

done, to vest in county, unless otherwise directed by donor.

contemplated by this act, or shall be abandoned by the donees, such gift or grant shall become vested in the county where such lands may lie, unless otherwise directed in such gift or grant by the donor, and shall be sold by the order of the county commissioners of such county, and the proceeds thereof applied for the use of education in such county.

APPROVED, January 15, 1839.

ELECTIONS.

AN ACT providing for and regulating General Elections in this Territory.

Representatives and county officers.

Delegate to Congress, members of Council, county Recorder.

County Commissioners to appoint judges of election.

Notice of the appointment to be served upon each.

Clerks to be chosen by judges.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That an election for members of the House of Representatives, and for county officers, shall take place on the first Monday in August next, and on the same day in every year thereafter. An election for delegate to Congress, for members of the Council, and County Recorder, shall take place on the first Monday in August, eighteen hundred and forty, and on the same day in every second year thereafter. And all general and special elections for delegate to Congress, members of Council and House of Representatives, and all county, town, and district officers shall be conducted in the manner hereinafter prescribed.

SEC. 2. That the county commissioners shall respectively, at their regular annual session in April, preceding the general election, appoint three capable and discreet persons, possessing the qualifications of electors, to act as judges of the election at any election precinct, and for each of the polls of election as provided for in the act setting off and establishing towns or districts (as the case may be), and the clerk of said board of commissioners shall make out and deliver to the sheriff of the county, immediately after the appointment of said judges, a notice thereof in writing, directed to the judge so appointed, and it shall be the duty of the said sheriff, within twenty days after the receipt of the said notice, to serve said notice upon each of the said judges of election. The said judges shall choose two persons, having similar qualifications with themselves, to act as clerks of the election. The said judges of election shall be and continue judges of all elections of

civil officers, to be held at their respective precincts, until other judges shall be appointed as herein before directed, and the said clerks of elections may continue to act as such during the pleasure of the judges of election. And the county commissioners shall, from time to time, fill all vacancies which may take place in the office of judge of election at any election precinct within their respective counties.

Vacancies in the office of judge.

SEC. 3. That the clerks of the several boards of county commissioners shall, at least fifty days previous to any special election, make out and deliver to the sheriff of his county three written notices thereof for each election precinct, said notices to be as nearly as circumstances will admit as follows, to wit:

Three notices for each precinct.

Notice is hereby given, that on the ——— Monday the ——— day of ——— next ——— at the house of ——— in the town or district of ——— in the county of ——— an election will be held for Territorial, county, and town or district officers (naming the offices to be filled as the case may be), which election will be opened at nine o'clock in the morning, and continue open until six o'clock in the afternoon of the same day. Dated at ——— this ——— day of ——— A. D. (as the case may be) signed A. B. Clerk of the board of county commissioners. And it also shall be the duty of the clerks of the several boards of county commissioners to furnish one of the judges of every election precinct in the county, with two poll books, and a copy of the several duties to be performed by the judges and clerks.

Form of notice.

Poll books, &c., to be furnished by county commissioners' clerk.

SEC. 4. And the sheriff aforesaid, to whom such notice shall be delivered as aforesaid, shall post up, in three of the most public places in each town or district, the notices referring to such town, at least thirty days before the time of holding any general election, and at least eight days before the holding of any special election, and in cases where towns or districts may not be set off by law as election precincts, said notices shall be posted up by the sheriff as follows, one at the house where the election is authorized to be held, and the two others at two of the most public and suitable places in that vicinity or settlement.

Notices to be posted by sheriff.

SEC. 5. If any persons appointed to act as judges of the election as aforesaid, shall neglect or refuse to be sworn or affirmed to act in such capacity, the place of such person shall be filled by any justice of the peace residing within the county, town, or district,

Judge refusing to act, justice of the peace or other person to be nominated.

to be nominated by the other judge or judges of the election, and if there be no justice present to act as judge, the other judge or judges of election shall nominate one or more capable and discreet electors, residing within the county, town, or district, to fill such vacancy or vacancies, and if there be no judge of the election present to fill such vacancy or vacancies by nomination, then such vacancy or vacancies shall be filled by the votes of such qualified electors residing within the county, town, or district, as may then be present at the place of election, and the justice or justices, person or persons, so elected or nominated to fill such vacancy or vacancies, shall be and are hereby vested with the same power as if appointed by the board of county commissioners.

