JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

EIGHTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

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

KEOSAUQUA:

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JOURNAL

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HOUSE OF REPRESENTATIVES,

OF THE

LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IOWA.

Begun and held at Iowa City, on Monday, the first day of December, in the year of our Lord, one thousand, eight hundred and forty-five, in pursuance of an act of the Legislative Assembly, entitled, "AN act fixing the time for the annual meeting of the Legislative Assembly;" Approved, January 13, 1841.

At 12 o'clock, M., the following members appeared in their seats:

From the County of Lee.—JACOB HUNER and WILLIAM PATTERSON.

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

From the County of Des Moines.—JAMES M. MORGAN, JOHN D. WRIGHT, JOHN RIPLEY, ARCHIBALD McMICHAEL and JOSHUA HOLLAND.

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

From the County of Jefferson.—JOSEPH FLINT.

From the County of Louisa.—GEORGE W. McCLEARY.

From the County of Washington.—STEPHEN B. SHELEDY.

From the County of Muscatine.—ABRAHAM T. BANKS.

From the County of Johnson.—HUGH D. DOWNEY.

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

From the County of Scott.—JOSEPH M. ROBERTSON.

From the County of Clinton.—SHUBAEL COY.

From the County of Jackson.—THOMAS GRAHAM.

From the Counties of Du Buque, Delaware and Clayton.—DAVID S. WILSON and SAMUEL MURDOCK.

Mr. Sheledy then called the House to order; and, on his motion, Mr. Robertson was appointed Speaker *pro tem.*

On motion of Mr. McCleary,

William Thompson of the county of Henry, was appointed Chief Clerk *pro tem.*

On motion of Mr. Sheledy,

Mr. T. Williams of the county of Mahaska, was appointed Assistant Clerk *pro tem.*

On motion of Mr. Murdock,

Jacob P. Deforest of the county of Johnson, was, appointed Sergeant-at-Arms *pro tem.*

On motion of Mr. Lester,

James A. Gallaher of the county of Jefferson, was appointed Messenger *pro tem.*

On motion of Mr. Munger,

James Higgins of the county of Henry, was appointed Fireman *pro tem.*

On motion of Mr. Morgan,

Ordered, That a committee of five be appointed to examine the credentials of members.

Messrs. Sheledy, McCleary, Snyder, Munger and Taylor were appointed said committee.

On motion of Mr. Wright,

Mr. Morgan was permitted to take his seat without exhibiting his credentials.

Mr. McCleary, from the committee appointed to examine the credentials of members, reported, That Jacob Huner, George W. Lester, Norton Munger, Samuel V. Woodworth, Charles Clifton, George W. McCleary, Stephen B. Sheledy, Abraham T. Banks, Hugh D. Downey, Joseph R. Snyder, John Taylor, Joseph M. Robertson, Shubael Coy, David S. Wilson and Samuel Murdock had been duly elected and sworn into office; and that they had examined the credentials of John D. Wright, John Ripley, Archibald McMichael, Joshua Holland, Frederick Hancock, David Ferguson, William Patterson, Joseph Flint and Thomas Graham, and found them correct and in accordance with law;

Which was adopted.

The last mentioned gentlemen, together with Mr. Morgan, then came forward, had the requisite oath administered to them by James Trimble Esqr., and took their seats.

On motion of Mr. Wilson,

The House adjourned until ten o'clock, on to-morrow morning.

TUESDAY MORNING, 10 O'CLOCK,

DECEMBER THE 2d, A. D. 1845.

The House met pursuant to adjournment.

On motion of Mr. Morgan,

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

Mr. Morgan nominated George W. McCleary, from the county of Louisa.

Messrs. Clifton and Wilson were appointed tellers.

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

George W. McCleary had received 23 votes.

And scattering, 2 votes.

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

Messrs. Morgan and Woodworth then conducted the Speaker to the chair, from which he addressed the House as follows, to wit:

"GENTLEMEN:—I return you my sincere thanks for this proof of your confidence, and for the honor which you have conferred upon me in selecting me to preside over your deliberations.

To be called unanimously to the distinguished station in which I have been placed by your kind partiality, is an honor of which any one, no matter how exalted his talents, might well be proud. What then must be the feelings of the humble individual who now addresses you, selected from so many more able and experienced members than himself?

Inexperienced as I am, Gentlemen, in much that relates to the duties of the Chair, (never before having had the honor of presiding over an assembly of this kind,) I fear I shall be unable to meet the expectations of my friends. But, whatever errors I may commit, and doubtless there will be many, I hope you will attribute them to a want of proper understanding of the rules, and not to a disposition to err intentionally. All I can promise you in return for your kindness, is the assurance that I will endeavor to discharge the duties of this, to me, new and untried station, faithfully and impartially to the best of my ability.

Confidently relying upon your co-operation and support, gentlemen, and indulging the ardent hope that our deliberations may prove to be pleasant to ourselves, and satisfactory to our constituents, I cheerfully enter upon the duties of the station which you have assigned me, and again tender you my most hearty thanks for the honor conferred.

On motion of Mr. Hancock,

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

Messrs Taylor and Murdock were appointed tellers.

Mr. Honcock nominated William Thompson, from the county of Henry.

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

William Thompson had received 24 votes,

And Blank 1 vote.

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

On motion of Mr. Taylor,

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

Messrs. Snyder and Sheledy were appointed tellers.

Mr. Taylor nominated S. H. Tryon, of the county of Linn.

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

S. H. Tryon had received 20 votes;

And Scattering, 5 votes.

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

On motion of Mr. Patterson,

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

Messrs. Robertson and Patterson were appointed tellers.

Mr. Patterson nominated S. T. Marshall of the county of Lee.

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

S. T. Marshall had received 22 votes.

And Scattering, 2 votes.

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

On motion of Mr. Morgan,

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

Messrs. Morgan and Downey were appointed tellers.

Mr. Morgan nominated John L. Campbell of Des Moines county.

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

John L. Campbell had received 20 votes;

And Scattering, 4 votes.

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

On motion of Mr. Wilson,

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

Messrs. Murdock and Woodworth were appointed tellers.

Mr. Wilson nominated Isaac Havens, of the county of DuBuque.

Mr. Munger nominated James Higgins, of the county of Henry.

Mr. Munger read a recommendation of Mr. Higgins, signed by a great number of citizens of Henry county, irrespective of party; and made some remarks in his favor, which were answered by Messrs. Murdock and Wilson.

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

Isaac Havens had received 18 votes;

And James Higgins received 6 votes.

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

The foregoing officers being present, came forward, and were duly sworn into office by the Speaker.

On motion of Mr. Hancock,

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

WEDNESDAY MORNING, 10 O'CLOCK,

December the 3d, A. D. 1845.

The House met pursuant to adjournment.

On Motion of Mr. Sheledy,

Resolved, That the rules of the last session of the House of Representatives, be adopted for the government of the House at its present session.

On motion of Mr. Taylor,

Resolved, That the members of this House, be furnished with 25 copies of such newspapers published in this Territory, as they may direct; Provided such papers shall be furnished at the rates of $2 00 per annum.

Messrs. Summers and Coop, as a committee from the Council for that purpose, waited upon the House, and informed it that the Council was now organized and ready to proceed to business.

On motion of Mr. Robertson,

Resolved, That the following be the standing committees for the present session, viz:

Ways and means;	Expenditures;
The Judiciary;	Territorial Affairs;
Common Schools;	Roads and Highways;
Internal Improvements;	Corporations;
Claims;	Township and County Boundaries;
Military Affairs;	Public Buildings;
Enrolled Bills;	New Counties; and,
Engrossed Bills;	Agriculture.

Mr. Taylor offered the following:

Resolved, That the Chief Clerk be requested to furnish each member of this House with a copy of the Revised Statutes of this Territory, a copy of the laws of 1842–3, a copy of the laws of the last session, and a copy of the journal of the House of the same.

On motion of Mr. Sheledy,

The resolution was laid on the table.

On motion of Mr. Sheledy,

Resolved, That the Editors of newspapers and their reporters, be admitted within the bar of this House.

On motion of Mr. Morgan,

Ordered, That a committee be appointed to wait upon the Council and inform that body that the House is now organized and ready to proceed to business.

Messrs. Morgan and Munger were appointed said committee; and, after being absent for a short time,

Mr. Morgan from said committee, reported that they had waited upon the Council and performed the duty assigned them.

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

"A memorial to Congress, praying for the passage of an act in relation to the boundaries of the future State of Iowa."

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

"A memorial to Congress for lands to complete the Iowa Penitentiary."

On motion of Mr. Wilson,

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

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

A Bill to lay off and organize the county of Jasper.

On motion of Mr. Wilson,

Resolved, That the Messrs. Palmers, of the Iowa Capital Reporter, be employed to do the incidental printing of the House during the present session.

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

A memorial to Congress, asking a grant of land to improve the navigation of the Des Moines river.

The following message was then received from the Council, by Mr. Kinney, their Secretary:

MR. SPEAKER:

I am directed to inform the House, that Messrs. Summers and Abbe have been appointed a committee on the part of the Council, to act in conjunction with a similar committee to be appointed on the part of the House to wait upon His Excellency, the Governor, and inform him that both Houses are now organized, and ready to receive any communication he may be pleased to make to them;

And then he withdrew.

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

A memorial to Congress, praying the removal of the Winnebago Indians.

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

A memorial to Congress, praying for the sale of the reserved mineral lands in Iowa.

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

A Bill for a Territorial road from Oskaloosa, in Mahaska county, to Knoxville, in Marion county.

On motion of Mr. Wilson,

The House adjourned.

TWO O'CLOCK, P. M.

Mr. Speaker announced the following as the Standing committees of the House:

On Ways and Means—Messrs. Murdock, Robertson, Huner, Flint and Woodworth.

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

On Common Schools—Messrs. Munger, Banks, Graham, Brown and Ripley.

On Internal Improvements—Messrs. Patterson, Holland, Ferguson, Coy and Clifton.

On Claims—Messrs. Snyder, Banks, Robertson, Wright and Downey.

On Military Affairs—Messrs. Banks, Brown, Graham, Ripley and Wilson.

On Enrolled Bills—Messrs. Morgan and Munger.

On Engrossed Bills—Messrs Taylor and Wilson.

On Expenditures—Messrs. Robertson, McMichael, Graham, Hancock and Sheledy.

On Territorial Affairs—Messrs. Wilson, Downey, Morgan, Snyder and Munger.

On Roads and Highways—Messrs. Wright, Ferguson, Clifton, Coy and Robertson.

On Corporations—Messrs. Taylor, Robertson, Flint, Holland and Ferguson.

On Township and County Boundaries—Messrs. Hancock, Huner McMichael, Flint and Graham.

On Public Buildings—Messrs. Downey, Huner, McMichael, Ferguson and Woodworth.

On New Counties—Messrs. Sheledy, Lester, Flint, Murdock and Downey.

On Agriculture—Messrs. Ripley Patterson, Coy, Hancock and Sheledy.

The Speaker then presented the following Message from His Excellency, the Governor:

Gentlemen of the Council and of the House of Representatives:

With less than a fortnight's notice of my appointment to the discharge of the Executive duties, during the greater portion of which brief period I have been prostrated by sickness, I find myself called upon, as a co-ordinate branch of the Legislature, to communicate with you in relation to such subjects, both of a local and general character, as in my judgment are deemed to have a bearing upon the common interests of the people of Iowa. Deprived, as I thus have been, of the time and opportunity essential to the proper discharge of this duty—cut off from all opportunity of investigation into past legislation, so as to be enabled to recommend remedial action where defects might be found to exist—denied, even, it may be said, time sufficient for common reflection—I have great reason to fear that many subjects will be passed over in this communication, which, upon a more ample survey of the

public wants and requirements would have been pressed upon your attention. The regret, however, which I feel in anticipation of such a discovery, is materially abated by the knowledge that your action can in no wise be effected by the omission. Happily for the people, their Representatives in the discharge of their duties as Legislators, are not necessarily governed by Executive recommendations; neither are they precluded from considering, and acting upon any subject by Executive omission.

You assemble, Gentlemen, under auspicious circumstances. Peace pervades the land and plenty every where abounds. The earth, during the season just past, has been unusually abundant in its yield, both externally and internally. From its face, the husbandman has gathered bountiful crops, which he is enabled to dispose of at something more than a living profit; while more than ordinary success has attended the labors of that adventurous, and not inconsiderable portion of our citizens, whose avocation it is to search for, and bring to light, the rich treasures which are concealed beneath. Labor, though still commanding less than could be desired, finds ready employment; and industry, plied with ordinary skill and perseverance, fails not of securing the necessaries, and even comforts of life. These are blessings of inestimable value; but I much regret that, in enumerating them, I am compelled to omit that most important of all blessings which can be vouchsafed to any people—the prevalence of general health. The people of Iowa have suffered severely from sickness the past season; nor is it any consolation to them to know that their fellow citizens in all the western States have been similarly visited, except so far as it establishes the fact that there is nothing in our soil or climate *peculiarly* favorable to disease. Bowing in humble submission to the affliction, our duty would remain but half discharged, did we forget to return our grateful and fervent thanks to that Providence which rules over all things, and from which all good emanates, for the manifold blessings we have been permitted to enjoy.

Since your adjournment in June last, a most important question has been decided by the people, the effect of which is to throw us back where we originally commenced in our efforts to effect a change in the form of government under which we at present live—I allude to the rejection of the Constitution at the August election. This result, however brought about, in my judgment, is one greatly to be deplored.—That misrepresentation and mystification had much to do in effecting it, there can be no doubt; still it stands as the recorded judgment of the people; and to that judgment, until the people themselves revese the decree, it is our duty to submit. Having, from absence and indisposition, been denied all opportunity of ascertaining public feeling at present in relation to this subject, I do not feel prepared to urge upon the Legislature any particular course of conduct to be pursued. The members themselves, come fresh from the people, and are presumed to be advised of the wishes of their constituents as to what action, if any, should be had in reference to the question. Being thus advised, they will doubtless adopt such measures as are called for by the public sen-

timent, and adhering, as I do, to the opinon long entertained and frequently expressed, that the prosperity of Iowa would be greatly advanced by her speedy incorporation into the Union as a State, it affords me great pleasure to assure you that whatever steps may be taken by you, looking to that desirable result, and in my judgment calculated to effect it, will receive my hearty co-operation.

The increase in the population of Iowa within the last year may be assumed with great confidence to have exceeded that of any former year. The rapidity with which settlements have extended back is truly astonishing. From the narrow strip of country purchased in 1832, some forty miles in width, extending up and down the Mississippi, and upon which the first settlements were made, we have seen our Territory extend itself on the West, step by step, until its limits approach to within a short distance of the Missouri river, if, indeed, that point be not already gained.

In accordance with the stipulations contained in the treaty negotiated by my predecessor in office in 1842, the Sac and Fox Indians early in the past fall, quietly and peaceably abandoned the whole of the country owned and occupied by them in Iowa, and proceeded to the new home provided for them by the government, lying South and West of the Missouri. A vast country, much of which is described by those who have been over it as exceedingly valuable, is thrown open to settlement; emigrants are already seeking it; and in a year from the present time, judging the future by the past, a population amounting to many thousands may be expected to be scattered over its face. In view of this reasonable anticipation, I respectfully recommend the division of the newly acquired district into counties of such size as shall comport with the judgment of the Legislature, to be attached to the counties most contiguous to them which are organized. It will probably be found, too, upon inquiry, that some of the counties at present laid out, but not yet organized contain inhabitants enough within their limits to support county governments of their own; and if so, provision should be made for their speedy organization.

While alluding to the subject of the extension of our organized Territorial limits, it is proper that I should refer to the failure of the attempt made by the government in August last to purchase from the Winnebagoes the country at present occupied by them, known as the "Neutral Ground;" and, in the same connexion, also make mention of the recent visit of a delegation of Pottawatamie chiefs to Washington for the avowed purpose of entering into negotiations with the government for the relinquishment of their title to all the lands belonging to them lying within our borders. The Winnebagoes, it would seem, entertain an insuperable objection to removing beyond the Missouri river, the region designated as their future residence, in all propositions of purchase which have heretofore been submitted to them by the government.—Three several attempts to treat have been made within as many years, and all attended with equally ill success, the chief obstacle upon each occasion being the one already alluded to. The Indians are not understood to be particularly wedded to the country now in-

habited by them; but having ever resided in the North, their feelings and prejudices are all against emigrating South. Could a new home be provided for them in the North, I have good reason to believe that little or no difficulty would be experienced in inducing them to remove to it; but until some step of the kind is taken all our efforts to extinguish the Winnebago title to their lands may be expected to result in failure. The Sioux nation of Indians own a vast and extensive region of country bordering on the Mississippi, and running up near to its head waters, a portion of which, sufficiently extensive for the Winnebagoes to hunt and reside upon, it is believed the government might obtain at a comparatively trifling expenditure. The aversion of the Indians to going South being well known to those who exercise the control of the Indian Department, may we not look for, and should we not solicit a change of policy in this particular? The subject being one of the first importance to the people of Iowa at large, but more especially to that portion of them who reside in the counties bordering on the Indian lands, some expression of the views entertained by the Legislature in relation to it would seem to be called for. The result of the visit of the Pottawatamie delegation to Washington has not yet transpired, but I entertain strong hopes that it will prove to be all we desire.

The question of boundary between the State of Missouri and this Territory still remains unsettled; but I am happy to inform you that no collision of a serious character has taken place in consequence of the dispute since your adjournment. The continuance of this amicable state of things is greatly to be desired. While no conceivable good could possibly result to the claim of either party from rupture and open conflict, much evil would inevitably ensue to both. As one of the parties to the dispute, however, it is our duty to lend all our assistance in furthering the speedy adjustment of the question in such manner as may be agreed upon; and as Missouri has indicated her willingness to submit the question to the decision of the judicial tribunals of the country, I know of no better course to pursue than that recommended by my predecessor, in one of his latest official communications to the Legislature, viz: to memorialize Congress for the passage of a law which will enable the Territory to go into the Supreme Court as a party in the case. The absence of sovereignty, it is held by those who have investigated the subject, cuts us off from the privilege at present. True, the issue can at once be made up as soon as we are admitted as a State; but should Congress respond favorably to our request at its present session, it is probable the question would be finally put to rest even while we remain a Territory.

A subject of deep importance to a large and enterprising portion of our citizens, and one in relation to which the Legislature should not fail to speak out, is the disposition by the general government of the mineral lands lying in this Territory and elsewhere. The system which at present prevails of leasing these lands, is justly obnoxious to those engaged in the uncertain occupation of mining, and should be abolished at the earliest possible day. Unlike some of the despotic

establishments of the old world, where excess of tribute is extorted from the people under almost every imaginable plea, in this country we have a government which aims at the happiness of the governed; and when this happiness is most equally and most generally diffused, then may the government be said to have best performed the object for which it was instituted—then is it the strongest. It would be a gross perversion of the spirit of our institutions were the government, as proprietor of our vast landed domain, to refuse to sell any portion of such domain to individual purchasers; but, transforming itself into a grasping landlord, would require of every settler who might go upon the lands and cultivate them, the payment of a certain per cent. upon all the products raised by him as rent. And yet such is precisely the operation of the system now pursued in relation to the mineral lands; the government not only refuses to relinquish its interest in them, but it extorts a heavy tax from all who work them. Instead of aiding and encouraging the enterprise of the citizen, the effect of the policy is to cripple his energies and palsy his industry. I conceive the whole system to be eminently unjust in its bearing upon a large number of the inhabitants of this Territory, and hope soon to have the pleasure of witnessing its overthrow. It is the opinion of intelligent men who have had opportunities of advising themselves on the subject, that the labor employed in the business of mining is worse paid for, in the aggregate, than that employed in any other branch of industry. Men toil for years frequently, without meeting with the slightest encouragement; and if, in the end, success crowns their perseverance, the government, like a hard task-master, immediately steps in and wrests from them such a portion of their hard earnings as it may suit its convenience to demand. The best course, undoubtedly—best for the government, and best for the miner—would be to sell the lands as other lands are sold, varying only in the particulars of quantity and price, which might easily be regulated to the satisfaction of all. An expression of opinion by you, Gentlemen, on this important subject, at the present time, could scarcely fail of being attended with salutary results, particularly as it is understood a revision and modification of the system will be attempted this winter.

The improvement, by slackwater or otherwise, of that most beautiful of all rivers, the Desmoines, is a subject in which deep interest is felt by our fellow citizens residing in the Western and Southern counties. Coursing, as it does, through a very fertile and densely populated portion of the Territory, this stream, once rendered susceptible of steam navigation, would soon become the thoroughfare for a vast amount of inland trade. The practicability of so improving it is generally conceded; but being destitute ourselves of the means necessary to its accomplishment, the question at once presents itself, "how, and at whose expense, is the work to be done?" At present we have but one resource to turn to, and that is the general government. Grants of lands have been made in several instances by Congress to works of infinitely less importance; and for any reasonable donation of this kind to the improve-

ment in question the government might safely calculate upon being speedily reimbursed, in the increase of its receipts from the lands lying contiguous to the river. A memorial to Congress, setting forth the subject in its proper light, might possibly receive a favorable reception at the hands of that body. Whether or not such a memorial shall be adopted is for you to say.

The rapid accumulation of the public debt of the Territory is beginning to attract the attention of the people, who, as the period approaches at which they expect to be called on to support the expenses of a state government, naturally seek to advise themselves of the extent of the burthens they are about to assume. That our liabilities, with our legislative and judicial expenses borne by the general government, should have reached their present aggregate, is truly unaccountable. What is past, however, cannot be repaired; we can only guard against the augmentation of the debt in future. To do this effectually, it will be necessary to institute a more rigid system of enquiry and investigation into the justness and legality of claims brought against the Territory than has heretofore prevailed. It will also be found, upon examination, that under our laws there are some items of expenditure chargeable to this fund which might be either diminished, or totally done away with, without serious detriment to the public interests; and in all such cases, I take it for granted, the proper corrective will be applied. If possible, also, some measures should be adopted to ensure the more regular payment of the Territorial tax into the treasury by the county collectors, much delay and irregularity in this particular having heretofore prevailed.

The reports of the Auditor of Public Accounts, Commissioner of Public Buildings, and Warden of the Penitentiary, not being yet before me, I am unable to communicate to the Legislature any information in relation to those subjects which it is not already in possession of. These documents will doubtless be forthcoming at the proper time; and at a day early enough to admit of such action in reference to them as in your judgment will best advance the public interests.

The evils of overlegislation are so generally acknowledged, that any attempt by me to impress the important truth upon your minds, would justly be looked upon as supererogation. At the same time that we concede the evil, however, we have not avoided running into it; for perhaps no community ever suffered more severely from the cause in question, than have the people of Iowa. Stability in the laws (presuming them to be wisely framed) is of the utmost importance to those for whose benefit they were enacted; but with us, few enactments are permitted to remain long enough on the statute book to permit their wisdom to be tested. The magnitude of the evil is felt and complained of by the public; nnd I should feel that part of my duty had been omitted, did I pass by the subject without, in some manner, alluding to it. In view of our admission into the Union as a State at an early period, the fewer the changes made in our statute book, the better. Acts of pernicious tendency, it is true, should not be permitted to remain in existence after being tested and condemned by time; but the point to be

avoided is, legislation for legislation's sake. I trust and believe that the Legislature will be found to entertain views on this subject similar to my own; and that, animated by wise counsels and patriotic considerations, it will limit its action to such subjects only as are of pressing importance, and are conceded to require the interposition of the law.

Economy in the expenditures of the fund set apart by Congress for the legislative expenses of Iowa is of the first importance, and cannot be too rigidly practised. The appropriation being amply sufficient, as I conceive it to be, after paying off all the arrearages of the May session, to defray the expenses of a session of such duration as the public wants require, we should incur a heavy load of responsibility indeed, were we to contract an excess of liabilities, especially as such excess would inevitably fall upon the Territorial treasury, and would thus be made to swell the load of debt, already sufficiently large, which the people will be required to assume upon their organization of a State government.

I avail myself of the opportunity to say, in conclusion, that it will afford me great pleasure to co-operate with the Legislature in all measures calculated to exert a favorable influence upon the destinies of our Territory, and the happiness of its people. Uniting, as we undoubtedly shall, in our efforts to effect so desirable a result, my sincere prayer is that we may not be disappointed in our anticipation of the effect of our works.

JAMES CLARKE.

December 3, 1845.

On motion of Mr. Morgan,

Ordered, That 2000 copies of the Governor's message be printed for the benefit of the members of the House.

On motion of Mr. Patterson,

The House adjourned.

THURSDAY MORNING, 10 O'CLOCK,

December 4, A. D. 1845.

Mr. Patterson presented the credentials of Gen. Jesse B. Brown, member elect from the county of Lee.

On motion of Mr. Patterson,

Mr. Brown was sworn into office and permitted to take his seat.

Mr. Banks presented the petition of Robert Stewart and 42 others, citizens of Muscatine county, praying for the vacation of a part of a certain road leading from Wyoming to Moscow;

Which,

On Motion of Mr. Banks,

Was referred to the committee on Roads and Highways.

On motion of Mr. Sheledy,

Resolved, That so much of the Governor's message, as relates to the improvement of the navigation of the Desmoines river, be referred to a select committee, consisting of the members from the river counties.

Messrs. Sheledy, Ferguson, Flint, Brown and Lester were appointed said committee.

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

"A Bill to lay an additional tax for Territorial purposes."

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

"A Bill to provide for the election of delegates to form a constitution for the government of the State of Iowa."

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

A Bill to legalize Territorial and county roads, where they have not been recorded at length.

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

A Bill amendatory of an act to amend an act to provide for laying a tax on real and personal property for road purposes.

On motion of Mr. Ripley,

Resolved, That the committee on Roads and Highways be instructed to enquire into the expediency of opening all section lines in this Ter-

ritory, and also, half section lines where the public good requires it; and that they have leave to report by bill or otherwise.

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

A Bill to authorize the collector of taxes in Mahaska county, to collect the taxes in Marion county for the years 1844 and 1845.

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

On motion of Mr. Morgan,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Morgan,

The Governor's message was taken from the table.

On motion of Mr. Morgan,

So much of the Governor's message as relates to the Southern Boundary of the Territory, was referred to the committee on Territorial Affairs.

On motion of Mr. Morgan,

Ordered, That so much of the message as relates to a State Government, be referred to the committee on Territorial Affairs.

On motion of Mr. Wilson,

Ordered, That so much of the message as relates to the sale of the mineral lands, be referred to a select committee.

Messrs. Wilson, Brown, Munger, Sheledy and Taylor, were appointed said committee.

On motion of Mr. Wilson,

Ordered, That so much of the message as relates to the Winnebago Indians, be referred to the gentleman from Clayton, Mr. Murdock.

On motion of Mr. Wilson,

The vote referring so much of the message as relates to the Southern boundary of the Territory, to the committee on Territorial Affairs, was reconsidered.

On motion of Mr. Wilson,

The motion was amended by inserting the committee on the "Judiciary" instead of "on Territorial Affairs;" and the motion thus amended, was carried in the affirmative.

On Motion of Mr. Sheledy,

Ordered, That so much of the message as relates to the formation of new counties, be referred to the committee on New Counties.

On motion of Mr. Snyder,

Ordered, That so much of the message as relates to the public debt of the Territory, be referred to the committee on Ways and Means.

On motion of Mr. Taylor,

Resolved, That the committee on Roads and Highways be instructed to enquire into the expediency of requiring the petitioners for roads and highways to pay all expenses for laying out and surveying the same; and report by bill or otherwise.

Mr. Murdock offered the following;

Resolved, That the Judiciary committee be instucted to enquire as to whether the present session of the Legislature is a regular session under the organic law, or a continuation of the last session; and that they report as soon as convenient.

Mr. Hancock made a motion to lay the resolution on the table;

Which was decided in the negative.

The question then recurred on the adoption of the resolution, and was decided in the affirmative.

On motion of Mr. Sheledy,

Ordered, That so much of the message as relates to the evils of over legislation, be referred to the committee on the Judiciary.

On motion of Mr. Clifton,

The House adjourned.

FRIDAY MORNING, 10 O'CLOCK.

December 5, A. D. 1845.

Mr. Robertson offered the following resolution:

Resolved, That Willard Barrows of Scott county, be allowed the sum of sixty-five dollars for maps and notes of Iowa, furnished the Legislature as per resolution of the House at its May session, 1845; and that the Secretary of the Territory be, and he is hereby authorized

to pay the same out of the appropriation now on hand to defray the expenses of the present Legislative assembly.

Mr. Wilson made a motion to amend the resolution, by striking out the words "sixty-five," and inserting "forty."

Mr. Ferguson made a motion to refer the resolution to the committee on claims.

On motion of Mr. Sheledy,

Ordered, That the resolution be laid upon the table.

On motion of Mr. Wright,

Ordered, That the resolution offered by Mr. Taylor, instructing the Chief Clerk to furnish each member with a copy of the revised statutes of this Territory, &c., be taken from the table.

On motion of Mr. Wright,

The resolution was amended so as to read as follows:

"*Resolved*, That the Secretary of the Territory be required to furnish each member of this House with a copy of the revised statutes of this Territory, a copy of the laws of 1843–4, also a copy of the journal of the last session."

The question being on the adoption of the resolution, was decided in the affirmative.

So the resolution, as amended, was adopted.

On motion of Mr. Wilson,

Resolved, That the Territorial Treasurer be requested to report to this House the amount of indebtedness of the Territory; the present means of paying off such indebtedness, and if, in his opinion, there is any other manner of collecting the revenue preferable to the present mode; so that the House can take prompt steps to a speedy extinguishment of the debts of the Territory.

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

A Bill to amend an act entitled, "An act concerning grand and petit urors."

Also,

A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton.

On motion of Mr. Wilson,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of abolishing the salary of the Adjutant General of the militia of this Territory.

On motion of Mr. Snyder,

Resolved, That the committee on Common Schools be instructed to

inquire whether any amendment be required to the law on the subject of common schools; and report by bill or otherwise.

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that Messrs. Coop, Leffler and Summers have been appointed a committee on the part of the Council, to act in conjunction with a similar committee on the part of the House of Representatives for the purpose of framing the necessary rules to regulate the intercourse of the two Houses.

And then he withdrew.

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

No. 1, H. R. File, A Bill to legalize Territorial and county roads;

Which was read a first time.

On motion of Mr. Wilson,

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

The bill was read a second time accordingly; and,

On motion of Mr. Snyder,

Referred to the committee on Roads and Highways.

On motion of Mr. Wilson,

Ordered, That a committee of three be appointed to act in conjunction with a similar committee on the part of the Council, in framing suitable rules for the joint intercourse between the two Houses.

Messrs. Wilson, Robertson and Morgan were appointed said committee.

Ordered, That the Council be informed thereof.

On motion of Mr. Murdock,

The House adjourned.

TWO O'CLOCK, P. M.

The following message was received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

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

No. 3, C. File, A Bill to amend an act entitled, "An act relative to divorce, alimony and other purposes;" approved, 20th January, 1845.

Also,

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right;" approved, December 29th, 1838.

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

And then he withdrew.

On motion of Mr. Sheledy,

The House adjourned.

SATURDAY MONING, 10 O'CLOCK.

DECEMBER 6, A. D. 1845.

Mr. Sheledy presented the following resolution:

Resolved, That our Delegate in Congress be requested to use his best exertions to procure the removal of the Land Office from Fairfield in Jefferson county, to Oskaloosa in Mahaska county, prior to the land sales in the spring of 1846.

On motion of Mr. Sheledy,

Ordered, That the resolution be laid on the table.

On motion of Mr. Robertson,

Ordered, That the resolution authorising the Secretary to pay Willard Barrows sixty-five dollars for maps and notes of Iowa, &c., be taken from the table.

Mr. Wilson offered the following, as a substitute:

Resolved, That the members of this House, who have received them, pay for Barrow's maps out of their own private funds, instead of out of the legislative fund.

Mr. Taylor made a motion to amend the substitute by inserting the following:

"Provided, they see proper to do so;"

Which was decided in the negative.

The question then recurred, on the adoption of the substitute offered by Mr. Wilson;

Which was decided in the negative:

Yeas 4, Nays 22.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Flint, Ferguson, Holland and Wilson.

Those who voted in the negative, are

Messrs. Banks, Brown, Clifton, Coy, Downey, Graham, Hancock, Huner, Lester, Morgan, Munger, Murdock, McMichael, Patterson,

Ripley, Robertson, Sheledy, Snyder, Taylor, Woodworth, Wright and McCleary, Speaker.

On motion of Mr. Patterson,

Ordered, That the resolution be referred to the committee on Expenditures.

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

A joint resolution instructing our Delegate in Congress to use his influence, to get an appropriation to rebuild the bridge over Flint river in Desmoines county, on the mail route leading from Burlington to Iowa City, *via* Bloomington,

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

A Bill to amend an act entitled, "An act to authorise the several boards of county commissioners to grant permits for constructing dams across navigable rivers, so that the person who may obstruct the navigation of the Desmoines river may be prosecuted in any county adjoining the said river.

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

A Bill to amend an act entitled, "An act to organize, discipline and govern the militia of this Territory.

Mr. Wilson, from the committee appointed to frame joint rules for the intercourse between the two Houses, reported as follows:

"The committee appointed by the House to act in conjunction with a committee of the Council, to agree upon the rules regulating the intercourse between the two Houses, beg leave to report, that they have agreed upon the joint rules of the last session;"

Which,

On motion of Mr. Morgan,

Was agreed to.

Mr. Wright, from the committee on Roads and Highways, to whom was referred,

No. 1, H. R. File, A Bill to legalize territorial and county roads,

Reported the same back to the House, and recommended its passage.

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

No. 2, H. R. File, A Bill to repeal an act concerning grand and petit jurors; approved, February 15, 1844; and to revive certain other acts therein named;

Which was read a first time.

No. 3, C. File, A Bill to amend an act entitled, "An act relative to divorce, alimony, and other purposes;" approved 20th January, 1845.

Was read a first time.

On motion of Mr. Sheledy,

The 42d rule was suspended, the bill read a third time, referred to a committee of the whole House, and made the order of the day for Monday next.

On motion of Mr. Wright,

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

MONDAY MORNING, 10 O'CLOCK.

DECEMBER 8, A. D. 1845.

Mr. Speaker presented a report from the Territorial Treasurer, responsive to a resolution of this House.

Mr. Brown made a motion to refer the report to the committee on Territorial Affairs.

Mr. Wilson made a motion to amend the motion by adding the following:

"And that 240 copies of the Report be printed;"

Which was decided in the affirmative.

The question then recurred on the motion of Mr. Brown as amended; and,

Was decided in the affirmative.

On motion of Mr. Brown,

Resolved, That the committee on Roads and Highways be instructed to examine the necessity of amending the first section of an act entitled, "An act to prevent and punish the obstruction of public roads and highways;" approved June 11th, 1845; and, that they be instructed to report by bill or otherwise.

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

A memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line.

On motion of Mr. Robertson,

Resolved, That a committee, consisting of one member from each

electoral district, be appointed to memorialize Congress upon the subject of mail routes in the Territory of Iowa.

Messrs. Robertson, Murdock, Graham, Snyder, Downey, Banks, Sheledy, Flint, Woodworth, Ferguson, Brown and McMichael were appointed said committee.

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

A Bill for the apprehension of criminals, and for the suppression of crime and acts of misdemeanor.

On motion of Mr. Hancock,

Resolved, That Doctor Flint of Wapello, be allowed the use of the Hall for religious services on Tuesday evening next.

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

A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue."

Mr. Downey presented the account of Peter Conbay, for 12 days labor cleaning and preparing the Capitol for the reception of the Legislature, at $1 50 per day, $18 00

Which was referred to the committee on Claims.

Mr. Morgan from the committee on the Judiciary, submitted the following report:

The committee on the Judiciary, to whom was referred so much of the Governor's message as relates to the "evils of over-legislation," beg leave to report, that, in the opinion of the committee, the subject so referred, does not present a proper subject of legislation. The province of committees extends only to such matters as can be presented in the form of propositions for the action of the whole House. The matter referred in the present instance, furnishes neither a proposition nor a basis upon which a proposition may be founded. It is, in fact, a mere suggestion of His Excellency relative to one of the abuses of the times—a species of admonition which frequently, and sometimes, not improperly, accompanies Executive communications, and which, at the same time, does not, in itself, afford a legitimate object for legislative action.

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right;" approved Dec. 29th, 1838,

Was read a first time.

No. 1, H. R. File, A Bill to legalize territorial and county roads,

Was read a second time; and,

On motion of Mr. Wilson,

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

No. 2, H. R. File, A Bill to repeal an act concerning grand and petit jurors,

Was read a second time; and,

Referred to the committee on the Judiciary.

No. 3, C. File, A Bill to amend an act entitled, "An act relative to divorce, alimony and other purposes;" approved, 20th January, 1843, being the order of this day, was considered in committee of the whole House; Mr. Hancock in the chair.

After some time spent therein, the committee rose,

Mr. Speaker resumed the chair, and the chairman referred the bill back to the House amended by striking out all after the enacting clause, which,

On motion of Mr. Snyder,

Was concurred in by the House.

On motion of Mr. Robertson,

The enacting clause of the bill was stricken out.

Ordered, That the Council be informed thereof.

Mr. McCleary gave notice, (Mr. Wilson being in the chair) that he would on to-morrow, or some future day, ask leave to introduce

A Bill to incorporate the Wapello Lyceum and Library Association.

On motion of Mr. Taylor,

The House adjourned.

TWO O'CLOCK, P. M.

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

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Which was read a first time.

Mr. Patterson presented the report of the warden of the penitentiary.

On motion of Mr. Patterson,

Ordered, That the report be referred to the committee on Territorial Affairs.

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

No. 4, H. R. File, A joint resolution instructing our delegate in Congress to use his influence to get an appropriation to re-build the bridge over Flint river in Desmoines county;

Which was read a first time.

On motion of Mr. Taylor,

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

On motion of Mr. Robertson,

The resolution was amended by adding the words following:
"And that the Secretary be instructed to forward a copy of the resolution to our delegate in Congress."

On motion of Mr. Clifton,

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

On motion of Mr. Brown,

The House adjourned.

TUESDAY MORNING, 10 O'CLOCK,

DECEMBER 9th, A. D. 1845.

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

A joint resolution, requesting our Delegate in Congress, to procure an appropriation to improve the Desmoines river.

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

A Bill to amend an act regulating interest on money.

Mr. Taylor, from the committee on Engrossed Bills, reported, that said committee had carefully examined,

No. 1, H. R. File, A Bill to legalize Territorial and county roads; And,

No. 4. H. R. File, Joint Resolution instructing our Delegate in Congress to use his influence to get an appropriation, to re-build the bridge over Flint river in Desmoines county, and found them correctly engrossed.

Mr. Robertson, from the committee on Expenditures, submitted the following report:

"The committee on Expenditures, to which was referred a resolution of the House, authorising the payment of Willard Barrows for maps furnished this House, have had the same under consideration, and a majority of said committee have instructed me to report for adoption the following resolution:

"*Resolved*, That Willard Barrows of Scott county, be allowed the sum of sixty-five dollars for maps and notes of Iowa, furnished the members of the Legislature as per resolution of the House at its May

session, 1845; and that the Secretary of the Territory be, and he is hereby, authorized to pay the same out of any funds now on hand not otherwise appropriated."

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

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton.

Which was read a first time.

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

No. 6, H. R. File, Memorial for an appropriation to complete the Iowa Penitentiary;

Which was read a first time.

On motion of Mr. Wilson,

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

On motion of Mr. Brown,

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

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

No. 7, H. R. File, A Memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line;

Which was read a first time.

On motion of Mr. Brown,

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

On motion of Mr. Patterson,

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

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right; approved Dec. 29, 1838,

Was read a second time; and,

On motion of Mr. Patterson,

Referred to the committee on the Judiciary.

No. 3, H. R. File, A Bill to lay an additional tax for Territorial purposes,

Was read a second time; and,

On motion of Mr. Brown,

Referred to the committee on the Judiciary.

No. 1, H. R. File, A Bill to legalize territorial and county roads; Was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 4, H. R. File, Joint resolution instructing our Delegate in Congress, to use his influence to get an appropriation to re-build the bridge over Flint river, in Desmoines county,

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

Ordered, That the Council be informed thereof.

The following message was then received from the Council, by Mr. Kinney, their secretary:

Mr. Speaker:

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

No. 1, C F A Bill to amend an act for assessing Territorial tax, and for other purposes; approved 15th February, 1844;

Also,

No. 10, C. File, A Bill to repeal all laws in force allowing compensation to military officers in this Territory;

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

The Council have concurred in the amendment made by the House, to No. 3 C. File, A Bill to amend an act entitled, "An act relative to divorce, alimony, and other purposes;" approved, 20th January, 1843.

And then he withdrew.

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

A memorial to Congress, asking an appropriation to continue the government road leading from Burlington to the Old Agency, to the New Agency, at the Raccoon fork, and from thence to Council Bluffs.

Mr. Clifton presented the claim of Alexander Stephen, for 4 day's service cutting wood, &c., previous to the meeting of the Legislature in May last, at $1 50 per day; $6 00

Which,

On motion of Mr. Clifton,

Was referred to the committee on Claims.

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

A memorial to Congress, asking an appropriation to build a bridge across Cedar river, where the military road from Du Buque to Iowa City, crosses said river.

Mr. Banks presented the petition of Elijah Dollerhide, and 9 others, citizens of Muscatine county, praying for an extention of the time for working on the road for the year 1845; which,

On motion of Mr. Banks,

Was referred to the committee on Roads and Highways.

Mr. McCleary, having given previous notice, and upon leave being granted, (Mr. Patterson being in the chair,) introduced,

No. 8. H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association;

Which was read a first time.

Mr. Sheledy presented the following resolution:

Resolved, That a committee of five be appointed to receive sealed proposals for printing the laws and Journals of the present House of Representatives, and that they lay said sealed proposals before this House, at as early a day as possible.

Mr. Hancock made a motion to lay the resolution on the table;

Which was decided in the affirmative.

Yeas 18, Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Coy, Flint, Ferguson, Graham, Hancock, Huner, Lester, Morgan, Murdock, McMichael, Patterson, Ripley, Snyder, Taylor, Wilson, Wright and McCleary, Speaker.

Those who voted in the negative, are

Messrs. Brown, Clifton, Downey, Holland, Munger, Robertson, Sheledy and Woodworth.

So the resolution was laid upon the table.

On motion of Mr. Clifton,

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

WEDNESDAY MORNING, 10 O'CLOCK,

DECEMBER 10th, A. D. 1845.

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

A Bill to amend an act entitled, "An act to provide for assessing and collecting public revenue;" approved 28th May, 1845.

Iowa State Library

Mr. Taylor, from the committee on Engrossed Bills, reported that they had carefully examined,

No. 6, H. R, File, Memorial for an appropriation to complete the Iowa Penitentiary; And,

No. 7, H. R. File, A memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line, and found them correctly engrossed.

Mr. Murdock, from the committee on the Judiciary, to which was referred,

No. 2, H R File, A Bill to repeal an act concerning grand and petit jurors, approved February 15th, 1844; and to revive certain other acts herein named, reported the same back to the House without amendment, and recommended its passage.

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

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Which was read a first time.

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

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved 28th May, 1845;

Which was read a first time.

Mr. Flint having given previous notice, and upon leav beeing granted, introduced,

No. 11, H. R. File, A Joint Resolution requesting our Delegate to procure an appropriation to improve the navigation of the Desmoines river;

Which was read a first time.

On motion of Mr. Taylor,

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

On motion of Mr. Munger,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Ferguson offered the following resolution:

Resolved, That an error was committed in the message of the Clerk of this House, to the Council in relation to

No. 3, C. F., A Bill relative to divorce, alimony and other purposes, and that the Council be informed thereof.

Mr. Downey offered the following as a substitute for the above:

Ordered, That the Council be informed thereof.

No. 7, H. R. File, A memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line.

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

Ordered, That the Council be informed thereof.

The report of Mr. Robertson from the committee on Expenditures, in regard to Barrow's maps furnished the Legislature, was taken up, and the Resolution adopted.

On motion of Mr. Murdock,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Sheledy,

The message was taken up.

No. 8, C. F. A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

Was read a first time.

On motion of Mr. Brown,

The House adjourned.

THURSDAY MORNING, 10 O'CLOCK,

DECEMBER 11, A. D. 1845.

Mr. Taylor presented the petition of William Chadwell and 24 others, praying for a Territorial road, leading from the military road near the South Fork, Maquoketa Bridge, to intersect the road leading from Jenkins, in Linn county, to Olmstead's mills, in Delaware county;

Which,

On motion of Mr. Ferguson,

Was referred to the committee on Roads and Highways.

Mr. Wright from the committee on Roads and Highways, to which was referred the petition of 43 persons, citizens of Muscatine county,

"*Resolved*, That the House of Representatives, in their acting upon Council bill, No 3, meant by striking out the enacting clause of said bill, that they had refused to pass it; and that the bill was defeated in the House; and that this understanding is in accordance with the parliamentary rules which govern all legislative bodies;"

Which was adopted.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

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

No. 8, C. F. A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

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

And then he withdrew.

