

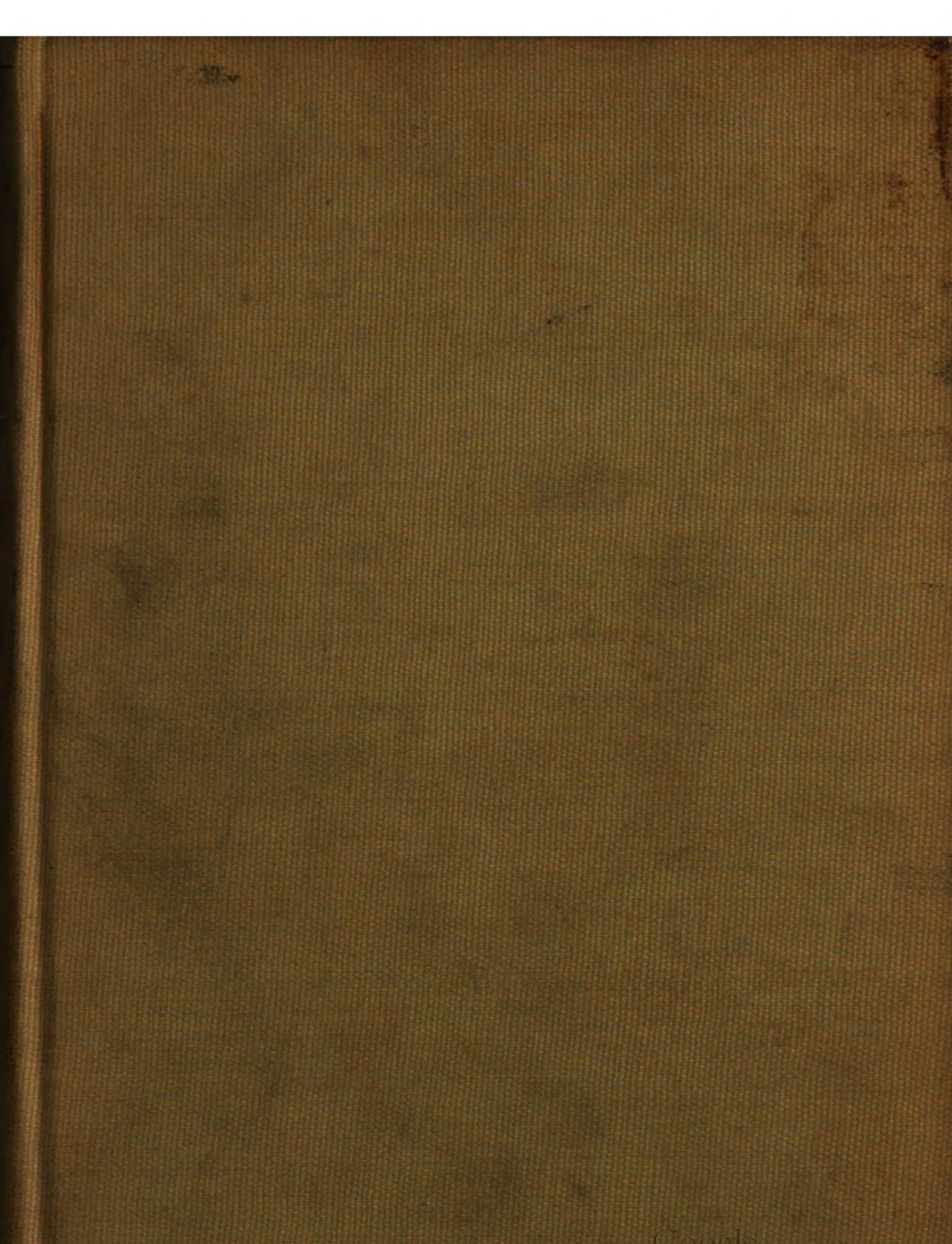
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**JOURNAL**

THE  
OF THE  
OF

**HOUSE OF REPRESENTATIVES**

OF THE

**(TERRITORY) OF MINNESOTA,**

**DURING THE SIXTH SESSION**

OF THE

**LEGISLATIVE ASSEMBLY.**

**BEGUN AND HELD AT SAINT PAUL, ON WEDNESDAY, JANUARY THIRD, ONE  
THOUSAND EIGHT HUNDRED AND FIFTY-FIVE.**

~~~~~  
**PUBLISHED BY AUTHORITY.**  
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**MINNEAPOLIS, MINNESOTA :**  
**HOTCHKISS, STAPLES & JONES, TERRITORIAL PRINTERS.**  
**PRINTED AT THE OFFICE OF THE NORTH-WESTERN DEMOCRAT.**  
**1855.**

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

WEDNESDAY.

JANUARY, 3, 1855.

The Legislative Assembly of Minnesota Territory, commenced its sixth session in the Capitol at St. Paul, the seat of government, on Wednesday, the 3d day of January, A. D., 1855.

On which day, at 12 o'clock meridian, the House was called to order by A. J. Morgan, Esq., chief clerk of the last House of Representatives.

Prayer was offered by Rev. Mr. Bradley.

The members elect from the several Council Districts in attendance, presented their certificates of election, from which the roll of members was made up, and it appeared that the following members were duly elected and in attendance:

From the first Council District—James. B. Dixon, William Willim, James S. Norris, Samuel M. Register.

From the second Council District—William A. Davis, D. F. Brawley, Charles S. Cave, Reuben Haus, Joseph Lemay.

From the third Council District—

From the fourth Council District—Contested.

From the fifth Council District—James Beatty, Frederick Andros.

From the sixth Council District—H. H. Sibley, D. M. Hanson.

From the seventh Council District—

On motion of Mr. Davis,

The oath of office was then administered to the members elect by Hon. James Sherburne.

On motion of Mr. Cave

H. H. Sibley was elected Speaker *pro tem*.



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Mr. Sibley, on taking the chair spoke as follows:

*Gentlemen of the House of Representatives:*

I am grateful for the honor you have conferred upon me in appointing me your temporary presiding officer, but I think it proper to state that I am not, and shall not be candidate for the office of Speaker of the House.

The following communication was then read by the chief clerk:

*To the Speaker pro tem. of the House of Representatives:*

SIR:—Permit me, through you, to tender my resignation as chief clerk of the House of Representatives,

Respectfully,

Your obedient servant,

A. J. MORGAN.

HON. H. H. SIBLEY.

The resignation of Mr. Morgan was accepted.

On motion of Mr. Dixon

B. W. Lott, Esq., was appointed chief clerk *pro tem.*

On motion of Mr. Norris,

The House adjourned until to-morrow at 11 o'clock, A. M.

H. H. SIBLEY,  
*Speaker pro tem.*

Attest:

B. W. LOTT,  
*Chief Clerk pro tem.*

---

**THURSDAY,**

**JANUARY 4, 1855.**

The house met pursuant to adjournment.

The Speaker *pro tem.* in the chair.

The roll being called, a quorum was found to be in attendance.

Prayer by Rev. Mr. Bradley.

The Journal of yesterday was read and approved.

Mr. A. M. Fridley presented his credentials.

On motion of Mr. Norris,

The chief clerk was directed to request the attendance of a Judge of the Supreme Court, or some other officer authorized to administer the oath of office to members and officers of the Legislature.

His Excellency, the Governor of the Territory being in attendance, administered the oath of office to Mr. Fridley, and he took his seat.

The petition of Mr. Huff, claiming a seat as a member of the House of Representatives was read.

Mr. Norris offered the following resolution :

*Resolved*, As the opinion of the House that Clark W. Thompson, who it appears by the evidence in possession of the House, is elected from the fourth Council District, be permitted to take his seat.

Which resolution was adopted, and Mr. Thompson took his seat.

On motion of Mr. Hanson,

The House proceeded to perfect the temporary organization of the House.

On motion of Mr. Hanson,

Mr. S. B. Garvie was appointed assistant clerk *pro tem*.

On motion of Mr. Brawley,

Mr. F. E. Collins, was appointed enrolling clerk *pro tem*.

On motion of Mr. Norris,

Mr. James Middleton was appointed sergeant-at-arms *pro tem*.

On motion of Mr. Dixon

George Kerne was appointed fireman *pro tem*.

On motion of Mr. Brawley,

J. C. Ramsey was appointed messenger *pro tem*.

On motion of Mr. Norris,

Rev. Mr. Hodson was appointed chaplain *pro tem*.

On motion of Mr. Norris,

The rules of the House of Representatives for the last session, were adopted temporarily for the government of the House.

On motion of Mr. Cave,

The House adjourned until to-morrow at 10 o'clock, A. M.

H. H. SIBLEY,  
*Speaker pro tem.*

Attest:

B. W. LOTT,

*Chief Clerk pro tem.*

---

**FRIDAY.**

JANUARY 5, 1855.

The House met pursuant to adjournment.

The Speaker *pro tem*. in the chair.

The roll being called, the members all answered to their names.

Prayer by Rev. Mr. Hodson.

The Journal of yesterday was read and approved.

Mr. Stanchfield presented his credentials, and having been sworn in, took his seat.

Mr. Cave offered the following resolution, which was adopted:

*Resolved*, That J. P. Owens be admitted upon the floor of this House as reporter of the Daily Minnesotian.

Mr. Cave moved,  
That the House now proceed to vote for permanent Speaker of the House.  
And the yeas and nays being called for and ordered, there were,

Ayes 8. }  
Nays 8. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Lemay,	Sibley,	Speaker <i>pro tem.</i> —8.

Those who voted in the negative were

Mr. Dixon,	Mr. Fridley,	Mr. Hanson,
Norris,	Register,	Stanchfield,
Thompson,		Willim—8.

So the motion did not prevail.

Mr. Norris offered the following resolution, which was adopted.

*Resolved*, That Charles J. Henniss be admitted to the floor of the House as reporter for the Daily Pioneer.

A committee from the Council, consisting of Messrs. Brown and Murray, was then admitted within the bar of the House, and the chairman addressed the House as follows:

MR. SPEAKER:—We have been appointed by the Council to wait upon and inform this House, that the Council is now organized and prepared to proceed to business.

On motion of Mr. Hanson,

A committee, consisting of Messrs. Davis and Fridley, was appointed to wait upon the Council and inform that body that the House of Representatives is now temporarily organized and prepared to proceed to business.

Mr. Davis offered the following resolution, which was adopted.

*Resolved*, That A. D. Munson be admitted to this House as reporter for the Daily Times.

Mr. Cave offered the following resolution, which was adopted:

*Resolved*, That James Mills be admitted to this House as reporter for the Daily Democrat.

Mr. Davis, from the committee appointed to wait on the Council, reported they had performed that duty.

Mr. Andros offered the following resolution, which was read:

*Resolved*, That the United States officers and ex-members of the Legislative Assembly be invited to take seats within the bar of this House at pleasure.

The question recurring on the adoption of the resolution, it was not adopted.

Mr. Cave moved,

That the House now proceed to vote for permanent speaker of the House.

The question being taken, and the Speaker being unable to decide, the yeas and nays were called for and ordered.

There were

Ayes 8, }  
Nays 8. }

Those who voted in the affirmative, were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Lemay,	Sibley,	Speaker, <i>pro tem.</i> —8.

Those who voted in the negative, were

Mr. Dixon,	Mr. Fridley,	Mr. Hanson,
Norris,	Regester,	Stanchfield,
Thompson,		Willim—8.

So the motion did not prevail.

A committee from the Council was announced,

And Messrs. Brown and Freeborn appeared, when Mr. Brown delivered the following message, viz:

MR. SPEAKER:—We have been appointed a committee to wait on and inform the House that the Council is now permanently organized, by the election of the following officers:

Hon. S. B. Olmstead, President.  
 A. J. Morgan, Secretary.  
 M. C. Baker, Assistant Secretary.  
 W. Colville, Enrolling Clerk.  
 W. C. Johnson, Sergeant-at-Arms.  
 C. B. Chapman, Messenger.  
 F. J. Bartlett, Fireman.  
 Rev. M. Reiheldaffer, Chaplain.

Mr. Hanson moved

That the House do now adjourn until Monday at 2 o'clock P. M.

And the ayes and noes being called for and ordered, there were

Ayes 8, }  
 Nays 7. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Hanson,
Norris,	Regester,	Stanchfield,
Thompson,		Willim—8.

Those who voted in the negative, were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Davis,	Haus,	Lemay,
Sibley,		Speaker <i>pro tem.</i> —7.

So the House adjourned until 2 o'clock P. M., on Monday next.

H. H. SIBLEY,  
*Speaker pro tem.*

Attest:

B. W. LOTE,  
*Chief Clerk pro tem.*

**MONDAY.**

JANUARY 8, 1855.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the chair.

The roll being called, the members all answered to their names.

Prayer by Rev. Mr. Hodson.

The Journal of Friday last, was read and approved.

Joseph Rolette and Charles Grant, members elect from the seventh Council District, presented their credentials, were sworn in, and took their seats.

The Speaker stated that the first order of business was the permanent organization of the House.

On motion of Mr. Rolette,

The House adjourned.

H. H. SIBLEY,  
*Speaker pro tem.*

Attest:

B. W. LOTE,  
*Chief Clerk pro tem.*

**TUESDAY.**

JANUARY 9, 1855.

The House met pursuant to adjournment,

The Speaker *pro tem.* in the Chair.

The roll being called,

All the members answered to their names.

The Journal of yesterday was read and approved.

The Chair gave notice that the first business before the House was its permanent organization.

Mr. Willim moved

That the House proceed to the election of permanent Speaker.

Which motion was adopted.

The roll being called,

The Speaker *pro tem.* announced the following as the result:

Mr. Andros voted for William Davis.

" Beatty	"	"	"
" Brawley	"	"	"
" Cave	"	"	"
" Davis	"	"	"
" Haus	"	"	"
" LeMay	"	"	"
" Speaker	"	"	"

Mr. Dixon voted for James S. Norris.

" Fridley	"	"	"
" Grant	"	"	"
" Hanson	"	"	"
" Register	"	"	"
" Rolette	"	"	"
" Stanchfield	"	"	"
" Thompson	"	"	"
" Willim	"	"	"

Mr. Norris voted for Mr. Hanson.

Whole number of votes cast, 18.

Mr. Davis had eight votes; Mr. Norris had nine votes, and Mr. Hanson had one vote; and consequently there was no choice.

The Speaker *pro tem.*, having announced that there was no choice, in consequence of none of the candidates having a majority of the votes cast,

The House again proceeded to an election.

The roll being called,

The Speaker announced the following as the result:

Mr. Dixon voted for James S. Norris.

" Fridley	"	"	"
" Grant	"	"	"
" Hanson	"	"	"
" Norris	"	"	"
" Register	"	"	"
" Rolette	"	"	"
" Stanchfield	"	"	"
" Thompson	"	"	"
" Willim	"	"	"

Mr. Andros voted for William Davis.

" Beatty	"	"	"
" Brawley	"	"	"
" Cave	"	"	"
" Davis	"	"	"
" Haus	"	"	"
" LeMay	"	"	"
" Speaker	"	"	"

Whole number of votes cast, 18.

Mr. Davis had eight and Mr. Norris had ten votes, and was elected.

James S. Norris, having received a majority of the votes cast, was declared by the Chair duly elected Speaker of the House of Representatives.

Mr. Willim moved

That a committee of two be appointed to conduct the Speaker elect to the Chair.

Which motion was adopted.

The Chair appointed

Messrs. Fridley and Hanson, who conducted the Speaker to the Chair.

Mr. Hanson moved

That the House now proceed to the election of Chief Clerk.

Mr. Sibley offered the following resolution:

WHEREAS, The sheriff of Ramsey county has been elected a member of this House, and now occupies a seat therein, in violation of the statute which provides that no sheriff or deputy sheriff can hold any other civil office except deputy marshal, therefore

Resolved, That the seat of Abram Fridley, elected a member of this House from the third Council district, be and it is hereby declared vacant; and the Speaker of this House is hereby requested to make known to his Excellency the Governor the fact of such vacancy.

At the request of Mr. Sibley, the chief clerk read for the information of the House, the 6th section of the 4th article of the Revised Statutes of Minnesota Territory.

Mr. Hanson moved

That the resolution be laid on the table.

And the ayes and noes being called for and ordered,

Mr. Fridley asked to be excused from voting, which was granted.

The Chair announced the following as the result:

There were

Ayes 9, }  
Noes 8. }

Those who voted in the affirmative, were

Mr. Dixon,	Mr. Grant,	Mr. Hanson,
Regester,	Rolette,	Stinchfield,
Thompson,	Willim,	Speaker—9.

Those who voted in the negative, were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Hawes,
Lemay,		Sibley—8.

Mr. Hanson moved

That the House now proceed to election of Chief Clerk, which motion was adopted.

The roll having been called, the chair announced the following as the result:

Mr. Andros	voted for	James C. Shepley.
" Beatty	"	"
" Brawley	"	"
" Cave	"	"

Mr. Dixon voted for James C. Shepley.

" Davis	"	"
" Fridley	"	"
" Grant	"	"
" Haus	"	"
" Hanson	"	"
" Lemay	"	"
" Register	"	"
" Rolette	"	"
" Stinchfield	"	"
" Sibley	"	"
" Thompson	"	"
" Willim	"	"
" Speaker	"	"

There were 18 votes cast.

Whereupon James C. Shepley was declared duly elected Chief Clerk.

Mr. Stinchfield moved

That the House now proceed to the election of Assistant Clerk.

Which motion was adopted.

The roll having been called,

The Chair announced the following as the result:

Mr. Andros voted for J. M. Holland.

" Beatty	"	"
" Brawley	"	"
" Cave	"	"
" Dixon	"	"
" Davis	"	"
" Fridley	"	"
" Grant	"	"
" Haus	"	"
" Hanson	"	"
" Lemay	"	"
" Register	"	"
" Rolette	"	"
" Stinchfield	"	"
" Sibley	"	"
" Thompson	"	"
" Willim	"	"
" Speaker	"	"

There were 18 votes cast.

Whereupon John M. Holland was declared duly elected assistant clerk.

Mr. Hanson moved

That the House now proceed to the election of Enrolling Clerk, which motion was adopted.

The roll being called, the Chair announced the following as the result:

Mr. Andros	voted for	J. P. Wilson.
" Beatty	"	"
" Brawley	"	"
" Cave	"	"
" Dixon	"	"
" Davis	"	"
" Fridley	"	"
" Grant	"	"
" Haus	"	"
" Hanson	"	"
" Lemay	"	"
" Norris	"	"
" Register	"	"
" Rolette	"	"
" Stinchfield	"	"
" Sibley	"	"
" Thompson	"	"
" Willim	"	"

Number of votes cast, 18.

Whereupon J. P. Wilson was declared duly elected as Enrolling Clerk.

Mr. Williams moved

That the House now proceed to the election of Sergeant-at-Arms.

Which motion was adopted.

The roll being called, the Chair announced the following as the result:

Mr. Andros	voted for	Luke Murphy.
" Beatty	"	"
" Brawley	"	"
" Cave	"	"
" Dixon	"	S. B. Garvie.
" Davis	"	Luke Murphy.
" Fridley	"	S. B. Garvie.
" Grant	"	"
" Haus	"	Luke Murphy.
" Hanson	"	S. B. Garvie.
" Lemay	"	Luke Murphy.
" Register	"	S. B. Garvie.
" Rolette	"	"
" Stinchfield	"	"
" Sibley	"	Luke Murphy.
" Thompson	"	S. B. Garvie.
" Willim	"	"
" Spenser	"	"

Number of votes cast, 18.

Luke Murphy, 8.

S. B. Garvie, 10.

Whereupon S. B. Garvie was declared duly elected as *Sergeant-at-arms*.

Mr. Willim moved

That the House now proceed to the election of Messenger, which motion was adopted.

The roll having been called,

Mr. Andros	voted for	Jonathan Pugh.
" Beatty	"	"
" Brawley	"	"
" Cave	"	"
" Davis	"	"
" Haus	"	"
" Lemay	"	"
" Sibley	"	"
Mr. Dixon	voted for	Joseph LeBon.
" Fridley	"	"
" Grant	"	"
" Hanson	"	"
" Regester	"	"
" Rolette	"	"
" Stinchfield	"	"
" Thompson	"	"
" Willim	"	"
" Speaker	"	"

The Chair announced the following as the result:

Jonathan Pugh had 8 votes.

Joseph LeBon had 10 votes.

Whereupon, Joseph LeBon was declared duly elected as *Messenger*.

Mr. Hanson moved

That the House proceed to the election of Fireman, which motion was adopted.

The roll having been called,

Mr. Andros	voted for	Joseph LeBon.
" Beatty	"	"
" Brawley	"	"
" Cave	"	"
" Davis	"	"
" Haus	"	"
" LeMay	"	"
" Sibley	"	"
" Dixon	"	George Kerns.
" Fridley	"	"
" Grant	"	"
" Hanson	"	"
" Regester	"	"

Mr. Rolette voted for George Kerns.  
 " Stinchfield " "  
 " Thompson " "  
 " Willim " "  
 " Speaker " "

The Chair announced the following as the result:

Joseph LeBon had 8 votes.

George Kerns had 10 votes.

Whereupon, George Kerns was declared duly elected as Fireman.

Mr. Hanson moved,

That the House now proceed to the election of Chaplain, which motion was adopted.

The roll having been called,

Mr. Andros voted for E. A. Hodsdon.  
 " Beatty " "  
 " Brawley " "  
 " Cave " "  
 " Dixon " "  
 " Fridley " "  
 " Grant " "  
 " Hanson " "  
 " Register " "  
 " Rolette " "  
 " Stinchfield " "  
 " Sibley " "  
 " Thompson " "  
 " Willim " "  
 " Speaker " "  
 " Davis voted for Rev. Mr. Bradley.  
 " Haus " "  
 " LeMay " "

The Chair announced the following as the result:

J. Bradley had 8 votes, and E. A. Hodsdon had 15 votes.

Whereupon, Rev. E. A. Hodsdon was declared duly elected as Chaplain.

Mr. Dixon moved

That the officers elect be sworn in, which motion being adopted, the officers came to the Clerk's desk and were sworn in by the Governor.

Mr. Hanson offered the following resolution:

*Resolved*, That the Chief Clerk of the House be and he is hereby authorized to subscribe for such newspapers, printed in the Territory, as the respective members of the House may direct, to the number of forty copies for each member, and forty copies for each officer of the House.

Which was adopted.

Mr. Stinchfield offered the following resolution.

*Resolved*, That the Secretary of the Territory be requested to furnish the members of this House with copies of the Session Laws of this Territory.

Which was adopted.

On motion of Mr. Hanson,

The chief clerk was directed to inform the Council of the permanent organization of the House.

The chief clerk returned, and reported that the Council had adjourned.

On motion of Mr. Sibley,

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

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES S. SHEPLEY,  
*Chief Clerk.*

---

WEDNESDAY,

JANUARY 10, 1855.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Dixon,	Davis,	Fridley,
Grant,	Hans,	Hanson,
Register,	Rolette,	Sibley,
Stanchfield,	Thompson,	Willim,
	Speaker.	

Prayer by the Rev. Mr. Hodson.

On motion of Mr. Rolette,

The reading of the Journal was dispensed with.

Mr. Dixon offered the following resolution,

Which was adopted:

*Resolved*, That a committee of two be appointed by the Chair to wait upon the Rev. Mr. Hodson and inform him of his election as Chaplain of this House.

The Chair appointed

Messrs. Dixon and Andros as said committee.

Mr. Davis gave notice,

That on to-morrow or at some future time, he would introduce

A bill to abolish imprisonment for debt, and for other purposes.

Mr. Dixon offered the following resolution,

Which was adopted:

*Resolved*, That a committee of two be appointed by the Speaker, to act in conjunction with a similar committee to be appointed by the Council, to wait on his Excellency the Governor and inform him that the two Houses of the Legislative Assembly are organized, and ready to receive any communication he may have to make.

The Chair appointed

Messrs. Dixon and Davis as said committee.

Mr. Sibley gave notice

That on to-morrow or some future day, he would introduce

A bill to provide for the re-organization of the Council districts in this Territory, and for the increase of the number of Councillors and members of the House of Representatives.

On motion of Mr. Dixon,

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

JAMES S. NORRIS,

*Speaker.*

Attest:

JAS. C. SHEPLEY,

*Chief Clerk.*

---

**THURSDAY,**

**JANUARY 11, 1855.**

The House met pursuant to adjournment,

And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Andros,

Cave,

Fridley,

Hanson,

Stanchfield,

Mr. Beatty,

Dixon,

Grant,

Regester,

Thompson,

Speaker.

Mr. Brawley,

Davis,

Haus,

Roletta,

William,

Prayer by the Rev. Mr. Hodson.

On motion of Mr. Roletta,

The reading of the Journal was dispensed with.

On motion of Mr. Willim,

The following resolution, offered by Mr. Sibley, on the 9th inst., and which was laid on the table, was taken up for consideration:

**WHEREAS**, The sheriff of Ramsey county has been elected a member of this House, and now occupies a seat therein, in violation of the statute which provides that no sheriff or deputy sheriff can hold any other civil office except deputy marshal; therefore

*Resolved*, That the seat of Abram Fridley, elected a member of this House from the third Council district, be and it is hereby declared vacant; and the Speaker of this House is hereby requested to make known to his Excellency the Governor the fact of such vacancy.

Mr. Rolette moved

That the consideration of the resolution be indefinitely postponed.

And the yeas and nays being called for and ordered, there was

Ayes 9, }  
Nays 8. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Grant,	Mr. Hanson,
Register,	Rolette,	Stanchfield,
Thompson,	Willim,	Speaker.

Those who voted in the negative, were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Lemay,		Sibley.

So the motion prevailed.

Mr. Dixon offered the following resolution:

*Resolved*, That each member of the House be allowed to purchase thirty dollars worth of stationery for the use of his desk.

Which was adopted.

Mr. Willim offered the following order:

*Ordered*, That the chief clerk be instructed to inform the Council that the House is now ready to meet them in joint convention to receive the Governor's Message; also that the sergeant-at-arms be instructed to procure seats within this House for the accommodation of the Council.

Which was adopted.

Mr. Dixon reported

That the committee appointed by the House to wait upon the Rev. Mr. Hodsdon and inform him of his election as chaplain to this House, had performed their duty.

A message from the Council being announced,

A. J. Morgan, secretary thereof, appeared and delivered the following message:

**MR. SPEAKER**:—The President of the Council has appointed Messrs. Kittson and Van Etten a committee to act in conjunction with the House committee, to inform his Excellency the Governor that the two Houses are now organized and ready to receive any communication he may have to make.

Mr. Thompson gave notice

That on to-morrow or at some future day, he would introduce

A bill relating to certain records of the district court of the counties of Fillmore and Winona.

Mr. Dixon, of the committee appointed to wait upon his Excellency the Governor and inform him that the House was ready to receive any communication he was ready to make, reported that the committee had performed their duty, and that the Governor had informed the committee that he could not deliver his message to-day.

On motion of Mr. Rolette,

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

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAS. C. SHEPLEY,  
*Chief Clerk.*

---

**FRIDAY.**

JANUARY 12, 1855.

The house met pursuant to adjournment.

And was called to order by the Speaker.

The roll being called, the following members answered to their names:

Messrs. Andros, Beatty, Brawley, Cave, Davis, Fridley, Grant, Haus, Hanson, Lemay, Register, Rolette, Sibley, Stinchfield, Thompson, Willim and Speaker.

Prayer by Rev. Mr. Hodsdon.

The Journal of yesterday was read and approved.

The Chair presented the following communication, which he had received, which was read by the clerk:

Secretary's office, St. Paul, }  
January 11, 1855. }

HON. JAMES NORRIS,

Speaker of the House of Representatives.

SIR:—Desiring that the members of your body shall not incur a personal liability for part of their stationery, I beg leave to state that the First Comptroller of the Treasury will not allow more than twenty dollars for stationery for each member.

I am, Sir, Very respectfully,

Your obedient servant,

J. TRAVIS ROSSER,  
Secretary of Min. Ter'y.

Mr. Hanson gave notice,

That on to-morrow, or some future day, he would introduce a bill to establish and organize certain counties, and for other purposes.

Mr. Andros gave notice,

That on to-morrow or some future day, he would introduce a bill for the organization of Cass county, and for other purposes.

Also, a memorial to Congress asking its negation of the act incorporating the Minnesota and North-Western Railroad Company, approved March 4th, 1854.

Mr. Davis moved

To reconsider the vote on the resolution passed on yesterday, allowing each member thirty dollars worth of stationery for the use of his desk. Which motion was adopted.

Mr. Davis moved

To amend said resolution by striking out the word "thirty" and inserting the word "twenty."

The amendment was adopted.

The question being taken on the adoption of the resolution as amended, it was determined in the affirmative.

The Chair presented the report of the Surveyor General of Lumber for the second District of Minnesota Territory, which,

On motion of Mr. Bibley, was ordered to be printed.

**REPORT**  
 OF THE  
**SURVEYOR GENERAL OF THE SECOND DISTRICT.**

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*To the Honorable the Legislative Assembly of the Territory of Minnesota, assembled:*

In obedience to the requirements of the Revised Statutes, I have the honor to submit the following statement as exhibited by the books of this office:

The amount of logs surveyed from March 1st, 1854, to December 31st, 1854, in this District, according to the log scale, established by law in this Territory, in feet, board measure, is as follows, to wit: 22,833,106.

On account of the breakage of booms in this District, and the Surveyor General of the third district not having qualified, the lumbermen in this district requested of me the appointment of a Deputy Surveyor, to survey the logs which had broken through the booms in this District, in compliance with which, the logs surveyed in the third district amounted to 1,519,338 feet, board measure; making in all the survey by me made during the time above stated, 24,352,444 feet, board measure.

During the said term no application has been made to me to survey lumber, and therefore none has been surveyed.

