

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

Second Legislative Assembly

OF THE

TERRITORY OF IOWA

At the Special Session which Convened at the City
of Burlington, July 13, 1840.

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HOUSE OF REPRESENTATIVES
OF THE SECOND LEGISLATIVE ASSEMBLY OF THE
TERRITORY OF IOWA.

Special Session beginning on the 13th day of July, 1840.

Counties Represented.	Names of Members.
Lee	William Patterson, Edward Johnston, Alfred Rich, Joshua Owen.
Van Buren.....	James Hall, Gideon S. Bailey, Uriah Biggs.
Des Moines.....	William R. Ross, Shepherd Lefler, L. N. English, Isaac Flee- nor, Joseph C. Hawkins.
Henry and Jefferson.....	William G. Coop, Jacob L. Myers, John B. Lash.
Muscatine and Johnson.....	S. Clinton Hastings, T. T. Clark.
Louisa and Washington.....	Daniel Brewer, Jacob Mintun.
Cedar, Jones, Linn.....	George H. Walworth.
Scott and Clinton.....	Laurel Summers, Joseph M. Rob- ertson.
Jackson	Thomas Cox.
Dubuque, Clayton, etc.....	Edward Langworthy, Loring Wheeler, James Churchman.

Edward Johnston was elected Speaker of the House of Representatives at both the regular and special sessions.

Joseph T. Fales was elected Clerk of the House of the 1st, 2d, 3d, 4th and 6th Legislative Assemblies, and Secretary of the Council in the 5th. He was also the first "Auditor of Public Accounts," the designation of which office was changed to that of Auditor of State by the Constitution of 1857.

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HOUSE OF REPRESENTATIVES
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF IOWA.

A Special Session begun and held at the City of Burlington, on Monday the 13th day of July in the year of Our Lord One Thousand Eight Hundred and Forty, by virtue of an act of the Legislative Assembly entitled "An act to provide for an extra Session of the Legislative Assembly."

At 12 o'clock, M. the House was called to order by the chief clerk, and the roll being called, the following named gentlemen appeared and took their seats, viz:

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

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

From the County of Van Buren—Gideon S. Bailey, Uriah Biggs, and James Hall.

From the Counties of Henry and Jefferson—William G. Coop and John B. Lash.

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

From the Counties of Muscatine and Johnson—Timothy T. Clark.

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

From the County of Jackson—Thomas Cox.

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

From the Counties of Cedar, Jones, and Linn—Geo. H. Walworth.

A quorum, consisting of a majority of the whole number of members of the House being present, it was ordered that Thomas Cox be appointed Speaker pro tempore.

On motion of Mr. Summers,

Ordered, That the House adjourn, until 10 o'clock, to-motrow morning.

HOUSE OF REPRESENTATIVES, }
TUESDAY, July 14, 1840. }

Another member appeared and took his seat, viz: from the counties of Henry and Jefferson, Jacob L. Myers.

On motion of Mr. Summers,

Ordered, That the House do now proceed to the election of Speaker. Messrs. Wheeler and Fleenor, were appointed tellers.

Mr. Patterson nominated Edward Johnston. Upon counting the ballots, it appeared that

Edward Johnston received eleven votes,
James Churchman received three votes,
James Hall received three votes,
Thomas Cox received three votes,
Daniel Brewer received one vote,
Alfred Rich received one vote,
blank one vote.

There being no choice, the House proceeded to ballot a second time, when it appeared that

Edward Johnston had received twelve votes,
James Churchman received four votes,
Thomas Cox received four votes,
James Hall received three votes,
William Patterson received one vote.
And blank one vote.

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

Edward Johnston received thirteen votes,
 James Hall received five votes,
 Thomas Cox received three votes,
 James Churchman two votes,
 William Patterson received one vote,
 G. S. Bailey one vote.

Mr. Johnston, having received a majority of the votes of the members present, was thereupon declared duly elected Speaker.

Messrs. Bailey and Summers conducted the Speaker to the chair when he addressed the House as follows:

Gentlemen:—You have my sincere thanks for this second manifestation of your kindness for me. It is adding another proof that I have not endeavored in vain heretofore to perform the duties of the station to which you have called me.

Although the present session will be brief, yet the principal object for which we have met is of the highest importance, and will demand our unremitting attention.

The apportionment of representation is at all times an arduous and deliberate task, and will require the utmost care that the several sections of the Territory should not be enabled to wield an undue influence in the Legislative Assembly.

I feel assured that you will apply yourselves diligently to the discharge of this difficult duty and perform it without the slightest interruption of that good feeling and harmony which has formerly prevailed amongst you.

To this conclusion I am induced when I reflect that your conduct as Legislators heretofore is an earnest of what it will be in future.

Mr. Hawkins offered the following:

Resolved, That this House will organize for the present session by electing one clerk, who shall discharge the duties of enrolling and engrossing clerk, and one doorkeeper, who shall serve as Sergeant-at-Arms;

Which was lost.

On motion of Mr. English,

Resolved, That this House will organize for the present session by electing the same number of officers that were elected at the previous session, except the fireman.

On motion of Mr. Robertson;

Ordered, that the House do now proceed to the election of assistant clerk.

Mr. Summers nominated Samuel R. Murray.

Messrs. Robertson and Hawkins were appointed tellers: upon counting the ballots, it appeared that

Samuel R. Murray received twenty-four votes, and was there-upon declared duly elected assistant clerk.

On motion of Mr. Brewer,

Ordered, That the House do now proceed to the election of recording clerk.

Mr. Mintun nominated Jacob S. Rinearson.

Messrs. Brewer and Hall were appointed tellers; upon counting the ballots it appeared that,

Jacob S. Rinearson received twenty-three votes, blank two votes.

Mr. Rinearson was declared duly elected recording clerk.

On motion of Mr. Coop,

The House proceeded to the election of engrossing clerk.

Mr. Myers nominated John P. Grantham.

Mr. Leffler nominated Benjamin Tucker.

Messrs. Myers and Leffler were appointed tellers.

Upon counting the ballots, it appeared that

John P. Grantham received sixteen votes,

Benj. Tucker received four votes,

Bayless one vote; and blank four.

John P. Grantham, having received a majority of the votes of the members present, was declared duly elected engrossing clerk.

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

Mr. Speaker:

I am instructed to inform the House that the Council have appointed Messrs. Brown and Hepner a committee on the part of the Council to act with a similar committee appointed on the part of the House, to wait upon his excellency the Governor and inform him that the Legislative Assembly is now in session and ready to receive any communication which he may see proper to submit.

And then he withdrew.

On motion of Mr. Summers, the House proceeded to the election of enrolling clerk.

Mr. Hawkins nominated Thornton Bayless.

Messrs. Ross and Churchman were appointed tellers.

Upon counting the ballots it appeared that

Thornton Bayless received seventeen votes, Garrigus received one vote, Tucker three votes, and blank four votes.

Mr. Bayless was thereupon declared duly elected enrolling clerk.

On motion of Mr. Owen, the House proceeded to the election of Sergeant-at-Arms.

Mr. Hall nominated E. R. Tylee.

Mr. Bailey nominated O. Selby.

Messrs. Bailey and Biggs were appointed tellers.

Upon counting the ballots it appeared that

O. Selby received fifteen votes, E. R. Tylee received eight votes, Eoff received one vote and blank three votes.

Mr. Selby was thereupon declared duly elected Sergeant-at-Arms.

On motion of Mr. Leffler, the House proceeded to the election of Messenger.

Mr. Patterson nominated J. E. Neal.

Mr. Leffler nominated J. B. Hollingsworth.

Messrs. Patterson and Leffler were appointed tellers.

Upon counting the ballots it appeared that, J. E. Neal received sixteen votes, J. B. Hollingsworth received seven votes, and blank two votes.

Mr. Neal was thereupon declared duly elected Messenger.

Messrs. Payne and Swazey, a committee from the Council, being announced informed the House, that the Council having organized protempore were ready to proceed to business.

And then they withdrew.

On motion of Mr. Summers,

The House proceeded to the election of Doorkeeper.

Mr. Clark nominated S. Wilson,

Mr. English nominated J. L. Eoff,

Mr. Owen nominated Jas. H. Smith,

Mr. Biggs nominated E. R. Tylee.

Messrs. Owen and English were appointed tellers.

Upon counting the ballots it appeared that

S. Wilson received nine votes, E. R. Tylee received five votes, J. B. Hollingsworth received two votes, Nobody one vote, J. L. Eoff received four votes, Jas. H. Smith two votes, and blank two votes.

There being no choice the House proceeded to ballot a second time. When

S. Wilson received thirteen votes, J. L. Eoff received six votes, E. R. Tylee received four votes, Jas. H. Smith one and blank one.

S. Wilson having received a majority of the votes of the members present was thereupon declared duly elected doorkeeper. The several officers elected were then duly sworn by the Speaker.

On motion of Mr. Brewer,

Resolved, That the Rules adopted for the government of the House of Representatives of the last session of the Legislative Assembly be re-established for the present session.

On motion of Mr. Cox,

Ordered, That the chief clerk be directed to inform the Council that the House of Representatives is organized and ready to proceed to business.

On motion of Mr. Bailey, the House adjourned until 3 o'clock, P. M.

3 O'CLOCK P. M.

On motion of Mr. Summers,

Resolved, That the Secretary of the Territory be requested to furnish one copy of the Laws passed at the last session, and one copy of the Journals of the House of Representatives, for each member of this House.

On motion of Mr. Summers,

Ordered, that the Chief Clerk make an arrangement with the Postmaster in this city, for the payment of the postage on all letters and papers to and from the members during the present session.

On motion of Mr. Bailey,

Ordered, That the chief clerk cause the members of this House to be furnished with fifteen copies of the "Gazette" and "Hawk-Eye" each weekly during the present session.

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

Mr. Speaker:

I am directed to inform the House that the Council are now organized by electing James M. Clark president, and are now ready to proceed to Legislative business.

And then he withdrew.

On motion of Mr. Summers,

Ordered, That a committee of two be appointed to act in conjunction with a similar committee on the part of the Council to wait upon his excellency the Governor and inform him that the two Houses have organized and are ready to receive any communications that he may have to make.

Messrs. Summers and Rich were appointed said committee.

The Speaker laid before the House the following communication, which was read:

To the Speaker of the House of Representatives of Iowa:

Sir:—The assembly at its last session passed resolutions instructing the Delegate in Congress to procure additional appropriations to the amount of twenty-four thousand dollars. Permit me through you to inform the House that, in obedience to those instructions, the appropriations with slight exceptions have been procured. Very respectfully,

Your obedient servant,

Washington, June 13th. 1840.

W. W. CHAPMAN.

On motion of Mr. Hall,

Ordered, That usual standing committees be appointed by the Speaker, at his pleasure.

Mr. Summers, from the joint committee appointed to wait upon the Governor. reported that the committee had discharged the duty assigned them, and that his Excellency would deliver a message at 10 o'clock to-morrow morning.

On motion of Mr. Patterson,

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

HOUSE OF REPRESENTATIVES, }
WEDNESDAY, July 15th, 1840. }

Mr. Williams the Private Secretary of the Governor having been announced, delivered the following Message from his Excellency which was read:

To the Honorable the Council and House of Representatives of the Legislative Assembly:

Gentlemen:—Having convened in pursuance of a special legislative act, of the 15th of January last, I conceive it to be my duty to lay before you such information, and to suggest for your consideration such subjects as may be required by the public interests, to occupy your attention during your session.

By the 5th section of "An Act to provide for the erection of a penitentiary, to establish and regulate prison discipline for the same"—Approved January 25th, 1839—it was made the duty of the Governor to draw from the Treasury of the United States, the sum of twenty thousand dollars appropriated for the erection of public buildings in the Territory of Iowa, by an Act of Congress, approved July 7th, 1838, and to pay the sum over to the superintendent, to be used by him for the purchase of materials and pay of workmen and labor necessary to erect said buildings.

The whole of this appropriation has been drawn from, on estimates furnished by the superintendent, approved by the directors; and I presume it has been judiciously expended by them. I have not been officially informed as to the condition of the above work or the situation of the convicts that have been sentenced to the penitentiary. But presume that the director will lay the whole facts specifically before you during your session; which in all probability, will require some immediate legislative action. I therefore respectfully invite your attention to this subject.

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 draw from the treasury of the United States the sum of twenty thousand dollars, appropriated by Congress in the thirteenth section of the Organic Law, approved June 12th, 1838, to be applied by the Governor and Legislative Assembly to defray the expenses of erecting a public building at the seat of government.

On an estimate furnished by the Commissioner of Public Buildings, dated March 16, 1840, a requisition was made on the treasurer of the United

States for the sum of fourteen thousand six hundred and forty dollars, which sum was received in a draft on the receiver of public moneys at this place, made payable to my order. On the receipt of this draft, I indorsed it to Thornton Bayless, the Treasurer of the Territory, who drew the money from the receiver and paid it over to the acting Commissioner of Public Buildings on proper vouchers produced by him.

On the 8th of June last, an estimate was forwarded me, by the commissioner, for the sum of five thousand three hundred and sixty dollars, being the balance of the appropriation of twenty thousand dollars. This estimate was immediately forwarded to the Secretary of the Treasury of the United States, with a requisition for a draft on the State Bank of Missouri or the receiver of public moneys at this place. The draft on this last requisition has not yet been received. When received it will be immediately paid in the hands of the Treasurer of the Territory to be paid over to the acting Commissioner of Public Buildings on the production of proper vouchers by him. Thus the whole of the funds appropriated by Congress for the erection of public buildings in this territory, amounting to forty thousand dollars, have been drawn for.

The appropriation of twenty thousand dollars, that has been applied to the erection of public buildings at the seat of government, with the aid of the funds that may be obtained from the sale of lots in the City of Iowa, if judiciously managed, will in my opinion be amply sufficient to complete the public buildings in accordance with the plan adopted by the Commissioner and leave a surplus to be applied to other improvements. But, to avail ourselves of all the advantages to be derived from the sale of lots in the city plat, it appears to me that the laws that relate to the sale of said lots should be revised. I therefore, respectfully suggest, to the consideration of the Legislative Assembly the passing of a law fixing an average minimum price upon the lots, say from two to three hundred dollars per lot; and to authorize the Commissioner to apportion the aggregate sum of the whole number of lots by fixing upon each lot, a specified price—grading the same in proportion to the relative and real value of each individual lot, so as not to reduce the aggregate sum of the whole below the aggregate minimum price fixed in the law. After having the lots thus valued, I would suggest the propriety of authorizing a public sale when there might be a fair competition among purchasers, and after such sale to authorize the acting Commissioner to sell at private sale, under proper regulations, all lots, at the fixed price, that might not have been sold at the public sale. This method would, in my opinion, be an accommodation to individuals who might wish to procure lots for improvement. It would guard against individual speculation, and secure to the Territory all the benefit resulting from the public expenditures in the city.

I would also respectfully suggest to the consideration of the Legislative Assembly a revision of the laws relative to the execution of title-deeds to lots in Iowa City. It seems to me the more convenient method would be to require the certificate of final payment, signed by the acting Commissioner, to be filed in the office of the Secretary of the Territory, and that on such certificate being filed the Secretary of the Territory

should make out a deed under the seal of the Territory, to be signed by the Executive and countersigned by the Secretary, and that the original certificate should be filed in the Secretary's office, and a record of all deeds of conveyance kept therein.

On a visit to Iowa City on the 4th instant, I was much gratified to see the extensive improvements that have been made in that place within the last year. The basement story of the capitol is nearly completed, and in justice to the acting Commissioner, as well as the gentlemen who performed the work, I must say that, so far as the work had progressed, it was done in the most substantial and workmanlike manner; but I learn that, owing to the difficulty in procuring stone of sufficient size for cutting, it has been thought advisable by the Commissioners to change the plan first contemplated of building the house of cut stone, and they have adopted another plan that will be less expensive, more expeditious, and of equal utility, the particulars of which will be explained to you in detail by the Commissioners in their report, that will be by them submitted to you.

I perceive, by the Journals of Congress, that a bill was reported by the committee on territories to the House of Representatives, early in the session, to enable the people of the territory of Iowa to form a constitution and state government and for the admission of such state into the Union. This bill was reported in connection with a bill extending the same privilege to Middle and West Florida. I have not yet learned the fate of these bills, but presume they will both pass together and probably the present session of Congress. I therefore, suggest to the Legislative Assembly the expediency of providing by law for the taking the sense of the people of this territory on the subject of a convention at the ensuing annual election. It appears to me that there can be no objections to submitting this subject to the people for their consideration, as an expression of public opinion thereon, through the ballot-box, would enable the ensuing Legislative Assembly to act understandingly, and in accordance with the expressed will of the people on this important subject.

I regret that I have not been able to procure a statement of the number of inhabitants of the Territory. The Marshal of the United States informs me that the returns from the counties have not all been received by him, but they may be expected in a few days. As far as I have heard we have doubtless doubled our population within the last two years, and we have now in the Territory many more inhabitants than will be contained in the official enumeration, which was confined to the first of June; and, before the necessary preliminary measures to prepare the way for an admission into the Union, I have no doubt that our population will be sufficiently numerous to justify us in claiming our rank among the independent states.

That harmony may prevail in your deliberations, and all your efforts be directed to the promotion of the public good, is the sincere wish of

Your obedient servant,

Burlington, July 14, 1840.

ROBERT LUCAS

On motion of Mr. Robertson,

Ordered, That five hundred copies of the message just read be printed for the use of the House.

The Speaker announced the following standing committees:

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

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

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

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

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

On Enrollments—Messrs. Brewer and Walworth.

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

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

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

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

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

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

On Engrossed Bills—Messrs. Myers and Wheeler.

On Public Buildings—Messrs. Hawkins, Summers, Hastings, Walworth, and Mintun.

On Finance—Messrs. Ross, Bailey, Churchman, Brown and Lash.

The Speaker laid before the House a communication from Chauncey Swan, acting commissioner for the erection of public buildings at Iowa City, which was read.

On motion of Mr. Bailey,

Ordered that said communication together with the accom-

panying documents, be referred to the committee on public buildings.

Mr. Hall presented the petition of sundry citizens of Van Buren county praying that that part of the Territory lying immediately west of the county of Van Buren County be attached to said county generally.

On motion of Mr. Hall,

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

Mr. Cox gave notice that he would on to-morrow introduce a bill to relocate the county-seat of Jackson county.

Mr. Summers gave notice that he would on to-morrow, or some day thereafter, introduce a bill to change the time of holding the district courts in the third judicial district. Also, a bill defining a lawful fence and providing against trespassing animals.

Mr. Biggs offered the following:

Resolved, That the clerk be required to furnish the House with Jesse Williams' new Maps and Descriptions of Iowa.

A motion was made by Mr. Cox that the resolution be laid upon the table.

Mr. Biggs moved to amend by making it the order of the day for to-morrow;

To which the House agreed.

On motion of Mr. Patterson, ordered,

That the Governor, Secretary, Members of the Council, Judges of the Supreme Court, members of the former Council and House of Representatives, and all ministers of the gospel be invited to take seats within the bar of the House at pleasure.

Mr. Hall gave notice that he would on to-morrow, or some day thereafter, introduce the following entitled acts:

An act to authorize the County Commissioners of Van Buren County, to lay off said county into three county commissioner districts.

An act to define the jurisdiction of justices of the peace to their respective townships in civil cases.

Also, an act to amend an act entitled an act relative to recorders of deeds, &c.

Mr. Wheeler gave notice that he would on to-morrow, or some day thereafter, ask leave to introduce a bill to amend an act, passed at the last session to organize the county of Delaware.

Mr. Rich gave notice that he would on to-morrow ask leave to introduce a bill to repeal the statutes of Michigan and Wisconsin.

Mr. English presented the communication and account of Dr. James Davis for services rendered in running the southern boundary line of the Territory; which were,

On motion of Mr. English, referred to the committee on claims with power to send for persons and papers.

Mr. English also presented the account of Christian Berger, which was referred to the Committee on Claims.

Mr. Walworth gave notice that he would on to-morrow, or some day thereafter, ask leave to introduce a bill, amendatory to an act of the last session fixing the term of the Supreme and District courts, and for other purposes.