Or voters may elect.

Oath to be taken by judges and clerks.

SEC. 6. Previous to votes being taken, the judges and clerks of the election shall severally take an oath or affirmation in the following form, to wit: I, A. B., do solemnly swear or affirm (as the case may be), that I will perform the duties of judge (or clerk) of the election according to law, and the best of my ability, that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same.

By whom it may be administered.

SEC. 7. In case there shall be no judge or justice of the peace present at the opening of the election, or in case such judge or justice shall be appointed a judge or clerk of the election, it shall be lawful for the judges of the election, and they are hereby empowered, to administer the oaths or affirmations to each other, and to the clerks of the election, and the person administering such oaths or affirmations shall cause an entry thereof to be made and subscribed by him, and prefixed to the poll books.

Entry thereof.

When polls to be opened and closed.

SEC. 8. At all elections to be held under this act, the polls shall be opened at the hour of nine o'clock in the morning, and continue open until six o'clock in the afternoon of the same day, at which time the poll shall be closed: *Provided*, however, That if no judge shall attend at the hour of nine o'clock in the morning, and it shall be necessary for the electors present to appoint judges to conduct the election as hereinbefore prescribed, the election may in that case commence at any hour before the time for closing the poll shall arrive, as the case may require: *And*

Proviso.

Proviso.

provided, also, That the judges of the election may, if they shall deem it necessary for the purpose of receiving the votes of all the electors wishing to vote,

postpone the closing of the polls until nine o'clock at night. Upon opening the poll, one of the clerks, under the direction of the judges, shall make proclamation of the same, and thirty minutes before the closing of the poll, proclamation shall be made in like manner that the poll will be closed in half an hour.

SEC. 9. The clerks of the election shall furnish the necessary poll books and stationery in conducting the same.

SEC. 10. The manner of voting shall be by the electors approaching the bar in the election room, at any time when the poll is opened, and by presenting a ticket, folded in such a manner that no names on said ticket are visible to the judges, who shall deposit the same immediately into a general ballot box prepared for that purpose, and the clerks shall take down the names of all such voters.

SEC. 11. It shall be lawful for any elector to vote for delegate to Congress at any place of holding an election within this Territory; for members of the Council and House of Representatives at any place of holding an election in the county or district in which he may reside; for coroner, county commissioner, or county officers, at any place of holding an election in the county in which he resides; but for constables and other town officers he shall not vote out of the town or district in which he resides. And if any elector shall vote more than once, at any election held under the authority of this act, he shall be fined in the sum of one hundred dollars, to be recovered by indictment, before any court of competent jurisdiction, and the whole of such fine shall be appropriated to the use of the county in which the offence may have been committed.

SEC. 12. No person shall be entitled to vote at any election in this Territory who has not attained the age of twenty-one years, who is not a free white male citizen, or foreigner duly naturalized according to the acts of Congress on that subject, and who has not resided in this Territory for at least six months immediately previous to his application to vote. And when any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the requisite qualifications of an elector, or if his vote shall be challenged by any elector who has previously given his vote at such election, the judges of such election shall tender to

Proclamation to be made.

Poll books, &c.

Manner of voting.

Where electors may vote for Delegate to Congress.

For members of Legislature, Coroner, county commissioner, &c.

Constables and other town officers.

Fine for voting more than once at any election.

Qualifications of electors.

Vote may be challenged.

such person an oath or affirmation in the following form, to wit: I, A. B., do solemnly swear or affirm (as the case may be) that I am a resident of the county of ———, in the Territory of Iowa, a citizen of the United States, that I have resided in this Territory for the period of six months immediately preceding this election, that I have to the best of my knowledge and belief, attained the age of twenty-one years, and that I have not voted at this election. And if the person so offering to vote shall take such oath or affirmation, his vote shall be received, unless it shall be proved by evidence satisfactory to a majority of the judges, that said oath or affirmation is false; and if such person refuse to take such oath or affirmation, his vote shall be rejected; and if any person shall take the said oath or affirmation, knowing it to be false, he shall be deemed guilty of wilful and corrupt perjury, and shall on conviction suffer such punishment as is now or shall hereafter be prescribed by law for persons guilty of perjury. And if any person shall vote at any election who is not a qualified voter, he shall forfeit and pay any sum, not exceeding fifty dollars, nor less than twenty-five, to be recovered in the same manner as other penalties under this act are: *Provided*, however, That if such person shall have been considered by the judges of the election a legal voter, then such person shall not be so fined.