In further report, I would respectfully recommend the adoption of a different rule than the St. Croix scale, by which logs shall be surveyed.

By the use of the St. Croix scale, the one established by law for this Territory, as will be seen by reference to section 9, chapter 16, page 54, of the Session Laws for 1854, great injury and injustice are done to the lumbermen, from the fact that the St. Croix scale, measures less number of feet in each log, than what proves to exist when sawed into lumber, whenever the logs fall short of thirty inches in diameter; and exceeds whenever the logs measure above thirty-six inches in diameter. The logs measured by me in this district will not average over twenty-five inches in diameter, but very few measuring above thirty inches, and such, I am informed, is the case in other districts.

It will therefore be seen that by the use of said scale a great loss annually accrues to the lumbermen.

I would therefore respectfully recommend the adoption of the Norton Scale instead, for the reason that it gives the correct number of feet, board measure, in logs ranging from eight inches to forty-eight inches in diameter.

In further report I would respectfully recommend an amendment to section 11, chapter 16, page 54, of Session Laws for 1854, as follows, to wit: *Provided*, That in all cases where said surveyor shall require assistance to handle logs or lumber, it shall be furnished by the owner of such logs or lumber, or at his expense; and for all services performed by said surveyors by virtue of their office, there shall be allowed the sum of ten cents per mile travelling fees.

The effect of the said section, as it now exists, is to throw upon the Surveyor General oftentimes great expense and no remuneration. It will be seen by reference to section 7 of the same chapter, that it is the duty of the Surveyor General, by himself or deputy, to repair to any part of his district, and survey any logs or lumber at the request of the owners of such logs or lumber. If such place, therefore be less than thirty miles—for instance twenty-nine miles—no mileage is allowed; and if the amount of logs to be surveyed is 5,000 feet or 10,000 feet, as is frequently the case, the Surveyor's fees in all would amount to twenty-five cents in the first case, and fifty cents in the other.

I would therefore recommend the allowing of mileage in all cases.

All of which is respectfully submitted.

DANIEL STANCHFIELD,

*Surveyor General for the second District, Minnesota Territory.*

St. Paul, December 30, 1854.

The Chair announced the following as the Standing Committees of the House:

JUDICIARY.

Messrs. Sibley, Willim and Fridley.

AGRICULTURE AND MANUFACTURES.

Messrs. Beatty, Brawley and Register.

INTERNAL IMPROVEMENTS.

Messrs. Dixon, Andros and Rolette.

TERRITORIAL AFFAIRS.

Messrs. Davis, Hanson and Haus.

MILITIA.

Messrs. Fridley, Andros and Lemay.

ON SCHOOLS.

Messrs. Andros, Cave and Thompson.

ON INCORPORATIONS.

Messrs. Cave, Grant and Dixon.

TERRITORIAL ROADS.

Messrs. Stanchfield, Sibley and Register.

## ON PRINTING.

Messrs. Willim, Brawley and Stanchfield.

## ON PUBLIC BUILDINGS.

Messrs. Haus, Dixon and Beatty.

## ON ENGROSSED BILLS.

Messrs. Register, Cave and Thompson.

## ON ENROLLED BILLS.

Messrs. Brawley, Rolette and Fridley.

## ON LEGISLATIVE EXPENDITURES.

Messrs. Hanson, Willim and Davis.

## ON TERRITORIAL EXPENDITURES.

Messrs. Thompson, Hanson and Sibley.

## ON ESTATES AND ESCHEATS.

Messrs. Rolette, Davis and Lemay.

On motion of Mr. Sibley

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

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

## MONDAY.

JANUARY 15, 1855.

## MORNING SESSION.

The House met pursuant to adjournment,

And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Beatty,

Dixon,

Grant,

Register,

Stanchfield,

Speaker.

Mr. Brawley,

Davis,

Haus,

Rolette,

Thompson,

Mr. Cave,

Fridley,

Hanson,

Sibley,

Willim,

The chief clerk commenced the reading of the Journal.

On motion of Mr. Fridley,

The further reading of the Journal was dispensed with.

Mr. Sibley gave notice

That on to-morrow he would introduce

A memorial entitled A memorial of the Legislative Assembly of Minnesota Territory to the President of the United States, praying for further mail facilities between Dubuque and St. Paul.

Mr. Fridley moved

That a committee of two be appointed by the House to act in conjunction with a similar committee to be appointed by the Council, to wait upon his Excellency the Governor, and inform him that the House was ready to receive any communication he may have to make.

Which motion was adopted.

The chair appointed

Messrs. Fridley and Brawley as said committee.

Mr. Hanson offered the following resolution:

*Resolved*, (the Council concurring) That the Council and House of Representatives will meet in joint convention to-day at 11 o'clock, A. M., in the Representatives' Hall, to receive the Governor's annual message.

A message from the Council being announced,

A. J. Morgan, the Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The President has appointed Messrs. Stearns and Freeborn a committee on part of Council, to wait on his Excellency the Governor, and inform him the two Houses are now organized and ready to receive any communication he may have to make.

The Secretary then withdrew.

Mr. Fridley, of the committee appointed to wait upon his Excellency the Governor, and inform him that the House, in conjunction with the Council, were ready to receive any communication he may have to make, reported that they had performed their duty, and that the Governor would be ready to meet the Council and House of Representatives in joint convention at 2 o'clock this afternoon.

On motion of Mr. Sibley,

The House adjourned until this afternoon at 2 o'clock.

*AFTERNOON SESSION.*

Two o'clock, P. M.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

On motion of Mr. Dixon,  
The House adjourned until to-morrow morning at 10 o'clock.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAS. C. SHEPLEY,  
*Chief Clerk.*

**TUESDAY.**

JANUARY 16, 1855.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Beatty,	Mr. Brawley,	Mr. Cave,
Dixon,	Davis,	Fridley,
Grant,	Haus,	Hanson,
Lensay,	Register,	Sibley,
Stanchfield,	Thompson,	William,
Speaker.		

Prayer by Rev. Mr. Hodsdon.

The journal having been read,

Mr. Sibley, on leave, presented

A memorial, entitled A memorial of the Legislative Assembly of Minnesota Territory to the President of the United States, praying for farther mail facilities between Du-buque and St. Paul.

The clerk read the memorial.

On motion of Mr. Sibley,

The memorial was read a second time by its title.

On motion of Mr. Sibley,

The rules were suspended in order that the memorial might be read a third time by its title.

The memorial having been read the third time,  
The question then recurring on agreeing to its title,  
It was agreed to.

The question then recurred upon its passage,  
And it was decided in the affirmative.

On motion of Mr. Rolette,  
The House adjourned until this afternoon at 2 o'clock.

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*AFTERNOON SESSION.*

TWO O'CLOCK.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Beatty,	Mr. Brawley,	Mr. Cave,
Dixon,	Davis,	Fridley,
Grant,	Haus,	Hanson,
Register,	Rolette,	Sibley,
Stanchfield,	Thompson,	Willim,
Speaker.		

Mr. Davis, on leave,

Introduced the following bill, viz:

No. 1, (H. of R.) A bill for an act abolishing imprisonment for debt.

Which was read the first and second time,

And laid on the table to be printed.

On motion of Mr. Rolette,

The House adjourned.

JAMES S. NORRIS, *Speaker.*

Attest:

JAS. C. SHEPLEY, *Chief Clerk.*

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**WEDNESDAY.**

JANUARY 17, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called, the following members answered to their names:

Mr. Beatty,	Mr. Brawley,	Mr. Cave,
Dixon,	Grant,	Haus,
Hanson,	Register,	Rolette,
Sibley,	Stanchfield,	Thompson,
Willim,		Speaker.

Prayer by the Rev. Mr. Hodsdon.

The Journal having been read,

Mr. Hanson moved

That the report of the Surveyor General for the Second District, be referred to the Judiciary Committee, which motion was adopted.

Mr. Thompson, on leave, introduced the following bill, viz:

No. 2, (H. of R.) A bill relating to certain records of the District Court of the counties of Fillmore and Winona, which was read the first and second time, and laid on the table to be printed.

On motion of Mr. Davis,

Bill No. 1, (H. of R.) A bill for an act abolishing imprisonment for debt was referred to the Committee on the Judiciary.

Mr. Sibley moved

That the chief clerk be requested to inform the Council that the House is ready to meet the Council in joint convention, to hear any communication which His Excellency the Governor may have to make.

Which motion was adopted.

A message from the Council being announced, A. J. Morgan, the secretary of the Council, appeared and delivered the following message:

MR. SPEAKER:—Messrs. Brown and Mower have been appointed a committee to act in conjunction with a similar committee on part of the House to wait upon His Excellency the Governor, and inform him that the two Houses are ready to receive any communication he may have to make.

Mr. Davis moved

That a committee of two be appointed on the part of the House, to act in conjunction with the committee appointed by the Council, to wait upon His Excellency the Governor, and inform him that the Legislative Assembly is ready to receive any communication he may have to make. Which motion was adopted.

The Chair appointed Messrs. Davis and Willim as said committee.

A message from the Council being announced, A. J. Morgan, the secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed the following House memorial:

No. 1, (H. R.) Memorial of the Legislative Assembly of Minnesota Territory, to the President of the United States, praying for further mail facilities between Dubuque and St. Paul.

The memorial is herewith returned.

Mr. Davis, of the committee appointed to wait on His Excellency the Governor, reported, that the committee had performed their duty, and that the Governor was ready to deliver his message.

On motion of Mr. Sibley,

The House took a recess for ten minutes.

After the recess, the House was called to order by the Speaker.

The Hon. Council was then announced, and took their seats in the Representatives' Hall, in joint convention of the two Houses.

## JOURNAL OF THE JOINT CONVENTION.

On motion of Mr. Sibley,

A joint committee of two was appointed by the Chair to wait upon His Excellency the Governor, and inform him that the Council and House of Representatives are now in joint convention, and ready to receive any communication he may have to make.

The Chair appointed Mr. Sibley, of the House of Representatives, and Mr. Mower of the Council, as said committee.

The Governor was introduced by said committee, and having taken a place between the Speaker of the House and the President of the Council, delivered the following

### MESSAGE.

*Fellow-Citizens of the Council and House of Representatives:*

You have again assembled in obedience to the requirements of law, to deliberate upon the condition, wants and interests of your respective constituents.

I congratulate you upon the growth and unexampled prosperity of our Territory during the year that has just closed. The goodness of a Divine Providence has been graciously bestowed upon us in a peculiar manner; with but few exceptions, all have enjoyed good health; the seasons have been genial; the harvest abundant; labor rewarded; new avenues of wealth and prosperity opened up; immigration has poured in from the east, south and north; hundreds of thousands of acres of land have been claimed and settled upon, and thousands of acres more purchased of the general government; hundreds of farms have been opened, and from every quarter of the Territory the most cheering news has been received of uninterrupted prosperity.

Not quite six years have elapsed since the Territory was established. During that period twenty counties have been laid off, and nearly all organized. Our population has increased from about five thousand to thirty thousand or more; our commerce more than quadrupled; and new villages have sprung up; new facilities for education have opened; splendid church edifices erected; and society has taken a high moral stand. With such high and hopeful prospects before us, you are again called upon to look into the future, and if possible give such vitality to the civil institutions of the Territory, as their various interests may require.

Sound political economy has taught us that population is the basis of wealth and greatness. It is therefore the duty of the law-making power to so frame the political institutions of government as most certainly to secure it. Our agricultural, mineral and manufacturing resources are so abundant, that Minnesota needs no utopian pictures to be drawn to entice to our Territory either population, capital or commerce. We need only a true history of our broad fertile prairies, our woods, lakes, rivers, minerals, pineries, water power and navigation to tempt capital in abundance, and direct emigration to where they

can find enough of those advantages combined to satisfy the enterprising of all classes and countries. We need not stop to inquire why it is that thousands of our fathers, brothers and friends can content themselves to stick to the worn out and comparatively barren soil of the old states, rather than seek a home in this invigorating and healthy climate and fertile soil. They will soon find out our facilities for wealth and comfort when we take steps to advertise them. I would, therefore, as the first step to this end, recommend that you take into consideration at the earliest day convenient, the propriety of appointing an emigration agent to reside chiefly in the city of New York, whose duty it shall be to give to the people correct information of our Territory, its soil, climate, population, productions, agricultural, manufacturing and educational facilities, and prospects. Up to this time our Territory has had mainly to rely upon the faithful pen of visitors and our local press, while most of the territories of the confederacy have been ushered before the civilized world in congressional debates; each and every page of their history published before their organization, owing to the peculiar sensitiveness of the public mind north and south on the subject of slavery. The wealth, beauty and fertility of each hill, mountain, mine, prairie, navigable stream, soil and climate, have been portrayed by the able and watchful senator or representative in Congress, until the reader of our national history in the old world, and elsewhere, is fully informed from reliable authority of all he needs to enable him to make up his mind where he will go to seek a home. While Minnesota came before Congress quiet and unobtrusive, asked for a civil government, and has received it; and has made her way up to her present high position by the force of truth and her own natural resources, fertility and beauty. It is a lamentable truth that the climate of Minnesota is less understood among the masses of the people in the states, than almost anything else connected with her history. During the past year I have received almost innumerable letters from the middle states propounding a variety of questions about our territory, especially desiring to know if our winters are not very long, and so exceedingly cold that stock freezes to death, and man hardly dare venture out of his domicile. This popular error among the citizens of the states must be speedily corrected in some reliable manner. To this end, I respectfully recommend that you take measures to have prepared a brief, well-written pamphlet, giving the facts in regard to the soil, climate, productions, agricultural, manufacturing and educational facilities; our growth, population and prospects; which, having your official sanction, will produce such favorable results as have been neither seen nor felt before. Such a brief official history of our territory should be placed in the hands of the people in all parts of this country and Europe through an emigration agent; and it is believed that it can be fully prepared by the first of March, and ready for distribution by the opening of navigation in the spring.

It was the pleasure of the last legislature to enact a charter for a company to construct a railroad from the Iowa State line, by way of St. Paul, to Lake Superior, by which they anticipated a grant of lands from the Congress of the United States to our Territory to aid in the completion thereof. This charter was first introduced into the Council on the twenty-third day of February, eighteen hundred and fifty-four. The extraordinary powers and privileges given by it to the company thus constituted, aroused the opposition of this community, among whom were some of the soundest men of our

Territory. Every objectionable section or clause was contested inch by inch, from the day of its introduction till the moment it received my signature, which was given but five minutes before the final adjournment, under what may be perhaps properly termed a protest against the extraordinary powers and privileges therein granted. And suffice it to say, that had I withheld my official approval, we should to-day have our magnificent grant of lands in full force ready for your action, after you had an opportunity to confer fully and freely with your constituents, and been better prepared now to do their will in the premises. The second section of the charter provides that said company shall meet in the Chamber of Commerce, in the city of New York, in not less than thirty, nor more than sixty days from the passage of the act, and then and there accept or reject the charter. They did so meet and did accept the same, and their letter of acceptance is herewith transmitted for your information. On the twenty-ninth day of June, eighteen hundred and fifty-four, the President of the United States approved and signed an act which had passed the Congress of the United States, granting to Minnesota alternate sections of land to aid her in building a road from the southern line of Minnesota, by way of St. Paul, in the direction of Lake Superior. The third section of the act of Congress, as it passed the House of Representatives, read as follows: "And be it further enacted, that the lands hereby granted to said territory, shall be subject to the disposal of any legislature thereof for the purposes aforesaid, and no other; nor shall they enure to the benefit of any company heretofore constituted or organized." Thereby expressly excluding all corporate bodies before chartered by our legislature. Before it was acted upon by the Senate of the United States, the word "or" in said third section was, without the authority of the House of Representatives, improperly struck out, under circumstances no doubt quite as familiar to yourselves as to me. It must be borne in mind, that said company assumed during the pendency of said bill before Congress that they were "constituted," but not, at the passage of the bill, "organized." Thus, you will perceive the motives their agents had in desiring to have stricken out the word "or" and have substituted therefor the word "and." The sixteenth section of the charter made null and void all the privileges and powers therein granted, unless the board of directors of said company were organized on or before the first day of July, and therefore they say that they did organize said board of directors on said first day of July. To this end, they gave notice in the New York "Express," for the first time, on the thirtieth of June last, for a meeting of said company on the next day at ten o'clock, at the Bank of the Republic, in the city of New York. It is then a matter for your consideration whether such a notice was a sufficient compliance with the charter. I am not prepared to inform you where the stockholders resided, but it is reasonable to infer that as the charter requires the books for subscription to said stock to be opened at different points in the United States, that there were stockholders elsewhere than in the city of New York; and if so, such notice was surely unreasonable and insufficient. It is satisfactory evidence to my mind, and will be, I presume, to yours, that their hot haste was intended to avail themselves of the alteration made in the third section of the law of Congress, and thus attempt to bring themselves within the purview of the sixteenth section of their charter. And even now, I am totally unable to inform you who were the officers and directors elected at this hasty meeting of said company.

It may not be amiss, at this stage of the history of this company's action, to look for a moment at the language of the third section of the act of Congress as it was approved by the President. It reads as follows: "Sec. 3. And be it further enacted, that the said lands hereby granted to the said territory, shall be subject to the disposal of any legislature thereof, for the purposes aforesaid; nor shall they enture to the benefit of any company heretofore constituted and organized." It is evident and indisputable that Congress intended to exclude all companies previously chartered by our legislature, or why would they say that the lands they were granting to Minnesota should not enture to any company heretofore constituted. The first part of the section enjoins it upon our legislature to dispose of the lands thereby granted, for the purpose of constructing a railroad from the southern line of Minnesota, commencing at a point between township ranges nine and seventeen, thence by way of St. Paul, to the eastern line of said Territory, in the direction of Lake Superior, and for "no other." We must then see if there is any charter on our statute books constituting any company to build a road along this specifically designated line, commencing and terminating as the act of Congress directed:

The answer is plain, that no such company but the Minnesota and Northwestern Railroad Company had ever been constituted in Minnesota before that day. Other charters for railroads had been granted, but none on such lines as the act of Congress appropriated these lands to aid us in constructing. Thus the question is plainly put:—What company did Congress desire to exclude from the benefit of this grant? What company was there to be excluded but the Minnesota and Northwestern Railroad Company? By the seventeenth section of their charter, "All acts or parts of acts that in any manner conflict with this act, or the rights and franchises hereby granted, are hereby repealed; *Provided*, Said company accept this charter in manner and form as provided in section two; *And provided further*, That the passage of this act shall not vitiate or render void any railroad charter heretofore granted by this Legislative Assembly of this Territory."

The repealing clause herein makes it manifest that Congress intended to exclude the Minnesota and Northwestern Railroad Company, and all others. By further examination of the third section of the act of Congress, you will observe that if the words "shall be subject to the disposal of any legislature thereof," mean anything, it must mean to direct a future disposal, or surely other words would have been employed than "*shall be subject to the disposal of*," evidently pointing to future, and not past action.

It would have been quite as easy for Congress to have said "that said lands shall be subject to the disposal of any *past* legislature thereof." And equivalent words would have been used no doubt, if such had been their intentions, unless we come to the conclusion that Congress was legislating *expressly for the benefit of this Minnesota and Northwestern Railroad Company*, and not for the Territory of Minnesota! A conclusion which no rational mind would entertain for a moment.

It is not reasonable to suppose that Congress intended these lands to be subject to the past action of the Legislature of Minnesota, for in the next following sentence they attempt and do *exclude* the past action of the very body they authorize to dispose of them. And the words used to exclude previously chartered companies explains and qualifies

the power to dispose of said lands, thereby excluding the conclusion that any company could take the lands without subsequent action from the legislature.

But it is manifest that the alteration which the friends of the Minnesota and Northwestern Railroad Company procured to be made in the third section of the act of Congress was *intended* (as the investigating committee say) to throw the grant into their hands, and thereby avoid the future action of our legislature.

The general rule in regard to all grants, is that they shall be construed so as to effect the intention of the grantor; and it is evident that some company before chartered by the Minnesota Legislature, was intended by the grantor to be excluded from the benefits of the grant, and the inquiry is again forced upon us—What company was it? The Congress of the United States having retained a supervision over our Territorial acts, evidently intended from the manifest construction of the language used, to protect us from any former hasty or improper legislation.

After the House of Representatives was advised that an unauthorized alteration in the text of the said railroad bill had been made, by which Congress seemed to have done that which they did not intend to do, an investigation was ordered by that body to ascertain if possible, where and how it was done. The committee appointed was composed of men of the highest character for integrity and ability. They discharged the duty assigned them, and reported that there had been a material and unauthorized change in the text of the bill, which "*deserved severe censure*," and recommended that the third section be amended to conform to the exact language of the bill as it passed the House of Representatives, and the minority of the committee took stronger grounds against the alteration, and also recommended substantially the same amendment of the third section and some other parts of the bill. This investigating committee reported to the House on the third day of August, which report was laid on the table and ordered to be printed. The facts disclosed in the evidence, produced such a furor of indignation and excitement, that on the fourth day of August, the House repealed the law making the grant, which repealing act went to the Senate the same day and passed that body almost immediately by a large majority.

We are therefore forced to the conclusion that the act of alteration was regarded as such a flagrant attack upon the purity of national legislation that it deserved the most marked rebuke.

It should be borne in mind, that the Senate of the United States and House of Representatives, are composed of statesmen who bear a favorable comparison for ripened intellect and mature judgment, with any body of men in the civilized world, and are, therefore, rarely induced to repeal their own acts so promptly, except the cause be manifest and a proper vindication of their integrity requires it. It is due to the people of this Territory that the history of this railroad transaction should be given fairly; that you, as their representatives, may be able so to act as to secure the confidence of the Congress of the United States, that they may re-grant to our Territory that which they took back from us. To do this, it will be necessary, in my judgment, to vindicate Minnesota from any participation or sympathy in the act which caused the repeal of the law making the grant. It was evidently the intention of Congress to give us this grant of lands, and it is believed they still intend so to do; yet it could hardly have been expected

that they would have done less than repeal it in order to rebuke an improper act, seriously affecting the purity of their legislation. Now that they have vindicated themselves, there seems to be no fair reason why the same members who voted for the grant should not repeal the repealing act, and reinstate the act approved the twenty-ninth of June, and reinstate the third section as it passed the House of Representatives. It is now manifest that an overwhelming majority of the people of Minnesota have in their late elections, expressed their decided condemnation of the act for which Congress felt so indignant, and have thereby given abundant proof to our national representatives, that such censurable conduct received no sympathy from them. It is also manifest by the result of our late elections in this Territory, that the charter granted the Minnesota and Northwestern Railroad Company last session meets with great disfavor, because of the extraordinary powers and privileges conferred upon the corporation. It is therefore evidently the will of the people that it should be disapproved by Congress at its present session.

Congress, in the act organizing this Territory, reserved the right to disapprove any law passed by the legislature; and in the third section of the organic act makes it the duty of the secretary of the Territory to transmit a copy of the laws passed to the Congress of the United States, on or before the first of December in each year. This charter was passed on the fourth of March last, and as Congress has not yet had the law presented for their action, it will be laid before them officially for the first time during this present session. It is important that you take such action in the premises as you deem best suited to the feelings and interests of your constituents. This should be accompanied with a respectful resolution instructing our delegate in Congress to urge your views upon the appropriate committees, and upon both branches of Congress. This course is believed to be the surest guarantee to secure the favorable action of the National Legislature in repealing their repealing act, and restoring the law of the twenty-ninth of June, and reinstating the third section of the act as it passed the House of Representatives.

I feel the utmost confidence that the individual members of Congress will see that we are not wronged for the acts of others. Minnesota has no favorite company whatever to whom she desires to grant a new charter. But her citizens feel that extraordinary powers and privileges have been given said corporation, which must materially affect her welfare hereafter. It is, most important to the welfare of the future State of Minnesota that if she comes in possession of lands or other means, to be invested in railroads, that she should have secured a just share in the dividends or income in proportion to the amount of money or lands by her thus appropriated or invested.

The State of Illinois received a like grant to aid her in constructing a railroad, and she required the company who proposed to build the road to pay annually seven per cent upon the gross proceeds thereof, and it would seem that Minnesota should also secure a fair resulting interest before she parts with her title to these lands. There is no reason to doubt that we can have the road built readily upon such terms by any company who may have the means, and the enterprise to engage in the work. Thus securing a sufficient interest to pay all the taxes of the Territory, or future State, if that direction be advisable, for a half century, or more to come.

The question now naturally arises, will Congress give us back these lands? I assure you that I feel the utmost confidence in the justice and liberality of the present Congress. It is believed that a truthful statement of the facts laid before them, cannot fail to procure their favorable action. Minnesota is the only Territory, and can be the only State, owing to her peculiar geographical position, in the confederacy, where the people without a railroad must be ice-bound and virtually imprisoned four months in the year. Shut up, and shut out from the great marts of commerce and markets, except by a land travel of 250 miles through ice and snow, while if the climate was temperate, the obstacle would be greatly lessened. It is therefore triumphantly submitted whether any other part of our great republic can call with so much propriety and justice for the fostering care and aid of the parent government. Here we have at least thirty thousand souls, and three frontier posts, Fort Snelling, Fort Ripley and Fort Ridgely, with five hundred troops, and the necessary arms and munitions; all ice-locked and comparatively buried, so far as external commerce, trade, travel, navigation or transportation is concerned, during this period. In a national point of view, if the enterprise and social comfort of thirty thousand American citizens do not reach the nation's attention, and demand their sympathy, we may ask, of what service can the troops be to the government, if needed elsewhere, in the months of December, January, February and March? How can they be used except where they are? To march out to where the channels of communication are uninterrupted, requires almost superhuman powers of endurance, unless avoided by an expense more than equal to the actual cost to the government of 806,000 acres of land, heretofore given us for a railroad.

By a recent report of the Commissioner of the General Land Office, it will be seen that the cost of public land to the government, including the original purchase and extinguishment of Indian title, cost of survey, selling and managing the same, is about 26 cents per acre. Therefore, supposing the late grant to be about 800,000 acres, it would only take from the treasury of the United States \$160,000. The late grant provided that the other 800,000 remaining to the government for sale, should not be sold for less than \$2.50 per acre, by which the United States treasury would receive two millions of dollars, the same as if the whole had been retained, and sold at \$1.25 per acre; and include in this transportation of troops and other property of the United States, which go free of charge over a railroad to be built from the proceeds of the lands, and the item of \$160,000 would be materially diminished, and access given the commercial world to our copper mines, vast pineries, fertile soil, and thriving commercial and manufacturing towns, and frontier posts. Not only does it put the same amount into the treasury, but the advantages of a railroad through these lands leading to the best markets in the west, will so greatly facilitate the sale and settlement of the remaining sections that the proceeds thereof will come into the treasury in far less time than if the whole remained without such a road; therefore, we again appeal to the justice of our national representatives, as they have given the territories of Iowa and Wisconsin thousands of acres for local improvements; and millions of acres to Oregon, Washington and New Mexico territories, to aid their growth and wealth, to give us the key to unlock our ice-bound winter home, and then we will at an early day relieve the national treasury of the burden of our support from year to year.

I hope I shall be pardoned for drawing a comparison between the facilities and favors granted by the General Government to other Territories, and those to Minnesota. By an act approved 29th September, 1850, 640 acres of land were granted to Oregon Territory for each head of a family, and 320 acres to single men over 18 years of age (the Indian half-breeds included) to induce a speedy settlement within her borders; and by the act of 14th February, 1853, this magnificent bequest was extended to 1855, and by said act the further privilege of pre-emption upon unsurveyed lands. She has had large grants each year for roads, light-houses and buoys. She has received the additional facility of a Surveyor General for the Territory, various land offices established, and appropriations for public buildings. Washington Territory has been allowed the same munificent grant of 640 and 320 acres of land to actual settlers, to push forward her growth and prosperity, together with a Surveyor General, and various appropriations for roads, light-houses, buoys, &c., land offices established, and pre-emption of unsurveyed public lands. Therefore, supposing that half the population of Oregon and Washington Territories avail themselves of the bounty of the government, it will give from six to ten millions of acres to Oregon, and one-third that amount to Washington Territory. If we estimate the number of acres of land at six millions, occupied in Oregon under this bounty of the government at 20 cents per acre, (the actual cost to the government) it makes the sum of *one million two hundred thousand dollars*, of which she has been the beneficiary. If we estimate them at \$1,25 per acre, it would give her seven millions five hundred thousand dollars; and to estimate that two million acres will be occupied at the close of the present year in Washington Territory, it would give her four hundred thousand dollars at 20 cents per acre, and two million five hundred thousand dollars at \$1,25 per acre. By the act of the 22d July, 1854, New Mexico received a bounty to actual settlers of 160 acres, and pre-emption on unsurveyed lands, a surveyor general, &c., which, if it only covers one million acres, will amount to two hundred thousand dollars at 20 cents per acre, being forty thousand dollars more than is asked by Minnesota for the purpose of a railroad; and if estimated at \$1,25, it would amount to one million two hundred and fifty thousand dollars. Kansas and Nebraska have been provided for by the usual appropriations, and have been allowed a surveyor general and pre-emption of unsurveyed lands, while they are in a more temperate latitude, with navigable streams open nearly the whole year, together with the Hannibal and St. Joseph Railroad coming to the borders of Kansas, to aid in the construction of which the government gave over one million acres of land, and the projected railroad from Davenport, by way of Iowa city and Fort Des Moines, to Council Bluffs, while the central portion of Minnesota is locked up—250 miles by land and 350 miles by water, from Dubuque, our most convenient point of introduction to the uninterrupted channels of communication.

Again, it is not inappropriate to remark that grants of this kind to Territories are not new or novel, nor is Minnesota the first to ask or receive it. By an act of 8th August, 1846, alternate sections of land were granted to the Territory of Iowa, to improve the navigation of the Des Moines river, worth millions of dollars. Also, by an act approved 8th August, 1846, alternate sections of land were granted to the Territory of Wisconsin, for the improvement of the Wisconsin and Fox rivers, and connecting them by a canal.

Similar grants to States are numerous, and need not be particularly enumerated. Such, indeed, have been the advantages given for the settlement of Oregon, that last year her overland emigration alone was estimated at seven thousand souls, and she is now preparing the way to be admitted into the Union as a State, although Minnesota was organized about the same time.