On motion the House adjourned until 3 o'clock.

3 O'CLOCK P. M.

Mr. Leffler presented the petition of sundry citizens of Des Moines county praying for a relocation of a road, &c.

Also a remonstrance from sundry citizens of Des Moines county remonstrating against the prayer of the petition;

Which were, on motion of Mr. Leffler, referred to a select committee composed of the entire delegation from the counties of Des Moines, Henry, and Jefferson.

On motion of Mr. Rich,

Ordered, That the committee on the judiciary be instructed to examine and compare the laws of Iowa with the statutes of Michigan and Wisconsin and report to this House whether there are any laws of a general nature in the statutes of Michigan and Wisconsin which have not been incorporated in the laws of Iowa.

On motion of Mr. English,

The House adjourned until to-morrow morning at 8 o'clock.

HOUSE OF REPRESENTATIVES, }
THURSDAY, July 16, 1840. }

Mr. Rich presented the petition of sundry citizens of Lee county praying the passage of a law to relocate the seat of justice of said county by a vote of the citizens.

On motion of Mr. Rich,

Ordered, That said petitions be referred to a select committee composed of the entire delegation from the counties of Lee and Van Buren.

Mr. Bailey presented the remonstrance of sundry citizens of Lee county, remonstrating against the passage of a law to relocate the seat of justice of said county, which was referred to the same committee that petitions on that subject were just referred to.

Mr. Langworthy presented the petition of the county commissioners of Clayton county, praying the passage of a law to authorize the commissioners of said county to appoint an agent to sell and convey the lands belonging to said county.

Mr. Coop presented the petition of the county commissioners of Jefferson county, praying the passage of a law authorizing the commissioner to appoint an agent to sell and convey lots in the town of Fairfield in said county. Said petitions were severally referred to the committee on judiciary.

Mr. Summers in accordance with previous notice introduced No. 175, H. R. file, "A bill to change the time of holding the district courts in the third judicial district."

Mr. Summers in accordance with previous notice introduced No. 176, H. R. file, "A bill defining a lawful fence, and providing against trespassing animals."

Mr. Hall, from the select committee appointed for that purpose, reported No. 177, H. R. file, "A bill in relation to that portion of

Territory which is at present attached to the organized counties in this Territory for Judicial purposes."

Mr. Hall, in accordance with previous notice introduced, No. 178, H. R. file, "A bill to district the county of Van Buren into three commissioners' districts."

Mr. Langworthy on leave being granted, introduced No. 179, H. R. file, "A bill to amend an act for opening roads and highways," approved January 17th, 1840.

Said bills were severally read the first time.

Mr. Rich gave notice that he would on to-morrow introduce a bill to establish a territorial road from Burlington to Keokuk.

A resolution offered on yesterday by Mr. Biggs, being the order of the day, was read as follows:

Resolved, That the clerk be required to furnish the House with Jesse Williams' new maps and descriptions of Iowa Territory.

And after debate, the question being put, Shall the resolution pass? It was decided in the negative.

Mr Brewer gave notice that he would on to-morrow, or some future day thereafter, introduce "A bill to legalize the establishment of a territorial road from the ferry landing opposite Oquawka, in the State of Illinois, to Napoleon in Johnson County.

On motion of Mr. Summers,

Ordered, That the message of his Excellency the Governor be referred to a committee of the whole House, and made the order of the day of to-morrow.

Mr. Mintun gave notice that he would on to-morrow, or some day thereafter, introduce "A bill to amend 'An act relative to wills and testaments, executors and administrators, and the establishment of estates.'"

On motion the House adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

Mr. Wheeler in accordance with previous notice given by Mr. Cox reported No. 180, H. R. file, entitled A bill to relocate the seat of Justice of Jackson county, which was read a first time.

On motion of Mr. Rich,

The House adjourned until to-morrow morning at 9 o'clock.

HOUSE OF REPRESENTATIVES }
FRIDAY MORNING, July 17, 1840. }

Another member appeared and took his seat, viz: from the counties of Muscatine and Johnson, S. C. Hastings.

Mr. Fleenor presented the petition of Joseph Wasson, praying for the passage of a law, authorizing him to erect a dam across English river near the point where the road leading from Washington to English river terminates, which was, on motion of Mr. Fleenor, referred to the committee on incorporations.

On motion of Mr. Lash,

Ordered, that the several editors of the several newspapers throughout this territory be admitted to take seats within the bar of this House at pleasure.

On motion of Mr. Langworthy,

Ordered, That a sufficient number of all bills, memorials, and joint resolutions of this House, after the first reading, shall be printed for the use of the Council and House of Representatives until otherwise ordered.

On motion of Mr. Lash,

Resolved, That John H. McKenny be hereby appointed printer to the House of Representatives during the present session.

Mr. Lash from the committee on claims, to whom was referred the claim of James Davis and Christian Bergen, reported they had had the same under consideration, and in the opinion of the committee any further legislation upon these subjects would be inexpedient and asked leave to be discharged from any further consideration upon said claims.

Mr. Biggs moved that the report be laid on the table, which motion was lost.

On motion of Mr. Leffler,

Ordered, That the report of the committee be adopted.

Mr. Leffler from the select committee to whom was referred the petition of sundry citizens of Des Moines county praying for relocation of a road, &c., also to whom was referred the remonstrance of sundry citizens of Des Moines County remonstrating against the prayer of the said petitioners, reported No. 181, H. R. file, entitled, A bill to provide for the survey of a territorial road.

Mr. Rich from the select committee appointed for that purpose reported No. 182, H. R. file, entitled, A bill to establish a territorial road from Burlington to the mouth of the Des Moines river.

Mr. Brewer, in accordance to previous notice, introduced No. 183, H. R. file, entitled "A bill to legalize the establishment of a Territorial road from the ferry landing opposite Oquawka in Illinois to Napoleon in Johnson county."

Mr. Hawkins on leave being granted introduced No. 184, H. R. file entitled "A bill to incorporate the Unitarian Society of Burlington."

Said bills were severally read a first time.

Mr. Hastings presented the remonstrance of sundry citizens of Muscatine county remonstrating against the establishment of a road laid out by Robert Gray and George Stormes, from Wapello in Louisa County to Moscow, in Muscatine County.

Which was on motion of Mr. Hastings referred to a select committee composed of the entire delegation from the counties of Muscatine and Johnson, Louisa, and Washington.

Mr. Walworth from the committee on Public Buildings to whom was referred the report of Chauncey Swan, acting commissioner for the erection of public buildings at Iowa City, reported that the committee had examined said report and found it correct and satisfactory, and would recommend its acceptance by the House and the adoption of the measures therein proposed in relation to the progress and completion of said buildings; that in consequence of the great length of the report of the acting commissioner and their entire satisfaction with the proceedings of the commissioners they deem it inexpedient for the Legislative Assembly to incur the expenses of printing the same.

On motion of Mr. Hawkins,

Ordered, That the report of the committee be adopted.

On motion of Mr. Summers,

The House resolved itself into a committee of the whole House for the purpose of taking into consideration the message of the Governor of the Territory.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Hall reported that the committee according to order had the subject referred to them under consideration and had come to no resolution thereto.

On motion of Mr. Biggs,

Ordered, That so much of the Governor's message as relates to the fixing a minimum price and providing for a sale of the lots in Iowa City, are a revision of the laws that relate to the execution of title-deeds, be referred to a select committee composed of one member from each electoral district.

Messrs. Biggs, Patterson, Ross, Lash, Mintun, Hastings, Summers, Cox, Langworthy, and Walworth were appointed said committee.

On motion of Mr. Robertson,

Ordered, That so much of the message as relates to the erection of public buildings at Iowa City be referred to the committee on public buildings.

On motion of Mr. Hastings,

Ordered, That so much of the message as relates to the admission of the Territory into the Union as a State, be referred to a select committee composed of one from each electoral district.

Messrs. Hastings, Rich, Leffler, Hall, Coop, Brewer, Robertson, Cox, Churchman, and Walworth were appointed said committee.

On motion of Mr. Owen,

Ordered, That so much of the message as relates to the penitentiary at Ft. Madison, be referred to the committee on territorial affairs, and if deemed expedient by them to require of the directors a report relative to the affairs of said buildings.

No. 175. H. R. file, entitled "A bill to change the time of holding the district courts in the third judicial district," was read a second time.

A motion was made by Mr. Walworth, that the bill be laid on the table subject to the order of the House, which was decided in the negative.

On motion of Mr. Hastings, the House resolved itself into a committee of the whole House on said bill.

After some time spent therein Mr. Speaker resumed, and Mr. Bailey reported that the committee had according to order said bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. Hastings that the bill be referred to a select committee, to which the House agreed.

Messrs. Hastings, Summers, Walworth, and Wheeler were appointed said committee.

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

Mr. Speaker:

I am directed to inform the House that the Council have passed bills of the following titles: No. 1, Council File, An act to repeal the acts therein mentioned; and No. 2, Council File, An Act to define the jurisdiction of the several counties in this Territory that front upon the Mississippi river; In which the concurrence of the House is requested.

And then he withdrew.

Said bills were then taken up and severally read a first time.

No. 176, H. R. file, entitled "A bill defining a lawful fence and providing against trespassing animals," was read a second time, and on motion of Mr. Summers,

Ordered, That said bill be referred to a committee of the whole House on Monday next.

No. 177, H. R. file, A bill in relation to that portion of country which is attached to the several organized counties in this Territory for judicial purposes, was read a second time.

On motion of Mr. Hall,

Ordered, That said bill be considered as engrossed and read a third time on Monday next.

No. 178, H. R. file, "A bill to district Van Buren County for the election of county commissioners," was read a second time, and,

On motion of Mr. Biggs, the House resolved itself into a committee of the whole House on said bill. After some time spent

therein, Mr. Speaker resumed the chair, and Mr. Rich reported that the committee had according to order said bill under consideration and directed him to report the same to the House without amendment.

On motion of Mr. Biggs,

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

No. 179, H. R. file, A bill to amend an act for opening roads and highways approved Jan. 17, 1840, was read a second time.

A motion was made by Mr. Coop that the bill be referred to the committee on roads and highways.

To which the House agreed.

Mr. Coop, on leave being granted, introduced No. 185, H. R. file, A bill amendatory of an act subjecting real and personal estate to execution approved Jan. 25, 1839.

Mr. Churchman, on leave being granted, introduced No. 186, H. R. file, A bill relative to writs of scire facias on judgments in the district courts.

Said bills were severally read a first time.

Mr. Hastings gave notice that he would on some future day introduce a bill to district the county of Muscatine into three commissioners' districts.

Mr. English gave notice that he would on to-morrow, or some day thereafter, introduce a bill to legalize the survey of the town of Augusta in Des Moines county.

On motion of Mr. Hastings, the House adjourned until 4 o'clock P. M.

4 O'CLOCK, P. M.

Mr. Hastings, from the select committee to whom was referred No. 175, H. R. file, entitled a bill to change the time of holding the district courts in the second judicial district, reported the same back to the House with amendment, which was read a first time.

On motion of Mr. Hastings,

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Biggs from the committee on roads and highways to whom was referred No. 179, H. R. file, entitled, A bill to amend an act for opening and regulating roads and highways, approved Jan. 17, 1840, reported the same back to the House with amendments, which was read a first time.

Mr. Hastings, on leave being granted, reported No. 187, H. R. file, A bill to district Muscatine County for the election of county commissioners; which was read a first time.

Mr. Owen gave notice that he would on some future day introduce a bill to enforce the observance of the Sabbath.

Mr. Patterson presented the account of Mr. Reno, Librarian, which was on motion referred to the committee on claims.

Mr. Leffler presented two notes, drawn by W. B. Conway, late secretary of Iowa Territory; one in favor of Wm. Murray and the other in favor of Tyler Pearce, for furniture furnished the legislature, which were, on motion of Mr. Leffler, referred to the committee on expenditures.

Mr. Hastings gave notice that he would on some future day introduce a bill to incorporate medical societies for the purpose of regulating the practice of physical and surgery in this Territory.

On motion of Mr. Robertson,

Resolved, That the Secretary of the Territory be requested to furnish penknives for the use of the members of this House.

The yeas and nays being desired by Mr. Summers,

Mr. English asked for a call of the House.

When Mr. Owen asked and obtained leave of absence for Messrs. Cox, Hall, and Rich.

On motion of Mr. Brewer,

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

MONDAY MORNING, JULY 20, 1840.

The Journal of Friday having been read

Mr. Biggs moved to amend the same by inserting after the report of the committee on claims:

"Mr. Leffler moved that the report of the committee be accepted. Mr. Biggs moved to lay the report on the table, to the order of the House."

To which the House agreed.

The journal was amended accordingly.

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

Mr. Speaker:

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

No. 175, H. R. file, A bill to change the time of holding the district courts in the second and third judicial districts.

Also the following bills of the Council:

No. 3, C. F., A bill to amend an act entitled "An act to provide for the organization of the County of Delaware, and to locate the county-seat thereof."

No. 6, C. F., A bill to amend the act entitled "An act to authorize Timothy Fanning to keep a ferry across the Mississippi river at the town of Dubuque."

No. 7, A bill to amend an act entitled "An act subjecting real and personal estate to execution, approved Jan. 25th, 1839."

No. 9, A bill relative to negotiable papers, &c.

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

And then he withdrew.

Mr. Summers presented the petition of sundry citizens of Iowa Territory, praying for the location of a road from Lyons to Iowa City.

Which was on motion of Mr. Summers, referred to a select committee.

Messrs. Summers, Clark, and Walworth were appointed said committee.

Mr. Rich presented the petition of Harriet Williams, of Lee County, praying to be divorced from her husband Enos Williams, which was referred to a select committee composed of the entire delegation from the county of Lee.

On motion of Mr. Hastings,

Resolved, That the Secretary of the Territory be requested to furnish each member of this House with a copy of Jesse Williams' New Map and Description of Iowa Territory.

And, the question being put, it passed in the negative,

Yeas 7, Nays 12.

The yeas and nays being desired by Mr. Rich,

Those who voted in the affirmative are Messrs. Biggs, Coop, Hastings, Mintun, Summers, Walworth, and Wheeler.

Those who voted in the negative are Messrs. Bailey, Brewer, Clark, Fleenor, Hall, Hawkins, Leffler, Myers, Owen, Rich, Ross, and Johnston, Speaker

Mr. Hastings offered the following,

Resolved, That the regular hours of meeting of this House be eight o'clock, A. M. and 3 o'clock, P. M.

On motion of Mr. Bailey, ordered,

That this resolution do lie on the table subject to the order of the House.

Mr. Rich, in accordance with previous notice, introduced 188, H. R. file, entitled "A bill to attach that part of the half-breed tract lying in Van Buren county, in the county of Lee, for judicial purposes."

Mr. Hastings, from the select committee appointed for that purpose, No. 180, H. R. file entitled "A bill to review the territorial road from Wapello by the head of Indian creek to the town of Moscow."

Mr. Biggs from the select committee to whom was referred that part of the Governor's message that relates to the fixing of a mini-

imum price, and providing for a sale of the lots in Iowa City, reported No. 190, H. R. file, "A bill directing the valuation and sale of lots in Iowa City, and to provide for executing deeds for the same.

Mr. Mintun, in accordance with previous notice, reported No. 191, A bill to amend an act relative to wills and testaments, executors, administrators, and the settlement of estates.

Mr. Hall, in accordance with previous notice, introduced No. 192, H. R. file, A bill to amend an act entitled an act relating to the office of recorder of deeds, &c.

Mr. Owen, in accordance with previous notice, introduced No. 193, H. R. file, entitled "A bill to enforce the observance of the Sabbath."

The said bills were severally read a first time.

Mr. Myers, from the committee on engrossed bills, reported Nos. 177 and 178, H. R. file, as correctly engrossed.

Mr. Leffler gave notice that he would on to-morrow or some day thereafter ask leave to introduce "A bill to provide for the payment of contingent expenses of the office of Auditor and Treasurer."

The following resolution offered by Mr. Robertson on Friday last being in order was read.

Resolved, That the Secretary of the Territory be requested to furnish penknives for the use of the members of this House.

A call of the House was ordered on motion of Mr. Hastings, and the roll being called the following named members failed to answer their names, viz., Messrs. Cox, English, Langworthy, Lash, and Patterson.

Excuses were then offered and received for the nonattendance of the above named absentees.

And, the question being put upon the adoption of the Resolution, it passed in the negative, yeas 6, nays 15.

The yeas and nays being called for by Mr. Hastings.

Those who voted in the affirmative are Messrs. Biggs, Churchman, Clark, Robertson, Walworth, and Wheeler.

Those who voted in the negative are Messrs. Bailey, Brewer, Coop, Fleenor, Hall, Hastings, Hawkins, Leffler, Mintun, Myers, Owen, Rich, Ross, Summers, and Johnston, Speaker.

On motion of Mr. Hastings,

No. 175, H. R. file, entitled "A bill to change the time of holding the district courts in the second and third judicial districts," as amended by the Council, was taken up and considered.

The House concurred in all the amendments made by the Council to said bill, with the exception of that made to the 4th section.

To which the House disagreed.

No. 176, H. R. file, "A bill defining a lawful fence and providing against trespassing animals," was read a second time, and, on motion of Mr. Summers,

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

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Churchman reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

A motion was made by Mr. Hawkins that the further consideration of said bill be postponed until the first Monday in November next, which was decided in the negative, Yeas 5, Nays 11.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative are Messrs. Brewer, Churchman, Hawkins, Ross, and Johnston, Speaker.

Those who voted in the negative are Messrs. Bailey, Biggs, Clark, Coop, Fleenor, Hastings, Leffler, Mintun, Myers, Owen, Robertson, Summers, Walworth, and Wheeler.

On motion of Mr. Summers,

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

Messrs. Summers, Mintun, and Owen were appointed said committee.

No. 179, H. R. file, entitled "A bill to amend an act establishing certain territorial roads therein named, approved January 14th, 1840," was read a second time, and on motion of Mr. Coop,

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

A motion was made by Mr. Biggs that the House disagree to the first amendment of the committee, which motion was lost.

The House then agreed to the amendments of the committee.

On motion of Mr. Walworth,

Ordered, that the 44th rule be suspended and the bill read a third time now.

The bill was then read a third time and passed.

Ordered that the clerk acquaint the Council therewith.

No. 1, C. F., "A bill to repeal the acts therein mentioned," was read a second time, and, on motion of Mr. Robertson,

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

On motion of Mr. Bailey, ordered,

That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered that the clerk acquaint the Council therewith.

Mr. Summers from the select committee to whom was referred the petition of sundry citizens of Iowa Territory, praying for the location of a road, &c., on leave reported, No. 194, H. R. file, entitled a bill to establish a territorial road from Lyons in Clinton county, which was read a first time.

No. 2, C. F., "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 on motion of Mr. Bailey the House resolved itself into a committee of the whole House on said bill.

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

On motion of Mr. Rich ordered,

That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Bailey, from the committee on common schools, reported No. 195, H. R. file, entitled, A bill to authorize the boards therein named to take charge of the school-lands in this territory.

Which was read a first time.

On motion of Mr. Owen, the House adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

No. 180, H. R. file, A bill to relocate the county-seat of Jackson county, was read a second time; and on motion of Mr. Wheeler,

Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 181, H. R. file, "A bill to provide for the survey of a Territorial Road," was read a second time, and, on motion of Mr. Lefler, ordered that the 44th rule be suspended, and the bill read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 182, H. R. file, A bill to establish a territorial road from Burlington to Keokuk, was read a second time.

And on motion of Mr. Rich the House resolved itself into a committee of the whole House on said bill.

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

To which the House agreed.

On motion of Mr. Rich, the words "From Burlington" were inserted in 3d line of the 1st section after the word "road."

On motion of Mr. Rich, ordered, that the 44th rule be suspended, and that the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr. Hastings, No. 189, H. R. file, was taken up and read a second time.

And on motion of Mr. Hastings, ordered, that the 44th rule be suspended and the bill read a third time now.

The bill was then read a third time and passed.