Oath to be tendered.

Punishment for taking false oath.

Fine for voting without the requisite qualifications.

Proviso.

Constables to attend at elections.

Special constables.

Fine or imprisonment for disorderly conduct.

SEC. 13. For the preservation of order, as well as the security of the judges and clerks of the election from insult and abuse, it shall be the duty of the constable or constables residing within the town or district, who shall be designated for the purpose by the judges of the election, to attend at all elections within such town or district, and should no constable attend at such election, the judges are hereby authorized and empowered to appoint one or more special constables, to assist in preserving order during the election. And any person who shall conduct in a disorderly or riotous manner at such election, and persist in such conduct after being warned of the consequences, shall be subject to a fine, not exceeding twenty dollars, to be recovered, for the use of the county, before any justice of the peace therein, and if the fine be not immediately paid, be liable to be imprisoned by such justice in the common jail for a term not exceeding six days, or until the fine be paid.

SEC. 14. When the votes shall have been examined and counted, the clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such vote or votes, and the number he did receive, and that whenever the judges of said election shall, upon canvassing the votes, find two or more votes folded together, the said judges shall in that case reject all votes thus folded. The number being expressed in words at full length, such entry to be made, as nearly as circumstances will admit, in the following form, to wit: At an election, held in the house of _____ in _____ town or district, in the county of _____ and Territory of Iowa, on the _____ day of _____ A. D. _____ the following named persons received the number of votes annexed to their respective names, for the following described offices, to wit:

What the poll book shall contain.

Two or more votes folded together to be rejected.

Form.

- A. B. had _____ votes for delegate to Congress.
 - C. D. had _____ votes for member of the Council.
 - E. F. had _____ votes for member of the House of Representatives.
 - G. H. had _____ votes for Coroner.
 - I. K. had _____ votes for County Commissioner.
- And in the same manner for any other officers voted for.

Certified by us,

Attest, A. B. }
 G. H. } Clerks of the C. D. }
 I. K. } election. E. F. } Judges of the election.

The judges of the election shall then enclose and seal one of the poll books, under cover, directed to the clerk of the board of county commissioners of the county in which such election is held, and the packet, thus sealed, shall be conveyed by one of the judges or clerks of the election, to be determined by lot if they cannot otherwise agree, and delivered to the said clerk of the board of county commissioners, at his office, within nine days from the close of the polls; and the other poll book shall be deposited with one of the judges of election, to be determined as aforesaid; and the said poll book shall be subject to the inspection of any elector who may wish to examine it; and if any judge or clerk of election, after having been deputed by the judges of the election, at which he shall have served as judge or clerk, to carry the poll book of such election to the clerk of the board of commissioners, shall fail

One poll book to be delivered to clerk of the board of commissioners.

The other deposited with one of the judges.

Judge or clerk, failing to deliver poll book to

clerk of the board of commissioners, how to be punished. or neglect to deliver such poll book to the said clerk within the time prescribed by law, safe with the seal unbroken, he shall for every such offence forfeit and pay the sum of five hundred dollars, for the use of the county, to be recovered, in the name of the commissioners of the county, by an action of debt in the district court.

When returns to be opened. SEC. 15. On the seventh day after the close of the election, or sooner if all the returns be received, the clerk of the board of county commissioners, taking to his assistance two justices of the peace of his county, shall proceed to open said returns, and make

Abstracts. abstracts of the votes in the following manner: The abstract for the votes for Congress shall be on one sheet, the abstract of the votes for members of the Legislative Assembly shall be on one sheet, the abstract of the votes for county officers shall be on another sheet; and it shall be the duty of the said clerk of county commissioners immediately to make

Certificates of election. out a certificate of election to each of the persons having the highest number of votes for members of the Legislative Assembly and county officers respectively, and to deliver such certificate to the person entitled to it, on his making application for that purpose to the clerk at his office: *Provided*, That when a tie shall exist between two or more persons, for the

For council or H. of R. if a tie exist, new election to be held. Council or House of Representatives, the clerk of the board of commissioners shall give notice thereof to the sheriff of the county, who shall advertise another election, giving at least ten days notice. And it shall be the duty of the clerk of the board of county commissioners of each county, on the receipt

Clerk's certificate touching compensation to judges, &c. of the election returns of any general or special election, to make out his certificate, stating therein the compensation to which the judges and clerks of each election may be entitled for their services, and lay the same before the board of commissioners at their next session, and the said board shall order the compensation aforesaid to be paid out of the county treasury.

