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IOWA TERRITORIAL LEGISLATURE.
BY THE EDITOR.

"Old Settler" (who was a member of the first Legislature of the Territory of Iowa), in his "Sketch of Iowa Territory, 1838-40" published in the April number, refers to the controversy between the Governor and the Legislature thus: The members thought he used the power (veto) rather too freely, and *an exciting controversy was the result.*"

The Legislature had before this gotten into a controversy which if not exciting was at least ridiculous, with the Secretary of the Territory, and finding themselves hard pushed by his Excellency and in need of allies, made their peace with the Secretary and very adroitly enlisted him in their cause.

Inasmuch as the communications and proceedings in relation thereto, were withdrawn (in legislative language) or rather "expunged," I have drawn them forth from my portfolio of old documents and give them to our readers as a matter of curious history of early times.

On Friday morning (an unlucky day), Nov. 23d, 1838,

"On motion of Mr. Hughes:

Resolved, That the Secretary of the Territory be requested to furnish the members of the Council with pen knives, stamps, half a dozen ink-stands, and a tin pan for each stove in the Council Chamber."

In reply to this resolution the Hon. Secretary addressed to the Hon. Council the communication following, upon receipt of which the following proceedings were had.

"The President laid before the Council a communication from the Secretary of the Territory
On motion of Mr. Hempstead:

Ordered, That said communication do not appear upon the Journal, and that it be referred to the Committee upon expenditures."

SECRETARY'S OFFICE, Nov. 24, 1838

To the Honorable the President of the Council;

SIR—A resolution in relation to knives, tin pans, &c. was duly transmitted to this department of the Territorial government, where it received that attentive consideration, which the magnitude of the subject appeared to demand.

To prevent an interruption of that perfect harmony which has heretofore existed, still exists, and should continue to exist, between the Honorable the Legislative Assembly and the Department of State, it becomes necessary to offer, in a very respectful manner, a few explanatory observations, and especially in relation to the knives. The Secretary would therefore beg leave to explain.

In the latter part of last summer, a young man of rather interesting personal appearance, and associated, as then alleged, with the Executive department, called on the Secretary, and stated that he, (the young man) was then on his way to Cincinnati, in the State of Ohio, on business connected with the Territorial library, and then and there delivered as an Executive opinion, that it would doubtless be better to purchase the stationary at Cincinnati, and politely

offered the use and exercise of his own talents in procuring the same, if authorized so to do. The matter was then held under advisement, and in the meantime a letter was received from the Executive department, directing the attention of the Secretary to the facilities afforded by the visit of the young man to Cincinnati, where it was believed that stationary could be procured on better terms, than at any other place. In reply the Secretary proposed a conference with the Executive, which resulted in a letter of instruction to the young man, then at, or on his way to Cincinnati, authorizing him to make the purchases, which it is alleged he did make with his usual ability, and on advantageous terms. A bill of articles has been returned, and the young man has returned, but he found it inconvenient, or to use his own language, impossible to bring on the stationary.

This young man was vested with certain discretionary powers, and for reasons, which satisfied his discretion, after much mental exertion and consultation, he omitted the purchase of knives.

The navigation of the Ohio was entirely suspended. This was the act of God, whose holy name is pronounced with deep reverence, and to whose holy will it is our duty to submit. Human power cannot resist the dispensation of His providence, nor can human wisdom counteract His unfathomable designs.

His Excellency, the Governor, in pursuance of law, named a day on which the Legislature should convene; and the Secretary to meet the difficulties of a very difficult case, proceeded to St. Louis, to make preparations for the approaching session, and returned in despite of every peril, to provide for the comfort and dignity of the Honorable, the Legislative Assembly; in which dutiful design he has succeeded—always excepting knives.

Much exertions have been made to procure knives in Burlington. But knives of a suitable finish and quality cannot be procured in this town; nor can knives in a sufficient quantity of any quality be obtained. And the Secretary can't make knives. If he could do so, he would do so with expedition and pleasure. But if it should comport with his own wishes and the wishes of all those whom it may concern, that he should occupy his present station, until the next session, he will take especial care to supersede the necessity of any further legislation on the subject of knives;— for it is the earnest and anxious wish of the Secretary, that all the members should have knives, and stamps and folders; and all and singular, such thing or things, device or devices whatsoever, as may facilitate the operations of the hands, in yielding assistance to the deliberations of the head.

The part of the resolution which relates to extra ink-stands, and tin patty pans, can, and will be promptly complied with; as well as the separate resolution thus acknowledged, which requires increased accommodations for spectators in the lobby; And, in conclusion, the Secretary renders to the Honorable members of the Council, individually and collectively, the fullest assurance of that high consideration which they cannot be more anxious to receive than he is to bestow; and, whilst he has no reason to invoke their indulgence, he would make every proper exertion to conciliate their respect, remaining most entirely, their obed't serv't.

