present for your signature

An act to relocate the county seat of Clayton county,

A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river,

A memorial to Congress on the subject of a turnpike road from the city of Burlington, via Mount Pleasant, to Fairfield,

All of which have been signed by the speaker of the House of Representatives.

Which said acts, &c. were then signed by the president of the Council, and then Mr Fales withdrew.

C. F. No. 41, "A bill to provide for the settlement of the claim that Des Moines county has upon Lee, and other counties, was read a third time.

Mr Hepner moved to amend the bill by striking out the word "may" in the 10th line of section 2d and inserting "shall" which was agreed to by unanimous consent of the Council, and the bill, as amended, passed, and title agreed to.

On motion of Mr Clark,

The vote given relative to the passage of "A bill (C. F. No. 20) concerning costs, &c." was reconsidered.

Mr Clark moved to amend the bill by striking out in the 8th section the word "sixty" and inserting the word "ninety" which was agreed to

by unanimous consent of the Council, and the bill as amended passed, and title agreed to.

Mr Hepner from the committee on expenditures to whom was referred H. R. file, No 157, "A bill to provide for the compensation of members, printers, &c." reported the same with amendments. The report was concurred in, and the amendments were read a first and second time and the bill as amended, was considered in committee of the whole, Mr Hepner in the chair. After some time spent in consideration of said bill the committee rose, and through their chairman reported the same back to the Council with amendments.

Mr Hepner moved to amend the amendment reported by the committee in the 10th section, by striking out the words, "twenty five," and inserting "one hundred" which was agreed to, and the amendments of the committee of the whole, as amended, was concurred in.

Mr Whittlesey moved to further amend by striking out in 10th section the word "one" and insert "two," and on this question the yeas and nays being required, were as follows:

The ayes were Messrs Browne, Hepner, Hughes, Inghram, Keith, Parker, Swazey, Whittlesey and Mr President, 9.

The nays were Messrs Clark and Payne, 2.

So the amendment was agreed to.

On motion of Mr Hepner,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill as amended was read a third time.

On the question of the passage of the bill, the yeas and nays being required were as follows:

The ayes were Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Parker, Swazey, Whittlesey and Mr President, 10.

Mr Payne voted in the negative.

So the bill passed.

Mr Hepner moved to amend the title by striking out the word "members" and inserting "officers," which was agreed to, and the title as amended was agreed to.

Mr Inghram offered the following:

Resolved, That Charles Weston be employed to copy and forward all memorials and joint resolutions now in the Secretary's Office, and that he receive for such services a compensation in proportion to what has been paid Jesse Williams for similar work. Which,

On motion of Mr Parker,

Was referred to the committee on expenditures.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed with amendments,

No. 34, C. F. A bill to repeal the acts therein mentioned. Also without amendments.

No. 44, C. F. A bill amendatory of An act subjecting real and personal estate to execution, approved January 25, 1839, and

No. 43, C. F. A bill to authorize Wm Ingersoll to build a dam across Skunk River, in Jefferson county. Mr Fales then withdrew.

Mr Parker presented the petition of Messrs Brophy and Bourne, which was read, and,

On motion of Mr Inghram,

Was ordered to be laid on the table until the 4th of July next.

H. R. file, No. 113, "A bill to authorise the keeping of certain ferries therein mentioned," was read a third time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

The Chair announced a communication from his Excellency the Governor, containing certain nominations.

On motion of Mr Payne,

The Council went into an Executive session.

After some time, the Council resumed their regular session.

On motion of Mr Payne,

The Council adjourned.

Wednesday Morning, Jan. 15, 1840.

The Council met pursuant to adjournment.

Mr Clark presented a petition from citizens of Louisa county, relative to a memorial for the postponement of the land sales, which

On motion of Mr Clark,

Was laid on the table.

C. F. No. 34, "A bill to repeal the acts therein mentioned," being under consideration as returned from the House of Representatives, with two amendments,

On motion of Mr Hepner,

The Council concurred in the first amendment.

On motion of Mr Parker,

The Council disagreed to the second amendment.

H. R. file, No. 149, "A bill allowing compensation to printers of the last session of the Legislative Assembly, and for other purposes," was read a first and second time, and

On motion of Mr Parker,

Was referred to the committee on expenditures.

H. R. file, No. 153, "A bill to remove and relocate the county seat of Lee county," was read a first and second time.

On motion of Mr Browne,

The bill was referred to a select committee consisting of one member from each electoral district, and with instructions to report on to-morrow morning.

The president appointed Messrs Browne, Parker, Clark, Hepner, Hughes, Lewis, Keith and Whittlesey, said committee.

H. R. file, No. 154, "A resolution to provide for printing the reports of the decisions of the supreme court," was read a first and second time,

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed.

H. R. file, No. 156, "A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly," was read a first and second time.

Mr Whittlesey moved to amend by striking out the word "six" and inserting "ten," which was agreed to.

On motion of Mr Parker,

The resolution was further amended by adding the following:

Resolved, that the Governor of this Territory be requested to forward a copy of this resolution to our delegate in Congress.

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have concurred in all the amendments made by the Council to

No. 157, H. R. file, A bill to provide for the compensation of the printers, members and officers of the Legislative Assembly and for other purposes, except the allowance to Charles Weston, as fiscal agent, and the striking out of the allowances to John G. M'Donald and Horace Davis, to which they have disagreed.

The House passed

No. 160, H. R. file, A memorial to the President of the U. States for the appointment of Alfred Kebasa to relocate a territorial road.

No. 155, H. R. file, A bill to restrict the commissioners in the expenditure of money in the erection of public buildings in Iowa city,

No. 35, C. F. A bill for the relief of certain administrators.

No 39, C. F. A bill to establish a university at the town of Mount Pleasant, in Henry county.

No. 42, C. F. A bill to amend an act relative to mechanic's liens, and for other purposes, approved December 17, 1838.

No. 46, H. R. file, a bill making certificates of the purchase of public lands, evidence of title.

The House have amended the amendments of the Council, to No. 26, H. R. file, a bill to amend "an act relative to the penitentiary."

In all of which the concurrence of the Council is requested.

Mr Fales then withdrew.

H. R. file, No. 157, "A bill to provide for the compensation of officers, printers, &c. having been returned from the House of Representatives, with their disagreement to three amendments of the Council, and being again under consideration.

On motion of Mr Clark,

The Council insisted on their first amendment.

On motion of Mr Parker,

The Council receded from their second amendment.

Mr Clark moved that the Council recede from their third amendment, and on this question the yeas and nays being required were as follows:

The ayes were Messrs Browne, Clark, Hepner, Inghram, Parker, Ralston, Whittlesey, and Mr. President, 8.

The nays were Messrs Hughes, Keith, Payne, and Swazey, 4.

So the Council receded from their third amendment.

H. R. file, No. 26, "A bill to amend an act relative to the Penitentiary," being under consideration, with an additional amendment of the House of Representatives,

On motion of Mr Hepner,

The Council concurred in said amendment.

H. R. file, No. 160, "A memorial for the appointment of Alfred Hebard, to relocate a territorial road," was read a first and second time, and

On motion of Mr Parker,

Was referred to the committee on territorial affairs.

H. R. file, No. 155, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings in Iowa city," was read a first and second time.

Mr Clark moved that it be referred to a select committee, which was lost, and

On motion of Mr Hepner,

It was considered in committee of the whole, Mr Lewis in the chair. After some time the committee rose, and through their chairman, reported said bill back to the Council, with two amendments.

Mr Inghram moved to amend the first amendment of the committee by striking out the words "forty thousand dollars" and inserting "the twenty thousand dollars arising from the sale of lots in said city" which motion, on leave, he withdrew.

On the question of concurring in the first amendment, the yeas and nays being required were as follows:

The ayes, were Messrs Browne, Clark, Hepner, Inghram, Lewis, Parker, Ralston, Whittlesey and Mr President, 9.

The nays, were Messrs Hughes, Keith, Payne and Swazey, 4.

So the Council concurred in the first amendment.

The question was then taken upon the second amendment, which was also agreed to.

On motion of Mr Whittlesey,

The Bill was further amended by striking out in the 3d section the word "shall" and inserting "to," and by adding to the said section the words "the progress and state of the building at the date of statement."

Mr Whittlesey moved further to amend by striking out in the 4th section the word "forty" and inserting "twenty," which was also agreed to.

On motion of Mr Parker,

The Bill was referred to the committee on the judiciary, with instructions to report this evening.

H. R. file, No. 46, "A bill making certificates of the purchase of public lands evidence of title," was read a first and second time, and

On motion of Mr Hepner,

Was referred to the committee on the judiciary.

On motion of Mr. Browne,
The Council adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The President announced a communication from his Excellency, the Governor, containing certain nominations.

On motion of Mr Browne,

The Council went into an Executive Session.

After some time, the Council resumed its regular session.

C. F. No. 47, "A bill amendatory to an act regulating practice, &c." was read a third time and passed, and title agreed to.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 67, "A bill to regulate the practice of attorneys at law, &c." and H. R. file, No. 101, "A bill to amend an act for assessing and collecting county revenue," reported the same back to the Council, and also that a further consideration of them be postponed indefinitely. The report was concurred in.

Mr Browne, from a select committee to whom was referred H. R. file, No. 153, "A bill to remove and relocate the county seat of Lee county," reported the same with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Browne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time, and passed.

Mr Parker to whom was referred H. R. file, No. 113, "A bill to authorize the keeping of certain ferries therein mentioned," reported a substitute. The report was concurred in, and the substitute (C. F. No. 48,) was read a first and second time.

On motion of Mr Parker,

The rules requiring engrossing, and prohibiting the second and third reading of bills, &c. on the same day, were suspended, and the bill was read a third time and passed, and title agreed to.

On motion of Mr Clark,

Resolved, That so much of the resolution of the Council passed January 11th, relative to the distribution of the Journals as requests the Secretary of the Territory to distribute the Journals of the Council, be and the same is hereby rescinded and it is hereby made the duty of the Secretary of the Council to distribute the Journals agreeably to the provisions of said resolution.

Mr Whittlesey reported that the joint committee on enrollments have on to-day presented to the Governor for his approval and signature :

H. R. file, An act to establish certain Territorial roads therein named.

An act to incorporate the Bloomington mill and manufacturing company.