Message from the Council was taken up.

No. 1, C. F. A Bill to amend an act for assessing Territorial tax, and for other purposes; approved 15th February, 1844;

Was read a first time.

No. 10, C. F. A Bill to repeal all laws, now in force allowing compensation to military officers in this Territory;

Was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second time, and,

Referred to the committee on Military Affairs.

No. 5, H. R. File, A Bill to authorize James McGregor, junior, to keep a ferry across the Mississippi river, in the county of Clayton;

Was read a second time.

Mr. Murdock made a motion, that the bill be engrossed and read a third time to-morrow, pending which,

On motion of Mr. Taylor,

It was referred to the committee of the whole House, and made the order of the day for to-morrow.

No. 8, H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association,

Was read a second time; And,

On motion of Mr. Hancock,

Referred to the committee on Corporations.

No. 6, H. R. File, Memorial for an appropriation to complete the Iowa penitentiary;

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

praying for the vacation of a certain part of a road from Wyoming to Moscow, reported

No. 11, H. R. File, A Bill to vacate a part of the territorial road from Wyoming to Moscow;

Which was read a first time.

On motion of Mr. Banks,

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

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 12, H. R. File, Memorial to Congress, asking an appropriation to continue the military road leading from Burlington to Agency City;

Which was read a first time.

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was read a second time; and,

On motion of Mr. Murdock,

Referred to the committee on the Judiciary.

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved 28th May, 1845;

Was read a second time; and,

On motion of Mr. Robertson,

Referred to a select committee.

Messrs. Robertson, McMichael, Brown, Murdock and Taylor, were appointed said committee.

No. 1, C. F. A Bill to amend an act for assessing Territorial tax, and for other purposes; approved 15th February, 1844;

Was read a second time; and,

On motion of Mr. Wilson,

Referred to the above select committee.

No. 8, C. File, A Bill to amend an act, entitled, "An act regulating criminal proceedings;" approved January 4th, 1839,

Was read a second time; and,

On motion of Mr. Murdock,

Referred to the committee on the Judiciary.

No. 2, H. R. File, A Bill to repeal an act concerning grand and

petit jurors, approved Feb. 15th, 1844, and to revive certain other acts herein named;

Which was reported back to the House by Mr. Murdock from the committee on the Judiciary, with a recommendation of its passage,

Was read a second time.

The question was then put—

"Shall the bill be engrossed?" and decided in the negative.

Yeas 9, Nays 17.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Downey, Graham, Holland, Morgan, Murdock, McMichael, Ripley, Wilson and Wright.

Those who voted in the negative, are

Messrs. Banks, Brown, Clifton, Coy, Flint, Ferguson, Hancock, Huner, Lester, Munger, Patterson, Robertson, Sheledy Snyder, Taylor, Woodworth and McCleary, Speaker.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

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

No. 11, C. File, A Bill to repeal an act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Also,

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of District Prosecutors, and defining their duties."

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

And then he withdrew.

Mr. Brown made a motion to indefinitely postpone the bill under consideration;

Which was decided in the negative.

Yeas 9, nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Banks, Brown, Clifton, Ferguson, Hancock, Lester, Munger, Woodworth and McCleary, Speaker.

Those who voted in the negative, are

Messrs. Coy, Downey, Flint, Graham, Holland, Huner, Morgan, Murdock, McMichael, Patterson, Robertson, Sheledy, Snyder, Taylor, Wilson and Wright.

On motion of Mr. Snyder,

The bill was referred to a select committee.

Messrs. Snyder, Murdock, Ripley, Sheledy, and Downey were appointed said committee.

No. 5, H. R. File, A Bill to authorize James McGregor, junior, to keep a ferry across the Mississippi river, in the county of Clayton; being the order of the day for this day, was taken up; and,

On motion of Mr. Murdock,

The consideration thereof was postponed until 2 o'clock, P. M.

On motion of Mr. Murdock,

The House adjourned.

TWO O'CLOCK, P. M.

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton, being the order of the day for this day, and the consideration thereof having been postponed to this hour, was taken up, and considered in committee of the whole House, (Mr. Wilson in the chair,) and after some time spent therein, the committee rose, the Speaker resumed his seat, and the chairman reported the bill back to the House, with sundry amendments;

All of which were concurred in.

On motion of Mr. Robertson,

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

On motion of Mr. Patterson,

The House adjourned.

FRIDAY MORNING, 10 O'CLOCK.

DECEMBER 12, A. D. 1845.

On motion of Mr. Ripley,

Resolved, That the committee on Territorial Affairs be instructed to inquire into the expediency of changing the law in relation to the election of constables in this Territory; and that they have leave to report by bill or otherwise.

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

A joint resolution for the adjournment of the Legislature.

Mr. Wright, from the committee on Roads and Highways, submitted the following report:

"The committee on Roads and Highways, to whom was referred a resolution instructing said committee to take into consideration the expediency of opening all section lines, &c. Also, a resolution requiring petitioners to pay the expense of viewing roads, have had the same under consideration, and instructed me to report, That, in their opinion, any further legislation on the same would be inexpedient."

On motion of Mr. Ripley,

That part of the report which relates to section lines, &c., was recommitted to a special committee.

Messrs. Ripley, Munger, Murdock, Lester and Robertson, were appointed said committee.

The balance of the report was concurred in.

Mr. Morgan, from the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a resolution of the House, instructing said committee to inquire into the fact as to whether the present session of the Legislature is a regular annual session, or the continuation of the session of May last, beg leave to report, That they have had the same under consideration, and are of opinion that the present is, within the spirit and letter of the organic law, a regular annual session of the Legislature of this Territory.

The session of May last, was a regular annual session, the convening of which had merely been postponed from the first Monday in December preceding, with a view to a contingency then liable to occur in the change of our form of government. In other words, the postponement was made for the public convenience, and to afford the people every facility to carry forward the plan then before them for forming a State Government. This postponement, however, did not, in the opinion of your committee, change the character of the session itself. It still remained the annual session provided for in the organic law, and for which the usual annual appropriation had been made by Congress, though postponed by a special act of the Legislature from one month to another month. It was convened accordingly (under the act of postponement,) and at the close of its labors it was adjourned *sine die*.

The motive of the adjournment of the session is of itself sufficient to preclude the possibility of its continuous existence.

The authority of the Legislature to change by enactment the time of convening the same, is too clear to admit of doubt. The special act of the session of 1843, & '44 postponing the annual meeting of the Legislature from December 1844, to May 1845, was, therefore legal; and the meeting of the Legislature under said act was of course, equally legal. But it is to be borne in mind that the operation of this special act extended only to the session which it postponed from December until May, whilst the general law of the Territory, fixing the time for

the annual meeting of the Legislature was left in full force, and remains in full force. The objects contemplated by the special act being accomplished, it passed from existence as a matter of course, and no provision being made to the contrary, the general law of the Territory again came into operation. And it is under authority of this general law that the present Legislative Assembly is convened.

The organic law provides that the Legislature may meet annually, and that no session shall extend beyond seventy-five days. The evident intention of Congress was to afford us the privilege of a Territorial Legislature once a year, though limiting us to the duration of each session. The May session was one of those yearly sessions provided for in the organic law, and might have been holden in December last, but was postponed from motives of Territorial policy—motives in which Congress could feel no concern, inasmuch as they did not affect the General Government, nor give rise to any extraordinary drafts on the national treasury by means of extraordinary sessions of the Territorial Legislature. Congress made the usual appropriation for the annual session; supposing probably that it would commence in December, and perhaps utterly indifferent when it should commence.

But suppose Congress to have been aware of the postponement at the time of making the appropriation, is it probable that that body would embrace so trifling an advantage to withhold from the Territory the yearly sum to defray the legislative expense which the General Government stands pledged to appropriate? The promptness with which the drafts of the Secretary have been met by the Department at Washington, shows in what light the General Government views this question,—and the fact that the regular annual appropriation to defray the expenses of the present session was made by the last session of Congress at a time when that body was fully aware of all the facts connected with the postponement of the session held in May, shows clearly and forcibly this interpretation of that part of the organic law which refers to the annual sessions of the Legislature of this Territory.

The fact that the session held in May might have been holden in December, under the organic law—and the fact the organic law authorized a postponement of the session—both unite to prove the position that the postponement did not change the character of the session from an annual one to that of any other, nor impair in any respect the right of the Territory to the privileges of the present session—that it was in effect, the session of December 1844, deferred until May 1845.

That it was thrown, by special enactment, within the present calendar year, is no reason why it can interfere with, or in the slightest degree affect the rights and privileges of the present session—right clearly granted by the organic law, which allows an annual session, and still further supported by the general law of the Territory which provides that the regular annual session shall be holden at the time. The calendar year does not properly form an ingredient of the question. No such mode of calculation is recognized or practised in the political and financial affairs of the government. They are controlled and regulated by what is called the fiscal year. The fiscal, as well as the po-

litical year of this Territory commences and ends annually on the fourth day of July. The term "annually," as we find it used in the organic law in reference to appropriations and sessions of the Legislature, must be understood, therefore, as applying specially to the fiscal year of the Territory. This being the fact, and the May session having adjourned on the 11th of June, it will at once be perceived that, although holden within the present calendar year, it fell strictly within the last fiscal year, and can therefore have no connexion with the present fiscal year nor the slightest bearing upon the present session.

The committee will here take occasion further to remark that, at the close of the present session, there will have been holden in this Territory from first to last, precisely as many sessions of the Legislature as have thus far been authorised by law, and no more; and that if the present session should continue until it shall have filled up the full term of seventy-five days, we shall then have fallen short of the time authorized by the organic law for the continuance of the past and present session, thirty-seven days.

Incidentally connected with the question above discussed, is that of the rights of the members of the House of Representatives to hold their seats at and during the continuance of the present session. The organic law provides that the members of the House of Representatives shall be elected for one year. The special act of the session of 1843, & '44, which postponed the meeting of the Legislature from December until May, also postponed the regular annual election from August until April. The law made no provision with regard to the contingency which has arisen—indeed, the Legislature had no authority to limit the tenure of an office which had already been regulated by the organic law. The fact presents an anomaly both in the powers granted by the organic law and the legislation which occurred under that authority. But it is nevertheless true, that while the Legislature had full power to change the time of the meeting of the succeeding session, it had no authority whatever to limit the tenure of office of the members to that particular session. The committee are therefore clearly of opinion that the present members of the House of Representatives are legally entitled to their seats—that their commissions, or rather the commissions of such as have held over from the last session, date from April last, and will expire, together with the commissions of those elected to fill vacancies, on the 7th day of April next.

In conclusion, the committee would remark that they have reported the facts as they find them together with the law applicable to the case as they understand it. At the same time they have no recommendation to make to the House, as the subject itself presents no tangible object for legislative action. Besides, it is not within the power of the Legislature to act in the premises, as the case is governed in all its respects by the organic law, with which we have no legal authority to interfere. The conclusion, then, of the committee, after investigating the whole case, is this: that the session which commenced in May last and was adjourned *sine die* in June following was a regular annual session postponed from December until May, in accordance with au-

thority derived from the organic law, begun and holden within the last fiscal year, and entirely disconnected, both from the present session and the present fiscal year: that the present is a regular annual session arising legitimately under the organic law, and the positive provision of a general law of this territory: that the present members are legally entitled to their seats, with full power to remain in session seventy-five days, if they deem it necessary; and that their acts, in a legislative capacity, will be regular and legal. At the same time, however, that the committee report in favor of the right of the members to hold a session of seventy-five days, they do not wish to be understood as recommending any definite time to which the present session should extend,

Which was concurred in.

Mr. Munger gave notice that he would submit a Minority report.

On motion of Mr. Brown,

Ordered, That 240 copies of the report be printed.

Mr. Wilosn, from the committee to whom was referred so much of the Governor's message as relates to the sale of the reserved mineral lands, reported,

No. 13, H. R. File, Memorial in regard to the sale of reserved mineral lands;

Which was read a first time.

On motion of Mr. Munger,

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

On motion of Mr. Brown,

The 42d rule was suspended, the memorial read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Taylor, from the committee on Corporations to whom it was referred, reported,

No. 8. H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association;

Without amendment, and recommended its passage.

On motion of Mr. Robertson,

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

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

No. 14, H. R. File, A Bill to provide for the election of delegates to form a Constitution for the government of the State of Iowa;

Which was read a first time.

On motion of Mr. Morgan,

Ordered, That the bill be laid on the table, and the usual number of copies be printed.

No. 11, C. File, A Bill to repeal an act entitled, "an act to postpone the election ofmembers of the House of Representatives of the Territory of Iowa, from August until April;

Was read a first time.

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of District Prosecutors, and defining their duties."

Was read a first time.

On motion of Mr. Morgan,

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

On motion of Mr. Munger,

Ordered, That the bill be referred to a committee of the Whole House and made the order of the day for to-morrow.

No. 12, H. R. File, Memorial to Congress, asking an appropriation to continue the military road leading from Burlington to Agency City;

Was read a second time.

On motion of Mr. Sheledy,

The 42d rule was suspended, the memorial read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Taylor,

The House adjourned.

TWO O'CLOCK, P. M.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

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

No. 13, C File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of roads and highways;"

No. 14, C. File, A Bill to amend an act entitled, "An act for the organization of the county of Iowa;"

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions; and to provide for the perpetuation of testimony;"

No. 16, C. File, A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue;"

Also,

No. 18, C. File, Joint resolution for an appropriation to improve the Agency roads.

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

The Council have passed—

No. 4, H. R. File, Joint resolution, instructing our delegate in Congress to use his influence to get an appropriation to re-build the bridge on Flint river in Desmoines county.

And then he withdrew.

Mr. Taylor, from the committee on Engrossed Bills, reported, that said committee had correctly examined,

No. 5, H. R. File, A Bill to authorize James McGregor, junior, to keep a ferry across the Mississippi river, in the county of Clayton;

And found the same correctly engrossed.

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

A Bill requiring the several county assessors in this Territory to take a census of the people at the same time they make their assessment for the year 1846.

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

A Bill to amend an act entitled, "An act to change the time of holding the general election."

Mr. Munger presented the petition of David Anderson and 28 others, praying for the repeal of the laws making a distinction on account of color in our inhabitants.

On motion of Mr. Munger,

The petition was referred to the committee on the Judiciary, with instructions that they report by bill or otherwise, as to the constitutionality of the law that requires blacks to give security for their good behavior.

On motion of Mr. Brown,

The message from the Council was taken up.

No. 13, C. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of roads and highways;

Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Ferguson,

Was referred to the committee on Roads and Highways.

No. 14, C. File, A Bill to amend an act entitled, "An act for the organization of the county of Iowa;

Was read a first time.

On motion of Mr. Clifton,

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

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony;"

Was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, and the bill read a second time; and,

On motion of Mr. Patterson,

Referred to the committee on the Judiciary.

No. 16, C. File, A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue;

Was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Robertson,

Referred to a select committee.

Consisting of Messrs. Robertson, McMichael, Brown, Murdock and Taylor.

No. 18, C. File, A joint resolution for an appropriation to improve the Agency road;

Was read a first time.

On motion of Mr. Murdock,

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

On motion of Mr. Wilson,

The 42d rule was suspended, the resolution read a third time, passed, and its title agreed to.

Ordered, Tnat the Council be informed thereof.

Mr. Murdock made a motion that 240 copies of Mr. Wilson's report in regard to the sale of the reserved mineral lands, be printed for the use of the members of this House;

Which was decided in the negative.

Mr. Sheledy made a motiou to take from the table the resolution in regard to receiving proposals for printing the laws and journals of this House;

Which was decided in the nega:ive:

Yeas 9, Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brown, Clifton, Coy, Downey, Munger, McMihael, Robertson, Sheledy and Woodworth.

Those who voted in the negative, are

Messrs. Flint, Ferguson, Hancock, Holland, Lester, Morgan, Murdock, Patterson, Ripley, Snyder, Taylor, Wilson, Wright and McCleary, Speaker.

On motion of Mr. Wilson,

The House adjourned.

SATURDAY MONING, 10 O'CLOCK.

DECEMBER 13, A. D. 1845.

On motion of Mr. Brown,

Resolved, That the committee on Public Buildings be instructed to report a bill providing for the leasing of the penitentiary; and that they report at as early a period as practicable.

On motion of Mr. McMichael,

Resolved, That the committee on Agriculture, be instructed to inquire into the expediency of establishing, by statuatory provision, the number of cubic feet, that form a perch of mason work in this Territory; and that they report by bill or otherwise.

On motion of Mr. Lester,

"*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating writs of attachments, as to authorize creditors to sue out writs of attachment in certain cases before the debts become due, and report by bill or otherwise.

On motion of Mr. Patterson,

Resolved, That the select committee appointed to memorialize Congress on the subject of mail routes, be instructed to memorialize the

Postmaster General to put in operation the mail route established from Fort Madison to Fairfield, by the way of West Point and Salem.

Mr. McCleary gave notice, (Mr. Sheledy being in the chair) that he would, at the proper time, ask leave to introduce,

A Bill to authorize Edmund C. Whipple, & Co. to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers.

On motion of Mr. McCleary,

"*Resolved*, That the committee on Agriculture be instructed to enquire into the expediency of amending the laws in relation to mills and millers; and that they report by bill or otherwise.

On motion of Mr. Wilson,

Resolved, That the committee on the Judiciary be instructed to enquire if the present law upon masters and apprentices cannot be so amended as to remedy the evils, if possible, of desertion of apprentices after serving a few months, where there are no indentures between the parties.

Mr. Morgan, from the committee on Enrollments, reported that said committee had examined,

Joint Resolution, instructing our Delegate in Congress to use his influence to get an appropriation to re-build the bridge over Flint river in Desmoines county, and found the same correctly enrolled.

Said bill was then signed by the Speaker of the H. R.

Mr. Morgan, from the committee on the Judiciary, to whom they were referred, reported the following bills back to the House:

No. 9, H. R. File, A Bill to amend an act regulating interest on money; with one amendment;

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes; and recommended that it be refered to the appropriate committee.

No. 8, C. F. A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

With one amendment; And,

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right;" approved Dec. 29th, 1838,

Without amendment.

Mr. Taylor from the committee on Engrossed Bills, reported, that said committee had carefully examined,

No. 8, H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association,

And found the same correctly engrossed.

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

No. 15, H. R. File, A Bill to amend an act entitled, "An act to

change the time of holding the general election;" approved 29th January, 1844.

Which was read a first time.

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

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa in Mahaska county, to Knoxville in Marion county;

Which was read a first time.

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

No. 17, H. R. File, Joint Resolution for the adjournment of the Legislature;

Which was read a first time.

On motion of Mr. Wilson,

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

Mr. Murdock made a motion to lay the resolution on the table;

Which was decided in the negative:

Yeas 8, nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Brown, Clifton, Downey, Huner, Murdock, Patterson, Ripley and Wright.

Those who voted in the negative, are

Messrs. Coy, Flint, Ferguson, Graham, Hancock, Holland, Lester, Munger, McMichael, Sheledy, Snyder, Taylor, Wilson, Woodworth and McCleary, Speaker.

So the motion was lost.

On motion of Mr. Snyder,

The resolution was referred to the committee on Ways and Means, with instruction to report at what time the Legislature may adjourn without detriment to the public interest.

No. 11, C. File, A Bill to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;"

Was read a second time; And,

On motion of Mr. Taylor,

Referred to the committee on the Judiciary.

No. 8. H. R. File, A Bill to incorporate the Wapello Lyceum, and Library Association;

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

Ordered, That the Council be informed thereof.

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

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

Ordered, That the Council be informed thereof.

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of district prosecutors, and defining their duties;"

Being the order of the day for this day, was considered in committee of the whole House, (Mr. Brown in the chair,) and after some time spent therein, the committee rose, the Speaker resumed his seat, and the chairman reported that the committee had had said bill under consideration, made some progress therein, and asked leave to sit again;

Which was granted.

On motion of Mr. Brown,

Resolved, That the investigating committee on the Penitentiary appointed at the last session of the Legislature be instructed to report with the least possible delay.

On motion of Mr. Taylor,

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

MONDAY MORNING, 10 O'CLOCK.

December 15, A. D. 1845.

Mr. Ferguson presented the petition of William H. Evans and 44 other citizens of the county of Davis, praying a divorce for the said William H. Evans, from the bonds of matrimony with his wife, Rachael Evans, together with sundry affidavits;

Which,

On motion of Mr. Ferguson,

Were referred to a select committee.

Messrs. Ferguson, Morgan, Clifton, Patterson and Flint were appointed said committee.

Mr. Morgan presented the petition of Andrew Scott of the county of Desmoines, praying a divorce from his wife, Nancy Scott;

Which,

On motion of Mr. Morgan,

Was referred to the above select committee.

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

A Bill providing for the location of a part of the Territorial road from Iowa City to the county seat of Mahaska county.

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

A Bill to regulate Dower and the assignment thereof.

Mr. Wright from the committee on Roads and Highways, to which was referred,

No. 13, C. File, A Bill to amend an act entitled, "an act to prevent and punish the obstruction of roads and and highways;" reported the same back with the following amendment:

In the 3d line of section No. 1, after the word "shall" insert the word "wilfully."

The question being on concurring in the report of the committee,

Mr. McMichael made a motion to amend the amendment of the committee, by inserting after the word "wilfully" the words "or carelessly;"

Which was decided in the negative.

Mr. Taylor made a motion to amend the amendment of the committee by inserting after the word "willfully" the words "and knowingly;"

Which was decided in the negative.

The report of the committee was then concurred in.

On motion of Mr. Robertson,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Brown having given previous notice, and upon leav being granted, introudced,

No. 18, H. R. File, A Bill to provide for the apprehension of criminals, and for the suppression of crime and misdemeanors;

Which was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on the Judiciary.

No. 15, H. R. File, A Bill to amend an act entitled, "an act to change the time of holding the general election;" approved 29th January, 1844;

Was read a second time; and,

On motion of Mr. Taylor,

Referred to the committee on the Judiciary.

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa to Knoxville;

Was read a second time; and,

On motion of Mr. Clifton,

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

On motion of Mr. Morgan,

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was re-committed to the committee on the Judiciary.

On motion of Mr. Wilson,

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Was refered to the committee on Ways and Means.

No. 8, C. File, A Bill to amend an act, entitled, "An act regulating criminal proceedings;" approved January 4th, 1839,

Having been reported back to the House with one amendment, was taken up, the amendment concurred in; and,

On motion of Mr. Patterson,

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

No. 5, C. File, A Bill to amend an act entitled, "An act to allow and regulate the action of right;" approved Dec. 29th, 1838,

Was ordered to a third reading to-morrow.

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of District Prosecutors, and defining their duties."

Having been reported back to the House by a committee of the whole House, with leave to sit again, was taken up; and,

On motion of Mr. Brown,

The House resolved itself into committee of the whole House for the further consideration of said bill, (Mr. Brown in the chair,) and after some time spent therein, the committee rose, Mr. Speaker resumed the chair, and Mr. Brown reported the bill back to the House with sundry amendments.

On motion of Mr. Coy,

The bill was referred to a select committee, consisting of one member from each electoral district.

Messrs. Coy, Wilson, Taylor, Graham, Robertson, Downey, Shelledy, Munger, Flint, Hancock, Holland and Brown were appointed said committee.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

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

No. 1, H. R. File, A Bill to legalize Territorial and county roads;

The Council have also passed—

No. 24, C. File, A Bill to incorporate the Danville academy.

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

The Council have appointed Messrs. Summers and Brattain a committee on Enrollments, on the part of the Council, to act in conjunction with a similar committee on the part of the House of Representatives.

I herewith return

Joint Resolution, instructing our Delegate in Congress to use his influence to get an appropriation to re-build the bridge over Flint river in Desmoines county; the same having been signed by the President of the Council.

And then he withdrew.

On motion of Mr. Wilson,

Messrs. Morgan and Munger were appointed a committee on enrollments on the part of the House, to act in conjunction with a similar committee on the part of the Council.

On motion of Mr. Brown,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Brown,

The message from the Council was taken up.

No. 24, C. File, A Bill to incorporate the Danville Academy;

Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, and the bill read a second time,

On motion of Mr. Ferguson,

The bill was referred to the committee on Corporations, with instruction to insert a repealing clause to said bill.

Mr. Morgan, from the committee on Enrollments, reported that said committee had carefully examined,

An act to legalize Territorial and county roads; and found the same correctly enrolled.

Said bill was then signed by the Speaker of the House of Representatives,

Mr. McCleary having given previous notice, and upon leave being granted, (Mr. Morgan being in the chair) introduced,

No. 19, H. R. File, A Bill to authorize Edmund C Whipple, & Co. to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers.

Which was read a first time.

On motion of Mr. McCleary,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on Incoroporations,

Mr. Coy, from the committee to whom

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of district prosecutors and defining their duties;"

Was referred with instruction to report this afternoon, asked further time to report;

Which was granted.

Mr. McMichael, from the committee to whom the subject was referred, submitted the following repo.t:

The select committee to which was referred,

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved 28th May, 1845;

And also C. File, No. 16, upon the same subject, have had the same under their careful consideration, and instructed me to report No. 10, H. R. File, back to the House with one amendment, in which the concurrence of the House is asked. The committee have further instructed me to report back to the House, C. File, No, 16, and recommended the indefinite postponement of the same;

A. MCMICHAEL.

Which,

On motion of Mr. Brown,

Was laid on the table, subject to the order of the House.

On motion,

The House adjourned.

TUESDAY MORNING, 10 O'CLOCK,

DECEMBER 16, A. D. 1845.

On motion of Mr. Huner,

The following preamble and resolutions were adopted:

Whereas, James Anderson, a member of the House of Representatives from the county of Lee, departed this life at his residence during the recess of the Legislature. Therefore,

"*Resolved by the House of Representatives of the Territory of Iowa*, That, in the death of James Anderson, this House has been deprived of one of its most efficient and talented members, and that we individually have lost a worthy and beloved friend.

Resolved, That, as a testimony of love and respect for the memory of our deceased friend, the members of this House will wear the usual badge of mourning for thirty days.

"*Resolved*, That the Chief Clerk of this House be instructed to transmit a copy of the above resolutions to the bereaved family of the deceased.

Mr. Wright offered the following resolution:

Resolved, (the Council concurring herein,) That the two Houses will adjourn on Saturday, the 20th inst., until Thursday the first day of January, 1846.

Mr. Banks made a motion to lay the resolution on the table;

Which was decided in the negative.

A motion was made by Mr. Wilson, to amend the resolution, by striking out the words "first day of January, 1846," and inserting the words, "Monday the 29th inst;"

Which was decided in the negative.

The question was then put—

"Shall the resolution be adopted?" and decided in the affirmative.

Yeas 13, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Brown, Coy, Hancock, Huner, Lester, Morgan, McMichael, Patterson, Ripley, Wilson, Wright and McCleary, Speaker.

Those who voted in the negative, are

Messrs. Banks, Downey, Flint, Ferguson, Munger, Murdock, Shelledy Snyder, Taylor, and Woodworth.

So the resolution was adopted.

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

A memorial to Congress asking an appropriation to build a wharf at the town of Keokuk, in the county of Lee, Iowa Territory.

On motion of Mr. Sheledy,

Resolved, That the Messrs. Palmers, employed to do the incidental printing for this House, be required to state at the end of each Bill, or other Document printed by them, the number of ems contained in said Bill or other Document, together with the amount for presswork and paper for the same, and the sum total thereof.

On motion of Mr. Morgan,

Resolved, That the Chief Clerk of this House be instructed to call forthwith upon the Postmaster of this city, and ascertain the amount of postage charged up to the present time, against the House of Representatives.

Resolved, That hereafter it shall be the duty of the Chief Clerk of this House, to keep a regular account of all newspapers, letters and documents sent by members of this House to be mailed in the Postoffice in this city.

"*Resolved*, That it shall be the duty of the Chief Clerk to call upon the postmaster of this city, and inform him, that the House of Representatives does not authorize, and will not be responsible for the postage due on any letters, newspapers, or documents not delivered to the members or Chief Clerk of this House, or franked by the said members or Chief Clerk.

Resolved, That hereafter every letter, newspaper, or document to be forwarded by authority, and under the frank of any member of this House, must be left with the Chief Clerk of this House by seven o'clock on the evening preceding the day of the departure of the mail, in which said letters, newspapers, or documents are to be forwarded.

Resolved, further, That it shall be the duty of the Chief Clerk of this House to compare accounts weekly, during the present session with the postmaster of this city, and make a minute thereof, and return the same to the committee on Claims three days previous to the adjournmenf of this session.

Mr. Taylor from the committee on Engrossed Bills, reported, that said committee had carefully examined,

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa to Knoxville;

And found the same correctly engrossed.

Mr. Ferguson, from the select committee to which was referred the petition of William H. Evans, praying for a divorce from Rachael, his wife, reported,

No. 20, H. R. F., A Bill to divorce William H. Evans, from Rachael, his wife;

Which was read a first time.

Mr. Murdock made a motion to postpone the bill indefinitely;

Which was decided in the affirmative,

Yeas 14, nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Banks, Coy, Downey, Holland, Huner, Morgan, Munger, Murdock, McMichael, Ripley Sheledy, Snyder, Wilson Woodworth.

Those who voted in the negative, are

Messrs. Brown, Flint, Ferguson, Hancock, Lester, Patterson, Taylor, Wright and McCleary, Speaker.

So the bill was indefinitely postponed.

Mr. Taylor, from the committee on Incorporations, to which was referred,

No. 24, C. F. A Bill to incorporate the Danville academy;

Reported the same back with the following amendments, to wit:

Add a seventh section in the words following:

"Any future Legislature may alter, amend, or repeal this act,"

The question being on concurring in the amendment, was decided in the negative,

Yeas 8; Nays 15.

The yeas and nays baing demanded by two members,

Those who voted in the affirmative, are—

Messrs. Banks, Flint, Ferguson, Hancock, Lester, Morgan, Taylor and Wilson.

Those who voted in the negative, are—

Messrs. Brown, Coy, Downey, Holland, Huner, Munger, Murdock, McMichael, Patterson, Ripley, Sheledy, Snyder, Woodworth, Wright and McCleary, Speaker.

So the report of the committee was not concurred in.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 21, H. R. File, A Bill to prevent the obstruction of the navigation of the Demoines River;

Which was read a first time.

On motion of Mr. Brown,

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

On motion of Mr. Flint,

Ordered, That the bill be referred to the committee on Internal Improvements.

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa to Knoxville;

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

No. 8, C File, A Bill to amend an act entitled, "An act regulating crimiminal proceedings;" approved January 4th, 1839.

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

No. 5, C. File, A Bill to amend an act entitled, "an act to allow and regulate the action of right;" approved December 29th, 1838.

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

Ordered, That the Council be informed of the passage of said bills

On motion of Mr. Brown,

The report of Mr. McMichael, on

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an an act entitled an act to provide for assessing and collecting public revenue;" approved 28th May, 1845. and,

No. 16, C. File, A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue;"

With an amendment to the first, with a recommendation of its passage; and a recommendation of the indefinite postponement of the last,

Was taken up, and the report concurred in:

So the latter was indefinitely postponed.

On motion of Mr. Snyder,

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

On motion of Mr. Munger,

Ordered, that the House adjourn until one o'clock, P. M.

ONE O'CLOCK, P. M.

Mr. Wright, from the committee on Roads and Highways, to whom was referred the petition of William Chadwell and 24 others, praying for a Territorial road leading from the military road, near the south fork Maquocata bridge, to intersect the road leading from Jenkins in Linn county, to Olmstead's mills in Delaware county; reported,

No. 22, H. R. File, A Bill to establish a Territorial road in the counties of Jones and Delaware;

Which was read a first time.

Mr Coy from the select committee to whom was referred,

No. 12, C. File, A Bill to amend an act entitled, "An act providing for the appointment of district prosecutors, and defining their duties;"

Reported the same back with one amendment;

Which was agreed to.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a third ime, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Taylor,

No. 22, H. R. F. A Bill to establish a Territorial road in the counties of Jones and Delaware; was taken from the table,

The 42d rule suspended, and the bill read a second time;

On motion of Mr. Brown,

Ordered, That the bill be laid on the table.

The following message was then received from the Council, by Mr. Kinney, their secretary:

Mr. Speaker:

I am instructed by the Council to inform the House of Representatives that the Council have passed

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant in Henry county, and,

No. 21, C. File A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant in Henry county.

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

The Council have also passed—

No. 12, H. R. File, Memorial to Congress, foe an appropriation to continue the military road leading from Burlington to Agency City;

The Council have disagreed to the amendment made by the House of Representatives to

No. 13, C. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of roads and highways;

I herewith present for your signature,

A Joint Resolution for an appropriation to improve the agency road;

And,

An act to amend an act entitled, "An act for the organization of the county of Iowa;"

I herewith return,

An act to legalize Territorial and county roads; the same having been signed by the President of the Council.

And then he withdrew.

On motion of Mr. Ferguson,

The House adjourned.

WEDNESDAY MORNING, 10 O'CLOCK,

DECEMBER 17th, A. D. 1845.

Mr. Flint presented the petition of William McKay and thirty-one other citizens, praying an alteration of the revised law;

Which,

On motion of Mr. Flint,

Was referred to the committee on Ways and Means.

Mr. Patterson presented the petition of A. P. Breckenrige, and 54 other citizens of Lee county, praying an alteration of the Terriiorial road from Burlington tc Keokuk;

Which,

On motion of Mr. Patterson,

Was referred to the committee on Roads and Highways.

Mr. Patterson presented the petition of Mitchel D. Wright, and 22 other citizens of Lee county, praying an alteration in the Territorial road between Keokuk and Farmington;

Which,

On motion of Mr. Patterson,

Was referred to the committee on Roads and Highways.

Mr. Coy presented the petition of Moses Barton and thirty-one other citizens of Clinton county praying a repeal of the charter authorizing Elijah Buel to keep a ferry across the Mississippi river at the town of Lyons; and that Sage W. Coy be authorized to keep a ferry across said river at the town of Lyons.

On motion of Mr. Patterson,

Resolved, That the standing committee on Common Schools be instructed to enquire whether the land that was given to the Territory of Iowa, under an act of Congress July 20th, 1840, granting two townships of land for the use of a University, has been located; and if said lands have not been located, to recommend some way whereby said lands may be located as soon as practicable.

Mr. Hancock offered the following:

Resolved, That James and Jesse M. Shepherd, Editors of the Iowa Democrat, be, and they are hereby authorized to print the usual number of copies of the Journal of the House of Representatives of the present session; and that they be allowed the price established by law for such printing.

On motion of Mr. Munger,

A call of the House was ordered,

Messrs, Ferguson, Graham, Huner, Morgan, McMichael, Robertson and Taylor were absent.

On motion of Mr. Brown,

Messrs. Graham and Robertson were excused from the call.

On motion of Mr. Hancock,

The further call of the House was dispensed with.

The question was then put on the adoption of the resolution, and decided in the affirmative.

Mr. Taylor from the committee on Engrossed Bills, reported, that said committee had carefully examined,

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act entitled an act to provide for assessing and collecting public revenue;" approved 28th May, 1845. and,

And found the same correctly engrossed.

Mr. Taylor from the committee on Corporations, to whom was referred,

No. 19, H. R. File, A Bill to authorize Edmund C Whipple, & Co. to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers;

Reported the same back with the following amendment, to wit:

"Strike out the word 'twenty years' where it occurs in the first section, and insert 'ten years.'"

The question being on concurring in the amendment, was decided in the negative.

A motion was made by Mr. Wilson, to amend the first section of the bill, by striking out the word "twenty," and inserting the word "fifteen;"

Which was decided in the negative.

On motion of Mr. McCleary,

(Mr. Shelledy being in the chair,)

The 42d rule was suspended, and, the bill read a third time;

The question was then put—

"Shall the bill pass?" and decided in the affirmative.

Yeas 11, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Banks, Brown, Clifton, Coy, Downey, Lester, Munger, Ripley, Shelledy, Wright and McCleary, Speaker.

Those who voted in the negative, are

Messrs. Flint, Ferguson, Hancock, Holland, Patterson, Snyder, Taylor, Wilson, and Woodworth.

So the bill was passed, and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 23, H. R. File, A Bill to re-locate a part of the Territorial road from Iowa City to the seat of justice of Mahaska county;

Which was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time, and

Referred to the committee on Roads and Highways.

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

No. 24, H. R. File, A Bill to regulate the right of Dower and the assignment thereof;

Was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time, and,

Referred to the committee on the Judiciary.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

I herewith present for your signature—

An act to amend an act for the appointment of District prosecutors and defining their duties;

An Act to incorporate the Danville academy.

And then he withdrew.

The foregoing acts were then signed by the Speaker of the House of Representatives.

No. 21, C. File A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant in Henry county.

Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time, and,

Referred to a Select committee,

Consisting of the members from the counties of Lee and Henry.

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant in Henry county,

Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time, and,

Referred to a select committee,

Consisting of the members from the counties of Lee and Henry.

The following communication was received from the Postmaster of this city, S. C. Trowbridge.

POST OFFICE, IOWA CITY,
December 16th, 1845.

To the Honorable,
The House of Representatives:

SIRS: Your Resolutions on the subject of postage, bearing no date, was this day presented to me by the Chief Clerk of the House.

I would say in reply, that if you wish any other arrangements than those heretofore adopted to guard your Honorable body against imposition, you will please furnish me with a list of all the names legally entitled to the pay privilege, and no others shall pass through our hands. If this does not accord with your views you can have the same privilege of other citizens.

It would be impossible, under the late post office laws to keep accounts with your Chief Clerk. *He* would be governed by the number of documents, while *we* would charge according to their weight and character; and as a matter of course, our books would not correspond. To remedy this, it would become necessary for him to have a post office balance in order to ascertain their weight, and also a copy of the late post office laws to determine the rates of postage.

Your resolutions require every member to deliver his mail matter into the hands of the Chief Clerk; but do not require the clerk to deposit it into the post office. They also require it to be delivered by 7 o'clock, on the evening previous to the day of the departure of the mail. This would compel us to labor all night in order to send away the large amount of mailable matter at the proper hour, and it would occupy nearly all of the time of the clerk apart from his other duties.

I will present the amount due as early as possible, which will be during this quarter. If the House would examine the new post office law, I have no doubt they would not require from me any extra duty farther than is at present performed.

Respectfully yours,

S. C. TROWBRIDGE.
Postmaster, Iowa City.

Which,

On motion of Mr. Brown,

Was laid on the table.

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;'" approved 28th May, 1845;

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

Ordered, That the Council be informed thereof.

On motion of Mr. Munger,

The House adjourned.

TWO O'CLOCK, P. M.

Mr. Banks from the committee on Military Affairs, to whom was referred,

No. 10, C. F. A Bill to repeal all laws, now in force allowing compensation to military officers in this Territory;

Reported that it was deemed by the committee inexpedient to pass said bill.

On motion of Mr. Wilson,

The bill was laid on the table, subject to the order of the House.

On motion of Mr. Brown,

Ordered, That a committee of Conference be appointed on the disagreeing vote of the two Houses, on the amendment of the House to

No. 13, C. File, A Bill to amend an act entitled, "an act to prevent and punish the obstruction of roads and and highways;"

Messrs. Brown and Hancock were appointed said committee.

On motion of Mr. Patterson,

Resolved, (the Council concurring herein:) that both Houses of the Legislative Assembly will adjourn from Saturday the 20th, until Monday the 29th inst.

Ordered, That the Council be informed thereof.

The following message was then received from the Council, by Mr. Kinney, their secretary:

MR. SPEAKER:

I am instructed by the Council to inform the House of Representatives that the Council have passed

No. 2, C. File, A Bill concerning the rights of married women;

No. 26, C. File, Joint Resolution relative to obtaining another Land Office; And,

No. 28, C File, A Bill for the relief of Mrs. Frances E. Anderson.

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

The Council have also passed—

No. 13, H. R. File, Memorial in regard to the sale of the reserved mineral land; And,

No. 8, H. R. File, Bill for an act to incorporate the Wapello Lyceum, and library Association.

And then he withdrew.

The message from the Council was taken up.

No. 2, C. File, A Bill concerning the rights of married women;
Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time, and
Referred to a committee of the whole House, and made the order of the day for to-morrow.

No. 26, C. File, Joint resolution relative to obtaining another Land Office;
Was read a first time.

On motion of Mr. Clifton,

The 42d rule suspended, and the bill read a second time;

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 28, C. File, A Bill for the relief of Mrs. Frances E. Anderson;
Was read a first time.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time, and
Referred to a select committee.

Messrs. Patterson, Lester, Clifton, Flint and Shelledy, were appointed said committee.

On motion of Mr. Taylor,

The House adjourned.

THURSDAY MORNING, 10 O'CLOCK,

DECEMBER 18, A. D. 1845.

Mr. Downey gave notice that, on to-morrow, he would introduce,
A Bill to amend an act entitled, "An act defining the duties of supervisors of roads and highways;" approved January 17th, 1845.

Mr. Shelledy from the committee on New Counties, introduced,
No. 25, H. R. File, A Bill to lay out and establish new counties and their boundaries;
Which was read a first time;

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time, and

Referred to a committee of the Whole House and made the order of the day for this afternoon,

Mr. Patterson from the committee on Internal improvements, to whom was referred,

No. 21, H. R. File, A Bill to prevent the obstruction of the navigation of the Demoines River;

Reported the same back with a recommendation that the bill be indefinitely postponed;

Which was concurred in by the House.

So the bill was indefinitely postponed.

Mr. Murdock from the committee on Ways and Means, to which was referred,

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Reported the same back with a recommendation that the bill pass.

Mr. Wilson made a motion to lay the bill upon the table;

Which was decided in the negative.

On motion of Mr. Murdock,

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

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

No. 28, C. File; A Bill for the relief of Mrs. Frances E. Anderson;

Reported the same back to the House with one amendment;

Which was agreed to.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Munger,

The rules were suspended in order that Mr. Wilson might ask leave to introduce a bill of which he had not given previous notice.

Mr. Wilson, thereupon, upon leave being granted, introduced,

No. 26, H. R, File, A Bill to change the name of E. D. White of Du Buque county;

Which was read a first time.

On motion of Mr. Taylor,

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

On motion of Mr. Munger,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 2. C. File, A Bill concerning the rights of married women;

Being the order of the day for this day, was considered in committee of the whole House; (Mr. Snyder in the chair;) and, after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Snyder reported the bill back to the House with one amendment;

Which was agreed to.

Mr. Shelledy made a motion to strike out the enacting clause of the bill;

Which was decided in the negative:

Yeas 4; Nays 18.

The yeas and nays baing demanded by two members,

Those who voted in the affirmative, are—
Messrs. Clifton, Coy, Shelledy and Woodworth,

Those who voted in the negative, are—
Messrs. Banks, Brown, Downey, Flint, Ferguson, Hancock, Holland, Lester, Morgan, Munger, Murdock, Patterson, Ripley, Snyder, Taylor, Wilson, Wright and McCleary, Speaker.

On motion of Mr. Taylor,

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

On motion of Mr. Brown,

Ordered, That the vote taken on yesterday, ordering a committee of Conference on the disagreeing vote of the two Houses, in relation to the amendment of the House to

No. 13, C. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of roads and highways;" be re-considered.

Mr. Brown then withdrew his motion for a committee as aforesaid, and made a motion that the House recede from their said amendment;

Which was decided in the affirmative.

So the House receded from its amendment

On motion of Mr. Murdock,

The House adjourned.

TWO O'CLOCK, P. M.

No. 26, H. R, File, A Bill to lay out and establish new counties, and define their boundaries;

Being the order of the day for this afternoon, was consisered in committee of the whole House, (Mr. Patterson in the chair,) and after some time spent therein, the committee rose;

Mr. Speaker resumed the chair, and Mr. Patterson reported the bill back to the House with sundry amendments;

Which were concurred in.

On motion of Mr. Shelledy,

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

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

No. 6, C. File, A Bill to amend an act for assessirg Territorial tax and for other purposes; approved 15th February, 1844;

Reported the same back to the House without amendment, and recommended its passage.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

A message was recived from the Council by Mr. Kinney their Secretary.

Mr. Speaker:

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

No. 19, C. File, A memorial to Congress on the subject of the mail route in Washington county;

No. 31, C. File, Memorial to Congress for an appropriation to improve the navigation of the Desmoines river.

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

The Council have concurred in the amendment made by the House to

No. 8. C. File, A Bill to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839;

The Council have concurred in the resolution of the House of Representatives, to adjournment of the Legislature from the 20th inst., until the 29th inst.

The Council have passed a substitute to all after the enacting clause to

No. 5, H. R. File, A Bill to authorize James McGregor; jr., to keep a ferry across the Mississippi river, in the county of Clayton;

And then he withdrew.

On motion of Mr. Murdock,

The message was taken up.

No. 19, C. File, A memorial to Congress on the subject of a mail route in Washington county;

Was read a first time.

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a second time; and, Referred to the select committee on Mail Routes.