Equal and highest number of votes for same office in the county. SEC. 16. If the requisite number of county officers shall not be elected, by reason of any two or more persons having an equal and the highest number of votes for one and the same office, the clerk, whose duty it is to compare the polls, shall give notice to the several persons, so having the highest and an equal number of votes, to attend at the office of the proper clerk, at a time to be appointed by said clerk,

who shall then and there proceed publicly to decide by lot which of the persons, so having an equal number of votes, shall be declared duly elected; and the said clerk shall make out and deliver to the person thus declared duly elected, a certificate of his election as herein before provided.

SEC. 17. The clerk of the board of commissioners, immediately after making out abstracts of the votes given in his county, shall make a copy of each of said abstracts, and transmit it by mail to the office of the Secretary of the Territory, and it shall be the duty of the Secretary of the Territory, with the Marshal of the Territory, or his deputy, in presence of the Governor, to proceed, within fifty days after the election, and sooner if all the returns be received, to canvass the votes given for delegate to Congress, and the Governor shall grant a certificate of election to the person having the highest number of votes, and shall also issue a proclamation declaring the election of such person. In case there shall be no choice, by reason of any two or more persons having an equal number of votes, the Governor shall order a new election.

SEC. 18. If the returns of the election of any county in this Territory shall not be received at the office of the Secretary of the Territory within thirty days after the day of election, the said Secretary shall forthwith send a messenger to the clerk of the board of commissioners of such county, whose duty it shall be to furnish the said messenger with a copy of such returns, and the said messenger shall be paid, out of the contingent fund of said Territory, the sum of ten cents for each mile he shall necessarily travel in going to and returning from the office of the said clerk.

SEC. 19. Any person who shall receive a certificate of his election, as member of the Council or House of Representatives of the Legislative Assembly, coroner, or county commissioner, shall be at liberty to resign such office, though he may not have entered upon the execution of his duties, or have taken the requisite oath of office. And when any vacancy shall happen in the office of members of the Council or House of Representatives of the Legislative Assembly by death, resignation, or otherwise, the Governor shall issue a writ of election, directed to the sheriff of the county or district in which such vacancy shall happen, commanding him to notify the several judges of elections, in his county or district,

Question to be decided by lot.

Returns to be made to Secretary of the Territory.

Votes to be canvassed for Delegate to Congress.

Certificate and proclamation by the Governor.

In what case a new election may be ordered.

Secretary may employ a messenger.

Compensation.

Liberty to resign.

Members of Council or Representatives. Vacancies how filled.

to hold a special election to fill such vacancy or vacancies, at a time to be appointed by the Governor: *Provided*, That if there be no session of the general assembly between the happening of such vacancy and the time of the general election, it shall not be necessary to order a special election to fill such vacancy. And when any vacancy shall happen in the office of sheriff, either by death, resignation, or otherwise, the clerk of the board of county commissioners, in which such vacancy shall happen, shall immediately notify the Governor, that he may appoint some suitable person to fill such vacancy. And when any vacancy shall happen in the office of Delegate to Congress from this Territory, it shall be the duty of the Governor to issue his proclamation, appointing a day to hold a special election to fill such vacancy.

Proviso.

Vacancy in the office of sheriff, how filled.

Vacancy in the office of Delegate, how filled.

Contested elections for Council or House of Representatives. How the parties shall proceed in such cases.