An act to provide for the execution of title deeds to lots in Iowa city and for other purposes.

An act to establish a seminary of learning at or near Antwerp, Cedar county.

An act to incorporate the town of Salem, Henry county; also the acts for

which the accompanying is a receipt, and have examined and find correctly enrolled joint resolution requesting our delegate in Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people.

Resolution relative to extra pay for carrying the mail.

Memorial to Congress for an appropriation for a military road from Fort Madison.

An act to prevent frauds.

An act relative to authentication of Statutes.

EXECUTIVE DEPARTMENT, }
January, 14, 1840. }

Received of Charles Whittlesey, Esqr. member of the Council, "resolution relative to the taking of the census," (Council file, No. 14,) "Resolution requesting the appointment of a resident engineer," (Council file, No. 15,) "Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this Territory," Council file, No. 6, An act amendatory to 'an act for assessing and collecting county revenue, approved Jan. 24, 1839.' (Council file, No. 31,) "An act for the relief of certain officers in the Territory," (Council file, No. 28,) "An act to authorize Adam Ritchie to erect a dam across Crooked creek in Henry county," (Council file, No. 29,) "An act to amend the act providing for the appointment of Justices of the Peace, &c. approved January 21st, 1839," (Council file, No. 33,) presented for consideration and approval.

ROBERT LUCAS.

Mr Parker, from the committee of conference appointed on the part of the Council relative to an amendment made by the House of Representatives to the thirteenth section of a bill to provide for the election of delegate to Congress, judges of probate, &c. reported that the joint committee of both Houses have agreed to strike out the thirteenth section and ask the Council to concur therein.

The Council concurred in said report.

Mr Hepner, from the committee on expenditures, to whom was referred H. R. file, No. 149, "A bill allowing and confirming compensation to printers, &c." reported the same with one amendment. The report was concurred in, and the amendment was read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill was read a third time, and passed, and title agreed to.

C. F. No. 38, "A bill relative to divorce, alimony and other purposes," and

C. F. No. 46, "A bill relating to auctioneers and auction sales," were severally read a third time, and passed, and title agreed to.

On motion of Mr Whittlesey,

The Council adjourned.

Thursday Morning, January 16, 1840.

The Council met pursuant to adjournment.

Mr Payne presented "A joint resolution (C. F. No. 19) relative to the distribution of the laws, &c." which was read a first and second time, and

On motion of Mr Parker,

Was referred to the committee on the judiciary.

Mr Payne presented a "Resolution relative to the adjournment of the Legislative Assembly," which was read, and

On motion of Mr Hepner,

Was laid upon the table.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 16, "Joint resolution relative to publishing the laws in the newspapers," reported a substitute (C. F. No. 20) which was read, and

On motion of Mr Clark,

Was laid on the table, by yeas and nays as follows:

The yeas were Messrs Browne, Clark, Hepner, Inghram, Swazey, and Mr. President, 6.

The nays were Messrs Lewis, Parker and Payne, 3.

Mr Hepner reported that the joint committee on enrollments have examined and find correctly enrolled Council file, No. 43, "An act to authorize William Ingersol to build a dam across Skunk River in Jefferson county, C. F. No. 44, "An act amendatory of an act subjecting real and personal estate to execution, approved Jan. 25, 1839.

C. F. No. 33, "An act for the relief of certain administrators.

C. F. No. 42, "An act to amend an act relative to mechanics' liens and for other purposes, approved Dec. 17, 1838."

C. F. No. 39, "An act to establish a university at the town of Mount Pleasant in the county of Henry:" also

C. F. No. 5, "An act relative to habeas corpus,"

On motion of Mr Lewis,

The resolution prohibiting the introduction of new business, &c. was suspended, and he introduced "A bill (C. F. No. 49) supplementary to an act allowing compensation to printers to the last Legislative Assembly, &c., which was read a first and second time, and

On motion of Mr Payne,

Was referred to a select committee.

The President appointed Messrs Payne, Lewis, and Clark said committee.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file, No. 13, "A bill to amend an act fixing the terms of the supreme and district courts, &c." reported the same back with amendments. The report was concurred in, the amendments were read a first and second time, and the bill as amended, was considered in committee of the whole, Mr Clark in the chair. After sometime the committee rose, and

through their chairman, reported said bill back to the Council with amendments, and asked to be discharged from a further consideration of the subject. The report was concurred in, and

On motion of Mr Inghram,

The bill was referred to the committee on the judiciary.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed,
No. 15, C. F. A bill for the relief of the poor.

No. 11, C. F. A memorial to Congress on the subject of a public armory in the territory of Iowa.

Also, with amendments,

No. 10, C. F. A memorial to the Secretary of War on the subject of arms, &c.

No 32, C. F. A bill appointing commissioners to review a territorial road."

No. 9, C. F. A memorial to Congress for an appropriation for paying off the militia of the Territory, in which the concurrence of the Council is requested.

I herewith present for your signature, an act to provide for the annual organization of the Council and House of Representatives of the Territory of Iowa.

An act to establish a territorial road from Bloomington by Point Comfort to the western line of Washington county.

An act to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the Half Breed Lands, in Lee county.

A memorial to Congress for the improvement of the roads therein mentioned.

An act to authorise Wm. Warner to erect a dam across Big Cedar in Henry county.

An act to authorize John Troxell to erect a dam across Big Cedar in Jefferson county.

An act to authorize Joseph Clinkenbeard to erect a dam across Big Cedar in Jefferson county.

An act to authorize Robert E. Mott to keep a ferry across the Des Moines river, at the Round Mound in Lee county.

An act to prevent fraud.

An act relative to the authentication of statutes, &c.

Resolution relative to pay for carrying extra mail.

Resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of Governor of this territory, by the people.

A memorial to congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river.

All of which have been signed by the speaker of the House of Representatives.

Which acts, &c. were then severally signed by the president of the Council, and Mr Fales withdrew.

Mr Payne, from a select committee to whom was referred C. F. No. 49, "A bill supplementary to an act allowing compensation to the print-

ers of the Legislative Assembly, &c." reported the same with amendments, which amendments were concurred in, and

On motion of Mr Clark,

The bill was laid on the table, subject to the order of the Council.

C. F. No. 9, "A memorial to Congress for an appropriation for paying off the militia of the Territory," being under consideration with an amendment made by the House of Representatives, and

On motion of Mr Hepner,

The Council disagreed to said amendment.

The amendment made by the House to C. F. No. 10, "A memorial to the Secretary of War, on the subject of arms, &c." and to C. F. No. 32, "A bill appointing commissioners to review a Territorial road," were concurred in by the Council.

Mr Inghram, from the Judiciary committee to whom was referred H. R. file, No. 13, "A bill to amend an act fixing the terms of the Supreme and District Courts, &c." reported the same with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill as amended was read a third time, and passed, and title agreed to.

On motion of Mr Clark,

The Council reconsidered the vote relative to the amendment made by the House to C. F. No. 9, and amended said amendment by substituting the following:

Resolved, That his Excellency the Governor, be respectfully requested to forward one copy of this memorial to the President of the United States, and one to our delegate to Congress.

The chair announced a communication from his Excellency the Governor, containing certain nominations.

On motion of Mr Hughes,

The Council went into an executive session. After which,

On motion of Mr Clark,

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

TWO O'CLOCK, P. M.

Mr Hepner, from the committee on expenditures, to whom was referred a resolution relative to copying and forwarding resolutions and memorials, &c. reported a substitute, "Joint Resolution," (C. F. No. 21,) which was read a first and second time.

On motion of Mr Hepner,

The resolution was amended by filling the first blank with the name of James Clark.

Mr Lewis moved further to amend by striking out all after the word "be," and insert "paid such sum of money as may be hereafter allowed him by the Legislative Assembly of this Territory," which was agreed to.

On motion of Mr Inghram.

The rules requiring engrossing and prohibiting the second and third reading of Bills, &c. on the same day was suspended, and the resolution as amended, was read a third time, and passed.

Mr Payne, from the committee of conference, to whom was referred the disagreeing vote between the two Houses, on "A memorial to the President of the United States for the postponement of the Land Sales in the Burlington Land District," reported that they met the committee on the part of the House, and have been unable to reconcile the disagreeing vote and both committees have agreed to adhere.

The Council concurred in said report.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 155, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city," reported the same without amendment. The report was concurred in, and the bill was read a third time, and passed, and title agreed to.

Mr Clark asked leave to withdraw a petition from citizens of Louisa county relative to the postponement of the land sales, which was granted.

Mr Payne presented a joint resolution relative to the favorable opinion that the Legislative Assembly had of the principles expressed by the President of the United States in his late message.

Mr Clark moved to lay said resolution on the table, which was agreed to by yeas and nays, as follows :

Ayes, Messrs Browne, Clark, Hepner, Inghram, Keith and Lewis, 6.

Nays, Messrs Hughes, Parker, Payne, Ralston and Mr President, 5.

On motion of Mr Clark,

The Council adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr Hepner reported that the joint committee on enrollments have examined and report correctly enrolled,

C. F. No. 15, An act for the relief of the poor.

C. F. No. 11, A memorial to congress on the subject of a public armory in the Territory of Iowa.

C. F. No. 23, An act to provide for the election of delegate to Congress, judges of probate, sheriffs, county surveyors, and to amend an act regulating general elections in the Territory, also,

C. F. No. 8, Preamble and memorial to Congress requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government of the Territory.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed

No. 152, H. R. file, A resolution for the appointment of a committee to examine the public buildings at Iowa City and Fort Madison.

No. 158, H. R. file, a bill to repeal a part of an act allowing and regulating writs of attachment.

No. 159, H. R. file, A bill to locate the seat of justice in and for the county of Jones.

No. 169, H. R. file, A bill fixing the time when the acts of the session of 1839—40, shall take effect.

No. 40, C. F. A bill to abolish imprisonment for debt.

No. 41, C. F. A bill to provide for the settlement of the claim that Des Moines county, has upon Lee, Van Buren, Henry county, &c.

No 46, C. F. A bill relating to auctioneers and auction sales.

No 47, C. F. A bill amendatory of an act regulating practice, &c.

Also, with an amendment,

No. 45, C. F. A bill to establish a ferry across the Mississippi river.