No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Desmoines river;

Was read a first time.

On motion of Mr. Hancock,

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

Mr. Murdock made a motion to refer the memorial to the delegation from Van Buren county, with instruction to correct its grammar.

Pending which, a motion was made by Mr. Hancock, to refer it to the committee on the improvement of the Desmoines river;

Which was decided in the affirmative.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

I herewith present for your signature,

An act to amend an act entitled, "An act to allow and regulate th action of right;" approved December 29th, 1838.

And then he withdrew.

Said act was signed by the Speaker of the House of Representatives.

On motion of Mr. Patterson,

The House adjourned.

FRIDAY MORNING, 10 O'CLOCK.

December 19, A. D. 1845.

Mr. Wright from the committee on Roads and Highways, to which was referred the petition of Elijah Dollarhide and nine other citizens of Muscatine county, praying an extension of the time for working on the road for 1845, made the following report, to wit:

The committee on Roads and Highways, have had the same under consideration, and instructed me to report, that, in their opinion, the

statute laws now in force, provide for all cases which may occur from causes set forth in said petition.

They are therefore of the opinion, it is not expedient to grant the prayer of said petitioners.

On motion of Mr. Taylor,

The report was concurred in.

No. 5, H. R, File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

Having been returned from the Council with an amendment, by substituting new matter for the body of the bill,

Mr. Murdock made a motion to amend the first section of said substitute, by inserting after the word "years" in the eleventh line, the words "with exclusive privilege for one mile and a half above the corner above mentioned, and one mile and a halh below said corner on said river;

Which was decided in the affirmative.

On motion of Mr. Murdock,

The amendment of the Council as amended by the House, was agreed to.

No. 2, C. File, A Bill concerning the rights of married women;

Was read a third time.

Mr. Wilson made a motion to lay the bill upon the table;

Which was decided in the negative.

The bill was then passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Patterson made a motion,

That the committee on New Counties be added to the committee on County and township boundaries;

Which was decided in the negative.

Mr. Brown made a motion,

To merge the committee on New counties with the committtee on county and township boundaries;

Which was decided in the negative:

On motion of Mr. Taylor,

Ordered, That this House stand adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

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

No. 27, H. R. File; A Bill for the organization of the county of Jasper;

Which was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

Referred to the committee on New Counties.

No. 3, H. R. File, A Bill to levy an additional tax for Territorial purposes;

A call of the House was ordered;

Messrs. Banks, Downey, Graham, Munger, McMichael and Robertson were absent.

On motion of Mr. Patterson,

Messrs. Banks, Graham, McMichael and Robertson were excused from the call.

Mr. Brown made a motion,

To suspend the further call of the House;

Which was decided in the negative.

After some time had elapsed,

Mr. Ferguson made a motion,

To excuse Messrs Downey and Munger from the call;

Which was decided in the negative.

Mr. Clifton made a motion,

To suspend a further call of the House;

Which was decided in the negativ.e.

Messrs. Munger and Downey appeared and took their seats; and the further call of the House was suspended.

The question was then put—

"Shall the bill pass?" and decided in the negative.

Yeas 9, Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Downey, Hancock, Lester, Morgau, Patterson, Ripley, Shelledy, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Brown, Clifton, Coy, Flint, Huner, Munger, Murdock, Snyder, Wilson and Woodworth.

So the bill was rejected.

The following message was then received from the Council, by Mr. Kinney, their secretary:

Mr. Speaker:

I am instructed by the Council to inform the House of Representatives that the Council have passed

No. 33, C. File, A Bill to divorce Eli Dow from his wife, July P. Dow.

No. 36, C. File, A Bill to amend an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

No. 37, C. File, A Bill to authorize the assessors of the respective counties in this Territory to take the census, &c.;

No. 38, C. File, Joint resolution authorising the Librarian to procure copies of Journals of Legislatures;

No. 41, C. File, A Bill to divorce Jesse Brighan from his wife, Nancy Brighan;

No. 43, C. File, A Bill to repeal an act to authorize the board of commissioners of the county of Du Buque to levy a tax on all real and personal estate; approved May 26, 1841.

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

I herewith present for your signature—

An act to amend an an act entitled, "An act to prevent and punish the obstruction of roads and highways;"

An act to amend an act entitled, "An act regulating criminal proceedings;" approved January 4th, 1839.

An act for the relief of Mrs. Frances E. Anderson;

And then he withdrew.

The foregoing acts were then signed by the Speaker of the House of Representatives.

No. 25, H. R, File, A Bill to lay out and establish new counties, and define their boundaries;

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

Ordered, That the Council be informed thereof.

On motion of Mr. Wilson,

Ordered, That the message from the Council be taken up.

No. 33, C. File, A Bill to divorce Eli Dow from his wife, Lucy P. Dow;

Was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Brown,

Referred to Messrs. Brown, Munger, Ripley, Lester, Shelledy, Huner and Patterson.

No. 36, C. File, A Bill to amend an an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

Was read a first time.

On motion of Mr. Ferguson,

The 42d rule was suspended, and the bill read a second time.
Mr. Munger made a motion to indefinitely postpone the bill;
Pending which,

On motion of Mr. Patterson,

The Bill was laid on the table.
No. 37, C. File, A Bill to authorize the assessors of the respective counties in this Territory to take the census &c.;
Was read a first time.
No. 38, C File, Joint resolution authorizing the Librarian to procure copies of the Journals of Legislatures;
Was read a first time.

On motion of Mr. Taylor;

The 42d rule was suspended, and the bill read a second time,

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, C. File, A Bill to repeal an act to authorize the board of commissioners of the county of Du Buque, to levy a tax on all real and personal estate, approved May 26th, 1845;
Was read a first time.

On motion of Mr. Snyder,

The 42d rule was suspended, the bill read a second time; and,

Referred to the Delegation from Du Buque and Clayton.
No. 41, C. File, A Bill to divorce Jesse Bringham from his wife Nancy Bringham;
Was read a first time.

On motion of Mr. Snyder,

The 42d rule was suspended, the bill read a second time, and
Referred to a select committee,
Consisting of Messrs. Brown, Munger, Ripley, Lester, Shelledy, Huner, Patterson, Snyder and Taylor;

On motion of Mr. Ripley,

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency of justices of the peace and other persons authorized to solemnize the rites of matrimony in this Territory, being authorized to issue marriage license to persons applying for them, and that they have leave to report by bill or otherwise.
The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

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

No. 35, C. File, Joint resolution for the project of A. P. Woods for publishing catalogue of the Library;

No. 22, C. File, A Bill to prevent the firing of prairies;

No. 25, C. File, A Bill to restrict unauthorized banking.

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

The Council have disagreed to the amendment made by the House of Representatives to the substitute made by the Council for,

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river;

And then he withdrew.

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

No. 28, H. R. File, A Bill to amend an act entitled, "An act defining the duties of supervisors of roads and highways;" approved January 17th, 1840.

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on Roads and Highways.

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

A Bill to amend an act entitled, "An act defining a lawful fence, and providing against trespassing animals;"

A motion was made by Mr. Murdock, to take up the message;

Which was decided in the negative.

On motion of Mr. Patterson,

The House adjourned until to-morrow morning at 7 o'clock.

SATURDAY MONING, 7 O'CLOCK.

DECEMBER 20, A. D. 1845.

The House met pursuant to adjournment.

On motion of Mr. Morgan,

Ordered, That the House stand adjourned until Monday the 29th inst., pursuant to a resolution of both Houses for that purpose.

MONDAY MORNING, 10 O'CLOCK.

DECEMBER 29, A. D. 1845.

Mr. Coy presented the petitton of M. P. Bennett, and sixty other citizens of the town of Lyons and its vicinity, praying for a law securing to David W. Fisher, his heirs and assigns forever the exclusive right and use of a certain piece of land in the said town of Lyons, upon which to erect a warehouse;

Which,

On motion of Mr. Coy,

Was referred to the committee on the Judiciary.

Mr. Murdock presented the petition of John Cook, and ninety-nine other citizens of Du Buque county, praying for a repeal of the law of the last session of the Legislature, authorizing the commissioners of Du Buque county to levy and collect a tax of one per cent.

Which,

On motion of Mr. Woodworth,

Was referred to the delegation from the counties of Du Buque and Clayton.

Mr. Ferguson presented the petition of John Jackson and 28 others praying for the organization of the county of Appanoose.

Which,

On motion of Mr. Ferguson,

Was referred to the committee on New Counties.

Mr. McCleary, (Mr. Morgan being in the chair,) presented the petition of Micajah Reeder and 32 other citizens of this Territory, praying for further protection to religious societies, while assembled for worship;

Which,

On motion of Mr. McCleary,

Was referred to the committee on Ways and Means.

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

A Bill to establish a Territorial road from Du Buque to Floydes, thence *via* the colony in Delaware county to Bordman's precinct in Clayton county, thence in the direction of Fort Achinson.

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

A Bill to authorize Abel Thompson to keep a ferry across the Mississippi river.

Mr. Ferguson, from the select committtee to which was referred, the petition of Andrew Scott, praying for a divorce from his wife, Nancy Scott, made the following report:

The committee have had the same under consideration, and instructed me to report, That, it is inexpedient to grant said divorce, there being no testimony accompanying said petition, sufficient to justify any action of the Legislature in the premises.

Mr. Brown from the select committee to which was referred, No. 33, C. File, A Bill to divorce Eli Dow from his wife, Lucy P. Dow;

Made the following report:

The committee to which was referred the bill and petition of Eli Dow, a citizen of Lee county, for a divorce &c., beg leave to submit the following

REPORT:

That they have carefully examined the petition and documents in this case, and find that the petitioner was married to his wife Lucy, in the month of December, A. D., 1841, and that ever since that time up to the 24th day of November last, they lived together without any thing having occurred to disturb their domestic peace and happiness—that the said Lucy is a strong believer in the Mormon faith—and that in consequence of that belief, and for the purpose of obeying the pretended prophecies of that misguided and deluded sect, she left her said husband on the 24th day of November last, with the avowed intention of going with them to California in the ensuing spring, and that she is now at Nauvoo making preparations for that purpose.

It remains to be determined whether this is such a case as calls for Legislative interference in behalf of a husband whose domestic peace and happiness has thus been destroyed in consequence of the fanaticism and extraordinary conduct of his wife.

It may be contended that the petitioner has his remedy at law—that he can apply to a court, and obtain a dissolution of the bonds of matrimony. Upon examining the law, it will be found that such is not the case, as said petitioner could assign no cause under the statute to entitle him to any relief; unless he should wait the term of one year from the 24th day of November last; which, under the circumstances, would operate as a great hardship upon the petitioner. The fact of the wife having deserted her husband with the determination of leaving him forever, and of following a sect whose views and opinions in many respects are at variance and directly at war with the laws and customs of civil society, is, in the opinion of your committee, sufficient in itself, to warrant the Legislature to grant the prayer of the petitioner.

Mr. Brown, from the select committee to which was referred, No. 41, C. File, A Bill to divorce Jesse Brighan from his wife, Nancy Brighan;

Reported the following:

The committee to which was referred,

No. 41, C. File, A Bill to divorce Jesse Brigham from his wife Nancy Brigham;

Have, according to order, had the same under consideration, and carefully examined the same, with the petition and accompanying documents, and have instructed me to report the same back to the House, with the recommendation that it pass.

Mr. Murdock from the committee on Mail Routes, to which was referred,

No. 19, C. File, A memorial to Congress on the subject of a mail route in Washington county;

Reported the same back to the House with one amendment;

Which was agreed to.

Mr. Murdock from the select committee to which was referred,

No. 43, C. File, A Bill to repeal an act to authorize the board of commissioners of the county of Du Buque to levy a tax on all real and personal estate; approved May 26, 1845.

Reported the same back to the House, and recommended its passage.

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

No. 29, H. R. File, A memorial to Congress, praying an appropriation for the construction of a public wharf at the town of Keokuk;

Which was read a first time.

On motion of Mr. Brown,

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

On motion of Mr. Morgan,

The 42d rule was suspended, the memorial read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Messages from the Council were then taken up.

No. 35, C. File, Joint resolution for the payment of A. P. Woods for publishing catalogue of the Library;

Was read a first time.

No. 22, C. File, A Bill to prevent the firing of prairies;

Was read a first time.

No. 25, C. File, A Bill to restrain unauthorized banking.

Was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Murdock,

Referred to a committee of the whole House, and made the order of the day for Wednesday next.

No. 5, H. R, File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

With a disagreement to the amendment made by the House, to the substitute made by the Council, was taken up; and,

On motion of Mr. Murdock,

The House adhered to its amendment.

On motion of Mr. Murdock,

Ordered, That a committee of conference be appointed on the said disagreement of the two Houses.

Messrs. Murdock and Shelledy were appointed said committee.

On motion of Mr. Morgan,

The vote ordering the above committee of conference, was re-considered.

Mr. Murdock, by leave of the House, withdrew his motion for a committee of conference.

Mr. Speaker presented the report of the Auditor of Public Accounts.

On motion of Mr. Morgan,

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

No. 33, C. File, A Bill to divorce Eli Dow from his wife, Lucy P. Dow;

Was read a second time.

On motion of Mr. Brown,

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

Ordered, That the Council be informed thereof.

No. 37, C. File, A Bill to authorize the assessors of the respective counties in this Territory to take the census, &c.;

Was read a second time; and,

Ordered to be read a third time to-morrow.

No. 41, C. File, A Bill to divorce Jesse Brighan from his wife Nancy Brighan;

Was read a second time.

On motion of Mr. Ferguson,

The bill was amended by adding the following:

Sec. 2, That William H. Evans of the county of Davis be divorced from Rachel his wife;

Mr. Murdock made a motion, to indefinitely postpone the bill;

Pending which,

On motion of Mr. Downey,

The House adjourned.

TWO O'CLOCK, P. M.

A message was recived from the Council by Mr. Kinney their Secretary.

MR. SPEAKER:

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

No. 30, C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments &c., in foreign States and Territories;

No. 36. C. File, Joint resolution relative to lands granted Iowa Territory for a university;

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

The Council have passed with amendment—

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act to provide for assessing and collecting public revenue;" approved, 28th May, 1845;

Also, without amendment—

No. 16, H. R. File, A Bill to lay out and establish a Territorial road from Oskaloosa to Knoxville;

Also, with amendment—

No. 19, H. R. File, A Bill to authorize Edmund C. Whipple, & Co., to establish and keep a ferry across the Iowa and Cedar rivers at the junction of said rivers;

Also, without amendment—

No. 26, H. R. File, A Bill to change the name of E. G. White of Du Buque county;

And then he withdrew.

On motion of Mr. Ferguson,

No. 41, C. File, A Bill to divorce Jesse Brigham from his wife, Nancy Brigham;

Was laid on the table.

On motion of Mr. Murdock,

The vote on adhering to the amendment of the House, to the substitute made by the Council to

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi riverin the county of Clayton;

Was re-considered.

Mr. Murdock, by leave of the House then withdrew his motion to adhere to said amendment.

On motion of Mr. Murdock,

The House insisted on its said amendment.

No. 43, C. File, A Bill to repeal an act to authorize the board of commississioners of the county of Du Buque, to levy a tax on all real and personal estate, approved May 26th, 1845;

Was read a second time; and

Ordered to a third reading on to-morrow.

On motion of Mr. Clifton,

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

TUESDAY MORNING, 10 O'CLOCK,

DECEMBER 30, A. D. 1845.

Mr. Shelledy presented the petition of Richard Quinton and 17 other citizens of Keokuk county, praying for an act to authorize Griffin Abraham to erect a mill dam across the South Fork of Skunk river;

Which,

On motion of Mr. Shelledy,

Was referred to a select committee of three.

Messrs. Shelledy, Holland and Hancock were appointed said committee.

Mr. Wilson presented the petition of Michael O'Brien and 67 other citizens of Du Buque county, praying for the repeal of a law passed at the last session of the Legislature, authorizing the commissioners of Du Buque county to levy a tax of one per cent., on all real and personal property in said county;

Which,

On motion of Mr. Snyder,

Was referred to the delegation from the counties of Du Buque and Clayton.

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

A Bill to provide for the payment of costs in cases where crimes are committed by the Indians.

Mr. Shelledy from the committee on New Counties to which was referred,

No. 27, H. R. File, A Bill for the organization of the county of Jasper;

Reported as a substitute,

No. 30, H. R. File, A Bill for the organization of new counties;

Which was read a first time.

Mr. Shelledy from the committee on New Counties, to which was referred the petition of John Jackson and 28 other citizens of Keokuk county, praying the organization of said county, reported,

No. 31, H. R. File, A Biil for the organization of the county of Appanoose;

Which was read a first time.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

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

No. 45, C. File, A Bill requiring certain officers therein named to make their annual reports to the Executive;

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

And then he withdrew.

Mr. Munger from the committee on Common Schools, reported,

No. 32, H. R. File, A Bill to amend an act to establish a system of common schools;" approved January 16th, 1840.

Which was read a first time.

On motion of Mr. Shelledy,

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

Mr. Shelledy made a motion to suspend the 41st rule in order to ask leave to introduce a bill;

Which motion was decided in the affirmative by a vote of more than two-thirds of the whole House;

Yeas 17, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Brown, Clifton, Downey, Flint, Ferguson, Graham, Hancock, Holland, Huner, Lester, Murdock, Ripley, Shelledy, Taylor, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Coy, Munger, Snyder and Wilson.

So the 41st rule was suspended.

Mr. Shelledy thereupon, after having obtained leave, introduced,

No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Which was read a first time;

The message was taken up.

No. 30. C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments, &c., in foreign States and Terriories;

Was read a first time.

No. 39, C. File, Joint resolution relative to lands granted to Iowa Territory for a university;

Was read a first time.

No. 10, H. R. File, A Bill to amend an act entitled, "An act to amend an act, entitled, 'An act to provide for assessing and collecting public revenue;" approved May 28th, 1845.

Came up on the amendment of the Council to strike out the word "occupier" in the second line of section 3d, and insert the word "occupant;"

Which amendment was concurred in by the House.

No. 19, H. R. File, A Bill to authorize Edmund C. Whipple & Co. to establish and keep a ferry across the Iowa and Cedar rivers;

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

No. 35, C. File, Joint resoluution for the payment of A. P. Woods for publishing catalogue of the library;

Was read a second time; and,

On motion of Mr. Ferguson,

Referred to the committee on Claims.

On motion of Mr. Snyder,

Mr. Ferguson was added to the standing committee on claims.

No. 22, C. File, A Bill to prevent the firing of prairies;

Was read a second time; and,

On motion of Mr. Snyder,

Referred to a committee of the whole House, and made the order of the day for to-morrow.

No. 37, C. File, A Bill to authorize the assessors of the respective counties in this Territory to take the census &c.;

Was read a third time,

Mr. Wilson made a motion to lay the bill on the table;

Which was decided in the negative.

The bill was then passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 43, C. File, A Bill to repeal an act to authorize the Board of Commissioners of the county of Du Buque, to levy a tax on all real and personal estate; approved May 26th, 1845;

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

Ordered, That the Council be informed thereof.

Mr. McCleary, (Mr. Shelledy being in the chair) having given previous notice, and upon leave being granted introduced,

No. 34, H. R. File, A Bill to ruthorize Abel Thompson, to keep a ferry across the Mississippi river;

Which was read a first time; and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Snyder,

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

On motion of Mr. Munger,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Downey,

No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Was taken from the table, the 42d rule suspended, and the bill read a second time.

A motion was made by Mr. Hancock, to suspend the 42d rule, in order that the bill might be read a third time now;

Which was decided, by a vote of two-thirds of the members present, in the affirmative.

Yeas 14, Nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are—

Messrs. Coy, Downey, Flint, Graham, Hancock, Holland, Huner, Lester, Morgan, Ripley, Shelledy, Taylor, Wright and McCleary, Speaker.

Those who voted in the negative, are—

Messrs. Brown, Clifton, Ferguson, Murdock, Snyder, Wilson and Woodworth,

So the 42d rule was suspended, and the bill read a third time,

Mr. Taylor stated that he was a creditor of the Territory, and interested in the passage of this bill, and asked the House to excuse him from voting.

The House refused to excuse him.

Mr. Murdock made a motion to lay the bill on the table;

Which was decided in the negative.

Mr. Wilson made a motion that Mr. Taylor be excused from voting;
Which was decided in the negative.

Mr. Ferguson asked to be excused from voting, on the ground that he was a creditor of the Territory.

The House refused to excuse Mr. Ferguson.

The question was then put—"Shall the bill pass?"
Which was decided in the affirmative.

Yeas 12; Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are—

Messrs Downey, Flint, Graham, Hancock, Holland, Huner, Lester, Morgan, Ripley, Shelledy, Wright and McCleary, Speaker.

Those who voted in the negative, are—

Messrs. Brown, Clifton, . Coy, Ferguson, Murdock, Snyder, Taylor, Wilson and Woodworth,

So the bill pessed, and its title was agreed to.
Ordered, That the Council be informed thereof.

A motion was made by Mr. Shelledy to adjourn;
Which was decided in the affirmative.

Yeas 13, Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Brown, Coy, Downey, Flint, Ferguson, Grahain, Holland, Lester, Morgan, Shelledy, Snyder, Wilson and Wright.

Those who voted in the negative, were—

Messrs. Clifton, Hancock, Huner, Munger, Murdock, Ripley, Taylor, Woodworth and McCleary, Speaker.
So the House was adjourned.

WEDNESDAY MORNING, 10 O'CLOCK,

December 31, A. D. 1845.

Mr. Banks presented the petition of William Chambers and 21 other citizens of Muscatine county, praying for the location of a Territorial road from the mouth of Pine river to Overman's Ferry on Cedar river;

Which,

On motion of Mr. Banks,

Was referred to the committee on Roads and Highways.

Mr. Lester presented the petition of Stiles S. Carpenter and 46 other citizens of the county of Davis, praying the legalization of the acts of Henry C. Smith as constable.

Which,

On motion of Mr. Lester,

Was referred to the committee on the Judiciary.

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

A Preamble and Joint Resolutions, instructing our Delegate in Congress to use his influence to procure an increase of facilities upon mail routes No. 4228, and No. 4503.

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

A Bill to authorize the Board of Commissioners of Clayton county, to change the name of Jacksonville in said county;

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

A Bill to authorize the people of Du Buque county, to vote for and against township organization at the next April election;

Mr. Taylor from the committee on Engrossed Bills, to which was referred,

No. 34, H. R. File, A Bill to authorize Abel Thompson, to keep a ferry across the Mississippi river;

Reported the same back to the House as being correctly engrossed.

Mr. Snyder from the committee on Claims, to which was referred,

No. 35, C. File, Joint resolution for the payment of A. P. Woods for publishing a catalogue of the Library;

Made the following report:

The committee on Claims to whom was referred,

No. 35, C. File, Joint resoluution for the payment of A. P. Woods for publishing a catalogue of the library;

Have had the same under consideration, and instructed me to report that the catalogue was published by order of the Judges of the Supreme court for the use of the members of the bar, and that the committee are not aware of the existence of any law by which any of the expenses incurred by the Supreme court can be justly charged on the Territorial treasury, or on the appropriation of Congress for legislative expenses; and therefore recommend the indefinite postponement of the joint resolution.

Mr. Murdock made a motion to lay the report upon the table;

Which was decided in the negative.

On motion of Mr. Ferguson,

A call of the House was ordered.

Messrs Graham, Huner, Morgan, McMichael, Patterson and Robertson were absent.

On motion of Mr. Wilson,

Messrs. Graham, Robertson, McMichael and Patterson were excused from the call.

On motion of Mr. Ferguson,

The further call of the House was dispensed with.

The question was then put on concurring in the report;

And decided in the affirmative.

Yeas 15, Nays 5.

The yeas and nays being demanded by two members,

Those who voted in the affirmative are,

Messrs. Banks, Coy, Flint, Ferguson, Hancock, Holland, Lester, Ripley, Shelledy, Snyder, Taylor, Wilson Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, are

Messrs. Brown, Clifton, Downey, Munger and Murdock.

So the report was concurred in, and the joint resolution indefinitely postponed.

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

No. 35, H. R. File, A Bill to provide for the payment of costs and fees in cases where crimes and offences have been committed by the Indians.

Which was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on the Judiciary.

Messages from the Council were taken up.

No. 45, C. File, A Bill requiring certain officers therein named to make their annual reports to the Executive;

Was read a first time,

No. 30, H. R. File, A Bill for the organization of new counties;

Was read a second time, and,

On motion of Mr. Snyder,

Rreferred to the members from the adjoining counties.

No. 31, H. R. File, A Bill for the organization of the county of Appanoose;

Was read a second time; and,

On motion of Mr. Hancock,

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

No. 30, C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments &c., in foreign States and Territories;

Was read a second time, and,

On motion of Mr. Brown,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 39, C. File, Joint resolution relative to lands granted to Iowa Territory for a university;

Was read a second time; and

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Munger,

The vote on the passage of

No. 30. C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments, &c., in foreign States and Terriories;

Was re-considered, and the bill referred to a select committee.

Messrs. Munger, Murdock and Downey were appointed said committee.

Mr. Holland made a motion to re-consider the vote on the passage of

No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Which was decided in the negative.

Yeas 10; Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—
Messrs. Banks, Brown, Clifton, Coy, Holland, Munger, Murdock, Snyder, Wilson and Woodworth.

Those who voted in the negative were—
Messrs. Downey, Flint, Ferguson, Hancock, Lester, Ripley, Shelledy, Taylor, Wright and McCleary, Speaker.

So the motion to re-consider was lost.

No. 19, C. File, A memorial to Congress on the subject of a mail route in Washington county;
Was read a second time, and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.
Ordered, That the Council be informed thereof.

No. 34, H. R. File, A Bill to authorize Abel Thompson to keep a ferry across the Mississippi river;
Was read a third time, passed, and the title agreed to.
Ordered, That the Council be informed thereof.

On motion of Mr. Wilson,

The House adjourned.

TWO O'CLOCK, P. M.

No. 22, C. File, A Bill to prevent the firing of prairies;
Being the order of the day, was referred to a committee of the Whole House for the consideration of the same; (Mr. Morgan in the chair;) and after some time spent therein,
The Speaker resumed the chair, and Mr. Morgan reported that the committee had, according to order, had said bill under consideration, and instructed him to report the same back to the House without amendments.

On motion of Mr. Snyder,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 25, C. File, A Bill to restrain unauthorized banking.
Being the order of the day,

On motion of Mr. Murdock,

The further consideration of the bill was postponed until Friday next.

On motion of Mr. Snyder,

No. 22, H. R. F. A Bill to establish a Territorial road in the counties of Jones and Delaware;
Was taken from the table.

Mr. Wilson made a motion to amend the bill by adding as follows:
"Provided, that this road shall not incur any debt to Delaware county;"
Which was decided in the negative.

Yeas 5; Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—
Messrs. Hancock, Lester, Murdock, Wilson and Woodworth.
Those who voted in the negative, were—
Messrs. Banks, Browne, Clifton, Coy, Downey, Flint, Ferguson, Huner, Morgan, Munger, Ripley, Shelledy, Snyder, Taylor, Wright and McCleary, Speaker.

Mr. Wilson made a motion to indefinitely postpone the bill;
Which was decided in the negative.

Yeas 11; Nays 11;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—
Messrs. Banks, Browne, Clifton, Coy, Flint, Ferguson, Huner, Snyder, Taylor, Wright and McCleary, Speaker.

Those who voted in the negative, were—
Messrs. Downey, Hancock, Holland, Lester, Morgan, Munger, Murdock, Shelledy, Wilson, Woodworth and Ripley.

Mr. Murdock made a motion to lay the bill on the table;
Which was decided in the negative.

On motion of Mr. Wilson,

The bill was referred to the delegations from Du Buque and Clayton, and Cedar, Linn and Jones.

On motion of Mr. Wilson,

No. 10, C. File, A Bill to repeal all laws now in force allowing compensation to military officers in this Territory;
Was taken from the table; and,

On motion of Mr. Morgan,

Ordered to a third reading on to-morrow.

Mr. Flint made a motion to take from the table

No. 36, C. File, A Bill to amend an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

Which was decided in the negative.

Mr. Munger from the select committee to which was referred,

No. 30, C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments, &c. in foreign States and Territories;

Reported the same back to the House with the following amendment:

Sec. 5th, That any such commissioner, shall be entitled to receive the same fees for services, as are now allowed for similar services by the laws of the State for which such commissioner is appointed.

Which was agreed to.

On motion,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Ripley,

The 41st rule was suspended; and, upon leave being granted, he introduced,

No. 36, H. R. File, Joint resolution to adjourn the Legislative Assembly to Mount Pleasant;

Which was read a first time.

On motion of Mr. Morgan,

The 42d rule was suspended, and the joint resolution read a second time.

Mr. Murdock made a motion to lay the joint resolution on the table;

Which was decided in the negative.

Mr. Shelledy made a motion to refer the joint resolution to a committee of the whole House, and that it be made the order of the day for this day.

Mr. Banks made a motion to amend so as to make it the order of the day for Friday next;

Which was decided in the negative.

The question then being put upon the adoption of the original motion, was decided in the affirmative.

The following message was then received from the Council, by Mr. Kinney, their secretary:

Mr. Speaker:

I am instructed by the Council to inform the House of Representatives that the Council have insisted upon their amendment to

No. 5, H. R, File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

And that the Council have appointed Messrs. Hastings, Abbe and Shelby a committee of conference relative to the disagreeing vote of the two Houses upon said bill.

The Council have added Messrs. Bradly and Ross to the joint committee on Enrollments.

I herewith present for your signature,

Joint resolution authorising the Librarian to procure copies of Journals of the Legislative Assembly.

Joint resolution relative to obtaining another Land Office.

An act concerning the rights of married women;

An act to amend an act for assessing a Territorial tax and for other purposes, approved 15th February 1844.

And then he withdrew.

No. 36, H. R. File, Joint resolution to adjourn the Legislative Assembly to Mount Pleasant;

Being the order of the day for this day, was referred to a committee of the whole House for the consideration of the same, (Mr. Murdock in the chair,) and after some time spent therein,

The Speaker resumed the Chair, and Mr. Murdock reported that the committee had, according to order, had said resolution under consideration, and directed him to report the same back to the House with one amendment to wit: "Strike out Mount Pleasant;"

Which amendment was disagreed to.

Mr. Wilson offered the following as a substitute:

Resolved, That this Legislature adjourn *sine die.* on the 6th of January, 1846; which,

On motion of Mr. Murdock,

Was laid on the table.

On motion of Mr. Browne,

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

THURSDAY MORNING, 10 O'CLOCK,

JANUARY 1, A. D. 1846.

Mr. Morgan from the committee on Enrolments, reported as correctly enroled,

An act to amend an act entitled, "An act to amend an act entitled, 'an act to provide for assessing and collecting public revenue;'" approved 28th May, 1845; And,

An act to change the name of E. G. White of Du Buque county;

Both of which were signed by the Speaker of the House of Representatives.

Mr. Morgan, in the following most appropriate and touching, language, announced the death of Mr. Robertson of Scott county.

MR. SPEAKER:

It is with feelings of unaffected sorrow that I rise to announce to this House the death of the Hon. JOSEPH M. ROBERTSON, of Scott county, who died at his lodgings in this city last evening, after a lingering and painful illness. Called upon unexpectedly to perform this melancholy task, it is impossible for me to do that justice to the deceased which his virtues so eminently deserve.

Mr. Robertson was one of the oldest members of this House—his term of service dating back some one or two sessions previous to the removal of the seat of government to this place. At the first session held in this city, it was the fortune of the individual who now addresses you to meet him as a fellow member of this House—since which time, with the exception of a single session, I have had the honor to meet him here in the same capacity. A long acquaintance, and that intimacy which a lengthened membership not only of the same House, but of the same committees naturally induces, afforded me frequent opportunities to test the qualities both of his mind and heart,—and it is with feelings of pleasure that I bear witness to the propriety of extending towards his memory those honors usually conferred by legislative bodies npon deceased members. He was, in every sense of the word, an honest man—and the resignation with which he met death is the best evidence that he was what he professed to be—a christian. He has left behind him a private character of unsuspected purity—and his public services stand approved in the repeated and uninterrupted evidences of confidence and honor bestowed upon him by his constituents. As a member of this House, his place cannot be readily supplied. Though participating but seldom in the exciting scenes of legislation, yet his matured judgment, his experience and his industry, made him efficient, and deservedly gained for him the highest appellation to

member.

With the leave of the House, I would therefore propose the adoption of the following resolutions:

Resolved by the Council and House of Representatives of the Territory of Iowa, That the members and officers of both Houses, will accompany the body of the Hon. Mr. Robertson to the limits of this city.

Resolved, That the members and officers of both Houses will testify their respect for the memory of the deceased by wearing crape on the left arm for thirty days.

"*Resolved*, That a joint committee of two members of each House, be appointed to take order for the superintending of all arrangements necessary for the procession.

Resolved, That a committee be appointed to address a letter of condolence to the widow of the deceased expressive of the sympathy and the high respect entertained for the deceased by his associates.

Resolved, That the two Houses adjourn until to-morrow morning at ten o'clock.

Which was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, and the joint resolution read a second time.

On motion of Mr. Banks,

The 42d rule was suspended, the joint resolution read a third time, and unanimously passed.

Ordered, That the Council be immediately informer thereof.

Messrs. Wilson, Taylor and Coy were appointed said committee of arrangements.

Messrs. Morgan and Munger were appointed to address a letter of condolence to the widow of the deceased.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

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

No. 37, H. R. File, Joint resolution relative to the death of Mr. Robertson; And that,

Messrs. Coop and Shelby are appointed as a committee on the part of the Council, to act in conjunction with the committee of arrangements on the part of the House.

On motion of Mr. Wilson,

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

FRIDAY MORNING, 10 O'CLOCK.

JANUARY 2d, A. D. 1846.

Mr. Banks presented the petition of John Mash and 32 other citizens of the counties of Muscatine and Cedar, praying for a re-location of a part of the Territorial road across the Wapsenonock creek in Cedar county, and intersecting the Bloomington and Iowa City road, at West Liberty in Muscatine county;

Which,

On motion of Mr. Banks,

Was referred to the committee on Roads and Highways.

Mr. Hunor presented the account of R. Wilson Albright, for printing, pressing, folding and stitching the journals of the House of Representatives of the Territory of Iowa, for the May session A. D. 1845;

Which,

On motion of Mr. Taylor,

Was referred to the committee on Claims.

Mr. Shelledy presented the petition of Francis A. Baker and 34 other citizens of Mahaska and Marion counties, praying for a Territorial road from Oskaloosa in Mahaska county, to Knoxville in Marion county;

Which,

On motion of Mr. Shelledy,

Was laid on the table.

Mr. Shelledy presented the petition of Hiram Nircyke and 104 other citizens of Mahaska and Marion counties, praying for a Territorial road from the public square in the town of Oskaloosa, to Kertin's ford on the Desmoines river;

Which,

On motion of Mr. Shelledy,

Was laid on the table.

Mr. Snyder presented the petition of J. Culbertson and 81 other citizens of Cedar county, praying for a revision of the act to establish a system of Common Schools; which,

On motion of Mr. Snyder,

Was laid on the table.

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

A Bill to authorize Eliphalet Price, judge of probate of the county of Clayton, to transcribe the records of said court.

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

A Bill to locate a Territorial road from Ottumwa, the county seat of Wapello county, to Bloomfield, the county seat of Davis county;

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

A Bill amendatory to an act concerning watercrafts found adrift, lost goods, and estray animals;

Mr. Morgan from the committee on Enrolments, reported as correctly enroled,

An act to lay out and establish a Territorial road from Oskaloosa to Knoxville;

Mr. Taylor from the committee on Engrossed Bills, reported,

No. 31, H. R. File, A Bill for the organization of the county of Appanoose;

Back to the House as being correctly engrossed.

Mr. Shelledy from the committee to which was referred,

No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Desmoines river;

Reported the same back to the House without amendment.

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

No. 38, H. R. File, A Bill to declare a certain road in the county of Du Buque, to be a Territorial road; to appoint commissioners to locate a Territorial road from Floydes in Du Buque county *via* the colony to Boardman's precinct thence in the direction of Fort Atkinson.

Which was read a first time.

Also,

No. 39, H. R. File, A Bill to authorize the board of commissioners of Clayton county to change the name of Jacksonville, in said county;

Which was read a first time,

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

No. 40, H. R. File, Preamble and Joint Resolutions, instructing our Delegate in Congress to use his influence to procure an increase of facilities upon mail routes No. 4228, and No. 4503.

Which was read a first time.

On motion of Mr. Snyder,

The 42d rule was suspended, the bill read a second time, and, Referred to the committee on Territorial Affairs.

On motion of Mr. Wilson,

A Committee of conference on the part of the House, was appointed to act in conjunction with a similar committee on the part of the Concil, in relation to the disagreeing vote of the two Houses, upon the amendment of the House to the substitute made by the Council to

No. 5, H. R, File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in the county of Clayton;

Messrs. Wilson and Murdock were appointed said committee.

No. 45, C. File, A Bill requiring certain officers therein named to make their annual reports to the Executive;

Was read a second time, and,

On motion of Mr. Browne,

Ordered to a third reading on to-morrow.

No. 31, H. R. File, A Bill for the organization of the county of Appanoose;

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

Ordered, That the Council be informed thereof.

No. 25, C. File, A Bill to restrain unauthorized banking.

Being the order of the day,

On motion of Mr. Morgan,

The further consideration of the bill was postponed until Wednesday next.

On motion of Mr. Shelledy.

No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Desmoines river;

Was re-committed to the select committee consisting of the Delegations from the river counties.

On motion of Mr. Shelledy,

No. 32, H. R. File, A Bill to amend an act to establish a system of common schools;" approved January 16th, 1840.

Was taken from the table; and,

On motion of Mr. Morgan,

Referred to a committee of the whole House, and made the order of the day for this hour. The House resolved itself into a committee of the whole House, (Mr. Wright in the chair;) and after some time spent therein,

Mr. Speaker resumed the chair, the committee rose, and by their chairman reported the bill back with sundry amendments.

Mr. Wilson made a motion to re-commit the bill to the committee on the Judiciary;

Which was decided in the negative.

The question was then put—"Shall the House concur in the amendments made by the committee to the 4th section;"

Which was decided in the negative.

On motion of Mr. Morgan,

The 4th section was amended as follows: Add,

"And that the provisions of this bill shall be extended to any and all townships, which may hereafter be organized in any of the counties of this Territory;"

The question was then put—"Shall the House concur in the amendment made by the committeee to the 6th section?"

Which was decided in the affirmative.

On motion of Mr. Morgan,

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

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

I herewith return—

An act to amend an act entitled, "An act to amend an act entitled, 'an act to provide for assessing and collecting public revenue;" approved 28th May, 1845; Also,

An act to change the name of E. G. White of Du Buque county;

The same having been signed by the Presinent of the Council.

Also,

The following message was then received from the Council, by Mr. Kinney, their secretary:

Mr. Speaker:—

I herewith present for your signature,

An act to divorce Eli Dow from his wife, Lucy P. Dow;

An act to authorize the assessors of the respective counties in this Territory, to take the census;

Joint resolution relative to lands granted Iowa Territory for a university; And,

An act to prevent the firing of prairies;

And then he withdrew.

Mr. Wilson, upon the suspension of the 41st rule, and leave being granted, introduced,

No. 41, H. R. File, Joint resolution;

Which was read a first time.

On motion of Mr. Munger,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Morgan,

No. 14, H. R. File, A Bill to provide for the election of delegates to form a Constitution for the government of the future State of Iowa;

Was taken from the table; and,

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a second time, and

Referred to the committee on Territorial Affairs.

The following message was recived from the Council by Mr. Kinney their Secretary.

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have concurred in the amendmendment of the House to

No. 30. C. File, A Bill to authorize the Governor to appoint commissioners to take acknowledgments, &c., in foreign States and Territories;

And then he withdrew.

Mr. Snyder from the committee on Claims, to which was referred the claim of Alexander Stevens, made the following report:

The committee on Claims to which was referred the claim of Alexander Stevens, have had the same under consideration, and instructed me to report adverse to said claim.

Which report was concurred in by the House.

Mr. Wilson from the select committee to which was referred,

No. 22, H. R. F. A Bill to establish a Territorial road in the counties of Jones and Delaware;

Reported the same back to the House without amendment.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Wilson, upon the suspension of the 41st rule, and leave being granted, introduced,

No. 42, H. R. File, A Bill to amend an act, entitled, "An act for the limitations of actions, and avoiding vexatious law suits;" approved February 15th, 1843;

Which was read a first time;

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and, Referred to the committee on the Judiciary.

Mr. Wilson, upon the suspension of the 41st Rule, and leave being granted, introduced,

No. 43, H. R. File, A Bill defining the term of office of constables;

Which was read a first time.

On motion of Mr. Morgan,

The 42d rule was suspended, and the bill read a second time;

On motion of Mr. Ripley,

The bill was ordered to be engrossed and read a third time to-morrow.

No. 10, C. File, A Bill to repeal all laws now in force allowing compensation to military officers in this Territory;

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

Ordered, That the Council be informed thereof.

On motion of Mr. Shelledy,

The messages from the Council were taken up.

No. 25, H. R, File, A Bill to lay out and establish new counties and define their boundaries;

Having been returned with one amendment, was taken up; and,

On motion of Mr. Morgan,

The amendment was disagreed to by the House.

No. 23, C. File, A Bill to divorce Joseph Hartly from his wife Ann Hartly;

Was read a first time; and,

On motion of Mr. Taylor,

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

On motion of Mr. Wilson,

The bill was laid on the table.

No. 34, C. File, A Bill to re-establish a part of a territorial road vacated by an act, approved February 16th, 1842;

Was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a second time, and, Ordered to a third reading on to-morrow.

No. 42, C. File, A Bill to amend an act entitled, "An act to incorporate the town of Bloomington;" approved January 23d, 1839;

Was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Snyder,

Referred to the committittee on Incorporations.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

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

No. 23, C. File, A Bill to divorce Joseph Hartley from his wife Ann Hartley.

No. 34, C. File, A Bill to establish a part of a Territorial road vacated by an act approved July 16th, 1842;

No. 42, C. File, A Bill to amend an act entitled "An act to incorporate the town of Bloomington;" approved January 23d, 1839.

In which the concurrence of the House of Representatives is re quested.

The Council have agreed to the amendment of the House to

No. 19, C. File, A memorial to Congress on the subject of a mail route in Washington county;

The Council have passed—

No. 11, H. R. File, A Bill to vacate a part of a Territorial road from Wyoming to Moscow.

Also with amendment—

No. 25, H. R. File, A Bill to lay out and establish new counties and define their boundaries.

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

Mr. Downey, upon a suspension of the 41st rule, and leave being granted, introduced,

No. 44, H. R. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of public roads and Highways;

Which was read a first time.

On motion of Mr. Banks,

Ordered, That the House stand adjourned until to-morrow morning 10 o'clock.

SATURDAY MONING, 10 O'CLOCK.

JANUARY 3, A. D. 1846.

Mr. Patterson presented the petition of R. R. Criel and 12 other citizens of Lee county, praying for a re-location of a portion of the Territorial road running from West Point in Lee county, to Fairfield in Jefferson county;

Which,

On motion of Mr. Patterson,

Was referred to a select committee of three.

Messrs. Patterson, Browne and Flint were appointed said committee.

Mr. Shelledy gave notice that, on Monday next, or some day thereafter, he would ask leave to introduce,

A Bill for a charter to build mill dams on Skunk river;

Mr. Shelledy offered the following:

Resolved, That the Secretary of the Territory be instructed to pay to the widow of the late Joseph M. Robertson deceased, or her order, the full amount of his per diem and mileage for the full term of the present sesaion;

Which was adopted.

Mr. Morgan from the Judiciary committee to whom was referred,

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Also,

No. 24, H. R. File, A Bill to regulate the right of Dower and the assignment thereof;

Also,

No. 15, H. R. File, A Bill to amend an act entitled, "an act to change the time of holding the general election;" approved 29th January, 1844;

Reported the same back to the House without amendment, and recommended their passage.

Mr. Morgan from the same committee, to which was referred,

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to providefor the perpetuation of testimony;

Reported the same back to the House with one amendment.

Mr. Morgan from the same committee to whom was referred,

No. 11, C. File, A Bill to repeal an act entitled, "An act to post-

pone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Reported the same back to the House, with the recommendation that the bill be indefinitely postponed.

Mr. Morgan from the same committee to which was referred the petition of Stiles Carpenter and other citizens of Davis county, praying for an act to legalize the acts of Henry C. Smith;

Reported that the committee had instructed him to report a bill to that effect; viz:

No. 45, H. R. File, A Bill to legalize the acts of Henry C. Smith;

Which was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Desmoines river;

Reported the same back to the House without amendment.

Mr. Taylor from the committee on Engrossed Bills, reported that the committee had carefully examined,

No. 32, H. R. File, A Bill to amend an act entitled, "an act to establish a system of common schools;" approved January 16th, 1840.

And found the same correctly engrossed.