Another serious obstacle to our business in the winter, is the irregularity of the mail facilities. During at least four or five months in the year, a weekly mail is all we usually get, and it must be borne in mind that until we receive the aid of the government in the way of a grant of lands, this state of things must continue for some years, owing to natural obstacles, which can be but partially removed by the increase of population. Again, objections are urged that the proceeds of sales of public lands are pledged specifically for the redemption and payment of the United States stock, issued by virtue of the act approved 28th January, 1847, and that it would be bad faith to donate these lands to the States or Territories. To this there are two sufficient and satisfactory answers: 1st. It is the *proceeds* of the sales of the public lands that are thus pledged, and as the lands remaining along the line of these grants are required to sell for \$2,50 per acre, no deficit is thereby created in the Treasury. 2. The whole of the soil lately granted to us on the west side of the Mississippi river for the Railroad, was on the 28th January, 1847, Indian Territory, and the Indian title not extinguished; and therefore I think not chargeable with the incumbrance of the public debt. If formidable objections do exist to granting land for Railroad purposes within the States, it is believed that there is none such existing against grants to Territories. If so, they could be urged with fifty-fold more propriety against appropriating money directly out of the Treasury, for the construction of roads under the control and direction of the general government, as is done every year without the least question as to the existence of the constitutional power.— Territories are under the quasi guardian-ship of the general government, and what is given to a Territory is virtually given to the government, or, in other words, it is virtually the government giving to herself, under express authority in the Constitution to make all needfull rules and regulations respecting the Territory or other property of the United States, and to dispose of the same. So far then, as the government may give land or money to her Territories for roads or other like improvements, it is not unlike a land-holder opening a road through his farm to facilitate his taking care of its products. The general government could have no Territory here, if the people could not get here; nor can she expect soon to be relieved from territorial appropriations out of her Treasury, if she leaves us locked up for four months in each year. If our climate would allow the great Father of Waters to remain open and unobstructed all the year, this urgent appeal would come with far less force; but other Territories have twelve months in which to invite immigration—Minnesota scarcely eight. Thus the national pride and the national honor is invoked to aid us, as none others can make the same plea for help.

It will be among your most important duties to guard with vigilance the interests of this young Territory against the insidious encroachments of capital and extravagant speculation. Your legislative aid may be invoked to charter corporations for banking purposes, under the specious pretence of keeping out the currency of other States. It will only require a glance at the subject to satisfy disinterested persons that a Bank in the

Territory would produce no such results. If a bank in St. Paul issues bills on the most approved banking basis, the demand for gold and silver to enter land, during the next five or ten years in this Territory, would cause such drafts upon its metallic basis, as to either ruin its credit or destroy its profits, either of which would soon cause such an institution to close its business. Consequently, to avoid this, a bank would and must resort to the policy of pushing out its bills from home, and to this end evidently would make arrangements with some distant banks or bankers to circulate its bills abroad, and receive and circulate those of other banks in return, so that each would only be required to redeem in currency, and not in coin. Thus it must be evident that no bank can produce the result desired in the Territory under the necessary demand for gold and silver for many years to come. Such an institution, in my judgment, would prove in the end a withering blight upon the country. The present derangement of the currency is giving a salutary lesson not soon to be forgotten, and should warn the people to beware of the specious and seductive reasoning in favor of banks of our own to keep out the paper of other banks abroad.

By existing laws, our Territorial elections take place annually on the second Tuesday in October. You will not fail to observe that immigration begins with the first steamboat arrival at St. Paul in April, and the settlers are not allowed a vote at the following October elections, because they will not have been six months in the Territory. Thus actually depriving the settler of the right of suffrage certainly for twelve months; and if he arrived in the spring, for 15, 16 and 17 months,—a longer probation than is required by most of the old States. It is believed that this needs only to be stated to secure your favorable consideration. I would suggest that the time fixed for the meeting of the Legislature be changed from the first Wednesday in January, to the first Monday in December, for the manifest reason that the Congress of the United States through which all our appropriations come, at their short sessions, adjourns about the same time that our Legislature does, and begins one month before, which gives but little time for the wants of our people to be made known to that body through this—and much less time for it to act. And no stronger reason exists for your meeting in January, than in December, on account of the business of the people, or the weather. It is therefore thought to be a very desirable change.

I must again renew my recommendation of last session, for a more equitable apportionment to the Counties on the west side of the Mississippi river. The rapid increase of their population, since the last apportionment of Representatives fully justifies me in urging you to give this subject your early attention. The justice and propriety of the measure is made manifest by the vote polled at the late elections.

The cause of Education has not been overlooked or neglected by our fellow citizens. The Hamline University, chartered at the last session of the Legislature, has been located at Red Wing with sufficient endowment it is understood to place its success beyond a reasonable doubt. The Central University has been located at Minneapolis, a point of much promise, and the institution placed in such a train as will insure its entire success. The Territorial University lands have been partly selected; and such favorable locations made as give the highest promise of its future usefulness and entire success. And it is confidently believed that at no distant day this institution will command itself particularly to the patronage of the citizens of the Southern States, because of the im-

exampld health that is enjoyed in Minnesota at all seasons of the year, and because of its location within plain view of the Falls of St. Anthony, and its picturesque scenery. The endowments will be ample to fill the different professorships with gentlemen of the highest literary, and scientific attainments, and make it in all respects equal to the first-class Universities in the United States. The Superintendent of Common Schools has been engaged with commendable spirit and zeal in giving every impetus to the cause of education generally; and particularly to that which comes more immediately in the pur-view of his official duty. I respectfully refer you to his official report which will be laid before you at an early day.

A female institution of learning has been opened at Stillwater, on the St. Croix, under the most promising auspices, and cannot fail to add to the already high reputation of that flourishing town for intelligence and morality.

The Baldwin College for the education of females, is in full tide of prosperity in St. Paul, and has a sufficient endowment to place its usefulness and success beyond doubt.

The Catholic institution at St. Paul, for the education of young men, is also in a flourishing condition, with permanent endowments and a large catalogue of scholars in daily attendance.

It affords me much satisfaction to say that the cause of practical agriculture in our Territory has been greatly promoted by the formation of agricultural societies, and especially is the county of Hennepin entitled to the highest praise, for getting up a most excellent and interesting fair at Minneapolis, during the past fall, which was numerously attended, and gave the fullest assurance of the capacity of our soil to produce almost every cereal and esculent in the greatest abundance. I therefore commend this great interest to your attention.

By the Auditor's report it will be seen that the taxable property of the Territory has largely increased within the last year. In 1854 it amounted to \$4,578,033 29; being \$2,182,500 29 of an increase over the preceding year; and the estimated value for 1855 is \$7,000,000. The financial condition of the Territory will be seen by the report of the Treasurer, to which you are respectively referred.

It will be proper for your attention to be directed to our laws for the collection of debts. No creditor should be allowed in this age of civilization and humanity to imprison the body of his debtor in any possible contingency, except for fraud, whereof he may be found guilty in the judgment of his peers. No contingency can in my judgment arise to justify this badge of a barbarous age remaining on our statute books; except for the cause stated.

The wire suspension bridge across the Mississippi river above the Falls of St. Anthony, is a work worthy of the highest commendation, and reflects great credit upon the enterprising people of St. Anthony and Minneapolis. It is now about completed and gives Minnesota the honor of being the first to span the great Father of Waters. The enterprising projectors of this great work are justly entitled to the hearty thanks of the people of Minnesota.

Since your last session, the President of the United States issued his proclamation for the sale of the lands in the Minneapolis district; but owing to certain grants of land by Congress for railroad purposes, the sales were suspended, but opened again for the benefit

of pre-emptors. In this connection, I renew my recommendation that the Congress of the United States be earnestly requested to protect the settlers on the Fort Snelling reservation. After the act passed reducing the reserve, our citizens entered upon it and made valuable improvements, and I know I do not over estimate their value when I say that they have expended over two hundred thousand dollars in good, substantial, and even elegant buildings, and in opening farms and other improvements. This they have done with the firm hope that they would not be compelled to meet at the sale the man of superior means or the speculator. Nor is this all; for one of the most flourishing towns in this Territory, has sprung up on this reserve, that Minnesota can boast of within her borders. It should be borne in mind, that the supposed increased value of these lands has been produced by the actual expenditure of the peoples' money and labor, and not by any act of the national government; and the only reason for supposing these lands to be more valuable than others, grows out of the above stated fact. It is not in accordance with my views of the just policy of our government that she should hold on to her domain until the people (who are a constituent part of the government) shall, by their money and labor, so improve the adjacent lands, by opening roads, building villages, erecting churches, school houses, and improving the water-power, as to enormously increase their relative value, and then let the doors be thrown open for capital to compete with the pioneer settler. The government should, in my judgment, act upon the principle that the public lands are to be so managed as to secure their speedy settlement by those who would improve them, and I have no hesitation in saying that a man who owns a tract of land without occupying or improving it, but holds it until other mens' capital and labor adds great value to it, is "a drone in the hive that sucks the honey which is made for him by the industry of others."

Although we have no voice or vote in the great questions which agitate the public mind of the nation, yet we cannot but feel a deep solicitude in the welfare of our common country. Within the past year, new measures have been agitated, and strange combinations formed for political purposes, that in a greater or less degree influence and give direction to the nation's destiny. At no very distant day the people of Minnesota will assume their position in the sisterhood of States, which requires us to keep a watchful vigilance upon passing events. Heretofore our Government has been supposed to be an asylum for the oppressed of all nations. The founders of the Republic invited them to make their home in a government where they could enjoy the inestimable privileges guaranteed by the Constitution—of worshipping God according to the dictates of their conscience. Yet, strange as it may seem, a secret organization has been formed for political purposes throughout the United States, and even extending to the Territory of Minnesota, which is shrouded in darkness and mystery—which is oath bound—intolerant and proscriptive in design; yet dangerous only because it fuses with all the isms and factions in the nation. It proscribes all who happen to be born "on the Rhine, the Danube, the Shannon, or the Thames." It proposes a religious test for all official position. Such an organization might well soon be expected to proscribe the sun, because he dares first to shine upon the Oriental world!

In speaking of such an organization for such political purposes, I feel that I am in the

line of my duty, to warn you, lest such influences silently creep into the heart of your deliberations, even in these Legislative Halls.

It will give me pleasure cordially to co-operate with you in all measures necessary for the development of the resources of our Territory.

It is a source of pride that we can congratulate ourselves on being citizens of the only safe and free Constitutional Republic in the civilized world, whose influence for the extension of liberty and equality is being more and more sensibly felt every day; having guarantied to us all the main sources of happiness that any government can give. Having a Chief Magistrate holding the Nation's helm who has faithfully observed all the constitutional obligations imposed upon him, and guarded with an unsurpassed vigilance the National honor at home and abroad. With an Administration that has conducted our diplomatic negotiations with consummate skill and ability, preserved inviolate all our national engagements, and avoided all intervention in the struggles of European powers, we may justly feel proud that we are American citizens.

W. A. GORMAN.

After the message was delivered and the Governor had withdrawn from the Speaker's chair,

Mr. Hanson moved

That the convention proceed to the election of printers for the ensuing year.

Mr. Brown moved

That the officers of the House be considered the officers of the joint convention, and the rules of the Council be adopted as the rules of the convention.

Which motion was adopted.

Mr. Sibley moved

That the convention adjourn,

And the yeas and nays being called for and ordered, there were

Ayes 13, }  
Nays 14. }

Those who voted in the affirmative were

Mr. Brown,  
Andros,  
Cave,  
Lemay,  
President.

Mr. Kittson,  
Beatty,  
Davis,  
Sibley,

Mr. Van Etten,  
Brawley,  
Haus,  
Speaker,

Those who voted in the negative were

Mr. Freeborn,  
Stearns,  
Fridley,  
Regeater,  
Thompson,

Mr. Murray,  
Stimson,  
Grant,  
Rolette,

Mr. Mower,  
Dixon,  
Hanson,  
Stanchfield,  
William.

So the motion did not prevail.

The Chair then announced

That the business before the House was the question on the motion offered by the gentleman from Hennepin.

Mr. Brown moved

To amend the motion by providing for the election of two printers.

And the ayes and noes being called for and ordered,

There were

Ayes 13, }  
Noes 14. }

Those who voted in the affirmative, were

Mr. Brown,	Mr. Kittson,	Mr. Van Etten,
Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
Lemay,	Sibley,	Speaker,
President,		

Those who voted in the negative, were

Mr. Freeborn,	Mr. Murray,	Mr. Mower,
Stearns,	Stimson,	Davis,
Fridley,	Grant,	Regester,
Rolette,	Stanchfield,	Thompson,
Willim,		

So the amendment was not adopted.

Mr. Van Etten offered the following substitute for Mr. Hanson's motion:

*Resolved*, That the convention now proceed to the election of a public printer for the ensuing year, and until a successor be elected.

Mr. Murray moved

That the word "a" in the resolution be stricken out, and the word "three" inserted in lieu thereof.

And the yeas and nays being called for and ordered, there were

Yeas 15, }  
Nays 12, }

Those who voted in the affirmative, were

Mr. Freeborn,	Mr. Murray,	Mr. Mower,
Stearns,	Stimson,	Dixon,
Fridley,	Grant,	Hanson,
Regester,	Rolette,	Stanchfield,
Thompson,	Willim,	Speaker.

Those who voted in the negative, were

Mr. Brown,	Mr. Kittson,	Mr. Van Etten,
Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
Lemay,	Sibley,	President.

So the amendment was adopted.

The question then recurred on the adoption of the resolution as amended,

And the yeas and nays being called for and ordered, there were

Yeas 16, }  
Nays 10, }

Those who voted in the affirmative, were

Mr. Freeborn,	Mr. Murray,	Mr. Mower,
Stearns,	Stimson,	Dixon,
Fridley,	Grant,	Hanson,
Regester,	Rolette,	Stanchfield,
Thompson,	Willim,	Speaker,
President.		

Those who voted in the negative, were

Mr. Brown,	Mr. Van Etten,	Mr. Andros,
Beatty,	Brawley,	Cave,
Davis,	Haus,	Lemay,
Sibley.		

So the resolution, as amended, was adopted.

Mr. Brown moved

That one individual only be voted for on each ballot.

And the yeas and nays being called for and ordered, there were

Yeas 13, }  
Nays 14, }

Those who voted in the affirmative, were

Mr. Brown,	Mr. Kittson,	Mr. Van Etten,
Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
Lemay,	Sibley,	Speaker,
President.		

Those who voted in the negative, were

Mr. Freeborn,	Mr. Murray,	Mr. Mower,
Stearns,	Stimson,	Dixon,
Fridley,	Grant,	Hanson,
Regester,	Rolette,	Stanchfield,
Thompson,	Willim,	

So the motion did not prevail.

Mr. Van Etten called for the reading of the resolution.

The clerk read the resolution.

Mr. Van Etten moved

A call of the convention.

The roll having been called,

All the members answered to their names, except Mr. Kittson.

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

Mr. Murray rose to a point of order,

The point being that a call of the House was not competent inasmuch as the convention had decided to go into the election of printers.

The Chair decided that the call was in order.

Mr. Murray appealed from the decision of the Chair.

Mr. Sibley moved

To lay the appeal on the table.

And the yeas and nays being called for and ordered, there were

Yeas 12, }  
Nays 18, }

Those who voted in the affirmative, were

Mr. Brown,	Mr. Van Etten,	Mr. Andros,
Beatty,	Brawley,	Cave,
Davis,	Haus,	Lemay,
Sibley,	Willim,	Speaker.

Those who voted in the negative, were

Mr. Freeborn,	Mr. Mower,	Mr. Murray,
Stearns,	Stimson,	Dixon,
Fridley,	Grant,	Hanson,
Regester,	Rolette,	Stanchfield,
Thompson.		

So the motion did not prevail.

Mr. Brown called for the reading of the 32d rule of the Council,

And it was read as follows:

XXXII. Any member may make a call of the Council, and require absent members to be sent for, but a call of the Council cannot be made after the voting has commenced; and the call of the Council being ordered, and the absentees noted, the doors shall be closed and no member permitted to leave the room until the report of the Sergeant-at-Arms be received and acted upon, or further proceedings in the call be suspended by a vote of two-thirds of the Council present.

Mr. Murray withdrew his appeal.

The Sergeant-at-Arms returned and reported that he had notified the absent member, and that he was now in attendance.

Mr. Brown moved

That the convention do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas 13, }  
Nays 14, }

Those who voted in the affirmative, were

Mr. Brown,	Mr. Kittson,	Mr. Van Etten,
President,	Andros,	Beatty,
Brawley,	Cave,	Davis,
Haus,	Lemay,	Sibley,
Speaker.		

Those who voted in the negative, were

Mr. Freeborn,	Mr. Murray,	Mr. Mower,
Stearns,	Stimson,	Dixon,
Fridley,	Grant,	Hanson,
Regester,	Rolette,	Stanchfield,
Thompson,	Willim,	

So the motion did not prevail.

The convention proceeded to vote for three persons to act as Territorial Printers.

The roll being called,

Mr. Brown	voted for	Goodrich, Staples and Hotchkiss.
" Freeborn	"	Hotchkiss, Staples and Jones.
" Kittson	"	Goodrich and Olmsted.
" Murray	"	Hotchkiss, Staples and Jones.
" Mower	"	" " "
" Stearns	"	" " "
" Stimson	"	" " "
" Van Etten	"	Goodrich, Olmsted and Staples.
" President	"	Goodrich.
" Andros	"	"
" Beatty	"	Goodrich, Staples and Jones.
" Brawley	"	Goodrich.
" Cave	"	"
" Dixon	"	Hotchkiss, Staples and Jones.
" Davis	"	Goodrich and Olmsted.
" Fridley	"	Hotchkiss, Staples and Jones.
" Grant	"	" " "
" Hans	"	Goodrich.
" Hanson	"	Hotchkiss, Staples and Jones.
" Lemay	"	Goodrich, Hotchkiss and Jones.
" Register	"	Hotchkiss, Staples and Jones.
" Rolette	"	" " "
" Sibley	"	Goodrich, Hotchkiss and Staples.
" Stanchfield	"	Hotchkiss, Staples and Jones.
" Thompson	"	" " "
" Willim	"	" " "
" Speaker	"	Goodrich, Staples and Hotchkiss.
Whole number of votes,		27.
Necessary to a choice,		14.
Messrs. Hotchkiss, Staples and Jones received,	14	votes.
Goodrich, Staples and Hotchkiss	"	3 "
Goodrich and Olmsted	"	2 "
Goodrich, Olmsted and Staples	"	1 "
Goodrich	"	5 "
Goodrich, Staples and Jones	"	1 "
Goodrich, Hotchkiss and Jones	"	1 "

—  
27

Messrs. Hotchkiss, Staples and Jones, having received a majority of all the votes cast, were declared duly elected printers for one year.

Mr. Van Etten moved

That the convention adjourn to meet in this Hall on Monday next at 11 o'clock.

Which motion was adopted.

And the convention adjourned.

The Council having withdrawn, the House adjourned until to-morrow morning at 10 o'clock.

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**THURSDAY,**

JANUARY 18, 1855.

The House met pursuant to adjournment.

Called to order by the Speaker.

The roll having been called, the following members answered to their names:

Messrs. Andros, Beatty, Cave, Dixon, Davis, Fridley, Grant, Haus, Hanson, Register, Rolette, Sibley, Stanchfield, Thompson, Willim, and Mr. Speaker.

Prayer by the Rev. Mr. Hodsdon.

The Clerk commenced reading the journal, when,

On motion of Mr. Hanson,

The further reading of the journal was dispensed with.

The chair presented the Fourth Annual Report of the Superintendent of Common Schools of the Territory of Minnesota, which was read by the Clerk, as follows:

## FOURTH ANNUAL REPORT

UPON THE

## COMMON SCHOOLS

FOR THE TERRITORY OF MINNESOTA.

*To the Legislative Assembly.*

The cause of education in Minnesota has probably received more attention during the past, than in any previous year since the organization of the Territory. Within that time the School Law has been amended and improved; universities have been chartered and endowed; seminaries of a high grade have been established and encouraged; and the number of common schools has greatly increased. From the information which has been obtained by visits paid to schools, by correspondence, and by interviews with friends of education from different parts of the Territory, it appears that our schools are in a better condition than would be expected in the unsettled state of so new a country. They must yet be elevated to a higher standard to correspond with our increased wealth of manufactures, agriculture and commerce. It is true that in respect to education, we may not, at present, reach that degree of excellence attained by a few of the States; and it is also true that the united intelligence and enterprise of the people, if directed to the advancement of the school interests, will, in a few years, secure to us a system of schools second to no other.

A well founded and well sustained system of popular learning is inestimable in its benefits to any people; and it behooves the Territory, in her infancy, to employ every available means to lay a deep and durable foundation for the intellectual culture of her sons and daughters.

Whether regarded in a literary sense, or as the promoters of general prosperity, common schools are equally entitled to favorable consideration. The Legislature, it is hoped, will so esteem it, and will adopt such further measures as the importance of the subject demands.

## SCHOOL LAWS.

While it is gratifying to observe the increasing interest which is manifested on educational subjects, it is a cause of regret that some of the teachers and trustees have neglected to fulfil a very important requirement of the school law, viz: to furnish the Superintendent with accurate reports at the close of each quarter. Without this statistical information, a full report cannot be submitted to the Legislature.

Section 19 of the amended School Law, making it the teacher's duty to transmit to the Superintendent an account of the school, at the expiration of every three months, has failed to produce the desired effect. It is suggested that the law would prove more effectual, if so amended as to render it necessary for teachers to forward their reports to entitle them to any portion of the public moneys.

The 5th article of section 12, requires the trustees of each school district "to examine as to their qualifications, and to contract with and employ all teachers in the district: *Provided*, That no teacher shall be employed who shall not first be examined and found qualified in moral character and ability to teach a district school." This article has not always been observed. Trustees are often chosen by the district, who are incompetent to ascertain whether the teacher is, or is not, qualified for his vocation. This and other evils might be obviated by having in each county a Superintendent, whose duty it shall be to examine teachers and grant certificates to those who are well qualified, to visit the schools of the county and exercise over them a general supervision, and to submit a full report annually, in the month of November, to the Territorial Superintendent. These few suggestions are commended to the favorable notice of your honorable body.

## SCHOOL HOUSES.

But few school buildings have been erected within the past year. In a new country like our own, it is often policy to defer erecting school houses until a more dense population and greater pecuniary means will warrant the construction of such as will be required in the future. No district should build a school edifice, until it is in circumstances to construct one after the most approved model. It is better to occupy a church, a hall, or a room in a private dwelling, for the present, than to erect a small, unventilated, ill constructed building, style it a school house, and crowd children and teachers into it to breathe impure air and to suffer the consequences.

Small villages, before they are prepared to build costly churches, would do well to erect good school edifices, which might be used on the Sabbath as places of worship. All who may contemplate the erection of school houses, and who desire to construct convenient, attractive buildings, at the least expense, are recommended to peruse Barnard's excellent work on School Architecture.

## SCHOOL BOOKS.

The introduction of a uniform series of text books, though desirable, is attended with difficulties. The act which created the office of Superintendent of Schools enjoins upon me the duty of recommending school books, but does not grant the power to enforce their use. Hence without the co-operation of the people, the Superintendent in this respect is powerless.

The confusion, occasioned by the great variety of school books, brought from nearly every State in the Union, with all the peculiar tastes and prejudices pertaining thereto, is an obstacle to the introduction of a uniform series of books not easily overcome. Some will naturally be dissatisfied with the recommendation, whatever it may be. In these and all other circumstances, the decision of the Superintendent should be the result of a thorough and impartial examination of the principal books used in schools. The opinions of others, and the fact that a frequent change in text books is not desirable, should also have their due weight.

There are so many books claiming our attention, of merits so nearly equal, that it is a delicate task to make the selection of a particular list. The following books, which are again recommended to be used in the schools of this Territory, are thought to be adapted to our present wants:

Sanders' Series of Readers.

Davies' Series of Arithmetics and Higher Mathematics.

Mitchell's Primary Geography.

Mitchell's School Geography and Atlas.

Mitchell's Ancient Geography.

Pelton's Outline Maps.

Mrs. Willard's Histories.

Well's School Grammar.

Cutter's Physiology.

Parker's Philosophy.

Webster's Dictionary and Speller.

Class Book of Etymology, by James Lynd.

It seems to be the duty of all who would prefer to use other books in place of the whole or a part of those recommended, to waive their particular preferences, and to assist in introducing the above list throughout the Territory. Books can be introduced into new schools with little difficulty; and whenever it is necessary to make a change, it can be effected to suit the convenience of the district.

## SCHOOL MONEYS.

In addition to one-fourth of one per cent., which is assessed on all the taxable property in each county, for the exclusive hire of teachers, there is set apart, for the better support of Common Schools, and the general diffusion of education, twenty-five per cent. of all

moneys paid into the county treasury arising from licenses from the sale of spirituous or other liquors, and the proceeds of all fines for a breach of the penal laws of this Territory, not otherwise appropriated by law. All other expenses pertaining to Common Schools are paid by a tax on the property in each school district. The amount of money raised by the districts, when added to the school fund, should be sufficiently ample to sustain schools of the highest character. No accounts of the receipts and expenditures of the school moneys have ever been received. It should be required of the Treasurer, or some other officer or officers of each county, to forward to the Superintendent on, or near the first day of December, in each year, accounts of school moneys received and expended.

The Legislature, at its last session, passed an act prohibiting the payment of school moneys from the Treasury for other than school purposes. This law is important, and should be strictly observed.

### TEACHERS.

So far as it has been ascertained, competent persons have generally conducted the school during the past year, and, in some instances, have received fair compensation for the duties performed.

The winter session is usually taught by mail teachers, at wages, ranging from \$35 to \$75 per month; and the summer term by females, who are paid from \$20 to \$30 per month.

Greater inducements should be offered teachers, if we would prevent many of the best qualified from seeking more profitable employments. It is generally necessary to pay remunerative wages to secure the services of the best instructors. There is scarcely an evil more prevalent than that of selecting teachers, not with reference to superior qualifications, but to the least compensation to be paid. All experience on this subject teaches that a short term, under the direction of a competent teacher, is preferable to a long term, taught by one of the *cheap*, unqualified persons, who sometimes undertake to train the minds of youth.

At the present day, it is expected that educators will improve those under their charge, not only mentally, but physically and morally. And to ensure success in this great work, parents should co-operate with the teacher in every proper manner; should encourage their children to study, to obedience in school and to regular attendance. We hope that every school district in the Territory will give merited attention to this subject, and will employ, encourage, and liberally pay, well qualified teachers.

No one should be employed as instructor, who cannot give unquestionable evidence of possessing the necessary attainments. A district may have a commodious and elegant school edifice, well supplied with the most convenient seats, with the best books, maps, blackboards, and apparatus, and yet, without exercising great discretion in procuring teachers, the school may be of little value.

### GENERAL REMARKS.

The people of Minnesota, and their agents, the members of the Legislative Assembly, are aware of the immense advantages to be derived from devising, and carrying into effect, measures, which would promote the cause of popular education.

They are aware that all action taken now, in the morning of our Territorial existence, will be felt throughout our future day. It should therefore, be the aim of all to make common schools what they are designed to be; the foundation of real wealth and greatness—the instrument to mould a high mental and moral character for a State or Nation. We should love Common Schools, for they are the pillars of freedom. They prevent crime in all its forms; they teach lessons of equality, and recognize no distinction in rank, except what is due to personal merit; they raise to the light many a brilliant gem of intellect, that might otherwise be buried forever; they fit man for every laudable calling and station in life; they aid every enterprise and every cause which elevates society, and contributes to a nation's integrity, honor and happiness. To enjoy fully the benefits of popular education, we should properly appreciate and improve the advantages which we possess over many of the other Territories and States. Government has donated us two sections of land in each township, or one-eighth of all the land, for the support of Common Schools. Our population is noted for industry and intelligence.—Our climate is healthful, and fits both body and mind for study. We have within reach the means to educate all—the rich and the poor, the exalted and the humble.

Although the Territory is yet young, much has already been accomplished. Six years ago, was commenced in a log hut, in St. Paul, the first School for the education of white children, in the Territory. Now there are flourishing Schools in our cities, villages and towns, and the means is offered to nearly all to acquire a good practical education. In six years to come, we may, with union of action, effect a still greater change; may rear hundreds of school houses on our fertile and lovely prairies, and along the banks of our clear streams, beautiful lakes and majestic rivers; may establish and support schools, which will be to the Territory a source of pride and honor and prosperity.

All of which is respectfully submitted.

M. C. BAKER,  
Superintendent of Common Schools.

MINNEAPOLIS, January 1st, 1855.

On motion of Mr. Fridley,

One hundred copies of said Report was ordered to be printed for the use of the House and Council.

By the unanimous consent of the House;

Mr. Andros introduced,

(No. 2, H. of R.) A memorial to Congress for an appropriation of \$5,000 for the construction of a Territorial road from the west bank of the Mississippi, opposite the lower portion of the city of St. Paul, to intersect the Territorial road now being constructed from Mendota to Wabashaw.

Which was read the first and second time, and laid on the table to be printed.

Mr. Andros, on leave granted,

Introduced memorial

(No. 3, H. of R.) A memorial to Congress asking a disapproval of the Act of the Legislative Assembly of Minnesota, passed March 4th, 1854, incorporating the North Western Railroad Company.

Which was read the first and second times, and laid on the table to be printed.

Mr. Sibley offered the following resolution, which was adopted:

*Resolved*, That his Excellency, the Governor, be requested to communicate to this House, any information he may possess showing the population of the several Council Districts in this Territory.

Mr. Willim introduced the following Resolution which was adopted—

*Resolved*, That the chief clerk of this House, be instructed to subscribe for thirty copies, weekly, of any newspaper published in this Territory, for each member and officer of this House, during the session of the Legislature, to be paid for out of the moneys appropriated to defray the expenses of the Legislature.

On motion of Mr. Thompson,

(Bill No. 2, H. of R.) A bill relating to certain records of the District Court of the counties of Fillmore and Winona,

Was referred to the committee on the Judiciary.

Mr. Brawley gave notice

That on to-morrow, or some future day, he would introduce,

A bill for the protection of citizens of Minnesota Territory on Town Sites and other purposes.

On motion of Mr. Davis,

The House resolved itself into a committee of the whole, to consider the Governor's message; Mr. Davis in the chair.

And after some time passed therein, the committee rose, and by their chairman, reported the following resolutions:

In which the concurrence of the House was requested.