The House have disagreed to the amendment made by the Council to the amendment of the House, to

No. 9, C. F. A memorial to Congress for an appropriation for the purpose of paying off the militia of this Territory.

The House have agreed to all the amendments of the Council to

No. 13, H. R. file, A bill to amend an act entitled an act fixing the terms of the Supreme and District courts, and for other purposes, except that with regard to Lee county, in the first district. The striking out of the word "Scott," in the second section, and the striking out of the third section to which the House have disagreed.

The House have passed

No. 37, C. F. A bill relative to evidence.

No. 170, H. R. file, A bill to amend an act entitled an act fixing the terms of the Supreme and District courts, and for other purposes.

The House have disagreed to the amendment made by the Council to the 1st section of

No. 155, H. R. file, and have agreed to all the other amendments to said bill.

The House have passed

No. 164, H. R. file, A memorial to the Post Master General.

No. 167, H. R. file, Resolution relative to publishing the laws of the present session of a general nature, in certain newspapers.

No. 168, H. R. file, A bill amendatory to an act subjecting real and personal estate to execution.

No. 38, C. F. A bill relative to divorce, alimony, and for other purposes.

No. 162, H. R. file, A bill to alter and amend an act subjecting real and personal estate to execution.

The House insist on their amendment to the 9th section of No. 34, C. F. a bill to repeal the acts therein mentioned.

I herewith present for your signature

An act to provide for the compensation of printers, members, officers, &c. of the Legislative Assembly.

An Act to establish a system of common Schools.

An act to remove and re-locate the county seat of Lee county.

A memorial to congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant.

An act to authorise William Ingersoll to build a dam across Skunk River, in Jefferson county.

An act amendatory of an act subjecting real and personal estate to execution, approved January 25, 1839.

An act for the relief of certain administrators.

An act to amend an act relative to mechanics' liens, and for other purposes, approved December 17, 1838.

An act to establish a university at the town of Mount Pleasant, in Henry county.

An act relative to habeas corpus.

An act defining the duties of supervisors of roads and highways.

All of which have been signed by the speaker of the House of Representatives.

The president of the Council then signed said bills, &c. and Mr Fales then withdrew.

C. F. No. 45, "A bill to establish a ferry across the Mississippi river," being under consideration as returned from the House with one amendment,

On motion of Mr Lewis,

The Council concurred in said amendment.

C. F. No. 9, "A memorial to Congress for an appropriation to defray expenses incurred in the difficulty with Missouri," having been returned from the House with their disagreement to the amendment made by the Council to the amendment of the House, and being again under consideration.

On motion of Mr Parker,

The Council insisted on their amendment.

H. R. file, No. 13, "A bill to amend an act fixing the terms of the Supreme and District courts, &c." having been returned with the disagreement of the House of Representatives to three of the amendments of the Council, and being under consideration,

On motion of Mr Browne,

The Council insisted on their first amendment.

On motion of Mr Parker,

The Council insisted on their second amendment.

On motion of Mr Parker,

The Council receded from their third amendment.

H. R. file, No. 155, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings, &c." having been returned from the House of Representatives with their disagreement to the amendment made by the Council in the 1st section, being again under consideration,

Mr Clark moved that the Council insist upon their amendment and on this question the yeas and nays being required were as follows:

The ayes, were Messrs Browne, Clark, Hepner, Parker and Mr President, 5.

The nays, were Messrs Hughes, Inghram, Keith and Payne, 4.

So the Council insisted on their amendment.

H. R. file, No. 152, "A resolution for the appointment of a committee to examine the public buildings in Iowa," was read a first and second time, and

On motion of Mr Payne,

The resolution was indefinitely postponed.

H. R. file, No. 158, "A bill to repeal a part of an act allowing and regulating writs of attachment," was read a first and second time, and

On motion of Mr Payne,

Was indefinitely postponed.

Mr Parker, from the judiciary committee, to whom was referred "A resolution (C. F. No. 19,) relative to the sale of the laws, &c." reported a substitute. The report was concurred in, and the resolution (C. F. No. 22,) was read a first and second time.

On motion of Mr Payne,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed.

Mr Parker, from the same committee, to whom was referred H. R. file, No. 124, "A bill to punish trespass on school and other lands," reported the same with amendments. The report was concurred in, and the amendments were read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill, as amended, was read a third time and passed, and title agreed to.

H. R. file, No. 169, "A bill fixing the time when the acts of the session of 1839-40 shall be in force," was read a first time, and

On motion of Mr Payne,

Was indefinitely postponed.

H. R. file, No. 164, "A memorial to the Postmaster General," was read a first and second time.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the memorial was read a third time, and passed.

H. R. file, No. 159, "A bill to relocate the seat of justice in the county of Jones," was read a first and second time, and

On motion of Mr Parker,

Was referred to the judiciary committee.

H. R. file, No. 162, "A bill to alter and amend an act regulating real and personal estate to execution," was read a first and second time, and

On motion of Mr Clark,

Was referred to the committee on the judiciary.

H. R. file, No. 170, "A bill to amend an act fixing the terms of the Supreme and District courts, &c." was read a first and second time, and

On motion of Mr Parker,

Was laid on the table.

H. R. file, No. 167, "A resolution relative to publishing the laws of the present session in the newspapers," was read a first and second time.

Mr Clark moved that the resolution be amended by inserting "Hawkeye and Patriot" after "Iowa Sun," which was agreed to by yeas and nays as follows:

Ayes, Messrs Browne, Clark, Hepner, Hughes, Inghram, Keith, Parker and Mr President, 8.

Mr Payne voted in the negative.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the resolution was read a third time, and passed.

H. R. file, No. 168, "An act amendatory to an act to subject real and personal estate to execution, &c." was read a first time.

Mr Parker moved to indefinitely postpone the bill, which was lost, and the bill was read a second time, and

On motion of Mr Browne,

Was referred to the judiciary committee, with instructions to report tomorrow morning.

Mr Payne moved to take the resolution from the table relative to the President's message, &c. which was lost by yeas and nays, as follow :

Ayes, Messrs Hughes, Parker, Payne and Mr President, 4.

Nays, Messrs Browne, Clark, Hepner, Inghram and Keith, 5.

C. F. No. 34, "A bill to repeal the acts therein mentioned," having been returned from the House of Representatives, insisting on their disagreeing vote to the amendment of the Council,

Mr Clark moved that the Council recede from their amendment, which was lost by yeas and nays, as follows :

Ayes, Messrs Clark, Hughes, Keith, Lewis and Mr President, 5.

Nays, Messrs Browne, Hepner, Inghram, Parker and Payne, 5.

Mr Payne moved that the Council insist on their amendment, which was lost by yeas and nays, as follows :

Ayes, Messrs Browne, Hepner, Inghram, Parker and Payne, 5.

Nays, Messrs Clark, Hughes, Keith, Lewis, Whittlesey and Mr President, 6.

Mr Whittlesey, from a joint committee on enrollments, presented the following from his Excellency, the Governor :

EXECUTIVE DEPARTMENT, }
Burlington, I. T. Jan. 16, 1840. }

Received from Charles Whittlesey for my consideration and approval, C. F. No. 30, An act relative to the authentication of statutes without the approval of the Governor, and for other purposes; No. 17, Joint Resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people; No. 17, A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river; No. 4, An act to prevent frauds; No. 18, Resolution relative to pay for carrying extra mail.

An act for the relief of certain administrators.

An act to amend an act relating to mechanics liens and for other purposes, approved Dec. 17, 1838.

An act for the relief of the poor.

Preamble and memorial to Congress requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government in this Territory.

An act relative to habeas corpus.

An act to provide for the election of Delegate to Congress, Judges of

Probate, Sheriffs, County Surveyor, and to amend an act regulating general elections in this Territory.

An act to establish a University at the town of Mount Pleasant in Henry county.

An act to authorise Wm. Ingersoll to build a dam across Skunk river, in Jefferson County.

Memorial to Congress on the subject of a public armory in the Territory of Iowa.

An act to regulate the admission of attorneys.

An act amendatory to an act subjecting real and personal estate to execution, approved Jan. 25, 1839.

ROBERT LUCAS.

Mr Parker moved that the Council adjourn, which was decided in the negative by yeas and nays, as follows:

Ayes, Messrs Browne, Inghram, Lewis and Parker, 4.

Nays, Messrs Clark, Hepner, Hughes, Keith, Payne, Whittlesey and Mr President, 7.

Mr Clark moved that the Council recede from their disagreeing vote to the amendment of the House of Representatives to C. F. No. 34.

Mr Browne moved a call of the Council, which motion, he, on leave withdrew.

Mr Inghram moved that the Council adjourn, which was decided in negative by yeas and nays, as follows;

Ayes, Messrs Browne, Inghram, Lewis and Parker, 4.

Nays, Messrs Clark, Hepner, Hughes, Keith, Payne, Whittlesey and Mr President, 7.

Mr Parker moved a call of the Council, which was had. Upon calling the names of the members, it was found that Messrs Ralston and Swazey were absent. They were sent for.

Mr Whittlesey moved that the Council adjourn, which was decided in the affirmative by yeas and nays, as follows:

Ayes, Messrs Browne, Clark, Hepner, Lewis, Parker, Whittlesey and Mr President, 7.

Nays, Messrs Hughes, Inghram, Keith, Payne and Swazey, 5.

So the Council adjourned.

Friday Morning, Jan. 17, 1840.

The Council met pursuant to adjournment.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 162, "A bill to alter and amend an act subjecting real and personal

estate to execution," reported the same, without amendment, and recommended that it be laid on the table.

The report was concurred in.

On motion of Mr Whittlesey,

Resolved, That Morgan Reno be allowed the sum of twenty dollars for his services in assisting the enrolling clerk, and that the Secretary of the Territory is hereby authorized to pay the same out of any funds in his possession, not otherwise appropriated.

On motion of Mr Inghram,

C. F. No. 34, "A bill to repeal the acts therein mentioned," was taken up, and

On motion of Mr Clark,

The Council adhered to their disagreeing vote to the amendment of the House of Representatives.

Mr Parker, from the judiciary committee, to whom was referred H. R. file, No. 159, "A bill to relocate the seat of justice in and for the county of Jones," reported the same with amendments, which amendments were concurred in, and after being read a first and second time.