Mr. Murdock from the committe on Ways and Means, to whom was referred a resolution requiring said committee to enquire into, and report how long the present session may continue without detriment to the public interest, have had the same under consideration, and made the following report:

The committee on Ways and Means to whom was referred a resolution requiring them to enquire into and report how long the present session may continue without detriment to the public interest, have had the same under consideration and beg leave to make the following

REPORT:

That the Secretary of the Territory has now in his hands, subject to the payment of arrearages and of the expenses of the present session of the Legislative Assembly the sum of $15,660 84.

The arrearages now unpaid of expenses incurred by former sessions prior to the May session, the Secretary estimates at the sum of $300.

The arrearages of the May session, the Secretary estimates as follows, to wit:

The total amount which will remain unpaid of said expenses after he shall have paid out all of the former appropriation in his hands, will amount to the sum of $3,853 36. Making total amount of arrearages, as estimated, the sum of $4,103 36; leaving the sum of $11,557 48, after paying off all arrearages of every character which is, or can be chargeable to the congressional appropriations for the payment of the expenses of the present session.

Your committee, after a careful examination, and estimate of the probable expenses of the present session, have come to the conclusion that the present session of the Legislature may, without incurring risk or leaving the Legislature in debt, continue in session forty-five days from the time of the meeting.

Your committee would most respectfully urge upon the House the propriety of fixing immediately upon a day certain for the adjournment.

Your committee believe that the present session may be brought to a close without detriment to the public interest by adjourning on Wednesday the 14th instant.

Your committee beg leave to submit the following resolution:

Resolved, That the two Houses adjourn *sine die* on Wednesday, the 14th day of January, A. D. 1846.

Mr. Browne made a motion to lay the report on the table.

On motion of Mr. Browne,

A call of the House was ordered.

Messrs. Coy, Graham, Hunor, Morgan and McMichael were absent.

On motion of Mr. Taylor,

A further call of the House was suspended.

The question was then put—"Shall the report be laid upon the table?"

Which was decided in the affirmative.

Yeas 13; Nays 7;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Browne, Clifton, Downey, Flint, Hancock, Holland, Munger, Patterson. Ripley, Snyder, Taylor and Wright.

Those who voted in the negative, were—

Messrs. Ferguson, Lester, Murdock, Shelledy, Wilson Woodworth and McCleary, Speaker.

So the report was laid upon the table.

Mr. Taylor from the committee on Incorporations, to whom was referred,

No. 42, C. File, A Bill to amend an act entitled, "An act to incorporate the town of Bloomington;" approved January 28, 1839;

Reported the same back to the House with one amendment.

Which was agreed to.

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

No. 46, H. R, File, A Bill to authorize Eliphalet Price, judge of probate of the county of Clayton, to transcribe the records of said court;

Which was read a first time,

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Wilson,

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

No. 38, H. R. File, A Bill to declare a certain road in the county of Du Buque, to be a Territorial road; to appoint commissioners to locate a Territorial road from Floydes in Du Buque county *via* the colony to Boardman's precinct thence in the direction of Fort Atkinson.

On motion of Mr. Murdock,

Was ordered to be engrossed and read a third time on Monday next.

No. 39, H. R. File, A Bill to authorize the board of commissioners of Clayton county to change the name of Jacksonville, in said county;

Was read a second time, and,

On motion of Mr. Wilson,

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

No. 41, H. R. File, Joint resolution;

Was read a second time, and,

On motion of Mr. Browne,

Laid upon the table.

No. 44, H. R. File, A Bill to amend an act entitled, "An act to prevent and punish the obstruction of public roads and highways;"

Was,

On motion of Mr. Downey,

Laid upon the table.

No. 45, C. File, A Bill requiring certain officers therein named to make their annual reports to the Executive;

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

Ordered, That the Council be informed thereof.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

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

No. 58. C. File, A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Also,

No. 66, C. File, A Bill to divorce certain persons therein named;

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

And then he withdrew.

No. 34, C. File, A Bill to re-establish a part of a territorial road vacated by an act, approved February 16th, 1843;

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

Ordered, That the Council be informed thereof.

No. 43, C. File, A Bill to repeal an act to authorize the board of commissioners of the county of Du Buque to levy a tax on all real and personal estate, approved May 26th, 1845;

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

Ordered, That the Council be informed thereof.

On motion of Mr. Shelledy,

The messages of the Council were taken up.

No. 58, C. File; A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Which was read a first time; and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time; and,

Referred to a committee of the whole House, and made the order of the day for this day at 2 o'clock P. M.

No. 66, C. File, A Bill to divorce certain persons therein named;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, and the bill read a second time;

Mr. Shelledy made a motion to indefinitely postpone the bill.

Pending which,

On motion of Mr. Taylor,

The bill was laid on the table.

On motion of Mr. Ferguson,

Mr. Lester was added to the standing committee on Roads and Highways,

On motion of Mr. Murdock,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 66, C. File, A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Being the order of the day, was considered in committee of the whole House, (Mr. Wilson in the chair;) and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Chairman reported the bill back to the House with sundry amendments;

Which amendments were concurred in.

A motion was made by Mr. Ferguson that the 42d rule be suspended and the bill read a third time now.

On the question being put, it was decided in the affirmative.

Yeas 15, Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Brown, Clifton, Downey, Flint, Ferguson, Hancock, Holland, Lester, Patterson, Shelledy, Taylor, Wilson, Woodworth, and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Murdock, Ripley, Snyder, and Wright.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

Yeas 11; Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Downey, Flint, Ferguson, Hancock, Holland, Patterson, Shelledy, Taylor, and Wilson.

Those who voted in the negative were—

Messrs. Clifton, Lester, Munger, Murdock, Ripley, Snyder, Woodworth, Wright and McCleary, Speaker.

So the bill was passed and its title agreed to.

Ordered, That the Council be informed thereof.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

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

No. 47, C. File, A Bill to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish a survey of a road in said county.

No. 51, C. File, A Bill to establish a Territorial road from Sigourney in Keokuk county to Washington in Washington county;

No. 57, C. File, A Bill to establish and confirm an alteration in the Wyoming road;

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

I herewith present for your signature—

An act to amend an act to authorize the Governor to appoint commissioners to take acknowledgments, &c., in foreign States and Territories;

A memorial to Congress on the subject of a mail route in Washington county;

And then he withdrew.

On motion of Mr. Patterson,

Ordered, That the House adjourn until Monday morning at ten o'clock.

MONDAY MORNING, 10 O'CLOCK.

JANUARY 5th, A. D. 1845.

Mr. Shelledy presented the petition of B. W. Edwards, and 72 other citizens of Washington and Keokuk counties praying for a Territorial road from Washington to Keokuk county;

Which,

On motion of Mr. Shelledy,

Was referred to the Committee on Roads and Highwas;

Mr. Shelledy presented the petition of Henry McCrocker and 31 other citizens of Washington and Jefferson counties, praying for a Territorial road from Washington county to Fairfield, in Jefferson county;

Which,

On motion of Mr. Shelledy,

Was referred to the committee on Roads and Highways.

Mr. Hancock presented the petition of J. Gregory and 52 other citizens of Van Buren county, praying for an alteration in the present law in regard to township organizations;

Which,

On motion of Mr. Hancock,

Was referred to the committee on the Judiciary.

Mr. Patterson from the select committee to whom was referred the petition of R. R. Criel and others praying for a re-location of a portion of the Territorial road from West Point in Lee county, to Fairfield in Jefferson county, reported,

No. 47, H. R. File, A Bill to re-locate a part of the Territorial road leading from West Point in Lee county, to Salem in Henry county;

Which was read a first time; and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time, and Ordered to be engrossed and read a third time on to-morrow.

Mr. Taylor from the committee on Engrossed Bills; reported,

No. 43, H. R. File, A Bill defining the term of office of Constables;

No. 39, H. R. File, A Bill to authorize the board of commissioners of Clayton county to change the name of Jacksonville, in said county;

No. 38, H. R. File, A Bill to declare a certain road in the county of Du Buque, to be a Territorial road; to appoint commissioners to locate a Territorial road from Floydes in Du Buque county *via* the colony to Boardman's precinct thence in the direction of Fort Atkinson.

Also,

No. 46, H. R, File, A Bill to authorize Eliphalet Price, judge of probate in the county of Clayton, or his successors in office, to transcribe the records of said court;

As being correctly engrossed.

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

No. 48, H. R. File, A Bill to locate a Territorial road from Ottumwa in Wapello county, to Bloomfield in Davis county;

Which was read a first time.

On motion of Mr. Flint,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on Roads and Highways.

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

No. 49, H. R. File, A Bill to amend an act entitled an act concernnig water crafts found adrift, lost goods, and estray animals;

Which was read a first time,

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

No. 50, H. R. File, A Bill to alter and amend an act to provide for levying a tax on real and personal property for road purposes;

Which was read a first time; and,

On motion of Mr. McMichael,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on Roads and Highways.

No. 47, C. File, A Bill to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

Was read a first time, and,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

Referred to a select committee of three.

Messrs. Ferguson, Browne and Patterson were appointed said committee.

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish a survey of a road in said county.

Was read a first time.

No. 51, C. File, A Bill to establish a Territorial road from Sigourney in Keokuk county to Washington in Washington county;

Was read a first time.

No. 57, C. File, A Bill to establish and confirm an alteration in the Wyoming road;

Was read a first time, and,

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second and third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 42, C. File, A Bill to amend an act entitled, "An act to incorporate the town of Bloomington;" approved January 23, 1839;

Was read a second time, and,

Ordered to a third reading on to-morrow.

No. 31, C. File, A memorial to Congress for an appropriation to improve the navigation of the Desmoines river;

Was read a second time, and,

On motion of Mr. Browne,

The 42d rule was suspended, the memorial read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was read a second time.

Mr. Wilson made a motion to strike out the proviso in regard to six per cent. which reads as follows:

"Provided, That no greater amount than six per centum per annum, shall be recovered on any judgment obtained before any court of justice in this Territory.

Pending which,

On motion of Mr. Patterson,

The bill was laid upon the table.

No. 15, H. R. File, A Bill to amend an act entitled, "an act to change the time of holding the general election;" approved 29th January, 1844;

Was read a second time.

Mr. Taylor made a motion that the bill be engrossed and ordered to a third reading on to-morrow;

Pending which,

Mr. Browne made a motion that the bill be laid on the table;

Which was decided in the affirmative.

Yeas 16; Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Clifton, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Lester, Murdock, McMichael, Patterson, Ripley, Woodworth and Wright.

Those who voted in the negative were—

Messrs. Morgan, Shelledy, Snyder, Taylor, Wilson and McCleary, Speaker.

So the bill was laid upon the table.

No. 24, H. R. File, A Bill to regulate the right of Dower and the assignment thereof;

Was read a second time; and,

On motion of Mr. Snyder,

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

No. 11, C. File, A Bill to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Was read a second time.

Mr. Patterson made a motion to lay the bill upon the table;

Which was decided in the negative.

Yeas 9; Nays 15;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Downey, Graham, Munger, Murdock, Patterson, Shelledy, Taylor, Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Browne, Clifton, Flint, Ferguson, Hancock, Holland, Hunor, Lester, Morgan, McMichael, Ripley, Snyder, Wright and McCleary, Speaker.

The question being upon concurring in the report of the committee on the Judiciary, to indefinitely postpone the bill,

Mr. Murdock made a motion to refer the bill to a select committee;

Which was decided in the negative.

The question was then put on concurring in the report of the committee;

Which was decided in the negative.

Mr. Browne made a motion to suspend the 42d rule, and that the bill be ordered to a third reading now;

Which was decided in the affirmative.

Yeas 13, Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Brown, Clifton, Flint, Ferguson, Graham, Hancock, Holland, Lester, Morgan, McMichael, Ripley, Woodworth, and Wright.

Those who voted in the negative, were—

Messrs. Banks, Downey, Hunor, Munger, Murdock, Patterson, Shelledy, Snyder, Taylor, Wilson and McCleary, Speaker.

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony;

Having been reported back to the House from the Judiciary committee with an amendment, was taken up, the amendment concurred in, and the bill ordered to a third reading on to-morrow.

No. 46, H. R. File, A Bill to authorize Eliphalet Price, Judge of Probate in the county of Clayton, or his successors in office, to transcribe the records of said court;

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

Ordered, That the Council be informed thereof.

No. 38, H. R. File, A Bill to declare a certain road in the county of Du Buque to be a Territorial road, and to appoint commissioners to locate a Territorial road from Floyds in Du Buque county, *via* colony, to Boardman's Precinct, thence in the direction of Fort Atkinson;

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

Ordered, That the Council be informed thereof.

No. 39, H. R. File, A Bill to authorize the board of commissioners of Clayton county, to change the name of Jacksonville in said county; and,

No. 43, H. R. File, A Bill defining the term of office of constables;

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

Ordered, That the Council be informed thereof.

On motion of Mr. Morgan,

No. 66, C. File, A Bill to divorce certain persons therein named;

Was taken up.

Mr. Shelledy by leave of the House withdrew his motion to postpone the bill.

On motion of Mr. Taylor,

The bill was referred to Messrs. Ferguson, Patterson and Browne.

On motion of Mr. Morgan,

No. 41, C. File, A Bill to divorce Jesse Bringham from his wife Nancy Bringham;

Also,

No. 23, C. File, A Bill to divorce Joseph Hartley from his wife Ann Hartley.

Were referred to Messrs. Ferguson, Browne and Patterson.

Mr. Patterson, upon the suspension of the 41st rule, introduced,

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Which was read a first time.

Mr. Downey made a motion to reconsider the vote upon the passage of

No. 58, C. File; A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Which was decided by the Chair as being out of order.

Mr. Patterson made a motion to adjourn;

Which was decided in the negative;

Yeas 8; Nays 16;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Ferguson, Graham, Hunor, Patterson, Snyder, and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Downey, Flint, Hancock, Holland, Lester, Morgan, Munger, Murdock, McMichael, Ripley, Shelledy Wilson Woodworth and Wright.

On motion of Mr. Patterson,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Wilson,

No. 51, H. R, File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Was taken from the table.

On motion of Mr. Murdock,

The 42d rule was suspended, and the joint resolution read a second time.

Mr. Murdock made a motion to amend by striking out the words "Monday the 19th," and inserting the words "Wednesday the 14th."

On motion of Mr. Ferguson,

A call of the House was ordered.

Messrs. Banks, Coy and Clifton were absent.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

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

No. 49, C. File, A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin;

No. 52, C. File, A Bill to divorce Jemima Snyder from her husband Nathaniel Snyder;

No. 54, C. File, A Bill for an act to amend an act entitled, "An act to organize the county of Marion;" approved June 10th, 1845;

No. 61, C. File, A Bill to incorporate the city of Du Buque;

No. 67, C. File, A Bill to legalize the official acts of Henry C. Smith, a Constable in the county of Davis;

No. 68, C File, A Bill to divorce Joseph Hewett from his wife Jane Hewett;

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

The Council have passed with an amendment—

No. 7, H. R. File, A memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the Southern boundary line;

Also with amendments—

No. 31, H. R. File, A Bill for an act for the organization of the county of Appanoose;

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

The Council have passed—

No. 29, H. R. File, A memorial to Congress, praying an appropriation for the construction of a public wharf at the town of Keokuk;

The Council have receded from their amendment to

No. 25, H. R. File, A Bill to lay out and establish new counties, and define their boundaries;

The Council have concurred in the amendment of the House of Representativss to

No. 58. C. File, A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

I herewith present for your signature—

An act to repeal all laws now in force allowing compensation to military officers in this Territory.

And then he withdrew.

Said act was then signed by the Speaker of the House of Representatives.

On motion of Mr. Taylor,

Mr. Coy was excused from the call.

Messrs. Banks and Clifton appeared and took their aeats.

On motion of Mr. Browne,

The further call of the House was suspended.

The question was then put, upon striking out the words Monday the 19th;"

Which was deceided in the negative.

Yeas 8; Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Ferguson, Lester, Murdock, Shelledy, Wilson, Woodworth and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Downey, Clifton, Flint, Graham, Hancock, Holland, Hunor, Morgan, McMichael, Patterson, Ripley, Snyder, Taylor, and Wright.

On motion of Mr. Browne,

The 42d rule was suspended, and the joint resolution read a third time.

Mr. Downey made a motion to lay the joint resolution upon the table;

Which was decided in the negative.

Yeas 7; Nays 17;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Downey, Hancock, Holland, Munger, Murdock, and Ripley;

Those who voted in the negative, were—

Messrs. Browne, Clifton, Flint, Ferguson, Graham, Hunor, Lester, Morgan, McMichael, Patterson, Shelledy, Snyder, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

The question was then put—"Shall the Joint Resolution pass?"

Which was decided in the affirmative:

Yeas 20; Nays 4;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Patterson, Ripley, Shelledy, Snyder, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Downey, Lester and Murdock.

So the Joint resolution was passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Downey made a motion to re-consider the vote upon the passage of

No. 58, C. File, A Bill to appoint commissioners to re-locate the county seat of Keokuk county;

Which was decided by the Chair as being out of order.

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

A Joint Resolution requesting our Delegate in Congress to use his best exertions to procure by an action of Congress a division of the Territory of Iowa by the 43d degree of latitutde.

On motion of Mr. Browne,

The messages from the Council were taken up.

No. 49, C. File, A Bill to divorce Amelia Scanlin from her husband, Thomas Scanlin;

Was read a first time; and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time, and,

Referred to Messrs. Ferguson, Browne and Patterson.

No. 52, C. File, A Bill to divorce Jemimah Snyder from her husband Nathaniel Snyder;

Which was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a second time, and,

Referred to Messrs. Ferguson, Browne and Patterson.

No. 68, C. File, A Bill to divorce Joseph Hewett from his wife Jane Hewett;

Was read a first time; and,

On motion of Mr. Munger,

The 42d rule was suspended, and the bill referred to Messrs. Ferguson, Browne and Patterson.

No. 54, C. File, A Bill to amend an act, entitled, "An act to organize the county of Marion;" approved, June 10th, 1845;

Was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 61, C. File, A Bill to incorporate the city of Du Buque;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Morgan,

Referred to the Delegation from Du Buque, Jackson and Clayton counties.

No. 67, C. File, A Bill to legalize the official acts of Henry C. Smith, a constable in the county of Davis;

Was read a first time; and,

On motion of Mr. Wilson,

Was rejected.

No. 7, H. R. File, A memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the Southern boundary line;

Having been returned from the Council with one amendment, was taken up, and the amendment,

On motion of Mr. Patterson,

Concurred in.

No. 31, H. R. File, A Bill to organize the county of Appanoose;

Having been returned from the Council with amendments, which amendments were,

On motion of Mr. Ferguson,

Concurrred in.

On motion of Mr. Morgan,

No. 15, H. R. File, A Bill to amend an act entitled, "An act to change the time of holding the general election;" approved 29th January, 1844;

Was taken up.

Mr. Morgan made a motion, that the bill be engrossed and read a third time on to-morrow.

Pending which,

On motion of Mr. McCleary, (Mr. Shelledy in the chair) the bill was re-committed to the Judiciary committee.

On motion of Mr. Taylor.

Ordered, That the House stand adjourned until to-morrow morning 10 o'clock.

TUESDAY MORNING, 10 O'CLOCK,

JANUARY 6, A. D. 1845.

Mr. Taylor presented the petition of Geo. H. Browne, and 130 other citizens of Jones county, praying for an act for the re-location of the county seat of Jones county;

Which,

On motion of Mr. Wilson,

Was referred to a select committee.

Messrs. Wilson, Taylor and Snyder were appointed said committee.

Mr. Downey presented the petition of S. B. Gardener and 39 other citizens of Johnson and Iowa counties, praying for a Territorial road from Iowa City, to the Raccoon Fork of the Desmoines river;

Which,

On motion of Mr. Murdock,

Was referred to the gentleman from Johnson county.

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

A Bill providing for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

Also,

A Bill to repeal an act declaring certain streets in the town of Port Allen public highways; Also,

A Bill to lay out and establish a certain Territorial road;

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

A memorial to Congress praying for a mail route from Knoxville Illinois, to Iowa City, *via* Bloomington.

Mr. Browne from the select committee to which was referred,

No. 23, C. File, A Bill to divorce Joseph Hartley from his wife Ann Hartley.

No. 47, C. File, A Bill to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

No. 49, C. File, A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin;

No. 52, C. File, A Bill to divorce Jemima Snyder from her husband Nathaniel Snyder;

No. 66, C. File, A Bill to divorce certain persons therein named;

Also,

No. 68, C File, A Bill to divorce Joseph Hewett from his wife Jane Hewett;

Reported the same back to the House with the recommendation that they be passed.

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

No. 41, C. File, A Bill to divorce Jesse Bringham from his wife Nancy Bringham;

Reported the same back to the House with one amendment.

Mr. Shelledy made a motion to refer the bills, together with the report of the committee to a committee of the whole House, and that they be made the order of the day for to-morrow;

Which was decided in the negative.

The question was then put—"will the House concur in the report of the committee on

No. 41, C. File, A Bill to divorce Jesse Bringham from his wife, Nancy Bringham;

Which was decided in the affirmative.

Mr. Wright from the committee on Roads and Highways, to whom was referred,

No. 23, H. R. File, A Bill to relocate a part of the Territorial road from Iowa City to the seat of justice of Mahaska county;

Reported the same back to the House without amendment; Also,

No. 28, H. R. File, A Bill to amend an act entitled, "An act defining the duties of supervisors of roads and highways;" approved January 17th, 1840;

With the recommendation that the bill be indefinitely postponed,

Which report,

On motion,

Was laid on the table.

Mr. Wright from the same committee to whom was referred the petition of Moses Barton and 31 other citizens of Clinton county, praying for a repeal of the charter authorizing Elijah Buel to keep a ferry across the Mississippi river, &c.

Reported the petition back to the House with the recommendation that the same be referred to the committee on Incorporations.

Mr. Wright from the same committee to whom was referred the petition of A. P. Breckenridge, and 52 other citizens of Lee county, reported,

No. 52, H. R. File, A Bill to re-locate a certain road therein named;

Which was read a first time; and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time, and,

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

Mr. Wright from the same committee to whom was referred the petition of B. W. Edwards and 72 others, reported,

No. 54, H. R. File, A Bill to locate a road from Brighton to Jefferson county;

Which was read a first time; and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time; and,

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

Mr. Wright from the same committee, to whom was referred the petition of Henry Crocker and 31 others, reported,

No. 53, H. R. File, A Bill to lay out and establish a road from Brighton, to Enos Darnell's, in Keokuk county.

Which was read a first time; and,

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time, and

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

Mr. Taylor from the committee on Engrossed Bills, reported, that the committee had carefully examined,

No. 47, H. R. File, A Bill to re-locate a part of the Territorial road leading from West Point in Lee county, to Salem in Henry county;

And found the same correctly engrossed.

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

No. 55, H. R. File, Joint Resolution defining the northern boundary of the future State of Iowa;

Mr. Wilson made a motion to reject said resolution;

Which was decided in the affirmative.

Yeas 13; Nays 8.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Flint, Graham, Hancock, Lester, Morgan, Munger, Murdock, McMichael, Ripley, Snyder, Taylor, Wilson and Wright.

Those who voted in the negative were—

Messrs. Banks, Clifton, Ferguson, Holland, Patterson, Shelledy, Woodworth, and McCleary, Speaker.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

I am instructed by the Council to inform the House of Representatives that the Council have passed with an amendment,

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

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

No. 49, H. R. File, A Bill to amend an act entitled, "An act concerning water crafts found adrift, lost goods, and estray animals;

Was read a second time; and,

On motion of Mr. Clifton,

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

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish a survey of a road in said county.

Was read a second time; and,

On motion of Mr. Graham,

Referred to the committee on Roads and Highways.

No. 51, C. File, A Bill to establish a Territorial road from Sigourney in Keokuk county to Washington in Washington county;

Was read a second time, and,

On motion of Mr. Shelledy,

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

No. 11, C. File, A Bill to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Was read a second time.

Mr. McMichael made a motion to order the bill to a third reading on to-morrow.

Pending which,

On motion of Mr. Ferguson,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A Call of the House was ordered.

On motion of Mr. Browne,

Mr. Coy was excused from the call.

Messrs. Banks, Clifton, Downey, Graham, Holland, Hunor, Morgan, Munger, Murdock, McMichael, Snyder, Taylor, Woodworth and Wright were absent.

Messrs. Hunor, Clifton, Downey, Holland, and Wright appeared and took their seats.

Mr. Ferguson made a motion to suspend the further call of the House;

Which was decided in the negative.

Messrs. Snyder, Morgan, Banks, McMichael, Taylor and Murdock appeared and took their seats.

On motion of Mr. Hancock,

The further call of the House was suspended.

No. 11, C. File; A Bill to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Having been under consideration when the House adjourned,

The question was put—"Shall the bill be read a third time on tomorrow?"

Pending which,

On motion of Mr. Downey,

The bill was laid upon the table.

The following message was then received from the Council, by Mr. Kinney, their secretary:

Mr. Speaker:

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

No. 29, C. File, An act to incorporate the Maquaketa Academy, in Jackson county;

No. 60, C. File, A Bill relative to the recognisance of witnesses in criminal cases;

No. 62, C. File, A Bill amendatory of an act entitled, an act for the limitation of actions, &c., approved February 15th, 1843;

No. 63, C. File, A Bill relative to imprisonment on indictments in cases of manslaughter;

No. 64, C. File, A Bill to provide for the election of additional justices of the peace in the town of Keokuk;

No. 73, C. File, An act to amend an act entitled, "An act to establish the time of Holding the District court, in the several judicial districts in this Territory;" approved 12th February, 1844.

No. 44, C. File, A Bill to amend an act relative to proceedings in chancery, approved January 23d, 1839;

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

The Council have passed with an amendment—

No. 34, H. R. File, A Bill to authorize Abel Thompson to keep a ferry across the Mississippi river;

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

I herewith present for your signature—

An act to repeal an act to authorize the board of commissioners of the county of Du Buque to levy a tax on all real and personal estate, approved May 26, 1845;

An act requiring certain officers therein named, to make their annual reports to the Executive;

An act to appoint commissioners to re-locate the county seat of Keokuk county;

An act to re-establish a part of a Territorial road vacated by an act approved Feb. 16, 1842.

No. 47, H. R. File, A Bill to re-locate a part of the Territorial road leading from West Point in Lee county, to Salem in Henry county,

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

Ordered, That the Council be informed thereof.

Mr. Hancock presented the petition of Henry Bateman;

Which,

On motion of Mr. Hancock,

Was referred to a select committee.

Messrs. Hancock, Flint and Lester were appointed said committee.

Mr. Hancock presented the petition of Andrew M. Ficke, praying for a divorce from Susan Ficke, his wife;

Which,

On motion of Mr. Hancock,

Was referred to the select committee on Divorces,

On motion of Mr. Ferguson,

Mr. Hancock was added to the select committee on Divorces.

On motion of Mr. Browne,

The report from the select committee on Divorces, was taken up.

No. 23, C. File, A Bill to divorce Joseph Heartly from his wife, Ann Heartly;

Was read a second time; and,

On motion,

The 42d rule was suspended,

A call of the House was ordered.

Mr. Coy was absent.

On motion of Mr. Patterson,

The further call of the House was suspended.

The bill was then read a third time, passed, and its title agreed to.

Yeas 16; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Lester, Morgan, Munger, Patterson, Ripley, Taylor and Wright,

Those who voted in the negative, were—

Messrs. Banks, Murdock, McMichael, Shelledy, Snyder, Wilson, Woodworth and McCleary, Speaker.

No. 41, C. File, A Bill to divorce William H. Evans from his wife, Rachel Evans;

Was read a second time.

On motion,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 68, C. File, A Bill to divorce Joseph Hewett from his wife Jane Hewett;

Was read a second time; and,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 49, C. File, A Bill to divorce Amelia Scanlin from her husband Thomas Scanlin;

Was read a second time, and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 52, C. File, A Bill to divorce Jemimah Snyder from her husband Nathaniel Snyder;

Was read a second time; and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 66, C. File, A Bill to divorce certain persons therein named;

Was read a second time, and,

On motion of Mr. Morgan,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 47, C. File, A Bill to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

Was read a second time; and,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Patterson, upon the suspension of the 41st rule, introduced,

No. 56, H. R. File, Joint Resolution asking an appropriation for a bridge on Skunk river at Lowell's, in Henry county Iowa;

Which was read a first time; and,

On motion of Mr. Patterson.

The 42d rule was suspended, the bill read a second time, and,

Ordered to a third reading on to-morrow.

On motion of Mr. Murdock,

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Was taken from the table.

A call of the House was ordered.

Messrs. Coy and Downey were absent.

On motion of Mr. Browne,

Mr. Coy was excused from the call.

Mr. Downey appeared and took his seat.

On motion of Mr. Browne,

The further call of the House was suspended.

Mr. Browne made a motion to disagree to the amendment made by the Council to said bill;

Which was decided in the affirmative.

Yeas 17; Nays 7.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Flint Graham, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Patterson, Ripley, Snyder, Taylor, Wright and McCleary, Speaker.

Those who voted in the negative were—

Messrs. Banks, Ferguson, Lester, Murdock, Shelledy, Wilson and Woodworth.

On motion of Mr. Morgan,

Ordered, That the House stand adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, 10 O'CLOCK,

JANUARY 7, A. D. 1846.

Mr. Wright presented the petition of John Henderson, and 90 other citizens of Desmoines county, praying for the location of a Territorial road from Wapello, in Louisa county, to Augusta, in Desmoines county.

Mr. Speaker presented the petition of William McClure and 52 other citizens of Louisa county, praying for a Territorial road from Wapello in Louisa county, to Augusta, in Desmoines county.

Which petitions,

On motion of Mr. Ripley,

Were referred to the committee on Roads and Highways.

Mr. Woodworth presented the petition of Thomas Wright and 9 other citizens of Jefferson and Henry counties, praying for a re-location of part of the Territorial road from Glasgow, in Jefferson county, to Wilson's mills, in Henry county;

Which,

On motion of Mr. Woodworth,

Was referred to the delegation from Henry county.

Mr. Browne gave notice that on to-morrow, or some day thereafter, as soon as practicable, he would ask leave to introduce,

A Bill to amend an act entitled, "An act relative to divorce, alimony, and other purposes;"

Mr. Taylor from the committee on Engrossed Bills, to whom was referred,

No. 24, H. R. File, A Bill to regulate the right of dower and the assignment thereof;

No. 49, H. R. File, A Bill to amend an act entitled an act concerning water crafts found adrift, lost goods, and estray animals;

No. 52, H. R. File, A Bill to re-locate a certain road therein named;

No. 53, H. R. File, A Bill to lay out and establish a road from Brighton, to Enos Darnell's, in Keokuk county.

Also,

No. 54, H. R. File, A Bill to locate a road from Brighton to Jefferson county;

Reported that they had carefully examined the same, and found them correctly engrossed.

No. 29, C. File, A Bill to incorporate the Maquaketa Academy, in Jackson county;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Graham,

Referred to the committee on Incorporations.

No. 60, C. File, A Bill relative to the recognisance of witnesses in criminal cases;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and,

Referred to the committee on the Judiciary.

No. 62, C. File, A Bill amendatory of an act entitled, an act for the limitation of actions, &c., approved February 15th, 1843;

Was read a first time.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Murdock,

Referred to the committee on the Judiciary.

No. 63, C. File, A Bill relative to imprisonment on indictments in cases of manslaughter;

Was read a first time;

Mr. Browne made a motion to reject the bill;

Which was decided in the negative.

Yeas 8; Nays 12;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Munger, McMichael, Patterson, Ripley, Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Flint, Ferguson, Graham, Holland, Lester, Murdock, Shelledy, Taylor, Wright and McCleary, Speaker.

On motion of Mr. Shelledy,

The bill was referred to the committee on the Judiciary.

No. 64, C. File, A Bill to provide for the election of additional justices of the peace in the town of Keokuk;

Was read a first time;

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

Referred to a select committee.

Messrs. Browne, Patterson and Hunor were appointed said committee.

No. 73, C. File, An act to amend an act entitled, "An act to establish the time of Holding the District court, in the several judicial districts in this Territory;" approved 12th February, 1844.

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Shelledy,

Referred to the Delegations from Du Buque, Clayton and Jackson counties.

No. 74, C. File, A Bill to amend an act relative to proceedings in chancery, approved January 23d, 1839;

Was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Browne,

Referred to the committee on the Judiciary.

No. 34, H. R. File, A Bill to authorize Abel Thompson to keep a ferry across the Mississippi river;

Having been returned from the Council with one amendment, was taken up; and,

On motion of Mr. Browne,

The amendment was agreed to.

On motion of Mr. Browne,

Ordered, That the House stand adjourned until to-morrow morning 10 o'clock.

THURSDAY MORNING, 10, O'CLOCK,

JANUARY 8, A. D. 1846.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

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

No. 70, C. File, A Bill for an act to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

No. 71, C. File; A Bill for an act supplementary to an act entitled, "An act to preserve good order in all worshiping congregations in this Territory;" approved, January 4th, 1839;

No. 75, C. File, A Bill to re-locate a Territorial road from Fairfield, in Jefferson county, to Agency City, in Wappelo county;

No. 76, C. File, A Bill to establish a Territorial road from the Cedar rapids, to the forks of Cedar river, in Black Hawk county;

No. 81, C. File, A Bill for an act to authorize the clerk of the district court for the county of Lee to transcribe the records of said court;

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

The Council have passed—

No. 22, H. R. File, A Bill to establish a Territorial road in the counties of Jones and Delaware.

No. 45, H. R. File, A Bill to legalize the acts of Henry C. Smith.

I herewith present for your signature—

An act to amend an act entitled, "An act to organize the county of Marion," approved June 10th, 1845.

An act to establish and confirm an alteration in the Wyoming road;

A Memorial to Congress for an appropriation to improve the navigation of the Des Moines river;

Mr. Downey presented the account of Jeremiah Hughes, for 4 years subscription to Nile's Register, from March 1842, to March 1846, at the rate of $5 per year;

Amount,	$20 00
Also, of William Greene, for binding 8 volumes of Nile's National Register,	10 00
Postage on the same,	3 12
Total amount,	$33 12

Which,

On motion of Mr. Downey,

Was referred to the committee on Claims.

Mr. McMichael gave notice that on to-morrow, he would ask leave to introduce,

A Bill to alter and amend an act regulating grocery license, approved January 4th, 1840;

Mr. Downey from the committee on Claims, to whom was referred the account of Peter Conboy, for cleaning the basement and halls of the Capitol, previous to the meeting of the Legislature in December last,

Reported the following resolution:

Resolved, That the Secretary of the Territory be instructed to pay Peter Conboy the sum of $11,00, for 11 days work about the Capitol.

Mr. Murdock made a motion to strike out "11,00" and insert "$16,50;

Which was decided in the negative.

On motion of Mr. Downey,

The resolution was adopted.

Mr. Morgan from the Judiciary committee, to whom was referred,

No. 35, H. R. File, A Bill to provide for the payment of costs and fees in cases where crimes and offences have been committed by the Indians.

Reported the same back to the House without amendment.

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

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county;

Reported the same back to the House, with one amendment.

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

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant, in Henry county;

Reported the same back to the House without amendment.

Mr. Hancock from the select committee to whom was referred the petition of Samuel C. Reed of Van Buren county, praying compensation for losses sustained during the dispute with Missouri relative to the southern boundary, reported,

No. 42, H. R. File, A Bill for the relief of Samuel C. Reed;

Which was read a first time.

Mr. Shelledy made a motion to refer the bill to the committee on Claims;

Which was decided in the negative;

On motion of Mr. Murdock,

The bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Hancock from the select committee to whom was referred the petition of Andrew M. Ficke for a divorce from his wife, Susan Ficke, reported,

No. 57, H. R. File, A Bill to divorce Andrew M. Ficke of the county of Van Buren, from his wife, Susan Ficke;

Which was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Browne,

Considered, engrossed, and ordered to a third reading on to-morrow.

Mr. Downey to whom was referred the petition praying for a Territorial road from Iowa City, to the Raccoon Forks, reported,

No. 58, H. R. File, A Bill to lay out and establish a Territorial road from Iowa City, *via* the county seat of Iowa county, thence in the direction of the Raccoon Forks of the Desmoines river.

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Flint,

The bill was referred to the committee on Roads and Highways, with instructions.

Mr. Wright from the committee on Roads and Highways, to whom was referred,

No. 48, H. R. File, A Bill to re-locate a Territorial road from Ottumwa, in Wappelo county, to Bloomfield, in Davis county;

Reported the same back to the House, with the recommendation that the bill be passed.

Mr. Wright, from the same committee to whom was referred,

No. 50, H. R. File, A Bill to alter and amend an act to provide for levying a tax on real and personal property for road purposes;

Reported the same back to the House, with the recommendation that the bill be indefinitely postponed.

Mr. Wright, from the same committee, to whom was referred the petition of William H. Chambers and 21 other citizens of Muscatine county, reported,

No. 59, H. R. File, A Bill to establish a Territorial road therein named;

Which was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second time, considered engrossed, and

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

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

No. 60, H. R, File, A Bill to establish a perch of mason work in the Territory of Iowa;

Which was read a first time.

Mr. Murdock from the committee of Conference on the part of the House, appointed to act in conjunction with a similar committee on the part of the Council, on the disagreeing vote of the two Houses on the amendment of the Council to

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river in Clayton county;

Reported that said committee have had the same under consideration, and instructed him to report that the House recommend the Council to recede from their amendment.

Mr. Morgan, upon the suspension of the 41st rule, introduced,

No. 62, H. R. File, A Bill in relation to limited partnership;

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a second time; and,

Referred to a select committee of one member from each electoral district.

Messrs. Morgan, Murdock, Graham, Taylor, Banks, Coy, Shelledy, Hunor, Ferguson, Flint, Munger and Downey, were appointed said committee.

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

No. 63, H. R. File, A Bill to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

Waich was read a first time.

Oh motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Downey,

Referred to the committee on the Judiciary.

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

No. 64, H. R. File, A Bill to amend an act entitled, "An act relative to divorce, alimony, and other purposes;"

Which was read a first time; and,

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

Referred to the committee on the Judiciary.

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

No. 65, H. R. File, A Bill to provide for an expression of an opinion of the citizens of Du Buque county, for and against township organization;

Which was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Hancock,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 54, H. R. File, A Bill to re-locate a road from Brighton to Jefferson county;

Was read a second time.

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 23, H. R. File, A Bill to re-locate a part of the Territorial road from Iowa city, to the seat of justice of Mahaska county;

Was taken up.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 52, H. R. File, A Bill to re-locate a certain road therein named;

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

Ordered, That the Council be informed thereof.

No. 24, H. R. File, A Bill to regulate the right of dower and the assignment thereof;

Was read a third time;

On motion of Mr. Shelledy,

Ordered, That the bill be laid upon the table.

No. 53, H. R. File, A Bill to lay out and establish a road from Brighton, to Enos Darnell's, in Keokuk county.

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

Ordered, That the Council be informed thereof.

No. 49, H. R. File, A Bill to amend an act entitled an act concerning water crafts found adrift, lost goods, and estray animals;

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

Ordered, That the Council be informed thereof.

No. 25, C. File, A Bill to restrain unauthorized banking;

Being the order of the day, was considered in committee of the whole House, (Mr. Patterson in the chair,) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported that the committee had, according to order, had the same under consideration, and instructed him to report the bill back to the House, with all stricken out after the enacting clause.

A call of the House was ordered.

Messrs. Coy, Hancock, Morgan, Munger and Snyder were absent.

On motion of Mr. Shelledy,

Messrs. Coy and Snyder were excused.

Mr. Clifton made a motion to suspend the further call of the House;

Which was decided in the negative.

Messrs. Hancock, Munger and Morgan appeared and took their seats.

On motion of Mr. Downey,

The further call of the House was suspended.

The question was then put—"Shall the House concur in the amendment of the committee?"

Which was decided in the negative.

Yeas 9; Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Munger, Murdock, McMichael, Ripley, Shelledy and Woodworth.

Those who voted in the negative were—

Messrs. Banks, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Lester, Morgan, Patterson, Taylor, Wilson, Wright and McCleary, Speaker.

Mr. Patterson made a motion to lay the bill upon the table;

Which was decided in the negative.

Yeas 9; Nays 14;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Holland, Munger, Murdock, Patterson, Shelledy and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Flint, Ferguson, Graham, Hancock, Hunor, Lester, Morgan, McMichael, Ripley, Taylor, Wilson, Wright and McCleary, Speaker.

Mr. Murdock made a motion to indefinitely postpone the bill;

Which was deceided in the negative.

Yeas 8; Nays 15;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Holland, Munger, Murdock, Shelledy and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Flint, Ferguson, Graham, Hancock, Hunor, Lester, Morgan, McMichael, Patterson, Ripley, Taylor, Wilson, Wright and McCleary, Speaker.

On motion of Mr. Wilson,

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

On motion of Mr. Wilson,

The bill was ordered to a third reading on to-morrow.

On motion of Mr. Clifton,

Ordered, That the House stand adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING, 10 O'CLOCK.

JANUARY 9th, A. D. 1846.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

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

No. 85, C. File, A Bill to vacate a part of the town of Rockingham;

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

The Council have passed—

No. 39, H. R. File, A Bill to authorize the board of Commissioners of Clayton county to change the name of Jacksonville, in said county;

No. 43, H. R. File, A Bill defining the term of office of constables.

The Council have insisted on their amendment to

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

The Council have disagreed to the report of the committee of conference appointed upon the disagreeing vote of the two Houses on,

No. 5, H. R. File, A Bill to authorize James McGregor, jr., to keep a ferry across the Mississippi river.

Mr. Shelledy presented the petition of Hiram H. Lewis, and 44

other citizens of the western part of Iowa, praying for a road from Iowa City westward through the several seats of justice of the counties west of Johnson, to the Desmoines river at the Raccoon Forks, in the direction of the Council Bluffs;

Which,

On motion of Mr. Shelledy,

Was referred to the committee on Roads and Highways.

Mr. Shelledy presented the petition of John Taylor, and 94 other citizens of the newly acquired district which lies west of Powashiek county, asking for a new county.

Mr. Shelledy presented the petition of Robert Warner and 15 other citizens of the new purchase praying for a new county;

Which petitions were referred to the committee on new counties.

Mr. Lester presented the petition of Thomas Bare and 40 other citizens, praying for a Territorial road from Ottumwa to Ritches' mills;

Which,

On motion of Mr. Flint,

Was referred to the committee on Roads and Highways.

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

A Bill to amend an act to provide for the payment of the debt due to the Miner's Bank of Du Buque.

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

A Joint Resolution; Also,

A Bill to legalize the assessment of taxes for Iowa county.

Mr. Taylor from the committee on Incorporations, to whom was referred,

No. 29, C. File, A Bill to incorporate the Maquaketa Academy, in Jackson county;

Reported the same back to the House, with the recommendation that the bill be passed.

Mr. Shelledy from the committee on new counties, to whom was referred,

No. 30, H. R. File, A Bill for the organization of new counties;

Reported the same back to the House, with sundry amendments.

Which report,

On motion of Mr. Shelledy,

Was re-committed to the committee on New Counties.

Mr. Wilson from the committee on Territorial Affairs, to whom was referred,

No. 40, H. R. File, Preamble and Joint Resolution, instructing our Delegate in Congress to use his influence to procure an increase of mail facilities upon routes No. 4228, and No. 4503;

Reported the same back to the House, without amendment.

Mr. Wilson, from the same committee to whom was referred,

No. 14, H. R. File, A Bill to provide for the election of delegates to form a constitution for the government of the State of Iowa;

Reported the same back to the House without amendment.

Mr. Munger from the Judiciary committee to whom was referred,

No. 63, C. File, A Bill relative to imprisonment on indictments in cases of manslaughter;

Reported the same back to the House, with the recommendation that the bill be indefinitely postponed.

Mr. Morgan, from the Judiciary committee to whom was referred,

No. 18, H. R. File, A Bill to provide for the apprehension of criminals, and for the suppression of crimes and misdemeanors;

Reported the same back to the House, without amendment.

Mr. Morgan from the same committee, to whom was referred the petition of sundry citizens of Van Buren county, praying an alteration in the present township organization law, made the following report:

We, the committee have had said petition under consideration, and deem it inexpedient to take any further action in relation to the subject.

Mr. Morgan from the committee on Enrolments, reported the following acts as correctly enroled:

Memorial in regard to the reserved mineral lands;

An act to authorize Edmund C. Whipple & Co., to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers;

A memorial to Congress praying an appropriation for the construction of a public wharf, at the town of Keokuk;

An act to vacate a part of the Territorial road from Wyoming to Moscow;

An act to lay out and establish a Territorial road from Oskaloosa to Knoxville;

Also, memmorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City.

Which were signed by the Speaker of the House of representatives.

Mr. Wilson from the select committee to whom was referred the petition of George Browne, and 130 other citizens of Jones county, praying for the re-location of the county seat of Jones county, reported

No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

Which was read a first time.