Ordered that the Clerk acquaint the Council therewith.

No. 183, H. R. file, "A bill to legalize the establishment of a territorial road from the Ferry landing opposite Oquawka, in Illinois to Napoleon in Johnson County, was read a second time.

On motion of Mr. Brewer, ordered, that the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 184, H. R. file, "A bill to incorporate the Unitarian Society of Burlington," was read a second time, and on motion of Mr. Hastings the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Lash reported that the committee had according to order had said bill under consideration and directed him to report the same to the House without amendments.

A motion was made by Mr. Hastings to strike out the enacting clause of said bill; which was decided in the affirmative—Yeas 13, Nays 8.

The yeas and nays being desired by Mr. Hawkins; those who voted in the affirmative are,

Messrs. Bailey, Biggs, Clark, Coop, English, Fleenor, Hastings, Lash, Leffler, Mintun, Myers, Patterson, and Johnston, Speaker.

Those who voted in the negative, are Messrs. Brewer, Hall, Hawkins, Rich, Robertson, Summers, Walworth, and Wheeler.

No. 185, H. R. file, "A bill to district Muscatine County for the election of County Commissioners" was read a second time.

On motion of Mr. Hastings,

Ordered, That the 44th rule be suspended, and the bill be read a third time now. The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 187, H. R. file, "A bill relative to writs of scire facias upon judgments in the district courts," was read a second time; and on motion of Mr. Summers,

Ordered, That said bill do lie on the table subject to the order of the House.

No. 177, H. R. file, "A bill in relation to that portion of country which is attached to the several organized counties in this Territory for judicial purposes;"

No. 178, H. R. file, "A bill to district Van Buren County for the election of county commissioners."

Said bills were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Hall,

Ordered, That a committee to consist of one from each electoral district be appointed, to act in conjunction with a similar committee to be appointed on the part of the Council, for the purpose of districting the Territory into electoral districts and apportioning the representation therein; Messrs. Hall, Robertson, Patterson, Lash, Leffler, Brewer, Hastings, Walworth, Cox, and Wheeler were appointed said committee.

No. 3, 6, 7, and 9, C. F., were severally read a first time.

No. 187, H. R. file, "A bill relative to writs of scire facias upon judgments in the district court," was, on motion of Mr. Summers, taken from the table and considered.

On motion of Mr. Churchman,

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

The Speaker laid before the House, the following communication which was read:

To the Speaker of the House of Representatives:

Sir:—I have this day relinquished all claims to the contract of the Iowa Capitol, the contract this day having been cancelled. And justice to

Mr. Swan prompts me to say, that notwithstanding things that may have been said by a slandering set of men, who desire to injure the reputation of individuals in office, I believe, from the evidence I have, until better satisfied, that he is a gentleman of integrity and worthy of the confidence reposed in him.

Respectfully, Your ob't Serv't,

JOHN F. RAGUE, Architect, and
Contractor of Public Buildings.

Mr. Rich presented the petition of sundry citizens of Lee county praying that the seat of justice of said county may be located by the vote of the citizens thereof; which was referred to the select committee composed of the delegation from Lee and Van Buren counties.

Mr. Brewer presented the petition of sundry citizens of Washington county, praying the passage of a law to authorize Daniel McFarland to erect a dam across English river; which was,

On motion of Mr. Brewer referred to the Committee on Incorporations and the delegation from Louisa and Washington added to said committee.

Mr. Rich, from the committee on Incorporations, reported No. 196, H. R. file, "A bill to authorize Joseph Wasson to erect a dam across English river in Washington county;" which was read a first time.

Mr. Robertson gave notice that he would on to-morrow, or some day thereafter, ask leave to introduce a bill to amend an act establishing certain territorial roads therein named.

Mr. Mintun, on leave being granted, introduced No. 197, H. R. file, A bill to alter and repeal a part of the ninth section of an act entitled "An act to provide for the appointment of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings."

Which was read a first time.

On motion of Mr. Summers,

The House adjourned until 8 o'clock to-morrow morning.

TUESDAY MORNING, JULY 21, 1840.

Mr. Rich presented the petition of Hugh W. Hughes and other guardians of the minor children of Wm. Doak, Jr., praying the passage of a law authorizing them to convey real estate, &c., which was, on motion of Mr. Rich, referred to the committee on the judiciary.

Mr. Bailey presented the remonstrance of sundry citizens of Lee county, which was referred to the select committee composed of the delegations from the counties of Lee and Van Buren.

Mr. Rich from the select committee appointed for that purpose reported No. 198, H. R. file, "A bill to divorce Harriett Knapp," which was read a first time.

A motion was made by Mr. Hastings, to reconsider the vote of yesterday, by which the enacting clause of No. 184, H. R. file, "A bill to incorporate the Unitarian Society of Burlington," was stricken out, which was decided in the affirmative, yeas, 13, nays 9.

The yeas and nays being desired by Mr. Biggs,

Those who voted in the affirmative are Messrs. Brewer, Clark, Fleenor, Hastings, Hawkins, Leffler, Myers, Owen, Rich, Robertson, Summers, Walworth, and Wheeler.

Those who voted in the negative are Messrs. Bailey, Biggs, Churchman, Coop. English, Lash, Mintun, Patterson, and Johnston, Speaker.

A motion was made by Mr. Hawkins, that the bill be considered as engrossed and be read a third time now.

Which was decided in the affirmative, yeas 14, nays 9.

The yeas and nays being desired by Mr. Lash,

Those who voted in the affirmative are Messrs. Brewer, Clark,

Fleenor, Hall, Hastings, Hawkins, Leffler, Myers, Owen, Rich, Robertson, Summers, Walworth, and Wheeler.

Those who voted in the negative are Messrs. Bailey, Biggs, Churchman, Coop, English, Lash, Mintun, Patterson, and Johnston, Speaker.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

The Speaker laid before the House a communication from the director of the Penitentiary, which was read.

On motion of Mr. Rich, ordered,

That said report be referred to the committee on public buildings.

A motion was made by

Mr. Hastings, to take up and consider the following resolution offered by him on yesterday :

Resolved, that the regular hours of meeting of this House be 8 o'clock A. M. and 3 o'clock P. M.

To which the House agreed. The resolution was then adopted.

No. 187, H. R. file, "A bill relative to writs of Scire Facias upon judgments, in the district court," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 3, C. F., "A bill to amend an act entitled an act to provide for the organization of the County of Delaware," and to locate the county-seat thereof, was read a second time.

On motion of Mr. Wheeler, ordered, that the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 6, C. F., "A bill to amend the act entitled an act to authorize Timothy Fanning to keep a ferry across the Mississippi river at the town of Dubuque," was read a second time.

On motion of Mr. Wheeler,

Ordered that the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 7, C. F., "A bill to amend an act entitled, 'An act subjecting real and personal estate to execution, approved January 25, 1839,'" was read a second time.

On motion of Mr. Summers,

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

On motion of Mr. Rich,

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

No. 9, C. F., "A bill relative to negotiable paper, &c.," was read a second time.

On motion of Mr. Summers,

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

On motion of Mr. Rich,

Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time: and the question being put, shall the bill pass? it was decided in the negative.

No. 186, H. R. file, "A bill amendatory of an act subjecting real and personal estate to execution," approved January 25, 1839, was read a second time.

On motion of Mr. Coop,

Ordered that the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered that the clerk acquaint the Council therewith.

No. 190, H. R. file, "A bill directing the valuation and sale of lots in Iowa City, and to provide for executing deeds for the same," was read a second time.

On motion of Mr. Biggs,

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

To which the House agreed.

On motion of Mr. Biggs,

Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, that the clerk acquaint the Council therewith.

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

Mr. Speaker:

I am directed to inform the House that the Council have appointed Messrs. Brown, Lewis, Hepner, Keith, Parker, Payne, and Whittlesey, a committee on the part of the Council, to act with a committee appointed on the part of the House, for the purpose of districting the Territory into election districts, and to apportion the representation therein;

And then he withdrew.

Mr. Leffler, in accordance with previous notice, reported No. 199, H. R. file, "A bill to provide for the payment of contingent expenses of the offices of auditor and treasurer."

Mr. English, in accordance with previous notice, introduced No. 200, H. R. file, "A bill to legalize the survey, and make valid in law the present plat of the town of Augusta, in Des Moines county."

Said bills were severally read a first time.

On motion of Mr. Hastings, the House adjourned until tomorrow morning at 8 o'clock.

WEDNESDAY MORNING, JULY 22, 1840.

Mr. Biggs offered the following:

Resolved, by the Council and House of Representatives,
That both Houses will adjourn sine die on Wednesday, the 29th inst.

Which was read a first time.

On motion of Mr. Biggs,

Ordered, That the rule be suspended and the resolution be read a second and third time now.

The resolution was then read a second and third time and passed.

Ordered that the clerk acquaint the Council therewith.

On motion of Mr. Bailey,

Ordered, that the committee on the judiciary be requested to inquire into the expediency of passing a law extending the right of redemption to creditors under certain provisions in cases of pledges and mortgages.

Mr. Summers, from the select committee to whom was referred No. 176, H. R. file, "A bill defining a lawful fence and providing against trespassing animals," reported the same with amendments; which was read a first time.

On motion of Mr. Summers,

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered that the clerk acquaint the Council therewith.

Mr. Rich from the select committee to whom was referred the

petition of sundry citizens of Lee county, praying for the relocation of the seat of justice of said county, reported No. 201, H. R. file, A bill to establish the county seat of Lee county.

Which was read a first time.

Mr. Hall, from the select committee appointed on the part of the House to act in conjunction with a similar committee appointed on the part of the Council for the purpose of districting the Territory into elective districts, and appointing the representation therein, reported that they have, in conjunction with the Committee of the Council, had the subject assigned them under consideration, and a report would be made thereon this day in the Council by bill.

The committee therefore asked leave to be discharged from further consideration of the matter.

On motion ordered,

That the report be adopted, and that the committee be discharged.

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

Mr. Speaker:

I am directed to inform the House that the Council have receded from their amendment to the 4th section of No. 175, H. R. file, An act to change the time of holding the district courts in the second and third judicial districts.

The Council have passed

No. 10, C. F., A bill to authorize Peter Brewer, his heirs or assigns, to erect a dam across Skunk river.

No. 11, C. F., A bill to authorize James Wilson, his heirs or assigns, to build a dam across Skunk river in Jefferson county.

No. 12, C. F., A bill to authorize Guy Wells and James Wilson, their heirs or assigns, to build a dam across Skunk river in Henry county.

No. 180, H. R. file, A bill to relocate the county-seat of Jackson county.

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

And then he withdrew.

Mr. Leffler on leave introduced No. 202, H. R. file, A Joint Resolution authorizing the payment of the rent of the house occupied by the Legislative Assembly, which was read a first time.

Mr. Wheeler, on leave being granted, introduced No. 203, H. R. file, "A bill to incorporate the Baptist Church of Dubuque," which was read a first time.

No. 188, H. R. file, "A bill to attach that part of the half-breed tract lying in Van Buren county to the county of Lee for judicial purposes," was read a second time.

On motion of Mr. Bailey,

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

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

A motion was made by Mr. Biggs, that the bill be indefinitely postponed which was decided in the negative. Yeas 10, Nays 12.

The yeas and nays being desired by Mr. Biggs,

Those who voted in the affirmative are Messrs. Biggs, Churchman, Coop, English, Fleenor, Hall, Lash, Summers, Walworth, and Wheeler.

Those who voted in the negative are Messrs. Brewer, Clark, Hastings, Hawkins, Langworthy, Leffler, Myers, Owen, Patterson, Rich, Ross, and Johnston, Speaker.

Messrs. Mintun and Robertson were at their request excused from voting on the above motion.

On motion of Mr. Rich,

Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Hastings gave notice that he would on some future day introduce "A bill to provide for keeping of final record of cases decided in the Supreme and District Courts in this territory."

No. 191, H. R. file, "A bill to amend an act relative to wills and testaments, executors, administrators, and the settlement of estates," was read a second time.

On motion of Mr. Mintun,

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

After some time spent therein, Mr. Speaker resumed the chair,

and Mr. Langworthy reported that the committee according to order had said bill under consideration and directed him to report the same to the House with amendment.

On motion of Mr. Mintun,

Ordered, That the following be added as an additional section to said bill: "This act to take effect from and after its passage."

On motion of Mr. Hawkins,

Ordered, the words "of not more than twelve months' standing" in the 3d and 4th lines of the 1st section be stricken out.

On motion of Mr. Summers,

Ordered, that the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, that the clerk acquaint the Council therewith.

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

Mr. Speaker:

I am directed to inform the House that the Council have passed No. 15, C. F., "A bill to establish the seat of justice of Scott county."

In which the concurrence of the House is requested.

And then he withdrew.

No. 192, H. R. file, "A bill to amend an act entitled An Act relating to the office of Recorder of Deeds, &c.," was read a second time.

On motion of Mr. _____,

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

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

On motion of Mr. Hawkins,

Ordered, That the word "fifteen" in the 4th line of the 1st section be stricken out, and the words "twelve and one-half" inserted.

On motion of Mr. Hawkins,

Ordered, That the words, "for every official certificate without seal twenty-five cents," in the 7th and 8th lines of the 1st section be stricken out.

A motion was made by Mr. Hawkins, that the rules be suspended and the bill be read a third time now; which motion was lost.

On motion of Mr. Hall,

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

Mr. Hastings gave notice that he would on some future day, introduce "A bill to authorize William St. John and Thomas M. Isett to build a bridge across the Muscatine slough, at the town of Bloomington."

No. 193, H. R. file, "A bill to enforce the observance of the Sabbath," was read a second time; and,

On motion of Mr. Brewer,

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

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

Mr. Patterson moved that the House disagree to the amendment made by the committee, which motion was lost.

The House then agreed to the amendnient of the committee.

A motion was made by Mr. Langworthy to strike out the enacting clause of said bill.

Which passed in the negative, Yeas 11, Nays 13.

The yeas and nays being desired by Mr. Patterson.

Those who voted in the affirmative are, Messrs. Brewer, Churchman, Clark, Coop, English, Fleenor, Hastings, Langworthy, Lash, Leffler, and Johnston, Speaker.

Those who voted in the negative are Messrs. Biggs, Hall, Hawkins, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth, and Wheeler.

On motion of Mr. Hall,

Ordered, That said bill be referred to the committee on the judiciary.

On motion of Mr. Brewer,

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

3 O'CLOCK, P. M.

Mr. Walworth, from the committee on enrollments, reported,

"An act to change the time of holding the district courts in the second and third judicial districts,"

As correctly enrolled.

The Speaker then signed the above entitled act.

Mr. Hawkins from the committee on Public Buildings, to whom was referred the communication of the Director of the Penitentiary, reported,

No. 204, H. R. file. "A bill to amend an act entitled an act to provide for the erection of a penitentiary, and establishing and regulating prison discipline for the same."

Mr. Leffler from the select committee appointed for that purpose reported,

No. 205, H. R. file, "A bill to provide for the sale of town-lots in Fairfield, the county-seat of Jefferson county."

Said bills were severally read a first time.

No. 194, H. R. file. "A bill to establish a territorial road from the town of Lyons, in Clinton county, to Iowa City in Johnson county," was read a second time.

On motion of Mr. Summers,

Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered that the clerk acquaint the Council therewith.

No. 195, H. R. file, "A bill entitled an act to authorize the

boards therein named to take charge of the school-lands in this Territory," was read a second time, and on motion of Mr. Owen, the House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr. Speaker resumed the chair, and Mr. Patterson reported that the committee had according to order said bill under consideration, and directed him to report the same to the house with amendments; to which the House agreed.

A motion was made by Mr. Owen, that the bill be referred to a select committee; which motion was lost.

On motion of Mr. Bailey,

Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 196, H. R. file, "A bill to authorize Joseph Wasson to erect a dam across English river, in Washington county," was read a second time, and

On motion of Mr. Brewer,

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

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

On motion of Mr. Summers,

Ordered, that said bill be laid upon the table.

No. 197, H. R. file, "A bill to alter and repeal a part of the ninth section of an act entitled an act to provide for the appointment of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings," was read a second time, and

On motion of Mr. Mintun,

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

After some time spent therein, Mr. Speaker resumed the chair,

and Mr. Myers reported that the committee had according to order had said bill under consideration and directed him to report the same to the House with amendment.

A motion was made by Mr. Mintun, that the House disagree to the amendments of the committee which passed in the negative. Yeas 7, Nays 13.

The yeas and nays being desired by Mr. Lash,

Those who voted in the affirmative are, Messrs. Brewer, Hawkins, Leffler, Mintun, Owen, Patterson, and Johnston, Speaker.

Those who voted in the negative are Messrs. Bailey, Biggs, Clark, Coop, English, Fleenor, Langworthy, Lash, Myers, Rich, Robertson, Ross, and Summers.

On motion of Mr. Langworthy,

Ordered, That the said bill be laid upon the table.

No. 198, H. R. file, "A bill to divorce Harriett Knapp," was read a second time.

On motion of Mr. Rich,

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

No. 199, H. R. file, "A bill to provide for the payment of contingent expenses of the offices of Auditor and Treasurer," was read a second time, and, on motion of Mr. Leffler,

Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A motion was made by Mr. Summers,

That No. 13, C. F., bill to establish the seat of justice in Scott county, be taken up,

To which the House agreed.

The bill was then read a first time.

On motion of Mr. Summers,

Ordered, That the 44th rule be suspended and the bill be read a second time now. The bill was then read a second time.

Mr. Robertson presented the proceedings of a public meeting held at Rockingham instructing the representatives from Scott county to oppose any action whatever on the subject of a relocation of the seat of justice of said county.

Which together with the above entitled bill and the petition of inhabitants of Scott county on the same subject were referred to a select committee composed of delegations from the counties of Scott and Clinton, Muscatine and Johnson, and Cedar, Jones, and Linn.

No. 10, C. F., "A bill to authorize Peter Brewer, his heirs and assigns, to erect a dam across Skunk river."

No. 11, C. F., "A bill to authorize James Wilson, his heirs or assigns, to build a dam across Skunk river in Jefferson."

Said bills were severally read a first time.

No. 12, C. F., "A bill to authorize Guy Wells and James Wilson, their heirs or assigns, to build a dam across Skunk river in Henry county," was read a first time.

On motion of Mr. Lash,

Ordered, That the 44th rule be suspended and the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. English asked and obtained leave to withdraw from the clerk's table the papers relative to the claims of James Davis and Christian Berger.

On motion the House adjourned.

THURSDAY MORNING, JULY 23, 1840.

Mr. Brewer, from the committee on enrollments, reported that the committee did on yesterday present to the Governor, for his approval and signature,

"An act to change the time of holding the district court in the second and third judicial districts."

Mr. Myers from the committee on engrossed bills reported,

No. 192, H. R. file, "A bill to amend an act entitled an act relating to the office of recorder of deeds, &c."

No. 198, H. R. file, "A bill to divorce Harriett Williams,"

As correctly engrossed.

Said bills were then severally read a third time and passed.

Ordered That the clerk acquaint the Council therewith.

No. 10, C. F., "A bill to authorize Peter Brewer, his heirs or assigns, to erect a dam across the Skunk river," was read a second time.

No. 11, C. F., "A bill to authorize James Wilson, his heirs or assigns, to build a dam across Skunk river, in Jefferson county," was read a second time.

On motion of Mr. Lash the House resolved itself into a committee of the whole House on said bill.

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

To which the House agreed.

On motion of Mr. Lash,

Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Summers from the select committee to whom was referred No. 15, C. F., "A bill to establish the seat of justice in Scott county,"

Reported the same back to the House without amendment.

Said bill was then read a first time.

On motion of Mr. Hawkins,

Ordered, That the 44th rule be suspended and the bill be read a second time now.

The bill was then read a second time.

On motion of Mr. Summers,

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

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

Which were agreed to.

A motion was made by Mr. Robertson,

That the bill be laid on the table until the first Monday of November next, which was decided in the negative: Yeas 5, Nays 19. The yeas and nays being desired by Mr. Summers.

Those who voted in the affirmative are, Messrs. Brewer, Lefler, Mintun, Patterson, and Robertson.