On motion of Mr Whittlesey,

The rule prohibiting the second and third reading of bills, &c. on the same day was suspended, and the bill as amended was read a third time, and passed, and title agreed to.

Mr Parker, from the committee on the judiciary, to whom was referred H. R. file. No. 78, "A bill to amend an act for assessing and collecting county revenue," H. R. file, No. 106, "A bill for the relief of the sheriff of Lee county," and H. R. file, No. 102, "A bill to encourage the raising of sheep," reported the same without amendment, and recommended that they be indefinitely postponed. The report was concurred in.

Mr Parker, from the same committee, to whom was referred H. R. file, No. 46, "A bill making certificates of the purchase of public lands evidence of title," reported the same without amendment. The report was concurred in, and

On motion of Mr Lewis,

The bill was indefinitely postponed.

The chair announced a communication from his Excellency, the Governor, containing certain nominations, and

Said communication was ordered to be considered this afternoon.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives insist upon their disagreeing vote on the first section of No. 155, H. R. file, and have appointed Messrs Walworth, Lefler and Rich, a committee of conference in relation thereto, with instructions.

Mr Fales then withdrew.

On motion of Mr Clark,

A committee of conference was appointed to act with the above committee, in relation to said bill.

The President appointed Messrs Clark, Browne and Lewis, said committee.

After a short time said committee, through their chairman, made the following report:

The committee of conference appointed on the part of the Council, to confer with a similar committee of the House of Representatives in relation to the disagreement of the two Houses on an amendment of the Council to the first section of bill No. 155, H. R. file, report

That they have had an interview with the committee of the House, and have agreed that the first section of said bill shall be so amended that the acting commissioner shall be restricted in his expenditures to the sum of fifty-one thousand dollars.

The report was concurred in.

On motion of Mr Lewis,

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

TWO O'CLOCK, P. M.

On motion of Mr Whittlesey,

The Council went into an executive session.

After some time the Council resumed its regular session.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 22, C. F. a resolution relative to the sale of the statute laws.

The House have receded from their amendment to the 9th section of No. 34, C. F. a bill to repeal the acts therein mentioned.

The House have also receded from their disagreement to the amendment of the Council to the amendment of the House to

C. F. No. 9, A memorial relative to an appropriation for paying off the militia.

The House insist on their disagreement to the first section of

No. 13, H. R. file, A bill to amend an act entitled an act fixing the terms of the supreme and district courts and for other purposes, and have appointed Messrs Leffler and Rich a committee of conference in relation thereto.

The House have passed,

No. 171, H. R. file, Joint resolutions approbating the views set forth in the late message of the president of the United States.

Also, with amendments,

No. 48, C. F. A bill to authorize the keeping of certain ferries therein named.

I herewith present for your signature

A resolution relative to publishing the laws of a general nature of the present session in certain newspapers.

Which resolution was signed by the President of the Council, and then Mr Fales withdrew.

H. R. file, No. 13, "A bill to amend an act fixing the supreme and district courts," having been returned from the House with their disagreement to the amendment of the Council insisted on, and being again under consideration,

On motion of Mr Hepner,

A committee of conference was appointed to act with a similar committee of the House in relation to said bill. Messrs Hepner and Parker were appointed said committee.

C. F. No. 48, "A bill to authorise the keeping of certain ferries therein named" having been returned from the House of Representatives with amendments, and being under consideration,

On motion of Mr Hepner,

The Council concurred in said amendments,

H. R. file, No. 171, "Joint resolutions approbating the views set forth in the late message of the president of the United States," was read a first and second time.

On motion of Mr Parker,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, which was agreed to by yeas and nays as follows:

Ayes Messrs Hepner, Inghram, Parker, and Mr President 4.

Nays, Messrs Lewis and Swazey, 2.

So the resolutions were read a third time.

Mr Lewis moved to lay the resolutions on the table.

Which was lost by yeas and nays as follows:

Ayes, Messrs Clark, Lewis, Swazey and Whittlesey, 4.

Nays, Messrs Hepner, Inghram, Parker, and Mr President, 4.

The question then recurred on the passage of the resolutions.

Mr Hepner moved a call of the Council, which was had, and the absent members, Messrs Browne, and Ralston were sent for (Messrs Keith, Hughes and Payne, having been excused,) Mr Browne having arrived,

On motion of Mr Lewis,

The further call of the Council was suspended.

Mr Lewis then moved that the resolutions be laid on the table until the second Monday of July next.

Mr Hepner moved a call of the Council which was had: Messrs Hughes, Keith, Payne and Ralston were among the absent. Mr Ralston having arrived,

On motion of Mr Lewis,

The further call of the Council was dispensed with.

The question was then taken on the motion to lay the resolutions on the table until the second Monday of July next, which was lost, by yeas and nays, as follows:

Ayes, Messrs Browne, Clark, Lewis, Swazey and Whittlesey, 5.

Nays, Messrs Hepner, Inghram, Parker, Ralston and Mr President, 5.

Mr Clark moved to lay said resolutions on the table until this evening, which was lost.

Mr Lewis moved that the vote be taken upon the resolutions separately, which was agreed to.

On the passage of the first resolution the vote stood as follows: (Messrs Lewis, Clark, Whittlesey and Browne being excused, at their request, from voting.)

Ayes, Messrs Hepner, Inghram, Parker, Ralston, Swazey and Mr President, 6.

Nays, none.

So the first resolution was adopted.

The question was then taken upon the second resolution (Messrs Clark, Browne and Whittlesey were excused from voting) which was also adopted by yeas and nays, as follows:

Ayes, Messrs Hepner, Inghram, Lewis, Parker and Mr President, 5.

Nays, Messrs Ralston and Swazey, 2.

The third and last resolution was also adopted, *viva voce*.

The following message was received from the House of Representatives, by Mr Fales, Chief Clerk:

Mr President: The House of Representatives have passed No. 172, H. R. file, A resolution relative to the safe keeping of the furniture belonging to the Legislative Assembly.

The House have appointed Messrs Summers and Leffler a committee of conference relative to the disagreeing vote of the two Houses on the 2nd section of No. 13, H. R. file.

I herewith present for your signature, An act amendatory of an act regulating practice.

An act appointing commissioners to review a Territorial road.

An act relating to auctioneers and auction sales.

An act to establish a ferry across the Mississippi river.

An act to provide for the settlement of the claim that Des Moines has upon Lee, Van Buren, &c.

An act to abolish imprisonment for debt.

An act relative to Divorce, Alimony and for other purposes.

A memorial to the Secretary of War on the subject of arms, &c.

An act for opening and regulating roads and highways.

An act to incorporate the city of Du Buque.

A memorial to the Post Master General.

An act to amend an act to provide for the erection of a Penitentiary, &c.

An act to lay out and establish a Territorial road from Wyoming to Iowa city.

An act allowing and confirming the compensation of printers, &c. of the last session.

A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly.

A resolution relative to a post route.

An act to restrict the commissioners in the expenditure of money in the erection of the public buildings in Iowa city.

All of which have been signed by the Speaker of the House of Representatives.

Which said acts, &c. were then severally signed by the President of the Council, and Mr Fales withdrew.

H. R. file, No. — "Resolution relative to the safe keeping of the furniture, &c. belonging to the Legislative Assembly," was read a first and second time.

On motion of Mr Inghram,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time, and passed,

On motion of Mr Parker,

A committee of conference was appointed to act with a similar committee of the House in relation to No. 13, H. R. file, referred to in the last message from the House.

Messrs Parker and Lewis were appointed said committee.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: The House of Representatives, have passed

No. 173, H. R. file, A resolution relative to publishing a list of the acts of the present session.

No. 174, H. R. file, A bill to amend "an act fixing the terms of the Supreme and District courts, and for other purposes."

In which the concurrence of the Council is requested. Mr Fales then withdrew.

H. R. file, No. 173, "A resolution relative to publishing a list of the acts of the present session," was read a first and second time.

On motion of Mr Lewis,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the resolution was read a third time and passed.

H. R. file, No. 174, "A bill to amend an act fixing the terms of the Supreme and District courts, and for other purposes,"

Was read a first and second time.

On motion of Mr Clark,

The rule prohibiting the second and third reading of bills, &c. on the same day, was suspended, and the bill was read a third time and passed, and title agreed to.

Mr Parker from the judiciary committee to whom was referred the petition of Joseph N. Green, for a divorce from his wife Amanda M. Green, have had the same under consideration, and beg leave to report briefly, that in their opinion, it is inexpedient and improper for the Legislature to grant divorces, in cases where relief can be afforded by the courts of law and equity, and that in the opinion of your committee, the case referred to them is not an exception, and they therefore recommend that leave be granted the petitioner to withdraw his petition.

The report was concurred in.

On motion of Mr Inghram,

Messrs Hepner and Clark were appointed a committee to act with a similar committee of the House of Representatives, to wait on his Excellency, the Governor, for the purpose of informing him that the Legislative Assembly had no further business before them, and that both branches were now ready to adjourn, *sine die*.

On motion of Mr Lewis,

The Council adjourned, until 7 o'clock, P. M.

7 O'CLOCK, P. M.

The following message was received from the House of Representatives by Mr Fales, Chief Clerk:

Mr President: I herewith present for your signature

An act to punish for trespass on school and other lands.

An act to amend an act fixing the terms of the Supreme and District Courts, and for other purposes.

A resolution relative to publishing a list of the acts of the present session.

Resolutions approbating the views set forth in the late message of the President of the United States.

A resolution relative to the safe keeping of the furniture belonging to the Legislative Assembly.

An act to locate the county seat of Jones.

All of which have been signed by the Speaker of the House of Representatives.

Said acts, &c. were then severally signed by the President of the Council, and Mr Fales withdrew.

Mr Whittlesey, from the joint committee on enrollments, reported the following:

EXECUTIVE DEPARTMENT, }
Burlington, Jan. 17, 1840. }

Received from Charles Whittlesey, member of the Legislative Council, for my approval and signature, the following acts:

C. F. No. 10, memorial to the Secretary of war.

“ No. 38, An act relative to divorces and other purposes.

“ No. 47, An act amendatory to an act regulating practice.

“ No. 46, An act relating to auctioneers and auction sales.