1st. *Resolved*, That so much of the Governor's message as refers to railroads, be referred to the committee of the Judiciary.

2nd. *Resolved*, That so much of the Governor's message as relates to the appointment of an emigration agent, be referred to the committee on Territorial affairs.

3d. *Resolved*, That so much of the Governor's message as refers to education, be referred to the committee on schools.

4th. *Resolved*, That so much of the Governor's message as relates to imprisonment for debt, be referred to the committee of Judiciary.

5th. *Resolved*, That so much of the Governor's message as relates to the lands on the Military Reserve, be referred to committee on Territorial affairs.

6th. *Resolved*, That so much of the Governor's message as relates to Banks, be referred to the committee on internal improvements.]

7th. *Resolved*, That so much of the Governor's message as relates to the apportionment of members of the legislature, be referred to the committee on the Judiciary.

8th. *Resolved*, That so much of the Governor's message as relates to the Auditor's and Treasurer's report be referred to the committee on Territorial Affairs.

9th. *Resolved*, That so much of the Governor's message as relates to Know Nothingism, be referred to the committee on Estates and Escheats.

10th. *Resolved*, That so much of the Governor's message as relates to sections, be referred to the committee on Territorial affairs.

11th. *Resolved*, That so much of the Governor's message as relates to Agriculture, be referred to the committee on agriculture and manufactures.

The report of the committee of the whole,

Was, on motion of Mr. Sibley, accepted.

On motion of Mr. Rolette,

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

Attest: JAS. C. SHEPLEY, Clerk.

J. S. NORRIS.

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**FRIDAY.**

JANUARY 19, 1855.

House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called, the following members answered to their names:

Andros,	Beatty,
Brawley,	Dixon,
Davis	Fridley,
Grant,	Haus,
Hanson,	Regester,
Rolette,	Sibley,
Thompson,	Speaker.

Prayer by Rev. Mr. Hodsdon.

On motion of Mr. Dixon,

The reading of the journal was dispensed with.

By the unanimous consent of the House,

Mr. Thompson introduced

(No. 3, H. of R.) A Bill for the establishment of additional Council Districts, and provide for taking the census of the Territory of Minnesota, and to authorize the three Territorial Judges to apportion the members of the Council and House of Representatives.

Which was read the first and second time, and laid on the table to be printed.

Mr. Hanson gave notice

That on to-morrow or some future day, he would introduce

A Bill to provide for laying out certain Territorial Roads in Minnesota Territory, also, A Bill granting to Lewis Stone, George Houghton, and H. M. Corbett, the right to establish and maintain a Ferry across the Mississippi river. Also,

A Bill to amend an Act entitled "An act to incorporate the Minnesota and North Western Railroad Company."

Mr. Lemay asked the unanimous consent of the House,

To introduce a memorial signed by seven hundred citizens of St. Paul, asking an ex-

tension of time, to aid the Minnesota and North Western Railroad Company, to construct their road.

Objection having been made, the memorial was not received.

Mr. Haus introduced the following Resolution, which was adopted:

*Resolved*, That the Chief Clerk be instructed to procure five hundred copies of the Governor's Message, in the German language, and the same amount in the French language, to be printed in pamphlet form.

Mr. Rolette moved,

That the House adjourn until Monday morning at ten o'clock;

Which was decided in the negative.

Mr. Hanson, by the unanimous consent of the House, introduced

A Remonstrance of "Rice, Hollingshead & Becker," "Irwin & Jones," and "Master-son & Simonds" attorneys for certain creditors of the late firm of Curran & Lawler, against the enactment of a law repealing existing statutes, authorizing the arrest of fraudulent debtors.

The Clerk commenced reading the Remonstrance.

Mr. Cave moved that the reading of the Remonstrance be indefinitely postponed.

A message from the Council being announced,

A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed No. 4, C. F. A Bill to incorporate the town of Henderson, and for other purposes. In which the concurrence of the House of Representatives is respectfully requested.

Mr. Cave withdrew his motion,

Mr. Hanson moved

That the remonstrance be referred to the Committee on the Judiciary.

The Chair stated that Rule 35th required the printing of the Remonstrance before reference,

Mr. Hanson moved that the 35th Rule be suspended.

A message from the Council being announced, A. J. Morgan, the secretary of the Council, appeared and delivered the following message:

MR. SPEAKER:—The Fourth Annual Report of the Regents of the University of Minnesota, has been laid before the Council, and 500 copies ordered to be printed for the use of the two Houses.

The motion made by Mr. Hanson, to suspend the 35th rule, was adopted.

The question then recurred upon the adoption of the motion to refer the memorial to the Committee on the Judiciary.

And the yeas and nays being called for and ordered, there were yeas 11, and nays 6, as follows:

Those who voted in the affirmative were

Mr. Andros,  
Davis,  
Hanson,  
Rolette,

Mr. Beatty,  
Fridley,  
Lemay,

Mr. Dixon,  
Grant,  
Register,  
Speaker—11.

Those who voted in the negative were

Mr. Brawley,	Mr. Cave,	Mr. Haus,
Sibley,	Stanchfield,	Thompson,
	Willim—6.	

So the remonstrance was referred.

Mr. Willim gave notice

That on to-morrow or some future day, he would ask leave to introduce a bill to provide for the election of a Superintendent of Common Schools, in each organized county of this Territory.

Also a bill to establish a ferry across Lake St. Croix, opposite the City of Stillwater.

Mr. Cave offered the following resolution, which was adopted:

*Resolved*, That the chief clerk of the House, be directed to make arrangements with the Post Master of St. Paul, for the payment of all postages on letters and papers sent to and from this House during the present session.

Mr. Rolette moved

That the House adjourn until Monday morning at 10½ o'clock.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 8, as follows:

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Haus,	Hanson,	Lemay,
Rolette,	Stanchfield,	Regerster,
	Thompson—10.	

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Sibley,
Willim,		Mr. Speaker—8.

So the House adjourned until Monday morning at 10½ o'clock.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

**MONDAY.**

JANUARY 22, 1855.

The House met pursuant to adjournment and was called to order by the Speaker. The roll being called, the following members answered to their names:

Beatty,	Brawley,
Cave,	Davis,
Fridley,	Grant,
Haus,	Hanson,
Lemay,	Regester,
Rolette,	Sibley,
Stinchfield,	Thompson,
Willim,	Mr. Speaker.

Prayer by the Rev. Mr. Hodsdon.

The Journal of last Friday was read and approved.

Mr. Dixon presented the following petition of George H. Fletcher, Praying for a divorce from his wife, Jane Fletcher.

Which was referred to the committee on Judiciary.

**PETITION.**

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

Your Petitioner, George H. Fletcher, respectfully represents to your Honorable body, that he is a resident of the Territory of Minnesota, and has been for four years and upwards, that he was married to his present wife Jane Fletcher upwards of six years ago, in Kendall county in the State of Illinois; that about three years ago she lived in this Territory about two months with your petitioner, after which she returned to the State of Illinois, where she continued to live until the fall of 1853, when she came again to this Territory and remained until about the middle of May last past, at which time, against the wishes of your petitioner she returned to the State of Illinois, where she has since lived, as your petitioner is informed. That during her residence in this Territory in the fall of 1853 and the winter following, she lived a part of the time with your petitioner in Minneapolis, and a part of the time boarded at the St. Charles Hotel in St. Anthony. That while she was thus boarding at the said Hotel, your petitioner was necessarily absent, excepting on Sundays, engaged in his business pursuits and during such absence, as your petitioner has since learned and believes to be true, she was in the habit, alone in her private room, of receiving and entertaining men of reputed licentious



Mr. Hanson presented the petition of Alvaren Allen and 52 others, and R. P. Russell and 20 others, praying that the second and third districts of Surveyor General of logs and lumber, should be united in one district; and that Mr. Daniel Stanchfield, the present incumbent in office in the third district, should be re-appointed.

Which petitions were referred to the Committee on the Judiciary.

Mr. Thompson offered the following resolution:

*Resolved*, That the Chief Clerk be instructed to procure 150 copies of the Governor's Message in the Sweedish language, to be printed in pamphlet form.

Mr. Dixon moved

To amend by striking out 150 and inserting 500 in lieu thereof.

Which amendment was adopted.

The question then recurring on the adoption of the resolution as amended, it was decided in the affirmative.

Mr. Dixon, on leave, introduced a Bill,

(No. 4, H. of R.) A bill entitled an Act to incorporate the Stillwater Ferry Company.

Which was read the first and second times, and referred to Committee on Corporations.

Mr. Lemay offered the following resolution:

*Resolved*, That the Chief Clerk be instructed to procure 500 copies of the Constitution of the United States in the French language, and the said amount in the German language, to be printed in pamphlet form.

Which resolution was adopted.

Mr. Willim presented the following petitions: of Samuel Burkleo and 126 others, citizens of the county of Washington, praying that a charter to erect and maintain a Ferry over Lake St. Croix may be granted to Isaac Staples and others:—

## PETITION.

*To the Honorable the Council and*

*House of Representatives of the Territory of Minnesota:*

The petition of the undersigned citizens of the county of Washington in said Territory respectfully represent that a ferry is much needed over Lake St. Croix, between the city of Stillwater in said county and a point opposite thereto on the east side or shore of said Lake St. Croix. That a great amount of supplies and a large number of teams and passengers daily and hourly requiring to pass over Lake St. Croix aforesaid, and that between said points at all seasons of the year are unable to do so, except during a portion of the winter season on the ice, which in the early winter and spring is unsafe and extremely hazardous to the lives and property of those crossing.

That for want of a ferry at said point it is necessary for teams and passengers to go from three to ten miles out of their direct route to obtain a crossing. That the expense and trouble of maintaining a ferry is so great as to prevent its erection without first obtaining a right to remuneration and legal protection to the person or persons erecting and maintaining the same.

That the necessity for a ferry at said point is daily increasing, and your petitioners

further represent that Mr. Isaac Staples of Stillwater, is abundantly able and capable of erecting and maintaining such ferry in a manner which will ensure the prompt and safe passage of teams, horses, passengers and property across said Lake, and is ready and willing to erect and maintain the same. Your petitioners therefore pray your honorable bodies to grant to said Isaac Staples and others, a charter to erect and maintain a ——— ferry over Lake St. Croix, aforesaid between and from the foot of Myrtle street in the city of Stillwater aforesaid, and a point opposite thereto on the east side or shore of said Lake St. Croix, for the term of ——— years. And your petitioners will ever pray, &c.

Samuel Burkleo,  
James Rutherford;  
W. Holcombe,  
J. J. Robertson,  
S. J. R. McMillan,  
James McPhail,  
J. D. Trumble,  
Henry N. Setzer,  
Robert Simpson,  
H. K. McKinstry,  
A. D. Heaton,  
Oliver Parsons,  
S. Nelson,  
Gold T. Curtis.

William H. Mower,  
Louis Hooper,  
T. M. Fullerton,  
Daniel McClarn,  
John Shasby,  
John Fisher,  
Isaac Gray,  
Thomas J. Yorka,  
William McKusick,  
M. Min Wight,  
J. H. Sawyer,  
Harvey Wilson,  
John S. Proctor,

Which was read by the Clerk, and referred to Committee on Corporations.

Mr. Lesmay offered the following resolution:

*Resolved*, That the Chief Clerk be instructed to procure 500 copies of the Organic Act of the Territory of Minnesota in the French language, and the same amount in the German language, to be printed in pamphlet form.

Which resolution was adopted.

Mr. Davis offered the following resolution:

*Resolved*, That there be printed 500 copies of the Governor's Message in pamphlet form for the use of the natives in this Territory, to wit: The Sioux tribe, Chippeway, and Winnebago.

The resolution was not adopted.

Mr. Sibley gave notice,

That he would on to-morrow, or some subsequent day, introduce a Bill for the division of Rice county in this Territory.

Mr. Hanson moved that

(No. 8, H. R.,) A Bill for the establishment of additional Council Districts, and to provide for taking the census of the Territory of Minnesota, and to authorize the three Territorial Judges to apportion the members of the Council and House of Representatives, Be now taken up, which was agreed to.

Mr. Davis moved

That the bill be referred to a select committee of five; which motion prevailed.

On motion of Mr. Sibley

The Chief Clerk was instructed to inform the Council that the House is now ready to meet them in Joint Convention in the Hall of the House of Representatives, pursuant to adjournment.

A message from the Council being announced, A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed

(No. 1, C. F.) Memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation for the construction of a Military road. Also

(No. 2, C. F.) Memorial to Congress for an appropriation to complete the Government works at Fort Ridgely.

In which the concurrence of the House is respectfully requested.

The Secretary then withdrew.

On motion of Mr. Sibley

The House took a recess of five minutes.

After the recess the House was called to order by the Speaker.

A message from the Council being announced, A. J. Morgan, the Secretary of the Council, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed the following resolution:

*Resolved*, By the Council, (the House concurring.) That for the purpose of representation, the Legislative Assembly of this Territory, as well as for civil and judicial organization and government, the County of Blue Earth be deemed to be within and forming a part of the Territory of Minnesota.

The President of the Council has appointed Messrs. Brown and Thompson a committee to act in conjunction with a similar committee on the part of the House to report Joint Rules for government of the two Houses during the present session.

The Secretary then withdrew.

The Honorable Council was then announced, and took their seats in the Representatives Hall in Joint Convention of the two Houses.

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## JOURNAL OF THE JOINT CONVENTION.

MONDAY, JANUARY 22, 1855.

Convention met pursuant to adjournment, and was called to order by the Speaker of the House. All the members present except Mr. Van Etten.

The reading of the proceedings of the last meeting of Convention commenced.

On motion of Mr. Brown

The reading of the proceedings was dispensed with.

On motion of Mr. Murray

The Convention proceeded to the election of Bookbinder.

The roll was called, with the following result:

Mr. Brown	voted for	Mr. A. J. Morgan.
“ Kittson	“	“
“ President	“	“

Mr. Andros voted for Mr. A. J. Morgan.

" Beatty	"	"
" Davis	"	"
" Haus	"	"
" Sibley	"	"
" Freeborn	"	Mr. Hoisington.
" Murray	"	"
" Mower	"	"
" Stearns	"	"
" Stimson	"	"
" Dixon	"	"
" Fridley	"	"
" Grant	"	"
" Hanson	"	"
" Lemay	"	"
" Register	"	"
" Stinchfield	"	"
" Thompson	"	"
" Willim	"	"
" Speaker	"	"
" Brawley	"	Mr. Pierson.
" Cave	"	"
" Mr. Rolette	"	Mr. Hats.

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Hoisington had 15 votes.

Mr. Morgan " 8 "

Mr. Pierson " 2 "

Mr. Haus " 1 "

Mr. Hoisington, having received a majority of all the votes, was declared duly elected.

Mr. Brown Moved

That the Convention proceed to the election of four Regents for the University of Minnesota, and that but one be elected at a time, which motion prevailed.

On a call of the roll the following was the result:

Mr. Brown voted for I. Atwater.

" Freeborn " "

Mr. Kittson voted for Isaac Atwater.

" Mower " "

" Stearns " "

" Stimpson " "

" President " "

" Andross " "

" Beatty " "

" Brawley " "

Mr. Cave voted for Isaac Atwater.

" Dixon	"	"
" Davis	"	"
" Fridley	"	"
" Grant	"	"
" Hanson	"	"
" Register	"	"
" Sibley	"	"
" Stanchfield	"	"
" Thompson	"	"
" Willim	"	"
" Speaker	"	"
" Murray voted for J. Travis Rosser,		
" Lemay for Wm. P. Murray,		
" Rolette for Reuben Haus.		

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Atwater received 22 votes.

" Rosser	"	1	"
" Rolette	"	1	"
" Haus	"	1	"
" Murray	"	1	"

Isaac Atwater having received a majority of all the votes cast,  
Was declared duly elected.

The roll again being called, the following was the result:

Mr. Brown voted for Franklin Steele.

" Freeborn,	"	"
" Kittson,	"	"
" Murray,	"	"
" Mower,	"	"
" Stimpson,	"	"
" Andros,	"	"
" Beatty,	"	"
" Brawley	"	"

Mr. Cave voted for Franklin Steele.

" Davis	"	"
" Fridley	"	"
" Grant	"	"
" Haus	"	"
" Hanson	"	"
" Register	"	"
" Rolette	"	"
" Sibley	"	"
" Thompson	"	"

Mr. Willim voted for Franklin Steele,  
 " Speaker " "  
 " President voted for C. T. Stearns.  
 " Dixon voted for A. M. Fridley.  
 " Stinchfield " "  
 " Lemay voted for Wm. P. Murray.

Whole number of votes, 26.

Necessary to a choice, 14.

Mr. Steele received 22.

" Fridley " 2.

" Stearns " 1.

" Murray " 1.

Franklin Steele having received a majority of all the votes cast, was declared duly elected.

The roll being again called, the following was the result:

Mr. Brown voted for Mahlon Black.

" Freeborn " "

" Murray " "

" Mower " "

" Stearns " "

" Stimson " "

" President " "

" Andros " "

" Brawley " "

" Beatty " "

" Cave " "

" Dixon " "

" Davis " "

" Fridley " "

" Grant " "

" Hans " "

" Hanson " "

" Regeester " "

" Rolette " "

Mr. Sibley voted for Mr. Black.

" Thompson " "

" Willim " "

" Speaker " "

Mr. Kittson voted for Mr. Stearns.

" Lemay voted for Mr. Dumas,

" Stinchfield voted for A. M. Fridley.

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Black had 23.

“ Stearns had 1.

“ Fridley had 1.

“ Dumas had 1.

Mr. Black having received a majority of all the votes cast, was declared duly elected.

The Convention proceeded to ballot for a fourth person to act as Regent, with the following result :

Mr. Brown	voted for	Mr. Greenleaf	
“ Kittson	“	“	
“ Andros	“	“	
“ Beatty	“	“	
“ Davis	“	“	
“ Fridley	“	“	
“ Grant	“	“	
“ Haus	“	“	
“ Sibley	“	“	
Mr. Freeborn	voted for	Mr. Hobart.	
“ Mower	“	“	
“ President	“	“	
“ Speaker	“	“	
Mr. Murray	voted for	Mr. Fridley.	
“ Stearns	“	“	
“ Stimpson	“	“	
“ Dixon	“	“	
“ Hanson	“	“	
“ Lemay	“	“	
“ Register	“	“	
“ Rolette	“	“	
“ Stinchfield	“	“	
“ Thompson	“	“	
“ Willim	“	“	

Mr. Brawley voted for Mr. Freeborn.

Mr. Cave voted for Dixon.

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Greenleaf had 9 votes.

“ Fridley “ 11 “

“ Hobart “ 4 “

“ Freeborn “ 1 “

“ Dixon “ 1 “

No one having received a majority of all the votes cast, there was no election.

Mr. Cave demanded a call of the Convention,

Which was ordered, and

Mr. Van Etten reported absent.

The *Sergeant-at-arms* was despatched for the absent member.

Mr. Sibley moved that further proceedings under the call of the House be dispensed with ;

Which motion was lost.

Mr. Murray moved further proceedings under the call be dispensed with ;

And the yeas and nays being called for and ordered, there were

Yeas, 14. }

Nays, 12. }

As follows :

Those who voted in the affirmative were

Messrs. Freeborn, Murray, Stearns, Stimpson, Dixon, Fridley, Grant, Hanson, Lemay, Rolette, Stinchfield, Thompson. Willim and Mr. Speaker—14.

Those who voted in the negative were

Messrs. Brown, Kittson, Mower, Mr. President, Andros, Beatty, Brawley, Cave, Davis, Haus, Register, and Sibley—12.

Two thirds being necessary to dispense with further proceedings the Convention refused so to do.

Mr. Murray moved further proceedings under the call be dispensed with.

The speaker decided the motion out of order.

Mr. Sibley moved that the unanimous consent be given in order to dispense with further proceedings under the call.

There being objection made consent was not given.

Mr. Dixon moved the convention adjourn.

Objections being raised,

The Speaker decided the motion in order.

Mr. Brown appealed from the decision of the Chair ;

And the yeas and nays being called for and ordered,

There were,

Yeas 17. }

Nays 7. }

As follows :

Those who voted in the affirmative were,

Messrs. Brown, Freeborn, Murray, Stearns, Stimpson, Mr. President, Brawley, Cave, Dixon, Fridley, Grant, Haus, Hanson, Lemay, Register, Stinchfield, Thompson and Mr. Speaker—17.

Those who voted in the negative were,

Messrs. Kittson, Andros, Beatty, Davis, Rolette, Sibley and Willim—7.

So the decision of the Chair was sustained.

The *Sergeant-at-Arms* reported Mr. Van Etten in his seat,

Mr. Dixon withdrew his motion to adjourn.

Further proceedings under the call were dispensed with.

The Convention proceeded to ballot a second time for a fourth Regent, with the following result :

Mr. Brown	voted for	Mr. Stearns.
" Freeborn	"	" Fridley.
" Kittson	"	" Stearns.
" Murray	"	" Fridley.
" Mower	"	" "
" Stearns	"	" "
" Stimpson	"	" "
" Van Etten	"	" J. R. Brown.
" President	"	" Stearns.
" Andros	"	" "
" Beatty	"	" "
" Brawley	"	" "
" Cave	"	" Fridley.
" Dixon	"	" "
" Davis	"	" Stearns.
" Fridley	"	" "
" Grant	"	" Fridley.
" Haus	"	" Stearns.
" Hanson	"	" Fridley.
" Lemay	"	" "
" Register	"	" "
" Rolette	"	" "
" Sibley	"	" Stearns.
" Stinchfield	"	" Fridley.
" Thompson	"	" "
" Willim	"	" "
" Speaker	"	" Hobart.

Whole number of votes cast—27.

Necessary to a choice—14.

Mr. Fridley received 14 votes.

" Stearns " 11 "

" Brown " 1 "

" Hobart " 1 "

Mr. Fridley having received a majority of all the votes cast was declared duly elected.

Mr. Davis moved the Convention adjourn until Monday next at 10 o'clock A. M.

Which motion was lost.

Mr. Murray moved

That the Convention proceed to the election of a Surveyor General for Logs and Lumber of the first district.

Mr. Van Etten moved

To elect by viva voca vote.

Which motion was adopted.

Mr. Thompson nominated Mr. Hasty.

Mr. Stearns nominated Mr. Stanchfield.

On motion of Mr. Brown

Robert Hasty was declared elected Surveyor General of Logs and Lumber for the first district.

On motion of Mr. Stearns,

Mr. Staunfield was declared elected Surveyor General of Logs and Lumber for the second district.

On motion of Mr. Freshorn,

Mr. Sawyer was declared elected Surveyor General of Logs and Lumber for the third district.

On motion of Mr. Van Etten

The Convention adjourned sine die.

The council having withdrawn,

The House of Representatives resumed its session when,

On motion of Mr. Sibley,

The House adjourned until Wednesday at 2 o'clock, P. M.

J. S. NORRIS, *Speaker.*

Attest: JAS. C. SHEPLEY,

Chief Clerk, H. of R.

**WEDNESDAY.**

JANUARY 24, 1855.

The House met pursuant to adjournment,

And was called to order by the Speaker.

The roll being called, the following members answered to their names:

Andros,	Brawley,
Cave,	Dixon,
Davis,	Grant,
Haus,	Hanson,
Lemay,	Register,
Rolette,	Sibley,
Thompson,	Willim,
	Speaker.

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Rolette

The reading of the journal was dispensed with.

On motion of Mr. Rolette,

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

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

## THURSDAY.

JANUARY 25th, 1855.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Andros,	Beatty,
Brawley,	Cave,
Davis,	Grant,
Haus,	Hanson,
Regester,	Rolette,
Sibley.	Thompson,
	Speaker.

Prayer by the Rev. Mr. Hodsdon.

The chair laid before the House

The following correspondence between the Chief Clerk of the House of Representatives and the Postmaster of St. Paul, which was read as follows:—

HALL OF THE HOUSE OF REPRESENTATIVES, }  
St. Paul, Jan. 24, 1855.

*To the Hon. Speaker of the House of Representatives:*

SIR—In accordance with a resolution of the House of Representatives of the 19th inst., relative to the postage of members of this body, I have the honor to lay before the House the following correspondence between the Postmaster at St. Paul and myself.

Respectfully,

Your Obedient Servant,

JAMES C. SHEPLEY,

Chief Clerk H. of R.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
Minnesota Territory, Jan. 19th, 1855.

*To the Postmaster of St. Paul:*

SIR—The House this day passed the following resolution, viz:

“*Resolved*, That the Chief Clerk of the House be directed to make arrangements with the Post Master in St. Paul for the payment of all postage on letters and papers sent to and from this House, during the present session.”

You will oblige me by immediately informing me what arrangements you can make, to carry out the object of the above resolution.

Respectfully,  
Your Ob't Serv't,  
JAS. C. SHELEY,  
Chief Clerk H. of R.

P. O., ST. PAUL, MIN., }  
Jan. 17, 1855. }

SIR—Your letter of to-day is received, in relation to the postage of the members of the House of Representatives, during the present session.

I will say that the same arrangement will be made with the House as has been made with the Council, to wit: I will give credit for postage of members during the session, on condition that the Secretary of the Territory will pay the bill at the close of the present session.

Respectfully,  
WM. H. FORBES, P. M.  
By J. C. TERRY, Assistant.

MR. SHEPLEY, Chief Clerk H. of R.

Mr. Hanson presented

The petition of Henry T. Welles and other citizens of Minnesota Territory, praying that a charter may be granted for the location and construction of a Boom at some point between St. Paul and the head of Lake Pepin.

Which was read, ordered to be printed, and referred to the Committee on Incorporations.

The Chair announced the following as the special committee to which was referred (No. 3, H. of R.) A bill entitled "A bill for the establishment of additional Council Districts, and to provide for taking the census of the Territory of Minnesota, and to authorize the three Territorial Judges to apportion the members of the Council and House of Representatives," viz:

Messrs. Davis, Willim, Fridley, Sibley and Hanson.

Mr. Sibley gave notice

That on to-morrow or some future day, he would introduce

A bill to amend the charter of the St. Anthony Boom company.

Mr. Hanson, on leave granted, introduced

Bill (No. 5, H. of R.) entitled

A bill to amend an act entitled An Act to incorporate the Minnesota and North Western Railroad company.

Which was read the first and second times, and laid on the table to be printed.

Mr. Hanson, on leave granted, introduced

**Bill (No. 6, H. of R.) entitled**

A bill to provide for laying out certain Territorial Roads in Minnesota Territory, Which was read the first and second times and laid on the table to be printed.

Mr. Sibley, on leave granted, introduced

**Bill (No. 7, H. of R.) entitled**

A bill granting to Levi Stone, George Houghton and H. M. Corbett, the right to establish and maintain a ferry across the Mississippi river.

Which was read the first and second time and laid on the table to be printed.

Mr. Sibley, from the committee on the Judiciary, to which was referred so much of the Governor's message as relates to Railroads, made the following report:

## REPORT.

The committee on the Judiciary to whom so much of the Governor's message as relates to railroads was referred beg leave to report:

That they have given the subject that consideration which its gravity and importance demand. The suggestions and recommendations of his Excellency being confined entirely to the charter of the Minnesota and North Western Railroad of the last session and to the grant by Congress of certain lands to the Territory to aid in the construction of a railroad therein, and the subsequent repeal of that grant, your committee have not felt at liberty to extend their report beyond these particular topics.

The charter of the company referred to, after having passed both Houses of the Legislature, received the Governor's approval on the 4th of March last. Your committee believe that the organization of the company took place in accordance with its requirements and that thus far, they have complied with the stipulations of the charter in their preliminary movements. The unprecedented powers and franchises conferred on this company aroused a spirit of opposition in the Territory, such as had seldom been witnessed. It was asserted by its opponents that the charter had been granted without sufficient consideration on the part of the Legislature—it having been first introduced on the 23d of February—only nine days previous to the day of adjournment—that it really secured no equivalent to the Territory in the shape of a resulting interest, and that it contained no reservation of the right to alter or amend at any time thereafter, if such exercise of power should ever become necessary. The excitement upon the subject was so intense, that the friends of the Territory in Congress were induced to insert a provision in the bill granting lands to the Territory for the construction of a railroad, that the donation shall "be subject to the disposal of the Legislature thereof, for the purpose aforesaid and no other, nor shall it inure to the benefit of any company heretofore constituted or organized." It is needless for your committee to recapitulate the facts connected with the fraudulent change of the word "or" into "and" between "constituted and "organized," which took place upon the engrossment of the bill, and which was effected in order to defeat the intention of Congress, and to secure the grant to the Minnesota and North Western Company, for they are familiar to the members of this House. Nor is it within the sphere of the duty assigned to your committee to enquire by whom the alteration was made, or who were its abettors. The fact that the change was effected and that it could inure only to the advantage of the company referred to,

is indisputable. The bill thus mutilated passed the Senate and it was not until it had received the signature of the President, that the very important change in its phraseology was discovered. The indignation of Congress at this gross attack upon the purity of its legislation was so great, that by an act which received the sanction of the President on the 4th of August last, it withdrew the grant of land from the Territory.

But the chartered company were not disposed to yield, even after this decisive stop on the part of the National Legislature. In order to test the right of Congress thus to repeal its own act, a trespass was committed, or alledged to have been committed by the agents of the company upon lands originally comprised within the donation, which was followed by a suit on the part of the Government in the U. S. Court of the first District against said company.

Judge Welch decided upon the pleadings that the repeal was not valid, and that the lands in question belonged of right to Minnesota, and that this decision was affirmed by the Supreme Court of the Territory.

The cause was then transferred to the docket of the U. S. Supreme Court at Washington, and so far as any knowledge has reached your committee, it has not yet been decided.