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

No. 61, C. File, A Bill to incorporate the city of Du Buque;

Reported the same back to the House, with one amendment.

Mr. Morgan, upon the suspension of the 41st rule, introduced,

No. 63, H. R. File, A Bill concerning costs;

Which was read a first time.

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a second time, and,

Referred to the committee on the Judiciary.

No. 70, C. File, A Bill for an act to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

Was read a first time;

No. 71, C. File; A Bill for an act supplementary to an act entitled, "An act to preserve good order in all worshiping congregations in this Territory;" approved, January 4th, 1839;

Was read a first time;

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and

Referred to a committee of the whole House, and made the order of the day for to-morrow.

No. 75, C. File, A Bill to re-locate a Territorial road from Fairfield, in Jefferson county, to Agency City, in Wappelo county;

Was read a first time.

No. 76, C. File, A Bill to establish a Territorial road from the Cedar rapids, to the forks of Cedar river, in Black Hawk county;

Was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Wilson,

The bill was referred to the delegations from Du Buque, Clayton, Cedar, Linn and Jones counties.

Mr. Shelledy, upon the suspension of the 41st rule, introduced, No. 64, H. R. File, A Joint resolution;

Which was read a first time; and,

On motion of Mr. Browne,

The Joint resolution was laid upon the table.

Mr. Patterson, upon the suspension of the 41st rule, introduced, No. 65, H. R. File, Joint resolution providing for the printing of the laws;

Which was read the first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and,

Mr. Patterson made a motion that the Joint Resolution be engrossed, and read a third time on to-morrow.

Pending which,

Mr. Banks made a motion to lay the joint resolution upon the table;

Which was decided in the negative.

Mr. Shelledy made a motion to strike out "Messrs. Palmers," and insert "Waters, & Co., of Bloomington;"

A call of the House was ordered.

Messrs. Coy, Holland and Snyder were absent.

On motion of Mr. Graham,

Messrs. Coy and Snyder were excused.

Mr. Holland appeared and took his seat; and,

On motion,

A further call of the House was suspended.

The question was then put upon the amendment;

Pending which,

Mr. Hancock made a motion to lay the bill upon the table;

Which was decided in the negative.

Yeas 9; Nays 14.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Clifton, Downey, Flint, Hancock, Hunor, Lester, Munger and Shelledy.

Those who voted in the negative, were—

Messrs. Browne, Ferguson, Graham, Holland, Morgan, Murdock, McMichael, Patterson, Ripley, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

The question was then put upon striking out;

Which was decided in the negative.

Yeas 11; Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Clifton, Downey, Flint, Holland, Hunor, Lester, Munger, Shelledy and Woodworth.

Those who voted in the negative were—

Messrs. Ferguson, Graham, Hancock, Morgan, Murdock, McMichael, Patterson, Ripley, Taylor, Wilson, Wright and McCleary, Speaker.

Mr. Browne made a motion to strike out Messrs. "Palmers, of the Capitol Reporter," and insert, "Mr. Espy of the Lee county Democrat."

A division of the question was called for, and ordered.

Mr. Morgan made a motion to lay the joint resolution upon the table.

Which was decided in the affirmative;

No. 35, H. R. File, A Bill to provide for the payment of costs and fees in cases where crimes and offences have been committed by the Indians.

Was read a second time.

Mr. Murdock made a motion to engross the bill, and that it be ordered to a third reading on to-morrow.

Pending which,

Mr. Ferguson made a motion to lay the bill upon the table;

Which was decided in the affirmative.

Yeas 14; Nays 9;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Browne, Clifton, Ferguson, Graham, Holland, Lester, Morgan, Munger, McMichael, Patterson, Ripley, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Downey, Flint, Hancock, Hunor, Murdock, Shelledy Taylor, Wilson, and McCleary, Speaker.

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county;

Came up on the amendment of the committee; which was concurred in by the House.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock made a motion, that the House adjourn;

Which was decided in the negative.

Yeas 5; Nays 18;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Clifton, Flint, Murdock, Patterson, and Wright.

Those who voted in the negative, were—

Messrs. Banks, Browne, Downey, Ferguson, Graham, Hancock, Holland, Hunor, Lester, Morgan, Munger, McMichael, Ripley, Shelledy, Taylor, Wilson, Woodworth and McCleary, Speaker.

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant, in Henry county;

Having been returned from the committee, with the recommendation that the bill be indefinitely postponed;

Was taken up; and,

On motion of Mr. Patterson,

Laid upon the table.

No. 48, H. R. File, A Bill to re-locate a Territorial road from Ottumwa, in Wappelo county, to Bloomfield, in Davis county;

Was read a second time; and,

On motion of Mr. Clifton,

Was engrossed, and ordered to a third reading on to-morrow.

No. 60, H. R, File, A Bill to establish a perch of mason work in the Territory of Iowa;

Was taken up; and,

On motion of Mr. Patterson,

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

On motion of Mr. Clifton,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony;

Having been reported back from the committee, with one amendment,

Was taken up; and,

The amendment concurred in by the House.

On motion of Mr. Hancock,

The bill was ordered to a third reading on to-morrow.

No. 29, C. File, A Bill to incorporate the Maquoketa academy, in Jackson county;

Was read a second time; and,

On motion of Mr. Taylor,

Ordered to a third reading on to-morrow.

No. 50, H. R. File, A Bill to alter and amend an act to provide for levying a tax on real and personal property for road purposes;

Having been reported back to the House with the recommendation that the bill be indefinitely postponed,

Was taken up.

Mr. McMichael made a motion that the House disagree to the amendment.

Pending which,

On motion of Mr. Patterson,

The bill was laid on the table.

No. 61, H. R. File, A Bill for the relief of Samuel C. Reed;

Was read a third time;

A call of the House was ordered.

Messrs. Coy, Downey, Morgan, Munger and Snyder were absent.

On motion of Mr. Taylor,

The further call of the House was suspended.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

So the bill was passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 57, H. R. File, A Bill to divorce Andrew M. Ficke of the county of Van Buren, from his wife, Susan Ficke;

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

Ordered, That the Council be informed thereof.

No. 59, H. R. File, A Bill to establish a Territorial road therein named;

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

Ordered, That the Council be informed thereof.

No. 25, C. File, A Bill to restrain unauthorized banking;

Was read a third time; and,

On motion of Mr. Murdock,

Ordered to lie upon the table.

No. 42, C. File, A Bill to amend an act, entitled, "An act to incorporate the town of Bloomington," approved January 23d, 1839;

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

Ordered, That the Council be informed thereof.

No. 51, C. File, A Bill to establish a Territorial road from Sigourney, in Keokuk county, to Washington, in Washington county;

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

Ordered, That the Council be informed thereof.

Mr. Speaker presented a communication from His Excellency, Gov. Clarke;

Which,

On motion of Mr. Browne,

Was referred to a committee of one member from each electoral district; and,

Mr. Morgan was appointed chairman of said committee.

Messrs. Morgan, Browne, Lester, Flint, Woodworth, Shelledy, Banks, Downey, Taylor, Graham and Murdock, were appointed said committee.

On motion of Mr. Ferguson,

The usual number of copies of the Governor's communication was ordered to be printed.

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

A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved, February 13, 1843;

No. 61, C. File, A Bill to incorporate the city of Du Buque;

Having been reported back to the House with the following amendment:

"Add to section 15th, of said bill, the following proviso:

"Provided, That nothing in this section contained, shall be so construed as to either increase or diminish any rights of Timothy Fanninger of said city, but the same shall be, and remain as heretofore established;"

Was taken up.

Mr. Munger offered the following as a substitute:

"Provided, That no power herein granted to said city council, shall be so construed as to impair, interfere with, or in any way affect any right or rights now existing by virtue of any acts heretofore passed by the Legislative authority of this Territory, establishing ferries across the Mississippi river, opposite the town of Du Buque, in Du Buque county."

The question was then put upon the substitute of Mr. Munger:

Yeas 13; Nays 11;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Browne, Clifton, Downey, Holland, Hunor, Morgan, Munger, Patterson, Ripley, Shelledy, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Flint, Ferguson, Graham, Hancock, Lester, Murdock, McMichael, Taylor, Wilson and McCleary, Speaker.

On motion of Mr. Murdock,

Ordered, that the bill lie upon the table.

The following messages were received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

I herewith present for your signature—

An act to divorce Amelia Scanlin from her husband Thomas Scanlin;

An act to divorce Joseph Hartly from his wife Ann Hartly;

An act to divorce Joseph Hewett from his wife Jane Hewett;

An act to divorce Phebe Elizabeth Wilkie from her husband Thomas Wilkie;

An act to divorce Jemima Snyder from her husband Nathaniel Snyder; And,

An act to divorce certain persons therein named.

And then he withdrew.

Said acts were then signed by the Speaker of the House of Representatives.

Mr. Speaker:

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

No. 83, C. File, Joint resolution for the payment of James D. Bourne;

No. 84, C. File, A Bill to change the name of the town of Charleston, in Jackson county;

No. 88, C File, A Bill for the relief of John H. McKinney;

No. 89, C. File, A Bill to authorize the Clerk of the District court of Jackson county, to transcribe the records of said court.

On motion of Mr. Taylor,

Ordered, That the House stand adjourned until to-morrow morning at 10 o'clock.

SATURDAY MONING, 10 O'CLOCK.

January 10th, A. D. 1846.

Mr. Taylor, from the committee on Engrossed Bills, Reported that said committee had carefully examined,

No. 48, H. R. File, A Bill to locate a Territorial road from Ottumwa, in Wapello county, to Bloomfield, in Davis county;

Also,

No. 60, H. R. File, A Bill to establish a perch of Mason work in the Territory of Iowa;

And found them correctly engrossed.

Mr. Wright, from the committee on Roads and Highways to whom was referred,

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish the survey of a road in said county;

Reported the bill back to the House, with the recommendation that the same be passed.

Mr. Wright from the same committee, to whom was referred, the petition of Mitchel D. Wright and sundry other citizens of Lee county praying an alteration of the Territorial road from Keokuk to Farmington; reported

No. 66, H. R. File, A Bill to re-locate a Territorial road therein named;

Which was read a first time.

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second and third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Wright from the same committee, to whom was referred the petition of John Henderson, and 90 other citizens of Desmoines and Louisa counties. Also, the petition of William McClure and 52 other citizens of Louisa and Desmoines counties, praying for a territorial road from Wapello, in Louisa county, to Augusta in Desmoines county; reported,

No. 67, H. R. File, A Bill to locate a Territorial road from Wapello in Louisa county, to Augusta, in Desmoines county;

Which was read a first time.

On motion of Mr. Ripley,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Wright from the same committee, to whom was referred the petition of Hiram H. Lewis and 44 others; reported,

No. 68, H. R. File, A Bill to lay out and establish a Territorial road from Iowa City to Fort Desmoines;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following message was recived from the Council by Mr. Kinney their Secretary.

Mr. Speaker:—

I am instructed by the Council to inform the House of Representatives that the Council have agreed to the amendment of the House to

No. 41, C. File, A Bill to divorce Jesse Bringham from his wife Nancy Bringham;

The Council have passed—

No. 47, H. R. File, A Bill to re-locate a part of the Territorial road leading from West Point, in Lee county, to Salem, in Henry county;

Mr. Shelledy from the committee on New Counties, to whom was re-committed,

No. 30, H. R. File, A Bill for the organization of new counties;

Reported the same back to the House with sundry amendments;

Which,

On motion of Mr. Shelledy,

Was referred to a committee of the whole House, and made the order of the day for this afternoon.

Mr. Morgan from the committee on Enrolments, reported as correctly enroled, the following:

Memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

Also,

An act for the organization of the county of Appanoose;

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

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

No. 69, H. R. File, Joint Resolution providing for a set of seals;

Which was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Shelledy,

The bill was referred to a select committee.

Messrs. Shelledy Downey and Flint were appointed said committee.

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

No. 70, H. R. File, A Bill to legalize the assessment for Iowa county;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 71, H. R. File, An act to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties;" approved February 13th, 1843;

Which was read a first time.

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

No. 72, H. R. File, A Bill declaring a road herein named, to be a Territorial road;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

Ordered, That the Council be informed thereof.

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

Fo. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due to the Miner's Bank of Du Buque, approved, June 10th, 1845;

Which was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Taylor,

Referred to the committee on the Judiciary.

Mr. Downey, upon the suspension of the 41st rule, introduced,

No. 74, H. R. File, Joint resolution relative to mail routes;

Which was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Patterson,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Brown made a motion to suspend the 42d rule for the remainder of this session;

Which was decided in the negative.

The messages from the Council were taken up.

No. 83, C. File, Joint resolution for the payment of James D. Bourne;

Was read a first time;

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time; and,

Laid upon the table.

No. 84, C. File, A Bill to change the name of the town of Charleston, in Jackson county;

Was read a first time;

On motion of Mr. Graham,

The 42d rule was suspended, the bill read a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 88, C File, A Bill for the relief of John H. McKinney;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

Was referred to the committee on Claims.

No. 89, C. File, A Bill to authorize the Clerk of the District court of Jackson county, to transcribe the records of said court.

Was read a first time.

On motion of Mr. Graham,

The 42d rule was suspended, the bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 80, C. File, A Bill for an act to authorize the clerk of the district court for the county of Lee to transcribe the records of said court;

Was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read the second and third times passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 85, C. File, A Bill to vacate a part of the town of Rockingham;

Was read a first time;

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Browne,

The bill was referred to the committee on the Judiciary.

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Having been amended by the Council, which amendment was disagreed to by the House, and insisted upon by the Council, was taken up; and,

On motion of Mr. Patterson,

Laid upon the table.

No. 40, H. R. File, Preamble and Joint Resolution, instructing our Delegate in Congress to use his influence to procure an increase of mail facilities upon mail routes No. 4228, and No. 4503;

Was read a second time, and,

On motion of Mr. Wilson,

The resolution was laid upon the table.

No. 14, H. R. File, A Bill to provide for the election of delegates to form a constitution for the government of the State of Iowa;

Was read a second time; and,

On motion of Mr. Morgan,

Laid upon the table.

No. 63, C. File, A Bill relative to imprisonment on indictments in cases of manslaughter;

Having been reported back to the House, with the recommendation that the bill be indefinitely postponed; was taken up, and the report concurreu in by the House;

Yeas 15; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Morgan, Munger, Murdock, McMichael, Patterson, Ripley, Shelledy, Taylor, Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Flint, Ferguson, Hancock, Holland, Lester, Wright and McCleary, Speaker.

So the bill was indefinitely postponed.

No. 18, H. R. File, A Bill to provide for the apprehension of criminals, and for the suppression of crimes and misdemeanors;

Was taken up; and,

On motion of Mr. Morgan,

Referred to a committee of the whole House, and made the order of the day for Monday next.

No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

Was read a second time; and,

On motion of Mr. Taylor,

Ordered to a third reading on Monday next.

No. 70, C. File, A Bill to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

Was read a second time; and,

On motion of Mr. Hancock,

Ordered to a third reading on Monday next.

No. 75, C. File, A Bill to re-locate a Territorial road from Fairfield, in Jefferson county, to Agency City, in Wappelo county;

Was read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 50, C. File, A Bill to authorize the county commissioners of Jackson county to establish the survey of a road in said county;

Was read a second time.

On motion of Mr. Graham,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 29, C. File, A Bill to incorporate the Maquoketa academy, in Jackson county;

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

Ordered, That the Council be informed thereof.

No. 48, H. R. File, A Bill to locate a Territorial road from Ottumwa, in Wapello county, to Bloomfield, in Davis county;

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

Ordered, That the Council be informed thereof.

No. 60, H. R. File, A Bill to establish a perch of Mason work in the Territory of Iowa;

Was read a third time, and passed.

The question being upon agreeing to the title of the bill,

Mr. Brown made a motion to strike out the word "establish," and insert the word "define;"

Which was decided in the affirmative.

The title of the bill was then agreed to.

Ordered, That the Council be informed thereof.

No. 15, C. File, A Bill supplementary to an act entitled, "An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony;

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

Ordered, That the Council be informed thereof,

No. 56, H. R. File, Joint Resolution asking an appropriation for a bridge on Skunk river at Lowell's, in Henry county Iowa;

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

Ordered, That the Council be informed thereof.

No. 71, C. File; A Bill for an act supplementary to an act entitled, "An act to preserve good order in all worshiping congregations in this Territory;" approved, January 4th, 1839;

Being the order of the day, (Mr. Patterson in the chair,) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House, with one amendment, which was concurred in by the House.

Mr. Browne made a motion to strike out all after the enacting clause;

Which was decided in the negative.

Yeas 4; Nays 19.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Lester, and Wright

Those who voted in the negative, were—

Messrs. Banks, Clifton, Flint, Ferguson, Graham, Hancock, Holland, Hunor, Morgan, Munger, Murdock, McMichael, Patterson, Ripley, Shelledy, Taylor, Wilson, Woodworth, and McCleary, Speaker.

Mr. Brown made a motion to lay the bill upon the table;

Which was decided in the negative.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Shelledy,

No. 64, H. R. File, A Joint resolution;

Was taken from the table.

Mr. Shelledy made a motion to suspend the 42d rule, and read the resolution a third time now.

Mr. Taylor made a motion to lay the resolution upon the table;

Which was decided in the negative.

Yeas 11; Nays 12;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Ripley, Taylor, Wilson, and Wright.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Downey, Flint, Ferguson, Graham, Lester, Murdock, Patterson, Shelledy, Woodworth and McCleary, Speaker.

Mr. Taylor made a motion to indefinitely postpone the resolution.

Pending which,

On motion of Mr. Morgan,

The resolution was postponed until Monday next.

On motion of Mr. Patterson,

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mount Pleasant, in Henry county;

Was taken from the table, and referred to a select committee.

Messrs. Patterson, Munger and Browne, were appointed said committee.

On motion of Mr. Munger,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Shelledy gave notice that on Monday next, he would ask leave to introduce a bill supplemental to an act to lay out new counties, and define their boundaries.

No. 30, H. R. File, A Bill for the organization of new counties; Being the order of the day, for this day, (Mr. Morgan in the chair) after some time spent therein; the committee rose;

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House without amendment.

Mr. Hancock made a motion to refer the bill to the committee on New Counties, with instructions to report a bill for the organization of Jasper county.

Mr. Shelledy made a motion to amend the motion of Mr. Hancock, so as to include Polk county;

Which amendment was acceppted by Mr. Hancock.

The question was then put—"Shall the bill be referred with instructions?"

Which was decided in the affirmative;

On motion of Mr. Clifton,

Ordered, That the House stand adjourned until Monday morning next, at 10 o'clock.

MONDAY MORNING, 10 O'CLOCK.

JANUARY 12, A. D. 1846.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:

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

No. 7, C. File, A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government.

No. 72, C. File, A Bill to amend an act entitled, "An act allowing and regulating writs of attachment," approved February 16th, 1843.

No. 86, C. File, A Bill concerning liens of judgments.

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

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

The Council have passed with amendment—

No. 52, H. R. File, A Bill to re-locate a certain road therein named.

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

The Council have passed—

No. 53, H. R. File, A Bill for an act to lay out and establish a road from Brighton to Enos Darniel's in Keokuk county;

No. 57, H. R. File, A Bill to divorce Andrew M. Fickie of Van Buren county, from Susan Fickie his wife;

No. 59, H. R. File, A Bill to establish a Territorial road therein named;

No. 65, H. R. File, A Bill to provide for an expression of an opinion of the citizens of Du Buque county, for and against township organization;

I herewith return—

An act to lay out and establish a Territorial road from Oskaloosa to Knoxville;

An act to authorize Edmund C. Whipple, & Co. to establish and keep a ferry across the Iowa and Cedar rivers at the junction of said rivers;

An act to vacate a part of the Territorial road from Wyoming to Moscow;

Memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

A Memorial to Congaess praying for the construction of a public wharf at the town of Keokuk;

Memorial in regard to the reserved mineral lands;

Which have been signed by the President of the Council.

I herewith present for your signature—

An act to divorce William H. Evans from his wife, Rachael Evans.

The Council have disagreed to the amendment of the House to

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

The Council have concurred in the amendment of the House to

No. 42, C. File, A Bill to amend an act to incorporate the town of Bloomington, approved, Jan. 23, 1839.

Mr. Wright presented the petition of Alexander May, and 57 other citizens of Marion and Kishkekosh counties, praying for a Territorial road from Clarksville, in Kishkekosh county to the Raccoon Forks on the Desmoines river;

Which,

On motion of Mr. Wright,

Was referred to the committee on Roads and Highways.

Mr. Patterson presented the petition of Silas Heaight and 100 other citizens of the town of Keokuk, in Lee county, praying that the name of said town be changed to that of Rapids City;

Which,

On motion of Mr. Patterson,

Was referred to the delegation from Lee county.

Mr. Patterson presented the petition of Nathaniel McCollough and 12 other citizens of Lee county praying for a law to vacate a part of the town of Franklin in Lee county;

Which,

On motion of Mr. Patterson,

Was referred to the delegation from Lee county.

Mr. Clifton, upon the suspension of the 41st rule, introduced,

No. 75, H. R. File, A Bill to declare a certain road therein named, a Territorial road;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

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

A Bill for the relief of S. C. Trowbridge;

Also,

A Bill to provide for recording marks and brands of various animals in counties not organized into townships.

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

No. 69, H. R. File, Joint Resolution providing for a set of seals;

Made the following report:

Resolved, That William Edmunson be, and he is hereby authorized to contract for a full set of seals for the counties of Marion, Jasper and Polk; and that the same be paid for out of the Territorial Treasury;

Mr. Shelledy, from the committee to whom was referred,

No. 30, H. R. File, A Bill for the organization of new counties;

Reported,

No. 76, H. R. File, A Bill for the organization of the counties of Jasper and Polk;

Which was read a first time.

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Hancock,

The bill was referred to a committee of the whole House, and made the order of the day for this day at 2 o'clock, P. M.

Mr. Ripley, from the committee on Agriculture, having been instructed to enquire into the law regulating mills and millers, reported,

No. 77, H. R. File, A Bill to amend an act regulating mills and millers, and for other purposes, approved February, 3d, 1843;

Which was read a first time.

On motion of Mr. Wright,

The 42d rule was suspended, the bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Morgan from the committee on the Judiciary, to whom was referred,

No. 85, C. File, A Bill to vacate a part of the town of Rockingham;

Reported the same back to the House without amendment, with the recommendation that the bill pass.

Mr. Morgan from the same committee, to whom was referred,

No. 63, H. R. File, A Bill to provide for the printing, publication

and preservation of the decisions of the Supreme court of Iowa Territory;

Reported the same back to the House with the following amendment: add,

Sec. 6th, This act to take effect and be in force from and after its passage,

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

No. 78, H. R. File, A Bill supplemental to an act to establish new counties, and define their boundaries;

Which was read a first time.

On motion of Mr. Shelledy,

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

Mr. Shelledy made a motion that the bill be engrossed and read a third time on to-morrow.

Pending which,

On motion of Mr. Taylor,

The bill was referred to a committee of the whole House, and made the order of the day for to-morrow.

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

No. 79, H. R. File, Joint resolution on the subject of mail routes;

Which was read a first time.

On motion of Mr. Banks,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 80, H. R. File, A Bill to repeal an act entitled, "An act to vacate a part of the town plat of Port Allen, and to legalize the re-location of a part of a Territorial road," approved, 1845;

Which was read a first time.

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

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Which was read a first time;

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Wilson,

Referred to the committee on the Judiciary.

Mr. Wilson, upon the suspension of the 41st rule, introduced,

No. 82, H. R. File, A Bill to amend an act entitled, "An act concerning blacks and mulattoes;

Which was read a first time.

On motion of Mr. Ferguson,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Patterson,

Referred to the committee on the Judiciary.

Mr. Flint, upon the suspension of the 41st rule, introduced,

No. 83, H. R. File, A Bill to declare a certain road therein named, to be a Territorial road;

Which was read the first time.

On motion of Mr. Flint,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

Referred to the delegation from Jefferson, Washington and Henry counties.

No. 71, H. R. File, A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 13th, 1843;

Was read a second time; and,

Referred to the committee on the Judiciary.

No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

Was read a third time; and,

On motion of Mr. Patterson,

The bill was laid upon the table.

No. 79, C. File, A Bill to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

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

Ordered, That the Council be informed thereof.

On motion of Mr. Morgan,

No. 64, H. R. File, Joint resolution;

Was taken from the table.

Mr. Taylor made a motion to amend the resolution by striking out the words "Wednesday, 14th," and inserting the words "Thursday, 15th;"

Which was decided in the affirmative.

On motion of Mr. Morgan,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 18, H. R. File, A Bill to provide for the apprehension of criminals, and for the suppression of crimes and misdemeanors;

Being the order of the day for this day, (Mr. Shelledy in the chair,) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House, with sundry amendments.

On motion of Mr. Browne,

The report was laid upon the table.

On motion of Mr. Taylor,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 76, H. R. File, A Bill to organize the counties of Jasper and Polk;

Being the order of the day, (Mr. Hancock in the chair) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House with one amendment, which was concurred in by the House.

Mr. Ferguson made a motion to amend the bill by striking out "M. T. Williams of Mahaska county," and inserting "A. H. Pugh, of Van Buren county;"

Which was decided in the negative.

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Morgan from the joint committee on Enrolments, made the following report:

MR. SPEAKER:—

The joint committee on Enrolments have this day presented to His Excellency, the Governor for approval, the following acts of the Legislature, to wit:

Memorial to Congress in regard to the reserved mineral lands;

Memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

An act to vacate a part of the Territorial road from Wyoming to Moscow;

An act to authorize Edmund C. Whipple & Co., to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers;

An act to lay out and establish a Territorial road from Oskaloosa to Knoxville;

A memorial to Congress, praying an appropriation for the construction of a peblic wharf at the town of Keokuk.

On motion of Mr. Wilson,

No. 51, H. R. File, Joint resolution providing for the adjournment of the Legislature, *sine die*;

Was taken up.

On motion of Mr. Wilson,

A committee of conference was appointed to act in conjunction with a similar committee on the part of the Council, upon the disagreeing vote of the two Houses upon

No. 51, H. R. File, Joint resolution, providing for the adjournment of the Legislature, *sine die*;

Messrs. Wilson, Shelledy and Taylor were appointed said committee.

On motion of Mr. Flint,

No. 36, C. File, A Bill to amend an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

Was taken from the table.

Which,

On motion of Mr. Shelledy,

Was referred to a committee of the whole House, and made the order of the day for Wednesday next.

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

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

No. 95, C. File, Joint resolution for the payment of J. H. Fisher;

No. 97, C. File, A Bill to locate and establish a Territorial road from Bush's mills in Jefferson county, to the Desmoines river, in Van Buren county;

No. 98, C. File, An act for the relief of Thomas J. Pearce, collector of taxes in Jackson county for the year 1843;

No. 90, C. File, A Bill to lease the penitentiary;

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

The Council have passed—

No. 49, H. R. File, A Bill to amend an act entitled, "An act concerning water crafts found adrift, lost goods, and estray animals.

The Council have agreed to the amendment of the House of Representatives to

No. 71, C. File; A Bill for an act supplementary to an act entitled, "An act to preserve good order in all worshiping congregations in this Territory;" approved, January 4th, 1839;

I herewith present for your signature—

An act to amend an act entitled, "An act to incorporate the town of Bloomington," approved January 23d, 1839.

An act to establish a Territorial road from Sigourney, in Keokuk county, to Washington county.

I herewith return—

An act to legalize the acts of Henry C. Smith;

An act to authorize the board of commissioners of Clayton county to change the name of Jacksonville in said county;

An act to establish a Territorial road in the counties of Jones and Delaware;

Memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

An act for the organization of the county of Appanoose;

A Memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa, and the State of Missouri, in relation to the southern boundary line;

An act to establish new counties, and define their boundaries.

All of which have been signed by the President of the Council.

The message from the Council was taken up.

No. 90, C. File, A Bill to lease the Penitentiary;

Was read a first time; and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a second time; and,

Referred to a select committee of one from each electoral district.

Messrs. Patterson, Wright, Clifton, Taylor Ferguson, Shelledy, Murdock, Downey and Flint were appointed said committee.

No. 97, C. File, A Bill to locate and establish a Territorial road from Bushe's mills, in Jefferson county, to the Desmoines river in Van Buren county;

Was read a first time.

On motion of Mr. Flint,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Hancock,

Referred to the delegations from Wapello and Van Buren counties.

No. 95, C File, Joint Resolution for the payment of J. H. Fisher;

Was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Hancock,

Referred to the committee on Claims.

No. 98, C. File, A Bill for the relief of Thomas J. Pearce, collector of taxes in Jackson county for the year 1843;

Was read a first time; and,

On motion of Mr. Hancock,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 7, C. File, A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government.

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Taylor,

Referred to a committee of the whole House, and made the order of the day for Wednesday next.

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

Having been returned from the Council with a disagreement to the amendment made by the House,

Was read a first time; and,

On motion of Mr. Patterson,

The House insisted upon their amendment.

No. 72, C. File, A Bill to amend an act entitled, "An act allowing and regulating writs of attachment," approved February 16th, 1843.

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Patterson,

Referred to the committee on the Judiciary.

No. 86, C. File, A Bill concerning liens of judgments.

Was read a first time.

On motion of Mr. Hancock,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Taylor,

Referred to the committee on the Judiciary.

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

Was read a first time.

On motion of Mr. Taylor,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Patterson,

Referred to the committee on Territorial Affairs.

No. 52, H. R. File, A Bill to re-locate a certain road therein named.

Having been returned from the Council with one amendment,

On motion of Mr. Patterson,

The amendment was agreed to by the House.

On motion of Mr. Flint,

Ordered, That the House stand adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING, 10 O'CLOCK,

January 13, A. D. 1846.

Mr. Munger presented the petition of Sandford Butler, and 22 other citizens of Henry county, praying for the location of a road in Henry county.

Mr. Munger presented the petition of Hiram Curts, and 21 others, praying for a Territorial road in Henry county.

Mr. Clifton presented the remonstrance of Nathan Parsons and 77 other citizens of Henry county, against the location of the road prayed for in the above petition;

Which petitions were referred to the committee on Roads and Highways.

Mr. Taylor gave notice that on to-morrow, he would ask leave to introduce,

A Bill for the organization of the county of Benton.

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

No. 64, C. File, A Bill to provide for the election of additional justices of the peace in the town of Keokuk;

Reported the same back to the House with the recommendation that the bill pass.

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

No. 83, H. R. File, A Bill to declare a certain road therein named, to be a Territorial road;

Reported the same back to the House, and recommended its passage.

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

petition of sundry citizens of Lee county, praying a vacation of a part of the town of Franklin, in Lee county; reported,

No. 84, H. R. File, A Bill to vacate a part of the town of Franklin, in the county of Lee;

Which was read a first time.

On motion of Mr. Browne,

The 42d rule was suspended, the bill read a second time, and

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Patterson from the select committee, to whom was referred the petition of sundry citizens of the town of Keokuk, asking an alteration in the name of the said town of Keokuk; reported,

No. 85, H. R. File, A Bill to change the name of the town of Keokuk;

Which was read a first time.

On motion of Mr. Munger,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Browne,

Laid upon the table.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

Mr. Speaker:

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to establish new counties and define their boundaries;

An act to legalize the acts of Henry C. Smith;

An act to establish a Territorial road in the counties of Jones and Delaware;

An act for the organization of the county of Appanoose;

An act to authorize the board of county commissioners of Clayton county to change the name of Jacksonville, in said county;

A memorial to Congress for an appropriation to continue the military road leading from Burlington to Agency City;

A memorial to Congress, praying for an appropriation to defray the

expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary.

Mr. Morgan from the committee on Enrolments, reported as correctly enroled, the following bills:

An act to re-locate a part of the Territorial road leading from West Point, in Lee county, to Salem in Henry county;

An act to divorce Andrew M. Fickie, of the county of Van Buren, from his wife, Susan Fickie;

An act to provide for an expression of opinion of the citizens of Du Buque county, for and against township organization;

Also,

An act to establish a Territorial road in Washington and Keokuk counties.

Mr. Morgan from the Judiciary committee, to whom was referred,

No. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

Reported the same back to the House, with one amendment, and with the recommendation that the bill pass.

Mr. Downey, upon the suspension of the 41st rule, introduced;

No. 86, H. R. File, A Bill amendatory of an act entitled, "An act to incorporate Iowa City University," approved June 2d, 1845;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Graham,

The 42d rule was suspended, the bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Clifton, upon the suspension of the 41st rule, introduced,

No. 87, H. R. File, Joint Resolution, requesting our Delegate in Congress to use his influence to procure an appropriation to build a bridge across Crooked creek;

Which was read a first time.

On motion of Mr. Graham,

The 42d rule was suspended, the reslutlon read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Lester, upon the suspension of the 41st rule, introduced

No. 88, H. R. File, Joint resolution providing for a full set of seals for the counties of Kishkekosh and Appanoose;

Which was read a first time.

On motion of Mr. Flint,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Lester,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 89, H. R. File, A Bill for the relief S. C. Trowbridge;

Which was read a first time.

On motion of Mr. Downey,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Clifton,

Referred to the committee on Territorial Affairs.

No. 85, C. File, A Bill to vacate a part of the town of Rockingham;

Was read a second time; and,

On motion of Mr. Morgan,

Ordered to a third reading on to-morrow.

No. 63, H. R. File, A Bill to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

Was read a second time.

On motion of Mr. Taylor,

The bill was laid upon the table.

No. 80, H. R. File, A Bill to repeal an act entitled, "An act to vacate a part of the town plat of Port Allen, and to legalize the re-location of a part of a Territorial road," approved, 1845;

Was read a second time; and,

On motion of Mr. Downey,

The bill was laid upon the table.

No. 64, C. File, A Bill to provide for the election of additional justices of the peace in the town of Keokuk;

Having been ordered to a third reading on to-day,

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

Ordered, That the Council be informed thereof.

No. 83, H. R. File, A Bill to declare a certain road therein named a Territorial road;

Was read a second time; and,

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 78, H. R. File, A Bill supplemental to an act to establish new counties, and define their boundaries;

Being the order of the day for this dey, the House went into committee of the whole, (Mr. Patterson in the chair;)

After some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House, withount amendment.

On motion of Mr. Shelledy,

The 42d rule was suspended, the bill read a third time passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Wilson,

No. 61, C. File, A Bill to incorporate the city of Du Buque;

Was taken from the table.

A call of the House was ordered.

Messrs. Coy, Ripley and Snyder were absent.

On motion of Mr. Shelledy,

The further call of the House was suspended.

Mr. Wilson made a motion to strike out a former amendment adopted by the House, and insert the following:

"Provided, nothing in this act shall increase or diminish the ferry rights of Timothy Fanning, or of the City of Du Buque; but the said rights, both of Timothy Fanning, and the City, shall be and remain just as they were prior to the passage of this act."

Which was decided in the affirmative;

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Banks,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Shelledy presented the petition of E. C. Lyon and 39 other citizens of this Territory, praying for a law regulating the charges of physicians;

Which,

On motion of Mr. Shelledy,

Was referred to a select committee, with instructions to report a bill.

Messrs. Shelledy, McMichael and Woodworth were appointed said committee.

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

A joint resolution in relation to mail routes;

Also,

A memorial to Congress for an appropriation to bridge and otherwise improme a Territorial road.

Mr. Morgan from the committee on the Judiciary, to whom was referred,

No. 82, H. R. File, A Bill to amend an act entitled, "An act concerning blacks and mulattoes;"

Reported the same back to the House, without amendment.

Mr. Morgan from the same committee, to whom was referred,

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Reported the same back to the House, without amendment, and with the recommendation that the bill pass.

On motion of Mr. Wilson,

No. 82, H. R. File, A Bill to amend an act entitled, "An act concerning blacks and mulattoes;"

Having been reported back to the House without amendment,

Was taken up.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

A call of the House was ordered.

Messrs. Coy, Graham, Hunor, Morgan, Ripley and Snyder were absent.

On motion,

Messrs. Coy, Graham, Ripley and Snyder were excused from the call.

Messrs. Morgan and Hunor appeared and took their seats; and,

On motion,

The further call of the House was suspended.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

Yeas 14; Nays 7;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Clifton, Downey, Flint, Ferguson, Holland, Hunor, Lester, Morgan, Murdock, McMichael, Taylor, Wilson, and Wright.

Those who voted in the negative, were—

Messrs. Browne, Hancock, Munger, Patterson, Shelledy, Woodworthand McCleary, Speaker.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

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

No. 99, C. File, A Bill to legalize the survey of certain towns in Linn county;

No. 102, C. File, A Bill for the relief of the Sheriff of Du Buque county;

No. 108, C. File, A Bill to change the name of Skunk river;

No. 110, C. File, A Bill to amend an act entitled, "An act defining crimes and punishments," approved 16th February 1843;

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

The Council have passed with amendments—

No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Also,

No. 68, H. R. File, A Bill for an act to lay out and establish a Territorial road from Iowa City, to Fort Desmoines;

Also,

No. 74, H. R. File, Joint resolution on mail routes.

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

The Council have passed without amendment—

No. 48, H. R. File, A Bill to re-locate a Territorial road from Ottumwa, in Wappelo county, to Bloomfield, in Davis county;

No. 56, H. R. File, Joint resolution asking appropriation for a bridge on Skunk river, at Lowell, in Henry county, Iowa;

No. 61, H. R. File, A Bill for the relief of Samuel C. Reed;

No. 66, H. R. File, A Bill to re-locate a Territorial road therein named;

No. 70, H. R. File, A Bill to legalize the assessment for Iowa county;

No. 72, H. R. File, A Bill to declare a road therein named, to be a Territorial road;

No. 75, H. R. File, A Bill for an act to declare a certain road therein named, to be a Territorial road.

The Council have receded from their amendment to

No. 51, H. R. File, Joint resolution, providing for the adjournment of the Legislature, *sine die*;

The Council have appointed Messrs. Stephenson and Summers, a committee of Conference on the part of the Council in relation to the disagreeing vote of the two Houses, upon

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

I herewith present for your signature—

An act to re-locate a Territorial road from Fairfield, in Jefferson county, to the Agency City, in Wapello county;

An act to authorize the county commissioners of Jackson county to establish the survey of a road in said county;

An act to authorize the clerk of the District court for the county of Lee to transcribe the records of said court;

An act to change the name of the town of Charleston, in Jackson county;

An act to authorize the clerk of the District court for the county of Jackson, to transcribe the records of said court;

An act to incorporate the Maquoketa Academy;

I herewith return—

An act defining the term of office of constable;

An act to declare a certain road in the county of Du Buque to be a Territorial road, and to appoint commissioners to locate a Territorial road from Floyds in Du Buque county, *via* colony, to Boardman's Precinct, in the county of Clayton, thence to the Neutral Ground;

An act to authorize Eliphalet Price, Judge of Probate court in the county of Clayton. or his successor in office to transcribe the records of said court.

All of which have been signed by the President of the Council.

Mr. Morgan from the committee on Enroled Bills, reported as correctly enroled, the following:

An act to re-locate a part of a Territorial road in the county of Lee ;

Also,

An act to establish a Territorial road therein named.

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved January 4th, 1840;

Was read a third time.

Mr. Murdock made a motion to lay the bill upon the table;

Which was decided in the negative.

On motion of Mr. Murdock,

The bill was referred to a select committee, with instructions to report on to-morrow morning.

Messrs. Murdock, McMichael and Woodworth were appointed said committee.

On motion of Mr. Morgan,

No. 65, H. R. File, Joint Resolution providing for the printing of the laws;

Was taken from the table.

A Call of the House was ordered; and,

On motion,

The further call of the House was suspended.

The question was then put upon striking out the names of "Messrs Palmers, Editors of the Capitol Reporter;"

Which was decided in the negative.

Yeas 10; Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Clifton, Downey, Hancock, Holland, Hunor, Lester, Shelledy and Woodworth.

Those who voted in the negative were—

Messrs. Flint, Ferguson, Graham, Morgan, Munger, Murdock, McMichael, Patterson, Taylor, Wilson, Wright and McCleary, Speaker.

The question was then put—"Shall the resolution pass?"

Which was decided in the affirmative.

Yeas 12; Nays 10;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Ferguson, Graham, Morgan, Munger, Murdock, McMichael, Patterson, Taylor, Wilson, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Downey, Flint, Hancock, Holland, Hunor, Lester, Shelledy and Woodworth.

So the joint resolution was passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Shelledy,

Ordered, That the House stand adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING, 10 O'CLOCK,

JANUARY 14, A. D. 1846.

Mr. Wilson presented the petition of Lewis A. Thomas, in relation to the Indians, &c., crossing the northern boundary.

Which,

With the accompanying evidence,

Was laid upon the table.

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

A Bill to provide for the payment of the expenses of alterations in Territorial and County roads, when said alterations do not extend three miles in length.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

MR. SPEAKER:

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to declare a certain road in the county of Du Buque to be a Territorial road, and to locate a Territorial road from Floyd's, in said county, via the Colony, in Delaware county, to Boardman's precinct, in the county of Clayton, thence to the Neutral Ground;

An act deffning the term of office of Constables;

An act to authorize Eliphalet Price, Judge of the Probate court in the county of Clayton, or his successors in office, to transcribe the records of said court.

Mr. Morgan, from the select committee to whom was referred the communication of His Excellency, James Clarke, in relation to the Sheriff of Davis county, reported,

No. 90, H. R. File, A Bill authorizing the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

Which being read,

On motion,

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

Mr. Taylor moved to fill the blank in said bill by one thousand dollars.

Mr. Morgan moved to fill the blank by two thousand dollars;

Which was lost.

Mr. Hancock moved to fill the blank in said bill by fifteen hundred dollars;

Which was adopted, and said bill was so amended.

On motion of Mr. Morgan,

The bill was ordered to be engrossed, and read a third time to-morrow.

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

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved Jan. 4th, 1840.

Reported the same back without amendment, and recommended its passage.

Mr. Wright from the committee on Roads and Highways, to which was referred the petition of Conrad Peake and 57 other, reported

No. 91, H. R. File, A Bill to locate a Territorial road therein named;

In accordance with the prayer of said petitioners.

Also,

No. 92, H. R. File, A Bill to locate a Territorial road therein na-

On motion of Mr. Flint,

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

On motion of Mr. Shelledy,

No. 91, H. R. File, A Bill to locate a certain Territorial road therein named;

Was referred to a select committee, composed of Messrs. Shelledy, Flint and Hancock.

The following message was received from the Council, by Mr. Kinney their Secretary:

Mr. Speaker:—

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

No. 103, C. File, A Bill to establish the seat of justice of Kishkekosh county;

And then he withdrew.

On motion of Mr. Wright,

The 42d rule was suspended, and

No. 92, H. R. File, A Bill to locate a Territorial road therein named;

Was read a second time; and,

On motion of Mr. Morgan,

The bill was ordered to be engrossed, and read a third time on to-morrow.

Mr. Shelledy, from the select committee to whom was referred, the petition of sundry citizens of Jonson county, reported,

No. 93, H. R. File, A bill for an act regulating the charge of physicians;

On motion of Mr. Taylor,

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

Mr. Shelledy moved to refer the bill to the Judiciary committe;

Which was lost.

Mr. Morgan moved to lay the bill upon the table;

Which was also lost.

On motion of Mr. Taylor,

The bill was made the order of the day for to-morrow.

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

No. 97, C. File, A Bill to locate and establish a Territorial road from Bush's mills in Jefferson county, to the Desmoines river, in Van Buren county;

Reported the same back without amendment, and recommended its passage.

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

No. 94, H. R. File, A Bill for the organization of the county of Benton;

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Downey,

Referred to the committee on New Counties.

Mr. Shelledy, upon the suspension of the 41st rule, introduced,

No. 95, H. R. File, Joint Resolution;

On motion,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Hancock,

The resolution was amended by adding "Appanoose, Benton and Buchanan."

On motion of Mr. Taylor,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Wilson from the committee on Territorial Affairs, to which was referred,

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

Reported the same back with an amendment.

On motion,

No. 89, H. R. File, A Bill for the relief of S. C. Trowbridge;

Was referred to the committee on Claims.

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

No. 91, H. R. File, A Bill to locate a Territorial road therein named;

Reported the same back with an amendment;

Which was agreed to.

On motion,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 99, H. R. File, A Bill to amend an act entitled, "An act to authorize evidence by the oath of parties," approved 20th January, 1843;

Which was read a first time.

On motion,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Hancock,

Referred to the committee on the Judiciary.

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

No. 96, H. R. File, H Bill for an act to amend an act entitled, "An act to amend an act entitled, 'an act concerning grand and petit jurors;'" approved Feb. 11th, 1844;

Which was read a first time.

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Morgan,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 97, H. R. File, Joint resolution for a mail route;

Which was read a first time.

No. 98, H. R. File, Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

Which was read a first time.