“ No. 32, An act appointing commissioners to review a Territorial road.

C. F. No. 41, An act to provide for the settlement of the claims that Des Moines has upon the counties of Lee, &c.

C. F. No. 40, An act to abolish imprisonment for debt.

“ No. 45, An act to establish a ferry across the Mississippi river.

ROBERT LUCAS.

Mr Whittlesey also reported that the joint committee on enrollments, have examined and found correctly enrolled C. F. No. 9, Memorial to the Hon. the Senate and House of Representatives of the United States, in Congress assembled, C. F. No. 34, An act to repeal the acts therein mentioned, C. F. No. 22, Joint resolution relative to the sale of Statute Laws, also C. F. No. 48, An act to authorize the keeping of certain ferries therein named.

Resolution relative to publishing laws of a general nature.

An act to restrict the commissioners of Iowa city.

An act to lay out and establish a road from Wyoming to Iowa city.

Resolution relative to an appropriation to defray the expenses of the extra session.

Memorial to the Post Master General.

Joint resolution relative to a post route.

An act to incorporate the city of Du Buque.

An act opening and regulating roads and highways.

An act to amend an act providing for the erection of a penitentiary.

An act allowing and confirming the compensation of printers of the last Legislative Assembly and for other purposes.

C. F. No. 48, An act to authorize the keeping of certain ferries therein named.

C. F. No. 22, Joint resolution relative to the sale of the Statute Laws.

C. F. No. 34, An act to repeal the acts therein mentioned.

C. F. No. 9, Memorial to Congress.

Mr Hepner, from the committee appointed to wait on his Excellency, &c. have performed the duty assigned them, and report that we are informed by his Excellency that he has no further communications to make.

Messrs Hall, Churchman and Myers, a committee from the House of Representatives, were announced, who informed the Council that the House was now in readiness to adjourn, *sine die*.

On motion of Mr Clark,

Resolved, That the assistant Secretary of the Council be required to assist the Secretary in arranging the papers, &c. of the Council after the adjournment, and that he be allowed five dollars per day, for six additional days service, and that the Secretary of the Territory is hereby authorized to pay the same out of any money not otherwise appropriated.

On motion of Mr Inghram,

Messrs Parker, Clark, and Lewis, were appointed a committee to inform the House, that the Council are now ready to adjourn, *sine die*.

On motion of Mr Parker,

Resolved, That the Council tender their thanks to Benjamin F. Wallace and John Newton Hetzel, for the correct, active, industrious and efficient manner in which they have discharged the duties of secretary and assistant secretary of the Council.

On motion of Mr Inghram,

Resolved, That the Council tender their thanks to the clerks, serjeant-at-arms, door-keepers, messengers, and fireman, for the prompt and efficient manner in which they have discharged their duties.

On motion of Mr Inghram,

Resolved, That the Council tender their thanks to Stephen Hempstead, for the prompt, impartial and efficient manner in which he has presided over the Council, during the present session.

The President of the Council, then rose and addressed the Council as follows:

GENTLEMEN OF THE COUNCIL:

Indulge me for a few moments, that I may, before we separate, express to each of you, my grateful feelings for the distinguished favors which you have so generously bestowed upon me, as a member of this honorable body. The present occasion, is, probably, the only one I shall ever have, to offer you, as the assembled representatives of the people of Iowa Territory, my warmest acknowledgement for friendship which I may not have merited, and for kindness which I shall never forget.

At the commencement of the present session of the Council, I was chosen to preside over your deliberations, the duties of which station, I have attempted to discharge on every occasion, in an impartial manner, and so to conduct myself towards each of you, that at the present hour you could extend to me a friendly hand without a thought of reluctance or an unkind wish. Gentlemen, have I so discharged my duty? If I have ever

been so unfortunate as to injure the feelings of any member of this Council, let him forget it when I declare that such was far from my intention, and if I have committed errors, or overstepped parliamentary rules, let me say that it should not be a matter of surprise, to those more experienced than myself in legislation.

Much important business has been transacted during our present session, notwithstanding the interruption occasioned by the hostile attitude of a neighboring state, and even that event has been serviceable in showing to the world that the people of Iowa would defend, if necessary, with their lives, what they believe to be right; and resist to the last, what is wrong. When I saw her infant hands raised to maintain the laws of the United States, and for the protection of her citizens and their property, I could not but feel proud that I had been honored with a seat in her councils—yes, gentlemen, that I stood in this hall as one of the humble representatives of a people, whose firmness and independence, would, in the hour of danger, constitute a living rampart around the laws and constitution of the land.

Gentlemen, our duties as members of the Legislative Assembly of Iowa Territory, will soon cease—the distinguished trust which we now hold, must soon revert to the people, and when I glance at the past proceedings of this body, I am induced to believe that we can, each, return that trust into their hands unsullied and free from dishonor. And here it may not be improper for me to remark, that you commenced your legislative duties under no ordinary circumstances. The Territory of Iowa had just sprung into existence, and it was expected by her citizens that their representatives would call into action their judgment, energy and talents, to frame wholesome laws for the safe-guard of justice and the advancement of the public good. In the discharge of this duty, you were compelled to encounter obstacles unforeseen and unexpected. Many of your legislative acts were annihilated by a power not often exercised in a republican government, and which caused the first Legislative Assembly of this Territory to remonstrate; the good effect of that remonstrance in procuring the amendment of the organic law, so as to limit that power within proper bounds, has produced much harmony and good feeling during the present winter.

Gentlemen, in after years, when the sovereign State of Iowa shall stand as a proud column, to support the American Union, when her thousands of chivalrous and patriotic citizens will constitute the strength and pride of a free government, then if any of you should remain upon the theatre of life, you will reflect with pleasure, that you had contributed in some degree to advance her interest while an infant Territory; and whatever situations you may occupy hereafter, whether as public officers or American citizens, I am confident that under all circumstances you will ever be found maintaining the true interests and liberty of your country, and promoting by every means in your power, her welfare and honor.

Gentlemen, pardon me for detaining you on this occasion. I know that many of you are anxious to return to your families and homes, where the turmoil of political life will soon be forgotten in domestic happiness; and where, even if all the world should prove cold or unkind, you would find a refuge and a cordial welcome. With these remarks and

my warmest wishes for your welfare, and the richest blessings of Providence upon each member and officer of this body, I now bid you farewell.

And then

On motion of Mr Inghram,
The Council adjourned, *sine die*.

APPENDIX.

[A]

GOVERNOR'S MESSAGE.

GENTLEMEN OF THE COUNCIL AND

HOUSE OF REPRESENTATIVES:

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

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

When we consider the rapidly increasing population, and advancing prosperity of the Territory, we may, in my opinion, with propriety proceed to measures preparatory to the formation of a Constitution and State Government, and for our admission into the Union as an independent State. I know it is the opinion of some, that such measures would be premature at this time, inasmuch as our expenses are defrayed by the United States. This consideration is entitled to weight; but when we consider the imperfect organization of the Territorial Government, and the consequent embarrassment in the administration of its internal affairs—and by referring to past history, compare the condition of the inhabitants of Ohio, Indiana, Illinois and Michigan, while under a Territorial

Government, to their subsequent prosperity after their admission into the Union as independent States, the preponderance is much in favor of a State Government—for the prosperity and improvement within each of the aforesaid States languished while Territories, but advanced with rapid strides from the moment of their several admissions into the Union as independent States. With these facts before us, I would earnestly recommend to the Legislative Assembly the early passage of a memorial to Congress, respectfully asking of that body the passage of an Act, at their ensuing session, granting to the inhabitants of Iowa Territory, the right to form a Constitution and State Government, and to provide for their admission into the Union upon an equal footing with the original States.

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

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

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

Congress, at their last session, made two important amendments to the organic law of the Territory, both of which were approved the 3d of March, 1839. The first, entitled "An Act to alter and amend the organic law of the Territories of Wisconsin and Iowa, declares, that every bill which shall have passed the Council and House of Representatives of the Territories of Iowa and Wisconsin, shall, before it becomes a law, be presented to the Governor of the Territory, if he approves of it, he shall sign it, but if not, he shall return it with his objections to the House in which

it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sunday excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Assembly by adjournment prevent its return, in which case it shall not be a law."

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

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

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

I will again call your attention to the importance of providing by law for the organization of townships. Such an organization was doubtless contemplated by Congress, when they declared in the organic law, that all

township officers should be elected by the people. The organization of townships are so intimately connected with every well regulated system of common schools, as well as that of public roads, that neither system can be conveniently carried out in detail, without such organization. Further, it has been proven by experience, that the ordinary local business of the country can be done with much more convenience and less expensive to the people, where the township system has been adopted, than in communities where it has been dispensed with. I, therefore, earnestly press upon your consideration, the importance of passing a law the present session, to provide for the civil organization of townships, and that provision be made for the election by the people, of a competent number of Justices of the Peace, in such organized townships, as well as other township officers.

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

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

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

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

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

The 10th section of said act declares, that “the Secretary of the Territory be and he is hereby required to furnish the public printer with a copy of all the acts of Congress now in force relative to the naturalization of aliens, as soon as practicable, and that it shall be the duty of the printer

foresaid, to publish the same, as an appendix with the statutes of a public nature, of the present Legislative Assembly."

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

I have considered it my duty to call the attention of the Legislative Assembly to the foregoing facts. The immense injury that has been sustained by the people of the Territory for want of the laws at the proper time, must present itself forcibly upon the consideration of their Representa-

tives, and calls loudly for Legislative interference, to secure a prompt publication of the laws in future. I would therefore suggest to the consideration of the Legislative Assembly, the propriety of creating, by law, the office of Public Printer, and to define his duties, and fix his compensation by law—holding him responsible, under heavy penalties, to have all public printing done promptly at the time provided by law.