Your committee have deemed proper to make this brief, and as they are convinced, correct statement of the details of this extraordinary case, and it only remains for them to express their views upon two points connected with it. 1st, Shall Congress be memorialized by the Legislature to disapprove the charter granted by the last Legislature, and—2nd, If the charter is thus disapproved and annulled, and the United States Supreme Court should affirm the decision of the Supreme Court of this Territory, will the grant of lands made by act of Congress, approved 24th June last (1854) inure to Minnesota? Your committee is of opinion that no time should be lost in praying Congress to render null the charter, although well aware that it is a delicate matter to ask the interference of that body in Territorial Legislation. Under none but the most urgent and imperative circumstances, could your committee be induced to recommend an appeal to such interference. In matters connected with the administration of Territorial affairs, the local Legislature should have full power to act, uncontrolled by any supervision on the part of Congress. But if, as your committee sincerely believe, a company has been chartered by a Legislature, not elected with reference to a particular question of great magnitude, which involves the interest of the Territory and future State for all time to come, and if there had been granted to the said company rights and privileges of an almost unlimited character, and without any power on the part of a future Legislature to alter or amend in the least particular, and when the voice of the people has declared their dissent to such action on the part of their legislators—then has occurred a case, in the opinion of your committee, when it is not only justifiable, but strictly incumbent upon those to whom has been confided the trust of regulating the affairs of our temporary Government, to use every proper endeavor to apply a remedy to evils of so great and menacing a character. Congress has reserved to itself the right, in our Organic Act, to disapprove any act of our Legislature, and surely, if the power is ever to be exercised, it should be in such an instance as we have cited.

It cannot be properly asserted that the Minnesota and North Western Rail Road

Company have vested rights under their charter. The act of the Legislature of last session was inchoate and imperfect until it received the sanction of Congress. No rights whatever can vest in the Company until that sanction is obtained, nor is the charter worth the paper upon which it is written, until Congress shall decide that it shall remain upon your statute books. Neither is the doctrine of "squatters sovereignty" invaded or violated by the step which your committee recommended. This Legislature merely prays Congress to perform for the Territory, what we would do ourselves had we the power. The people demand this action on the part of the National Government action, which if opposed to their wishes, would be highly unrighteous and improper.

It has also put forward as an objection, that by memorializing Congress for the disapproval of the charter, the plighted faith of the Territory would be violated.

Your committee can see no force in such reasoning. Both the Legislature and the Company well know the contract that made the charter would be binding upon neither party if Congress should subsequently disapprove and annul it. It is not pretended that any expenditures have been made upon the line of the road or that any of the active and energetic operations so profusely promised when the charter was under consideration by the Legislature, have been performed. The telegraph line from Dubuque to St. Paul, stipulated to be completed and ready for the transportation of despatches within twenty months after the formation of the first board of directors under the Act, has not as yet been commenced, nor has any step been taken, so far as your Committee is informed, to comply with that provision of the charter. Notice of a memorial has been given in the House, praying amendments to that instrument. Your committee is not aware of the nature of these proposed alterations, that except an extension of time will be asked for, wherein to construct the telegraph, together with the fifty miles of road required to be furnished within three years from the date of the acceptance of the charter by the company. The avowed object for pressing the Act of Incorporation through the Legislature in advance of the grant of land by Congress, was that twelve months of time would thereby be gained in advancing the railroad towards completion. Yet a year has elapsed and according to the sworn statement of the presiding officer of the Company to the Governor, not a dollar has been expended for any purpose on the line of the road. Minnesota is this day no further advanced in her railroad improvements than she was when the charter was granted, and the Company or its agents now come forward and demand that more time shall be afforded to enable them to comply with the requirements of what they claim to be the existing contract between the Territory and themselves, thus ignoring and abandoning the very grounds upon which the advocates of the charter based their protest against any delay on the part of the last Legislature.

The proceedings of the Company have thus far been shrouded in mystery. The first named incorporator in the Act, whose ample means it was asserted were to be invested in the stock of the contemplated railway, has long since become refugee from the justice of the community he had basely swindled. We are now told that the charter has passed into the hands of responsible and honorable men, most of whom are not comprised in the original list of incorporators. Your committee are utterly unable to state whether such is, or is not the case, for neither they, nor the rest of the people of Minnesota, un-

less it be a few privileged exceptions, know the names of these individuals—where they reside, or what are their standing and character. No explanations have been vouchsafed on these points, or upon the plan of operations which this association have marked out for themselves. It is boldly affirmed that unless the Company build the road, no other can, but such assertions must pass as of little worth, unsustained as they are by any show of facts.

The interests of this Territory imperatively require a railway communication from its southern boundary to Lake Superior, at the earliest practicable period, but your committee are satisfied that so desirable an end can be achieved in a more speedy manner, and with greater advantages to Minnesota than under the existing charter. The present depressed state of financial matters in the United States and in Europe, precludes indeed any reasonable hope that this chartered company or any other, can now procure the necessary funds for the building of the railroad. We must wait patiently until the crisis is past—until the causes which have produced it have ceased to operate, and the monetary affairs of the country are restored to their usual sound condition. It would not be the part of wisdom for the Territory to remain trammelled by the Act of the last Legislature, if she can honorably free herself from its obligations. That act has been pregnant of evil to Minnesota, and as the result of hasty and ill judged legislation, has been denounced by the people. But for it our Territory would now be rejoicing in the possession of a magnificent grant of lands from the government, to be applied as prudence might dictate in the construction of railroad intercommunication north and south. The advocates of the Minnesota and North-Western Company do not pretend that the railroad will be finished within the time specified by the charter, and therefore an extension of time is desired in their memorial.

Your committee might show other reasons, which, in their judgment would render it proper for this Legislature to memorialize Congress for the annulment of the charter, but they deem them superfluous and they proceed to the point “whether the grant of land will enure to the Territory, if the U. S. Supreme Court should decide that the repealing act of Congress is not valid.” It is not requisite that words should be wasted in the discussion of so plain a proposition. The grant of land by the act of Congress of the 25th of June last, was made to the Territory, and to no other corporate body. If the Act of the 4th of August last, repealing the grant, is not legal, and the Supreme Court at Washington so decides, then must the land remain to the grantee alone, unless, by a previous lawful act it has inured to the benefit of a third party. Should Congress disapprove the charter granted to the Minnesota and North-Western Railroad Company which it has undoubted right to do, then that Company having no vested rights, as your committee have already demonstrated, are no longer in existence as a body corporate, and the Territory is released from all obligations to perform any part of her inchoate contract.

In concluding their report, your committee would state that they have not deemed it requisite to point out what they consider to be the obnoxious provisions of the charter to the Minnesota and North-Western Railroad Company. That has already been done so often and so ably, that nothing remains to be urged with reference to that subject. Your committee will, therefore, only state their conviction that the said charter confers

such unprecedented powers upon the corporators, as would enable them to command absolutely all the Railroad communications north and south, through the Territory and future State, without any fear of competition from other companies—would place them beyond the reach of the Territorial or State Authorities for all time to come—and would end in the establishment of a huge monopoly in our midst, so overawe and control all future legislation. A charter involving and effecting the interests of ourselves, not only, but of future generations, should be so guarded and restricted at every point, that any abuse of its privileges and its franchises would be instantly followed by a termination of its own existence.

In accordance with the foregoing views, your committee recommend to the House the adoption of the following joint memorial to Congress.

*To the Honorable, the Senate and*

*House of Representatives of the United States, in Congress Assembled:*

The memorial of the Legislative Assembly of the Territory of Minnesota, respectfully represents, That at the session of the Legislative Assembly, a charter was granted to the Minnesota and North-Western Railroad Company, conferring franchises and privileges of an extraordinary character upon the corporation—the said Legislative Assembly not having been elected by the people with any reference to the questions involved in the charter aforesaid—that the people at their subsequent election, emphatically condemned said Act of Incorporation as containing power of an unwarrantable and dangerous nature; *therefore*, your memorialist respectfully pray your Honorable body to disapprove the Act of the Legislative Assembly of Minnesota, incorporating said Minnesota and North-Western Railroad Company, approved by the Governor, March the fourth, one thousand eight hundred and fifty-four. And they further pray that the grant of land from Congress to Minnesota Territory may be re-instated as before the Act of repeal, approved fourth of August last, in the form in which the Bill originally passed the House of Representatives, and before the alterations were made in said Bill.

H. H. SIBLEY,  
WILLIAM WILLIM. }

Pending the reading of the report,

A message from His Excellency the Governor, being announced, E. G. Durbin, Esq., his Excellency's private secretary, appeared and delivered a message in writing.

After which the Clerk concluded the reading of the report.

A message from the Council being announced, A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed

(No. 3, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation of \$10,000 for the construction of a military road from Fort Ripley to or near the mouth of Pembina river.

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

The Secretary having withdrawn,

Mr. Fridley, from the Committee on the Judiciary, to which was referred so much of the Governor's message as relates to Railroads, presented the following minority report:

*To the Honorable House of Representatives:*

The undersigned, a minority of the Committee on the Judiciary, to which was referred that portion of the Executive Message relating to the act of the 4th of March last, incorporating the Minnesota and North-Western Railroad Company, the act of Congress of the 29th of June, 1854, granting certain lands to this Territory, and the alteration of the text thereof, pending its passage in the House of Representatives, the act of Congress of the 4th of August last, repealing the granting act, and also the desire of the people in reference to the said act of Incorporation, expressed in the following words, that is to say:

"It is therefore evidently the will of the people that it should be so disapproved by Congress at its present session."

Respectfully,

A. M. FRIDLEY.

## REPORT.

With the matter of the alteration of the act of Congress granting lands for the purposes of the road, by one of its own sworn officers, it would seem, that we have nothing whatever to do. That body has ample power to protect its own dignity and vindicate its own honor. It is a privilege also exclusively its own, and, it is believed, that we are not called upon to sit in judgment or pass sentence upon any officer of that body, nor upon his acts.

The House of Representatives thought fit to have the subject investigated without calling for our assistance, and the result was that their committee reported that their officer was innocent of any intentional wrong and that no fraud had in fact been committed.

And, indeed, is generally conceded now, by enlightened jurists and lawyers, that the alteration was merely verbal, and did not change the meaning of the act, which must be derived from all the language used in it, taken as a whole, and not depend upon the construction of a single word.

But if the alteration was material and the officer merited strong condemnation, how much more reprehensible would be the conduct of this Legislative Assembly, to whom is confided the trust of protecting the People's honor and of preserving the public faith inviolate, should it seek directly, or indirectly, to annul a solemn legislative contract, for the performance of which the Public faith is pledged.

That contract has been deliberately made and accepted. Both the parties to it have taken upon themselves obligations which cannot be dissolved but by mutual consent.

One million of dollars to the capital stock has been subscribed upon the faith of it, and one hundred thousand dollars of that amount has been actually paid in. And we are informed by our judicial records that the company actually commenced the location of their track, thus giving evidence of good faith as well as ability to comply with the contract on their part. And shall we arrest their progress by repudiating it on our

part! What an humiliating spectacle to every friend of the Territory to witness her in such a position before the world at large, held up to ridicule and scorn, bearing a dishonored name and a blasted credit in every financial circle! What madness and folly for her now, when all the people of the Union are directing an admiring eye upon her, and predicting an honorable and brilliant career, to disappoint those high expectations and cover her name with shame!

If one contract is to be violated, may not another be? What security could be given to any other company that they should not share a like fate? Nay, where is the prudent man who would risk money upon a mere charter, when he had witnessed the destruction of a large amount of property, raised upon the face of this one? But to say nothing of the injustice of rescinding the charter, where is the power to do it? It has not been reserved to the Territory, nor is there any known law recognizing the right of one party to rescind a contract without the consent or default of the other. If this company fail to comply on their part, it belongs to the judicial tribunals, and not to this Assembly to apply the proper remedy. If an individual member of that company has committed a wrong at Washington or elsewhere, is that a reason why the Territory or Congress should commit a still greater wrong, by annulling its charter and destroying its property? On the other hand, if one of its members should be falsely imprisoned under color of our laws, would that be a sufficient reason why the company should not build the road? And will this Assembly do an act of the greatest injustice, because an individual has perpetrated a fraud?

If so, whose property or liberty is secure? In the acts regarding the Territories of Nebraska and Kansas, no power of disapproval by Congress is reserved. A good principle was established by those acts, to wit: that the people of the Territories possess the right of self-government, a principle for which our colonial ancestors constantly struggled and finally maintained.

Many of our greatest statesmen of the present day have laboured strenuously for the recognition of this right by the general government, and now that it has been recognized, how poorly should we appear to appreciate the position of independence in which it has placed us by asking Congress to veto our laws! What a reproach upon our people! What an insult to their intelligence! What an act of legislative stultification! What an indication of weakness! What evidence of pusillanimous councils! If we have enacted laws that need correction, if we have made contracts that seem to be too favorable to the other contracting parties, let us amend those laws and seek, by an honorable understanding, to obtain a modification of those contracts, but let us never acknowledge the right of Congress to annihilate our enactments; for upon them depend the safety of our persons, the security of our liberties, and the stability of our property. All the rights of property vested under former laws and under the judgments of our courts, based upon those laws may, if we acknowledge the right in this instance, be swept away by one annihilating act of Congress.

Nay, what will become of the hundreds and hundreds of thousand of dollars, belonging to the stockholders of the St. Croix Boom Company, the Mississippi Boom Company, the Rum River Boom Company, the Minneapolis and St. Anthony Bridge Company, the St. Anthony Boom Company, the St. Paul Fire and Marine Insurance Company,

and the property held under numerous Ferry charters, if this or any other Legislature should recognize the principle that Congress has power to disapprove of those charters? Would it not be establishing a most dangerous precedent?

These charters, and the one under consideration must stand or fall upon the same principle. No one will pretend that the charter of this company conflicts with any law of Congress or is repugnant to the Constitution. If it is not, what has Congress to do with it? Does it interfere in any way with the policy of the general government? If not, why should Congress meddle with it? Surely, the only object of that provision in our organic act reserving the right to Congress to disapprove our laws, is to give that body instead of the courts, power to declare such acts void, as are manifestly in conflict with the Constitution or laws, or policy of the general government. It could have no other object. It will be conceded that we cannot ourselves annul the charter. Why not? Because, it is a contract, and rights have vested under it. It would be unjust, nay, dishonest, to destroy those rights. And is there any one prepared to say that Congress may do an act manifestly dishonest? That an arbitrary power resides in the general government to take one man's property and give it to another, or to take private property for any purpose without making just compensation to the owner? If such were the fact, we should have much less reason to be proud of our country and its institutions. True, we have the right to repeal all general laws, and it may be that Congress has power to disapprove them, but when we make a solemn legislative contract relating to a rightful subject of legislation, under which rights have vested, it is submitted that neither this Assembly nor Congress have the power to annul such contract and divest those rights.

This question has been settled by your courts, whose judgments, until reversed, are binding, and which we cannot supersede.

The District Court of Goodhue County, Chief Justice Welch presiding, decided,

*First.* By the act of Congress, approved June 29th, 1854, granting certain lands to the Territory of Minnesota, to aid said Territory in constructing a Railroad, the Territory *co instanti* upon the passage of the act, acquired an interest and property in the lands granted, which the Territory could grant and convey.

*Second.* By the act of the Legislature of Minnesota incorporating the Minnesota and North Western Railroad Company, the said Company acquired an interest and property in all the lands subsequently granted by Congress to the Territory for the purposes of the Road, which interest became vested in said Company immediately upon the passage of the act of Congress and the organization of the Company.

*Third.* The second section of the act of Congress passed August 4th, 1854, repealing the first mentioned act of Congress, is repugnant not only to the Constitution of the United States, but also to great and fundamental principles which have been recognized from time immemorial wherever the common law prevails.

And that decision has been affirmed by the Superior Court of the Territory. By this we perceive that there is certainty that the grant of land is not lost; that such a calamity is spared us, and that too by the action of this very Company. Shall we relinquish what we have certainly got, for what we may possibly get? After witnessing the defeat of the numerous and meritorious applications to Congress for similar grants, backed by

a strong combination of all the Representatives and Senators from the States to be benefited by them, and after reading the late message of the President on that subject, endorsed as it is by his Cabinet and a powerful party in Congress, as well as by all the Representatives of all the old States, can we reasonably expect that another grant would be made to our feeble Territory, with but a single Delegate in Congress, and he having no vote?

It is now the settled policy of this administration at least, that no more grants shall be made, and it is vain to hope that during the present short session of Congress any will be made. Would it not be folly then to discard the certainty of the future and risk all upon a mere presumption of what Congress may do. As we have seen, the Superior Court has decided that a right to the lands already granted is vested in this Company; and there is no appeal from that decision to this Assembly nor to Congress, and until and unless it be reversed by the Supreme Court of the United States, it is the settled law.

Fear of litigation, then, with this Company growing out of a claim to the right of Way as well as to the lands granted by Congress, would be enough of itself doubtless, to deter any new company from undertaking to build the road. Such a contingency would be deplorable, and would most probably result in having no road at all.

But let us suppose that if we should memorialize Congress to disapprove the charter, and it should do so, and this company should be thereby discouraged and excused also, from building the road, what then would become of the lands granted?

Could the Territory still hold them?

It is believed that if the Company lose the lands, they are lost to the Territory.

As between the United States and the Territory, the latter is but a *quasi* corporation, and took and had no such interest in the lands between the time of the passage of the granting act and its repeal, as precluded their being taken away by the general government. But a grant by the Territory, under a power delegated to it by the United States, is *in fact*, a grant by the United States, and vests a property in the grantee.

It is placed upon the ground that such grant is made for a *consideration*, to wit, an undertaking, by the acceptance of the charter, and an organization under it, to build the road.

In the case of the Territory, however, there was, between the granting act and its repeal, no act of acceptance whatever, on the part of the Territory. It neither surveyed nor located the road, or otherwise incurred any expense in consequence of the grant.— Had it done so, it is possible that this would form a good consideration to uphold the grant, and would at least, amount to an acceptance of it.

But it is said in the Executive Message that extraordinary privileges are granted in this charter to the company, and for that reason the people desire to have it disapproved. Admitting even that this would be a sufficient reason why the contract should be annulled, let us enquire what are those extraordinary privileges? Are there any privileges granted that are not contained in every charter under which railroads have been built or undertaken? His Excellency does not point them out to us, and on comparing this with other charters copies of which are accessible, it will be seen that they are uniformly more liberal to the corporators than this is. By this charter the Company are obliged

to carry the troops and property of the United States free of charge, to transport the mails as often as the Postmaster General may designate, and for such compensation as may be fixed by Congress.

It is obliged to pay into our treasury, semi-annually, 7 per cent. of its net earnings which in a few years must amount to fifty or eighty thousand dollars a year. And again, all its property is subject to territorial, county, town, and city taxes. These requirements are unusual. It is true, the charter of the Illinois Central Railroad requires a payment of 7 per cent. of the gross earnings of the road; but this was to compensate the State for about two millions of dollars, expended upon the road which was transferred to the Company. But the Company is exempted from all but State taxes, and these are never to exceed  $\frac{1}{4}$  of one per cent; and none of its lands are subject to taxation until sold by the Company, and all its other property is exempt therefrom for the period of six years, from the passage of the charter. These privileges are not conferred upon the Min. & N. W. R. R. Co.

Estimating the cost of the road at ten millions of dollars and the annual tax at ten mills to the dollar, they would afford a revenue to the Territory of one hundred thousand dollars annually.

The charter of this Company is almost a literal transcript of the charter of the Illinois Central Railroad Company, except that it imposes conditions which are not contained in the latter, for instance, by the sixteenth section, the charter is to be void and all its property forfeited, unless the company render to the Governor an annual statement under oath, of the amount expended in the construction of the road, the purchase of machinery therefor, and fixtures, the amount of its receipts and expenditures, and unless said road shall be laid with a rail of not less than sixty pounds per yard, and the engines and rolling stock shall be made in all respects equal to those on the best description of roads in the United States, besides the performance of many other conditions which are properly required. This section ought to be amended, so that if at some time, by a delay of the mails or other causality, the annual report should not reach the Executive, or an engine or car should happen to be inferior to that of the best road in the United States, the company would not forfeit its charter and all its property. It is sufficient that by a judgment or decree of the Courts that it may be compelled to do all that is required of it and to respond in damages for any omission to do so. The same security may be thus obtained by the Territory as well without as with a forfeiture.

Although it is said, and it is presumed truly, that the present stockholders are probably worth enough to build the road from their own means, in case of absolute necessity; yet it must be perfectly obvious that at least during the present extraordinary pressure in the money market, monied men will hesitate long before they will commence a work of this magnitude with the prospect before them, that the road, if constructed, must be built wholly from their own resources and without resort to sales of stock or the negotiation of the company's bond. It is therefore highly important to the Territory and to all concerned, that the rights of the company should rest upon a charter and grants which are not only clear in their terms, but are substantially in form and principles similar to charters and grants to other like companies, the stock of which is in market and has a known value there.

Considering the embarrassments occasioned to the company by the act of Congress repealing the granting act, whereby active operations have been delayed for one season, the time limited in which to construct the road and telegraph should be extended.

Indeed as financial affairs are now situated, it would hardly seem prudent for the stockholders to attempt the undertaking in a less time than was originally given to them.

The company should also be permitted to commence operations as well at the point where the road is to cross the Mississippi as at the head of Lake Superior, and thus build each way, if they think their interests would thereby be promoted.

But on the other hand, some additional restrictions should be imposed upon the company.

*First*, They should be held responsible for the acts of their agents whether in the issuing of certificates of stock, or evidences of debt, or in the doing of any other act where public confidence is naturally and necessarily placed in them, by reason of their employment by the company. Such a provision would protect those who might innocently hold certificates of stock issued fraudulently, as in the case of certain certificates issued by Robert Schuyler in the name of the New Haven Railroad Company.

*Second*, The last proviso of the 8th section of the charter, should be made more definite also so that no question may arise hereafter as to the precise time when the 7 per centum of the net earnings of the road shall be paid into the treasury.

Full power should be given to the Legislature or its authorized agents to examine all the books of the company, and also its officers and employees, on oath for the purpose of ascertaining the cost of the road, its annual expenditure and receipts, and in case of false or fraudulent statements being made, the penalty of perjury should attach.

These and other amendments should be added, some of a local nature, having for their object the protection of the community against any encroachments, which the company might in time see fit to make, if no restrictions were placed upon them.

If the amendments are not accepted by the company, they will be forfeited. The extension of time being forfeited by a non-acceptance of the amendments, the charter will be forfeited, and the next Legislative Assembly may take such action upon the subject as to it may seem meet, and as it would take if the charter were to be disapproved by Congress. It cannot be expected that this Legislative Assembly, can, at the present session, enact any other charter, even if that already enacted should be annulled. By the time that intelligence of the action of Congress upon the proposed memorial will be received, this session will have nearly or quite expired; and members could not mature measures founded upon such action.

The suggestion of the Executive is based in part upon the assumption that the charter was the result of hasty and inconsiderate legislation.

Supposing such assumption to be just, this Assembly could not proceed in the matter at so late a day, without falling into a similar error.

But if the Company accepts the amendments, and in good faith goes on with the construction of the great work contemplated by its charter, at the opening of navigation the members of this Assembly will not regret having refrained from the premature and harsh act now suggested.

In either view of the case, therefore, it is most prudent and wise to afford to the Company every reasonable facility and encouragement. Nothing can be lost and much may be gained by leaving the subject apart from the amendments to the next Legislative Assembly. It is therefore respectfully recommended that the charter be amended as above suggested.

A. M. FRIDLEY.

The Clerk read the report.

Mr. Hanson moved

That the majority and minority reports be accepted, which was determined in the affirmative.

Mr. Rolette moved

That 500 copies of both reports be printed in pamphlet form, for the use of both Houses.

Mr. Willim moved

To amend the motion, by striking out the word "five," and inserting the word "one" in lieu thereof.

The question being taken on the adoption of the amendment, it was lost.

The question then recurring on the adoption of the motion, it was carried.

Mr. Sibley moved

That the memorial accompanying the majority report of the Committee on the Judiciary be re-committed to said Committee.

The question being taken, it was decided in the negative.

A message from the Council being announced, A. J. Morgan, the secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed

(No. 6, C. F.) A Bill to provide for laying out a Territorial road from St. Paul to Elliot.

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

The Secretary then withdrew.

The Speaker then presented to the House the following message and accompanying documents, from His Excellency the Governor, which were read as follows:

EXECUTIVE DEPARTMENT, MIN. TER., }  
January 19th, 1855. }

SPEAKER HOUSE OF REPRESENTATIVES:—

I have the honor to transmit herewith the acceptance of the charter to the M. & N. W. R. R. Co., by the incorporators, for your information.

Respectfully, &c.,

W. A. GORMAN.

*To His Excellency Willis A. Gorman, Governor of the Territory of Minnesota:*

In pursuance of an act of the Legislative Assembly of the Territory of Minnesota, approved by the Governor thereof on the fourth day of March, one thousand eight hundred and fifty-four, entitled "An Act to incorporate the Minnesota and North-Western Railroad Company," we, Robert Schuyler, Morris Ketchum, Edward Bennet, R. B. Mason, George W. Billings, Erastus Corning, John M. Forbes, Curtis B. Raymond, John Gardner, W. B. S. Moore, Frederick S. Jessup, Franklin Steele, Charles W. Borup, Orange Walker, Alex. Wilkin, Willis A. Gorman, Alexander Ramsey, James Stimson, and J. Travis Rosser, the corporators named in the said act do certify—

That on this first Tuesday, being the fourth day of April, eighteen hundred and fifty-four, in pursuance of the requirements of the said act, being the first Tuesday of the month next succeeding the passage of the said act, we, the said corporators, to wit:—Robert Schuler, George L. Schuler, William P. Burrall, Morris Ketchum, E. Bennet, George W. Billings, Curtis B. Raymond, W. B. S. Moore, Frederick S. Jessup, Alexander Wilkin, Alexander Ramsey—did meet at the Chamber of Commerce, in the Merchants' Exchange, in the city of New York, and then and there, being so assembled in the said meeting, resolve and determine as such corporators, to accept, and did then and there accept the said act and the charter of incorporation therein granted and contained, as such corporators as aforesaid, for all the purposes therein contained; and did also then and there, in such meeting as corporators assembled, resolve and determine to give, and we do hereby give notice of such, our said acceptance of the said act and the said charter of incorporation, to the Governor of the said Territory, as required by the said act.

And we do further certify that at such meeting so assembled, we did make such arrangements as we deemed proper and necessary for the future meetings for the organization of the said Company and the issue of capital stock.

In witness whereof, we, the corporators present at the said meeting, have hereunto subscribed our respective names, this same fourth day of April, one thousand eight hundred and fifty-four, at the said Chamber of Commerce in the said Merchants' Exchange in the said city of New York.

In presence of Edward Stearns:

ROBERT SCHUYLER,  
 GEORGE L. SCHUYLER,  
 WILLIAM P. BURRALL,  
 MORRIS KETCHUM,  
 EDWARD BENNET,  
 GEORGE W. BILLINGS,  
 CURTIS B. RAYMND,  
 W. B. S. MOORE,  
 FREDERIC S. JESSUP,  
 ALEXANDER WIKKIN,  
 ALEXANDER RAMSEY.

UNITED STATES OF AMERICA, }  
SOUTHERN DISTRICT OF NEW YORK, } ss.

Be it known that this day personally appeared before me the undersigned Judge of the United States for the Southern District of New York, Edward Stearns, who being by me duly sworn, made oath that he knows the several persons whose names are subscribed to the within instrument in writing; and that he was present and saw them severally subscribe, each in his own hand writing their names respectively thereat, and that the deponent then subscribed his name in his own hand writing, as a witness to the due execution of the said instrument in writing.

In witness whereof I have hereto subscribed my hand and set my seal, at the city of New York, this sixth day of April, A. D. 1854.

SAMUEL R. BETTS,  
*U. S. Judge.*

EXECUTIVE DEPARTMENT, MINNESOTA TERRITORY, }  
January 17, 1855.

*Speaker of House of Representatives:*

I have the honor to transmit herewith the report of the acting President and Treasurer of the M. and N. W. R. R. Co., made to this office in accordance with the provisions of its charter.

Respectfully,  
Your obedient servant,  
W. A. GORMAN.

### STATEMENT

Made by the Minnesota and North Western Railroad Company, to his Excellency, Willis A. Gorman, Governor of the Territory of Minnesota, under and in accordance with the provisions of the act of the Legislative Assembly of the Territory of Minnesota, entitled "An Act to incorporate the Minnesota and North Western Railroad Company," approved March 4th, 1854.

The Minnesota and North Western Railroad Company have not yet expended any sum whatever in the construction of the railroad contemplated in the said act of incorporation, or in the machinery therefor, or in the appurtenances thereunto belonging.

The said Company has received, since the incorporation thereof, and during the present year, the sum of (one hundred thousand and twenty dollars) \$100,020 00

The said Company has expended since its incorporation, and during the present year, the sum of (nine thousand six hundred and seventy two dollars and twenty-four cents) ..... 9,672 24

In witness whereof the said Company has caused this instrument to be attested by Robert W. Lowber, its acting President, and the seal of the said Company to be hereunto affixed, this eighth day of December, eighteen hundred and fifty-four.

ROBERT W. LOWBER,  
Acting President of the Minnesota and North Western Railroad Company.

STATE OF NEW YORK, }  
 City and County of New York, } ss.

Robert W. Lowber, the Acting President, and Peter S. Burcham, the Treasurer of the Minnesota and North Western Railroad Company, being duly sworn, say, and each for himself says, that the foregoing statement of the said Company is in all respects correct and true.

ROBERT W. LOWBER,  
 PETER S. BURCHAN.

Sworn to and subscribed this 8th day of December, before me,

JAMES P. HYATT,

*Commissioner of Deeds.*

EXECUTIVE DEPARTMENT, MIN. TER. }  
 January 17, 1855. }

*Speaker of the House of Representatives:*

E. Green Durbin is authorized to bear messages to both branches of the legislature, from the Executive Department, as private Secretary.

Respectfully, &c.,

W. A. GORMAN.

Mr. Dixon moved

That one hundred copies of the message and accompanying documents be printed for the use of the House,

Which was adopted.

Messages from the Council being in order,

The following messages were taken from the table and read by the Clerk:

MR. SPEAKER,—The Council has passed

(No. 1, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation for the construction of a military road.

In which the concurrence of the House is requested.

Also (No. 2, C. F.) A memorial to Congress for an appropriation to complete the military works at Fort Ridgely.

In which the concurrence of the House is respectfully requested.