Those who voted in the negative are, Messrs. Bailey, Biggs, Clark, Coop, English, Fleenor, Hall, Hawkins, Hastings, Langworthy, Lash, Myers, Owen, Rich, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker.

On motion the House adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

The House resumed the consideration of No. 15, C. F., "A bill to establish the seat of justice of Scott county."

A motion was made by Mr. Robertson to strike out all after the word "county," in the fourth line of the first section, and insert the following: "May vote for any point in the county, and, if upon examination it shall be found that any one of the places voted for has a majority of all the votes polled for the county-seat, that place shall from thenceforward be the seat of justice of Scott county. But, if it shall be found that no one of the places has such a majority, then, in that case, a new election shall be held on the day of the next annual election thereafter to be considered in the same way, and by the same officers who conduct annual or general elections in said Scott county. At which said election the votes shall be confined to one or the other of the two points which may have received the highest number of votes at the first election."

Which after debate was passed in the negative. Yeas 10. Nays 13. The yeas and nays being desired by Mr. Robertson, those who voted in the affirmative are Messrs. Biggs, Brewer, Fleenor, Hawkins, Leffler, Mintun, Owen, Patterson, Robertson, and Johnston, Speaker. Those who voted in the negative are Messrs. Bailey, Clark, Coop, Hall, Hastings, Langworthy, Lash, Myers, Rich, Ross, Summers, Walworth, and Wheeler.

On motion of Mr. Summers, Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith

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

Mr. Speaker:

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

No. 14, C. F., A bill to provide for the expression of the opinion of the people of the Territory of Iowa as to taking preparatory steps for their admission into the Union.

No. 15, C. F., A bill to amend an act entitled an act for the appointment and duties of Sheriff.

No. 2, C. F., A bill to amend an act to relocate the county-seat of Clayton county.

And have passed with an amendment,

No. 184, H. R. file, A bill to incorporate the Unitarian Society of Burlington.

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

The Council have also passed without amendment the following bills of the House of Representatives:

No. 177, A bill in relation to that portion of country which is attached to the several organized counties in this territory for judicial purposes.

No. 178, A bill to district Van Buren county for the election of county commissioners.

No. 183, A bill to legalize the establishment of a territorial road from the ferry landing opposite Oquawka in Illinois, to Napoleon in Johnson County.

No. 185, A bill to district Muscatine County for the election of county commissioners.

No. 186, H. R. file, A bill amendatory of an act subjecting real and personal estate to execution, approved Jan. 25, 1839.

No. 187, H. R. file, A bill relative to writs of scire facias upon judgments in the district court.

No. 190, H. R. file, A bill directing the valuation and sale of lots in Iowa City and to provide for the execution of deeds for the same.

I herewith present for your signature the following acts which originated in the Council:

An act to repeal the acts therein mentioned.

An act to define the jurisdiction of several counties in the Territory that front upon the Mississippi river.

An act to amend an act entitled an act to provide for the organization of the county of Delaware, and to locate the county-seat thereof

An act to amend an act entitled an act to authorize Timothy Fanning to establish a ferry across the Mississippi at the town of Dubuque.

And then he withdrew.

The Speaker signed the bills above alluded to.

Mr. Hastings, from the select committee to whom was referred that part of the Governor's message that relates to the admission of the territory of Iowa into the Union, as a state, by leave of the House, made a report which was read and laid upon the table.

Mr. Leffler, from the committee on the judiciary, to whom was referred the petition of the county commissioners of Clayton county relative to the sale of certain town lots at Prairie La Porte, made a report, which was read;

And, on motion of Mr. Langworthy, Ordered, That the report be adopted and the committee be discharged from any further consideration of the subject.

Mr. Hall, by leave of the House, introduced No. 206, H. R. file, "A bill supplementary to an act to amend an act providing

for the appointment of justices of the peace, &c., approved January 14, 1840," which was read a first time;

On motion of Mr. Hastings, Ordered, That a select committee of five be appointed to draft a memorial to the proper department of the government concerning the payment of the annuities to the Sac and Fox Indians.

Messrs. Hastings, Biggs, Coop, Hawkins, and Mintun were appointed said committee.

Mr. Mintun gave notice that he would, on to-morrow or some day thereafter, ask leave to bring in a bill to repeal the act pointing out the mode of petitioning the Legislative Assembly, &c.

No. 200, H. R. file, "A bill to legalize and make valid in law the present plat of the town of Augusta, in Des Moines county," was read a second time.

On motion of Mr. Hawkins, Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Biggs introduced the following:

Resolved, That the Governor be requested to lay before this House such papers as he may think proper to assist this House in forming an opinion in relation to the payment of the annuities of the Sac and Fox Indians.

Which was, by unanimous consent of the House, adopted.

No. 201, H. R. file, "A bill to establish the county-seat of Lee county," was read a second time; and,

On motion of Mr. Patterson, the House resolved itself into a committee of the whole House on said bill.

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

To which the House agreed.

On motion of Mr. Rich, Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion, the House adjourned.

FRIDAY, JULY 24, 1840.

Mr. Walworth, from the committee on enrollments, reported,

"An act amendatory of 'An act subjecting real and personal estate to execution,' approved Jan. 25th, 1839;"

"An act directing the valuation and sale of lots in Iowa City, and to provide for executing deeds for the same;"

"An act to relocate the county-seat of Jackson county;"

"An act to legalize the establishment of a territorial road from the ferry landing opposite Oquawka, in Illinois, to Napoleon in Johnson county;"

"An act relative to writs of scire facias upon judgments in the district court;"

As correctly enrolled.

The Speaker then signed the above entitled acts.

The Speaker laid before the House a communication from the Executive in answer to a resolution passed on yesterday relative to the payment of the Sac and Fox Indians, which together with the accompanying papers were referred to the select committee appointed under said resolution.

Mr. Churchman, by leave of the House, introduced

No. 207, H. R. file, "A bill relative to taxation," which was read a first time.

No. 203, H. R. file, "A bill to incorporate the Baptist Church of Dubuque," was read a second time; and on motion of Mr. Wheeler

Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 204, H. R. file, "A bill to amend an act entitled an act to provide for the erection of a Penitentiary and establishing and regulating prison discipline for the same," was read a second time.

On motion of Mr. Hall, the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Churchman reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr. Rich,

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

No. 10, C. F., "A bill to authorize Peter Brewer, his heirs or assigns, to erect a dam across Skunk river," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 14, C. F., "A bill to provide for the expression of the opinion of the people of the territory of Iowa as to taking preparatory steps for the admission into the Union;"

No. 15, C. F., "A bill to amend an act entitled An act for the appointment and duties of sheriff;"

No. 21, C. F., "A bill to amend an act to relocate the county-seat of Clayton county;" were severally read a first time.

No. 184, H. R. file, A bill to incorporate the Unitarian Society of Burlington, as amended by the Council, was taken up and considered.

On motion of Mr. Hawkins, Ordered, That the House concur in the amendments of the Council.

Mr. Langworthy offered the following:

Resolved, That this House will not act upon any new bill introduced after to-morrow.

Which was on motion of Mr. Hastings laid on the table.

Mr. Rich presented the account of S. A. Hudson, which was on motion referred to the committee on claims.

On motion of Mr. Patterson, the House adjourned until 3 o'clock P. M.

3 O'CLOCK, P. M.

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

I am directed to inform the House that the Council have adopted a resolution relative to improving Iowa Avenue in Iowa City; and have agreed to the resolution of the House, fixing the time of adjournment with an amendment, and have passed,

No. 16, C. F., "A bill for the relief of W. W. Hadden."

No. 2, C. F., "Joint resolution providing for the supervision and printing of the Laws, &c."

No. 182, H. R. file, "A bill to establish a Territorial road from Burlington to Keokuk," with an amendment.

No. 198, H. R. file, "A bill to divorce Harriett Williams."

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

I herewith present for your signature,

"An act to authorize James Wilson, his heirs or assigns, to build a dam across Skunk river in Jefferson county.

"An act to authorize Guy Wells and James Wilson, their heirs or assigns, to build a dam across Skunk river in Henry county."

The Council have adopted the following:

"Resolved, That the House of Representatives be requested by the Secretary of the Council to furnish the Council with the report or a copy thereof of the director of the Penitentiary."

And then he withdrew.

The Speaker then signed the above entitled acts.

No. 206, H. R. file, A bill supplementary to an act to amend an act providing for the appointment of justices of the peace, &c., approved January 14, 1840, was read a second time, and on motion of Mr. Hastings,

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

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

On motion of Mr. Hastings, Ordered, That the said bill be engrossed and read a third time on Monday next.

No. 1, C. F., "A resolution relative to improving Iowa Avenue in Iowa City," was read a first time.

On motion of Mr. Hastings, Ordered, That the 44th rule be suspended, and the resolution be read a second and third time now.

The resolution was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

The resolution of the House fixing the time of the adjournment of the two Houses, as amended by the Council, was taken up and considered, and on motion

Ordered, That the amendments of the Council be disagreed to.

No. 16, C. F., "A bill for the relief of W. W. Hadden," was read a first time; and,

On motion of Mr. Hall, Ordered, That the 44th rule be suspended, and the bill be read a second time now.

The bill was then read a second time.

On motion of Mr. Hall, Ordered, That the bill be referred to a select committee composed of the delegation from Van Buren.

No. 2, C. F., "A resolution providing for the printing of the Laws," was read a first time.

On motion of Mr. Summers, Ordered, That the vote disagreeing to the amendment of the two Houses be reconsidered.

The question then recurred on the concurrence of the House in the amendment of the Council, and passed in the affirmative.

No. 182, H. R. file, "A bill to establish a territorial road from Burlington to Keokuk," as amended by the Council, was taken up and considered; and

On motion of Mr. Rich, Ordered, That the amendments of the Council be concurred in.

Mr. Walworth, from the committee on enrollments, reported that he had this day presented to the Governor for his approval,

"An act relative to writs of scire facias upon judgments in the district courts;"

"An act to relocate the county-seat of Jackson county;"

"An act amendatory to an act subjecting real and personal estate to execution," approved January 24, 1839:

"An act directing the valuation and sale of lots in Iowa City, and to provide for executing deeds for the same;"

"An act to legalize the establishment of a territorial road from the

ferry-landing opposite Oquawka, in Illinois, to Napoleon, in Johnson county."

Also as correctly enrolled,

"An act in relation to that portion of country which is attached to the several organized counties in this Territory for judicial purposes;"

"An act to district Van Buren county for the election of county commissioners;"

"An act to district Muscatine county for the election of county commissioners;"

The Speaker then signed the above entitled act.

A motion was made by Mr. Fleenor, that the House adjourn until Monday at 10 o'clock.

Which was decided in the negative—Yeas 4, Nays 17.

The yeas and nays being desired by Mr. Patterson,

Those who voted in the affirmative are Messrs. Fleenor, Hastings, and Rich.

Those who voted in the negative are, Messrs. Bailey, Biggs, Clark, English, Hawkins, Langworthy, Lash, Leffler, Myers, Owen, Patterson, Robertson, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker.

A motion was made by

Mr. Summers, that the House adjourn, which was decided in the affirmative,—Yeas 17, Nays 4.

The yeas and nays being desired by Mr. Hastings,

Those who voted in the affirmative are, Messrs. Bailey, Biggs, Clark, English, Fleenor, Hall, Langworthy, Lash, Leffler, Owen, Patterson, Robertson, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker.

Those who voted in the negative are Messrs. Hastings, Hawkins, Myers, and Rich.

And so the House adjourned until to-morrow morning.

SATURDAY MORNING, JULY 25, 1840.

On motion of Mr. Summers,

Ordered, That the committee on expenditures be instructed to ascertain whether the editors of the several newspapers in this Territory have published the laws passed at the last session of the Legislature; and, if so, what amount they shall receive for the same.

Mr. Myers, from the committee on engrossed bills, reported

No. 206, H. R. file, "A bill supplementary to an act to amend an act providing for the appointment of justices of the peace, &c.," approved January 14, 1840,

As correctly engrossed.

No. 207, H. R. file, "A bill relative to taxation," was read a second time, and

On motion of Mr. Summers, Ordered, That said bill be referred to the committee on finance.

No. 2, C. F., Resolutions providing for the printing of the laws, was read a second time; and

On motion of Mr. Summers the House resolved itself into a committee of the whole House on said resolutions.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Ross reported that the committee had, according to order, said resolutions under consideration and directed him to report the same to the House with an amendment.

To which the House agreed.

A motion was made by Mr. Hawkins to strike out the third resolution, when a motion was made by Mr. Bailey that the reso-

lutions be laid upon the table; which motion, having precedence, was put and decided in the affirmative.

No. 14, C. F., "A bill to provide for the expression of the opinion of the people of the Territory of Iowa as to taking preparatory steps for their admission into the Union;" was read a second time, and on motion of Mr. Hastings the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr. Speaker resumed the Chair and Mr. Walworth reported the same to the House without amendment.

On motion of Mr. Hastings,

Ordered, That the bill be referred to the select committee to whom was referred that part of the Governor's message that relates to the admission of the Territory of Iowa into the Union as a State.

No. 15, C. F., "A bill to amend an act entitled an act for the appointment and duties of sheriff," was read a second time, and on motion of Mr. Hastings the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Patterson reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr. Lefler, Ordered, That the said bill be laid on the table subject to the order of the House.

No. 21, C. F., "A bill to amend an act to relocate the county-seat of Clayton county," was read a second time.

On motion of Mr. Langworthy, Ordered, That the following be added to the bill: "This act to take effect from and after its passage."

On motion of Mr. Wheeler, Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr. Bailey, the House adjourned until Monday morning.

MONDAY MORNING, JULY 27, 1840.

Mr. Walworth, from the committee on enrollments, reported

"An act to incorporate the Unitarian Society of Burlington;"

"An act to establish a territorial road from Burlington to Keokuk, and thence to the mouth of the Des Moines river;"

"An act to divorce Harriett Williams,"

As correctly enrolled.

The Speaker then signed the above entitled acts.

Mr. Langworthy, on leave being granted, introduced

No. 208, H. R. file, "A bill to repeal a part of an act regulating marriages, approved January 6, 1840," which was read a first time.

No. 206, H. R. file, "A bill supplementary to an act to amend an act providing for the appointment of justices of the peace, &c., approved January 14, 1840," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 202, H. R. file, Resolution providing for the payment of the rent of the buildings occupied by the Legislative Assembly, was read a second time; and

On motion of Mr. Summers, Ordered, That said resolution be referred to the committee on expenditure.

No. 205, H. R. file, "A bill to provide for the sale of town-lots in Fairfield, the county-seat of Jefferson county," was read a second time; and

On motion of Mr. Lash, Ordered, That said bill be laid on the table subject to the order of the House.

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

Mr. Speaker:

The Council have passed No. 17, C. file, A bill to grant upon certain conditions, lots of land in Iowa City for church and literary purposes.

No. 18, C. F., A bill to district the territory of Iowa into electoral districts, and to apportion the representatives of each.

Also, without amendments,

No. 181, H. R. file, A bill to provide for the survey of a territorial road.

No. 194, H. R. file, A bill to establish a territorial road from the town of Lyons, in Clinton county, to Iowa City in Johnson county.

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

They have also passed, without amendment, No. 200, H. R. file, A bill to legalize the survey and make valid in law the present plat of, the town of Augusta, in Des Moines county.

No. 199, H. R. file, A bill to provide for the payment of contingent expenses of the offices of Auditor and Treasurer.

And then he withdrew.

No. 17, C. file, A bill to grant upon certain conditions lots of land in Iowa City for church and other purposes was read a first time.

No. 18, C. file, A bill to district the territory of Iowa into electoral districts, and to apportion the representation of each, was read a first time, and,

On motion of Mr. Langworthy, Ordered, That the 44th rule be suspended and the bill be read a second time now. The bill was then read a second time, and

On motion of Mr. Walworth the House resolved itself into a committee of the whole House on said bill.

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

A motion was made by Mr. Langworthy that the House disagree to the amendments made by the committee to that part of the bill which relates to the county of Des Moines, which reads as follows:

Strike out in the third district one member of the Council, and five members of the House of Representatives, and insert two members of the Council, and three members of the House of Representatives.

Which motion was lost, Yeas 6, Nays 15.

The yeas and nays being desired by Mr. Langworthy, those

who voted in the affirmative are, Messrs. Bailey, Biggs, Clark, Langworthy, Wheeler, and Johnston, Speaker.

Those who voted in the negative are, Messrs. Churchman, Coop, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Myers, Patterson, Robertson, Ross, Summers, and Walworth.

The amendments made to the 7th, 8th, and 10th districts were agreed to.

A motion was made by Mr. Churchman so to amend the bill that the county of Dubuque shall elect three members to the House of Representatives, and the counties of Clayton and Delaware and the county thereto attached elect one member of the House of Representatives.

To which the House agreed.

Mr. Coop offered the following as an additional section to the bill:

Be it further enacted, That at the election of 1841 the county of Henry shall elect two members of the House of Representatives and the county of Jefferson two members of the House of Representatives to continue alternately until the next apportionment be made.

To which the House disagreed, Yeas 4, Nays 17.

The yeas and nays being desired by Mr. Lash,

Those who voted in the affirmative are Messrs. Bailey, Churchman, Coop, Fleenor.

Those who voted in the negative are Messrs. Biggs, Clark, English, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Myers, Patterson, Robertson, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker.

On motion of Mr. Lash, Ordered, That the bill be read a third time now. The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

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

Mr. Speaker:

The Council have passed, with amendments,

No. 201, H. R. file, A bill to establish the county-seat of Lee county.

No. 203, H. R. file, A bill to incorporate the Baptist Church of Dubuque.

In which the concurrence of the House is requested.

I herewith present for your signature,

An act to amend an act to relocate the county-seat of Clayton county; and a joint resolution providing for the improvement of Iowa Avenue in Iowa City.

And then he withdrew.

The Speaker then signed the above act and resolution.

Mr. Hall, from the select committee to whom was referred,

No. 16, C. F., A bill for the relief of W. W. Hadden, reported the same back to the House with an amendment, which was read a first time.

On motion of Mr. Biggs, Ordered, That the 44th rule be suspended and the resolution be read a second and third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr. Lash,

No. 205, H. R. file, A bill to provide for the sale of town-lots in Fairfield, the county-seat of Jefferson county, was taken up and considered.

On motion, Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion the House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Hastings, from the select committee appointed for that purpose, reported No. 209, H. R. file, "A memorial to President of the United States relative to the payment of the annuities of the Sac and Fox Indians," which was read a first time.

No. 181, H. R. file, "A bill to establish a Territorial road," as amended by the Council, was taken up and considered.

A motion was made by Mr. Hastings that the House concur in the first amendment of the Council. The motion was lost.

The House then agreed to the amendments of the Council, and further amended the second amendment by inserting, before the word "engineer," the words "or surveyor."

Mr. Hastings asked and obtained leave of absence for Mr. Clark until Saturday next.

On motion of Mr. Bailey,

No. 2, C. file, "Resolutions relative to the printing of the laws," was taken from the table and considered.

The question recurred on the motion of Mr. Hawkins, pending on the 25th inst., which was to strike out the third resolution, which was decided in the affirmative.

The yeas and nays being desired by Mr. Hawkins,

All the members present voted therefor.

On motion of Mr. Coop,

Ordered, That the 4th resolution be stricken out.

Mr. Biggs offered the following as an amendment to said resolution:

Resolved, further, That the Secretary of the Territory is hereby required to prepare for publication, and to supervise the printing of, the laws of the present session of the Legislative Assembly, and make an index thereto, and that he be allowed for said services the sum of seventy-five dollars, and that he furnish the printer with copies thereof, as soon as possible, in the order in which they are approved by the Governor, or become laws: Provided that the joint resolutions be printed in their order at the end of the acts.

A motion was made by Mr. Hawkins to strike out the words, "and that he be allowed for said services the sum of seventy-five dollars."

Which was decided in the affirmative, Yeas 12, Nays 10.