On motion of Mr. Taylor,

No. 99, C. File, A Bill to legalize the survey of certain towns in Linn county;

Was read a second time; and,

On motion,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 102, C. File, A Bill for the relief of the Sheriff of Du Buque county;

Was read a first time; and,

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Flint moved to re-consider the vote taken on yesterday on

No. 82, H. R. File, A Bill to amend an act entitled, "An act concerning blacks and mulattoes;

Pending which,

Mr. Patterson moved a call of the House;

Which was ordered.

Messrs. Browne, Coy, Ferguson, Lester, Ripley and Snyder were absent.

Messrs. Browne and Hunor appeared.

On motion of Mr. Shelledy,

Messrs. Ferguson and Lester had leave of absence for the remainder of the session.

On motion,

Messrs. Snyder and Ripley were excused.

On motion of Mr. Hancock,

The further call of the House was suspended.

The question being on re-considering the vote,

It was decided in the affirmative.

Yeas 16; Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Patterson, Shelledy, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative were—

Messrs. Banks, Murdock, Taylor, and Wilson.

The question being on the passage of the bill,

It was decided in the negative.

Yeas 8; Nays 12;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Downey, Flint, Morgan, Murdock, Taylor, Wilson and Wright.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Graham, Hancock, Holland, Hunor, Munger, McMichael, Patterson, Shelledy, Woodworth and McCleary, Speaker.

On motion of Mr. Browne,

A committee of Conference was appointed as to the disagreement of the two Houses on,

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

Messrs. Browne, Patterson and Munger were appointed said committee.

No. 108, C. File, A Bill to change the name of Skunk river;

Was read a first time.

On motion of Mr. Clifton,

The bill was rejected.

No. 110, C. File, A Bill to amend an act entitled, "An act defining crimes and punishments," approved 16th February 1843;

Was read a first time.

On motion of Mr. Murdock,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Murdock,

Referred to a select committee.

Messrs. Murdock, Wilson and Graham, were appointed said committee.

No. 33, H. R. File, A Bill to levy an additional tax for Territorial purposes;

Having been returned from the Council with an amendment,

On motion,

The amendment was agreed to.

No. 68, H. R. File, A Bill for an act to lay out and establish a Territorial road from Iowa City, to Fort Desmoines;

Having been returned from the Council with an amendment,

On motion,

The amendment was agreed to.

No. 74, H. R. File, Joint resolution on mail routes.

Having been returned from the Council with an amendment,

On motion,

The amendment was agreed to.

No. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

Having been reported back with an amendment, was,

On motion of Mr. Downey,

Re-committed to a select committee.

Messrs. Downey, Wilson and Taylor were appointed said committee.

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Was read a second time.

Mr. Morgan offered the following amendment:

Add to 1st section, "And that the provisions of this act shall extend to all persons and property enumerated in the first section of an act entitled, "An act to provide for assessing and collecting county and Territorial revenue," approved February 13th, 1843;

Which was adopted.

Mr. Wilson moved to lay the bill upon the table;

Which was lost.

Mr. McMichael moved to suspend the 42d rule, and read the bill a third time.

Pending which,

On motion of Mr. Morgan,

The bill was laid upon the table.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

I am instructed by the Council to inform the House of Representatives that the Council have passed with amendment,

No. 32, H. R. File, A Bill to amend an act to establish a system of common schools, approved January 16, 1840;

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

No. 97, C. File, A Bill to locate and establish a Territorial road from Bushe's mills, in Jefferson county, to the Desmoines river in Van Buren county;

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

No. 85, C. File, A Bill to vacate a part of the town of Rockingham;

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

Ordered, That the Council be informed thereof.

On motion of Mr. Munger,

The message from the Council, returning with an amendment,

No. 32, H. R. File, A Bill to amend an act to establish a system of common schools, approved January 16th, 1840;

Was taken up; and,

On motion,

The amendment was agreed to.

On motion of Mr. Taylor,

No. 62, H. R. File, A Bill providing for the re-location of the county seat of Jones county;

Was taken from the table read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 7, C. File, A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government.

Being the order of the day, (Mr. Patterson in the chair) after some time spent therein,

Mr. Speaker resumed the chair, and the chairman reported the bill back to the House with sundry amendments.

All of which were concurred in by the House.

Mr. Wilson made a motion to refer the bill to a select committee of one from each electoral district, with instructions to draw up a bill providing for an election on the first Monday of April next, for and against a convention; and also, providing that if said convention should be carried, there shall be a special election for delegates to the convention to be held on the first Monday of June; and the Constitution so made, to be submitted to the people for acceptance or rejection, on the first Monday of August next;

Which was decided in the negative.

Yeas 7; Nays 11;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Clifton, Hancock, Murdock, Shelledy, Taylor, Wilson, and Woodworth.

Those who voted in the negative, were—

Messrs. Browne, Downey, Flint, Graham, Hunor, Morgan, McMichael, Patterson, Wright and McCleary, Speaker.

So the amendment was rejected.

The following message was received from the Council by Mr. Kinney, their Secretary:

MR. SPEAKER:—

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

No. 100, C. File, A Bill to amend an act entitled, "An act for the organization of townships;

No. 104, C. File, Joint resolution to pay Charles A. Robbins;

No. 106, C. File, A Bill to locate a certain road therein named;

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa;

No. 115, C. File, A Bill relative to District Prosecutors;

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

The Council have passed with amendments—

No. 79, H. R. File, Joint resolution relative to mail routes;

No. 86, H. R. File, A Bill amendatory of an act entitled, "An act to incorporate Iowa City University," approved June 2d, 1845;

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

The Council have passed without amendment—

No. 65, H. R. File, Joint Resolution providing for the printing of the laws;

No. 67, H. R. File, A Bill to locate a Territorial road from Wapello, in Louisa county, to Augusta, in Desmoines county;

No. 83, H. R. File, A Bill to declare a certain road therein named a Territorial road;

No. 88, H. R. File, Joint resolution providing for a full set of seals for the counties of Kishkekosh and Appanoose;

The Council have indefinitely postponed,

No. 87, H. R. File, Joint Resolution, requesting our Delegate in Congress to use his influence to procure an appropriation to build a bridge across Crooked creek;

I herewith present for yonr signature—

An act for the relief of Thomas J. Pearce, collector of taxes in Jackson county for the year 1843;

An act to authorize the Clerk of the District court for the county of Van Buren to transcribe the records of said court;

An act supplementary to an act entitled, "An act to preserve good order in worshipping congregations;

I herewith return—

An act to establish a Territorial road in Washington and Keokuk counties;

An act to divorce Andrew M. Fickie from his wife, Susan Fickie;

An act to provide for an expression of opinion of the citizens of Du Buque county for and against township organization;

An act to re-locate a part of a Territorial road leading from West Point, in Lee county, to Salem, in Henry county;

An act to re-locate a part of a Territorial road in the county of Lee;

An an act to establish a Territorial road therein named;

All of which have been signed by the President of the Council.

And then he withdrew.

Mr. Wilson made a motion to refer the bill to a select committee, with instructions to so amend the bill as to submit the question of convention or no convention at the same time that they vote for Delegates.

Which was decided in the negative.

Yeas 5; Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Murdock, Shelledy, Taylor Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Hancock, Hunor, Morgan, Munger, McMichael, Patterson, Wright and McCleary, Speaker.

So the amendment was rejected.

The following message was received from the Council, by Mr. Kinney their Secretary:

Mr. Speaker:—

I am instructed by the Council to inform the House of Representatives that the Council have amended the amendment of the House to

No. 61, C. File, A Bill to incorporate the city of Du Buque;

By reporting a substitute therefor.

And then he withdrew.

The question was then taken on the third reading of the bill;

Which was decided in the affirmative;

Yeas 17; Nays 1;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Hancock, Hunor, Morgan, Munger, McMichael, Patterson, Shelledy, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

Mr. Murdock voted in the negative.

The bill was accordingly read a third time.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

Yeas 12; Nays 6;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Flint, Graham, Hancock, Hunor, Morgan, Munger, McMichael, Patterson, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Clifton, Murdock, Shelledy, Taylor, Wilson and Woodworth.

So the bill was passed, and its title agreed to.

Ordered, That the Council be informed thereof,

No. 36, C. File, A Bill to amend an act entitled, "An act to district the Territory of Iowa into electoral districts, and to apportion the representation of each;"

Being the order of the day for this day, was considered in committee of the whole House; (Mr. Hancock in the chair;) after some time spent, the committee rose;

Mr. Speaker resumed the chair, and the chairman reported the bill back without amendment.

Mr. Clifton made a motion to lay the bill on the table.

Which was decided in the negative.

Yeas 8; Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Munger, Shelledy and Woodworth.

Those who voted in the negative were—

Messrs. Flint, Hancock, Morgan, Murdock, McMichael, Patterson, Taylor, Wilson, Wright and McCleary, Speaker.

On motion of Mr. Flint,

The bill was read a third time.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative.

Yeas 9; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Flint, Graham, Hancock, Murdock, Patterson, Shelledy, Taylor, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Morgan, Munger, McMichael, Woodworth and Wright.

So the bill was passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following messages were received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

I am instructed by the Council to inform the House of Representatives that the Council have agreed to the report of the committee of Conference on

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

I herewith present for your signature—

An act to provide for the election of additional justices of the peace in the town of Keokuk.

And then he withdrew.

The above acts were then signed by the Speaker of the House of Representatives.

On motion of Mr. Taylor,

Ordered, That the House stand adjourned until to-morrow morning at 10 o'clock.

THURSDAY MORNING, 10, O'CLOCK,

January 15, A. D. 1846.

Mr. Downey presented the account of A. P. Woods, for newspapers, amounting to $113,00;

Which was referred to the committee on Expenditures.

Mr. Banks presented the account of Willard Barrows, for maps, amounting to $97,50.

Which was referred to the committee on Expenditures.

Mr. Shelledy presented the account of Lyman Holt, for crape, amounting to $8,75;

Which was referred to the committee on Expenditures.

Mr. Banks presented the account of Hughes & Waters, for printing amounting to $17,50;

Which was referred to the committee on Claims.

On motion of Mr. Banks,

Mr. Taylor was added to the committee on Claims.

Mr. Browne offered the following:

"*Resolved*, That Mr. Thompson, the Chief Clerk of this House, be authorized to employ an assistant clerk for the remainder of the session."

Mr. Murdock made a motion to lay the resolution on the table;

Which was decided in the negative.

The question was then put on the adoption of the resolution;

And decided in the affirmative.

So the resolution was adopted.

On motion of Mr. Murdock,

Resolved, unanimously, That the thanks of this House be tendered to George W. McCleary, for the able, impartial and Judicious manner in which he has presided over its deliberations, and discharged the responsible duties of Speaker.

Mr. Downey from the select committee, to which was referred,

No. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

Reported the same back to the House, with an amendment;

Which was agreed to.

Mr. Shelledy, from the committee on New Counties, to which was referred,

No. 94, H. R. File, A Bill for the organization of the county of Benton;

Reported the same back to the House with an amendment;

Which was agreed to.

Mr. Browne, from the committee on Conference, on the disagreeing vote on,

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county;

Reported that said committee had agreed to report the bill back, and ask the House to recede from its amendment;

Which report was concurred in by the House.

So the House receded from its amendment.

Mr. Downey from the committee to which was referred, the account of R. Wilson Albright, for printing Journals of the House, reported the following resolution:

Resolved, That the Secretary of the Territory be instructed to pay R. Wilson Albright of Lee county, the sum of $483,37, for printing, pressing, folding and stitching the Journals of the House of Representatives of May session, 1845;

Which was adopted by the House.

On motion of Mr. Murdock,

Resolved, That George W. McCleary be allowed the sum of three dollars per day, extra, for his services as Speaker of this House, and that Mr. Robertson be allowed $3 per day extra, for two days, as Speaker pro tem.

Mr. Morgan from the committee on Enroled Bills, reported that said committee had carefully examined the following acts, and found them correctly enroled:

An act to levy an additional tax for Territorial purposes;

An act to locate a Territorial road from Ottumwa, in Wapello, county, to Bloomfield, in Davis county;

An act for the relief of Samuel C. Reed;

Joint resolution asking an appropriation for a bridge over Skunk River, at Lowell in Henry county;

Joint resolution, providing for the adjournment of the Legislature, *sine die*;

An act to legalize the assessment of taxes for Iowa county;

An act declaring a road therein named, to be a Territorial road;

An act to declare a certain road therein named, a Territorial road;

An act to re-locate a Territorial road therein named;

And,

An act to amend an act to establish a system of common schools, approved January 16th, 1840;

All of which were signed by the Speaker of the House of Representatives.

Mr. Morgan, from the committee on the Judiciary, to whom was referred,

No. 42, H. R. File, A Bill to amend an act entitled, "An act for the limitation of actions, and for avoiding vexatious law suits," approved Feb. 15, 1843;

And,

No. 99, H. R. File, A Bill to amend an act entitled, "An act to authorize evidence by the oath of parties," approved 20th January, 1843;

Reported them back to the House without amendment.

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

No. 62, H. R. File, A Bill in relation to limited partnership,

Reported the same back to the House with an amendment;

Which was agreed to by the House.

The bill was then ordered to be engrossed, and read a third time tomorrow.

Mr. Wright from committee on Roads and Highways, to whom was referred the petition of Hiram Curty, and 22 other citizens of Henry county, and the remonstrance of Nathan Parsons and 79 other citizens of Henry county,

Reported that said committee had had the same under consideration, and instructed him to report adverse to the prayer of said petitioners.

Mr. Wright from the same committee, to which was referred the petition of G. Butler, and 21 others, reported,

No. 105, H. R. File, A Bill to locate a Territorial road therein named;

Which was read the first time.

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

No. 110, C. File, A Bill to amend an act entitled, "An act defining crimes and punishments," approved 16th February 1843;

Reported the same back, and recommended its passage;

Which was concurred in.

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

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mt. Pleasant, in Henry county;

Reported the same back, and recommended its passage.

Mr. Patterson, upon the suspension of the rules, and leave being granted, introduced,

No. 100, H. R. File, A Bill to divorce Mary Ann P. Bidaman from her husband, Lewis Bidaman;

Which was read a first time.

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Patterson,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Downey, upon the suspension of the 41st rule, introduced,

No. 101, H. R. File, A Bill to authorize —— Crawford to convey certain real estate;

Which was read a first time.

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Downey,

Laid on the table.

Mr. Downey, upon the suspension of the rules, introduced,

No. 102, H. R. File, Joint Resolution;

Which was read a first time.

On motion,

The 42d rule was suspended, the resolution read a second time; and,

On motion,

The 42d rule was suspended, the resolution read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Speaker presented the report of the Auditor of Public Accounts, which is as follows:

AUDITOR'S OFFICE, IOWA.
January 14, 1846.

To the Honorable, the Council, and the

House of Representative, of the Territory of Iowa:

GENTLEMEN:—Since my annual report, bearing date, 22d December, 1845, there has been presented to me for allowance claims amounting to near three thousand dollars, for costs created in the District courts in criminal prosecutions, the majority of the claims alluded to were created some years ago. I have had the same under advise-

ment, and have concluded not to allow any portion of them. I would therefore, respectfully suggust to your honorable body, the propriety of passing a law authorizing the Auditor of Public Accounts to employ counsel in all claims contested, wherein the Territory is concerned, as connected with this office.

All of which is respectfully submitted,

ROB'T W. SECREST,
Auditor.

On motion of Mr. Murdock,

No. 35, H. R. File, A Bill to provide for the payment of costs and fees in cases where crimes and offences have been committed by the Indians.

Was taken from the table; and,

Read a third time.

The question was then put—"Shall the bill pass?"

Which was decided in the negative.

Yeas 7; Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Downey, Flint, Hancock, Hunor, Murdock, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Graham, Morgan, Munger, McMichael, Patterson, Shelledy, Taylor, Woodworth and Wright.

So the bill was rejected.

On motion of Mr. Downey,

No. 63, H. R. File, A Bill to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

Was taken from the table; and,

Read a third time.

The question was then put—"Shall the bill pass?"

Which was decided in the affirmative;

Yeas 13; Nays 5;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Hancock, Hunor, Morgan, Munger, Murdock, Shelledy, Wilson and Woodworth.

Those who voted in the negative, were—

Messrs. McMichael, Patterson, Taylor, Wright and McCleary, Speaker.

So the bill passed, and its title was agreed to.

Ordered, That the Council be informed thereof.

Mr. Munger, from the committee on the Judiciary, to whom was referred,

No. 71, H. R. File, A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 13th, 1843;

No. 64, H. R, File, A Bill to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

No. 63, H. R. File, A Bill concerning costs;

No. 86, C. File, A Bill concerning liens of judgments.

And,

No. 72, C. File, A Bill to amend an act entitled, "An act allowing and regulating writs of attachment," approved February 16th, 1843.

Reported the same back, with a recommendation that the bills pass:

Also,

No. 62, C. File, A Bill amendatory of an act entitled, "An act for the limitation of actions, &c.," approved February 15th, 1843;

With the recommendation that the bill be indefinitely postponed.

On motion of Mr. Taylor,

No. 15. H. R. File, A Bill to amend an act entitled, "An act to change the time of holding the general elections," approved 29th January, 1844;

Was taken from the table.

On motion of Mr. Taylor,

The bill was amended, by adding an additional section.

Mr. McCleary made a motion to amend the bill;

Pending which,

On motion of Mr. Shelledy,

The bill was referred to a select committee, with instruction to report this evening.

Messrs. Patterson, Shelledy, Morgan, Taylor and Murdock were appointed said committee.

Mr. Downey made a motion to re-consider the vote taken on the passage of

No. 7, C. File, A Bill to provide for the election of Delegates to a Convention to form a Constitution and State Government.

A call of the House was ordered.

Messrs. Banks, Coy, Holland, Ripley and Snyder were absent.

On motion of Mr. Clifton,

Mr. Ripley obtained leave of absence for the balance of the session.

On motion,

All the absentees were excused, but Mr. Banks.

Mr. Banks appeared in his seat, and the further call of the House was suspended.

The question was then put—"will the House re-consider the vote taken on the passage of the bill?"

And decided in the negative.

Yeas 8; Nays 12;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Hancock, Murdock, Shelledy, Taylor, Wilson, Woodworth and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Flint, Graham, Holland, Hunor, Morgan, Munger, McMichael, Patterson, and Wright.

So the vote was not re-considered.

No. 100, C. File, A Bill to amend an act entitled, "An act for the organization of townships," approved February 17th, 1843;

Was read a first time.

No. 104, C. File, Joint resolution to pay Charles A. Robbins;

Was read a first time.

On motion of Mr. McCleary,

The 42d rule was suspended, the resolution read a a second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 103, C. File, A Bill to establish the seat of justice of Keokuk county;

Was read a first time.

On motion of Mr. Clifton,

The 42d rule was suspended, the bill read a second time; and,

Referred to a committee of the whole House, and made the order of the day for this afternoon.

Mr. Murdock made a motion to adjourn;

Which was decided in the negative.

On motion of Mr. Downey,

Resolved, That James Trimble, Esqr., be allowed the sum of three dollars, for his services in administering the oath of office to the members of this House.

No. 106, C. File, A Bill to locate a certain road therein named;

Was read a first time.

Mr. Shelledy, upon the suspension of the rules, introduced,

No. 103, H. R. File, Joint resolution;

Which was read a first time.

The 42d rule was suspended, the resolution read the second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa;

Was read a first time.

On motion,

The 42d rule was suspended, the bill read a second time, and,

Referred to the committee on the Judiciary;

No. 115, C. File, A Bill relative to District Prosecutors;

Was read a first time.

On motion of Mr. Wilson,

The 42d rule was suspended, the bill read the second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 79, H. R. File, Joint resolution relative to mail routes;

Having been returned from the Council, with an amendment, was taken up, and the amendment agreed to.

No. 86, H. R. File, A Bill amendatory of an act entitled, "An act to incorporate Iowa City University," approved June 2d, 1845;

Having been returned from the Council with an amendment, was taken up, and the amendment concurred in.

No. 61, C. File, A Bill to incorporate the city of Du Buque;

Having been returned from the Council, with an amendment to the amendment of the House, was taken up, and the amendment of the Council agreed to.

No. 97, H. R. File, Joint resolution for a mail route;

Was read a second time; and,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

Having been reported back with an amendment, was taken up, and the amendment agreed to.

On motion,

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

Ordered, That the Council be informed thereof.

No. 98, H. R. File, Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

Was read a second time.

On motion,

The 42d rule was suspended, the bill read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 90, H. R. File, A Bill authorizing the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

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

Ordered, That the Council be informed thereof.

No. 92, H. R. File, A Bill to locate a Territorial road therein named;

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

Ordered, That the Council be informed thereof.

On motion,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Shelledy, from the select committee to which was referred,

No. 15. H. R. File, A Bill to amend an act entitled, "An act to change the time of holding the general elections," approved 29th January, 1844;

Reported the same back with an amendment.

On motion of Mr. Patterson,

The bill was indefinitely postponed.

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

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa,"

Reported the same back, without amendment, and recommended its passage.

The following message was received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

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

No. 111, C. File, A Bill to lay out and establish a Territorial road from Fairfield, in Jefferson county, to Keokuk, in Lee county;

No. 112, C. File, A Bill to establish a certain Territorial road therein named;

No. 113, C. File, An act to locate the seat of justice of Buchanan county;

No. 53, C. File, A Bill fixing the terms of the District courts in the Territory of Iowa;

No. 116, C. File, Joint resolution for distributing the laws of the present session;

No. 117, C. File, Joint resolution, approving of the late Memphis Convention;

No. 118, C. File, A Bill to amend an act entitled, "An act to incorporate the city of Keosauqua;

No. 120, C. File, A Bill to amend an act entitled, "An act relative to mechanics' liens, and other purposes," approved 13th February, 1843;

No. 121, C. File, A Bill to legalize the acts of Samuel Sheffleton;

No. 122, C. File, Joint resolution;

No. 123, C. File, A Bill to authorize David W. Fisher to build a ware house;

No. 124, C. File, A Bill for the relief of Muscatine county;

No. 125, C. File, Joint resolution to provide for binding the laws;

No. 126, C. File, A Joint resolution for the donation of Fort Desmoines to Polk county;

No. 127, C. File, A Bill to change the name of Kishkekosh county

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

The Council have agreed to the amendment of the House of Representatives, to

No. 7, C. File, A Bill to provide for the election of Delegates, to a Convention to form a Constitution and State Government.

The Council have passed with amendment—

No. 76, H. R. File, A Bill to organize the counties of Jasper and Polk;

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

On motion of Mr. Murdock,

The House proceeded to consider in committee of the whole House,

No. 103, C. File, A Bill to establish the seat of Justice of Kishkekosh county;

Mr. Murdock in the chair; after some time spent therein, the committee rose;

Mr. Speaker resumed the chair, and the chairman reported the bill back without amendment.

On motion of Mr. Clifton,

The 42d rule was suspended, and the bill read a third time;

The question being on the passage of the bill,

It was decided in the affirmative.

Yeas 13; Nays 5;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Flint, Graham, Hunor, Munger, McMichael, Patterson, Shelledy, Taylor, Wilson, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Banks, Hancock, Holland, Murdock, and McCleary, Speaker.

The following message was received from the Council, by Mr. Kinney their Secretary:

Mr. Speaker:—

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

No. 127, C. File, Joint resolution for the payment of certain persons therein named;

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

No. 60, H. R. File, A Bill to define a perch of mason work;

No. 69, H. R. File, Joint resolution providing for a full set of seals;

No. 78, H. R. File, A Bill supplemental to an act to establish new counties, and define their boundaries;

No. 84, H. R. File, A Bill to vacate a part of the town of Franklin, in the county of Lee;

No. 91, H. R. File, A Bill to locate a Territorial road therein named;

No. 96, H. R. File, H Bill for an act to amend an act entitled, "An act to amend an act entitled, 'an act concerning grand and petit jurors;'" approved Feb. 11th, 1844;

Mr. Taylor, upon the suspension of the 41st rule, introduced,

No. 104, H. R. File, A Joint resolution for the preservation of the furniture, &c., belonging to the Territory of Iowa;

On motion,

The 42d rule was suspended, the resolution read the second and third times, passed and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Patterson,

No. 11, C. File, A Bill to repeal an act entitled, An act to postpone the election of members of the House of Representatives of the Territory of Iowa, from August until April;

Was taken from the table.

Mr. Taylor moved to indefiniteiy postpone said bill.

Mr. Wilson moved to refer the bill to a select committee with instructions.

Mr. Patterson moved the previous question;

Which was ordered.

Yeas 14; Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Browne, Clifton, Downey, Flint, Graham, Holland, Hunor, McMichael, Patterson, Shelledy, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative were—

Messrs. Hancock, Murdock, Taylor and Wilson.

The question recurring on the passage of the bill,

It was decided in the affirmative;

Yeas 13; Nays 5;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Clifton, Flint, Graham, Hancock, Holland, Hunor, McMichael, Patterson, Shelledy, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Downey, Murdock, Taylor and Wilson.

On motion of Mr. Shelledy,

The House proceeded to consider in committee of the whole House, No. 93, H. R. File, A bill for an act regulating the charge of physicians;

Mr. Wilson in the chair; after some spent therein, the committee rose,

Mr. Speaker resumed the chair, and the chairman reported the bill back without amendment.

Mr. Wilson moved indefinitely to postpone the bill.

Mr. Patterson moved to lay the bill on the table;

Which motion was carried.

No. 111, C. File, A Bill to lay out and establish a Territorial road from Fairfield, in Jefferson county, to Keokuk, in Lee county;

Was read the first time.

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Hancock,

Referred to the committee on Roads and Highways.

No. 112, C. File, A Bill to establish a certain Territorial road therein named;

Was read the first time.

On motion,

The 42d rule was suspended, the bill read a second time, and,

On motion of Mr. Shelledy,

Referred to a select committee.

Messrs. Shelledy, Flint and Clifton, were appointed said committee.

No. 113, C. File, A Bill to locate the seat of justice of of Buchanan county;

Was read the first time.

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Murdock,

Referred to a select committee, composed of the Delegation from the Du Buque district.

No. 53, C. File, A Bill fixing the terms of the District court in the Territory of Iowa;

Was read the first time.

On motion,

The 42d rule was suspended, the bill read a second and third times passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 116, C. File, A Joint Resolution for distributing the laws of the present session;

Was read the first time;

On motion,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Browne,

Referred to the committee on Claims.

No. 117, C. File, Joint Resolution, approving of the Memphis Convention;

Was read the first time.

The 42d rule was suspended, the resolution read the second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 118, C. File, A Bill to amend an act entitled, "An act to incorporate the city of Keosauqua;"

Was read the first time; and,

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion,

Referred to the Delegation from Van Buren county.

No. 120, C. File, A Bill relative to mechanics' liens;

Was read the first time.

On motion,

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Clifton,

The bill was referred to a select committee.

Messrs. Clifton, Downey and Murdock, were appointed said committee.

No. 121, C. File, A Bill to legalize the acts of Samuel Shuffleton;

Was read the first time.

The 42d rule was suspended, the bill read a second time; and,

On motion of Mr. Flint,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 122, C. File, Joint resolution for the relief of George S. Hampton;

Was read the first time;

On motion,

The 42d rule was suspended, the resolution read a second time; and,

On motion of Mr. Wilson,

Referred to the committee on Claims.

No. 123, C. File, A Bill to authorize David W. Fisher to build a ware house;

Was read the first time.

No. 124, C. File, A Bill for the relief of Muscatine county;

Was read the first time.

No. 125, C. File, Joint resolution to provide for binding the laws;

Was read the first time; and,

On motion,

The 42d rule was suspended, the bill read the second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 126, C. File, A Joint resolution for the donation of Fort Desmoines to Polk county;

Was read a first time.

On motion,

The 42d rule was suspended, the resolution read the second [and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 127, C. File, A Bill to change the name of Kishkekosh county;

Was read the first time.

On motion,

The 42d rule was suspended, the bill read the second and third times passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 76, H. R. File, A Bill for the organization of the counties of Jasper and Polk;

Was returned from the Council with an amendment.

Which,

On motion,

Was agreed to.

On motion of Mr. Browne,

No. 20, C. File, A Bill to establish a Territorial road from Fort Madison in Lee county, to Mount Pleasant, in Henry county;

Was taken from the table; and,

On motion,

The amendment to the bill was agreed to.

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

No. 106, H. R. File, An act in relation to the re-location of Territorialand county roads;

Which,

On motion,

Was laid on the table.

On motion of Mr. Downey,

No. 73, H. R. File, A Bill supplemental to an act to provide for the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

Was taken from the table, passed, and the title amended.

Ordered, That the Council be informed thereof.

On motion of Mr. Wilson,

No. 72, C. File, A Bill to amend an act entitled, "An act allowing and regulating writs of attachment," approved February 16th, 1843.

Was read a second time; and,

The 42d rule was suspended, the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Shelledy; from the select committee to whom was referred,

No. 112, C. File, A Bill to establish a certain Territorial road therein named;

Reported the same back, without amendment; and,

On motion,

The 42d rule was suspended, and the bill read a third time, passed and its title agreed to.

Ordered, That the Council be informed thereof.

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa,"

Was reported back, by the select committee to whom the same was referred, with a recommendation that it pass.

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

Ordered, That the Council be informed thereof.

Mr. Browne, upon the suspension of the 41st rule, and leave being granted, introduced,

No. 107, H. R. File, A Bill for an act to amend an act entitled, "An act to provide for the election of Justices of the peace, &c."

Which was read the first time.

On motion,

The 42d rule was suspended, the bill read the second and third times, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 127, C. File, Joint resolution for the payment of certain persons therein named;

Was read a first time.

On motion,

The 42d rule was suspended, the resolution read a second time; and,

Referred to the committee on Claims.

On motion of Mr. Wilson,

Ordered, That the House stand adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, 9 O'CLOCK.

JANUARY 16, A. D. 1846.

On motion of Mr. Morgan,

The 42d rule was suspended for the balance of the session.

Mr. Browne presented the petition of sundry citizens of Iowa Territory, in relation to the obstructions of the Lower Rapids in the Mississippi river, accompanied by

No. 108, H. R. File,

In accordance with the prayer of said petition;

Which was read; and,

On motion,

Referred to the committee on the Judiciary;

Mr. Patterson presented the petition of sundry citizens of Lee county, in relation to Susannah Cheney;

Which was,

On motion,

Referred to the committee on the Judiciary.

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

No. 113, C. File, An act to locate the seat of justice of Buchanan county;

Reported the same back with an amendment,

Which was not agreed to,

On motion,

The bill was laid upon the table.

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

No. 90, C. File, A Bill to lease the penitentiary;

Reported the same back, with an amendment;

Which was not agreed to.

Mr. Wilson moved to strike out the name of "Coashiek;"

The motion was lost.

Mr. Patterson moved to strike out the name of "Chambers of Muscatine," and insert the name of "Gearhart, of Desmoines;"

Which was lost.

The bill was then read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

MR. SPEAKER:

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to establish a Territorial road therein named;

An act to re-locate a part of a Territorial road in the county of Lee;

An act to re-locate a part of a Territorial road leading from West Point, in Lee county, to Salem, in Henry county;

An act to provide for an expression of an opinion of the citizens of Du Buque county, for and against township organization;

An act to divorce Andrew M. Ficke, of the county of Van Buren, from his wife, Susan Ficke;

An act to establish a Territorial road in Washington and Keokuk counties.

Mr. Shelledy, upon the suspension of the 41st rule, and leave being granted, introduced,

No. 109, H. R. File, A Bill for an act to authorize the county commissioners of Marion county to select grand and petit jurors;

Which was read the first and second times.

And amended by striking out "24," before grand jurors, and inserting "23;"

The bill was then read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. McMichael,

The rule was suspended, and,

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Was taken from the table.

The bill read the second and third times passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Hancock,

No. 62, C. File, A Bill amendatory of an act entitled, "An act for the limitation of actions, &c.," approved February 15th, 1843;

Was referred to a select committee.

Messrs. Hancock, Murdock and Downey were appointed said committee.

No. 103, C. File, A Bill to locate a certain road therein named;

Was read the second and third times;

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 124, C. File, A Bill for the relief of Muscatine county;

Was read the second and third times,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 123, C. File, A Bill to authorize David W. Fisher to build a ware house;

Was read a second and third times;

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 100, C. File, A Bill to amend an act entitled, "An act for the organization of townships," approved February 17th, 1843;

Was read the second and third times; and,

On motion of Mr. Murdock,

Referred to a select committee.

Messrs. Murdock, McMichael and Hancock were appointed said committee.

No. 105, H. R. File, A Bill to locate a Territorial road therein named;

Was read the second and third times;

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 42, H. R. File, A Bill to amend an act entitled, "An act for the limitation of actions, and for avoiding vexatious law suits," approved Feb. 5, 1843;

On motion of Mr. Hancock,

Referred to the same select committee to whom was referred,

No. 62, C. File, A Bill amendatory of an act for the limitations of actions;

No. 99, H. R. File, A Bill to amend an act entitled, "An act to authorize evidence by the oath of parties," approved 20th January, 1843;

Was read a third time; and,

On motion of Mr. Browne,

Laid upon the table.

No. 21, C. File, A Bill to establish a Territorial road from Franklin, in Lee county, to Mt. Pleasant, in Henry county;

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

Ordered, That the Council be informed thereof,

No. 62, H. R. File, A Bill in relation to limited partnership,

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

Ordered, That the Council be informed thereof.

No. 110, C. File, A Bill to establish a certain Territorial road therein named;

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

No. 71, H. R. File, A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 13th, 1843;

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

No. 64, H. R, File, A Bill to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

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

Ordered, That the Council be informed thereof.

No. 63, H. R. File, A Bill concerning costs;

Was read a third time; and,

On motion of Mr. Hancock,

Referred to a select committee.

Messrs. Murdock, Shelledy and Browne, were appointed said committee.

On motion of Mr. Hancock,

No. 86, C. File, A Bill concerning liens of judgments.

Was referred to a select committee.

Messrs. Hancock, Murdock and Downey, were appointed said committee.

No. 94, H. R. File, A Bill for the organization of the county of Benton;

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

Ordered, That the Council be informed thereof.

On motion of Mr. Wilson,

No. 41, H. R. File, Joint resolution;

Was taken from the table; and,

On motion of Mr. Shelledy,

The resolution was amended by striking out "Reports of the Supreme court;"

The resolution as amended, was read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Downey,

No. 101, H. R. File, A Bill to authorize Isabella Crawford to convey certain real estate;

Was taken from the table,

Read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Morgan,

No 9, H. R. File, A Bill to amend an act regulating interest on money;

Was taken from the table; and,

On motion of Mr. Murdock,

The consideration of said bill was postponed until two o'clock, P. M.

On motion of Mr. McMichael,

No. 50, H. R. File, A Bill to alter and amend an act to provide for levying a tax on real and personal property, for road purposes;

Was taken from the table; and,

Read a third time, passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Wilson,

Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 9, H. R. File, A Bill to amend an act regulating interest on money;

Was taken from the table.

On motion of Mr. Murdock,

The bill was amended.

Mr. Patterson made a motion to indefinitely postpone the bill.

A call of the House was ordered.

Messrs. Banks, Coy, Munger and Wright, were absent.

On motion of Mr. Clifton,

Mr. Coy was excused for the balance of the session.

On motion,

Mr. Banks was excused.

Mr. Munger came in, and the further call of the House was suspended.

The question was then put on the indefinite postponement of the bill.

And decided in the affirmative.

Yeas 11; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Flint, Graham, Hancock, Holland, McMichael, Patterson, Shelledy, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Downey, Hunor, Morgan, Munger, Murdock, Taylor, Wilson and McCleary, Speaker.

So the bill was indefinitely postponed.

Mr. Morgan presented the account of Messrs. Palmers.

Mr. Morgan made a motion to refer the account to the committee on Expenditures, with instructions to allow all the Editors who have furnished the Legislature with newspapers the sum of fifty cents per copy.

Which was decided in the affirmative.

Yeas 11; Nays 8;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Graham, Morgan, Munger, Murdock, Patterson, Shelledy, Taylor, Wilson and Speaker.

Those who voted in the negative, were—

Messrs. Clifton, Flint, Hancock, Holland, Hunor, McMichael, Wright and Woodworth.

Mr. Downey, from the committee to whom was referred,

No. 122, C. File, Joint resolution for the relief of George S. Hampton;

Reported the same back without amendment.

Which was read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 127, C. File, Joint resolution for the payment of certain persons therein named;

Was referred to the committee on Expenditures.

Mr. Murdock presented the account of George Green, editor of the "Miner's Express" for papers;

Which was referred to the committee on Expenditures.

Mr. Murdock offered the following:

Resolved, That William Thompson be allowed the sum of two hundred and fifty dollarrs, for superintending the printing of, indexing, and distributing, the Journals of the House of Representative of the present session.

Which was,

On motion of Mr. Taylor,

Laid on the table.

No. 118, C. File, A Bill to amend an act entitled, "An act to incorporate the ciiy of Keosauqua;

Was read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof,

Mr. Murdock, from the committee to whom was referred,

No. 63, H. R. File, A Bill concerning costs;

Reported the same back to the House, with a recommendation that the bill be indefinitely postponed.

Which was concurred in by the House.

So the bill was indefinitely postponed.

Mr. Downey, from the committee on Claims, to whom was referred,

No. 116, C. File, A Joint Resolution for distributing the laws of the present session;

Reported the same back with a substitute.

Which was read a first time; and,

Laid on the table.

Mr. Wright, from the committee on Roads and Highways, reported,

No. 109, H. R. File, A Bill for an act to re-locate a part of a Territorial road in Muscatine and Cedar counties;

Which was read severally, a first, second and third times,

Passed, and its title agreed to.

Also,

No. 111, C. File, A Bill to lay out and establish a Territorial road from Fairfield, in Jefferson county, to Keokuk, in Lee county;

Which was read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 101, C. File, A Bill concerning security;

Was read a first and second times; and,

Referred to the committee on the Judiciary, with instructions to report this evening.

No. 128, C. File, Joint resolution in relation to Jacob Hunor and E. W. Davis;

Was read a first and second time; and,

Referred to the committee on Expenditures.

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;

Was read a first and second times; and,

On motion of Mr. Flint,

Laid upon the table.

No. 62, H. R. File, A Bill in relation to limited partnership,

Having been returned from the Council with an amendment, was taken up, and the amendment disagreed to.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

Mr. Speaker:

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to re-locate a Territorial road therein named;

An act to legalize the assessment of taxes for Iowa county;

An act to levy an additional tax for Territorial purposes;

An act to declare a certain Territorial road therein named, a Territorial road;

An act to locate a Terrritorial road from Ottumwa, in Wapello county, to Bloomfield, in Davis county;

An act for the relief of Samuel C. Reed;

An act declaring a road herein named to be a Territorial road;

A Joint Resolution asking an appropriation for a bridge on Skunk river at Lowell, in Henry county, Iowa;

A Joint resolution for the adjournment of the Legislature, *sine die*;

An act amendatory of an act entitled, "An act to incorporate Iowa City University, Approved June 2d, 1845;

Joint Resolution providing for the printing of the laws;

Joint resolution providing for a full set of seals for the counties of Kishkekosh and Appanoose;

An act to declare a certain road therein named, a Territorial road;

An act to amend an act entitled, "An act to amend an act entitled, 'an act concerning grand and petit jurors," approved February, 15th, 1844;

An act to locate a Territorial road therein named;

Joint Resolution providing for a set of seals for the counties of Iowa, Marion, Jasper and Polk;

An act supplemental to an act to establish new counties, and define their boundaries;

An act to vacate a part of the town of Franklin, in the county of Lee;

An act to define a perch of mason work in Iowa;

An act to locate a Territorial road from Wapello in Louisa county, to Augusta, in Desmoines county;

And,

An act to amend an act entitled, "An act concerning water crafts found adrift, lost goods and estray animals;

The above acts were then signed by the Speaker of the House of Representatives.

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

Having been amended by the Council, was taken up, and the amendment agreed to.

Mr. Taylor, from the committee on Claims to whom was referred, sundry claims, made a report;

Which was,

On motion of Mr. Downey,

Amended, by striking out "two dollars" as allowed to Peter Roberts, and inserting "three dollars;"

The report, as amended, was then adopted.

On motion of Mr. Downey,

No. 116, C. File, Joint resolution for distributing the laws of the present session;

Was taken from the table; and,

The word "Journals" was stricken out.

On motion,

"Two hundred" was stricken out, and "one hundred" inserted.

Mr. Hancock moved to sirike out "T. M. Irish," and insert "J. A. Galliher;"

Which was lost.

Mr. Murdock moved to insert "fifty" after "one hundred."

Which was decided in the negative.

Yeas 6; Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Downey, Morgan, Munger, Murdock, McMichael, McCleary, Speaker.

Those who voted in the negative were—

Messrs. Browne, Clifton, Flint, Hancock, Holland, Patterson, Shelledy, Taylor, Wilson, Woodworth and Wright.

The resolution was read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The following messages were received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

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

No. 41, H. R. File, Joint Resolution;

No. 64, H. R, File, A Bill to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

No. 71, H. R. File, A Bill to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 13th, 1843;

No. 73, H. R. File, A Bill supplemental to an act to provide for

the payment of the debt due the Miner's Bank of Du Buque, approved June 10th, 1845;

No. 94, H. R. File, A Bill for the organization of the county of Benton;

No. 101, H. R. File, A Bill to authorize Isabella Crawford to convey certain real estate;

No. 105, H. R. File, A Bill to locate a Territorial road therein named;

No. 109, H. R. File, A Bill for an act to authorize the county commissioner of Marion county, to select grand and petit jurors;

The Council have indefinitely postponed—

No. 54, H. R. File, A Bill to locate a road from Brighton to Jefferson county;

I herewith present for your signature—

A memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa, and the State of Missouri;

An act to repeal an act entitled, "An act to postpone the election of members of the House of Representatives of the Teritory of Iowa, from August until April;

Mr. Speaker:—

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

No. 131, C. File, Joint Resolution;

No. 132, C. File, A Joint Resolution relative to publishing act for a State Government;

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

The Council have receded from their amendment to

No. 62, H. R. File, Joint Resolution in relation to limited partnership;

Mr. Speaker:—

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

No 101, C. File, A Bill concerning security;

No. 128, C. File, Joint Resolution relative to paying the committee for examining into the affairs of the Penitentiary;

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal estate to execution;

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

The Council have passed with amendments—

No. 62. H. R. File, A Bill relative to limited partnerships;

Also,

No. 81, H. R. File, A Bill to amend an act entitled, "An act to regulate grocery license," approved Jan. 4th, 1840.

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

The Council have agreed to the amendment of the House of Representatives, to

No. 59, C. File, A Memorial to Congress for the purpose of settling the question of boundary between the Territory of Iowa and State of Missouri.

The Council have passed without amendment—

No 62, H. R. File, A Biil providing for the re-location of the county seat of Jones county;

No. 63, H. R. File, A Bill to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

No. 90, H. R. File, A Bill authorizing the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

No· 92, H. R. File, A Bill to locate a Territorial road therein named;

No. 97, H. R. File, Joint resolution for a mail route;

No. 98, H. R. File, Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

No. 100, H. R. File, A Bill to divorce Mary Ann P. Bidaman from her husband, Lewis Bidaman;

No. 104, H. R. File, Joint Resolution;

I herewith present for your signature—

An act to locate and establish a Territorial road from Bush's mills in Jefferson county, to the Desmoines river, in Van Buren county;

An act to vacate a part of Rockingham;

An act for the relief of the sheriff of Du Buque county;

An act to legalize the survey of a certain town in Linn county;

An act to provide for the election of Delegates to a Convention to form a Constitution and State Government;

I herewith return—

An act to re-locate a Territorial road;

An act to legalize the assessment of taxes for Iowa county;

An act to levy an additional tax for Territorial purposes;

An act to declare a certain road therein named, a Territorial road;

An act to locate a Territorial road from Ottumwa to Bloomfield;

An act for the relief of Samuel C. Reed;

An act to declare a certain road a Territorial road;

Joint resolution asking an appropriation for a brldge over Skunk river;

Joint resolution for the adjournment of the Legislature, *sine die*;

All of which have been signed by the President of the Council.

And then he withdrew.

Mr. Hancock offered the following reesolution:

Resolved, That J. A. Galliher be allowed the sum of one hundred dollars for distributing the journals of the House of Representatives of the present session.

Mr. Murdock moved to strike out "J. A. Gallaher" and inser "William Thompson;"

Which was decided in the affirmative;

Yeas 10; Nays 7;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs· Clifton, Morgan, Murdock, McMichael, Patterson, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Downey, Flint, Hancock, Holland, Munger and Shelledy.

Mr. Downey moved to lay the resolution on the table;

Which was lost.

Yeas 7; Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Clifton, Downey, Flint, Hancock, Holland, Munger and Shelledy.

Those who voted in the negative, were—

Messrs. Browne, Morgan, Murdock, McMichael, Patterson, Taylor, Wilson, Woodworth and McCleary, Speaker.

Mr. Murdock moved to adopt the following as a substitute:

"*Resolved*, That William Thompson be allowed the sum of two hundred and fifty dollars for superintending the printing of, indexing and distributing the journals of the House of Representatives of the present session."