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

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

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

In compliance with the request of the directors, I transmitted to the Secretary of the Treasury of the United States, on the same day, a copy of the act of the Legislative Assembly, and called his attention particularly to the 5th section, which required the Governor to draw the appropriation, and pay it over to the Superintendent of the Penitentiary. I also in my letter, called the attention of the Secretary of the Treasury to the appropriation made in the organic law for erecting public buildings at the seat of government, and explained to him the reason why the two appropriations would be drawn for under different legislative acts; and in conclusion, requested him to give me the views of the Department on the

subject." On the 20th of May, the Secretary of the Treasury acknowledged the receipt of my letter of the 29th of April, and its enclosures. He referred me, in reply, to an act of Congress, approved 31st of January, 1828, and informed me that the money could not be advanced, except as the service was performed, and articles delivered, unless the President was applied to, and reasons stated, which satisfies him to advance as much as would be wanted for the next thirty or sixty days. A copy of this letter was furnished to the directors of the Penitentiary, and also to the commissioners appointed to superintend the public buildings at the seat of Government. On the 9th of September, the Superintendent presented a bill of the work done at the Penitentiary amounting to \$2077,00; also an estimate for the funds wanting for the ensuing sixty days, amounting to \$3,800,00, with a certificate of approval, endorsed by the directors. These estimates, together with a petition directed to the president of the United States by the directors, was transmitted by me to the Secretary of the Treasury of the United States, on the 14th of September last, requesting him to transmit to Amos Ladd, the Superintendent, a check either on the Receiver of Public Moneys at this place, or the State Bank of Missouri, for the sum of \$5,877,00—the amount required by the directors. The check, I understand, has been received recently by Mr Ladd, on the Bank of Missouri. Subsequent to forwarding the aforesaid estimates and requisition, I received a letter from the Secretary of the Treasury of the United States, dated the 9th of September, 1839, in which he informs me that since the receipt of my communication of the 29th of April last, on the subject of the appropriation to defray the expenses of erecting public buildings in the Territory of Iowa, the Comptroller had reported, in answer to a call from the Department, in a similar case, that the appropriation must be considered as a grant, and an account can be stated in favor of the Treasurer of the Territory, as my assignee for such parts of the whole as I may require; and that on receiving from me a requisition in his favor, stating the amount that may be required to meet the liabilities of the Territory on account of the erection of public buildings, within thirty days subsequent to the date of my requisition, it would be referred to the accounting officer for settlement in conformity with the Comptroller's decision, and so hereafter when further sums may be needed."

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

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

they might be made to erect a prison for themselves, and relieve the Territory from considerable expense.

By the 4th section of the act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes, approved 21st of January, 1839, it was made the duty of the Governor to apply to Congress, for a donation of, or a pre-emption to, four sections of land, on which to locate the seat of Government of the Territory of Iowa. In discharge of this duty, the Governor did, on the 24th of January, within four days after the passage of the bill, transmit a memorial to the Senate and House of Representatives of the United States of America in Congress assembled, together with a copy of the original and supplementary acts to locate the seat of Government of the Territory of Iowa. The memorial first asked Congress permission to locate the seat of Government of the Territory upon the land of the United States, in the county of Johnson, and within the late purchase made by the United States from the Sac and Fox Indians. Second—that they would grant unto the Territory a donation of four sections of land upon which to locate the said seat of Government, or if they should not deem it expedient to grant the land as a donation, that they would secure to the Territory a pre-emption right to four sections of land at the place that might be selected for the seat of Government, and that a title to the same might be perfected on payment being made, in such manner as Congress might deem expedient. A copy of the memorial and acts of the Legislature, was transmitted to the President of the Senate, and Speaker of the House of Representatives in Congress, together with a request that they might be laid before their respective Houses. We see, by the journal of Congress, that the memorial was received and referred to the respective committees on public lands, but no further action was had on them prior to the adjournment of Congress. We see among the acts of the last session of Congress, an act entitled “An act making a donation of land to the Territory of Iowa for the purpose of erecting public buildings thereon, approved 3d March 1839, in the following words: “That there be and hereby is appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon, the public buildings for the use of the Executive and Legislative departments of the government of the said Territory: *Provided*, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the Register of the Land Office in the district in which the land is situated, within one year from the passing of this act: *And provided further*, That nothing herein contained shall authorise the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right of pre-emption recognized by law, shall be prejudiced thereby.

“SEC. 2. *And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sections thereto have not been made subject to public sale, or being so subject have not been sold, at public sale or private entry, then each and every section contiguous to said selected section and not so sold, shall be

thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the said public buildings, from selling and disposing of the residue of said section in lots or otherwise for the use of said Territory, in the erection and completion of said building.

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

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

The Commissioners appointed by the late Legislative Assembly, proceeded to locate the seat of government in the county of Johnson, (and I think very properly too) without regard to the act of Congress of the 3d of March last, and have made report of the proceedings to the Executive, in accordance with the provisions of the legislative acts of the Territory.

The section selected by them has been laid out into city lots, and on application of the acting commissioner, public sale of lots were by proclamation of the Executive ordered to be held on the 3d Monday of August, and on the first Monday in October last at which sale there was 203 in lots and 3 out lots sold for the aggregate sum of \$28,854 75. The lots sold cannot be estimated at more than one fourth in value of the whole city plat. A special report, it is expected, will be submitted to the Legislative Assembly by the commissioners.

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

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

The acting Secretary of War, (S. Cooper) acknowledged the receipt of my letter of the 9th of July, enquiring whether there could be furnished by that department a number of Cooper's books of tactics and regulations sufficient for the instruction of the officers of the militia of Iowa, and on the subject of supplying arms, &c. to enable the citizens of the Territory to defend themselves against Indian depredations; and stated that the department at that time had no means at its disposal, that would enable it to furnish the work referred to; but that the matter would be submitted to the Secretary of War on his return to the seat of Government for his consideration. In respect to the arms, &c., the acting Secretary of War enclosed me a report from the officer in charge of the ordnance department, to whom was referred my letter of the 9th of July. This report states that "the communication of the Executive of the Territory of Iowa shows that arms and equipments may be required for the defence of the inhabitants against Indian hostilities at some future day. That the organization of

the militia is not yet completed, and consequently no return of the militia can have been made to the adjutant general of the army.

Issues of arms to the States and Territories, under the law of 1808, can be made only on the militia returns, which is indispensable in distributing the number due. In the absence of such returns, and that the Territory may have a resource in case of need, I would respectfully suggest that a suitable place be selected and a deposition of arms, accoutrements and ammunition be made, the whole to remain in the custody of the United States subject to the order of the Governor of the Territory, in certain contingencies to be specified. It appears to me, that any other disposition of public arms would lead to disappointment in case they were relied upon for our future service. Some central point on the Mississippi is named is a proper location for the depository of arms. Fort Armstrong and Prairie du Chien, would both be safe places, and are under the control of the government. My limited knowledge of that part of the country forbids the attempt to name at once a more suitable place."

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

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

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

The attention of the Legislative Assembly is solicited to the subject of adopting a regular system of finance for the Territory. To effect this, it

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

The first section of the supplementary act to locate the seat of government declares that a sale of lots in the town at the seat of government, shall be held under the direction of the commissioners, the proceeds of which shall go into the Territorial treasury to be expended as may be hereafter directed by law.

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

The act of the last session, to prevent gambling, approved 25th of December, 1838, contains efficient provisions, and if faithfully executed must ultimately tend to check those pernicious practices within the Territory. But the demon of intemperance, appears to stalk through our land unmolested, and indeed fortified in many respects behind the license law of the country. The principle of raising a revenue from license to vend or retail intoxicating drinks, appears to me to partake much of the character of legalizing indulgences to commit crime. The vender of ardent or other intoxicating drinks, though it may be legalized by license, is, in my opinion, morally accountable for all the crimes and wretchedness produced by the use of such ardent spirits, or other intoxicating drinks vended by them, whether wholesale or retail. The philanthropist and statesman have of late years considered intemperance one of the greatest evils that pervade our land. It is considered the cause of more wretchedness, crime and death, than any other cause whatsoever, and many of the states have interposed the strong arm of the law to check its progress. But when we consider that our government and laws are under the control of public opinion, I have, after much reflection, been led to the conclusion that the most effectual mode to suppress this greatest of all evils (intemperance) would be to submit it entirely to the control of public opinion. I therefore seriously solicit the attention of the Legislative Assembly to the subject and recommend to their consideration the passage of a law repealing all laws now in force in the Territory, that authorize granting license to vend or retail ardent spirits, and to leave the subject entirely under the control of public opinion, holding the keepers of public houses and groceries accountable under heavy penalties for permitting drunkenness or disorder about their respective houses. This, in my opinion, would give a fatal check to the practice. The whole moral influence of the community

would in a short time be brought to bear upon it, and being without the support of legal license, would ultimately sink under the weight of public opinion. But should the foregoing recommendation be deemed inexpedient, I would suggest an alteration in the laws, so that no license to retail ardent spirits or other intoxicating drinks, should be granted by any authority in any county within the Territory of Iowa, unless a majority of the legal voters in such county, should vote in favor of granting such license at their respective annual elections. This principle has been adopted by some of the states, and has been spoken of as highly beneficial in its effects. It is in strict accordance with the spirit of our institutions, that a majority of the qualified voters in the respective counties should determine on questions of policy that are so intimately connected with their interests and future prosperity.

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

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

The Commissioner appointed on the part of the United States, in conjunction with the Commissioner on the part of the Territory of Iowa, proceeded to the discharge of their duties, and submitted their reports in

accordance with the requisition of the law, and in obedience to a resolution of the House of Representatives, on the 30th day of January last. The report of the Commissioner on the part of the United States, was submitted to Congress by the Secretary of State, but not being finally acted upon before the adjournment of Congress, it now awaits the final action of Congress thereon at the ensuing session. After this report was submitted to Congress, the Legislature of the State of Missouri passed an act declaring the line run by their own Commissioners in 1837, to be the northern boundary of that State. This act was dated, according to the Proclamation of the Governor of Missouri, the 16th of July, 1839. This Missouri act appears to have been passed in defiance of the proceedings of Congress, and in direct contravention of their acts, and under the provisions of which the authorities of that State have attempted to obtain a tortuous jurisdiction over a portion of this Territory within the county of Van Buren, and on which the Territory of Iowa has since its organization exercised an unmolested jurisdiction.

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

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

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

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

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

Your Obedient Servant,

ROBERT LUCAS.

REPORT

OF THE JUDICIARY COMMITTEE OF THE COUNCIL ON
SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES
TO THE ELECTION OF DELEGATE TO CONGRESS AND
COUNTY RECORDER.

 MR PARKER, CHAIRMAN.