The yeas and nays being desired by Mr. Hawkins, those who voted in the affirmative are Messrs. Bailey, Churchman, Fleenor, Hall, Hawkins, Langworthy, Leffler, Owen, Rich, Ross, Walworth, Wheeler. Those who voted in the negative are Messrs. Biggs, Coop, English, Hastings, Lash, Myers, Patterson, Robertson, Summers, and Johnston, Speaker.

The question then recurred on the adoption of the resolution as amended and was carried in the affirmative.

Mr. Bailey moved a reconsideration of the vote upon the said amendment, which was withdrawn by Mr. Bailey, who then asked leave to correct his vote upon the amendment moved by Mr. Hawkins.

When Mr. Biggs moved that the said resolution be laid on the table subject to the order of the House.

To which the House agreed.

No. 194, H. R. file, "A bill to establish a Territorial road from the town of Lyons, in Clinton county, to Iowa City in Johnson county," as amended by the Council, was taken up and considered, and

On motion the amendments of the Council were concurred in.

No. 201, H. R. file, "A bill to establish the county-seat of Lee county," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the amendments of the Council be concurred in.

No. 203, H. R. file, "A bill to incorporate the Baptist Church of Dubuque," as amended by the Council was taken up and considered and,

On motion, Ordered, That the amendments of the Council be concurred in.

No. 18, C. file, "A bill to district the Territory of Iowa into electoral districts and to apportion the representatives of each," in which the Council disagreed to amendments of the House was taken up and considered.

A motion was made by Mr. Langworthy, That the House do recede from their amendment relative to the third district in said bill, which motion was lost.

On motion of Mr. English,

Ordered, That the House do insist upon said amendment.

A motion was made by Mr. Hastings, that the House do insist upon their amendment in the 7th district, which was decided in the affirmative, Yeas 11, Nays 10.

The yeas and nays being desired by Mr. Langworthy,

Those who voted in the affirmative are, Messrs. Churchman, Hall, Hastings, Hawkins, Leffler, Myers, Owen, Patterson, Robertson, Walworth, and Johnston, Speaker.

Those who voted in the negative are, Messrs. Bailey, Biggs, Coop, English, Fleenor, Langworthy, Lash, Ross, Summers, and Wheeler.

A motion was made by Mr. Hastings that the House insist upon their amendment relative to the 10th district;

To which the House agreed.

No. 4, C. file, Joint Resolution relative to the compensation of James Davis, was read a first time.

On motion of Mr. English,

Ordered, That the 44th rule be suspended, and the resolution be read a second and third time now.

The resolution was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr. Langworthy,

Resolved, That the secretary of the Territory is authorized and required to pay to the several officers of the House of Representatives that per diem pay as herein specified, viz: The chief clerk, six dollars; assistant clerk, five dollars; enrolling, engrossing, and recording clerks, sergeant-at-arms, doorkeeper, and messenger, three dollars each.

Mr. Leffler, on leave being granted, presented the petition of sundry citizens of the counties of Des Moines and Louisa praying for the relocation of a territorial road; which was referred to the committee on roads and highways.

Mr. Ross, from the committee on finance, to whom was referred No. 207, H. R. file, "A bill relative to taxation," reported the same back to the House without amendment, which was read a first time.

Mr. Walworth, from the committee on enrollments, reported, that he had this day presented to His Excellency, the Governor, for his approval,

An act to district Muscatine county, for the election of county commissioners;

An act to incorporate the Unitarian Society of Burlington;

An act to district Van Buren county for the election of county commissioners;

An act to establish a Territorial road from Burlington to Keokuk and thence to the mouth of the Des Moines river;

An act to divorce Harriett Williams.

On motion of Mr. Summers, the House adjourned.

TUESDAY MORNING, JULY 28, 1840.

The journal having been read, Mr. Bailey asked leave to correct his vote on No. 2, C. file, Resolution relative to the printing of the laws, &c., when

A motion was made by Mr. Langworthy that Mr. Bailey be allowed to correct his vote, on the above entitled question which was decided in the affirmative.

The journal of yesterday was corrected accordingly.

Mr. Walworth, from the committee on enrollments, reported,

"An act to provide for the payment of contingent expenses of the offices of Auditor and Treasurer;"

"An act to legalize the survey and make valid in law the present plat of the town of Augusta in Des Moines County;"

As correctly enrolled.

The Speaker then signed the above entitled acts.

On motion of Mr. Hawkins,

Ordered, That No. 2, C. F., Resolution providing for the printing of the Laws, be taken from the table and referred to a select committee.

Messrs. Summers, Patterson, and Biggs were appointed said committee.

No. 207, H. R. file, "A bill relative to taxation," was read a second time, and

On motion of Mr. Summers the House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Summers reported that the committee had according to order had said bill

under consideration and directed him to report the same to the House without amendment.

A motion was made by Mr. Hall that the bill be referred to a select committee, which motion was lost.

On motion of Mr. Lash,

Ordered, That said bill be laid upon the table.

No. 17, C. F., "A bill to grant upon certain conditions lots of land in Iowa City for church and literary purposes," was read a second time, and,

On motion of Mr. Walworth, the House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Coop reported that the committee had according to order had said bill under consideration and directed him to report the same to the House without amendment.

A motion was made by Mr. Walworth that the bill be referred to a select committee composed of one from each electoral district; to which the House agreed.

Messrs. Walworth, Cox, Langworthy, Robertson, Hastings, Mintun, Myers, Biggs, Owen, and Ross were appointed said committee.

No. 208, H. R. file, "A bill to repeal a part of an act regulating marriages," approved July 6, 1840, was read a second time.

A motion was made by Mr. Mintun, that the bill be laid upon the table, which was decided in the affirmative, Yeas 21, Nays 1.

The yeas and nays being desired by Mr. Langworthy,

Those who voted in the affirmative are, Messrs. Bailey, Biggs, Brewer, Churchman, Coop, English, Fleenor, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker.

Those who voted in the negative, Mr. Langworthy.

A motion was made by Mr. Myers to reconsider the vote of yesterday, insisting upon the amendment of the House to No. 18, C. F., "A bill to district the territory of Iowa into electoral districts and to apportion the representatives of each."

Mr. Patterson asked for a call of the House, which was ordered.

Whereupon it appeared that Messrs. Cox and Hastings were absent.

Mr. Cox was on motion of Mr. Langworthy excused.

The Speaker dispatched the sergeant-at-arms to compel the attendance of the absentee, who after a short time appeared.

The motion made by Mr. Myers, that the House reconsider said vote, was then agreed to.

The question then recurred on the motion to insist upon the amendment in the 7th district in the above entitled bill, which was decided in the negative.

On motion of Mr. Brewer,

Ordered, That the House do recede from their amendment to said 7th District.

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

Mr. Speaker:

The Council have passed

No. 24, C. F., "A bill to prevent the exercise of foreign jurisdiction within the limits of the territory of Iowa;"

And have passed with amendments,

No. 206, H. R. file, "A bill supplementary to an act to amend an act providing for the appointment of justices of the peace, &c.," in which the concurrence of the House is requested.

I herewith present for your signature;

"An act to authorize Peter Brewer, his heirs or assigns, to erect a dam across Skunk river."

"An act for the relief of Wm. W. Hadden."

"An act to establish the seat of justice of Scott county."

I herewith return,

"An act to legalize the survey and make valid in law the present plat of the town of Augusta in Des Moines county."

"An act to provide for the payment of contingent expenses of the offices of Auditor and Treasurer."

The same being signed by the President of the Council.

And then he withdrew.

No. 24, C. F., "A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa," was read a first time.

On motion of Mr. Langworthy, Ordered, That the 44th rule be suspended, and the bill be read a second time now.

The bill was then read a second time.

No. 206, H. R. file, "A bill supplementary to an act to amend an act providing for the appointment of justices of the peace, &c.," as amended by the Council, was then taken up and considered.

A motion was made, that the amendment striking out the 4th section be disagreed to ;

Which was decided in the affirmative, Yeas 16, Nays 7.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative are, Messrs. Bailey, Biggs, Churchman, English, Hall, Hawkins, Leffler, Mintun, Owen, Paterson, Rich, Robertson, Ross, Walworth, Wheeler, and Johnston, Speaker.

Those who voted in the negative are Messrs. Brewer, Coop, Fleenor, Langworthy, Lash, Myers, and Summers.

A motion was made by Mr. Lash that the amendment made to that part of the bill which relates to the Mt. Pleasant precinct be concurred in.

To which the House agreed.

On motion of Mr. Mintun, Ordered, That the delegation from the counties of Louisa, Washington, and Des Moines be added to the committee on roads and highways, to whom was referred on yesterday the petition presented by Mr. Leffler praying for the relocation of a territorial road.

And then on motion of Mr. Rich the House adjourned.

3 O'CLOCK P. M.

Mr. Mintun in accordance with previous notice introduced

No. 210, H. R. file, "A bill to repeal an act to regulate the mode of petitioning the Legislature in certain cases," which was read a first time.

Mr. Biggs from the committee on roads and highways, to whom was referred the petition of citizens of Louisa and Des Moines counties praying the relocation of a territorial road, &c., reported No. 211, H. R. file, "A bill authorizing a relocation of a certain Territorial road," which was read a first time.

On motion of Mr. Biggs,

Ordered, That the rule 44 be suspended and the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Hastings from the select committee to whom was referred No. 14, C. F., "A bill to provide for the expression of the opinion of the people of the territory of Iowa as to taking preparatory steps for their admission into the Union," reported the same back to the House without amendment.

Which was read a first time.

On motion of Mr. Summers, Ordered, That the 44th rule be suspended and the bill be read a second time now. The bill was then read a second time.

A motion was made by Mr. Langworthy to postpone the further consideration of the bill until the first Monday of November next, which was decided in the negative, Yeas 5, Nays 17.

The yeas and nays being desired by Mr. Rich,

Those who voted in the affirmative are Messrs. Fleenor, Hawkins, Langworthy, Walworth, and Wheeler.

Those who voted in the negative are, Messrs. Bailey, Biggs, Brewer, Coop, English, Hall, Hastings, Lash, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, and Johnston, Speaker.

On motion of Mr. Hall,

The bill was then read a third time and passed.

The yeas and nays being desired by Mr. Langworthy,

Those who voted in the affirmative are, Messrs. Bailey, Biggs, Brewer, Coop, English, Hall, Hastings, Hawkins, Lash, Mintun, Myers, Owen, Patterson, Rich, Ross, Summers, and Johnston, Speaker.

Those who voted in the negative are Messrs. Fleenor, Langworthy, Walworth, and Wheeler.

Mr. Hall offered the following:

Resolved, That James G. Edwards be employed to print three hundred copies of the journals of the House of Representatives of the present ses-

sion of the Legislative Assembly, and that he be allowed the same prices allowed by Congress for such work.

A motion was made by Mr. Biggs, That the resolution be referred to the committee on expenditures, which was lost.

A motion was made by Mr. Summers to strike out the name of James G. Edwards, and insert John McKinny.

Mr. Hall called for a division of the question, first upon striking out the name of "James G. Edwards" which motion was decided in the negative: Yeas 10, Nays 12.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative are Messrs. Bailey, Biggs, Coop, English, Langworthy, Lash, Myers, Patterson, Summers, and Johnston, Speaker.

Those who voted in the negative are Messrs. Brewer, Fleenor, Hall, Hastings, Hawkins, Mintun, Owen, Rich, Robertson, Ross, Walworth, and Wheeler.

The question then recurred on the adoption of the resolution,

Which was passed in the affirmative, Yeas 14, Nays 8.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative are, Messrs. Brewer, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Mintun, Owen, Rich, Robertson, Ross, Walworth, and Wheeler.

Those who voted in the negative are Messrs. Bailey, Biggs, Coop, English, Myers, Patterson, Summers, and Johnston, Speaker.

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

Mr. Speaker:

I am directed to inform the House that the Council insist upon their disagreeing vote on the 3d and 10th districts in the 1st section of No. 18, C. F., "A bill to district the territory of Iowa into electoral districts, &c;" and have appointed Messrs. Inghram, Parker, and Lewis a committee of conference in relation thereto.

The Council also insist upon their amendments to-wit: to striking out the 4th Sec. of No. 206, H. R. file, "A bill supplementary to an act to amend an act providing for the appointment of Justices, &c;" and have passed,

No. 27, C. F., "A bill supplementary to an act to establish the seat of justice of Scott county," also,

No. 3, C. F., "Joint Resolution to provide for publishing the reports of the Supreme Court and for other purposes."

And then he withdrew.

On motion of Mr. Hawkins,

Ordered, That a committee of conference be appointed to confer with a similar committee appointed on the part of the Council relative to the disagreeing vote of the two Houses, to No. 18, C. F. Messrs. Hawkins, Churchman, and Lash were appointed said committee.

Mr. Brewer from the joint committee on enrollments reported that they had this day presented to the Governor for his approval and signature,

An act to provide for the payment of the contingent expenses of the offices of Auditor and Treasurer.

An Act to legalize the survey and make valid in law the present plat of the town of Augusta in Des Moines county.

An act in relation to that portion of country which is attached to the several organized counties in this Territory for judicial purposes.

Also that said committee have examined and found correctly enrolled,

An act to incorporate the Baptist Church of Dubuque.

The Speaker then signed the above entitled act.

Mr. Biggs, by leave of the House, presented the memorial of B. F. Wallace, secretary of the Council, and Joseph T. Fales, chief clerk of the House of Representatives, which was, on motion of Mr. Walworth, referred to the committee on expenditures.

No. 206, H. R. file, "A bill supplementary to an act to amend an act, providing for the appointment of justices of the peace, &c.," approved July 14, 1840, in which the Council insist upon their amendments, was taken up and considered.

A motion was made by Mr. Hall that the House do insist upon their disagreeing vote to the amendments of the Council, which motion was lost.

A motion was made by Mr. Brewer, that the House do recede from their disagreeing vote upon said amendment;

Which was decided in the negative, Yeas 8, Nays 11.

The yeas and nays being desired by Mr. Hastings,

Those who voted in the affirmative are Messrs. Brewer, Coop, Hastings, Lash, Myers, Owen, Patterson, and Summers.

Those who voted in the negative are Messrs. Bailey, Biggs, English, Fleenor, Hall, Mintun, Rich, Robertson, Ross, Walworth, and Johnston, Speaker.

On motion of Mr. Walworth,

Ordered, That the vote of the House refusing to insist upon their disagreeing vote to amendments of the Council be reconsidered.

The question then recurred on the motion to insist upon their disagreeing vote; which was decided in the affirmative.

On motion of Mr. Hall,

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

Messrs. Hall and Walworth were appointed said committee.

No. 27, C. F., "A bill supplementary to an act to establish the seat of justice of Scott county," was read a first time, and, on motion of Mr. Summers,

Ordered that the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a second and third time and passed.

The yeas and nays being desired by Mr. Hastings, all the members present voted therefor.

Mr. Summers, from the select committee to whom was referred No. 2, C. F., Resolution providing for the printing of the laws, reported the same back to the House with amendments, which were read a first time.

On motion of Mr. Biggs, Ordered, That the 44th rule be suspended.

The resolution was then read a second time.

A motion was made by Mr. Hawkins to strike out the words, "and that he be allowed for said service the sum of seventy-five dollars," which was decided in the negative, Yeas 7, Nays 13.

The yeas and nays being desired by Mr. Hawkins,

Those who voted in the affirmative are, Messrs. Brewer, Hall, Hawkins, Langworthy, Owen, Rich, and Wheeler.

Those who voted in the negative are, Messrs. Bailey, Biggs, Coop, Hastings, Lash, Mintun, Myers, Patterson, Robertson, Ross, Summers, Walworth, and Johnston, Speaker.

The resolution was then read a third time and passed.

Ordered that the clerk acquaint the Council therewith.

And then the House adjourned.

WEDNESDAY MORNING, JULY 29, 1840.

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

Mr. Speaker:

The Council have receded from their amendment to No. 181, H. R. file, A bill to provide for the survey of a Territorial Road,

And have agreed to the amendment made by the House to the amendment of the Council in the second section of said bill.

And then he withdrew.

Mr. Biggs, from the committee on expenditures, to whom was referred two notes of hand given by the late secretary of the Territory to William Murray, and also the memorial of B. F. Wallace, secretary of the Council, and Joseph T. Fales, chief clerk of the House of Representatives, reported the same to the House and asked to be discharged from the further consideration thereof, and recommended that said notes and memorials be referred to the committee on claims.

The report was adopted.

On motion of Mr. Biggs, Ordered, That said notes and memorial be referred to the committee on claims.

No. 3, C. F., "Joint resolution to provide for publishing the report of the Supreme Court, and for other purposes," was read a first time.

No. 209, H. R. file, "A memorial to the President of the United States relative to the payment of the annuities of the Sac and Fox Indians," was read a second time, and, on motion of Mr. Biggs,

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

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Lash reported that the committee had according to order

had said memorial under consideration and directed him to report the same to the House without amendment.

On motion of Mr. Bailey, Ordered, That the 44th rule be suspended and the memorial be read a third time now.

The memorial was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 24, C. F., "A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr. Brewer, ordered, that the vote of the House on yesterday on the resolution providing for the printing of the Journals of the present session be reconsidered.

On motion of Mr. Lash, Ordered, That said resolution be laid upon the table.

And then the House adjourned until three o'clock P. M.

3 O'CLOCK P. M.

Mr. Walworth, from the committee on enrollments, reported

An act for the survey of a territorial road; An act to establish the county-seat of Lee county; An act to establish a territorial road from Lyons in Clinton county, to Iowa City in Johnson county,

As correctly enrolled.

The Speaker then signed the above entitled acts.

Mr. Brewer from the joint committee on enrollments reported that they had this day presented to the Governor for his approval and signature,

"An act to incorporate the Baptist Church of Dubuque."

Mr. Hawkins, from the committee of conference appointed on the part of the Council relative to the disagreeing vote of the two Houses to No. 18, C. F., "A bill to district the Territory of Iowa into election districts, &c.,"

Reported, That a majority of said committee recommended that the House recede from the amendments to the third and tenth districts in said bill.

On motion of Mr. Walworth, Ordered, That the report of the committee be adopted.

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

Mr. Speaker:

The Council have passed No. 26, C. F., "A bill to authorize the clerks of the district courts in the Territory of Iowa to appoint deputies," in which the concurrence of the House is requested.

The Council have passed, No. 211, H. R. file, "A bill to authorize a relocation of a certain Territorial road;" and have appointed Messrs. Parker, Hughes, and Inghram a committee of conference, in relation to the disagreeing vote of the two Houses on

No. 206, H. R. file, "A bill supplemental to an act to amend an act providing for the appointment of Justices of the Peace, &c."

And then he withdrew.

No. 210, H. R. file, "A bill to repeal an act to regulate the mode of petitioning the legislature in certain cases," was read a second time.

A motion was made by Mr. Summers that the bill do lie upon the table until the first Monday of November next.

The motion was lost.

On motion of Mr. Bailey, Ordered, That the bill be laid on the table subject to the order of the House.

No. 26, C. F., "A bill to authorize the clerks of the district courts in the Territory of Iowa to appoint deputies," was read a first time.

On motion of Mr. Walworth, Ordered, That the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. English, by leave of the House, introduced No. 212, H. R. file, "A bill to establish the boundaries of Des Moines county;"

Which was read a first time.

A motion was made by Mr. English, that the 44th rule be suspended and the bill be read a second time now.

To which the House agreed.

The bill was then read a second time.

A motion was made by Mr. Owen, that the bill be laid upon the table until the 4th day of July next.

Which was decided in the negative, Yeas 10, Nays 11.

The yeas and nays being desired by Mr. Patterson,

Those who voted in the affirmative are Messrs. Bailey, Brewer, Langworthy, Owen, Patterson, Rich, Summers, Walworth, Wheeler, and Johnston, Speaker.

Those who voted in the negative are, Messrs. Biggs, Coop, English, Fleenor, Hall, Hawkins, Lash, Leffler, Mintun, Myers, and Ross.

On motion of Mr. English, Ordered, That the 44th rule be suspended and the bill be read a second and third time now.

Pending the question, Mr. Patterson asked for a call of the House, which was ordered.