Mr. Flint moved to strike out "two hundred and fifty" and insert "one hundred."

A division of the question was called for, and the question being on striking out, the House refused to strike out.

Yeas 8; Nays 9;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Clifton, Downey, Flint, Hancock, Holland, Munger, Patterson and Shelledy.

Those who voted in the negative, were—

Messrs. Browne, Morgan, Murdock, McMichael, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

The question being on the adoption of the resolution,

It was decided in the affirmative.

Yeas 12; Nays 6;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Morgan, Murdock, McMichael, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Flint, Hancock, Holland, Munger, Patterson and Shelledy.

Message from the Council was taken up; and,

No. 131, C. File, Joint Resolution in relation to the distribution of the laws;

Was read the first second and third times;

Passed, and its title agreed to.

No. 132, C. File, A Joint Resolution relative to publishing act for a State Government;

Was read a first, second and third times,

Passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion,

Ordered, That the House stand adjourned until 7 o'clock, this evening.

SEVEN O'CLOCK.

Mr. Downey, from the committee on the Judiciary, to whom was referred,

No. 114, C. File, A Bill to amend an act entitled, "An act regulating practice in the District courts of the Territory of Iowa;

Reported the same back to the House, and recommended its passage.

The bill was then read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

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

No. 86, C. File, A Bill concerning liens of judgments.

Reported the same back, and recommended its passage.

The bill was read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Downey moved to re-consider the vote just taken on

No. 86, C. File, A Bill concerning liens of judgments;

Which was done.

Mr. Downey moved to amend said bill by adding the following to the first section of said bill:

"Provided, Said equitable interest does not appear of record, in the county where said real estate is situated;"

Which was adopted.

The bill was then read third a time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Browne,

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;"

Was taken from the table; and,

The question being—"Shall said bill be read a third time now?"

It was decided in the negative.

Yeas 9; Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Downey, Hunor, Morgan, Murdock, Patterson, Taylor, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Clifton, Flint, Graham, Hancock, Holland, McMichael, Shelledy Woodworth and Wright.

Mr. Browne moved that said bill be read a third time to-morrow.

Pending which,

A call of the House was ordered, when it appeared that,

Messrs. Banks and Munger were absent.

On motion,

Mr. Banks was excused.

On motion,

The further call of the House was dispensed with.

Mr. Murdock moved to re-commit to a select committee,

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;

Which was carried.

Messrs. Murdock, Browne and Hancock were appointed said committee.

On motion of Mr. Downey,

Ordered, That the House stand adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, 9 O'CLOCK.

January 17th, A. D. 1846.

A message was received from the Council by Mr. Kinney, their Secretary,

Mr. Speaker:—

I herewith present eighteen acts for your signature.

And then he withdrew.

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

No. 120, C. File, A Bill to amend an act entitled, "An act relative to mechanics' liens, and other purposes," approved 13th February, 1843;

Reported the same back, and recommended its indefinite postponement.

The question being on the indefinite postponement;

It was carried in the affirmative.

On motion of Mr. Murdock,

No. 113, C. File, An act to locate the seat of justice of Buchanan county;

Was taken from the table.

Mr. Wilson moved to amend said bill by striking out the name of S. J. Durham" of Cedar county, and inserting "Theophilus Crawford," of Du Buque;

Which was agreed to; and,

The bill as amended, was read a second and third times,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. Murdock moved to take from the table,

No. 99, H. R. File, A Bill to amend an act entitled, "An act to authorize evidence by the oath of parties," approved 20th January, 1843;

Mr. Woodworth moved a call of the House;

Which was had,

Messrs. Downey, Hancock, McMichael and Talyor, the absentees, appearing, the further call of the House was suspended.

The question being on ordering the bill to a third reading,

It was decided in the negative.

Yeas 7; Nays 13;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Downey, Flint, Morgan, Murdock, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Graham, Hancock, Holland, Hunor, Morgan, McMichael, Patterson, Shelledy, Taylor, Woodworth and Wright,

Mr. Clifton made a motion that the bill be indefinitely postponed,

Which was decided in the affirmative.

Yeas 15; Nays 4.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Flint, Graham, Hancock, Holland, Hunor, Morgan, Munger, McMichael, Patterson, Shelledy, Taylor, Woodworth and Wright.

Those who voted in the negative, were—

Messrs. Downey, Murdock, Wilson and McCleary, Speaker.

So the bill was indefinitely postponed.

The following messages were received from the Council by Mr. Kinney, their Secretary:

Mr. Speaker:

I herewith return sixteen acts, the same having been signed by the President of the Council.

Mr. Speaker:—

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

No. 109, H. R. File, A Bill for an act to re-locate a part of a Territorial road in Muscatine and Cedar counties;

The Council have agreed to the amendment of the House of Representatives, to

No. 86, C. File, A Bill concerning liens of Judgments;

Also,

No. 113, C. File, A Bill to locate the seat of justice of of Buchanan county;

And then he withdrew.

Mr. Clifton made a motion to re-consider the vote taken on the postponement of

No. 120, C. File, A Bill relative to mechanics' liens;

Which was decided in the negative.

Yeas 7; Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Graham, Hunor, Morgan, Munger and Patterson.

Those who voted in the negative were—

Messrs. Downey, Flint, Hancock, Holland, Murdock, McMi-

chael, Shelledy, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

The following message was received from the Council, by Mr. Kinney their Secretary:

Mr. Speaker:—

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

No. 116, C. File, Joint resolution for distributing the laws of the present session;

Mr. Flint made a motion that the House recede from their amendment to

No. 116, C. File, Joint resolution for distributing the laws of the present session;

Which was decided in the negative,

Yeas 4; Nays 15;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Flint, Hancock, Holland and Wilson.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Morgan, Munger, Murdock, McMichael, Patterson, Shelledy, Taylor, Woodworth, Wright and McCleary, Speaker.

So the House refused to recede.

A message was received from the Council, by Mr. Kinney, their Secretary:

Mr. Speaker:—

I am directed to inform the House of Representatives that the Council have appointed Messrs. Abbe and Coop a committee of Conference in relation to the disagreeing vote of the two Houses upon

No. 116, C. File, Joint resolution for distributing the laws of the present session;

And then he withdrew.

On motion of Mr. McCleary,

The House appointed Messrs. Browne, Downey and Flint a committeee on the part of the House, on the disagreeing vote of the two Houses on,

No. 116, C. File, Joint resolution in relation to the distribution of the laws of the present session;

Mr. Downey from the committee on the Judiciary, to whom was referred the petition of sundry citizens of Lee county, reported,

No 110, H. R. File, A Bill to authorize Susannah Cheny to convey certain real estate;

Which was read a first, second and third times,

Passed, and its title agreed o.

Ordered, That the Council be informed thereof.

On motion of Mr. Murdock,

The committee on Expenditure was requested to report immediately.

A message was received from the Council by Mr. Kinney, their Secretary.

Mr. Speaker:—

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

No. 110, H. R. File, A Bill to authorize Susannah Cheny to convey certain real estate therein named;

And then he withdrew.

Mr. Browne from the committee of Conference on the part of the House on the disagreeing vote of the two Houses, on

No. 116, C. File, Joint resolution providing for the distribution of the laws;

Reported, that said committee had agreed to disagree; and,

On motion,

The report was agreed to.

Mr. McMichael from the committee on Expenditures, reported

No. 111, H. R. File, A Bill to provide for the compensation of the members of the present Legislature, and for other purposes;

Which was read a first and second times; and,

On motion,

The House resolved itself into committee of the whole House for the consideration of said bill,

Mr. Morgan in the chair,

After some time spent therein, the committe rose, and reported said bill back to the House, with sundry amendments;

Which,

On motion,

Was agreed to.

The bill was read a third time,
Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

A message was received from the Council by Mr. Kinney their Secretary;

Mr. Speaker:—

I herewith return sixteen acts,
The same having been signed by the President of the Council.
The Council have agreed to the report of the committee of Conference in relation to the disagreeing vote on
No. 116, C. File, Joint resolution for distributing the laws of the present session;
And then he withdrew.

Mr. Downey made a motion that the House appoint another committee of Conference on the disagreeing vote of the two Houses upon
No. 116, C. File, Joint resolution for distributing the laws of the present session;
Messrs. Downey, Hancock and Patterson, were appointed said committee.

Ur. Downey, upon leave being granted, introduced,
No. 112, H. R. File, Joint resolution in relation to S. C. Trowbridge;
Which was read the first, second and third times;
Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Taylor,
Ordered, That the House stand adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A quorum not being present, a call of the House was had.
When it appeared that,
Messrs. Banks, Downey, Flint, Hunor, Munger, Shelledy, Taylor, Wilson and Wright were absent.
On motion,
Messrs. Banks and Hunor were excused.
The other absentees appearing, a further call of the House was dispensed with.

On motion of Mr. Murdock,

No. 83, H. R. File, Joint resolution relative to James D. Bourne;

Was taken from the table, read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

The Speaker presented a communication from James Clark, Governor, returning an act for the relief of Samuel C. Reed.

Which was as follows:

EXECUTIVE OFFICE, IOWA CITY,
January 17th, 1846.

The bill entitled, "An act for the relief of Samuel C. Reed;" being of such a character as to compel me to withhold my approval, I herewith return the same to the House of Representatives, where it originated, with these my objections.

The claim of Mr. Reed, amounting to one hundred and eighty-three dollars and fifteen cents, is for provisions furnished the militia called into the service by the U. S. Marshal, in the winter of 1839–40, to support the civil authorities of the Territory in maintaining jurisdiction over a certain portion of Van Buren county.

The bill herewith returned, provides for the payment of this claim out of the Territorial Treasury, with six per cent. interest thereon from 13th December, 1839; the whole, when taken together, exceeds the sum of two hundred and fifty dollars.

However just and equitable may be this claim, I should regard its payment out of our local treasuary, as a virtual assumption of the whole debt accruing out of our difficulties with Missouri, with a sum of interest exceeding one-third of the original amount added thereto.

The Territory cannot, without justly subjecting itself to the charge of partiality in the distribution of its favors, select out one particular claimant for relief, and reject similar accounts brought forward by others. Those who furnished arms, clothing, and other munitions of war, as well as the militia who turned out on the occasion in question, have equal claims for remuneration with those who furnished provisions, and the obligation rests upon us morally, if not legally, to treat them with equal favor. The recognition of the account of Mr. Reed as legitimately chargeable to the Territory, viewed in this light, assumes an importance that otherwise could not attach to it; for instead of merely authorizing the liquidation of a demand of some two hundred and fifty dollars, as provided for in the bill, its inevitable effect would be to en-

tail upon the Treasury a debt of from twenty to thirty thousand dollars.

Lieut. Ruggles, of the U. S. Army, under instructions from the war Department which prevented him from embracing a large number of well founded claims in his estimate, reported according to my recollection, the amount properly payable out of the National Treasury, in consequence of the boundary dispute, to be something upwards of thirteen thousand dollars; an amount which could scarcely fail to be augmented to twenty thousand, by the admission of the rejected items.

To this heavy sum, carrying out the principles of the bill returned, interest would have to be added at the rate of six per cent. per annum. for six years, amounting to 7,200 dollars, which would swell the public liabilities from this one cause to the alarming aggregate of twenty-seven thousand, two hundred dollars. Sympathising, as I do, with those who are sufferers on account of the aid rendered by them in assisting the Governor and Marshal to maintain jurisdiction, I cannot, consistent with my sense of duty, consent to be instrumental in imposing upon the people of Iowa such a momentous load of debt.

Although our repeated applications for compensation from the General Government have thus far been ineffectual, I do not despair of ultimate success before Congress. The fact of a bill authorising payment, having passed the House of Representatives upon one or two occasions, taken in connexion with the course pursued by the War Depratment in examining into and ascertaining the amount of the claims, affords strong grounds for the belief, that with the increased weight and influence which our admission into the Union as a State, will give us at Washington, some relief measure can be carried through. The payment or assumption of these expenses, or any portion of them, by the Territorial Legislature, it must be apparent, would materially lessen, if indeed, it did not wholly destroy all hope of this kind. Were the claim for which the bill provides payment an isolated one, my desire to co-operate with the Legislative Assembly in all its acts, might have prevented me from interposing any objection to its payment out of the Territorial Treasury, notwithstanding the impropriety and impolicy of allowing interest upon such accounts; but satisfied, as I am, that, should the bill once become a law, it will open the door to numberless other claims of a similar character, and finally lead to the assumption of all the expenses attending the Missouri difficulty, I feel reluctantly constrained to withhold my assent to the bill.

JAMES CLARKE.

The House then proceeded to re-consider the act; and,

The question being, "shall said act pass, notwithstanding the objections of the Governor?"

It was decided in the negative.

Yeas 2; Nays 18

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Downey and Hancock.

Those who voted in the negative, were—

Messrs. Banks, Browne, Clifton, Flint, Graham, Holland, Hunor, Morgan, Munger, Murdock, McMichael, Patterson, Shelledy, Taylor, Wilson, Woodworth, Wright and McCleary, Speaker.

So the act did not pass.

Mr. Morgan, from the committee on Enroled Bills, reported that said committee had examined and found correctly enroled the following Acts and Joint Resolutions:

An act to authorize the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

An act to locate a Territorial road therein named;

An act to authorize Susannah Cheny to convey certain real estate therein named;

An act to re-locate a part of a Territorial road in Muscatine and Cedar counties;

An act in relation to limited partnerships;

An act to organize the county of Benton;

Joint resolution relative to furniture, books and stationery belonging to the Territory;

Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

Joint resolution relative to the transmission of the laws and journals to the different States and Territories;

Joint resolution for a mail route;

An act providing for the re-location of the county seat of Jones county;

An act to amend an act entitled, "An act to incorporate the city of Keosauqua;"

An act to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

An act to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

An act to provide for the payment of the claims of the creditors of the Territory;

An act to authorize the county commissioners of Marion county to select grand and petit jurors;

An act to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 15th, 1843;

An act to authorize Isabella Crawford to convey certain real estate;

An act to locate a Territorial road therein named;

An act to divorce Mary Ann P. Bidman from her husband, Lewis Bidman;

An act to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

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

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;"

Reported the same back with amendments, which were agreed to.

The bill was read a third time; and,

The question being, "Shall said bill pass?"

It was decided in the negative.

Yeas 9; Nays 10;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Downey, Graham, Munger, Murdock, Patterson, Taylor, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Flint, Hancock, Hunor, Morgan, McMichael, Shelledy, Woodworth and Wright.

So the bill did not pass.

A message was received from the Council by Mr. Kinney, their Secretary.

Mr. Speaker:—

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

No. 112, H. R. File, Joint resolution in relation to S. C. Trowbridge;

MR. SPEAKER:

I herewith present for your signature—

Joint resolution for the relief of George S. Hampton;

And then he withdrew.

On motion,

The House took a recess of one hour.

The House resumed its session.

Mr. Downey moved to postpone indefinitely,

No. 140, C. File, Joint resolution relative to the distribution of the laws;

On leave, the motion was withdrawn.

Mr. Downey moved to strike out the name of "Jesse Williams," and insert the name of "F. M. Irish."

A division of the question was demanded; and,

On the motion "to strike out,"

It was decided in the affirmative.

So the name of Jesse Williams was stricken out.

Mr. Banks moved to fill the blank with the name of "John B. Russell."

Which was decided in the negative.

Mr. Downey moved to fill the blank with the name of "Frederick M. Irish;"

Which was decided in the affirmative.

Yeas 14; Nays 6;

The Yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Munger, Murdock, McMichael, Patterson, Shelledy, Taylor, Woodworth, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Flint, Hancock, Holland, Morgan, and Wilson.

The resolution was read a third time,

Passed, and the title agreed to.

Ordered, That the Council be informed thereof.

No. 111, H. R. File, A Bill to provide for the compensation of the members of the present Legislature, and for other purposes;

Was taken up, as amended by the Council.

On motion,

The amendments were agreed to.

No. 88, C. File, A Bill for the relief of J. H. McKenney;

Was reported back from the committee on Expenditures; and,

On motion,

Was laid upon the table.

On motion of Mr. Banks;

No. 106, H. R. File, An act in relation to the re-location of Territorialand county roads;

Was taken from the table, read a third time,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

Mr. McMichael from the committee on Expenditures, to whom was referred,

No. 128, C. File, Joint resolution in relation to Jacob Hunor and E. W. Davis;

Reported the same back.

On motion of Mr. Murdock,

The resolution was indefinitely postponed.

On motion,

Ordered, That the House stand adjourned until 7 o'clock, this evening.

SEVEN O'CLOCK.

Mr. Morgan moved to take from the table a joint resolution for the relief of John H. McKenny;

Waich was lost;

The following message was received from the Council, by Mr. Kinney their Secretary:

MR. SPEAKER:—

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

No. 106, H. R. File, An act relative to the re-location of Territorial and county roads;

I herewith present for your signature—

An act to amend an act to incorporate the city of Keosauqua;

An act concerning liens of Judgments;

An act to incorporate the city of Du Buque;

The Council have indefinitely postponed,

No. 11, H. R. File, Joint resolution requesting our Delegate to procure an appropriation to improve the navigation of the Desmoines river;

And then he withdrew.

Mr. Hunor moved to re-consider the vote taken on

No. 129, C. File, A Bill to amend an act entitled, "An act subjecting real and personal property to execution;

Which was decided in the affimative.

Yeas 11; Nays 8;

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Browne, Downey, Graham, Holland, Hunor, Munger, Murdock, Patterson, Taylor, Wilson and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Clifton, Flint, Hancock, McMichael, Shelledy, Woodworth and Wright.

So the bill was re-considered.

A message was received from the Council, by Mr. Kinney, their Secretary:

Mr. Speaker:—

The Council have amended the amendment of the House of Representatives to

No. 140, C. File, Joint resolution relative to the distribution of the laws;

By striking out the name of "F. M. Irish," and inserting the name of "J. A. Galliher;"

The question being on agreeing to the amendment of the Council,

It was decided in the negative.

Yeas 7; Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Banks, Flint, Hancock, Holland, Morgan, Wilson and Wright.

Those who voted in the negative, were—

Messrs. Browne, Clifton, Downey, Graham, Munger, Murdock, McMichael, Patterson, Shelledy, Taylor, Woodworth and McCleary, Speaker.

So the House refused to concur.

Mr. Downey on leave, introduced,

No. 113, H. R. File, Joint resolution;

Which was read the first, second and third times;

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

A message was received from the Council by Mr. Kinney their Secretary;

Mr. Speaker:—

The Council have passed—

No. 141, C. File, Joint resolution relative to the distribution of the laws passed the present session.

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

The Council have passed—

No. 113, H. R. File, Joint resolution;

And then he withdrew.

Mr. Morgan from the joint committee on enrolments, made the following report, to wit:

Mr. Speaker:—

The joint committee on Enrolments have this day presented to His Excellency, the Governor, for approval, the following acts of the Legislature, to wit:

An act to declare a certain Territorial road therein named, a Territorial road;

An act amendatory of an act entitled, "An act to incorporate Iowa City University," approved 2d June, 1845;

An act supplemental to an act to establish new counties, and define their boundaries;

An act to vacate a part of the town of Franklin, in the county of Lee;

An act to define a perch of mason work in Iowa;

An act for the organization of the counties of Jasper and Polk;

An act to locate a Territorial road from Wapello in Louisa county, to Augusta, in Desmoines county;

An act to locate a Territorial road therein named;

An act to authorize the county commissioners of Marion county to select grand and petit jurors;

An act to amend an act entitled, "An act concerning water crafts found adrift, lost goods and estray animals;

An act to lay out and establish a Territorial road from Iowa City to Fort Desmoines;

An act to authorize the Governor of Iowa Territory to employ counsel in cases growing out of the disputed boundary between the Territory and the State of Missouri;

An act to amend an act entitled, "An act relative to divorce, and alimony, and other purposes;

An act to provide for the printing, publication and preservation of the decisions of the Supreme court of Iowa Territory;

An act to locate a Territorial road therein named;

An act to amend an act entitled, "An act to amend an act entitled, 'an act concerning grand and petit jurors," approved February, 15th, 1844;

An act to amend an act entitled, "An act to regulate grocery license," approved, January 4th, 1840;

An act to provide for the payment of the claims of the creditors of the Territory;

An act to amend an act entitled, "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors, and probate courts, and for defining their duties," approved February 15th, 1843;

An act to authorize Isabella Crawford to convey certain real estate;

An act to locate a Territorial road therein named;

An act to divorce Mary Ann P. Bidman from her husband, Lewis Bidman;

An act providing for the re-location of the county seat of Jones county;

Joint resolution on mail routes;

Joint resolution providing for a full set of seals for the counties of Kishkekosh and Appanoose;

Joint resolution providing for the printing of the Laws;

Joint Resolution providing for a set of seals for the counties of Iowa, Marion, Jasper and Polk;

Joint resolution relative to a mail route;

Joint resolution for an appropriation to improve the Territorial road across the Mississippi bottom between Toolsboro' and the Mississippi river;

Joint resolution relative to the transmission of the laws and journals to the different States and Territories;

A joint rrsolution for a mail route;

Joint resolution relative to furniture, books and stationery belonging to the Territory;

An act to authorize Susannah 'Cheny to convey certain real estate therein named;

An act to re-locate a part of a Territorial road in Muscatine and Cedar counties;

An act in relation to limited partnerships;

An act to organize the county of Benton;

Joint Resolution;

An act providing for the compensation of the members of the present Legislature, and for other purposes;

Mr. Wilson offered the following resolution:

"*Resolved*, That the use of this Hall be allowed to the Supreme court, as long as they remain in session after Monday next;

Which was adopted.

Mr. Taylor, on leave being granted, introduced,

No. 114, H. R. File, Joint resolution;

Which was read a first, second and third times,

Passed, and its title agreed to.

Ordered, That the Council be informed thereof.

No. 141, C. File, Joint resolution in relation to the distribution of the laws;

Was read a first and second times.

Mr. Downey moved to strike out the name of "George Hepner" and insert the name of "F. M. Irish;"

Which was decided in the negative.

Yeas 10; Nays 10;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Graham, Munger, Murdock, Shelledy, Taylor, Woodworth and McCleary, Speaker.

Those who voted in the negative, were—

Messrs. Banks, Flint, Hancock, Holland, Hunor, Morgan, McMichael, Patterson, Wilson and Wright.

So the name was not striken out.

Mr. Murdock moved to lay said resolution on the table;

Which was lost.

The question being on laying the resolution on the table;

It was decided in the negative.

Yeas 10; Nays 10;

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were—

Messrs. Browne, Clifton, Downey, Graham, Hunor, Munger, Murdock, Shelledy, Taylor and Woodworth.

Those who voted in the negative, were—

Messrs. Banks, Flint, Hancock, Holland; Morgan, McMichael, Patterson, Wilson, Wright and McCleary, Speaker.

The question being on ordering the resolution to a third reading,

It was decided in the negative.

Yeas 10; Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were—

Messrs. Banks, Hancock, Holland, Morgan, McMichael, Patterson, Wilson, Wright and McCleary, Speaker.

Those who voted in the negative, were—

Messrs.Browne, Clifton, Downey, Graham, Hunor,Munger, Murdock, Shelledy, Taylor and Woodworth

On motion of Mr. Murdock,

The House adjourned until seven o'clock, Monday morning next.

MONDAY MORNING, 7 O'CLOCK.

JANUARY 19th, A. D. 1846.

On motion of Mr. Browne,

Ordered, That a committee be appointed to wait upon the Council

and inform that body that the House have finished their business, and are now ready to adjourn *sine die*.

Mr. Browne was appointed said committee; who,

After being absent a few minutes, reported that he had performed the duty assigned him.

Mr. Summers, as a committee on the part of the Council waited upon the House, and informed it, that the Council had finished its business, and was now ready to adjourn *sine die*.

A message was received from the Council by Mr. Kinney, their Secretary.

Mr. Speaker:—

I am directed to inform the House that the Council have appointed Messrs. Summers and Coop a committee on the part of the Council to act with a similar committee to be appointed on the part of the House to wait upon His Excellency, the Governor, and inform him that the two Houses have concluded their business, and are now ready to adjourn; and to ascertain whether he has any further communication to make them.

On motion of Mr. Downey,

Ordered, That a similar committee on the part of the House be appointed.

Messrs. Downey and Patterson were appointed said committee.

Ordered, That the Council be informed thereof.

The committee then retired for a few minutes, and returned.

Mr. Downey from said committee, reported that they had performed the duty assigned them; and that the Governor had no further communication to make.

On motion of Mr. Morgan,

Ordered, That the House do now stand adjourned, *sine die*.

Mr. McCleary, Speaker, then addressed the House as follows:

Gentlemen,—

The hour has at length arrived when we must part, and our official connexion as members of the House of Representatives, be dissolved, and we return to our respective places of abode. But, before separating, gentlemen, permit me to return you my thanks for the kindness and courtesy, extended to me in the arduous duties which devolved upon me as presiding officer of this House.

In the dispensations of Divine Providence, one of our most useful and industrious members has been cut off in the prime of life and the vigor of manhood, and many of our fellow members have been severely afflicted with disease. With those exceptions, our session has been a pleasant one, and I hope will result in the promotion of the best interests of our prosperous and growing Territory.

Indulging the ardent hope that you may all meet your friends in the enjoyment of health and happiness, I again return you my acknowledgements for the kindness and forbearance uniformly extended towards me, and beg leave to assure you gentlemen, that I shall ever cherish towards the members of this House feelings of the most profound gratitude.

I now announce that this House stands adjourned *sine die.*

I bid you an affectionate farewell.

APPENDIX.

AUDITOR'S REPORT.

AUDITOR'S OFFICE, IOWA,)
IOWA CITY, Dec. 22, 1845.)

To the Honorable, the Council, and the

House of Representatives, of the Territory of Iowa:

GENTLEMEN.—In conformity to the eighth section of an act of the Legislative Assembly of the Territory of Iowa, entitled an act providing for the appointment and duties of Auditor, of Public Accounts, and regulating the duties of Territorial Treasurer, I herewith submit to you the following Report:

Warrants issued since the last Report of the Auditor bearing date 15th May, 1845:

For pay of Members and Officers of Territorial Convention:

To John Taylor,	member of Convention	$ 102 00
" Enos Lowe,	"	102 00
" Elijah Sells,	"	96 00
" Thomas McKean,	"	90 00
" John W. Brookbank,	"	96 00
" James Clarke,	"	102 00
" Stephen B. Shelledy,	"	108 00
" Henry M. Salmon,	"	108 00
" William R. Harrison,	"	90 00
" Ebenezer Cook,	"	96 00
" Luman Strong,	"	90 00
" Shepherd Leffler,	"	180 00
" Samuel W. Durham,	"	90 00
" Warren Dodd,	"	75 00
" J. C. Blankenship,	"	108 00
" C. B. Campbell,	"	90 00
" Enoch Ross,	"	90 00
" Calvin Price,	"	108 00
" Richard B. Wycoff,	"	108 00

To John Hale, "	$ 108 00	
" Stephen Hempstead, "	108 00	
" Joseph C. Hawkins, "	102 00	
" Charles Staley, "	108 00	
" L. B. Olmstead, "	126 00	
" Edward Langworthy, "	198 00	
" Francis Gehon, "	108 00	
" Michael O'Brien, "	108 00	
" John D. Wright, "	102 00	
" John Ripley, "	102 00	
" David Ferguson, "	108 00	
" Thomas Charleton, "	105 00	
" Paul Brattain, "	102 00	
" James M. Morgan, "	96 00	
" Elisha Cutler, jr., "	102 00	
" William D. McBride, "	97 00	
" Ephraim McBride, "	189 00	
" John Davidson, "	306 00	
" Samuel H. McCrory, "	84 00	
" Andrew Hooton, "	102 00	
" Henry Felkner, "	84 00	
" Geo. S. Hampton, "	234 00	
" Jesse Williams, "	496 35	
" A. B. Newcomb, "	48 00	
" F. M. Irish, "	6 00	
" Wesley Jones, "	4 88	
" John Browne, "	16 30	
" Columbus C. Catlett, "	7 50	
" John Larue, "	12 40	
" Robert Hutchinson, "	24 00	
" Charles C. Sangster, "	12 00	
		$ 5335 53
Fees of Sheriffs and Clerks of District Courts,		
To Henry Heffleman, Sh'ff Van Buren county	$ 17 79	
" do do as per act of Legislature,	50 00	
" Francis Thompson, for attending Supreme Court Deputy Sheriff,	25 50	
" David Hoge, fees as Clerk of Dis. Court,	13 50	
" James Davis, fees as sheriff of Muscatine county,	50 00	
" James W. Tallman, fees as Sheriff of Cedar county,	50 00	
" Martin Harless, fees as late Sh'ff of Lou- county,	50 00	
" James H. Epperson, fees as Deputy Sheriff to Sup. Court,	19 50	
		$ 276 29

Pay for Military Officers,		
To O. H. W. Stull, salary as Adj't General,	$ 50 00	
" Henry King, for services as Brig. Inspec.	64 00	
		$ 114 00
For expenses of Penitentiary.		
To E. Wilson, on account of Penitentiary,	$ 9 00	
" Edward A. Layton, "	84 62	
		$ 93 62
For salary of Territorial Treasurer.		
To M. Reno, Treasurer,		150 00
Contingent Expenses.		
To A. P. Woods, for Auditor's blanks,		8 00
		$ 5977 44
To amount outstanding against the Territory, 15th May, 1845, as per Auditor's report.		12815 91
		$ 18793 35
Warrants cancelled, and payments by the Territorial Treasurer,	$1109 25	
	33 50	1142 75
Total amount in Treasury 10th Dec. 1845.		$ 17650 60

The following statement of the accounts with the several counties in the Territory will exhibit the probable resources of the Territory, as the means of discharging the amount of liabilities, now outstanding against the Territory.

Treasurer of Muscatine county, Dr.	
To Assessment for the year 1845,	$ 362 79
Treasurer of Clinton county Dr.	
To Assessment for the year 1844,	46 43
" " 1845,	58 16
Treasurer of Henry county, dr.	
To Assessment for the year 1845	313 84
Treasurer of Mahaska county dr.	
To assessment for the years 1844–5,	55 43
Treasurer of Clayton county, Dr.	
To Assessment for the years 1844–5,	87 69
Treasurer of Scott county, Dr.	
To Assessment for the year 1845,	200 69

Treasurer of Jones county, Dr.		
To assessment for the year 1845,	$ 39 81	
Treasurer of Jefferson county, Dr.		
To Assessment for the year 1845,	240 56	
Treasurer of Washington county, Dr.		
To Bal. due on Assessment for the year 1844,	30 70	
" Assessment for the year, 1845,	167 44	
Treasurer of Linn county, Dr.		
To Assessment for the year 1845, $227 01		
By Treasurer's receipt, Cr. 7 38	219 63	
Treasurer of Delaware county, dr.		
To bal. due on Assessment for the year 1844.	10 61	
" Assessment for the year 1845	33 65	
Treasurer of Louisa county, Dr.		
To bal. due on Assessment for the year 1844,	102 36	
" Assessment for the year 1845,	197 57	
Treasurer of Johnson county, Dr.		
To bal. on Assessment, for the year 1844,	25 23	
" Assessment for this year, 1845,	243 39	
Treasurer of Kishkekosh county, Dr.		
To Assessment for the year 1845,	6 51	
Treasurer of Davis county Dr.		
To bal. due on Assessment for the year 1844,	5 78	
Treasurer of Desmoines county, dr.		
To bal. due on Assessment for the year 1844,	231 29	
" Assessment for this year, 1845,	718 09	
		$ 3397 65
To this amount, add the amount due upon old accounts, as per Auditor's report of 15th May, 1845, upon which there has been nothing paid,		3474 07
		$ 6871 72
The abstracts of the Assessment for the year 1845, have not been sent up to this office from the following counties to wit—Davis, Keokuk, Jackson, Cedar, Lee, Wapello, Du-Buque and Van Buren.		
Total amount of resources,	6871 72	
Amount of liabilities now outstanding,		17650 60
Excess of liabilities above resources,		$ 10778 80

You will perceive from the foregoing statement that there is a heavy balance outstanding the Territory, and to meet this liability, would it not be expedient on the part of the Legislative Assembly, to increase the Territorial tax to one mill and a half on the dollar. This increase of tax could not, in my humble opinion, prove detrimental to the interests of the Territory, but would have a tendency to relieve the Territorial Treasury of the liabilities, with which it is now burthened.

All of which is respectfully submitted,

ROBT. M. SECREST,
Auditor of Public Accouuts.

TREASURER'S REPORT.

TREASURER'S OFFICE, IOWA, }
IOWA CITY, Dec. 8, 1845. }

To the Honorable, the Speaker of the House of Representatives, of the Territory of Iowa:

SIR:—In coupliance with the following resolution, viz: "That the Territorial Treasurer be requested to report to this House the amount of indebtedness of the Territory, the present means of paying off such indebtedness, and if, in his opinion, there is any other manner of collecting the revenue, preferable to the present mode, &c.," I submit the subjoined statement:

The following liabilities do not include those of the public buildings at the Seat of Government.

	Dolls. Cts.
Debt created by "Convention,"	8650 00
Warrants issued and outstanding exclusive of said Convention debt,	12521 77
Total amount,	21171 77

Included in the above, are Warrants to the amount of between nine and ten thousand dollars, issued in favor of the Penitentiary, and cancelled by Mr. Stull, "former Secretary of this Territory," with an appropriation made by Congress for that purpose.—The exact amount paid

off by said appropriation, I have not as yet ascertained, but I am well convinced that it cannot fall short of	9000 00
Which leaves a debt of	12171 77
The amount of assessments of Territorial revenue of the several counties prior to the year 1845, and unaccounted for, is four thousand and eighty-three dollars; but from this amount there will have to be deducted the County Collector's and Treasurers' fees, delinquencies and defalcations, which, in all probability, will reduce the available sum to about	1000 00
Revenue of 1845, say,	4000 00
Balance against the Territory,	$7171 77

From a want of some facts, the foregoing statement may not be exactly correct, yet I am well persuaded that it will not greatly vary from the true result.

I am not prepared to present any modifications in the revenue law, that would be likely to prove salutary in the collection of Territorial Revenue. So far, it has answered its purpose as well as its authors could have desired; and I take pleasure in stating, that under it a degree of promptness heretofore unknown, has been manifested on the part of County Officers, who have the handling of the Territorial revenue.

I would respectfully suggest for your consideration, the expediency of raising the Territorial tax to one mill on the dollar. I make this proposition from a thorough conviction of its policy. Territorial Warrants are worth but fifty cents on the dollar—a depreciation that is scarcely to be found in any county in this Territory. One cause of this state of depressed credit may be traced to the creation of a debt of $8650 00, known as the "Convention debt," without providing the means for its payment.

To provide means at this time by raising the tax, could not be regarded in good faith, as oppressive as it would only be performing a simple ac tof justice towards *bona fide* creditors of the Territory, many of whom have been compelled from necessity to dispose of their claims, at from forty to fifty cents on the dollar.

Doubtless a majority of the citizens of the Territory, would prefer a change in our form of Government, yet there are but few so regardless of State debts and embarrassment, as not to hesitate before making

the change in the face of debt, small it is true, yet a nucleus around which larger ones may gather.

But as it regards this, I am well satisfied that whatever may be necessary for the honor and dignity of the Territory, will be done promptly and efficiently.

I am respectfully,

Your obedient servant,

M. RENO,
Territorial Treasurer.

ANNUAL REPORT.

TREASURER'S OFFICE, IOWA, }
IOWA CITY, December, 10, 1845, }

To the Honorable, the Legislative Assembly:

GENTLEMEN:—In obedience to law, I herewith submit to you the annual report of this office.

The following statement will show the receipts and disbursements since 10th May, 1845, to 10th December, 1845.

		Dols. Cts.	Dols. Cts.
1845.	Am't in Treasury, May 10, 1845.		142 55
	Receipts 1st Quarter from 10th May, 1845.		
	DESMOINES COUNTY,		
May 29	By warrant No. 132, Ward Lamson,	8 00	
	" " " 123, O. H. W. Stull,	37 50	
	" " " 91, Patrick Gilligan,	5 96	
	" " " 86, T. F. Scott,	29 20	
	" " " 102, Wm. Wilson,	31 50	
	" " " 93, John Carl,	17 47	
	" " " 89, T. F. Scott,	8 64	
	" " " 89, Anderson & McHenry,	10 75	
	" " " 87, T. F. Scott,	11 00	
	" " " 85, D. Wellington,	33 80	
	" " " 110, Smith & Deming,	17 11	
	" " " 78, Cha's Jewett,	58 66	
	" " " 105, John Moyse,	31 84	

1845.	Dols. Cts.	Dols. Cts.
" " " 143, O. H. W. Stull,	50 00	
Treas. certificate No. 14, Peter Miller,	79 80	
" " " 9, H. Taylor	39 69	
VAN BUREN COUNTY,		
June 9 By warrant No. 135, John Waters	34 50	
" postage paid on letter	12	
WAPELLO COUNTY,		
do 13 By revenue for year 844.	2 45	
JOHNSON COUNTY,		
June 14 By Trea. draft No. 21, W. L. Gilbert	20 00	
" Cash	100 00	
LOUISA COUNTY,		
July 24 By warrant No. 186, J. W. Brookbank	96 00	
MUSCATINE COTNTY,		
July 31 By revenue for year 1844	72.86	796 85
Total amount of receipts		939 40
Disbursem'ts 1st *Quarter from* 10*th May*, 1845		
Warrants No.		
" 54 R. W. Albright	24 00	
" 132 Ward Lamson	8 00	
" 91 Patrick Gilligan	5 96	
" 84 Anderson and McHenry	10 00	
" 110 Smith and Deming	17 11	
" 78 Charles Jewett	58 66	
" 93 John Carl	17 47	
" 85 Darius Wellington	33 80	
" 105 John Moyse	31 84	
" 102 William Wilson	31 50	
" 123 O. H. W. Stull	37 50	
" 143 do do	50 00	
" 86 Thomas F. Scott	29 20	
" 88 do do	8 64	
" 87 do do	11 00	
H. Taylor, Treas. certificate No. 9	39 69	
Peter Miller	79 80	
W. L. Gilbert, salary as Auditor	20 00	
" 135 John Waters	34 50	
" 181 Francis Thompson	22 55	
W. L. Gilbert, salary as Auditor,	55 00	
" 186 John W. Brookbank	96 00	

		Dols. Cts.	Dols. Cts.
1845			
"	71 Arthur Washburn	2 00	
"	218 M. Reno	65 00	789 97
	Excess of receipts end of 1st quarter		149 43
	Receipts 2d Quarter, 1845.		
	VAN BUREN COUNTY,		
Sep. 24	By warrant No. 238, John Hale	108 00	
	CLINTON COUNTY,		
Sep. 30	By revenue for year 1844	5 00	
	LOUISA COUNTY,		
	By Trea. draft No. 24, W. L. Gilbert	65 00	178 00
	Total amount,		327 43
	Disbursements 2d Quarter 1845.		
Warrants No.			
"	238 John Hale	108 00	
"	237 Richard B. Wycoff	2 37	
	W. L. Gilbert, salary as Auditor	75 00	185 37
	Excess of receipts end of 2d quarter.		142 06
	Rec'ts from 10th Nov. to 10th Dec. 1845.		
	WASHINGTON COUNTY,		
Dec. 3	By revenue for year 1844.	7 00	
	DELAWARE COUNTY,		
do 4	By revenue	9 60	
	JOHNSON COUNTY,		
do 10	By warrant No. 188, F. M. Irish	6 00	
	" " 182, F. Thompson	2 95	25 35
	Total amount,		167 41
	Disbursements same time.		
Warrants No.			
"	193 George S. Hampton	35 00	
"	248 M. Reno	60 00	
"	245 John Larue	12 50	

1845		Dols. Cts.	Dols. Cts.
	Wm. L. Gilbert, salary in full up the 27th day of Nov. 1845	27 46	
"	188 F. M. Irish	6 00	
",	182 Francis Thompson	2 95	133 91
	Excess of receipts 10th Dec. 1845.		33 50

The following is a correct statement of the receipts and expenditures of this office, as connected with the seat of government of the Territory, subsequent to 1st June, 1845, at which time I took charge of the same.

In compliance with "An act for the relief of William B. Snyder, approved 10th June, 1845," I had a public sale of City lots on the 10th day of July last, the result of which will be given below.

		Dols. Cts.	Dols. Cts.
	Receipts.		
June 1	Notes for work and materials received from Anson Hart, late Territorial Agent,	2223 49	
June 10	Amount received from 20 lots at sale for relief of Wm. B. Snyder,	280 50	
Aug. 9	Am't from sale of one forfeited lot,	125 00	2623 99
	Expenditures and notes on hand.		
July 11	Am't paid F. M. Irish, crier of sale,	5 00	
do. 12	" " A. H. & G. D. Palmer for publishing notice of public sale,	4 00	
do 12	Am't paid William B. Snyder	66 50	
do 23	" " " "	20 00	
Aug. 6	" " " "	50 00	
do 22	" " " "	25 00	
do 26	" " " "	44 50	
Sep. 23	" " " "	26 56	
	" " John M. Coleman, late Territorial agent on salary act's.	125 00	
	Amount of script redeemed,	40 00	
	" notes for work and materials on hand,	2147 35	
	Amount paid McGinnis and Driscal for work,	13 04	2566 95
	Excess of receipts Dec. 0, 1845.		62 04

The following is a general statement of the

	Dols. Cts.	Dols. Cts.
resources and liabilities of the Territory as connected with the Seat of Government, viz: 322 unsold and forfeited lots amounting, at their present minimum to	24973 00	
Notes for work and materials,	2147 35	
Total amount,		27120 35
Liabilities to-wit:		
Debt due the Miner's Bank, say	6650 00	
Notes and certificates issued and outstanding	2172 50	8822 50
Excess of resources,		18297 85
The above notes for work and materials being available only in the completion of the Capitol &c. it will be proper to deduct them from the resources for the payment of the liabilities,		2147 35
Which leaves an excess of receipts of		16150 50
From the best information within my reach, I am led to the conclusion, that the unsold and forfeited lots, will not sell for more than an average of $30 00.		
If I am correct, the total amount will be	9660 00	
And the liabilities being	8822 50	
Will leave an excess of resources of	837 50	

The result of the sale in May next, may prove my estimate to be too low, I hope so, but fear the reverse.

The law directing a sale of lots in May next, appropriates the proceeds only of the forfeited lots, which were sold prior to 28th June, 1841, to the payment of debts, other than that due the Miners' Bank. These forfeited lots, amount at their present minimum to only $430 00, and the debts exclusive of that due the Miners' Bank, amount to $2,172 50—which leaves a balance in this particular of $1,742 50.

In view of these facts, together with a full conviction that no injury can accrue from it to the Territory, I would respectfully suggest, the expediency of so modifying the law referred to above, as to allow all creditors of the Capitol to offset their claims so far as they extend,

against any debts they may contract in the purchase of lots at the sale in May next. By this arrangement many persons will, in all probability, be induced to purchase, that otherwise would not.

Fearing from the exposed condition of the basement of the Capitol, that accidents might happen from fire, I had it enclosed. I have also, had a door put in the east front of the Capitol; but for want of funds and proper materials, nothing further has been effected in the completion of the Capitol.

All of which is most respectfully submitted,

By your obedient servant,

M. RENO,

Territorial Treasurer.

COMMUNICATION.

SECRETARY'S OFFICE,
IOWA CITY, Dec. 6, 1845.

To the Honorable Legislative Council—

GENTLEMEN:—I have the honor to acknowledge the receipt of your resolution of the 3rd inst., and in answer to which, I herewith transmit a copy of the correspondence had between this office and the Treasury Department relative to the respective Congressional appropriations which have come into my hands, numbered from one to eight inclusive.

I beg leave respectfully to call the special attention of the Legislative Assembly to the Comptrollers letter, under date of the 12th ult.

On the 26th of July last, I received from the Treasury of the United States, drafts which I subsequently negotiated in the city of St. Louis, amounting to $10,000. About $9,000 of this amount has been disbursed by me in the payment of arrearages of Legislative expenses which existed prior to the May session of this year, and in the partial payment of the expenses incurred at said May session.

I respectfully refer you to the estimate contained in my letter to the Secretary of the Treasury of the 28th of July last, for an exhibit of the amount of arrearages which existed prior to the May session, as well as of the amount due for expenses incurred at said session. That estimate may be relied upon as approximating very nearly to the respective amounts.

I have now in my hands about $1,000 which amount is subject to old arrearages in part, and the remainder to liabilities incurred at the May session.

I received on the 30th ult. from the Treasury Department, a draft on the Bank of Missouri, St. Louis, for $15,660 86. Of this amount $14,050, was appropriated for legislative expenses of this Territory, by act of Congress, approved 17th June, 1844. The ballance of said

draft ($1,610, 86) being a refundment from the appropriation of the preceeding year—as per Comptroller's letter herewith transmitted.

Very respectfully,

I have the honor to be,

Your obedient servant,

JESSE WILLIAMS,

Secretary of Iowa.