The Judiciary Committee, to whom was referred that part of the Governor's Message relative to the election of Delegate to Congress and County Recorder, have had the same under consideration and beg leave to Report:

That they have in their possession the *Engrossed* law "providing for and regulating General Elections in this Territory," which passed both Houses of this Legislative Assembly at its last session; and find upon a thorough examination that there are in the Enrolled law filed in the Secretary's office, several omissions—errors of the enrolling clerk, and which, owing to the great press of business on the last two or three days of said session, passed unnoticed through the hands of the enrolling committee and the Governor. The correction made by the Secretary makes the first section of the printed law correspond exactly with the law as it passed both Houses.

Without saying any thing relating to the authority to make such correction, your committee would say that the highest evidence of a law passed by the Legislature is the *enrolled* copy filed in the Secretary's office, signed by the presiding officers of both branches of the Legislative Assembly and by the Governor; and that any word, sentence, or provision that may be found in the printed laws which cannot be found in the *enrolled* copy cannot be deemed and taken to be *the* law, because it has not gone through the absolutely requisite process to constitute it a *law*, although it may have passed through both Houses. Being omitted in the *enrolled* copy, it has not received the signatures of the presiding officers nor the approval and signature of the Governor. But your committee are prepared to say, that, although the first section of the *enrolled* law alluded to is apparently ambiguous and equivocal, yet, *without* any correction or amendment, there can be no difference of opinion in regard to its "meaning" or its operation, and that *meaning* or operation, is precisely the same which is given to it by the "*interpolation*" of the Secretary, and that, therefore, said "*interpolation*" does NOT "*materially change the meaning of the law.*"

Laws when ambiguous or equivocal must be interpreted by the context, by the effects and consequences, or by the spirit and reason thereof. And one part of a law must be so explained by another as to make the whole, if possible, stand; and if that be not sufficient reference may be had to another law on the same subject or relating to it, and in this instance to

the Organic Law, which is our "Constitution." Apply these well known and well established rules of interpretation or construction, and the result by any one, or all of them, will be the same, to wit: that of the printed law. In the same sentence in connection with the words "delegate to Congress and county recorder," will be found "Members of the Council." The said officers by that sentence are all to be elected at the same time.

Delegate to Congress and Members of the Council were elected in September, eighteen hundred and thirty-eight. The Organic Law says they shall serve *two* years, which will be till September, eighteen hundred and forty. If we say that the words "August next and forty" mean August eighteen hundred and thirty-nine, we make the sentence conflict with the Organic Law and therefore void, and the word "forty" to have no meaning; but that would destroy the law which cannot be done if a reasonable and consistent construction can *possibly* be given. What is that *reasonable* and *consistent* construction? Why, that which will carry out the well known intention of the Legislature, make the sentence correspond with the Organic Law and give a meaning to the word "forty" and all that is done by construing the word "forty" to mean eighteen hundred and forty.

Your Committee, however, are of opinion that the less latitude there is left in a law for construction or interpretation, the better, and they have, therefore, prepared a Bill amendatory of said law and respectfully recommend its passage.

ORDER OF DAILY BUSINESS IN THE COUNCIL.

After the Journals are read, the following order will govern:—

- 1st—Petitions or Memorials to be presented.
- 2d—Resolutions.
- 3d—Reports of Committees.
- 4th—Bills Resolutions and Communications on the President's table.
- 5th—Bills and Resolutions ready for a second reading.
- 6th—Bills and Resolutions on their passage.
- 7th—Reports in possession of the Council which offer grounds for a bill.
- 8th—Bills or other matters before the Council unfinished the preceding day.
- 9th—The above business, being dispatched, the general file of bills and other papers will be then taken up agreeably to their first introduction into the Council.

STANDING RULES.

I. The Council shall choose, by ballot, one of their own number to occupy the Chair. He shall be styled President of the Council, and shall hold his office during the Session of the Council at which he was elected. He shall take the chair at the hour to which the Council is adjourned and call the members to order; and if a quorum be present he shall direct the journal of the preceding day to be read, and mistakes if any, corrected. He shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. In committee of the whole he shall call some member to the chair, he shall have a right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment. He shall unless otherwise directed by the Council, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President, the Council may appoint a President pro tem. to occupy the chair during such absence.

II. Any Member may have a call of the Council and absent members sent for. If upon such call absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Council.

III. All questions (except on motions) shall be put in this form: "You who are of the opinion (as the case may be) say, Aye; those of the contrary opinion; Say No," and in all cases any member may call for a division, or for the Yeas and Nays, which shall be recorded by the Secretary of the Council.

IV. When a motion is made and seconded it shall be stated by the member making the same or read by the Secretary previous to debate. If any member of the Council shall make any motion (except to adjourn, postpone, or commit) he shall reduce the same to writing upon the request of the President, or any member of the Council. Any motion may be withdrawn by consent of the Council before final decision on the same.

V. Every member present, when a question is put, shall vote, unless he shall for special cause, be excused by vote of the Council.

VI. A motion to adjourn shall always be in order, and be decided without debate.

VII. When a member is about to speak, he shall rise in his place and address himself to the President; and when a member is speaking no person shall pass between him and the President's chair, nor shall he be interrupted when speaking except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Council.

VIII. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend or to take the previous question; which several motions shall have precedence in the order they stand arranged.

IX. The previous question shall be put in these words; "shall the main question be now put?" and it shall be admitted on the demand of four members of the Council rising in their places for that purpose and until decided shall preclude all amendments under debate, of the main question.

X. Any member may call for a division of the question, when the same will admit thereof.

XI. No committee shall absent themselves from the Council chamber by reason of their appointment, during the sitting of the Council, without special leave.

XII. Every bill shall be introduced on the report of a committee, or by motion for leave—in the latter case at least one day's notice shall be given of the motion: and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for; such motion or the bill when introduced may be committed.

XIII. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the Council.

XIV. The first reading of a bill shall be for information, and if objections be made to it, the question shall be; "shall the bill be rejected?" if no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

XV. Upon the second reading of a bill or resolution the President shall state it as ready for commitment or engrossment; and if committed then the question shall be whether to a select or standing committee, or to a committee of the whole House; if to a committee of the whole House the Council shall determine on what day. But if the bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or resolution, that requires three readings, shall be committed or amended, until it shall have been twice read.

XVI. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill, or resolution, no amendment (except to file blanks) shall be received, except by unanimous consent of the members present.

XVII. When a bill or resolution is engrossed the President shall, at the time previously appointed by the Council announce the same as ready for a third reading, without a question.

XVIII. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again read a second time and considered as in committee of the whole, and if considered in committee of the whole, the question for its engrossment and third reading shall again be put.

XIX. In filling blanks, the largest sum, and longest time, shall be first put.

XX. When the Council is equally divided on a question the same shall be lost.

XXI. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the ma-

majority to move for the reconsideration thereof on the same or succeeding day.

XXII. All acts, addresses and resolutions, shall be signed by the President, and all writs, warrants and subpoenas, issued by order of the Council, shall be under his hand and seal, attested by the Secretary.

XXIII. Petitions, memorials, and other papers, addressed to the Council, shall be presented by any member in his place; a brief statement of the contents thereof shall be made verbally by the member introducing the same and shall not be debated or decided on the day of their being first read unless the Council shall direct otherwise but shall be on the table (to be taken up in the order they were read) or be referred on motion to a committee.

XXIV. After a bill shall have passed the Council it shall be the duty of the Secretary of the Council so far to alter the title of the Bill as to strike out the words "A Bill," and insert in lieu thereof the words "An Act," it shall then be duly enrolled, after which it shall be examined by a standing committee for that purpose who shall carefully compare the enrollment with the engrossed bill, and correcting any errors that may be discovered in the enrolled bill, shall make their report forthwith to the Council.

XXV. After examination and report each bill shall be signed by the President of the Council, and presented by the Committee on Enrollment, to the Governor for his approbation.

XXVI. A Secretary, Assistant Secretary, Recording, Engrossing and Enrolling Clerk shall be appointed by a ballot, to hold their places during the pleasure of the Council, they shall take an oath for the true and faithful discharge of their duties in their respective offices, the Secretary shall keep a correct journal of the daily proceedings and perform such other duties as shall appertain to his office. He shall let no journal, records, accounts or papers, be taken from the table or out of his custody other than by the regular mode of business of the Council; and if any papers in his charge shall be missing he shall make report to the President that it may be enquired into. It shall be the duty of the Recording Clerk to record the journal of the proceedings agreeably to the original furnished him by the Secretary. It shall be the duty of the Engrossing Clerk to engross all Bills, and of the Enrolling Clerk to transcribe, copy and enrol the same, the Secretary, Assistant Secretary, and Clerks, in the discharge of their duties shall be subject to the direction of the President of the Council.

XXVII. A Sergeant-at-Arms, Door Keeper, Assistant Door Keeper, Messenger and Assistant Messenger and Fireman shall be appointed by ballot to hold their offices during the pleasure of the Council: it shall be their duty to attend the Council during its sitting and to execute the commands of the President and Council, they shall take an oath truly and faithfully to discharge their respective duties in office.

XXVIII. When a message shall be sent from the Governor to the Council it shall be communicated to the Chair by the person by whom it may be sent.

XXIX. No person shall be elected to any office created by these rules unless he shall receive a majority of the whole number of votes given by the members of the Council.

XXX. When nominations shall be made in writing by the Governor of the Territory to the Council, a future day shall be assigned, unless the Council unanimously direct otherwise, for taking them into consideration.

XXXI. It shall be the duty of the members and officers of the Council to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office inviolably secret, also the proceedings and business of the Council when in executive session.

XXXII. Before acting on confidential or executive business, the Council should be cleared by direction of the President of all persons excepting the Secretary and Sergeant-at-Arms.

XXXIII. The proceedings of the Council when they shall act in their executive capacity shall be kept in separate and distinct books, and no part of the executive journal shall be published but by special order.

XXXIV. No member or officer of the Council shall read the Newspapers within the bar of the Council while in session.

XXXV. The President of the Council is authorized and required to administer all oaths prescribed by these rules.

XXXVI. Every resolution read by the Secretary by direction of a member shall be considered to be before the Council and the question to adopt or reject may be immediately put on such resolutions, or on motion of a member the same may be laid on the table.