Whereupon it appeared that Messrs. Churchman, Hastings, and Robertson were absent.

Mr. Brewer asked and obtained leave of absence for Mr. Hastings.

The Speaker dispatched the Sergeant-at-Arms to compel the attendance of the absentees.

After some time, on motion of Mr. Bailey, the further call of the House was dispensed with.

The question was taken upon the motion to suspend the rules in order that the said bill be read a third time.

Which was decided in the negative, Yeas 9, Nays 13.

The yeas and nays being desired by Mr. Patterson,

Those who voted in the affirmative are, Messrs. Biggs, Coop, English, Fleenor, Hawkins, Lash, Leffler, Myers, and Ross.

Those who voted in the negative are Messrs. Bailey, Brewer, Hall, Langworthy, Mintun, Owen, Patterson, Summers, Walworth, Wheeler, and Johnston, Speaker.

A motion was made by Mr. Patterson, that the further consideration of said bill be indefinitely postponed.

Which was decided in the affirmative, Yeas 14, Nays 8.

The yeas and nays being desired by Mr. Owen,

Those who voted in the affirmative are Messrs. Bailey, Brewer, Coop, Hall, Langworthy, Mintun, Owen, Patterson, Rich, Robertson, Summers, Walworth, Wheeler, and Johnston, Speaker.

Those who voted in the negative are Messrs. Biggs, English, Fleenor, Hawkins, Lash, Leffler, Myers, and Ross.

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

Mr. Speaker:

The Council have passed by a unanimous vote, No. 1, C. F., "An act to repeal the acts therein mentioned," the same having been returned by his Excellency, Gov. Lucas, with his reasons for disapproval.

I herewith present for your signature,

"An act supplemental to an act to establish the seat of justice of Scott County," and,

A Joint Resolution providing for the printing of the laws,

And then he withdrew.

The Speaker then signed the above entitled act and joint resolution.

No. 1, C. F., "An act to repeal the acts therein mentioned," having been returned from the Council with the Governor's objections thereto, was taken up and considered.

On motion of Mr. Bailey, Ordered, That said bill be laid on the table subject to the order of the House.

Mr. Walworth, from the select committee to whom was referred No. 17, C. F., reported as a substitute therefor No. 213, H. R. file, "A bill to grant certain lots of land in Iowa City for church and literary purposes," which was read a first time.

On motion of Mr. Biggs, Ordered, That the 44th rule be suspended, and the bill be read a second time now.

The bill was then read a second time.

On motion of Mr. Walworth, the House resolved itself into a committee of the whole House on said bill.

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

To which the House agreed.

On motion of Mr. Walworth, Ordered, That the 44th rule be suspended and the bill be read a third time now. The bill was then read a third time and passed.

Ordered, that the clerk acquaint the Council therewith.

And then the House adjourned.

THURSDAY MORNING, JULY 30, 1840.

Mr. Robertson presented the petition of sundry citizens of Scott county praying the passage of an act supplementary to an act providing for the relocation of the seat of justice of said county, which was,

On motion of Mr. Robertson,

Referred to a select committee. Messrs. Robertson, Summers, and Walworth were appointed said committee.

Mr. Walworth from the committee on enrollments reported

An act to authorize a relocation of a certain territorial road,

As correctly enrolled.

The Speaker then signed the above entitled act.

Mr. Hall, from the committee of conference appointed on the part of the House to confer with a similar committee on the part of the Council relative to the disagreeing vote of the two Houses to No. 206, H. R. file, "A bill supplementary to an act to amend an act providing for the appointment of Justices of the Peace, &c.," approved January 14, 1840, reported, that the committee were unable to agree, and asked to be discharged from further consideration thereon.

To which the House agreed.

On motion of Mr. Hall, Ordered, That a second committee of conference be appointed.

Messrs. Robertson, Bailey, and Wheeler were appointed said committee.

Mr. Lash, from the committee on claims, reported No. 214, H. R. file, "A bill to authorize the secretary of the Territory to pay certain claims therein contained," which was read a first time.

No. 3, C. F., "Joint Resolution to provide for publishing the report of the Supreme Court and for other purposes," was read a second time.

On motion of Mr. Bailey, Ordered, That the 44th rule be suspended, and the resolution be read a second and third time now.

The resolution was then read a second and third time, and passed.

Ordered, that the clerk acquaint the Council therewith.

Mr. Patterson, from the committee on expenditures, reported No. 215, H. R. file, "A bill to provide for the payment of printers, members, and officers of the present Legislative Assembly," which was read a first time.

On motion of Mr. Walworth, the House resolved itself into a committee of the whole House on said bill.

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

To which the House agreed.

A motion was made by Mr. Hawkins to strike out the 11th section of said bill that refers to the distribution of the laws, the word, "Secretary," and insert "Governor."

Mr. Walworth asked for a division of the question, first upon striking out "Secretary."

The House refused to strike out.

A motion was made by Mr. English to strike out the words "two hundred dollars" and, pending the question,

Mr. Biggs made a motion that the bill be recommitted to the committee on expenditures.

Which motion was lost.

The question then recurred on the motion of Mr. English.

Mr. Bailey moved to amend the amendment offered by Mr. English by striking out the words "two hundred" and inserting in lieu thereof the words "one hundred and fifty" which was accepted by Mr. English.

The House agreed to the amendment as amended.

A motion was made by Mr. Hall, to strike out the above amendments from the said 11th section of said bill, and insert the following:

“To A. Vertrees for distributing the laws of the present session of the Legislative Assembly the sum of one hundred and fifty dollars.”

Mr. Langworthy asked for a division of the question, first upon striking out. The House refused to strike out.

On motion of Mr. Lash, Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Brewer, from the joint committee on enrollments, reported that the committee did on yesterday present to the Governor for his approval and signature,

An act to provide for the survey of the territorial road;
An act to establish the county-seat of Lee County; and
An act to establish a territorial road from the town of Lyons in Clinton county to Iowa City in Johnson county.

On motion of Mr. Langworthy,

No. 1, C. F., together with the objections of the Governor thereto, was taken from the table and considered.

A motion was made by Mr. Summers, that the bill be passed by the constitutional majority, which was decided in the affirmative, Yeas 15, Nays 6.

Those who voted in the affirmative are Messrs. Bailey, Brewer, English, Hall, Hawkins, Langworthy, Lash, Owen, Patterson, Rich, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker.

Those who voted in the negative are Messrs. Biggs, Coop, Fleenor, Leffler, Myers, and Robertson.

So the bill passed, two thirds of the members present voting therefor.

3 O'CLOCK P. M.

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

Mr. Speaker:

I herewith present for your signature,

A bill to district the Territory of Iowa into electoral districts and to apportion the representatives of each.

And then he withdrew.

The Speaker then signed the above entitled acts.

Mr. Robertson from the select committee to whom was referred the petition of citizens of Scott county reported,

No. 216, H. R. file, "A bill supplementary to an act entitled an act to establish the seat of justice of Scott county," which was read a first time.

On motion of Mr. Robertson, Ordered, That the 44th rule be suspended and the bill be read a second and third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Brewer, from the joint committee on enrollments, reported that they had this day presented to the Governor for his approval and signature an act to authorize the relocation of a certain Territorial road.

On motion of Mr. Hawkins, ordered, that the 44th rule be suspended, and that No. 214, H. R. file, "A bill authorizing the secretary of the Territory to pay certain claims," be read a second time now.

On motion of Mr. Patterson,

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

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

A motion was made by Mr. Lash, that the House disagree to the amendments of the committee authorizing the Secretary of

the Territory to pay the balance due to the trustees of the building occupied by the Legislative Assembly.

Pending the question the bill was on motion of Mr. Langworthy recommitted to the committee on claims.

On motion of Mr. Walworth,

Resolved, That Jno. Buel be employed to take charge of and keep the furniture of this House until the next session of the legislature, and that he be allowed for the same such sum as may hereafter be allowed by law.

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

Mr. Speaker:

The Council have passed, with amendments,

No. 215, H. R. file, A bill to provide for the compensation of the printers, members, and officers of the extra session of the Legislative Assembly.

The Council have also passed, with amendments,

No. 213, H. R. file, A bill to grant certain lots of land in Iowa City for church and literary purposes.

In which the concurrence of the House is requested.

And then he withdrew.

No. 215, H. R. file, as amended by the Council, was then taken up and considered.

A motion was made by Mr. Lash that the words "and fifty" in the 14th section be stricken out, which motion was lost.

The question then recurred on concurring in the amendment of the Council to said section.

Which was decided in the affirmative, Yeas 16, Nays 4.

The yeas and nays being desired by Mr. Lash,

Those who voted in the affirmative are Messrs. Bailey, Biggs, Brewer, Coop, English, Hall, Langworthy, Mintun, Owen, Patterson, Robertson, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker.

Those who voted in the negative are Messrs. Fleenor, Hawkins, Lash, Myers.

Mr. Langworthy made a motion that the House concur in the amendment of the Council allowing William Wayman one hundred dollars for services in taking the census of Clayton county, which motion was lost.

The House then agreed to all the other amendments of the Council.

No. 213, H. R. file, "A bill to grant certain lots of land in Iowa City for church and literary purposes," as amended by the Council, was taken up and considered.

Ordered, That the amendments of the Council be concurred in.
And then the House adjourned.

FRIDAY MORNING, JULY 31, 1840.

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

Mr. Speaker:

I herewith present for your signature "An act to repeal the acts therein mentioned," the same being signed by the President of the Council.

The Council have passed No. 209, H. R. file, a Memorial to the President of the United States relative to the payment of the annuities of the Sac and Fox Indians.

And then he withdrew.

The Speaker then signed the above entitled acts.

Mr. Lash from the committee on claims to whom was referred No. 214, H. R. file, "A bill to authorize the secretary of the Territory to pay certain claims therein contained," reported the same to the House with amendments, which was read a first time.

On motion of Mr. Lash, ordered, that the 44th rule be suspended and the bill be read a second time now.

The bill was then read a second time, and on motion of Mr. Lash the House resolved itself into a committee of the whole House on said bill.

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

To which the House agreed.

On motion of Mr. Langworthy, Ordered, That the 44th rule be suspended and the bill read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 204, H. R. file, "A bill to amend an act entitled 'An act to provide for the erection of a penitentiary, and establishing and regulating prison discipline for the same,'" was on motion of Mr. Patterson taken from the table and considered.

On motion of Mr. Patterson, Ordered, That the 44th rule be suspended and the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Robertson, from the committee of conference appointed on the part of the House to confer with a similar committee on the part of the Council relative to the disagreeing vote of the two Houses on No. 206, H. R. file, "A bill supplemental to an act to amend an act providing for the appointment of Justices of the Peace," approved Jany. 14, 1840, reported that they cannot agree upon the same, and ask to be discharged from the further consideration of the subject.

On motion of Mr. Hall, Ordered, That the committee be instructed to concur in the amendment of the Council.

Mr. Lash being in the chair officiating as Speaker,

Mr. Brewer offered the following:

Resolved, That the thanks of this House are hereby tendered to the Hon. Edward Johnston for the faithful, diligent, and impartial manner in which he has presided over our deliberations and performed the arduous duties of the chair.

Which was unanimously adopted.

Mr. Walworth, from the committee on enrollments, reported as correctly enrolled,

An act to grant certain lots of land in Iowa City for church and literary purposes.

The Speaker then signed the above entitled acts.

On motion the House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

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

Mr. Speaker:

The Council have passed No. 27, C. F., "A bill supplementary to an act to establish the seat of justice of Scott county, approved July 29, 1840," as a substitute for No. 216, H. R. file, A bill supplemental to an act entitled an act to establish the seat of justice in Scott county.

The Council insist upon their amendment to the 15th Sec. of No. 215, H. R. file, A bill to provide for the compensation of printers, members, and officers of the extra session of the Legislative Assembly and for other purposes.

I herewith present for your signature,

An act to provide for the expression of the opinion of the people of the Territory of Iowa as to taking preparatory steps for their admission into the Union.

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

An act to authorize the clerks of the district court in the Territory of Iowa to appoint deputies.

The Council have passed No. 28, C. F., A bill to organize, discipline, and govern the militia of the Territory;

In which the concurrence of the House is requested.

And then he withdrew.

The Speaker then signed the above entitled acts.

Mr. Patterson, from the committee of conference appointed on the part of the House of Representatives relative to the disagreeing vote between the two Houses to No. 205, H. R. file, "A bill supplemental to an act to amend an act providing for the appointment of Justices of the Peace, &c., approved Jany. 14, 1840," reported that the committee have concurred in the amendment of the Council.

On motion of Mr. Langworthy, Ordered, That the report of the committee be agreed to.

No. 27, C. F., "A bill supplemental to an act to establish the seat of justice of Scott County, approved July 29, 1840," was read a first time; and

On motion of Mr. Robertson, Ordered, That the 44th rule be suspended and the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Walworth presented the petition of sundry citizens of Cedar county praying for the relocation of the seat of justice of said county; also the remonstrance of sundry citizens of Cedar county remonstrating against any relocation of the seat of justice of said county. Which were, on motion of Mr. Walworth, referred to the committee on township and county.

No. 215, H. R. file, "A bill to provide for the compensation of the printers, members, and officers of the extra session of the Legislative Assembly and for other purposes," in which the Council insist upon their amendment, was taken up and considered.

On motion of Mr. Langworthy, ordered, that the House do recede from their disagreeing vote.

No. 28, C. F., "A bill to organize, discipline, and govern the militia of this Territory," was read a first time.

On motion of Mr. Walworth, Ordered, That the 44th rule be suspended and the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Walworth, from the committee on enrollments, reported a memorial to the President of the United States relative to the payment of the annuities of the Sac and Fox Indians, as correctly enrolled.

The Speaker then signed the above entitled memorial.

Mr. Brewer, from the joint committee on enrollments, reported that they had this day presented to the Governor for his approval and signature an act to grant certain lots of land in Iowa City for church and literary purposes; also, a memorial to the President of the United States relative to the payment of the annuities of the Sac and Fox Indians.

Mr. Hall, by the leave of the House, introduced No. 217, H. R. file. "A resolution to provide for printing the militia law of the present session in pamphlet form," which was read a first time.

A motion was made by Mr. Hall that the 44th rule be suspended, and the resolution be read a third time now; which motion was lost, there not being two-thirds of the members present voting therefor.

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

Mr. Speaker:

The Council have passed with amendments,
No. 214, H. R. file, A bill to authorize the Secretary of the Territory to pay certain claims therein contained.

In which the concurrence of the House is requested.

I herewith present for your signature,

An act to organize, discipline, and govern the militia of this Territory; and

A Joint Resolution relative to compensating Dr. James Davis for services rendered as commissioner, &c.

And then he withdrew.

The Speaker then signed the above entitled acts and joint resolution.

No. 214, H. R. file, "A bill to authorize the secretary of the Territory to pay certain claims therein contained as amended by the Council," was taken up and considered, and on motion ordered that the amendment of the Council be concurred in.

Mr. Summers, from the committee on township and county boundaries, to whom was referred the petition for, and the remonstrance against, the relocation of the seat of justice of Cedar county, reported that the committee deemed it inexpedient to legislate upon the subject, and asked leave to be discharged from any further consideration thereon.

On motion, Ordered, That the report of the committee be agreed to.

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

Mr. Speaker:

The Council have passed a resolution to provide for the printing the militia law of the present session in pamphlet form.

And then he withdrew.

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

A motion was made by Mr. Walworth that the 44th rule be suspended and the resolution be read a second and third time now; which was decided in the affirmative, Yeas 13, Nays 5.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative are Messrs. Bailey, Brewer, Fleenor, Hall, Hawkins, Langworthy, Mintun, Owen, Rich, Robertson, Ross, Walworth, and Wheeler.

Those who voted in the negative are Messrs. Leffler, Myers, Patterson, Summers, and Johnston, Speaker.

A motion was made by Mr. Patterson to strike out the name of James G. Edwards in said resolution and insert the name of John H. McKinny, which was decided in the negative, yeas 7, nays 11.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative are Messrs. Brewer, Flee-
nor, Mintun, Myers, Patterson, Summers, and Johnston, Speaker.

Those who voted in the negative are Messrs. Bailey, Hall, Haw-
kins, Langworthy, Leffler, Owen, Rich, Robertson, Ross, Wal-
worth, and Wheeler.

Mr. Walworth, from the committee on enrollments, reported,

"An act to provide for the compensation of the printers, members, and
officers of the extra session of the Legislative Assembly and for other pur-
poses,"

As correctly enrolled.

The Speaker then signed the above entitled act.

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

Mr. Speaker:

The Council have appointed Messrs. Parker and Hepner a committee
on the part of the Council to act with a similar committee to be appointed
on the part of the House of Representatives to wait upon his Excellency
the Governor and ascertain from him whether he has any further com-
munications to make to the Legislative Assembly.

And then he withdrew.

And the House adjourned.

SATURDAY MORNING, AUGUST 1, 1840.

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

Mr. Speaker:

The Council have passed,

No. 8, C. F. Joint Resolution rescinding a joint resolution passed the present session, authorizing the printing of the militia law,

In which the concurrence of the House is requested.

I herewith present for your signature,

An act to establish the seat of justice of Scott county.

A Joint Resolution relative to printing the militia law.

A Joint Resolution to provide for printing the report of the Supreme Court and for other purposes.

And then he withdrew.

No. 8, C. F., Joint Resolution rescinding a joint resolution passed the present session authorizing the printing of the militia law, was read a first time.

On motion of Mr. Hawkins, Ordered, That the 44th rule be suspended and the resolution be read a second and third time now.

The resolution was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Walworth, from the committee on enrollments reported,

"An act supplemental to an act to amend an act providing for the appointment of justices of the peace, &c., approved July 14, 1840;" and "An act to authorize the Secretary of the Territory to pay certain claims therein contained;"

As correctly enrolled.

The Speaker then signed the above entitled acts.

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

Mr. Speaker:

I herewith present for your signature a joint resolution passed the present session authorizing the printing of the militia law.

And then he withdrew.

Mr. Walworth, from the committee on enrollments, reported that they had this day presented to the Governor for his approval and signature,

An act to provide for the compensation of the printers, members, and officers of the extra session of the Legislative Assembly and for other purposes.

An act supplementary to an act to amend an act providing for the appointment of justices of the peace, &c., approved July 14, 1840.

An act to authorize the Secretary of the Territory to pay certain claims therein contained.

On motion of Mr. Summers, Ordered, That a committee be appointed to act in conjunction with a similar committee to be appointed on the part of the Council to wait upon his Excellency, the Governor, and inquire of him whether he has any further communication to make to the Legislative Assembly, and if not that the Legislative Assembly is now ready to adjourn sine die.

Messrs. Summers and Mintun were appointed said committee.

Mr. Summers, from the joint committee appointed to wait upon His Excellency, the Governor, reported that they had discharged the duty assigned them and that his Excellency has no further communication to make.

On motion of Mr. Owen, Ordered, That a committee be appointed to wait upon the Council and inform them that the House has no further business before them, and are now ready to adjourn sine die. Messrs. Owen and Wheeler were appointed said committee.

The committee, having returned, informed the House that they had discharged the duty assigned them.

On motion of Mr. Summers, Ordered, That the House do now adjourn sine die,

When the Speaker arose and addressed the House as follows:

Gentlemen:—I can recall to my memory no phrase, I can coin no new expression, which is so adequate to express my feelings in relation to your resolution of yesterday as the simple words, I sincerely thank you.

To-day the band of my office is broken,—to-day we all throw off the habiliment of legislation, and go forth to mingle with our fellow-citizens. Many go forth from this hall never to return again in their present capacity,—some from inclination, some by the dispensation of Providence, and some who will fall by the wayside stricken down by the force of popular opinion.

The present period of our legislation will be a memorable epoch in the lives of a majority of the members of this House, for, although we have some veteran lawgivers, yet the great proportion of us are but commencing the journey of life.

Men are prone to form attachments when thrown together, it matters not in what manner, and although we may have differed widely and essentially on national politics, or questions of local policy, yet we will not be enabled to forget those who stood with us shoulder to shoulder, or met us front to front in legislative warfare.