(No. 1.)

SECRETARY'S OFFICE, IOWA,
IOWA CITY, July 28, 1845.

SIR:—I herewith enclose to the Department a printed copy of the appropriation bill passed at the session of the Legislative Assembly of this Territory, which met in this city on the 5th day of May last.

By this bill you will perceive that the sum appropriated amounts to $9,473 36. In addition to this amount is to be added the printing of the laws and the journals of each House of the same session, which I estimate will amount to about $1,600 in addition to the items appropriated for in the bill alluded to—making the aggregate expenses of the session amount to $11,073 36.

The law of Congress, approved June 17, 1844, making appropriations for that year, evidently contemplated in the appropriation for compensation and mileage of members of the Legislstive Assembly of this Territory, and for the pay of officers, printing, &c., the payment of arrearages of former sessions which then remained unpaid.

Under this view of the subject, my predecessor drew from the Treasury near seven thousand dollars of the appropriation of that year, which he disbursed under the instructions of the Department in the payment, or partial payment of said arrearages.

There yet remains unpaid of claims of this character, I am informed by my predecessor, about $2,500—and which will of course be payable out of the appropriation for that year, $10,000, for which drafts have been furnished me on the Mechanic's Bank of New York.

After the payment of the arrearages ($2,500) there will remain but $7,500 for the payment of the expenses of the recent session of the

Legislative Assembly, amounting as above estimated to $11,073 36—Showing a deficit of $3,573 36. To pay this deficit, and to provide for some necessary contingent expenses of my office, I have to request to be furnished by the Department, at as early a day as practicable with an additional draft, predicated upon the appropriation of Congress, as made by the appropriation act, approved March 3d, 1845, of $14,050, for the payment of Legislative expenses.

The Legislative Assembly which met on the 5th day of May last, in this city, were elected—the members of the House of Representatives for one year from, and after the first Monday of April last, and the members of the Legislative Council for two years from that date. The Assembly have already been in session thirty-eight days of the seventy-five days, which they are permitted to continue in session, within the year for which they were elected. At the adjournment of the recent short session, they adjourned to meet again on the first Monday of December next, at which time the same Legislative body will again meet and continue in session thirty-seven days, which will complete the seventy-five days—being the extent of the time allowed by the provisions of an act of Congress for the year for which they were elected.

When I shall have drawn from the Treasury the $3,600 now requested, and disbursed it as above contemplated, there will remain of the appropriation by act of Congress of the 3d of March, 1845, $10,-450, to defray the expenses of the remaining portion of the seventy-five days which the present Legislative Assembly have to set—which amount will be amply sufficient for that purpose, and which cannot be exceeded, in asmuch as they are prohibited from either sitting more than the seventy-five days, or exceeding the appropriations made for the Legislative year for which they are chosen.

The amount of $10,000, with which I have been furnished, being the balance of the appropriation of 1844, will be disbursed and accounted for to the Department, within the succeeding twenty or thirty days. If my official bonds executed to the Department on the 26th ult., should be deemed insufficient to cover the $10,000 now in my hands and unaccounted for, together with the $3,600 now asked for, you will please advise me of the same, that I may, at as early a day as practicable, execute additional bonds.

Very respectfully, your obedient servant,

JESSE WILLIAMS,
Secretary of Iowa.

Hon. Rob't J. Walker, Sec. Trea. U. S.

(No. 2.)

SECRETARY'S OFFICE, IOWA,
BURLINGTON, Oct. 22, 1845.

SIR:—On the 28th of July last, I wrote to the Department, making application for $3,600 of the appropriation, made for the contingent expenses of the Legislature of this Territory, by act of Congress approved 3d of March, 1845.

I now have to request to be furnished at your earliest convenience with the full amount of the appropriation above referred to, ($14,050) or in case the $3,600, requested by me on the 28th of July has been forwarded, you will please send on the balance of said appropriation.

The Legislative Assembly of this Territory meets again on the first Monday of December next, and the reason of my application at this early day is, that I may have time previous to the closing of navigation on the Upper Mississippi to visit St. Louis after its receipt, and prior to the meeting of the Assembly.

My predecessors in office experienced much difficulty in consequence of funds for the payment of the Legislative expenses not being forwarded on in time to negotiate the drafts &c., and make other necessary arrangements previous to the meeting of the Assembly.

I would prefer being furnished with drafts on the eastern cities, or on St. Louis, Mo., of one and two thousand dollars each.

I shall indulge the hope that this, my requisition, may receive the earliest attention practicable from the Department.

Very respectfully,
Your obedient servant,
JESSE WILLIAMS,
Secretary of Iowa.

HON. ROB'T J. WALKER,
Secretary of Treasury, U. S.

(No. 3.)

SECRETARY'S OFFICE, IOWA,
BURLINGTON, Nov. 13, 1845.

SIR:—Doubts having been suggested as to the right of the Territorial Legislature to hold an annual session, commencing on the first

Monday in December next, I would respectfully call your attention to the subject, by furnishing a statement of all the facts in the case. My object being simply to facilitate the public business of the Territory, by removing every obstacle, should any exist, to the earliest transmission of a draft for the amount appropriated to defray the expenses of the approaching session.

The Organic law provides that the members of the House of Representatives shall hold their seats for the term of one year. It also provides that no session shall continue for a longer time than seventy-five days. And it further provides that Congress shall make annual appropriations, based upon estimates furnished by the Secretary of the Treasury, to defray the necessary expenses of the Legislature.

Up to, and including the session of 1843–4, it had been usual for the annual session, *under a law then and still in existence*, to commence on the first Monday in December. At that session, (of 1843–4,) steps were taken with reference to the formation of a State Government; and with a view to that object, the next annual election for members of the Legislature was postponed from August, (1844,) to April (1845,) and the annual meeting of the Legislature was postponed from the first Monday in December, (1844,) to the first Monday in May, (1845.)—The annual session thus postponed from December until May, was convened, *according to the special act of the preceding session*, and at the end of thirty-eight days it was adjourned, *sine die*. And no action having been taken with reference to the next annual session, it will of course begin, *by operation of the Organic Law*, on the first Monday in December proximo.

The members elected in April, or such of them as did not resign, claim the right to hold their seats for the full term of one year from the day of their election, (in April last,) as provided by the Organic Law.

It follows of course that they claim the right to hold a regular annual session commencing on the first Monday in December next, as their commissions will not, (under the organic Law,) expire until April, 1846.

The right of these members to hold their places for a year, supported as it is, by the plainest provisions of law, would seem to be undeniable. The only question seems to be whether they can legally hold two annual sessions within the same calendar year.

It is to be born in mind that the first session (in May) was a *postponed annual session*. The doubt, if any, appears to be, whether a postponed session can affect in any respect, the legality of a regular an-

nual session, which it was understood, in contemplation of law, was to be holden within the same year. As no action whatever was taken with reference to this latter session, but the whole matter left to the regulation of an existing law, and that law being still in existence, I can see nothing to prevent the Legislature from meeting and organizing in due form—nothing to prevent the session from being in itself regular—nothing to invalidate its proceedings, nor to restrict or annul the rights and powers claimed by the members.

As another argument in favor of this position, and one which will at the same time render safe and legal the disbursement of the appropriations I will instance the fact of the appropriation itself, which was made by Congress with a knowledge of the proceedings of the Legislature before it.

The fact that the organic law contains a pledge on the part of the General Government, to make annual appropriations sufficient to defray the necessary expenses of the Legislature. Connected with the fact that Congress has made that appropriation for the annual session, besides rendering the disbursement safe, would also, it seems, legalize in advance, (were such legislation necessary,) the convening of the contemplated annual session, commencing in December next.

The first and most important consideration arising from the preceding views, is, as to the application to be made of the money appropriated at the last session of Congress, to defray the expenses of the Territorial Legislature.

If the approaching session should be deemed a regular annual session, no part of the appropriation can be used for the payment of any of the expenses of the last session. But if it shall be considered the residue of a former session, coming within the same year, and authorized to fill out only the term of seventy-five days, including the time occupied at the May session, then the appropriation can be diverted, or such of it as may be necessary, to the payment of balances already due.

It is in view of these considerations, as disbursing agent of the Government, that I have felt it my duty to bring the subject before the Department. And I would respectfully ask that the Hon. Secretary of the Treasury, would accompany the draft for the appropriation, with such instructions as he may deem necessary.

I have the honor to be, your obedient servant,

JESSE WILLIAMS,
Sec. of the Ter. of Iowa.

Hon. Rob't J. Walker, Sec. Tera. U. S.

(No. 4.)

TREASURY DEPARTMENT,
COMPTROLLER'S OFFICE,
Nov. 10, 1845.

SIR:—The Secretary of the Treasury has referred to this office your letter of the 28th July last in which you say: "The law of Congress "approved 17th June, 1844, making appropriations for that year, evi- "dently contemplated in the appropriation for the compensation and "mileage of members of the Legislative Assembly, and for pay of offi- "cers, printing, and the payment of arrearages of former sessions "which then remained unpaid. Under this view of the subject my "predecessor drew from the Treasury near seven thousand dollars of "the appropriations of that year, which he disbursed under the instruc- "tions of that Department in the payment, or partial payment of said "arrearages. There yet remains unpaid of claims of this character, "I am informed by my predecessor, about $2,500, and which will of "course be payable out of the appropriation for that year, ($10,000,) "for which drafts have been furnished me."

By reference to the enclosed copy of a letter received from the Hon. A. C. Dodge, dated Dec. 4th, 1844, and of one addressed by this office to the Secretary of the Treasury, dated Dec. 20th, 1844—and of another sent from this office to the late Secretary of the Territory of Iowa, Samuel J. Burr, dated December 23d, 1844, you will perceive that the sum of $6,983 then remitted to said Burr, was deemed sufficient, and as much of the amount appropriated by Congress, 17th June, 1844, for legislative expenses of said Territory, as could be applied to pay arrearages of Legislative expense, and the balance of said appropriation, 10,000 dollars, was reserved to defray the expenses of the Legislature, at the postponed annual session; which, unless Congress authorized the application of said balance to defray the expenses of a Convention to frame a State Constitution, the said Legislature might, and did subsequently hold; also, that the Hon. Mr. Dodge stipulated, the session which the said Legislature might so hold, should not incur expenses beyond the aforesaid sum of $10,000. Nevertheless from a copy of the Legislative act approved 11th June last, received from you, it appears that the sums appropriated amount dollars 9,-619,36, which added to your estimate for the printing of the session, $1,600: makes the expenses of the Legislature for said session, $11,-219 36 or $1,219 36 beyond the sum stipulated as aforesaid—but as

there has been a refundment of the sum of $1,610 86 to the credit of appropriations for Legislative expenses in Iowa, said sum may now be considered as having formed part of the money—$6,983 remitted to Secretary Burr, and consequently there would remain $11,610 86 of the appropriation of 17th June 1844, that might be applied to defray the expenses incurred by the Legislature, at its aforesaid postponed session; of which remainder you acknowledge to have received $10,-000, and the residue $1,610 86 will be sent you by the Treasurer —and after you shall have used so much thereof as may be required to discharge the expenses of said postponed session—you may use the residue to pay arrearages of Legislative expenses.

The sum of $14,050 appropriated by the act of Congress approved 3d March, 1845—which will be sent to you by the Treasurer, must be first exclusively applied to defray the expenses, incurred by the Legislature, at its annual session of 1845-6; and until they shall all have been discharged, no part of said appropriation should be used to pay expenses incurred at former sessions.

You will find herein copy of a letter addressed to Samuel J. Burr, dated 27th Aug. 1845, asking him to send copies of certain laws, referred to in his arrearage account, but as they have not been received, I have to request that you will send them to this office, if the late Secretary shall not already, and very recently, have forwarded them by mail.

With great respect,
Your obedient servant,
J. W. McCULLOH,
Comptroller.

To Jesse Williams, Esq.,
Secretary of the Territory of Iowa.

(No. 5.)

TREASURY DEPARTMENT,
Comptroller's Office,
November 12, 1845.

Sir:—The Treasurer will send you by this mail $14,050, appropriated per act of Congress, approved 3d March, 1845, to defray the expenses of the Legislative Assembly of Iowa, for its session, 1845-6;

and with respect to its disbursement, I would call your attention—and through you, the attention of the members of the Assembly, to that clause of the 117th item of the first section of the act of Congress, making appropriations for civil and diplomatic expenses, approved 18th May, 1842, which provides, that the Legislative Assembly of no Territory, shall thereafter, in any instance, or under any pretence, whatever, exceed the amount appropriated by Congress, for its annual expenses; and likewise, to that clause in the 2d section of the act of Congress, approved 29th August, 1842, which provides, that no act, resolution or order of the Legislature of any Territory, directing the expenditure of money; shall be deemed a sufficient authority for such disbursement, but sufficient vouchers, and proof for the same, shall be required by said accounting officers:—and no payment shall be made or allowed, unless the Secretary of the Treasury shall have estimated therefor, and the object been approved by Congress.

With great respect,

Your obedient servant,

J. W. McCULLOH,

Comptroller.

To Jesse Wiltiams, Esq.

Secretary of the Territory of Iowa.

(No. 6.)

HOUSE OF REPRESENTATIVES,
December 4th, 1844.

Sir:—At the last session of Congress an appropriation of $16,900 00, or there-abouts was made to defray the expenses of the Legislative Assembly of Iowa for the current year and for the payment of arrearages of previous sessions. Our Legislature at an extra session, held in the month of June last, passed an act postponing the regular session from December to May; with a proviso that, should Congress consent to the application of so much of said appropriation as remained, after paying arrearages of previous sessions, to the liquidation of the expenses of a Convention, for the formation of a Constitution, there then should be no session at all.

In this state of the case, I regard it as my duty to make application to you, for so much of the appropriation above mentioned as will pay the arrearages. This sum is estimated at $7,000. But be it, or a

sum which may be supposed to cover them, may be immediately transmitted to the Secretary of the Territory.

I make this application strictly in accordance with the law of the Legislature, and with the wishes of my constituents. You have the former certified by the Secretary; and for the latter I will be responsible.

With sentiments of
High respect,
Your obedient servant,
A. C. DODGE.

HON. JAMES W. McCULLOH,
1st Comptroller, &c.

(No. 7.)

TREASURY DEPARTMENT,
COMPTROLLER'S OFFICE,
20th Dec. 1844.

SIR:—The Legislsture of the Territory of Iowa, having by their act approved 19th June 1844, postponed the annual session of that body, until the first Monday of May next—and provided that it shall be dispensed with altogether if Congress shall before the 4th of March next, authorize the appropriation made for defraying the expenses thereof to be applied to the payment of the debts incurred by past Legislatures for Legislative expenses—and the overplus, if any, to the payment of the expenses of the Convention to form a Constitution of the future State of Iowa—as appears by the accompanying certified copy of said act—and by a letter that was addressed on the 4th inst., to this office by the Hon. A. C. Dodge, Delegate to Congress from said Territory —in which forasmuch, as the aforesaid appropriation, to-wit: $16,983, was by the act of Congress, approved June 17th 1844, made expressly applicable not only to the expenses of the session of the Assembly, which has been postponed and may be dispensed with as aforesaid; but also to arrearages of expenses of previous sessions of said Assembly—and because the claimants of said arrearages have been recognized by the aforesaid Territorial act as meritorious creditors under said appropriation—he asks that seven thousand dollars, at which sum he estimates said arrearages, may be now remitted to the Secretary of said Territory to be by him applied to the payment thereof; coupled

with an assurance given by said Delegate that if the said Assembly shall meet in May next, it will abridge its term so that its expenses shall not exceed $9,983, the remainder of the appropriation of $16,-983.

On consideration whereof I do hereby respectfully advise that the request of said Delegate be now substantially gratified by remitting to Samuel J. Burr, Secretary aforesaid, the sum of $6,983, in drafts of the Treasurer upon New York, not exceeding $1000 each, to be applied by him to the payment of said arrearages in full, if sufficient; otherwise, rateably on such as exceed $200; and in full as to those which are for a smaller sum.

With great respect,
Your obedient servant,
J. W. McCULLOH,
Comptroller.

Hon. Geo. M. Bibb,
Secretary of the Treasury.

(No. 8.)

TREASURY DEPARTMENT,
Comptroller's Office,
December 23, 1844.

Sir:—You will receive from the Treasurer, per mail, his drafts on New York, for the sum of $6,983, in amounts not exceeding $1,000, each—to be by you applied to the payment of the arrearages of debts incurred by past Legislatures of the Territory of Iowa—for such Legislative expenses as relate to objects that were included in the estimates of the Secretary of the Treasury—but for the payment whereof, in whole or part, former appropriations, made by Congress, were found to be insufficient: the said payments to be made in full, if their aggregate amount shall not exceed the said sum of $6,983—otherwise, rateably on such claims as issued $200, each; and in full, as to those which are for a smaller amount.

The enclosed copies of a letter addressed to me by the Hon. A. C. Dodge, on the subject of said arrearages—and of one by me addressed to the Secretary of the Treasury on the same subject—with his action

thereon, will apprise you of all the circumstances, under which the aforesaid remittance has been directed to be made to you.

With great respect,

Your obedient servant,

J. W. McCULLOCH,

Comptroller.

To Samuel J. Burr, Esq.,

Secretary of Iowa Territory.

REPORT

OF THE

WARDEN OF THE PENITENTIARY.

To the Honorable, the Legislative Assembly,
of the Territory of Iowa:

In addition to the report which I had the honor to make to the Legislature at the opening of the session in May last; and the information furnished your committee, I beg leave to submit the following:

Since the first of May, there have been two convicts received into the prison, and two discharged.

Between the first of May, and the first of December,, the income and earnings of the prison have amounted to two hundred and eighty-six dollars, and forty-six cents. And the expenditures to the sum of seven hundred and nine dollars, sixty-four cents, as follows, to wit:

Warden's salary,	$ 291 67
Guards' "	140 00
Boarding of guards,	61 16
Wood,	19 00
Clothing,	96 56
Provisions,	80 95
Ammunition,	1 30
Medical services and medicine,	19 00
	709 64
	286 46
	$423 18

Leaving as will be seen a balance against the prison for that time of four huudred and twenty-three dollars aud eighteen cents.

It is proper to remark that this includes the purchase of winter clothing, a bill of sixty-eight dollars and sixteen cents, which it is believed will be entirely sufficient for the next six months, as well, also, as a supply of provisions sufficient for the consumption of the prison until the 1st of January, 1846. In connection, here, it is proper I should also say, that the comparative small amount of product from the labor of the convicts during this period, has arisen, first, from

the small number of productive hands at the disposal of the undersigned, and next, the large amount of sickness which has prevailed here: three hundred and four days having been lost by sickness alone, during the time; and not a single convict having escaped sickness, with all the precaution we could time. It is also worthy of remark, that of the two received into the prison, both came sick, and one laboring under a disease of long standing, has remained permanently so, and, as is now the case, for most of the time confined to his bed, requiring much care and attention.

The undersigned takes pleasure in reporting the continued disposition on the part of the convicts to obey all the rules of the prison, and for their moral and mental improvement.

EDWIN GUTHRIE,
Warden of the Iowa Penitentiary.

REPORT

OF THE

COMMITTEE APPOINTED TO EXAMINE THE INTO AFFAIRS OF THE PENITENTIARY.

The committee who were appointed by the Legislature at its late session of May and June, A. D. 1845, "to examine into the affairs of the penitentiary" have attended to that duty as far as time, health, and a press of other business would permit, and respectfully beg leave to present the following imperfect report:

A majority of the committee met at Fort Madison on the first Monday in September, the time and place fixed upon by them previous to leaving Iowa City at the close of the legislative session in June last (Mr. Brierly absent by sickness) your committee organized, and remained in session nine days attending to the duties required of them, when they adjourned to meet again on the first Monday of October, hoping that in that time Mr. Brierly would be able to attend, but were again doomed to disappointment at the second session, Mr. Brierly still being unable to attend. This was a source of regret because Mr. Brierly, being the author of the resolution creating the committee, would have cleared up the doubts in the minds of your committee, as to whether it was the intention of the Legislature to have them examine into the affairs of the penitentiary from its first organization or only during the time included in the last annual report of the Warden. Your committee finally came to the conclusion that, it would be safe as well as answer all practicable purposes to confine their examination, almost exclusively to the time included in the last report of the keeper. In the first place your committee have to make not a very favorable report o the condition of the prison buildings for the safe keeping of the prisoners. For although there have been expended between forty-four and forty-five thousand dollars upon the penitentiary buildings, yet more than one-third of all the prisoners committed, have made their escape, as the following abstract from the prison register will show. This register your committee do not pretend is complete, for the Warden informed them that, there had been several commitments not registered, as well as escapes and discharges:

AN ABSTRACT FROM THE PRISON REGISTER.

Names of Persons.	When Committed.	When Discharged.	When Escaped.	When pardoned.
1. John Pritchet,	Feb. 24, 1840,		March 1840.	
2 Samuel Wilson,	May 7, "	May 7, 1841.		
3 James Guy,	May 11, "		June 4, 1840,	
4 Jacob Alden,	June 11, "		Aug. 12, 1840,	
5 Jas. McCubbin,	May 11, "		November, 1842,	
6 Benj. Lewis,	April 3, "	June 23, 1840,		
7 Sam'l Conlays,	May 15, "		Aug. 12, 1840.	
8 Lester Wallow,	June 16, "		Date not registered,	
9 John Howard,	July 18, "	July 10, 1841,		
10 Samuel Green,	Sep. 14, "		Date not registered,	
11 Bentley Denison,	Sep. 14, "		Oct. 2, 1841,	
12 Eph'm Whicher,	Sep. 26, "	Sep. 26, 1841.		
13 Lewis Ayres,	Feb. 22, 1841	May 22, "		
14 Jas. Meredith,	Mar· 10, "	Mar. 10, 1842,		
15 Thos. C. Bird,	May 6, "			June 2, 1841,
16 Eph'm Catterlin,	May 26, "	May 26, 1842,		
17 Thos. Kinner,	Oct. 8, "	Nov. 5, 1842,		
18 Henry Wright,	Feb. 26, 1842,		Nov. 5, 1842.	
19 Wash'n Hyde,	Dec. 8, "			
20 John Benson,	May 1, "		Oct. 28, 1842,	
21 Jacob Clement,	Oct. 10, "		Oct. 5, 1844,	
22 David Gibbs,	Oct. 13, "		June 22, 1843,	
23 Wm. Printer,	Oct. 12, "			
24 Geo. B. Parrish,	March 4, 1843.			June 24, 1843,
25 Charles Rowley,	Mar. 4, "			" " "

AN ABSTRACT FROM THE PRISON REGISTER.

Names of Persons.	When Committed.	When Discharged.	When Escaped.	When Pardoned.
26 Wm. Evans,	Mar. 4, "			June 24, 1843,
27 Jsrael Spencer,	Mar. 4, "			" " "
28 George W. Wallace,	April 19, "	April 19, 1844,		
29 Rufus Monday,	April 25, "	April 25, "		
30 Hanson Wilson,	May 30, "	May, 30, "		
31 Edmond Riley,	Sept. 6, "			
32 Jonathan Ward,	Oct. 18, "	Oct. 18, "		
33 Jesse Kilgore,	Oct. 1, "		July 12, 1844.	
34 Benjamin Daniels,	Mar. 30, 1844,			Feb. 11, 1845.
35 Payton Russel,	Mar. 28, "			
36 Waw-kow-cho-ni-kow,	June 9, "			
37 Elijah Osborn,	Aug. 15, 1845,			
38 William Hampton,	Sept. "			
Total 38		12	13	6

This abstract shows the total number committed to be thirty-eight; discharged, twelve; escaped, thirteen; pardoned, six; now remaining in the penitentiary, seven; Now, your Committee are of the opinion that the great number of escapes may be fairly attributable to the want of good and sufficient buildings, well secured, and although, as before stated, there has been expended between fourty-four and forty-five thousand dollars, enough in all conscience, to have erected a good and substantial prison; yet so far as safe keeping, good government, and profitable employment of the prisoners are concerned, might as well not have been expended at all; for, as you have already learned from the last annual report of the Warden, the walls of the main building have been carried up only thirteen feet above the water tables, (for a better knowledge of which, we would refer you to the accompanying plan of the prison,) or a little more than one story high, with a temporary roof, part of which is made of long shingles or clapboards in a very open manner, the balance or other part is made of common inch plank in a like open manner, which, in the opinion of your committee, presents strong temptatiocs to prisoners of ordinary sagacity, to attempt to make escapes. In fact, any prisoner of common cunning that could not get out of the prison ought to be whipped out. And again, the want of convenient buildings, in which to employ the conviets at any labor profitable to the Territory, makes it necessary to employ them in some out door labor, which has been the practice to some considerable extent—some at one job and some at another. Some in the timber, and some on the river's bank—some in one street and some in another; so that any number of desperate prisoners would require an equal number of well armed men to guard and bring them safe back to the prison at night. In the opinion of your Committee it would be altogether superfluous on their part to make any estimate or recommend any sum as sufficient for finishing the buildings of the prison decently. Your honorable body is already as enlightened on that subject as the committee can be.

Besides, this mode of employing prisoners,—of bringing them into competition with the mechanic and day laborer, has, in its features, the most serious objections. In the opinion of your Committee, the objections are of such a serious nature, that it would be far better for the Territory to support them in idleness by direct taxation. For laborers and mechanics, those very respectable classes, would leave any and every community before they would long submit to be put upon a level, or brought into competition with State prison convicts, and although,

few may profit by the system, (for the time being,) yet in the end all must be loosers; and any city or town where such a practice obtains must be greatly checked in its progress to prosperity and wealth if not entirely ruined. Statesmen of older States have long since seen this to be the case, and are now making strenuous efforts to rid themselves of this evil; and, your Committee would suggest that it would well become the wisdom and sagacity of your honorable body to devise and adopt some system, for the management of the Iowa penitentiary which shall check, if not entirely do away with this great and growing evil—a great source of bickering, thereby profiting by the experience of others.

In reference to the expenses, which seems to have been the great object in organizing the Committee, we would say, that although the Warden was very polite and gentlemanly, giving all the information asked for, yet the books of the prison were kept in such a way that your Committee (not being acquainted with the system) could not arrive at any thing definite by said books, and therefore had to resort to the powers in them vested, viz: of sending for persons—administering oaths, &c. Under this power several of the merchants and business men of Fort Madison were ordered to appear before the Committee, whose testimony in connection with the *books* of the prison, elicited this important fact, that a great quantity of meat, or what appeared to your Committee to be a large quantity, (considering the number of prisoners and the time in which said meat was consumed) had been charged to the penitentiary. In said books there was charged to the Territory (calling one barrel 200 lbs.) five thousand and fifty-two pounds of beef, six hundred and sixty pounds of pork, besides two hundred and seventy-two hog's heads, which (estimating one hog's head equal to eight pounds of common pork) makes seven thousand eight hundred and eighty-eight pounds of meat furnished to six men in seventeen months, or at the rate of over three pounds of meat to each prisoner per day. This large amount seemed to call for some further investigation, and a former guard was called before the Committee, who under oath testified that he knew nothing of the amount of the meat consumed, and all he did know in reference to the matter, was, that the prisoners were great meat eaters—tremendous meat eaters. Mr. Guthrie informed us that some of the meat was injured which he had to throw away; your Committe thought that he ought to have taken it back to the merchant of whom he purchased it and made him loose it. A discharged prisoner appeared before the Committee

and informed them that the prisoners were kept upon tainted meat for some time. But your Committee accounted for some of this enormous consumption in the fact that the prisoners have access to the provisions whenever they choose.

Another reason why the expenses so far exceed the income of the prison may be found in the fact that the Warden charges a profit or per centum upon almost all of the articles furnished by him for the penitentiary. This beef, which was bought for $5,50 per barrel, was charged to the prison at $6,00—shoes that were purchased for from $1,00 to $1,25 were charged at from $1,50 to $1,75—common ticking pantaloons. the material of which cost not over 75 cents, were charged at $2,00 per pair, and the greater part of these articles were purchased of merchants who received for pay the labor of the convicts at fifty cents per day.

This per centum or profit the Warden contended he had a right to charge on account of the depreciation of the script issued, but your Committee could not understand the merits of his reasoning.

And still another cause may be found in the pay of the guard which has been previously indirectly explained.

The means or rather the want of any means at all for the moral, religious, or any other kind of instruction or improvement of the convicts forms another item which your Committee deem proper to notice here. So far as they can learn, there never has been any way provided or system adopted for the reformation or instruction of the convicts. It seems almost to have been forgotten by the authorities of Iowa, that the great object of the prison and prison discipline of other States in the nineteenth century, is to reform, soften, and make better the unfortunate victim of bad passions and a hardened heart. For in our Territory, he is consigned to a loathsome cell, or is associated with companions seven fold more the children of hell than himself—with no stimulants to virtue, he drags out miserably his time in vice and debasing communications, when the small offender is turned loose upon community, an abandoned and an accomplished villain. In view of such an evill result, your Committee would recommend, that your honorable body provide some means for the religious and moral instruction of the convicts, and thereby obtain some of the benefits for which penitentiaries are instituted in other States.

And here, your Committee deem it proper to notice another evil in the present organization of the penitentiary system (if system it can be called,) we mean the practice of sending discharged prisoners away

with nothing but their old prison clothes; creating the necessity of immediate crime, in order to hide their shame and also obtain more honest employment, for there are but few who will harbor or give employment, to persons in tattered prison garments, let their intentions be ever so honest.

Your committee would therefore recommend that some steps be taken to furnish each prisoner, when discharged, with a comfortable suit of clothes and the means to get where he can ffnd some honest employment.

A correct estimate of the property belonging to the penitentiary was thought important to a proper understanding of the matter, in case the Legislature should deem it expedient to lease said penitentiary, as the resolution seemed to indicate. Your committee, therefore, with the assistance of the gentlemanly Warden made out a complete list, of all the property, tools, &c. belonging to the prison, to every article of which a value was fixed by the committee. This property is fast depreciating in value by exposure to the weather and abstraction for want of the proper buildings to store it in, in an especial manner is the fact in regard to the rock which forms an important item of debt and credit in the prison accounts.

This item consists of between fifty and sixty perch of stone, some of which lays scattered about the prison yard, all slackened and crumbled in pieces, almost valuless to the Territory,—some on this bank of the river, and some on the other, and some at the quarry in Illinois, in all about sixty dollars worth, or would be if proper care was taken to preserve what remains of it not yet abstracted or lost by any other process of nature or art.

The value fixed in the following inventory may not be in every particular the true one, but in the main will be found to answer all the purposes for which it is intended. The edged tools especially, have been so exposed to damp and wet for want of suitable shelter, that it would be difficult indeed to arrive at anything like a correct estimate of their value.

Value of tools and materials belonging to penitentiary

Blacksmith's tools,	$81 22
Coopers do	51 37
Carpenters do	27 75
Quarrying do	6 81
Shoemakers do	1 50
Apparatus for raising rock,	60 00
Tools for getting wood,	10 00
Kitchen and Cell furniture,	14 12
Shaving tools,	1 00
Two Stoves and pipe,	15 00
Copper pump and pipe,	15 00
Instruments fer safe keeping of prisoners,	12 00
Instruments for defence one pistol,	3 00
Rock as before mentioned,	60 00
Materials for making barrels,	36 62
Articles manufactured,	27 50
Old materials on hand,	7 25
Materials for finishing two cells,	11 00
Total,	$441 44

Finally, if the present system be continued, your Committe would suggest that a different mode of book-keeping be adopted for the penitentiary. Not only should the Warden be required to keep a plain account—debt and credit of all the articles furnished—disposed of or labor performed, but likewise show of whom purchased—to whom disposed; and for whom labor was performed, with proper vouchers in all cases where such can be obtained. Not that your Committee would wish or intend to cast any reflection, whatever to the injury of the present Warden. But then such a requirement would do away with those suspicions that must necessarily attach to every public officer, where he does not produce the evidence of his doings, be his intentions as honest as they may.

But if the Legislature, in its wisdom, should deem it expedient to lease the penitentiary, then too much care and caution cannot be exercised to a proper disposal of the business, and in the opinion of your Committee, the first and most important point to be settled would be to obtain for a lessee a man perfectly responsible, able, and willing to perform all that may be required of him—of good business habits and capacities. Next would be to require him to confine his operations,

(so far as the penitentiary was concerned) exclusively to that kind of business which shall least come into competition with the laborers and mechanics of the Territory; this cannot be too strongly guarded against.

Here your Committee would beg indulgence for so frequently urging this point upon your notice, and they would have left it entirely to your more mature wisdom and better discretion, were it not for the frequent advice of a large number of the good citizens of this community.

So frequent have the Committee been spoken to on this point, that they believe they are but conveying to your honorable body, the will of a very large and respectable portion of your constituents.

In conclusion, your Committee would say, that as a practice to be continued and persevered in, they know of no argument in favor of the proposed plan of leasing the penitentiary. The subjection of a fellow being to the will and caprice of another, seems not in harmony with American sympathies and feelings. But the newness of the Territory—the state of its revenues—the prison debt and its probable increase—the want of any prison discipline or system, all concur in inducing us to recommend, that the penitentiary be leased for the term of from five to ten years, under such regulations as the Legislature in its wisdom may direct, provided a lesee can be obtained, who is able, capable, honest, and will comply with the conditions prescribed.

The Committee have received one proposal for leasing the penitentiary which is herewith submitted. Since the above was written another proposal has been received, also submitted.

In the report of the Warden to the May session of the Legislature, will be seen an item in the account of the bill of property accumulated, amounting to five hundred and eight dollars, which differs with the estimate of your Committee to the extent of some one hundred and forty dollars, a difference which perhaps, may in part be accounted for in the consumption of provisions and the disposal of the raw materials for manufacturing as well as articles manufactured. This it will be seen, by reference to the report of the Warden, will increase the aggregate of the penitentiary debt to the amount of one hundred and forty dollars more than therein stated. And your Committee would here deem it proper to notice another fact in the mode of doing business at the penitentiary. By an examination of the books of some of the merchants of Fort Madison, it was found that there was charged to the penitentiary a large amount of articles obtained by the Warden for his

own private use. This also possibly may at some future day swell the debt of the Territory still more; and a guard against such a contingency would seem to be necessary for the future.

COMMUNICATION

FROM THE GOVERNOR.

Gentlemen of the Council, and of the House of Representatives:

From information received from a reliable, though unofficial source, I learn that the Sheriff of Davis County, in the execution of a writ of attachment sued out of the office of the Clerk of said county, against the property of an individual residing on the tract of land in dispute between the State of Missouri and this Territory, was arrested some ten days or two weeks since by the authorities of Schuyler county, Missouri, on a charge of attempting to exercise the functions of his office within the organized limits of said State, and was only released upon executing security for his appearance at the next term of the court of the said county of Schuyler; I further learn also, that a few days subsequent to the occurrence just related, another attempt was made by a considerable body of men claiming to be citizens of Missouri to resist the execution of process by the sheriff of Davis county, but without success: the sheriff and his posse, in defiance of all threats and attempts at intimidation, and in the face of a superior force, having duly executed the writ, and secured the property attached.

I deeply regret that it becomes my duty to communicate to the Legislative Assembly this unpleasant intelligence. The fact that the Legislature of Missouri, in March last, enacted a law having for its alleged object the amicable settlement of the boundary difficulty in the Supreme court of the United States, authorized the belief that no attempt would be made on the part of the authorities of that State to enforce jurisdiction beyond her heretofore recognized boundary line, un-

til advised of the rejection of the proposed mode of adjustment by this Territory; and if not rejected, but assented to, to the extent of our control over the matter, (as I entertain no doubt it will be before the adjournment of the present Legislature) until such time as a decision can be obtained in the manner and form suggested. It appears, however, that this expectation is not to be realized. Iowa having exercised undivided jurisdiction over the country in dispute, so far as the same has been embraced within the limits of her organized counties, ever since her organization as a Territory, now nearly eight years, cannot be expected to relinquish her claim at the present moment, with the prospect of a speedy and final adjustment of the difficulty full in view. With us, it should be constantly borne in mind, the question is one of maintenance of boundary and jurisdiction, while with Missouri it is one of encroachment and extension. This distinction I conceive to be necessary to the correct appreciation of the true merits of the controversy, and important as security to exonerate Iowa from responsibility for any unhappy consequences which may ensue. A strong and energetic appeal to Congress for the speedy enactment of such a law as will authorize the litigation of the question in the Federal court at Washington, will demonstrate the willingness of this Territory to settle the difficulty in an amicable spirit, and at the same time, it is hoped, will call forth action of the character prayed for, by which future collision may be avoided. This step once taken, our control over the matter ends.

There is great reason to apprehend that the state of things which has existed on the theatre of dispute for the last year and upwards, cannot long continne without producing results of a more serious character than any that have yet taken place. With the lapse of time the causes of difficulty and collision may be expected to multiply until a spirit of hostility, is engendered between the parties which can scarcely fail to end in open conflict. The opposition of force to force, in the due execution of the laws, is an alternative which can only be justified after all pacificatory measures have been exhausted; and so far as the authorities of this Territory are concerned, I trust and believe no efforts consistent with a just sense of our rights, will be spared to avoid the necessity of resorting to such alternative. Still it is respectfully submitted to the wisdom of the Legislature whether some precautionary measures should not be adopted to sustain the officers of the law in the discharge of their duty under all exigencies.

The sheriff of Davis county having executed security for his appea-

rance at the next term of the Schuyler county court, which commences its session in April, it is but just and proper that counsel should be assigned him by the Territory. In the absence of any authority for the employment of such counsel, I respectfully recommend to the Legislative Assembly the passage of a law empowering the Executive to employ counsel in this and other similar cases which may hereafter arise, and that the expenses of such legal services be made payable out of the Territorial Treasury.

JAMES CLARKE.

EXECUTIVE OFFICE, Jan. 9, 1846.

RULES

OF THE

HOUSE OF REPRESENTATIVES.

DUTY OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members.

3. He shall rise to put a questiou, but may state it sitting.

4. Questions shall be distincly put in thts form, to-wit: "As many as are of opinion that [as the question may be] say AYE"—and, after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for the House shall divide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

8. All Acts, Addresses, and Joint Resolutions shall be signed by the Speaker; and all Writs, Warrants, and Subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

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9. In case of any disturbances or disorderly conduct in the lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

10. ORDER OF THE BUSINESS OF THE DAY.

After the Journal is read, the following order shall govern:

1st—Petitions or Remonstrances to be offered.

2d—Resolutions and Notices to bring in Bills.

3d—Reports of Committees.

4th—Bills to be introduced, of which notice has been given.

5th—Messages and Communications on the Speaker's table.

6th—Bills and Resolutions ready for a second reading.

7th—Bills on their passage.

8th—Reports in possession of the House, which offer grounds for a Bill, are to be taken up, in order that the Bill may be ordered in.

9th—Bills or other matters before the House and unfinished the preceding day.

OF DECORUM AND DEBATE.

11. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

12. If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order, shall immediately sit dow, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and if the case require it, he shall be liable to the censure of the House.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

14. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

15. Whilst the Speaker is putting any question, or addressing the

House, none shall walk out of, or across, the Hous
ber is speaking, shall entertain private discourse; nor
ber is speaking, shall pass between him and the Chair.

16. No member shall vote on any question, in the event [illegible]
he is immediately and particularly interested; or in any case [illegible]ithout
was not present when the question was put, unless the Speaker again
state the question.

17. Upon a division and count of the House on any qnestion, no
member without the bar shall be counted.

18. Every member who shall be in the House when the question is
put, shall give his vote, unless the House, for special reasons, shall
excuse him.

19. When a motion is made and seconded, it shall be stated by the
Speaker; or, being in writing, it shall be handed to the Chair, and
read alound by the Clerk before debated.

20. Every motion shall be reduced to writing, if the Speaker, or
any member desire it.

21. After a motion is stated by the Speaker, or read by the Clerk,
it shall be deemed to be in the possession of the House, but may be
withdrawn by leave of the House.

22. When a question is under debate, no motion shall be received
but to adjourn; to lie on the table; for the pevious question; to postpone
to a day certain; to commit or amend; to postpone indefinitely; which
several motions shall have precedence in the order in which they are
arranged; and no motion to postpone to a day certain; to committ or to
postpone indefinitely, being decided, shall be again allowed on the
same day, and at the same stage of the bill or proposition. A motion
to strike out the enacting words of a bill, shall have precedence of a
motion to amend, and, if carried, shall be considered equivalent to its
rejection.

23. When a Resolution shall be offered, or a motion made, to refer
any subject, and different Committees shall be proposed, the question
shall be taken in the following order:

The Committee of the Whole House. a Standing Committee; a Se-
lect Committee.

24. A motion to adjourn shall always be in order, excepting when
a member is speaking, or the House voting; that, and the motion to lie
on the table, shall be decided without debate.

25. The previous question shall be in this form: "Shall the main
question be now put?" It shall only be admitted when demanded by

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9. In case of an[illegible]mbers present; and, until it is decided, shall pre-
the Speaker or [illegible]nent and further debate upon the main question.
have powe[illegible] previous question there shall be no debate.

[illegible]hen a question is postponed indefinitely, it shall not be acted
[illegible]n during the session.

28. Any member may call for a division of the question, which shall be divided, if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out, being lost, shall preclude neither amendment nor a motion to strike out and insert.

29. Motions and Reports may be committed at the pleasure of the House.

30. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

31. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the reconsideration thereof, on the same or succeeding day, and such motion shall take precedence of all other question, except a motion to adjourn.

32. Petitions, Memorials, and other papers addresed to the House, shall be presented by the Speaker, or by a member in his place, a brief statement of the contents thereof, shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

33. A proposition, requesting information from the Governor, Secretary, or any other Territorial Officer, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from Select Committees, and when adopted, the Clerk shall cause the same to be delivered.

34. Any five members, if the Speaker be in the Chair, shall be authorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the Yeas and Nays on on any question, the names of the members shall be called alphabetically.

No member shall absent himself from the service of the House without leave, unless he is sick or unable to attend.

37. Upon a call of the House, the names of the m[illegible] called over by the Clerk, and the absentees noted, a[illegible] names of the absentees shall again be called over, and the S[illegible] Ho[illegible] Arms shall be directed by the Speaker to compel their attendance.

38. No Committee shall sit during the sitting of the House without special leave.

39. Fourteen members, including the Speaker, shall constitute a quorum, and, upon the demand of any two members, the Ayes and Noes shall be ordered.

40. The hour to which this House shall stand adjourned from day to day, shall be 10 o'clock, A. M., and 2 o'clock, P. M., unless otherwise ordered by the House.

OF BILLS.

41. Every Bill shall be introduced by motion for leave, or by an order of the House on the Report of a Committee. One day's notice at least shall be given of the motion to bring in a Bill.

42. Every Bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in the order they were introduced, unless where the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.

43. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

44. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed, then the qnestion shall be whether to Select or Standing Committee, or to a Committee of the Whole House. If to a Committee of the Whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of the Cmmittee have been read.

46. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

47. All bills ordered to be engrossed shall be executed in a fair round hand.

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9. In case of an amendment, unless by way of rider, shall be received to any bill after second reading.

10. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEE OF THE WHOLE HOUSE.

50. In forming Committees of the Whole House, the Speaker shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, and then again read and debated by clauses, leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

52. All amendments made to an original motion in Committee; shall be incorporated with the motion, and so reported.

53. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in case of bills.

54. All questions, whether in Committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

55. The rules of the House shall be observed in Committee of the Whole House, so far as they are applicable.

56. No standing rule, or order of the House, shall be recinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

57. It shall be in order for the Committee on Enroled Bills to report at any time.

58. No Bill, Memorial, or Joint Resolution, shall be printed unless ordered by the House.

59. When any matter is referred to a Standing Committee, by motion of any member, it shall be the duty of the Chairman of such Standing Committee to notify such member of their time of sitting upon such matter so referred; and said member shall be permitted to confer with such Committee during their consideration of such matter.

JOINT RULES OF BOTH H

1. In every case of an amendment of a bill agreed t and dissented to in the other, if either House shall requ ence, and appoint a Committee for that purpose, and the other Hou shall also appoint a Committee to confer; such Committee shall, at convenient hour, to be agreed on by their Chairman, meet and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses, for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. Messages shall be sent by such persons as a sense of propriety in each House may be deemed to be proper.

5. After a bill shall have passed both Houses, it shall be duly enroled by the Clerk of the House or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

6. When bills are enroled, they shall be examined by a Joint Committee of two from the Council and two from the House of Representatives, appointed as a Standing Committee for that purpose; who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enroled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

8. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

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esolutions and votes which are to be presented to is approbation, shall also, in the same manner, be

9. In case of an d, examined and signed, and shall be presented in the the Speaker or nen's and by the same committee, as provided in cases of have pow

10. When a bill or Resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreement, a bill or resolution is lost.

14. When bills which may have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

15. All Messages, Reports, or other documents, presented to either House for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

16. It shall be the duty of the Chief Clerk of the House, or the Secretary of the Council, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other, so that the same order may not be made in both Houses.

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