The Council have also passed

(No. 3, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation of \$10,000 for the construction of a military road from Fort Riply, to or near the mouth of Pembina river.

In which the concurrencer of the House of Representatives is respectfully requested.

The Council has also passed

(No. 4, C. F.) A Bill to incorporate the town of Henderson, and for other purposes.

In which the concurrence of the House is requested.

After reading the above messages,

Memorial (No. 1, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation for the construction of a military road,

Was taken up and read a first and second time.

Also, (No. 2, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to complete the Government works at Fort Ridgely

Was taken up and read a first and second time.

Also, (No. 3, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation of \$10,000 for the construction of a military road from Fort Ripley to or near the mouth of Pembina river.

In which the concurrence of the House of Representatives is respectfully requested,

Was taken up and read a first and second time.

Also, (No. 4, C. F.) A Bill to incorporate the town of Henderson, and for other purposes,

Was taken up and read a first and second time.

The following message was also taken up and read :

**MR. SPEAKER:**

The Council has passed the following resolution :

*Resolved*, By the Council, (the House concurring,) That for the purpose of representation, the Legislative Assembly of this Territory, as well as for judicial organization and government, the county of Blue Earth be deemed to be within and forming a part of the Territory of Minnesota.

Also, the President of Council has appointed Messrs. Brown and Stimpson a committee to act in conjunction with a similar committee on the part of the House, to report joint rules for the government of the two Houses during the present session.

On motion of Mr. Sibley,

The resolution was laid on the table,

On motion of Mr. Sibley

The House resolved itself into committee of the Whole,

Mr. Stanchfield in the Chair, taking under consideration

Memorial (No. 2, H. of R.) A memorial to Congress for an appropriation of \$5000 for the construction of a Territorial road from the West bank of the Mississippi, opposite the lower portion of the city of St. Paul, to intersect the Territorial road now being constructed from Mendota to Wabashaw.

After some time passed therein,

The committee rose, and by their chairman reported back the memorial to the House without amendment, and recommended its passage.

On motion of Mr. Sibley

The report was accepted, and the memorial ordered to be engrossed.

On motion of Mr. Davis

The rules were suspended,

And the memorial was ordered to a third reading.

Said memorial was then read a third time.

The question recurring upon the passage of the bill,

It was passed.

The question then recurring upon agreeing to its title,

It was agreed to.

Mr. Sibley asked the unanimous consent of the House to introduce Bill (No. 8, H. of R.) A bill to amend an act entitled "an act to incorporate the St. Anthony Boom Company, approved February 27th, 1852."

Which consent was granted.

The bill was read the first and second times, and laid on the table to be printed.

On motion of Mr. Sibley.

Was referred to the committee on Incorporations.

By the unanimous consent of the House,

Mr. Willim introduced the following resolution:

*Resolved*, That the Secretary of the Territory be requested to furnish each member and officer of this House with one hundred stamped envelopes and four hundred newspaper stamps to be paid for out of the monies appropriated to defray the expenses of the Legislature.

By the unanimous consent of the House,

Mr. Dixon offered the following resolution, which was adopted.

*Resolved*, That a committee of two be appointed to act in conjunction with the committee appointed by the Council, to report Joint Rules for the government of the two Houses during the present session.

The chair appointed Messrs. Dixon and Davis as said committee.

By the unanimous consent of the House,

Mr. Dixon introduced the following resolution, which was adopted.

*Resolved*, That a committee of three be appointed to draft Rules for the House of the present Legislature.

The chair appointed Messrs. Dixon, Sibley and Andros as said committee.

By the unanimous consent of the House,

Mr. Lemay offered the following resolution:

*Resolved*, That the expense accrued for the translation of the Constitution of the United States, and the Organic act of this Territory, into the French and German languages, be paid for by the Secretary of the Territory, out of any funds appropriated by Congress to defray the expenses of this Territory.

On motion of Mr. Davis,

The resolution was laid on the table.

On motion of Mr. Sibley,

The House adjourned.

JAMES S. NORRIS,  
Speaker of the House.

Attest:

JAS. C. SHEPLEY,  
CHIEF CLERK, H. of R.

## FRIDAY.

JANUARY 26, 1856.

The House met pursuant to adjournment; and was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Andros,  
Davis,  
Grant,  
Hanson,  
Sibley,  
Willim,

Beatty,  
Fridley,  
Haus,  
Regester,  
Thompson,  
Speaker.

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Davis,

The reading of the journal was dispensed with.

Mr. Hanson presented

The petition of Wm. Huley and other citizens occupying the west side of the Mississippi river in Minnesota Territory.

Asking an amendment of the

Law granting to County Commissioners power to issue licenses to sell liquor, so that its provisions may extend to the west side of the river.

Mr. Hanson moved

To refer said petition to the committee on the Judiciary.

Which was determined in the negative.

Mr. Willim moved

That the petition be referred to the committee on Territorial affairs.

Which was determined in the negative.

Mr. Cave moved

That the petition be laid on the table,

Which was determined in the affirmative.

Mr. Andros offered the following resolution:

*Resolved*, That five hundred copies of the Governor's message be printed in the English language for the use of the two Houses.

Mr. Dixon moved

To amend said resolution

By striking out the words "five hundred" and inserting the words "one thousand" in lieu thereof.

The amendment was not adopted.

The question then recurring on the adoption of the resolution,  
It was determined in the affirmative.

By the unanimous consent of the House,

Mr. Hanson presented the following petition of

David Kinghorn and 27 other citizens of Scott county.

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

Your petitioners, inhabitants of the county of Scott, would respectfully represent: Whereas a Territorial road has been surveyed from St. Paul to Big Woods and Traverse des Sioux, on the east side of the Minnesota river, according to an act, approved February twenty-third, A. D. 1854. And whereas, that portion of said road, as surveyed by the commissioners appointed by said act, from Credit river to Shakopee, is indirect and inconvenient, and whereas there has been last fall and summer, a county road viewed and surveyed from Credit river to Shakopee, on the most direct and practicable route and most convenient to the settlers.

Your petitioners would therefore ask your Honorable body that, that portion of said Territorial road be located on said county road as viewed and surveyed by John O'Fallon, county surveyor, and David Kinghorn and Amos Boveeg viewers, and your petitioners, as in duty bound, will ever pray.

David Kinghorn,  
Hugh Blain,  
Robert Irvin,  
Wm. Phillips,  
Henry Litstor,  
Wm. Scott,  
Mathew Leddy,  
John O. Smith,  
Michael Remlenan,  
J. B. Reynolds,  
L. Isenhour,  
Fredrick Furgins,  
Daniel M. Stover,  
John Berry,

James Bivill,  
James Jardone,  
Robert Kennedy,  
Joseph Niehoff,  
David Ruttle,  
John Konze,  
Augustus Mose,  
Geo. Kinghorn,  
G. W. Burn,  
C. Harkens,  
Bernart Gotfeld,  
S. M. Gates,  
Franz Albashtea,  
James Berry.

On motion of Mr. Hanson

The said petition was referred to the Committee on Territorial Roads.

Mr. Dixon gave notice

That he would on to-morrow or some future day of the present session, introduce a Bill entitled "An Act to amend an act entitled 'An act to incorporate the city of Still-water.'"

Also, a memorial to Congress for an appropriation to the Territorial Prison.

Messages from the Council being in order, the following message was taken up and read by the Clerk:

**MR. SPEAKER:**—The Council has passed

(No. 6, C. F.) A bill to provide for laying out a Territorial Road from St. Paul to Elliota.

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

After the Clerk had read the message,

(No. 6, C. F.) A bill to provide for laying out a Territorial Road from St. Paul to Elliota,

Was taken up and read a first and second times.

Mr. Davis moved

That the House resolve itself into a Committee of the Whole, to take into consideration.

(No. 3, H. R.) A Memorial to Congress, asking a disapproval of the act of the Legislative Assembly of Minnesota Territory, incorporating the M. & N. W. R. R. Co.

Mr. Rolette moved

A call of the House.

The Clerk called the roll, and

Reported, Messrs. Beatty and Lémay as absent.

The Sergeant-at-Arms was directed to notify the absent members to appear in their seats.

Mr. Davis moved

That further proceedings under the call be dispensed with.

Which was determined in the negative.

A message from the Council being announced,

A. J. Morgan, the Secretary of the Council, appeared and delivered the following message:

**MR. SPEAKER:**

The Council has passed

(No. 1, C. F.) A bill to confirm the qualifications of certain county officers in Sibley county, and for other purposes.

In which the concurrence of the House is respectfully requested.

Mr. Davis moved.

That the House do now adjourn.

Determined in the negative.

A message from the Council being announced,

A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following message:

Mr. Speaker,

The Council has passed,

(No. 13, C. F.) A bill to amend an act, entitled an Act relating to auctioneers.

In which the concurrence of the House is respectfully requested.

Mr. Davis moved,

That further proceedings under the call be dispensed with.



And the yeas and nays being called for and ordered, there were

Yeas 7. }  
Nays 10. }

As follows:

Those who voted in the affirmative were

Mr. Dixon,	Mr. Grant,	Mr. Hanson,
Register,	Rolette,	Stanchfield,
Thompson—7.		

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Fridley,
Haus,	Sibley,	Willim,
Speaker—10.		

So the motion was not adopted.

Mr. Hanson moved

A call of the House.

The Clerk called the roll, and reported Mr. Lemay as the only absent member.

Mr. Sibley moved

That further proceedings under the rule of the House be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 8. }

As follows:

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Sibley,	Willim,	Speaker—9.

Those who voted in the negative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Register,	Rolette,
Stanchfield,		Thompson—8.

Which motion was adopted.

Mr. Davis moved

That the House resolve itself into a committee of the whole,

For the purpose of taking into consideration

(Memorial No. 3, H. of R.) A memorial to Congress asking a disapproval of the act of the Legislative Assembly of Minnesota Territory, passed March 4, 1854, incorporating the N. W. R. R. Co.

Mr. Fridley moved

That the House do now adjourn.

The Chair decided

That the motion was not in order.

The question then recurring upon the motion of Mr. Davis,

And the yeas and nays being called for and ordered, there were

Yeas, 9. }  
Nays, 8. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Sibley,	Willim,	Speaker—9.

Those who voted in the negative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Register,	Rolette,
Stanchfield,	Thompson—8.	

So the motion was adopted.

Mr. Dixon moved

A call of the House.

Mr. Sibley rose to the following point of order:

That the House having resolved itself into a committee of the whole, that a call of the House is not in order.

The Chair decided in favor of the points of order.

The House then resolved itself into a committee of the whole.

Mr. Brawley in the chair—

And after some time passed therein, rose, and by their chairman reported back the memorial to the House without amendments, and recommended its adoption.

Mr. Sibley moved

That the House concur in the report of the Committee of the whole.

And the yeas and nays being called for and ordered, there were

Yeas, 9. }  
Nays, 8. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Sibley,	Willim,	Speaker.—9.

Those who voted in the negative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Register,	Rolette,
Stanchfield,	Thompson.—8.	

So the motion was adopted.

Mr. Sibley moved

That the memorial be ordered to be engrossed for a third reading, and called the previous question on the motion.

The question then recurring on the adoption of the call for the following question:

And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 8, }

Those who voted in the affirmative were

Mr. Andros,  
Cave,  
Sibley,

Mr. Beatty,  
Davis,  
Willim,

Mr. Brawley,  
Haus,  
Speaker.—9.

Those who voted in the negative were

Mr. Dixon,  
Hanson,  
Stanchfield,

Mr. Fridley,  
Regester,  
Thompson.—8.

Mr. Grant,  
Rolette,

So the previous question was adopted.

The question then recurred on engrossing the memorial for a third reading.

And the yeas and nays being called for and ordered, there were

Yeas 9. }  
Nays 8. }

Those who voted in the affirmative were

Mr. Andros,  
Cave,  
Sibley,

Mr. Beatty,  
Davis,  
Willim,

Mr. Brawley,  
Haus,  
Speaker.—9.

Those who voted in the negative were

Mr. Dixon,  
Hanson,  
Stanchfield,

Mr. Fridley,  
Regester,  
Thompson.—8.

Mr. Grant,  
Rolette,

So the memorial was ordered to be engrossed for a third reading.

Mr. Rolette moved

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas 9. }  
Nays 8. }

Those who voted in the affirmative were

Mr. Dixon,  
Hanson,  
Stanchfield,

Mr. Fridley,  
Regester,  
Thompson,

Mr. Grant,  
Rolette,  
Willim.—9.

Those who voted in the negative were

Mr. Andros,  
Cave,  
Sibley,

Mr. Beatty,  
Davis,  
Speaker.—8.

Mr. Brawley,  
Haus,

So the House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

**SATURDAY.**

JANUARY 27, 1855.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called, the following members answered to their names:

Andros,	Beatty,
Cave,	Davis,
Fridley,	Grant,
Haus,	Rolette,
Sibley,	Stanchfield,
Thompson,	Willim,
	Speaker.

Prayer by the Rev. Mr. Hodsdon.

The journal of yesterday, was read and approved.

Mr. Andros presented the petition of Anton Edelbrock and 55 other citizens of Saint Cloud, Sauk Rapida, and vicinity asking,

That a license may be granted to Antoine Edelbrock, Jeremiah Russell, Joseph Horner and John L. Wilson, to keep and maintain a ferry across the Mississippi river near the foot of Le Rey street, St. Cloud, to lands owned by Sophia Russell, for the space of five years.

Which was read and referred to the committee on Territorial roads.

Mr. Andros also presented the petition of Anton Edelbrock and 57 other citizens of St. Cloud and vicinity, praying,

That a road may be opened from St. Cloud to Fort Ridgely on the Mississippi River.

Which was read and referred to the committee on Territorial Roads.

Mr. Andros also presented

The petition of Anton Edelbrock and 55 other citizens of St. Cloud, in the county of Cass, and vicinity, praying

That a Territorial road may be opened west from St. Augusta street, in said town of Saint Cloud, to intersect the old Red River road, some five miles from the aforesaid point, to cross the Sauk Rapids near the farm and residence of James Krough.

Which was read and referred to the committee on Territorial roads.

Mr. Thompson gave notice

That he would on to-morrow or some early day introduce a memorial to Congress for an appropriation to continue the Mendota and Wabashaw road, from Wabashaw by the line of the Mississippi river to the southern boundary of the Territory of Minnesota.

Messages from the Council being in order,

The following messages were taken up and read by the Clerk:

**MR. SPEAKER:**

The Council has passed

(No. 1, C. F.) A bill to confirm the qualifications of certain county officers in Sibley county, and for other purposes.

In which the concurrence of the House is respectfully requested.

**MR. SPEAKER:**

The Council has passed

(No. 13, C. F.) A bill to amend an act entitled "an Act regulating Auctioneers."

In which the concurrence of the House is respectfully requested.

After the reading of the above messages,

Mr. Sibley asked

That the unanimous consent of the House may be granted, in order that the bills and memorials of the Council on the Clerk's desk might be taken up, read by their titles and referred to the appropriate committees.

Which consent was granted.

The Clerk read by its title,

(No. 1, C. F.) A memorial to the Legislative Assembly of Minnesota Territory to Congress, for an appropriation for the construction of a military road.

Which, on motion of Mr. Sibley,

Was referred to the committee on Territorial roads.

The Clerk also read by its title,

(No. 2, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to complete the Government works at Fort Ripley.

Which, on motion of Mr. Sibley, was referred to the Committee on Internal Improvements.

The Clerk also read by its title,

(No. 3, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation of \$10,000 for the construction of a Military Road from Fort Ridgely, to or near the mouth of Pembira River.

Which, on motion of Mr. Sibley, was referred to the Committee on Territorial roads.

The Clerk also read by its title

(No. 6, C. F.) A Bill to incorporate the Town of Henderson, and for other purposes.

Which, on motion of Mr. Sibley, was referred to the Committee on Incorporations.

The Clerk also read by its title,

(No. 6, C. F.) A bill to provide for laying out a Territorial Road from St. Paul to Elliotts.

Which, on motion of Mr. Sibley, was referred to the Committee on Territorial Roads.

Mr. Sibley moved

That the House do now adjourn.

Mr. Rolette moved

To amend the motion, by adjourning until Tuesday next, at 2½ o'clock.

The question being taken on the adoption of the amendment, it was decided in the negative.

Mr. Dixon moved

To amend the motion by adjourning until Tuesday next at 10 o'clock.

And the question being taken, it was decided in the negative.

The question then recurring on the adoption of the resolution, and the yeas and nays being called for and ordered, there were

Yeas 12, }  
Nays 4. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Fridley,
Haus,	Hanson,	Sibley,
Thompson,	Willim,	Speaker—12.

Those who voted in the negative were

Mr. Dixon,	Mr. Grant,	Mr. Rolette,
Stanchfield—4.		

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

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

## MONDAY.

JANUARY 29, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Andros,	Beatty,
Cave,	Dixon,
Davis	Fridley,
Grant,	Haus,
Hanson,	Lemay,
Register,	Rolette,
Stanchfield,	Sibley,
Thompeon,	Willim,

Mr. Speaker.

Prayer by the Rev. Mr. Hodsdon.

The Journal of Saturday was read and approved.

Mr. Dixon presented the following

**PETITIONS:**

*To the Hon. the General Assembly of the Territory of Minnesota:*

The undersigned citizens of Washington county, Minnesota, respectfully represent:

That in their opinion, the prosperity and welfare of the people of this Territory would be greatly promoted by the construction of a railroad from Lake Superior to the southern boundary of Iowa, as contemplated by the act of the 4th of March last, incorporating the The Minnesota and North Western Railroad company.

That they have reason to believe said company can and will, with proper encouragement from your Honorable body, construct and put in complete operation, the said road, and also the line of telegraph contemplated by the act aforesaid, within a reasonable time.

That in view of the delay in the commencement of operations upon said road, occasioned by the 2nd section of the act of Congress of the 4th of August last, repealing the act of the 29th of July last, granting certain lands for the purpose of said road, the time limited by the act of incorporations for the construction thereof, ought, in justice, to be extended at least from eight to twelve months.

And with the view to satisfy said company that the people of this Territory desire to encourage them to construct said road, we respectfully request your Honorable Assembly to grant a reasonable extension of time to said company within which to complete said Railroad and Telegraph, and to aid them in such other proper manner as to you may seem meet.

J. K. Reiner  
 Francis Regester  
 Hiram Berkey  
 Isa S. Parker  
 Anthony Gerweise  
 Cornelius Lyman  
 Matthias Welshoure  
 Cheevler M. Wallace  
 Chas. B. Carufel  
 J. D. Sudden  
 Orange Walker  
 Francis O. Hamel  
 Nils Welander  
 Jas. M. Blair  
 Samuel Leybold  
 John Cook  
 N. H. Johnson  
 G. J. McNeal

Nicholas Hebenstreit  
 Andrew Luid  
 G. J. Buckley  
 Siver Anderson  
 Jas. Merritt  
 M. P. Greenleuf  
 O. W. Hackey  
 Lumor Erexson  
 James M. Hail  
 Lewis Walker  
 W. Moller  
 Moses Cleik  
 Adam Lightrew  
 S. P. Clark  
 Charles Whalan  
 John Dobuy  
 C. D. Lyman.

*To the Hon. Legislative Assembly of the Territory of Minnesota:*

The undersigned citizens of Taylor's Falls respectfully represent:

That in their opinion, the prosperity and welfare of the people of this Territory would be greatly promoted by the construction of a Railroad from Lake Superior to the Southern boundary of Iowa, as contemplated by the act of the 4th of March last, incorporating the Minnesota and North Western Railroad Company.

That they have reason to believe that the said Company can and will, with proper encouragement from your Honorable body, construct and put in complete operation, the said road, and also the line of Telegraph contemplated by the act aforesaid, within a reasonable time.

That in view of the delay in the commencement of operations upon said road, occasioned by the 2d section of the act of Congress of the 4th of August last, repealing the act of the 20th of June last, granting certain lands for the purpose of said road, the time limited by the act of incorporation for the construction thereof, ought in justice to be extended at least from eight to twelve months.

And with the view to satisfy said Company that the people of this Territory desire to encourage them to construct said road, we respectfully request your Honorable Assembly to grant a reasonable extension of time to said Company within which to complete said Railroad and Telegraph, and to aid them in such other proper manner as to you may deem meet.

JANUARY, 1855.

W. H. C. Folsom,  
 L. K. Stadnard,  
 F. W. Abbott,  
 Wm. Ward,  
 James H. Tuller,

James H. Russell,  
 Harris Rolfe,  
 L. B. Smith,  
 John Smiley,  
 W. O. Mahony,  
 S. B. Dreer,  
 Richard Arnold,  
 James M. Fongoy,  
 Ed. Wilcox,  
 Alanson Platt,  
 Beld D. Pettis,  
 Elloge Murphy,  
 Charles K. Shelley,  
 T. T. Prentice,  
 Peter Campbell,  
 John Sellers,  
 W. W. Folsom,  
 Antoine Lapoint,  
 E. K. Whiteler,  
 David Lonoy,  
 Ambrose C. Levy,  
 Lorenzo O. Lowden,  
 Aexie Roberge,  
 William Amery.

Which were read,  
 And referred to the committee on Internal Improvements.  
 Mr. Thompson presented the following

PETITION :

*To the Honorable the Legislative Assembly of the Territory of Minnesota:*

The memorial of the inhabitants of the county Wabashaw would respectfully represent—

That by an act passed March 5th, 1853, entitled an act to organize certain counties, and for other purposes, published in the session laws at page 32, chapter 11, the county of Wabashaw was deprived of about seven miles of territory, which your memorialists deem the county was justly entitled to, making it one of the smallest counties in the whole territory, with the loss of one of its most flourishing settlements in favor of the county of Goodhue, which became thereby twice if not three times as large as the county of Wabashaw. Your memorialist would therefore pray your honorable body that the upper boundary of Wabashaw be extended to Sandy Point, seven miles above its present upper boundary on Lake Pepin, which will restore more equality amongst the counties on the west side of the Mississippi.

They would also respectfully represent that although the poll lists of the county does

not show the requisite number of voters to entitle it to a judicial organization, yet it is nevertheless a fact that there are in the county now, although reduced to a mere fraction compared with the counties above and below us, nearly twice the number of legal voters required by law to entitle it to a judicial organization; numbers of our voters are absent on lumber rafts about election time, but much the larger number, inhabiting the upper portion of the county, does not attend elections, hoping as your memorialists believe, to disorganize the county organization, which by act of the Legislature of last year, they were authorized to do.

The county is now fully organized with all its officers properly qualified, in accordance with the requisitions of the law, and it has sufficient population to entitle it to a judicial organization. Your memorialists therefore, pray your honorable body that Wabashaw county be made a judicial county with all the rights and privileges of other counties, and that you forthwith assign it to one of the judicial districts established by law on the west side of the Mississippi river.

All of which is respectfully submitted.

Done at Wabashaw, this sixth day of January, one thousand eight hundred and fifty-five.

Luther Greer,  
 Alexis Bailey.  
 Hugh Pugh,  
 Joseph Champigney,  
 Joseph Loulkey,  
 W. C. Read,  
 John McKee,  
 Amos Wheeler,  
 Oscar Keistner,  
 Simon Laplan,  
 Dr. Hartkoff,  
 Augustus Rock,  
 E. M. Wildes,  
 Joseph Rouque,  
 Alexis R. Bailey,  
 B. T. Hird,  
 Jeremiah Campbell,  
 David Campbell,  
 John Hitt,  
 P. Harrell,  
 Augustus Rock,  
 Ira W. Baker,  
 Phil Stone,  
 J. C. Davis,  
 Wm. Campbell,  
 Baptiste Lafrance,  
 J. S. Smith,  
 Charles Beapy,

John Campbell  
 Reuben Grigsley,  
 Thomas Flynn,  
 Jacob Bush,  
 Patrick Hunt,  
 John Walker,  
 Thomas Roberts,  
 Peter Larievier,  
 Louis Remer,  
 Wm. O. Mahony,  
 A. B. Smith,  
 Isaac M. Cole,  
 Oliver Craft,  
 Duncan McKenzie,  
 Louis Martell,  
 Joseph Mousett,  
 Thomas Robinson,  
 Michael Larivene,  
 Louis Carvon,  
 John McKenzie,  
 Henry Amerland,  
 Herman Amerland,  
 B. Eggenberger,  
 Chas. Kaestner,  
 Peter Canant,  
 Louis Roque,  
 James Mulligan,  
 Isaac M. Cole, jr.  
 James O'Neale,  
 George Campbell,

Which was read, and referred to the Committee on the Judiciary.

Mr. Thompson also presented the following

PETITION:

*To the Hon. the Senate and House of Representatives of the Territory of Minnesota:*

We, the undersigned citizens of Houston county and vicinity, respectfully represent to your Honorable Body—

That the public good requires the laying out of a Territorial road from Taylor's Landing, in township 104, in range 4, through High Forest, to a point on the St. Peter's river, at or near the South Bend, agreeably to the bill herewith annexed.

HOUSTON COUNTY, Dec. 28, 1854.

P. Lee,  
 Joel Byrus,  
 Philander La,  
 Harvey Gillitt,

Samuel W. Spalding,  
 Thomas Kenyon,  
 Charles Williams,  
 O. P. Gates,  
 Spafford Williams,  
 C. B. Sinclair,  
 John Hoifrer,  
 C. J. Johnson,  
 Isaac Thompson,  
 A. D. Cloce,  
 Thomas Haluorsen,  
 John Moore,  
 James Lane,  
 Patrick Finn,  
 Martin Shannon,  
 William F. Jonson,  
 William Miller,  
 George Janson,  
 J. St Clair,  
 Simon Doyle,  
 James Manly,  
 Henry Duhren,  
 Henry Wetien,  
 B. D. Cradwin,  
 Yohannes Y. Tiuniga,  
 Nathan Vance,  
 Walter Botes,  
 William Gillitt,  
 Amasa Gleason,  
 F. N. Goodrich,  
 Joseph Cooper,  
 William Lemons,  
     his  
 Thomas ✕ Byley  
     mark  
 John Campbell,  
 T. J. Clark,  
 Byron Morrison,  
 William Lemon jr.,  
 Charles Lemon,  
 T. E. Grover,  
 Faller Olsten,  
 William Buens,  
 Edwin Hint,  
 F. M. Rubler,

James K. French,  
 William Hood,  
 C. G. Hanscome,  
 Thomas McCaulay,  
 E. Marshall,  
 Eugene Rigley,  
 E. K. Guile,  
 T. Riley,  
 A. Blackington,  
 Charles Hurd,  
 C. K. Kogus,  
 Y. V. Herrick.

Which was read and referred to the Committee on Territorial Roads.  
 Mr. Hanson presented the following

PETITION : .

*To the Hon. the Legislative Assembly of the Territory of Minnesota:*

The undersigned citizens of Dakota county, respectfully represent:

That in their opinion the prosperity and welfare of the people of this Territory would be greatly promoted by the construction of a Railroad from Lake Superior to the Southern boundary of Iowa, as contemplated by the act of the 4th of March last, incorporating the Minnesota and North Western Railroad Company.

That they have reason to believe that said Company can and will, with proper encouragement from your Honorable body, construct and put in complete operation the said road, and also the line of Telegraph contemplated by the act aforesaid, within a reasonable time.

That in view of the delay in the commencement of operations upon said road, occasioned by the 2d section of the act of Congress of the 4th of August last, repealing the act of the 29th of June last, granting certain lands for the purpose of said road, the time limited by the act of incorporation, for the construction thereof, ought, in justice, to be extended at least from eight to twelve months.

And with a view to satisfy said Company that the people of this Territory desire to encourage them to construct said road, we respectfully request your Honorable Assembly to grant a reasonable extension of time to said Company within which to complete said Railroad and line of Telegraph, and to aid them in such other proper manner as, to you may seem meet.

JANUARY, 1855.

D. W. C. Duwell,  
 J. K. Bruce,  
 James Bruce,  
 A. Barrett,  
 Bernard Curanagh,  
 John Kerans,  
 Patrick T. Quigly,

James Grant,  
Merris Flinn,  
Joseph W. Annally,  
Bartholomew Pleg,  
Louis Letown,  
Louis Leevertz,  
F. D. Lemay,  
J. B. Tuberg,  
Roger Burns,  
P. McCrung,  
John Russell,  
L. Paintz,  
James Westcott,  
Wells L. Wescott,  
L. Martain,  
Jos. M. Truman,  
Samuel C. Staple,  
Edward Moran,  
James Sweeney,  
J. Frystadt,  
Warren Wachburg,  
Daniel Waselburg,  
Frances Castorier,  
A. K. McLeod,  
D. Rice,  
Alfred Vaillant,  
Deg Leduque,  
Peter Tuary,  
Kran,  
Cor. Tweeny,  
F. Lamy,  
A. Deherren,  
M. Leherren.  
C. Spendan,  
Charles Legans,  
Peter Ryan,  
Edw. Centegart,  
John Mahon,  
Pad Walsh,  
John Justee,  
Francis Lebree,  
Edward Lebree,  
John Conly,  
John Mahon,  
Wm. Agayear,

J. Shipion,  
 W. Leary,  
 Michael Callahan,  
 Wm. Ragan,  
 John Churchill.

Which was read,  
 And referred to the committee on Internal improvements.

Mr. Dixon gave notice that on to-morrow or some future day of the present session he would introduce a bill for a ferry charter across Lake St. Croix opposite Hudson.

Mr. Andros gave notice

That he would on to-morrow or some future day,  
 Introduce a bill granting a charter to establish a ferry across the Mississippi river, opposite Monticello, in Cass County.

Mr. Regester from the committee on Engrossed bills,

Made the following report:

The committee on Engrossed Bills, have examined and found correctly engrossed the following Memorial, viz;

(No. 3, H. of R.) A memorial to Congress, asking a disapproval of the act of the Legislative Assembly of Minnesota Territory, incorporating the M. and N. W. R. R. Co.