SEC. 20. If any candidate of the proper county or district shall desire to contest the validity of any election, or the right of any person, declared to be duly elected, to hold his seat in the Council or House of Representatives of the Legislative Assembly, such candidate shall give notice of his intention, in writing, to the person whose election he intends to contest, or leave a notice thereof at his usual place of residence, within thirty-five days after the day of election, expressing the points on which the same will be contested, the name of one of the justices of the peace who shall attend at the taking of the depositions, the place where, and the time when the said depositions will be taken, which time, so fixed upon for the taking of the deposition, shall not exceed forty days from the day of election; and the party, whose election is contested, shall have a right to select another justice of the peace, and the two justices, so selected, shall make choice of a third justice, and if they fail to agree on a third justice to act with them, they shall proceed to select, by lot, a justice of the peace, who shall preside with them at the taking of such testimony; and the three justices thus selected, or a majority of them, shall have power, and they are hereby authorized, to issue subpoenas to all persons whose testimony may be required by either of the parties, commanding such person or persons to appear and give testimony, at the time and place therein mentioned, under the penalty of fifty dollars, to be levied on each and every delinquent who has been duly served with process: *Pro-*

vided, however, That should the person, whose election is contested, fail to nominate a justice as aforesaid, it shall be the duty of the justice, nominated by the person contesting the election as aforesaid, to select a justice of the peace, who shall proceed as above stated; and if any witness or witnesses, summoned as aforesaid, shall fail or refuse to appear at the time specified in said notice, it shall be lawful for said justices, or either of them, to issue an attachment against such witness or witnesses, and the testimony of him, her, or them, so failing or refusing to appear, may be taken at any time before the next session of the Legislature thereafter, by giving five days notice to the party whose election is so contested, and the party contesting the same. And if any justice of the peace, selected as aforesaid to attend at the taking of the depositions, shall, without reasonable excuse, fail or refuse to attend at the time and place appointed, after having undertaken to attend, he shall forfeit and pay a fine of fifty dollars, to be recovered by action of debt, in any court having cognizance thereof, to be paid into the county treasury. And the said justices, when met, shall hear, and certify under seal, all testimony, relative to the said contested election, to the President of the Council, or Speaker of the House of Representatives, as the case may require; and no testimony shall be heard by the said justices, on the part of the person contesting the election, which does not relate to the points specified in the notice. A copy of said notice shall be attested, either before or at the trial, by the person who served or delivered the same, or its service proved, and a certificate of such proof endorsed thereon by said justices, and the notice transmitted, with the other documents, to the President of the Council, or Speaker of the House of Representatives, to whichever body the person, whose election is contested, belongs.

SEC. 21. When any candidate shall desire to con- In the case of
test the validity of any election, or the right of any coroner, coun-
person, declared to be duly elected, to hold and exer- ty commission-
cise the office of coroner, or county commissioner, er, or any coun-
or any county office, such candidate, so contesting ty officer.
the election as aforesaid, shall proceed in all respects
in the manner prescribed in the foregoing section,
except that said justices before named, after hearing
and examining all testimony produced, as provided
in the foregoing section, and having summed up the

same, shall decide which of the said candidates shall in their opinion have been duly elected, and said decision shall be final, and certify the same to the clerk of the board of county commissioners of the proper county, who shall thereupon make out and deliver to the successful party a certificate of his election; and all necessary costs, accruing in any contested election, shall be paid by the unsuccessful party, to be recovered by action of debt as in other cases.

If two or more counties united, votes to be compared in senior county.

SEC. 22. That when two or more counties are united in one Council or Representative district, the clerk of the board of county commissioners, of the county last established, shall, within twelve days after the day of election, attend at the office of the clerk of the board of commissioners of the senior county, and there, in conjunction with the clerk or clerks of the senior county or counties, shall compare the votes given in the several counties composing such council or representative district; and said clerks shall immediately make out a certificate of the election of the person or persons, having the highest number of votes in such counties, for member of the Council or House of Representatives of the Legislative Assembly, which certificate shall be delivered to the person entitled to it, on his application, by himself or agent, to the clerk of the board of county commissioners of the senior county at his office.

Neglect, delay, or refusal to perform duties.

SEC. 23. If any judge of the election, or clerk, or any other officer or person in any manner concerned in conducting the election, shall wilfully neglect, improperly delay, or refuse to perform, any of the duties required by this act, after having undertaken to perform such duties, he shall forfeit and pay to the county the sum of forty dollars. And if such judge of election, clerk, or other officer or person in anywise concerned in conducting the election, shall knowingly admit any person to vote, not qualified according to law, or shall knowingly receive and count more than one vote from one person, at the same election, for one office, or shall be guilty of

Fine.