XXXVII. No standing rule or order of the Council shall be rescinded or suspended except by a vote of three fourths of the members present.

XXXVIII. All bills brought into the Council by any member or committee shall be endorsed with the name of the member or committee bringing in the same.

XXXIX. When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not, and every question of order shall be decided by the President subject to an appeal to the Council by any two members, and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing that the President and Council may be better enabled to judge of the matter.

XL. The following officers and persons present at any time during the sitting of the Council shall be entitled to a seat within the Bar, the Governor, Secretary, Attorney General of the Territory, Judges of the Supreme Court, Members of Congress, Members of the House of Representatives, former members of the Legislative Council of the Territory and members of the State Legislatures, Editors, wishing to take down the debates and such others as the Council may direct.

XLI. The rules of Parliamentary Practice comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing Rules and Orders of the Council, and the Joint Rules of the Council and House of Representatives.

XLII. The Standing Committees of the Council shall be as follows, viz:

On the Judiciary.

On Finance.

On Internal Improvements.

On Enrollments.
 On Territorial Affairs.
 On Schools.
 On Claims.
 On Military Affairs.
 On Roads.
 On Expenditures.
 On Incorporations.
 On Territorial Library.
 On Public Buildings.
 On Elections.

JOINT RULES OF BOTH HOUSES.

I. In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall at a convenient hour, to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

II. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the Door Keeper, and shall be respectfully communicated to the chair by the person with whom it may be sent.

III. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

IV. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

V. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the Council, or of the House, as the bill may have originated in the one, or the other House, before it shall be presented to the Governor.

VI. When bills are enrolled, they shall be examined by a Joint Committee of two from the Council, and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

VII. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Council.

VIII. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same originated, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor which shall also be entered on the Journal of each House.

IX. All orders, resolutions, and votes, which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same Committee, as provided in cases of bills.

X. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House, in which the same may have passed.

XI. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

XII. Each House transmit to the other, all papers on which any bill or resolution shall be founded.

XIII. After each House shall have adhered to their disagreements, a bill or resolution is lost.

XIV. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed, than may be necessary for the use of the House making the order.

CORRESPONDENCE RELATIVE TO SEALS.

BURLINGTON, Iowa Territory, }
December 2, 1839. }

To the Honorable the PRESIDENT
of the Legislative Council.

SIR—In compliance with a resolution of the Council of the 20th of Nov. last addressed to me and requesting information as to what steps had been taken by the late Secretary of the Territory to carry into effect a joint resolution adopted by the Legislative Assembly at its last session, empowering him to employ Mr William Wagner to engrave an appropriate seal for the Supreme Court, the District Courts, County Commissioners Courts and Probate Courts in the Territory, I have to state that I have searched among the papers of the late Secretary in my possession,

and have found his correspondence with Mr Wagner in relation to this subject, a copy of which correspondence I have the honor herewith to submit for the consideration and information of the Honorable the Council.

"SECRETARY'S OFFICE, }
Territory of Iowa, Sept. 2d, 1839. }

TO MR. WM. WAGNER of York, Penn.

DEAR SIR—I have been empowered and authorized by the Legislature of Iowa to employ you to engrave an appropriate Seal for the Supreme Court of this Territory, also a seal for the United States District Court in each County, also a Seal for the County Commissioners Court in each County now organized, and also a Seal for the Probate Courts in each County. The Seals are to be delivered to and approved by the Secretary of the Territory. The sum is not specified, but it will of course be your usual charge for similar work.

In this Territory we have fourteen organized Counties, for each of which there will be three seals, to wit, One for the District Court, one for the Commissioners Court and one for the Court of Probate of each County.

The names of the Counties are as follows: Henry, Van Buren, Jefferson, Lee, Des Moines, Johnson, Cedar, Scott, Muscatine, Louisa, Washington, Jackson, Du Buque, and Clayton.

For the Supreme Court, you will engrave a large Seal, the device of which will be a well executed *Eagle*, bearing in its talons a pair of well balanced *scales*: with this circular inscription, "Seal of the Supreme Court of Iowa."

For each of the District Courts in the Counties above named you will engrave a Seal somewhat smaller than the one intended for the Supreme Court, the device on each of which will be the same as that of the seal of the Supreme Court, an *Eagle* bearing a pair of balanced scales, with this difference, that the eagle on the seal of the Supreme Court will be drawn in an ascending attitude, bearing the scales in its *talons*, while on the seals for the District Courts the *Eagle* will be drawn as if flying forward, bearing the scales in its *beak*—around each of which said seals for the District Courts you will engrave in plain letters this circular inscription, "Seal of the District Court of ——— County" naming the County, and in all cases in a different and plainer letter than in the balance of the inscription, for this reason, the seals will be all the same with the difference of the Counties, hence the necessity of making that distinction plain, I mean the distinction between the Counties by the plainness of the name of each.

The device on the seals of the Commissioners courts in each county will be an *Eagle* resting on the beam of a *plough*. To draw an *Eagle* at rest, will I am aware, test your skill as an engraver, but you can, I trust, accomplish the task; but if it be too difficult, you may engrave the *Eagle* as fluttering or in the act of alighting upon or raising from the beam as you may prefer; on each of which seals you will engrave this circular inscription "commissioners court of ——— county" naming the

county as before directed, in plainer letter or different letter from the rest of the inscription.

And now the greatest difficulty still remains—I refer to the Probate seals—or seals of the Probate courts.

The device on each of these seals, will be this.—An *Eagle* spreading its wings over a *Coffin*, with this inscription on each seal “Probate Seal of _____ county.” This last seal or seals for the courts of Probate will demand your utmost skill as an engraver.

I have labored for a long time to arrive at appropriate devices, devices not only in good taste, but also representing appropriate and distinct ideas, in close relationship with the objects in view.

I would, therefore, represent the Supreme court as rising superior to the District courts, in its calm and exalted judgments; fixing its eagle eye on the sun of Justice in its upward flight, bearing the balanced scales to the region whence equity descends upon man.

The Eagle of the District courts is presumed to ply nearer to the earth and sometimes within the moral atmosphere which derives its heat from the tumult of conflicting interests and passions above the reach of which the Judges of the Supreme court are understood to soar.

The county commissioners of Iowa, like those of Pennsylvania, are charged more especially with the common interests of the counties, which will ever be found to cluster around the Farmer and the plough.

The courts of Probate here, are charged with duties peculiar to the Orphans courts of Pennsylvania, they deal with those multifarious interests, which unite the rights, expectations and duties of the living with the remembrance of the dead—and hence the device which I have finally chosen.

I have one remark to make which I would impress upon your mind indelibly in this matter, and that is, the necessity of drawing the figures distinctly with due regard to ease, posture and proportion. As a principal figure, there is nothing so appropriate as the *Eagle*, the enduring remembrancer of our revolutionary origin, whilst, as you will have perceived it is the other accompanying figure in the cases already stated which is intended to impart peculiar significance to the seals of Iowa.

You will also observe that I have not multiplied the figures. This would be in bad taste, because seals which are intended to represent *every thing*, or many things, generally represent *nothing* and mean nothing without an elaborate explanation; and the necessity of explanation, with regard to seals is the most unfavorable criticism that can be pronounced upon their device or execution.—Besides, a multiplicity of figures increases the difficulty of the task imposed on you, which, without compromising my official integrity, I would willingly diminish rather than augment.

The last device comprises nothing more than simplicity and significance, and the best engraving consists in the strictest fidelity to the device. But even where figures are not numerous they may be almost confounded by want of taste and judgment in their execution.

In the foregoing communication I have been particularly anxious to aim at perspicuity that there may be no mistakes, and hence I have entered into the details more fully than any other subject might have re-

quired. There are few subjects indeed, upon which criticism is more frequently exercised than that which is involved in this correspondence, and I know of no people, who, (as a community,) have more taste and discernment than the people of Iowa.

In this case I feel myself encumbered with considerable responsibility, which I could wish the Legislature had imposed upon a more competent person. But so it is, and I hope we will both acquit ourselves, if not with high claims to credit, at least without deserving blame.

You will also engrave a seal for the commissioners courts, and a seal for the courts of Probate in each of the following counties to wit:—the counties of Linn, Jones, and Clinton, bearing the same device as the seals already ordered for the commissioners and Probate courts. In regard to these counties last named, I am not authorized to order seals for the District courts, inasmuch as these counties are *attached* to other counties for Judicial purposes.

You will endeavor to have *all* the seals ready about the middle of next March, at which time, I will, if alive and in my present station make you a visit for the purpose of examining and I trust, approving the seals.

Please acknowledge the receipt of this without delay—address your answer to me at Burlington, Iowa Territory, and if you are prepared to execute the job within the time specified have the goodness to say so that I may not be left in doubt, because if you decline, the employment of another person will become necessary as you will readily perceive.

With much regard

Your very obedient Servant,

WM. B. CONWAY, Secretary
Of the Territory of Iowa."

To which letter Mr Wagner returned the following answer,

"YORK, Sep. 30th, 1839.

WM. B. CONWAY, Esq., Sec'y. Iowa Terr.

DEAR SIR—Your favor of the 2d and *post marked* the 10th., came to hand yesterday and agreeably to your request I hasten to reply to it.

The very handsome order which you are pleased to send me, I undertake with great pleasure, and shall execute the job within the time specified, or sooner.

Your devices for the different seals are excellent and I hope I shall be able to do justice to them in the engraving.

You may rest assured that I shall spare neither time or labor to do them well.

With great respect,

Your Ob't Serv't,

W. WAGNER."

I have deemed it better to send a copy of this correspondence although somewhat lengthy, in order that the Council may be advised not only of what has been done in relation to this matter, but also that they may judge of the propriety of the devices for the various seals ordered by the late Secretary not doubting but they will approve of the severe simplicity—the chaste and elegant propriety which betrays their *origin* in their *design*.

I also enclose for the inspection of the Honorable the Council, some impressions of seals engraved by Mr Wagner for the Territory of Wisconsin, that they may judge of his skill as an engraver and die-sinker.

Please accept for yourself and for the Body over whom you preside the assurance of the high regard and respect with which I have the honor to remain,

Your and their very obedient servant,

CHARLES WESTON,

Fiscal agent for the Territory of Iowa.

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