The duty which called us together at the present session has been discharged—honestly discharged—and in a manner which will doubtless meet the approbation of a majority of those who sent us hither.

As the presiding officer of this House, I feel that I am under many and deep obligations to you. Order, harmony, and courtesy have ever been with you. No appeal has been taken from a single decision of the chair, for which truly I am indebted to you: forbearance and not to my own freedom from error.

Permit me before we part to congratulate you all upon the unexampled prosperity of our territory, and to express the hope that year after year immigration may pour her thousands into our land until Iowa shall be hailed the first state of the Great West.

Gentlemen:—We met as strangers, we part as friends. I can only add that it is my fervent wish that the friendship and good feeling which now prevail amongst us may remain unimpaired forever. The House is now adjourned without day.



INDEX TO HOUSE.

	PAGE
ACCOUNTS—	
Of Berger, Christian.....	14
Of Reno, Librarian.....	22
Of Hudson, S. A.....	51
ADJOURNMENT—	
Final	53
ADMISSION INTO THE UNION—	
Portion of Governor's Message relating to, referred to Special Committee	19
Bill relative to, see C. F. No. 14.....	
APPROPRIATIONS—	
Secured from Congress.....	8
AUDITOR AND TREASURER—	
A Bill providing for payment of contingent expenses of, H. R. File 199.....	
AUGUSTA, TOWN OF—	
A Bill to legalize the survey and make valid in law the present plat of, see H. R. File 200.....	
BAILEY, GIDEON S., (From Van Buren County)—	
Appointed Teller.....	6
Motions by.....	7, 8, 12, 24, 27, 36, 42, 56, 61, 62, 75, 77, 80
Standing Committees: Expenditures, Common Schools, Corporations	12
Special Committees.....	15, 31, 32, 53
Presents Remonstrance.....	15, 32
Corrects Vote.....	62, 64
Conference Committee.....	79
BAPTIST CHURCH OF DUBUQUE—	
An Act incorporating, see H. R. File 203.....	
BAYLESS, THORNTON—	
Elected Enrolling Clerk.....	6
BERGER, CHRISTIAN—	
Account of.....	14, 17, 44
BIGGS, URIAH, (From Van Buren County)—	
Appointed Teller.....	6
Standing Committees: Expenditures, Roads and High- ways	12
Motions by... ..	13, 17, 19, 23, 27, 36, 38, 60, 62, 68, 69, 73, 80
Special Committees.....	15, 19, 31, 32, 49, 53, 64, 65, 70
Offers Joint Resolution.....	36

	PAGE
Introduces Resolution.....	49
Introduces H. R. Files 190, 211.....	..
BREWER, DANIEL, (From Counties of Louisa and Wash- ington)—	
Appointed Teller	5
Resolution by.....	7
Motions by.....	5, 22, 29, 31, 40, 41, 74
Standing Committees: Enrollments, Township and County Boundaries	12
Select Committees	18, 19
Joint Committee	30
Presents petition.....	31
Asks leave of absence for Mr. Hastings.....	76
Introduces H. R. File No. 183.....	..
CEDAR COUNTY—	
Petition and remonstrance of citizens regarding county seat	88
CHAPMAN, W. W.—	
Communication from, relative to appropriations from Congress	8
CHIEF CLERK—	
Calls House to Order.....	1
Ordered to inform Council that House is organized...	7
Ordered to supply members with newspapers.....	8
Directed to arrange with postmaster in relation to pay- ment of postage.....	8
CHURCHMAN, JAMES, (From Counties of Dubuque, Clay- ton, etc.)—	
Appointed Teller	6
Standing Committees: Judiciary, Territorial Affairs, Finance	12
Special Committee	19
Motions by	30
Conference Committee	70
Introduces H. R. File 186, 207.....	..
CLARK, JAMES, President of Council.....	8
CLARK, TIMOTHY T., (From Muscatine and Johnson Counties)—	
Standing Committees: Roads and Highways, Elections	12
Select Committee	18, 24
Granted leave of absence.....	61
COMMITTEES—	
Standing, appointment of.....	12
Report of Standing—	
Public Buildings	18, 41
Common Schools	28
Enrollments.....	41, 45, 50, 53, 63, 64, 70, 82, 86, 91, 92
Engrossed bills.....	25, 45, 55
Expenditures	73, 80

	PAGE
Claims.....	17, 79, 85
Judiciary	48
Roads and Highways.....	22
Township and county boundaries.....	89
Conference Committees, Report of—	
On C. F. No. 18.....	75
On H. R. File 206.....	75, 79, 86, 87
Report of Special—	
On petition of citizens of Des Moines County relative to relocation of road.....	14
On remonstrance of citizens of Des Moines County....	18
On petition of citizens of Des Moines County.....	18
On portion of Governor's Message relating to sale of lots in Iowa City.....	19
On H. R. File 175.....	21
On petition of citizens relative to road from Lyons to Iowa City	24
On road	24
On part of Governor's Message relative to sale of lots in Iowa City	25
On H. R. File 176.....	26, 36
On petition of citizens relative to road.....	27
On petition of Harriet Williams.....	32
On petition of citizens of Lee County relative to county seat	37
Relative to sale of lots in Fairfield, Jefferson County..	41
On seat of justice of Scott County.....	46
Relative to admission into the Union.....	48, 68
To draft memorial.....	49, 60
On relief of W. W. Hadden.....	60
On Joint Resolution, C. F. No. 2.....	71
On C. F. No. 17.....	77
On petition of citizens of Scott County.....	82
Joint Committees, Reports of—	
To wait on Governor.....	8, 90, 92
For districting the territory into electoral districts, and apportioning the representatives.....	30, 35, 37
On enrollments.....	81, 82, 88
COMPENSATION—	
Of printers, members and officers, see H. R. File 215..	
COOP, WILLIAM G., (From Counties of Henry and Jefferson)—	
Motions by.....	5, 21, 26, 34, 61
Standing Committees: Roads and Highways, Elections, 12	
Special Committees.....	14, 19, 49
Presents petition	15
Introduces H. R. File 185.....	

	PAGE
COUNCIL—	
Messages from.....	5, 6, 8, 20, 23, 35, 37, 39, 47, 52, 57, 59, 66, 69, 73, 75, 76, 82, 83, 85, 87, 88, 89, 90, 91, 92
COUNCIL BILLS—INTRODUCTION AND ACTION—	
1—An Act to repeal the acts therein mentioned; received, read first time.....	20
Read second time, considered in committee of the whole, reported favorably, read third time, passed.....	27
Signed by Speaker.....	48
Returned by Governor with objections, laid on table subject to order	77
Considered with objections from Governor, passed....	81
Signed by Speaker and President.....	85
2—An Act to define the jurisdiction of the several counties in this Territory that front upon the Mississippi river; received and read first time.....	20
Read second time, considered in committee of the whole, reported	27
Read third time and passed.....	28
Signed by Speaker.....	48
3—A bill to amend an act entitled an act to provide for the organization of the county of Delaware and to locate the county-seat thereof; received.....	23
Read first time.....	30
Read second and third time, passed.....	33
Signed by Speaker.....	48
6—A bill to amend the act entitled an act to authorize Tim- othy Fanning to keep a ferry across the Mississippi river at the town of Dubuque; received.....	23
Read first time.....	30
Read second time	33
Read third time, passed.. ..	34
Signed by Speaker.....	48
7—A bill to amend an act subjecting real and personal es- tate to execution; received.....	23
Read first time.....	30
Read second time, considered in committee of the whole, reported, laid on table subject to order.....	34
9—A bill relative to negotiable paper; received.....	23
Read first time.....	30
Read second time, considered in committee of the whole, read third time, lost.....	34
10—A bill to authorize Peter Brewer, his heirs or assigns, to build a dam across Skunk river; received.....	37
Read first time.....	44
Read second time	45
Read third time and passed.....	51
Signed by Speaker.....	66

	PAGE
11—A bill to authorize James Wilson, his heirs or assigns, to build a dam across Skunk river in Jefferson County; received	37
Read first time.....	44
Read second time, considered in committee of the whole	45
Read third time, passed.....	46
Signed by Speaker	52
12—A bill to authorize Guy Wells and James Wilson, their heirs or assigns, to build a dam across Skunk river in Henry County; received.....	37
Read first, second and third times, passed.....	44
Signed by Speaker	52
13—A bill to establish the seat of justice of Scott County; received.....	39
Read first and second times.....	43
Referred to select committee.....	44
Reported, read, considered in committee of the whole, reported, laid on table.....	46
Considered, read third time, passed.....	47
Signed by President and Speaker.....	66
14—A bill to provide for the expression of the opinion of the people of the Territory of Iowa as to taking preparatory steps for their admission into the Union; received	47
Read first time.....	51
Read second time, considered in committee of the whole, reported, referred to select committee.....	56
Reported with amendment, read third time, passed.....	68
Signed by Speaker.....	87
15—A bill to amend an act entitled an act for the appointment and duties of sheriff; received.....	47
Read first time.....	51
Read second time, considered in committee of the whole, reported, laid on table.....	56
16—A bill for the relief of W. W. Hadden; received.....	52
Read first and second times, referred to select committee	53
Reported with amendment, read, passed.....	60
Signed by Speaker	66
17—A bill to grant upon certain conditions lots of land in Iowa City for church and literary purposes; received, read first time	58
Read second time, considered in committee of the whole, reported without amendment, referred to select committee	65
Report of select committee, considered in committee of the whole, reported with an amendment.....	77
Read third time, passed.....	78

	PAGE
Signed by Speaker.....	86
Enrolled	88
18—A bill to district the territory of Iowa into electoral districts, and to apportion the representatives of each; received, read first and second times, considered in committee of the whole, reported with amendments..	58
Action on, read third time, passed.....	59
Action of House.....	62, 63
Former action reconsidered.....	65
Action of Council.....	69
Signed by Speaker.....	82
21—A bill to amend an act to relocate the county-seat of Clayton County; received.....	47
Read first time.....	51
Read second time, amended, read third time, passed....	56
24—A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa; received, read first and second times.....	66
Read third time, passed.....	74
Signed by Speaker.....	87
26—A bill to authorize the clerks of the district courts in the Territory of Iowa to appoint deputies; received, read first, second and third times, passed.....	75
Signed by Speaker.....	87
27—A bill supplementary to an act to establish the seat of justice of Scott County, approved July 29, 1840. Received	69
Read first, second, and third times, passed.....	71
Signed by Speaker.....	77
Substitute for H. R. File 216, read and passed.....	87
Signed by Speaker.....	91
28—A bill to organize, discipline and govern the militia of the Territory; received.....	87
Read first, second and third times, passed.....	88
Signed by Speaker.....	89
COUNCIL FILE—JOINT RESOLUTIONS—	
1—A resolution relative to improving Iowa Avenue in Iowa City; received and read first time.....	52
Read second and third times and passed.....	53
2—Providing for the printing of the laws; received.....	52
Read first time, considered.....	53
Read second time, considered in committee of the whole, reported with amendment, laid on table.....	55
Action on	61
Laid on table	62
Read third time, passed.....	72
Signed by Speaker.....	77

	PAGE
3—Providing for publishing the reports of the Supreme Court and for other purposes; received.....	70
Read first time.....	73
Read second and third times, passed.....	80
Signed by Speaker.....	91
4—In relation to compensation of Dr. James Davis; read first, second and third times, passed.....	63
8—Rescinding a joint resolution passed the present session authorizing printing of the militia law; received, read and passed.....	91
COX, THOMAS, (From Jackson County)—	
Appointed Speaker pro tempore.....	2
Motions by.....	7, 13
Standing Committees: Internal Improvements, Militia, Territorial Affairs.....	12
Special Committees.....	19, 65
Granted leave of absence.....	22
Absence excused.....	25, 66
Joint Committee.....	30
DAMS—	
A bill authorizing Peter Brewer to build a dam across Skunk river, see C. F. No. 10.....	
A bill to authorize James Wilson to build a dam across Skunk river, see C. F. No. 11.....	
A bill to authorize Guy Wells and James Wilson to build a dam across Skunk river, see C. F. No. 12....	
A bill authorizing Joseph Wasson to build a dam across English river, see H. R. File 196.....	
DAVIS, DR. JAMES—	
Communication and account of.....	14, 17, 44
DELAWARE COUNTY—	
An Act to organize and locate county-seat, see C. F. No. 3.....	
DES MOINES COUNTY—	
A bill to establish boundaries, see H. R. File No. 212..	
DIRECTOR OF THE PENITENTIARY—	
Report of.....	33
DISTRICT COURTS—	
Clerk authorized to appoint deputies, see C. F. No. 18.	
A bill to change time of holding, in second and third judicial districts, see H. R. File 175.....	
DIVORCE—	
A bill to divorce Harriet Williams, see H. R. File 198.	
DOAK, WILLIAM, Jr.—	
Heirs of.....	32
EDITORS—	
Invited to take seat within bar.....	17
EDWARDS, JAMES G.....	68, 90

	PAGE
ENGLISH, L. N., (From Des Moines County)—	
Offers resolution	4
Appointed teller	7
Standing Committees: Elections, Militia.....	12
Special Committees.....	14
Motions by.....	14, 62, 63, 75, 76, 80
Presents account of Christian Burger.....	14
Presents communication of Dr. James Davis.....	14
Absence excused.....	25
Introduces H. R. File No. 200, 212.....	
EOFF, J. L.....	7
FALES, JOSEPH T.....	70, 73
FENCE—	
A bill defining lawful fence, see 176 H. R. File.....	
FERRIES—	
An Act authorizing Timothy Fanning to keep a ferry across the Mississippi, see C. F. No. 6.....	
FLEENOR, ISAAC, (From Des Moines County)—	
Appointed Teller	3
Standing Committees: Internal Improvements, Claims, Corporations	12
Special Committees	14
Presents petition	17
Motion by.....	54
FOREIGN JURISDICTION—	
A bill to prevent, see C. F. No. 24.....	
GOVERNOR—	
Communication from, relative to Sac and Fox Indians,	50
Message from	9
GRANTHAM, JOHN P.—	
Elected Engrossing Clerk.....	5
GRAY, ROBERT.....	18
HADDEN, W. W.—	
A bill for the relief of, see C. F. No. 16.....	
HALF BREED TRACT—	
Bill relative to, see H. R. File 188.....	
HALL, JAMES, (From Van Buren County)—	
Appointed Teller	5
Motions by.....	8, 13, 30, 40, 51, 53, 65, 68, 71, 81, 86, 88
Standing Committees: Common Schools, Militia.....	12
Presents petition.....	13
Special Committees.....	15, 19, 31, 32, 53
Granted leave of absence.....	22
Joint Committee.....	30
Conference Committee	71
Offers resolution.....	68
Introduces H. R. File No. 177, 178, 192, 206, 217.....	

	PAGE
HASTINGS, S. C., (From Muscatine and Johnson Counties)—	
Took seat	17
Standing Committees: Judiciary, Militia, Corporations, Public Buildings.....	12
Motions by.....	
.. 19, 20, 21, 22, 24, 29, 30, 32, 33, 35, 49, 51, 53, 56, 62,	63
Presents remonstrance	18
Select Committees.....19, 49,	65
Offers resolution	24
Joint Committee	30
Asks leave of absence for Mr. Clark.....	61
Granted leave of absence.....	76
Introduces H. R. File 209.....	
HAWKINS, JOSEPH C., (From Des Moines County)—	
Resolution by.....	4
Appointed Teller	5
Standing Committees: Judiciary, Common Schools, Public Buildings	12
Special Committees.....14,	49
Motions by.....18, 39, 40, 46, 49, 51, 55, 61, 64, 70, 80,	82
Conference Committee	70
Introduces H. R. File No. 184, 204.....	
HOLLINGSWORTH, J. B.....	6
HOUSE—	
Convened	1
HOUSE BILLS—INTRODUCTION AND ACTION—	
175—By Summers: A bill to change the time of holding the district courts in the third judicial district; Intro- duced	15
Read first time.....	16
Read second time.....	19
Considered in committee of the whole, reported with- out amendment, referred	20
Reported with amendment.....	21
Read second and third times, passed.....	22
Passed Council with amendments.....	23
Action on Council amendments.....	26
Council recede from amendment.....	37
Enrolled, signed by Speaker.....	41
Signed by Governor.....	45
176—By Summers: A bill defining lawful fence and provid- ing against trespassing animals; Introduced.....	15
Read first time.....	16
Read second time and referred.....	20
Read, considered in committee of the whole, referred to select committee	26
Amended, read, passed.....	36

	PAGE
177—By Hall: A bill in relation to that portion of Territory which is at present attached to the organized counties in this Territory for judicial purposes; Introduced	15
Read first time	16
Read second time	20
Engrossed	25
Read third time, passed	30
Passed Council	48
Enrolled	54, 70
Signed by Governor.....	70
178—By Hall: A bill to district the county of Van Buren into three commissioners' districts; Introduced and read first time.....	16
Read and considered in committee of the whole.....	20
Reported favorably and ordered engrossed.....	21
Engrossed	25
Read third time and passed.....	30
Passed Council	48
Enrolled	54
Signed by Governor.....	63
179—By Langworthy: A bill to amend an act for opening roads and highways; Introduced and read first time, read second time, referred.....	21
Reported with amendment, read first time.....	22
Read second time, considered in committee of the whole, reported with amendments.....	26
Read third time, passed.....	27
180—By Wheeler: A bill to relocate the seat of justice of Jackson County; Introduced and read first time....	16
Read second and third times, passed.....	28
Passed Council	37
Enrolled, signed by Speaker.....	50
Signed by Governor.....	53
181—By Leffler: A bill to provide for the survey of a territorial road; Introduced, read first time.....	18
Read second and third times, passed.....	28
Passed Council with amendments.....	58
Amendments of Council concurred in, further amended, Council recede from amendment, House amendment agreed to	73
Enrolled, signed by Speaker.....	74
Signed by Governor	81
182—By Rich: A bill to establish a territorial road from Burlington to the mouth of the Des Moines river; Introduced, read first time.....	18
Read second time, considered in committee of the whole, reported with amendment.....	28

	PAGE
Read third time, passed.....	29
Passed Council with amendment.....	52
Amendment of Council concurred in.....	53
Enrolled, signed by Speaker.....	57
Signed by Governor.....	63
183—By Brewer: A bill to legalize the establishment of a territorial road from the ferry landing opposite Oquawka in Illinois to Napoleon, in Johnson county; Introduced and read first time.....	18
Read second and third time, passed.....	29
Passed Council, signed by Speaker.....	48
Signed by Governor.....	53
184—By Hawkins: A bill to incorporate the Unitarian Society of Burlington; Introduced and read first time	18
Read second time, considered in committee of the whole, amended, enacting clause stricken out.....	29
Amendment reconsidered.....	32
Read third time, passed.....	33
Passed Council with amendment.....	48
Council amendment concurred in.....	51
Enrolled, signed by Speaker.....	57
Signed by Governor.....	63
185—By Coop: A bill amendatory of an act subjecting real and personal estate to execution, approved Jan. 25, 1839; Introduced and read first time.....	21
Read second and third times, passed.....	34
Passed Council	48
Enrolled, signed by Speaker.....	50
Signed by Governor.....	53
186—By Churchman: A bill relative to writs of scire facias on judgments in the district courts; Introduced, read first time	21
Read second time, ordered engrossed.....	30
Read third time, passed.....	33
Passed Council	48
Enrolled, signed by Speaker.....	50
Signed by Governor.....	53
187—By Hastings: A bill to district Muscatine county for the election of county commissioners; Introduced, read first time	22
Read second time.....	29
Read third time, passed.....	30
Passed Council	48
Enrolled, signed by Speaker.....	54
Signed by Governor.....	63
188—By Rich: A bill to attach that part of the Half Breed tract lying in Van Buren county to the county of Lee for judicial purposes; Introduced.....	24