Admitting to vote persons not qualified.

Fraud, corruption, or partiality.

fraud, corruption, or partiality, in any matter or thing relating to said election, each and every person so offending shall forfeit and pay to the county the sum of one hundred dollars, to be recovered in any court of record in this Territory, in the name of the board of commissioners of the proper county, for the use of their county, in an action of debt, with costs of suit, or at the suit of any person who may sue for

the same, the amount recovered to be paid into the county treasury, and every such person, so offending as aforesaid, shall moreover, on conviction, be rendered incapable of holding any office within this Territory for the term of ten years thereafter. If any judges of election shall wilfully refuse to receive the vote of any elector, who has a right according to the laws of this Territory to vote at the polls where such judges preside, and who, being challenged, shall offer to take the oath prescribed in such cases by this act, such judges of election, so refusing, shall be liable to the penalty of fifty dollars, to be recovered by action of debt, in the name of the Territory, or of any person who may sue for the same, the amount recovered to be paid into the county treasury: *Provided*, That nothing in this act shall be so construed as to prevent the judges from refusing to receive the vote of any person, when it shall be proved, to the satisfaction of a majority of them, that in taking the said oath he shall have sworn falsely. And if any judge of election shall order to be received the vote of any person who, being challenged, shall not take the oath or affirmation prescribed by law, such judge of election, so offending, shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, in the name of the Territory, or of any person suing therefor, the amount recovered to be paid into the county treasury.

SEC. 24. When any vacancy shall happen in the office of member of the Council or House of Representatives of the Legislative Assembly, by death, resignation, or otherwise, it shall be the duty of the clerk of the board of county commissioners of the county, if one county only compose the council or representative district, as soon as he shall be informed thereof, to notify the Governor of such vacancy, and if there be more than one county comprised within the limits of such council or representative district, it shall be the duty of the clerk of the board of county commissioners of the senior county, in such district, so to notify the Governor, and the Governor, immediately upon his receiving such notification, shall proceed in the same manner as is prescribed for other cases in the nineteenth section of this act.

SEC. 25. There shall be allowed out of the county treasury of each county to the several judges and

Fine and disqualification.

Refusing votes of electors.

Fine.

Proviso.

Receiving votes of persons challenged but not sworn.

Fine.

Vacancy in the office of member of Council or Representative.

Compensation to judges and clerks.

clerks of election, as a compensation for their services, one dollar per day, and the person carrying the polls, from the place of election to the clerk's office, the sum of five cents per mile for going and returning.

When county or district divided before election to fill a vacancy.

SEC. 26. If a vacancy should occur in the Council or House of Representatives of this Territory, from any cause, and if the county or counties, composing the district in which the vacancy may have occurred, should have been divided after the election of the member whose seat is vacant, and before the election to supply the vacancy, such election shall be ordered in every county in which any part of the original county or district may be situated, but no person shall be permitted to vote at any such election who does not, at the time, reside within the limits of the original county or district in which such vacancy may have occurred: *Provided*, That nothing herein contained shall be so construed to permit any person to vote, so residing within the said limits, who has not the other qualifications of a voter.

When and where returns to be made.

SEC. 27. In cases of elections to fill vacancies, as provided for in the preceding section, the returns shall be made by the clerks of the board of county commissioners of the different counties, within twelve days, to the office of the clerk of the board of county commissioners of the original county composing the district, and certificates of election shall be made out and signed by the clerks of the boards of county commissioners of the different counties in which such election may have been held.

Elections by the legislative Assembly.

SEC. 28. In all elections by the Council and House of Representatives of this Territory, or by either house, the members shall vote by ballot. Elections, by joint vote of the two houses, shall be made in the hall of the House of Representatives, at such time as shall have been previously appointed by joint resolution of the two houses, and at all such joint meetings the Speaker of the House of Representatives shall preside. The Speaker of the house shall appoint a member of each house to act as tellers. No person shall be declared duly elected by the Council and House of Representatives, or either house thereof, until he shall have received a majority of all the votes given, blank votes included.

APPROVED, January 25, 1839.