J. M. REGESTER,  
 Committee,

Mr. Davis gave notice that on to-morrow or some future day of the session he would introduce a bill granting to Antoine Roberts the right to keep and maintain a ferry across the Minnesota River opposite Traverse des Sioux.

Mr. Rolette moved that memorial (No. 3, H. of R.,) be taken up.

Mr. Davis moved a call of the House.

The clerk called the roll,

And reported Mr. Brawley as the only absent member.

The chair directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

Mr. Dixon moved that further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
 Nays 7. }

Those who voted in the affirmative were

Mr. Dixon  
 Hanson  
 Rolette

Mr. Fridley  
 Lemay  
 Stanchfield

Mr. Grant  
 Regester  
 Thompson  
 Willim—10.

Those who voted in the negative were,

Mr. Andros  
 Davis

Mr. Beatty  
 Haus

Mr. Cave  
 Sibley  
 Speaker—7.

So the motion prevailed.

Mr. Beatty moved,  
That the House do now adjourn,  
And the yeas and nays being called for and ordered, there were

Yeas 7. }  
Nays 10. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Beatty	Mr. Cave
Davis	Haus	Sibley
		Speaker—7.

Those who voted in the negative were,

Mr. Dixon	Mr. Fridley	Mr. Grant
Hanson	Lemay	Register
Rolette	Stanchfield	Thompson
		Willim—10.

So the motion did not prevail.

Mr Beatty moved a call of the House.

The Clerk called the roll and reported Mr. Brawley as the only absent member.

Mr. Dixon moved

That further proceeding under the call of the House be dispensed with.

Mr. Haus moved

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas 7. }  
Nays 10. }

Those who voted in the affirmative, were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
Speaker—7.		

Those who voted in the negative, were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson,
Willim—10.		

So the motion did not prevail.

Mr. Dixon renewed his motion, viz:

That further proceedings under the call of the House be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson,
Willim—10.		

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
Speaker—7.		

So the motion prevailed.

Mr. Andros moved

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas 7, }
Nays 10, }

As follows:

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
Speaker—7.		

Those who voted in the negative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regester,
Bollette,	Stanchfield,	Thompson,
Willim—10.		

So the motion did not prevail.

Mr. Hanson moved

Memorial (No. 3, H. of R.) be taken up, and called for the previous question on his motion.

Mr. Cave moved

A call of the House.

The Clerk called the roll, and reported Mr. Brawley as the only absent member.

Mr. Fridley moved

That further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 10, }
Nays 7. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regester,
Rolette,	Stinchfield,	Thompson,
Willim—10.		

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
		Speaker—7.

Mr. Dixon called for the previous question

Mr. Davis moved,

That the House do now adjourn.

Mr. Hanson rose to a point of order,

"That the motion to adjourn is not now in order."

The chair decided that the motion was in order.

Mr. Fridley appealed from the decision of the chair.

Mr. Sibley moved

That the appeal be laid on the table.

And the yeas and nays being called for and ordered, there were

Yeas, 8. }  
Nays, 9. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
	Willim,	Speaker—8.

Those who voted in the negative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regeester,
Rolette,	Stanchfield,	Thompson—9.

So the motion did not prevail.

The question then recurring on the appeal from the decision of the chair.

The Chair put the question,

"Shall the opinion of the Chair stand as the opinion of the House?"

And the yeas and nays being called for and ordered, there were

Yeas, 8. }  
Nays, 9. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
	Willim,	Speaker—8.

Those who voted in the negative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regeester,
Rolette,	Stinchfield,	Thompson—9.

So the opinion of the Chair was not sustained.

The Sergeant-at-Arms returned, and reported,

That he could not find the absent member.

The question then recurred,

"Shall the main question be now put?"

And the yeas and nays being called for and ordered, there were

Yeas, 10. }  
Nays, 7. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regeester,
Rolette,	Stanchfield,	Thompson,
		Willim.—10.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
		Speaker—7.

So the main question was ordered.

The question then recurred on the main question, viz:

“Shall the bill be now taken up?”

And the yeas and nays being called for and ordered, there were

Yeas 10, )  
Nays 7, }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Register,
Rolette,	Stinchfield,	Thompson,
Willim—10.		

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
Speaker—7.		

So the motion prevailed.

Mr. Dixon asked for the previous question.

Mr. Sibley moved

A call of the House.

The clerk called the roll and reported,

Mr. Brawley as the only absent member.

Mr. Dixon moved

That all further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas, 10. )  
Nays, 7. }

Those who voted in the affirmative were,

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson,
		Willim.—10.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
		Speaker—7.

So the motion prevailed.

Mr. Dixon moved,

That Mr. Brawley be excused from further attendance on this House, during this day.

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson,
		Willim—10.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley.
		Speaker—7.

So the motion prevailed

Mr. Dixon renewed his call for the previous question.

The question being,

“Shall the main question be not put?”

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson,
		Willim—10.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
		Speaker—7.

So the call for the main question was sustained.

The question then recurring,

“Shall the memorial be read a third time?”

And the yeas and nays being called for and ordered, there were

Yeas 7. }  
Nays 10. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Beatty	Mr. Cave
Davis	Haus	Sibley
		Speaker—7.

Those who voted in the negative were,

Mr. Dixon	Mr. Fridley	Mr. Grant
Hanson	Lemay	Register
Rolette	Stanchfield	Thompson
		Willim—10.

So the House refused to order the memorial to be read the third time.

Mr. Hanson moved,  
That the vote last taken be reconsidered.

Mr. Davis moved  
That the House do now adjourn.

And the yeas and nays being called for and ordered there were,

Yeas 7. }  
Nays 10. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Beatty	Mr. Cave
Davis	Haus	Sibley
		Speaker—7.

Those who voted in the negative were,

Mr. Dixon	Mr. Fridley	Mr. Grant
Hanson	Lemay	Register
Rolette	Stanchfield	Thompson
		Willim—10.

So the motion did not prevail.

Mr. Sibley moved,  
To lay this motion to reconsider, on the table.

And the yeas and nays being called for and ordered, there were

Yeas 8. }  
Nays 9. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Beatty	Mr. Cave
Davis	Fridley	Haus
	Sibley	Speaker—8.

Those who voted in the negative were,

Mr. Dixon	Mr. Grant	Mr. Hanson
Lemay	Register	Rolette
Stanchfield	Thompson	Willim—9.

So the motion did not prevail.

Mr. Davis moved a call of the House.  
The clerk called the roll, and reported all the members present.

Mr. Davis moved that the House do now adjourn.  
And the yeas and nays being called for and ordered, there were

Yeas 7. }  
Nays 10. }

Those who voted in the affirmative were

Mr. Andros	Mr. Beatty	Mr. Cave
Davis	Haus	Sibley
		Speaker—7.

Those who voted in the negative were,

Mr. Dixon	Mr. Fridley	Mr. Grant
Hanson	Lemay	Register

Mr. Rolette

Mr. Stanchfield

Mr. Thompson  
Willim—10.

So the motion did not prevail.

The question then recurred upon the motion made by Mr. Hansou. to reconsider the vote by which the House refused to have read, Memorial (No. 3, H, of R.)

And the yeas and nays being called for and ordered, there were

Yeas 6. }  
Nays 11. }

Those who voted in the affirmative were,

Mr. Beatty

Mr. Cave

Mr. Davis

Haus

Sibley

Speaker—6.

Those who voted in the negative were,

Mr. Andros

Mr. Dixon

Mr. Fridley

Grant

Hanson

Lemay

Regester

Rolette

Stanchfield

Thompson

Willim—11.

So the motion did not prevail.

On motion of Mr. Dixon the House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*


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**TUESDAY.**

JANUARY 30, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called, the following members answered to their names:

Andros,

Beatty,

Cave,

Dixon,

Davis,

Fridley,

Grant,

Haus,

Regester,

Rolette,

Sibley,

Thompson,

Willim,

Speaker.

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Andros

The reading of the Journal was dispensed with.

Mr. Hanson presented the petition of Reuben Robinson, of Minneapolis, asking for a divorce from his wife, Catharine Robinson.

Which, on motion of Mr. Hanson, was referred to the committee on the Judiciary.

Mr. Regester presented the petition of C. H. Rolf, and 46 other citizens of the county of Chisago, requesting the Legislature to grant unto John Hamilton, the right to establish and maintain a ferry across the Saint Croix River.

Which, on motion of Mr. Regester, was referred to the Committee on Incorporations.

Mr. Andros, on leave granted, introduced

(No. 9, H. of R.) A bill granting to Samuel M. McManus, William Creighton and James C. Beekman, the right to establish and maintain a ferry across the Mississippi river.

Which was read the first and second time, and laid on the table to be printed.

Mr. Davis offered the following resolution:

*Resolved*, By the House of Representatives of Minnesota Territory, That we disapprove of the improper alteration of the bill donating a munificent grant of lands to our Territory, approved June 24th, 1855, and for which alteration said bill was subsequently repealed; and that we repudiate all, through whose instrumentality said alteration was made.

Mr. Hanson moved

That the consideration of the resolution be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays 7. }

Those who voted in the affirmative were

M. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regester,
Rolette,	Stanchfield,	Thompson,
Willim—10.		

Those who voted in the negative, were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
Speaker—7.		

So the motion prevailed.

Mr. Davis offered the following resolution:

*Resolved*, By the House of Representatives of Minnesota Territory, That the House repudiate the action of Congress in repealing the munificent grant to this Territory; and resolved, further, that we endorse the course the company has pursued in altering the bill granting lands to this Territory, so the said grant should inure to their special benefit.

The question recurred upon the adoption of the resolution.

And the yeas and nays being called for and ordered, there were

Yeas 7, }  
Nays 10. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
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Mr. Hanson,

Mr. Lemay,

Mr. Regeater,

Stanchfield—7.

Those who voted in the negative were

Mr. Andros,

Mr. Beatty,

Mr. Cave,

Davis,

Haus,

Sibley,

Rolette,

Thompson,

Willim,

Speaker—10.

So the resolution was not adopted.

A message from the Council being announced, A. J. Morgan, the Secretary of the Council, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed

(No. 1, C. F.) Resolution relative to the binding of the Journals.

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

The Council has also passed the following joint resolution:

*Resolved*, (The House concurring therein,) That the Committees in both Houses of the Legislative Assembly, to whom was referred the subject of the apportionment of members to the next Legislature, be instructed to act jointly, and to make joint reports to the two Houses.

On motion of Mr. Sibley,

The House resolved itself into a Committee of the Whole.

Mr. Davis in the chair.

For the purpose of taking into consideration

(No. 13, C. F.) A bill entitled an act to amend an act relating to auctioneers.

Also, (No. 1, C. F.) A bill to confirm the qualifications of certain county officers in Sibley county, and for other purposes.

After some time passed therein, the committee rose, and by their chairman, reported back the bills without amendment.

On motion of Mr. Sibley,

The report of the Committee of the Whole was concurred in.

On motion of Mr. Sibley

(No. 13, C. F.) A bill entitled an act to amend an act relating to auctioneers.

Was referred to the Committee on Territorial Affairs.

On motion of Mr. Sibley,

(No. 1, C. F.) A bill to confirm the qualifications of certain county officers in Sibley county, and for other purposes.

Was ordered to be read a third time.

On motion of Mr. Dixon

The bill was read by its title.

The question then recurring on the passage of the bill, it was adopted.

The question then recurring on agreeing to the title of the bill, it was agreed to.

Mr. Lemay gave notice

That on to-morrow or some future day he would introduce a bill to incorporate the St. Paul and Sauk Rapids Plank Road Company.

On motion of Mr. Sibley,

(No. 7, H. of R.) A bill granting to Louis Stone, George Houghton and H. N. Corbett, the right to establish and maintain a ferry across the Mississippi river.

Was referred to the Committee on Incorporations.

On motion of Mr. Sibley

(No. 6, H. of R.) A bill to provide for laying out certain Territorial Roads in Minnesota Territory.

Was referred to the Committee on Territorial Roads.

On motion of Mr. Fridley,

The House resolved itself into a committee of the whole,

Mr. Hanson in the chair, for the purpose of taking up,

(No. 5, H. of R.) A bill to amend an act entitled "An act to incorporate the Minnesota and North Western Railroad Company."

A message from His Excellency the Governor being announced, E. G. Durbin Esq., appeared and handed in a message in writing to the Speaker.

After some time passed therein, the committee rose and by their Chairman reported back said bill to the House.

(No. 5, H. of R.) A bill to amend an act entitled, "An Act to incorporate the North Western Railroad Company,"

With amendments.

Mr. Davis moved,

That the amendments adopted in the committee of the whole be considered separately by the House.

Which motion was adopted.

The question then recurred upon the adoption of the first amendment as follows:

Amend section 1, line 17, by substituting the word "second" for the word "third."

And the yeas and nays being called for and ordered there were,

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Dixon	Mr. Fridley
Hanson	Lemay
Rolette	Stanchfield

Mr. Grant
Register
Thompson
Willim—10.

Those who voted in the negative were,

Mr. Andros	Mr. Beatty
Davis	Haus

Mr. Cave
Sibley
Speaker—7.

So the motion was adopted.

The question then recurred on the adoption of the second amendment, as follows:

Amend section 1 by adding the following:

The lands granted to said company, by the act to which this is amendatory, shall be exempt from taxation under the laws of the Territory and future State of Minnesota until patents shall have been duly issued; therefore, upon the completion of each twenty miles of the said road, as contemplated in and by the act of Congress, entitled An

Act to aid the Territory of Minnesota in the construction of a Railroad, therein approved June 29, 1854.

And the yeas and nays being called for and ordered there were,

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Dixon	Mr. Fridley	Mr. Grant
Hanson	Lemay	Regester
Rolette	Stanchfield	Thompson
		Willim—10.

Those who voted in the negative were,

Mr. Andros	Mr. Beatty	Mr. Cave
Davis	Haus	Sibley
		Speaker—7.

So the amendment was adopted.

The question then recurred on the adoption of the 3d amendment, as follows:

Amend section 3 by prefixing the following:

The route or line of said road shall pass to a point not exceeding one and one fourth of a mile from that portion of the Lake St. Croix adjoining the eastern limits of the city of Stillwater in said Territory; and also to and through the town of St. Anthony Falls. Anything contained in the act to which this is amendatory to the contrary notwithstanding.

And the yeas and nays being called for and ordered, there were

Yeas, 10. }  
Nays, 7. }

Those who voted in the affirmative, were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regester,
Rolette,	Stanchfield,	Thompson,
Willim—10.		

Those who voted in the negative, were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
Speaker—7.		

So the amendment was adopted.

The question recurred upon the adoption of the fourth amendment, as follows:

Amend section 8, by adding,

*Provided*, That compensation be made to said company, for all damages sustained thereby.

And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays 7. }

Those who voted in the affirmative, were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
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Mr. Hanson,  
Rolette,  
Willim—10.

Mr Lemay,  
Stanchfield,

Mr. Register,  
Thompson,

Those who voted in the negative, were

Mr. Andros,  
Davis,  
Speaker—7.

Mr. Beatty,  
Haus,

Mr. Cave,  
Sibley,

So the amendment was adopted.

A message from the Council being announced, A. J. Morgan, Esq., the secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has concurred in the passage of (No. 2, H. R.) Memorial to Congress for an appropriation of \$5000 for the construction of a Territorial Road from the west bank of the Mississippi river, opposite the lower portion of the city of St. Paul, to intersect the Territorial Road now being constructed from Mendota to Wabashaw.

The memorial is herewith returned.

Mr. Davis offered an amendment to said bill, as an additional section:

That the said company shall commence operations at St. Paul instead of Lake Superior, and shall work towards Lake Superior, and from St. Paul to the Iowa line.

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 9. }

Those who voted in the affirmative were

Mr. Andros,  
Davis,  
Sibley,

Mr. Beatty,  
Haus,  
Speaker—8.

Mr. Cave,  
Lemay,

Those who voted in the negative were

Mr. Dixon,  
Hanson,  
Stanchfield,

Mr. Fridley,  
Register,  
Thompson,

Mr. Grant,  
Rolette,  
Willim—9.

So the amendment was lost.

Mr Davis then offered the following amendment to the said bill:

Sec. 9. The Legislature shall have the right to alter or amend at the expiration of ten years from the passage of this Act.

And the yeas and nays being called for and ordered, there were

Yeas, 7. }  
Nays, 10. }

Those who voted in the affirmative were

Mr. Andros,  
Davis,

Mr. Beatty,  
Haus,

Mr. Cave,  
Sibley,  
Speaker—7.

Those who voted in the negative were

Mr. Dixon,  
Hanson,

Mr. Fridley,  
Lemay,

Mr. Grant,  
Register,

Mr. Rolette,

Mr. Stanchfield,

Mr. Thompson,  
Willim—10.

So the amendment was lost.

Mr. Hanson moved,

That the Bill be ordered to be engrossed for a third reading.

And the yeas and nays be called for and ordered, there were

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were

Mr. Dixon,  
Hanson  
Rolette,Mr. Fridley,  
Lemay,  
Stanchfield,Mr. Grant,  
Regester,  
Thompson,  
Willim—10.

Those who voted in the negative were

Mr. Andros,  
Davis,Mr. Beatty,  
Haus,Mr. Cave,  
Sibley,  
Speaker—7.

So the Bill was ordered

To be engrossed on third reading,

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following message :

MR SPEAKER:—I have been directed by the Council to transmit the accompanying petitions to the House of Representatives.

They are herewith transmitted.

Mr. Davis, by the unanimous consent of the House,

Introduced the following resolution :

*Resolved*, That this House enquire of the Hon. Edmund Rice if he is instructed to receive or reject the amendments made to this Bill: and inform this House who this Company consist of.

The question then recurring,

Upon the adoption of the resolution,

It was determined in the negative.

On motion of Mr. Roletta,

The House adjourned.

JAMES S. NORRIS,  
Speaker of the House.

Attest:

JAS. C. SHEPLEY,  
CHIEF CLERK, H. of R.

**WEDNESDAY.**

JANUARY 31, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker. The roll being called, the following members answered to their names:

Andros,	Beatty,
Brawley,	Dixon,
Davis,	Fridley,
Grant,	Haus,
Hanson,	Sibley,
Stanchfield,	Willim,
Speaker.	

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Haus, the reading of the journal was dispensed with.

A message from the Council being announced, A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed (No. 3, C. F.) memorial to the President of the United States relating to the Half-Breed lands.

In which the concurrence of the H. of R. is respectfully requested.

The chair presented to the House the following message and accompanying documents from His Excellency the Governor:

EXECUTIVE DEPARTMENT,  
Minnesota Territory, January 25, 1855. }

SPEAKER H. R.:—I have the honor to inform you that R. S. S. Andros is authorized to deliver messages from the Governor, to the House of Representatives.

Very Respectfully

Your Obedient Servant,

W. A. GORMAN.

EXECUTIVE DEPARTMENT,  
Minnesota Territory, January 26, 1855. }

SPEAKER H. OF R.:—I have the honor to transmit, herewith, for your information, a Joint Resolution passed by the Legislative Assembly of the State of Iowa, praying Congress to make an immediate appropriation for the improvement of the Rock Island

and Des Moines rapids, of the Mississippi; and also asking the assistance of the different States and Territories, included within the valley of the Mississippi.

I cordially concur in the views expressed by the Iowa Legislature, and think it highly proper that the Legislature of this Territory should take favorable action in the matter.

Very respectfully, your obedient servant,

W. A. GORMAN.

## JOINT RESOLUTION

### ASKING AID OF CONGRESS TO IMPROVE THE ROCK ISLAND AND DESMOINES RAPIDS OF THE MISSISSIPPI.

*Whereas*, The people of Iowa, of upper Illinois, of Wisconsin, and of Minnesota Territory, yearly suffer immense losses in property, and are put to great costs and charge in their course of travel and commerce, by and in consequence of the obstructions in the Mississippi river, known as the Rock Island and Desmoines Rapids: And whereas, the work done on these rapids for the improvement of navigation through and over the same, during the present year has demonstrated the feasibility and ease with which a channel may be cut through said Rapids of equal depth of the river in other points:

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence with energy, to procure from Congress an immediate appropriation for the continuation of the work on said Rapids, and the improvement of the channel through and over the same.

*Resolved*, That the Governor of this State be requested to forward copies of this joint resolution to our Senators and Representatives in Congress, and to the Senators and Representatives of the several States and Territories included within the valley of the Mississippi, and ask their assistance in procuring the appropriation herein Prayed for.

REUBEN NOBLE, *Speaker of the House.*

MATURIN L. FISHER, *President of the Senate.*

Approved 11th January, 1855.

JAMES W. GRIMES.

DEPARTMENT OF STATE, IOWA CITY, IOWA, }  
January 12th, 1855. }

I certify the foregoing to be a true copy from the original rolls on file in my office.

GEORGE W. McCLEARY, *Sec'y of State.*

EXECUTIVE OFFICE, IOWA CITY, }  
17th January, 1855. }

SIR:—I beg leave to call your attention to the foregoing joint resolutions of the General Assembly of the State of Iowa, asking for additional appropriations to improve the Rapids of the Mississippi River. The small appropriation heretofore made to this object has sufficiently demonstrated the feasibility of the improvement, and its importance to the commercial interests of the whole Union is confessed by all. The people of the State of Iowa respectfully solicit your co-operation in this behalf.

I am, very respectfully,

Your bedient servant,

JAMES W. GRIMES.

Mr. Thomson presented the petition of Ephraim H. Whitaker and 79 other citizens of the Territory of Minnesota, praying that Ephraim H. Whitaker may by act of Legislature be restored to the full rights of citizenship of an American citizen in the Territory of Minnesota.

Which, on motion of Mr. Thompson, was referred to the Committee on the Judiciary.

Mr. Rolette gave notice, that he would on to morrow or some future day introduce a memorial praying for the establishment of a military post at or near Pembina river.

Mr. Hanson offered the following resolution:

*Resolved*, That the Sergeant-at-arms be allowed \$1 for notifying each absent member under a call of the House, and 50 cents for each return or report to said House, and 15 cents per mile for each mile actually travelled in notifying each absent member, and that the Secretary of the Territory pay the same out of the moneys appropriated to defray the expenses of the Legislature.

Which was adopted.

Mr. Dixon introduced

(No. 4, H. of R.) A memorial of the Legislative Assembly of Minnesota Territory, to Congress, for an appropriation to the Territorial Prison.

Which was read the first and second times, and laid on the table to be printed.

Mr. Regeester from the Committee on Engrossed Bills,

Made the following report:

The Committee on Engrossed Bills, have examined and found correctly engrossed, the following Bill:

(No. 5, H. of R.) A Bill for an act, entitled, "An Act to incorporate the Minnesota and North Western Rail Road Company."

J. M. REGESTER,  
Chairman of the Committee.

Mr. Davis, by the unanimous consent of the House, introduced,  
(No. 10, H. of R.) A Bill, for an Act, granting to Antoine Roberts, the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial road leading from from St. Paul to Traverse des Sioux, at a point where the said Roberts now lives, in Lasueur County.

Which was read the first and second times, and laid on the table to be printed.

Mr. Dixon, from the committee on Internal Improvements,  
Presented the following Report :

The committee on Internal Improvements, to whom was referred the petitions of citizens of St. Paul and Little Canada, praying that the time limited to the Minnesota and Northwestern Railroad Company, for constructing their road and telegraph, may be extended from eight to twelve months,

Respectfully,

## REPORT

That your committee have given to the petitions referred to them the consideration demanded, by the fact that they are signed by 729 of our fellow citizens, residing within a district which at the last election returned 833 votes.

Such unanimity of sentiment among the voters in the most populous part of Minnesota, is strongly indicative of the interest felt in the subject matter of the petitions and appeals, with especial force to the members of the popular branch of the Legislative Assembly.

Your committee recognize among the signers of these petitions, a large number of the pioneers of Minnesota ; men to whose sagacity and enterprise we are indebted for the early settlement of this favored country, and who, by the judicious exercise of their industry and talents, have already contributed greatly to our prosperity as a people. Their mature experience and knowledge of the geography and resources of the Northwest, together with their familiarity with our past Territorial legislation, and the wants and wishes of the people, commend their opinions to our highest respect and most favorable action.

They say first, that—

"The prosperity and welfare of the people of this Territory would be greatly promoted by the construction of a Railroad from Lake Superior, by the way of St. Anthony and St. Paul, to the southern boundary of Iowa, as

contemplated by the act of the 4th of March last; incorporating the Minnesota and North Western Railroad Company."

To this opinion your committee most cordially assent. No argument is necessary to prove that a Railroad, connecting the Valley of the Mississippi with Lake Superior, and penetrating the icy barriers which now interpose between us and the great avenues to the Atlantic seaboard below us, will advance our welfare and prosperity. It is self-evident, and your committee believe that the last Legislative Assembly did right in taking early measures for the procurement of such a road, by the incorporation of the Minnesota and North Western Railroad Company.

The petitioners further say, that—

"They have reason to believe that said Company can and will, with proper encouragement from this Assembly, construct and put in complete operation the said road; and also the line of telegraph contemplated by the act aforesaid, within a reasonable time."

Your committee are of the opinion that this view of the character and intentions of the Company chartered by the act of the 4th of March last, is correct and just.

That Company has, from the day of its incorporation until the present time, been active in evincing its good faith towards this Territory; and has, in the opinion of your committee, furnished a convincing proof of such good faith, as could be reasonably desired; or as, under the circumstances, it could furnish.

The men who originally composed it accepted the charter, and organized the company in conformity with the provisions and requirements of that charter.

They subscribed one million of dollars to the capital stock. They paid upon such subscription one hundred thousand dollars. A Board of Directors was elected. The other officers required for the proper management of the business, and execution of the functions of the corporation were selected, and placed in the charge of their respective trusts, and, as your committee are assured and believe, preparations were made with a view to the survey and location of the road, when the operations of the Company were interrupted by the repeal of the act granting the lands to the Territory which the Territory had granted to this Company by its charter.

The events which preceded and attended the enactment of that repealing act, and the question concerning its legality have been already detailed to the Assembly, and discussed in various forms, and need not be here particularly referred to.

Suffice it to say, that there is much better reason for believing that the repeal was caused by a meddlesome and factious interference of some of our

own citizens, fostered and strengthened, as such interference was, by those members of Congress who had opposed the grant, or those who had been defeated in their attempts to obtain grants for their own constituents, than that it was the result of any fraud, real or imaginary.

Your committee are not aware of any credibly attested fact showing that the Minnesota and North Western Railroad Company is in any manner responsible for the repeal of the grant. On the contrary, the Company is a fellow sufferer, under the effects of that repeal, with the people of Minnesota; and it has been compelled to appropriate a portion of the time and means intended for the survey and location of the road, to efforts to save itself and us from the great loss sought to be inflicted upon us, by the act of Congress of August 4th, 1854.

Not discouraged by the harsh and unjust action of Congress, and with the indomitable spirit of perseverance, worthy the conductors of a great enterprise, the Company has asserted its legal rights in our courts, and whilst we have stood appalled by a calamity which we supposed to be as irredeemable as it was disastrous, the validity of the repealing act has been by the Company, challenged and attacked, and its unconstitutionality and its violation of well settled and sacred principles of jurisprudence urged with zeal, ability and success.

And now, having progressed far enough in its opposition to the act repealing the grant to become satisfied of its ability to prosecute to completion the great work contemplated by its charter, the Company only asks the people to make up to it the time it has expended in struggles for their good, by extending the limitation prescribed by the act of the last Legislative Assembly, and for this the petitions referred to your committee pray.

Your committee can not perceive any reasonable objection to compliance with this request. Nothing can be lost, and much may be gained, by such compliance.

Certainly we cannot hope for the construction of the improvements by any other company, within the time prescribed; and it is idle and foolish to expect another grant of lands from the present Congress.

Why then throw away the sole chance left to us for retaining the grant, and obtaining the construction of the road and telegraph?

What advantage are we to acquire by refusing to encourage this Company in its contest with the National Government for the land, and in its efforts to build this Railroad and line of Telegraph?

Suppose that the Company fails, or is discouraged in consequence of our hostility or indifference, where is the benefit secured to Minnesota by such failure or discouragement?

Your committee have looked at this question in every light of which it is

capable, as they believe, and they confess they have been utterly unable to see anything in the position of the parties to the controversy, than the following :

On the one hand the opponents of the M. and N. W. R. R. Co., are eulogizing Congress for repealing the grant and taking away from the Territory that magnificent donation. They are co-operating with the enemies of the Territory, in and out of Congress, in maintaining and insisting upon the validity of that repeal. They are opposing, abusing and doing all within their power to dishearten and defeat the only company from which we have any hope of getting the Railroad and Telegraph. And for what? Can they tell? Certainly not to help Minnesota and her people!

On the other hand, the friends of the M. and N. W. R. R. Co. condemn the act repealing the grant, as unnecessary, unjust, hasty, unconstitutional and illegal, legislation. In our courts and out of our courts—here and at Washington—they deny stoutly the validity of the repeal. They sustain, advocate, assist, and, to their utmost, encourage the Company in their endeavor to hold the land, and to make the priceless improvements specified in its charter. And for what? Why, that the resources of this Territory may be developed in all their varied richness; that this great agricultural region may be settled and cultivated; that the infant cities now feebly standing upon the shores of our lakes and rivers, may prosper, and become the emporiums of commerce and manufactures for which they were designed, and for which, as your committee believe, they are destined; that this great valley, at the head of which we stand, may be opened to the lakes of the North, the markets of the South and East, and have poured into it daily the productions of our possessions on the Pacific, and the treasures of Asia!

With the latter are 729 signers or the petition referred to your committee, and with them, also, are your committee.

Your committee respectfully recommend that the prayer of the petitioners be granted.

J. B. DIXON,  
JOS. ROLETTE.

Which was accepted.

Mr. Andros gave notice that he would present a minority report of the Committee on Internal Improvements on the petitions referred to said Committee at an early day.