	PAGE
Read first time.....	25
Read second time, considered in committee of the whole, reported with amendment, read third time, passed	38
189—By Hastings: A bill to review the territorial road from Wapello by the head of Indian Creek to the town of Moscow; Introduced	24
Read first time	25
Read second and third time, passed.....	29
190—By Biggs: A bill directing the valuation and sale of lots of land in Iowa City and to provide for executing deeds for the same; Introduced and read first time,	25
Read second time, considered in committee of the whole, reported with amendments, read third time, passed	35
Passed Council	48
Enrolled, signed by Speaker.....	50
Signed by Governor	53
191—By Mintun: A bill to amend an act relative to testaments, executors, administrators, and the settlement of estates; Introduced and read first time.....	25
Read second time, considered in committee of the whole,.....	38
Reported with amendment, further amended, read third time, passed	39
192—By Hall: A bill to amend an act entitled an act relating to the office of recorder of deeds, etc; Introduced and read first time.....	25
Read second time, considered in committee of the whole, reported, amended.....	39
Ordered engrossed	40
Engrossed, read third time, passed.....	45
193—By Owen: A bill to enforce the observance of the Sabbath; Introduced and read.....	25
Read second time, considered in committee of the whole, reported with amendment.....	40
Referred	41
194—By Summers: A bill to establish a territorial road from Lyons in Clinton County; Introduced, read first time,	27
Read second and third times, passed.....	41
Passed Council with amendments.....	58
Council amendments concurred in.....	62
Enrolled, signed by Speaker.....	74
Signed by Governor.....	81
195—By Bailey: A bill to authorize the Boards therein named to take charge of the school lands in this territory; Introduced, read a first time.....	28

	PAGE
Read second time, considered in committee of the whole, reported with amendments, read third time, passed.....	41, 42
196—By Rich: A bill to authorize Joseph Wasson to erect a dam across English river in Washington County; Introduced and read first time.....	31
Read second time, considered in committee of the whole, reported, laid on table.....	42
197—By Mintun: A bill to alter and repeal a part of the 9th section of an act entitled an act to provide for the appointment of justices of the peace, to prescribe their powers and duties, and regulate their proceedings; Introduced and read first time.....	31
Read second time, considered in committee of the whole.....	42
Reported with amendment, laid on table.....	43
198—By Rich: A bill to divorce Harriet Williams; Introduced, read first time.....	32
Read second time, ordered engrossed.....	43
Engrossed, read third time, passed.....	45
Passed Council.....	52
Enrolled, signed by Speaker.....	57
Signed by Governor.....	63
199—By Lettler: A bill to provide for the contingent expenses of the offices of Auditor and Treasurer; Introduced and read first time.....	35
Read second and third time, passed.....	43
Passed Council.....	58
Enrolled, signed by Speaker.....	64
Signed by President.....	66
Enrolled, signed by Governor.....	70
200—By English: A bill to legalize the survey and make valid in law the present plat of the town of Augusta in Des Moines County; Introduced and read first time.....	35
Read second and third times, passed.....	49
Passed Council.....	58
Enrolled, signed by Speaker.....	64
Signed by President.....	66
Enrolled, signed by Governor.....	70
201—By Rich: A bill to establish the county-seat of Lee County; Introduced and read first time.....	37
Read second time, considered in committee of the whole, reported with amendments, read third time, passed.....	49
Passed Council with amendments.....	59
Council amendments concurred in.....	62
Enrolled, signed by Speaker.....	74

	PAGE
Signed by Governor.....	81
203—By Wheeler: A bill to incorporate the Baptist Church of Dubuque; Introduced, read first time.....	37
Read second and third times, passed.....	50
Passed Council with amendments.....	59
Council amendments concurred in.....	62
Signed by Governor.....	74
204—By Hawkins: A bill to amend an act entitled an act to provide for the erection of a penitentiary, and estab- lishing and regulating prison discipline; Introduced and read first time.....	41
Read second time, considered in committee of the whole, reported, laid on table.....	51
Taken from table, read third time, passed.....	86
205—By Leffler: A bill to provide for the sale of town lots in Fairfield, the county-seat of Jefferson County; Introduced and read first time.....	41
Read second time, laid on table.....	57
Read third time, passed.....	60
206—By Hall: A bill supplementary to an act to amend an act for the appointment of justices of the peace, etc., approved Jany. 14, 1840; Introduced.....	48
Read first time.....	49
Read second time, considered in committee of the whole, reported without amendment, ordered en- grossed.....	52
Engrossed.....	55
Read third time, passed.....	57
Passed Council with amendments.....	66
Action on.....	67
Action of Council on.....	69
House disagree to Council amendment, referred to Con- ference Committee....	70, 71
Report of Conference Committee on, second confer- ence Committee appointed.....	79
Council amendments concurred in.....	86, 87
Enrolled and signed by Speaker.....	91
Signed by Governor.....	92
207—By Churchman: A bill relative to taxation; Intro- duced and read first time.....	50
Read second time, referred.....	55
Reported without amendment.....	63
Considered in committee of the whole.....	64
Reported without amendment, laid on table.....	65
208—By Langworthy: A bill to repeal a part of an act reg- ulating marriages, approved January 6, 1840; Intro- duced, read first time.....	57
Read second time, laid on table.....	65

	PAGE
209—By Hastings: A memorial to the President of the United States relative to payment of the annuities of the Sac and Fox Indians; Introduced, read first time,	60
Read second time, considered in committee of the whole,	73
Reported without amendment, read third time, passed,	74
Passed Council, signed by Speaker.....	85
210—By Mintun: A bill to repeal an act to regulate the mode of petitioning the Legislature in certain cases:	
Introduced, read first time.....	67
Read second time, laid on table.....	75
211—By Biggs: A bill authorizing a relocation of a certain territorial road; Introduced, read first time.....	67
Read second and third times, passed.....	68
Passed Council.....	75
Enrolled, signed by Speaker.....	79
212—By English: A bill to establish the boundaries of Des Moines County. Introduced and read first time....	75
Read second and third times, indefinitely postponed..	76
213—By Walworth: (Substitute for C. F. No. 17). A bill to grant certain lots of land in Iowa City for church and literary purposes; Introduced, read first time, considered in committee of the whole, reported with amendment....	77
Read third time, passed.....	78
Passed Council with amendments.....	83
Council amendments concurred in.....	84
214—By Lash: A bill to authorize the Secretary of the Territory to pay certain claims therein contained; Introduced and read first time.....	79
Read second time, considered in committee of the whole, reported with amendments.....	82
Recommitted to committee.....	83
Reported with amendments, read second time, considered in committee of the whole, reported with an amendment, read third time, passed.....	85
Passed Council with amendment, Council amendment concurred in.....	89
Signed by Governor.....	92
215—By Patterson: A bill to provide for the payment of printers, members and officers of the present Legislative Assembly; Introduced, read first time, considered in committee of the whole, reported with amendments, action on.....	80
Read third time, passed.....	81
Passed Council with amendments, action of House on Council amendments.....	83
Council insist on amendment.....	87
House recede from disagreeing vote.....	88

	PAGE
Signed by Speaker.....	90
Signed by Governor.....	92
216—By Robertson: A bill supplemental to an act to establish the seat of justice of Scott County; Introduced read and passed.....	82
Passed Council, Signed by Speaker.....	87
HOUSE JOINT RESOLUTIONS—	
202—By Rich: Authorizing the payment of the rent of the house occupied by the Legislative Assembly; Introduced and read first time.....	37
Read, referred.....	57
By Biggs: That both Houses will adjourn sine die on Wednesday the 29th inst.; Introduced, read and passed, and Council notified.....	36
Passed Council with an amendment.....	52
Council amendment not concurred in.....	53
217—Joint Resolution: A resolution to provide for printing the militia law of the present session in pamphlet form; Introduced, read first time.....	88
Passed Council, read second and third time.....	89
Signed by Speaker.....	91
HUDSON, S. A.—	
Account of.....	51
INDIANS, SAC AND FOX—	
A memorial relating to, see H. R. File 209.....	
IOWA CITY—	
Resolution relative to improvement of Iowa Avenue, see Joint Resolution, C. F. No. 2.....	
A bill directing the valuation and sale of lots, see H. R. File 190.....	
Lots of land granted for church and literary purposes, see H. R. File 213.....	
ISETT, THOMAS M.....	40
JACKSON COUNTY—	
A bill to relocate the county-seat of, see H. R. File 180	
JOHNSTON, EDWARD, (From Lee County)—	
Elected Speaker.....	4
Addresses House.....	4
Presents communication from W. W. Chapman.....	8
Presents communications from Chauncy Swan.....	12
Announces standing committees.....	12
Presents communication from John F. Rague.....	30
Presents communication from Director of Penitentiary,	33
Presents communication from Governor.....	50
Receives thanks of House.....	86
Closing Address.....	92
JOURNAL—	
Amended.....	23

	PAGE
Corrected	64
JOURNALS OF H. R.—	
Resolution in relation to printing.....	68
JUSTICES OF THE PEACE—	
A bill to alter and repeal a part of the ninth section of an act entitled an act to provide for the appointment of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings, see H. R. File 197.....	
A bill supplementary to an act to amend an act providing for the appointment of justices of the peace, etc., see H. R. File 206.....	
LANGWORTHY, EDWARD, (From Counties of Dubuque, Clayton, etc.)—	
Standing Committees: Common Schools, Claims, Corporations	12
Presents petition	15
Motions by... 17, 40, 43, 48, 58, 62, 64, 66, 68, 81, 83, 85, 87	87
Special Committees.....	19, 65
Absence excused	25
Offers resolutions.....	51, 63
Introduces H. R. File No. 179, 208.....	
LASH, JOHN B., (From Henry and Jefferson Counties)—	
Standing Committees: Internal Improvements, Claims, Elections, Finance.....	12
Special Committees.....	14, 19
Resolution by.....	17
Motions by..... 17, 45, 57, 59, 60, 65, 81, 82, 83	83
Absence excused	25
Joint committee.....	30
Officiates as Speaker.....	86
Introduces H. R. File 214.....	
LAWS—	
Comparison of laws of Iowa with statutes of Michigan and Wisconsin.....	14
Publishing of, investigation as to cost, etc.....	55
LEFFLER, SHEPHERD, (From Des Moines County)—	
Appointed Teller.....	5, 6
Motions by.....	6, 17, 23, 43
Standing Committees: Judiciary, Claims.....	12
Special Committees.....	14, 19
Presents remonstrance.....	14
Presents petitions.....	14, 63
Presents notes	22
Joint committee	30
Introduces H. R. File No. 181, 199, 202, 204, 205.....	
McFARLAND, DANIEL.....	31
McKINNEY, JOHN.....	69, 90

MARRIAGES—	
An act relating to, see H. R. File No. 208.....	
MÉMORIAL—	
A memorial to the President relative to the payment of the annuities of the Sac and Fox Indians, see H. R. File No. 209.....	
MESSAGE OF GOVERNOR—	
Received	9
Ordered printed.....	11
Made order of day.....	16
Considered in committee of the whole.....	19
MILITIA—	
A bill to organize, discipline and govern, see C. F. No. 28	
MILITIA LAW—	
Resolution providing for printing, see H. R. File No. 217.....	
MINTUN, JACOB, (From Louisa and Washington Coun- ties)—	
Standing Committees: Internal Improvements, Roads, and Highways, Public Buildings.....	12
Select Committees.....	18, 19, 26, 49, 65
Excused from voting.....	38
Motions by.....	39, 42, 43, 67
Joint committee.....	92
Introduces H. R. File No. 191, 210.....	
MURRAY, SAMUEL R.—	
Elected Assistant Clerk.....	5
MURRAY, WILLIAM.....	22
MYERS, JACOB L., (From Henry and Jefferson Counties)—	
Appointed Teller.....	5
Standing Committees: Common Schools, Militia, En- grossed Bills.....	12
Select Committee.....	65
NEAL, J. E.....	6
NEGOTIABLE PAPER—	
A bill relative to, see C. F. No. 9.....	
NEWSPAPERS—	
Members supplied with copies of Gazette and Hawk-Eye	8
NOTES—	
For furniture	22
NOTES AND MEMORIALS—	
Of Murray, Wallace, Fales.....	73
OFFICERS—	
Election of.....	3, 4, 5, 6, 7
Sworn in.....	7
OWEN, JOSHUA, (From Lee County)—	
Motions by.....	6, 19, 28, 52, 76, 92
Appointed Teller	7

	PAGE
Standing Committees: Roads and Highways, Township and county boundaries.....	12
Special Committees.....	15, 24, 26, 31, 32, 65, 92
Obtains leave of absence for Messrs. Cox, Hall and Rich.....	22
Introduces H. R. File No. 193.....	
PATTERSON, WILLIAM, (From Lee County)—	
Appointed Teller	6
Motions by.....	8, 13, 40, 49, 51, 76, 82, 86, 90
Standing Committees: Expenditures, Elections.....	12
Special Committee.....	15, 19, 24, 31, 32, 64
Presents account of Mr. Reno.....	22
Joint Committee	30
Absence excused	52
PEARCE, TYLER.....	22
PENITENTIARY—	
An Act establishing, regulating prison discipline, etc., see H. R. File No. 204.....	
PETITIONING LEGISLATURE—	
Mode of, see H. R. File No. 210.....	
PETITIONS AND REMONSTRANCES—	
Citizens of Van Buren County asking that part of Territory lying west of them be attached to said county,	13
Citizens of Des Moines County relative to relocation of road	14
Citizens of Lee County relative to seat of justice.....	15
County Commissioner of Clayton County asking authority to appoint an agent to sell and convey lots in Fairfield.....	15
Joseph Wasson, relative to erecting dam.....	17
Citizens relative to relocation of a territorial road from Lyons to Iowa City.....	23
Harriet Williams, praying for divorce.....	24
Citizens of Washington County relative to dam.....	31
Citizens of Lee County relative to seat of justice.....	31
Relative to authorizing guardians of the minor children of William Doak, Jr., to convey real estate..	32
Citizens of Des Moines and Louisa Counties relative to Territorial road.....	63
Citizens of Scott County relative to county-seat.....	79
Citizens of Cedar County relative to relocation of county-seat.....	88
Citizens of Lee County against relocation of county-seat	15
Citizens of Muscatine County against certain road....	18
Citizens of Lee County, remonstrance.....	32
Citizens of Cedar County relative to relocation of county-seat.....	88

	PAGE
PRINTING—Provision for printing bills, memorials, joint resolutions, etc.	17
RAGUE, JOHN F.—	
Communication from.....	30
REAL AND PERSONAL ESTATE—	
An Act subjecting same to execution, see C. F. No. 7.	
RECORDER OF DEEDS—	
An Act relating to, see H. R. File No. 192.....	
RENO, LIBRARIAN—	
Account of	22
RESOLUTIONS—	
By Biggs: Relative to Jesse Williams' new maps, etc.,	13, 15, 16, 24
By Biggs: Requesting Governor to lay before House such papers as he may think proper to assist the House in forming an opinion in relation to the payment of the annuities of the Sac and Fox Indians..	49
By Brewer: Adopting rules.....	7
Tendering thanks of House to Edward Johnston..	86
By Hall: Employing James G. Edwards to print Journals of House and fixing price.....	68
By Hastings: Relative to hours of meeting.....	24, 33
By Hawkins: Relative to number of officers.....	4
By Lash: Appointing John H. McKeeny printer to H. R.....	17
By Langworthy: That the House will not act upon any new bill introduced after to-morrow.....	51
Relative to payment of officers of H. R.....	63
By Robertson: Requesting Secretary of Territory to furnish pen-knives	22, 25
By Walworth: Employing John Buel to take charge of furniture and providing for payment.....	83
By Council: That the House of Representatives be requested by the Secretary of the Council to furnish the Council with the report or a copy thereof of the Director of the Penitentiary.....	52
RICH, ALFRED, (From Lee County)—	
Joint Committee	8
Standing Committees: Judiciary, Territorial Affairs. Corporations.....	12
Motions by... 14, 15, 16, 28, 29, 33, 34, 38, 43, 49, 51,	67
Special Committees.....	15, 19, 24, 31, 32
Presents petitions.....	15, 24, 31, 32
Granted leave of absence.....	22
Presents account of S. A. Hudson.....	51
Introduces H. R. File No. 182, 188, 201.....	
ROADS AND HIGHWAYS—	
A bill to amend an act for opening, see H. R. File No. 179.....	

	PAGE
ROBERTSON, JOSEPH M., (From Scott and Clinton Counties)—	
Offers resolution.....	4
Appointed Teller	5
Motions by.....	11, 19, 27, 46, 47, 79, 87
Standing Committees: Internal Improvements, Township and County Boundaries.....	12
Special Committees	19, 65, 79
Resolution by	22
Joint Committee.....	30
Excused from voting.....	38
Presents proceedings of public meeting.....	44
Conference Committee	79
Resolution by.....	79
ROSS, WILLIAM R., (From Des Moines County)—	
Appointed Teller.....	6
Standing Committees: Claims, Township and County Boundaries, Finance.....	12
Select Committees.....	14, 19, 65
SABBATH—	
An Act enforcing observance of, see H. R. File No. 193	
ST. JOHN, WILLIAM.....	40
SCHOOL LANDS—	
Bill authorizing boards to take charge of, see H. R. File No. 195.....	
SCOTT COUNTY—	
Petition of citizens of.....	79
See C. F. 15; C. F. 27; H. R. File 216.	
SECRETARY OF THE TERRITORY—	
Authorized to pay claims, see H. R. File No. 214.....	
SELBY, O.....	6
SHERIFF—	
A bill relative to appointment and duties of, see C. F. No. 15.....	
SMITH, JAMES H.....	7
STORMES, GEORGE.....	18
SUMMERS, LAUREL, (From Scott and Clinton Counties)—	
Motions by.....	2, 3, 6, 7, 8, 16, 19, 20, 24, 30, 31, 34, 39, 41, 43, 53, 54, 55, 57, 63, 64, 68, 71, 75, 81, 92
Offers resolution.....	7
Joint Committees.....	8, 92
Standing Committees: Territorial Affairs, Township and County Boundaries, Public Buildings.....	12
Special Committees.....	19, 20, 24, 26, 64, 79
Presents petition.....	23
Introduces H. R. File No. 175, 176, 194.....	
SUPREME COURT—	
Publishing reports of, see C. F. Joint Resolution No. 3	

	PAGE
SWAN, CHANCY—	
Communication from.....	12, 13, 18
TAXATION—	
A bill relative to, see H. R. File No. 207.....	
TERRITORIAL ROADS—	
Petition of citizens of Des Moines and Louisa Counties in relation to.....	63
A bill to authorize relocation of, see H. R. File No. 211	
A bill to establish from ferry landing opposite Oquawka in Illinois, to Napoleon in Johnson County, see H. R. File No. 183.....	
A bill to provide for the survey of, see H. R. File No. 181.....	
A bill to establish territorial road from Burlington to mouth of Des Moines river, see H. R. File No. 182	
TRESPASSING ANIMALS—	
A bill providing against, see H. R. File No. 176.....	
TUCKER, BENJAMIN.....	5
TYLEE, E. R.....	6, 7
VAN BUREN COUNTY—	
A bill to district into three Commissioners' districts, see H. R. File No. 178.....	
WALLACE, B. F.....	70, 73
WALWORTH, GEORGE H., (From Cedar, Jones and Linn Counties)—	
Standing Committees: Enrollments, Territorial Affairs, Public Buildings.....	12
Special Committees.....	19, 20, 24, 65, 79
Motions by.....	20, 27, 58, 65, 71, 75, 77, 78, 80, 88, 89
Joint Committee.....	30
Conference Committee.....	71
Presents petition.....	88
WAYMAN, WILLIAM.....	83
WHEELER, LORINA, (From Counties of Dubuque, Clayton, etc.)—	
Appointed Teller.....	3
Standing Committees: Expenditures, Engrossed Bills, Special Committees.....	20, 92
Motions by.....	28, 33, 50
Joint Committee.....	30
Conference Committee.....	79
Introduces H. R. File No. 203.....	
WILLIAMS, ENOS.....	24
WILLIAMS, HARRIET, see 198 H. R. File.....	
WILLIAMS, JESSE.....	13, 16
WILLS, TESTAMENTS, ETC—	
An Act relating to, see H. R. File 191.....	
WILSON, S.....	7