W. B. CONWAY, Secretary of the Territory.

A few days later the Committee presented the following REPORT:

The Committee on Expenditures, to whom was referred the communication of the Honorable Wm. B. Conway, Secretary of the Territory of Iowa, dated November 24th, 1838,

beg leave to make the following report.

That in the discharge of the duty assigned them, they find with much regret the report of the Honorable Secretary of our Territory to the Council, dated Nov. 24th, is of such a nature as to call forth a severe animadversion upon its tone and spirit. The evident intention of that communication was not only to treat the resolution offered by Mr. Hughes, and adopted by the Council, with irony and contempt, but at the same time to convey the idea that articles asked for by the resolution were unnecessary and unimportant.

The reason of the adoption of the resolution offered by Mr. Hughes, is obvious to every member of the Council, but it may not be known to the community at large, that great pains were taken to prevent the merchants and citizens of Burlington from crediting the officers of the Council and House of Representatives of this Territory, for small articles necessary for their use, and the Hon. Secretary of the Territory, was understood to intimate that accounts made by the officers of the Legislature would not be paid by him. It therefore became necessary to ask by resolution, the furnishing of small articles.

On the arrival of the members of the Legislature, in accordance with the proclamation of the Governor, they found the house which they were to occupy (notwithstanding the great PERIL which the Hon. Secretary experienced in returning from St. Louis, "to provide for the comfort and convenience, the ease, elegance and dignity, of the Honorable Legislative Assembly,") unfurnished and unprepared for their reception, and the reason assigned by the Hon. Secretary for this delay, is, that it "was the act of God, &c." Your committee would not pretend to impute blame to the Hon Secretary for the frustration of his great design by the Creator of the Universe, whose powerful arm can arrest the progress of Governors, Secretaries and Legislatures; yet your committee do think it somewhat surprising that the acts of God, so far intervene as to prevent the officers of the Council and House of Representatives, from getting upon the credit of the Legislature, a few tin cups and a bucket to drink out of, which articles as well as many others, the Hon. Secretary on account of PERIL, or some other cause unknown to your committee, neglected to furnish.

As the Legislature was not supplied with many necessary articles of stationary and furniture, they were left with no other alternative than to inform the Honorable Secretary of the Territory of their wants, presuming that, so far as he was able, he would comply with their request; nor do your committee believe that any resolution has passed the Council, during the present session, in any way disrespectful to the Honorable Secretary or his office; nor could the Council possibly imagine, from their friendly intercourse with him heretofore, that he ever would reply to a resolution of their body with such a communication as the committee now have under their consideration; and it is a source of much regret that the Honorable Secretary should have so far forgotten the dignity which he owed to himself, his officers, and the Representatives of the people, as to attempt to ridicule their proceedings and make their acts the subject of merriment and derision. The Honorable Secretary may rest assured that the present Legislature will not tamely submit to the insults and derision of any officer of this Territory, and they, at all times, defend to the last their honest rights, and the liberty of the people whom they have the honor to represent.

ROBT RALSTON,
STEPH. HEMPSTEAD,
JEM. D. PAYNE.

This report was adopted by the Council, and the affair known as the "pen-knife and tin-pan controversy," occasioned no "small talk," till the 27th of December, when it was ended, as the following *printed* proceedings show.

The President submitted the following communication, from the Secretary of the Territory.

SECRETARY'S OFFICE, Territory of Iowa, Dec. 27th, 1838.

To the Honorable, the Legislative Council:

GENTLEMEN:—In compliance with the friendly suggestions of his Honor, Judge Wilson, who kindly consents to be the bearer of this note, I hereby inform the Honorable body that I am willing, to withdraw my communication to that body, of the 24th of last November, provided the report of the Committee on Expenditures, together with the subsequent proceedings of the Council, in reference to said communication be consequently withdrawn, which, as I have been informally advised, the Council are disposed to do; and if so I am prepared to renew my relation with the Council, official and personal, as they existed prior to the 24th of last November.

If, however, there be any misapprehension as regards the disposition of the Council towards the Secretary of the Territory, this note will be immediately returned to me, by the honorable gentleman to whom it has been entrusted.

Very respectfully,
Your obedient servant.
WM. B. CONWAY.
Secretary of the Territory.

Whereupon,
Mr. Payne offered the following.

Resolved, That the Secretary be allowed to withdraw his communication of the 24th Nov., and that the proceedings of the Council in relation thereto, be also withdrawn.

These controversies growing out of a conflict of jurisdiction between coordinate branches of the government, were never thoroughly healed.

The Legislature attempted to override the functions of the Governor and Secretary and did many foolish things, and we present the following as one of them.

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the Post Master of Davenport Scott county, Iowa, be and he is hereby authorized to have the Mail from Davenport to Dubuque conveyed in two horse post coaches during the present session of the Legislative Assembly."

Here is the doctrine of "State (or Territorial) Sovereignty" first asserted for young Iowa, it having before been supposed that Congress regulated the mails.