On motion of Mr. Regeester,

One hundred copies of the report was ordered to be printed in pamphlet form for the use of the House.

Mr. Dixon from the Committee on Internal Improvements,

To which was referred the

(No. 2, C. F.) Memorial of the Legislative Assembly of Minnesota Territory to Con-

gress for an appropriation to complete the Government works at Fort Ridgely, made the following

### REPORT :

That the Committee have had the memorial under consideration, and beg leave to report back to the House, and recommend its passage.

J. B. DIXON,  
F. ANDROS,  
JOS. ROLETTE.

Message from the Council being in order,

The Clerk read the following message :

MR. SPEAKER:—The Council has passed,  
(No. 1, C. F.) Resolution relative to the binding of the Journals.

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

The Council has also passed the following joint resolution :

*Resolved*, (The House concurring therein,) That the Committee in both Houses of the Legislative Assembly to whom was referred the subject of the apportionment of members to the next Legislative Assembly be instructed to act jointly, and to make joint reports to the two Houses.

MR. SPEAKER:—The Council has concurred in the passage of  
No. 2, H. of R.

Memorial to Congress for an appropriation of \$5000 for the construction of a Territorial road from the west bank of the Mississippi opposite the lower portion of the city of Saint Paul, to intersect the Territorial road now being constructed from Mendota to Wabashaw.

The memorial is herewith returned.

On motion of Mr. Sibley, the House concurred in (No. 1, C. F.) Resolution in relation to the binding of the journal.

Mr. Dixon moved that the rules be suspended in order that the joint resolution just read, may be put upon its passage, which was determined in the affirmative.

The question then recurring upon the passage of the resolution, it was passed.

The Clerk also read the following message :

MR. SPEAKER:—The Council has passed (No. 4, C. F.) A memorial to the President of the United States relative to the Half-Breed lands, in which the concurrence of the H. of R. is respectfully solicited.

The Clerk read the memorial the first and second times, when, on motion of Mr. Sibley, said memorial was referred to the committee on Territorial Affairs.

The Clerk also read the following message :

MR. SPEAKER:—I have been directed by the Council to transmit the accompanying petitions to the House of Representatives.

They are herewith transmitted.

On motion of Mr. Sibley, said petitions were referred to the committee on Territorial Roads.

Mr. Davis from the committee to which was referred (No. 13, C. F.) A bill to amend an act entitled an act relating to auctioneers, made the following report:

The committee to whom was referred a (No. 13, C. F.) bill to amend an act entitled an act relating to auctioneers, have had the same under consideration, and beg leave to report the same back to the House, without amendment, and recommend the passage thereof.

WM. DAVIS,  
Chairman.  
REUBEN HAUS.

The bill amending the act incorporating the Minnesota and North-Western Railroad Company was taken up.

The question recurring, on reading the bill a third time, Mr. Davis moved a call of the House.

The Clerk called the roll, and reported Mr. Beatty absent.

The Sergeant-at-Arms was directed to notify the absent member to appear in his seat.

The Sergeant-at-Arms returned and reported that he notified the absent member, and he is now in his seat.

The question then recurring on the third reading of the bill, and the yeas and nays being called for and ordered, there were

Ayes 10, }  
Nays 8. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Rolette,
Regester,	Stanchfield,	Thompson,
William—10.		

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Haus,	Sibley,
Speaker—7.		

So the bill was ordered to be read a third time.

The Clerk read the bill.

Mr. Davis moved

That the bill be referred to the Committee on Judiciary.

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 10. }

As follows:

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	M. Brawley,
Cave,	Davis,	Haus,
Sibley,	Speaker—8.	

Those who voted in the negative were

Mr. Dixon,  
Hanson,  
Rolette,  
Willim—10.

Mr. Fridley,  
Lemay,  
Stanchfield,

Mr. Grant,  
Regester,  
Thompson,

So the motion was lost.

The question then recurred upon the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Dixon  
Hanson  
Rolette

Mr. Fridley  
Lemay  
Stanchfield

Mr. Grant  
Regester  
Thompson  
Willim—10.

Those who voted in the negative were,

Mr. Andros  
Cave

Mr. Beatty  
Davis  
Sibley

Mr. Brawley  
Haus  
Speaker—8.

So the bill passed.

The question then recurring on agreeing to the title of the bill,

And the yeas and nays being called for and ordered there were,

Yeas 10. }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Dixon  
Hanson  
Rolette

Mr. Fridley  
Lemay  
Stanchfield

Mr. Grant  
Regester  
Thompson  
Willim—10.

Those who voted in the negative were,

Mr. Andros  
Cave

Mr. Beatty  
Davis  
Sibley

Mr. Brawley  
Haus  
Speaker—8.

So the title was agreed to.

Mr. Willim moved to reconsider the vote on the following resolution offered yesterday by Mr. Davis;

*Resolved*, By the House of Representatives of Minnesota Territory, that the House repudiate the action of Congress in repealing the munificent grant to this Territory; and

*Resolved further*, That we endorse the course the company has pursued in altering the bill granting lands to this Territory, so the said grant should inure to their special benefit.

Which motion was adopted.

Mr. Fridley moved that the resolution be indefinitely postponed.

And the yeas and nays being called for and ordered there were,

Yeas 10. }  
Nays 8. }

Those who voted in the affirmative were

Mr. Dixon	Mr. Fridley	Mr. Grant
Hanson	Lemay	Regeester
Rolette	Stanchfield	Thompson
		Willim—10.

Those who voted in the negative were,

Mr. Andros	Mr. Beatty	Mr. Brawley
Cave	Davis	Haus
	Sibley	Speaker—8.

So the motion was adopted.

Mr. Hanson moved that the vote by which (No. 5, H. of R.) A bill to amend an act entitled an act to incorporate the Minnesota and North Western Railroad Company.

Passed the House be reconsidered,

And the yeas and nays being called for and ordered there were,

Yeas 8. )  
Nays 10. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Beatty	Mr. Brawley
Cave	Davis	Haus
	Sibley	Speaker—8.

Those who voted in the negative were,

Mr. Dixon	Mr. Fridley	Mr. Grant
Hanson	Lemay	Regeester
Rolette	Stanchfield	Thompson
		Willim—10.

To the motion was not adopted.

Mr. Dixon moved that the following resolution offered by Mr. Davis on yesterday, viz:

*Resolved* By the House of Representatives of Minnesota Territory, that the House repudiate the action of Congress in repealing the munificent grant to this Territory.

*Resolved further*, That we endorse the course the company has pursued in altering the bill, granting lands to this territory, so the said grant should inure to their special benefit.

Be expunged from the journal.

Mr. Dixon withdrew his motion.

Bills for a third reading being in order,

(No. 13, C. F.) A bill to amend an act entitled an act relating to auctioneers,

Was taken up, and read by the clerk.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill:  
 It was agreed to.  
 On motion of Mr. Sibley,  
 The House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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THURSDAY.

FEBRUARY 1, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker.  
 The roll being called, the following members answered to their names:

Andros,	Beatty,
Cave,	Dixon,
Davis,	Fridley,
Grant,	Haus,
Hanson,	Regester,
Rolette,	Sibley,
Thompson,	Speaker.

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Hanson

The reading of the journal was dispensed with.

Mr. Sibley presented the petition of Jonathan Morris and 93 other citizens of Rice county, praying a division of said county.

Which, on motion of Mr. Sibley, was laid on the table.

Mr. Thompson presented

The petition of David D. Frazier and 80 other citizens of Fillmore county, praying the formation of a new county.

Which, on motion of Mr. Thompson,

Was laid on the table.

Mr. Sibley gave notice,

That on to-morrow or some future day he would introduce a Bill restoring Ephraim Whitaker to the rights of citizenship.

Mr. Sibley moved

That the Judiciary Committee to which was referred the petition of certain citizens of Wabashaw county, praying an alteration in the boundaries of said county, be discharged from the further consideration of the petition.

Which motion prevailed.

Mr. Sibley moved

That said petition be referred to a select committee of five, to be appointed by the chair, to act in conjunction with a similar committee to be appointed by the Council, to regulate and establish the boundaries of the different counties.

Which motion was adopted.

Mr. Willim, on leave granted, introduced,

(No. 11, H. of R.) A Bill to provide for the election of Superintendent of Common Schools.

Which was read the first and second times, and laid on the table to printed.

Mr. Dixon gave notice

That on to-morrow or some future day he would ask leave to introduce

A Bill to provide for laying out a Territorial road from St. Paul, by way of Little Canada and the Rice Lakes to intersect the Point Douglas and St. Louis River road, somewhere near Kettle River.

Mr. Fridley gave notice.

That on to-morrow or some future day, he would ask leave to introduce,

A Bill for the incorporation of the city of St. Anthony,

Mr. Andros, gave notice

That on to-morrow or on some future day he would introduce,

A Bill, entitled An Act to incorporate the Monticello Academy at Monticello.

Mr. Sibley from the committee on the Judiciary introduced,

(No. 12, H. of R.) An Act to dissolve the marriage contract between George H. Fletcher, and Jane Fletcher, his wife.

Which was read the first and second times the rules suspended, and referred to the committee of the whole.

Mr. Sibley from the Committee on the Judiciary, to which was referred

(No. 2, H. of R.) A Bill relating to certain records of Fillmore and Winona counties, reported,

That the committee have had the Bill under consideration,

And have authorized their chairman, to report in favor of the Bill

On motion of Mr. Hanson,

The Bill was referred to the committee of the whole,

Mr. Hanson moved,

(No. 9, H. of R.) A Bill granting to Samuel H. McManus, William Creighton, and James C. Beekman, the right to establish and maintain a Ferry across the Mississippi river.

Be referred to the Committee on Incorporations,

Which motion was adopted.

Mr. Sibley moved that

(No. 2, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation to complete the government works at Fort Ridgely.

Be referred to the Committee of the Whole.

Which motion was adopted.

Mr. Davis gave notice

That on to-morrow or some future day of this session, he would introduce a Bill to amend and modify the present charter of the city of St. Paul.

On motion of Mr. Sibley

The House resolved itself into a Committee of the Whole,

Mr. Cave in the chair,

For the purpose of taking into consideration

(No. 2, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to complete the government works at Fort Ridgely.

Also,

(No. 2, H. of R.) A bill relating to certain records of the District Court of the counties of Fillmore and Winona.

Also,

(No. 12, H. of R.) An Act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher, his wife.

After some time passed therein, the committee rose, and by their chairman, reported back the same to the House without amendment, and recommended their passage.

On motion of Mr. Sibley,

(No. 2, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to complete the government works at Fort Ridgely.

Was read the third time by its title.

The question recurring on the passage of the memorial, it was passed.

The question recurring on agreeing to the title of the memorial, it was agreed to.

The question recurring on ordering

(No. 2, H. of R.) A bill relating to certain Records of the District Court of the counties of Fillmore and Winona,

To be engrossed for a third reading,

It was determined in the affirmative.

The question recurring on ordering

(No. 12, H. of R.) An Act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher, his wife,

To be engrossed for a third reading,

Mr. Cave moved

That the said bill be referred to a select committee of three,

Which motion was not adopted.

The question again recurring, on ordering said bill to be engrossed for a third reading,

It was determined in the affirmative.

On motion of Mr. Hanson,

The House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

## FRIDAY.

FEBRUARY 2, 1855.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Andros,	Beatty,
Cave,	Dixon,
Davis,	Fridley,
Grant,	Haus,
Hanson,	Regester,
Sibley,	Stanchfield,
Thompson,	Speaker,

Prayer by the Rev. Mr. Hodsden.

On motion of Mr. Beatty,

The reading of the Journal was dispensed with.

Mr. Beatty, on leave granted, introduced,

(No. 12, H. of R.) A Bill, entitled An Act to incorporate the Monticello Academy at Monticello.

Which was read the first and second times and laid on the table to be printed.

Mr. Dixon, on leave granted, introduced,

(No. 14, H. of R.) An Act, granting Moses Perin and Joseph H. Tyler, a ferry over the Lake St. Croix.

Which was read the first and second times, and laid on the table to be printed.

Mr. Grant, on leave granted, introduced,

(No. 5, H. of R.) A memorial for the erection of a Fort at or near Pembina River.

Which was read the first and second times, and laid on the table to be printed.

Mr. Hanson, on leave granted, introduced,

(No. 15, H. of R.) An Act to incorporate the Lake Pepin Boom Company,

Which was read the first and second times and laid on the table to be printed.

Mr. Regester, on leave granted, introduced,

(No. 17, H. of R.) A Bill granting to Ashley C. Riggs, the right to establish and maintain a ferry across the Mississippi river.

Which was read the first and second times, and laid on the table to be printed.

Mr. Lemay presented the following communication which,

By the unanimous consent of the House was read by the clerk.

I am requested to present the accompanying memorandum, printed and issued in the City of London, announcing a meeting to be held in that city by representatives from all nations to consider the true rules of Government, and to adopt such measures as will be best calculated to ameliorate the evils under which man in all countries, and under all existing governments, at this time labor:

**THE PERMANENT HAPPY EXISTENCE OF THE HUMAN RACE,  
OR THE COMMENCEMENT OF THE MILLENNIUM IN 1855.**

*All Governments, Religions, Classes, Sects and Parties, in all Countries, are invited to appoint and send delegates to a meeting to be held in the Metropolis of the British Empire, on Monday, 14th May next, in St. Martin's Hall, to hear explained "Glad Tidings of great Joy to all mankind," which will include the principles and the plain and easy practice by which all Governments may make, with the aid of their respective religions, every one from birth, good, intelligent, wise, united to all, and permanently prosperous and happy.*

And, as a preliminary measure, the TRADES OF THIS METROPOLIS are invited to elect and send delegates to a meeting to be held in St. Martin's Hall, on Monday, January 1st, 1855, at 7 P. M., to have explained to them, that they may explain to their constituents in London, and to their fellow workmen over Great Britain and Ireland, the course which they will be recommended to adopt at the Great Meeting of Universal Delegates to be held as stated on the 14th May, on which day will be declared a coming change in the condition of the human race, without revolution or violence, to be effected in peace, with order and wise foresight, and without injury to any one of any class in any country, but with high lasting benefit to all who shall from birth be placed within the new conditions.

Let all who shall attend these two meetings, come in the spirit of pure charity for all men, and with a right good-will to aid and benefit them regardless of their class, creed, country or color.

There will be no deception or secrecy in these proceedings, but the whole will be conducted with "Truth without mystery, mixture of error, or fear of man." And the glory of this elevation of mankind to a new phase in their condition will be alone to the God of the Universe, who evidently worketh all things in regular progress for the ultimate good and happiness of man.

ROBERT OWEN.

London, November 25, 1854.

Mr. Sibley moved

That the communications be laid on the table.

Which motion was adopted.

The chair announced the following as the select committee to act in conjunction with a similar committee to be appointed by the Council, to regulate and define the boundaries of certain counties:

Messrs. Sibley, Hanson, Willim, Cave, and Stanchfield.

Mr. Cave, from the Committee on Incorporations, made the following

### REPORTS:

The Committee on Incorporations to whom was referred a Bill entitled an act to incorporate the Stillwater Ferry Company, beg leave to report the bill back to the House and recommend its passage.

C. S. CAVE,  
J. B. DIXON,  
CHARLES GRANT.

The Committee on Incorporations to whom was referred a Bill granting to Lewis Stone and others, the right to establish and maintain a ferry across the Mississippi river, beg leave to report the same back to the House without amendment.

C. CAVE,  
J. B. DIXON.

Mr. Regester, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills have examined, and found correctly engrossed the following bills:

(No. 2, H. R.) A bill relating to certain records of the District Court of the counties of Fillmore and Winona.

Also,

(No. 12, H. of R.) A bill for an Act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher, his wife.

S. M. REGESTER,  
*Chairman of Committee.*

Mr. Sibley from the committee on the Judiciary.

On leave granted, introduced,

(No. 18, H. of R.) A Bill, entitled an act to restore to Ephraim H. Whitaker his civil rights as a citizen of the United States.

Which was read the first and second times,

On motion of Mr. Sibley,

The rules were suspended, and the bill was referred to the committee of the whole.

Bills for a third reading being in order,

The question recurred on reading

(No. 2, H. of R.) A Bill relating to certain Records of the District Court of the counties of Fillmore and Winona.

The question being taken,

It was determined in the affirmative.

The Clerk read the Bill.

The question recurring, on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill;

It was agreed to.

The question then recurring on reading

(No. 12, H. of R.) An Act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher, his wife.

It was decided in the affirmative.

The Clerk read the bill—

The question recurring, on the passage of the bill;

It was passed.

The question then recurring, on agreeing to the title of the bill;

It was agreed to.

Mr. Sibley moved,

(No. 10, H. of R.) A Bill for an act granting to Antoine Roberts the right to establish and maintain a ferry across the Minnesota River, at the terminus of the Territorial Road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts in Le Seuer county;

Be referred to the committee of the whole,

Which motion was adopted.

Mr. Sibley moved

(No. 4, H. of R.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to the Territorial Prison;

Be referred to the committee of the whole, which

Motion was adopted.

Mr. Dixon moved,

(No. 4, H. of R.) A Bill granting an act to incorporate the Stillwater Ferry Company;

Be referred to the committee of the whole.

Which motion was adopted.

Mr. Hanson moved,

(No. 7, H. of R.) A Bill granting to Lewis Stone, George Houghton, and H. M. Corbett, the right to establish and maintain a Ferry across the Mississippi river;

Be referred to the committee of the whole.

Which motion was adopted.

Mr. Cave from the committee on Incorporations, presented the following

REPORT:

The Committee on in Incorporations to whom was referred a Bill granting to Samuel H. McManus and others, the right to establish and maintain a Ferry across the Mississippi River,

Be leave to refer the same back to the House without amendment.

C. S. CAVE,  
J. B. DIXON.

Mr. Davis moved,

That the report be accepted;

Which was determined in the affirmative.

Mr. Stanchfield, from the committee to which was referred

(No. 1, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, praying an appropriation for the construction of a Territorial Road,

Presented the following report:

MR. SPEAKER:—Your committee to whom was referred

(No. 1, C. F.) A memorial of the Legislative Assembly of Minnesota to Congress, for appropriation for the construction of a Military Road;

Do beg leave to report the bill back to the House, and recommended its passage without amendment.

D. STANCHFIELD.

Mr. Stanchfield moved

That the report be accepted;

Which was determined in the affirmative.

Mr. Andros moved that

(No. 9, H. of R.) A bill granting to Samuel H. McManus, William Creighton and James C. Beekman, the right to establish and maintain a ferry across the Mississippi river;

Be referred to the committee of the whole,—

Which was determined in the affirmative.

Mr. Sibley moved that,

(No. 1, C. F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation for the construction of a Military Road,

Be referred to the committee of the whole;

Which motion was adopted.

Mr. Stanchfield, from the committee on Territorial Roads, to which was referred,

(No. 6, H. of R.) A bill to provide for certain Territorial Roads,

Made the following report;

Your committee on Territorial Roads, to whom was referred

(No. 6, H. of R.) A bill to provide for certain Territorial Roads, would respectfully

#### REPORT:

That after having the same under consideration, they would recommend that the same be laid on the table, as there are several amendments which the friends of the bill wish to attach to the same.

Mr. Sibley moved,

That the committee be further discharged from the consideration of the bill;

And that the bill and accompanying documents be laid on the table,

Which was determined in the affirmative.

Mr. Sibley moved that

(No. 3, C F.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation of \$10,000 for the construction of a Military Road from Fort Ripley, to or near the mouth of Pembina river.

Be referred to the committee of the whole;

Which motion was adopted.

Mr. Hanson moved

The House resolved itself into a committee of the whole,

For the purpose of taking into consideration

(No. 7, H of R.) A bill granting to Louis Stone, George Houghton, and H N Corbett, the right to establish and maintain a ferry across the Mississippi river; also,

(No. 9, H of R.) A bill granting to Samuel M M'Manus, William Creighton and James C Boekman, the right to establish and maintain a ferry across the Mississippi river; also.

(No. 10, H of R.) for an act granting to Antoine Roberts the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial Road from St Paul to Traverse des Sioux, at a point where the said Roberts lives, in Le Sueur county.

A message from the Council being announced, A. J. Morgan, the Secretary of the Council, appeared and delivered the following message:

MR. SPEAKER:—

The Council has passed

No. 8—A Bill to provide for the improvement of Minnesota river.

No. 9—A Bill granting to William W. Sweeney, Williamm Lauver, Richard Freeborn, and Morris Hobart, the right to establish and maintain a Ferry across the main channel of the Mississippi river.

No. 12—An act granting to O. H. Kelley, the right to establish and maintain a Ferry across the Mississippi river.

No. 5—A bill to incorporate the Transit Railroad Company.

The Council has concurred in the passage of

(No. 5, H. of R.) A bill to amend an act entitled "An act to incorporate the Minnesota and North-Western Railroad Company.

The question then recurring on the adoption of the motion of Mr. Hanson.

It was determined in the affirmative.

The House accordingly resolved itself into a Committee of the Whole,

Mr. Thompson in the chair.

After some time passed therein, the committee rose, and by their chairman, reported back the bills to the House without amendment.

The question then recurring as to the House receiving the report of the Committee of the Whole, it was decided in the affirmative.

Mr. Hanson moved

That the House adjourn until Monday at 2 o'clock.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

**MONDAY.**

FEBRUARY 5, 2 o'clock, P. M. 1855.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Beatty,	Cave,
Dixon,	Grant,
Hanson,	Regester,
Rolette,	Sibley,
Thompson,	Willim,
Speaker.	

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Rolette,

The reading of the journal was dispensed with.

Mr. Thompson presented the petition of

Wm. Parkhurst and 49 others,

For a road from Wabashaw to the Iowa State line.

The petition was read, and

On motion of Mr. Thompson,

Was ordered to be printed in the journal.

**PETITION.**

*To the Honorable the Council and*

*House of Representatives of the Territory of Minnesota:*

Your petitioners, citizens of the counties of Wabashaw and Fillmore, in said Territory, would respectfully ask your Honorable body to pass a law authorizing the appointment of Commissioners to lay out and survey a road starting from Wabashaw, at the termination of the Fort Snelling and Wabashaw road, and running by the way of Chatfield and Richland Prairie, to the State line of Iowa, to intersect the Iowa State road running through Decorah to said line, near the line between ranges eight and nine; for the establishment of which your petitioners are in duty bound, and will ever pray.

Dated January 22, 1855.

Wm. Parkhurst,  
B. F. Fillotsod,  
Knud Knidman,  
Phineas Gates,  
Benjamin Fuller,

Justus Leatherland,  
 John J. Semler,  
 David Wisel,  
 W. T. Bly,  
 H. J. Wellser,  
 Geo. R. Miller,  
 Ethen P. Eddy,  
 Wm. Ramsay,  
 L. L. Streator,  
 Michael Ongtine,  
 John Plomteaux,  
 Henry Onstine,  
 B. Clesou,  
 Ostin Peterson,  
 M. H. Onstine,  
 D. H. Emmons,  
 C. C. Onstine,  
 Jacob Vought,  
 T. J. Earnea,  
 C. B. Leach,  
 Elijah Austin,  
 S R Borham,  
 H L Edmunds,  
 T S Freeman,  
 Wm Shimer,  
 Levi Heaton,  
 J K Freeman,  
 E A Freeman,  
 Wm B Gere,  
 H Burke,  
 H L Edwards,  
 Edmund Bell,  
 Jonas Edmunds,  
 E Clackmore,  
 F Benedict,  
 J R Jones,  
 S T Wichson,  
 John Vail,  
 Hiram Edmunds  
 Milton Sherburn,  
 Harvey Bell,  
 Wm Loomis,  
 Von D Van Doren,  
 K Peterson.

Mr. Thompson presented the remonstrance of Benjamin Bear, and 224 other citizens of Fillmore county, against the passage of a law dividing Fillmore county.

The remonstrance was read, and

On motion of Mr. Thompson,

The remonstrance was ordered to be printed in the Journal:

**REMONSTRANCE.**

*To the Honorable, the Council and House of Representatives of Minnesota Territory:*

Your petitioners, citizens of Fillmore county, in said Territory, would most respectfully remonstrate against the division of Fillmore county, according to the prayer of a petition which has been circulated in some parts of said county. And your petitioners would further represent, that, as the law of 1854, establishing the present limits of said county, made no provision for officers in said county, there has been no term of the District Court held in said county. And the organization of said county not having perfected until the general election in October 1854 for said officers, and there being a good number of roads in progress of being located which must be abandoned upon the passage of a law altering the limits of said county. And further, that there is a heavy debt against said county, but as there has been no officers in said county, there has been no tax levied for the liquidation of said debt. And your petitioners are of the opinion that such a division would be of great injury to the majority of the citizens of said county. And relying upon the good judgment of our representatives, feel confident that the prayer of said petition will be rejected, for which your petitioners are in duty bound, and will ever pray.

Benjamin Bear,  
Henry Bear,  
Cephus Parker,  
Lewis Prindle,  
William H Cooley,  
James Martin,  
T D Trandal,  
Henry Jones,  
Peter McGowan,  
William Rileh,  
William Wimmer,  
House E Loomis,  
Wm Goolsley,  
J W Smith,  
D W Breege,  
R M Foster,  
F Henry,  
A Macham,  
Samuel Riddle,  
Aloazo Renslow,  
James Wilson,  
Wm Renslow,  
W W Wattles,  
John C Eleba,  
Joseph Ebba,

Alfred Ebbs,  
Armswoath,  
Edwin Colwell,  
Chester Colwell,  
Edward Ella,  
Ambrose Lamb,  
Daniel Mead,  
Frederick Crommer,  
Stephens Russell,  
Joseph Schryver,  
S Vincent,  
James Swift,  
Wm R Winans,  
T B S Wiford,  
T J Safford,  
John Lewark,  
D N Morse,  
R W Twichell,  
Joseph Tatro  
Joseph Holemes,  
G W Rose,  
Thos Holmes,  
W Skinner,  
A W Farge,  
Jas M Munday,  
Wm J Sturgis,  
R Freeman,  
Jas McClellan Jr.  
C Woodward,  
C Redfield,  
Serri Sleaton,  
C French,  
Charles Kilian,  
Wm B Gere,  
J R Freeman,  
E A Freeman,  
H Beevk,  
Asa Goff,  
Aaron Flyte,  
A W Cady,  
Oliver Nilson,  
Daniel Keley,  
Franklin Blodgett,  
Marvin Hawood,  
Mason W Allen,  
John Lambert,  
Joseph Lambert,  
Benjamin Winans,  
Aubud Feely.  
Wm Potter,  
Philip Potter,  
Joseph Mhippie,  
James Edwards,  
David Jaggros,

Geo W Edwards,  
P H Harterbower,  
C N Short,  
John Bateman,  
John Oleson,  
J S Allison,  
L Renfra,  
Joseph Mulirhill,  
Patrick Shaughnessy,  
I E Grout,  
T Grout,  
C French,  
David Tillon,  
E C Degruete,  
John D Kipley,  
C Willis,  
Finley V Miller,  
Charles B Miller,  
Joseph Ripley,  
J W Sturgis,  
S A Sturgis,  
J S Gillett,  
A Tilton,  
E Prindle,  
Stimou Riply,  
G M Willis,  
W C Tatro,  
F Tatro,  
Thomas Goff,  
Orange H Chapman,  
Harley B Morse,  
Isaac Day,  
Simeon Crittenden,  
Henry L Edwards,  
H K Meady,  
Thomas Leasure,  
Chester Rose,  
J L Huntley,  
John Trumbell,  
Joseph Rose,  
William John Perraton,  
Elias Engram,  
E J Ways,  
J W Beeker,  
Helson Allen,  
J H Lewark,  
Thomas Chipman,  
William Sauer,  
H Case,  
H A Coffin,  
H Coffin,  
S M Herrick,  
L Herrick,  
Charles Edwards,

John R Jones,  
J T Dikson,  
Ben Jones,  
Hiram Thompson,  
George M Gere,  
E C Gere,  
H Goodman,  
John Pace,  
Joseph B Potta,  
Joseph Tillon,  
Johnhad Williams,  
John Williams,  
Benjamin Roberts,  
Andrew Finley,  
A Burhap,  
H K Wilder,  
John W Smith,  
Wm Goolsbery,  
Silvester Caxcell,  
Gabriel Martin,  
Isaac Brinker,  
Abraham Frankes,  
Philip B Austin,  
Jonathan Lee,  
John Mawer,  
Matthew Mawer,  
A H Palmer  
C W Palmer,  
M Turner,  
A Turner,  
Wm. Baning,  
Alfred Kinney,  
M J Sickler,  
Reubin Kinney,  
Ola Christain,  
Treils Truhjan,  
Thoer Chritain,  
Lewis Tullip,  
Graham Thorn,  
Barnabas Baker,  
G P Steer,  
H S H Hayes, Co Com  
G Carter,  
Isaac Steer,  
Charles A Cogger,  
Sands Brownell,  
David Steer,  
Charles Fisk,  
John E King,  
Wm K Foibue,  
M Tabor,  
Major Flint,  
Moses Flint,  
Salira Town,

J M Poe,  
Wm Polze,  
Joseph Grimes,  
Silas Gilmore,  
Justin Crittenden,  
Arthur Bower,  
Orin H Page,  
R C Burgess,  
L Baden,  
S I Rutar,  
W L Phelps,  
John Bingham,  
D Bingham,  
Wm B Lodgit,  
Samuel Rutan,  
James Rutan,  
Robert Thomas,  
Charles T Kee,  
George W Mills,  
C W Strother,  
John Vail,  
K Kent,  
J T Buck,  
John James,  
James Reed,  
Anson Freeman,  
Dan Campion,  
Michel Campion,  
M S Chase  
T M Chase jr,  
B Wilson,  
Wm Jinks,  
John Weber,  
John Campion,  
Daniel Campion, sen.  
James Campion, jr.  
Levi W Phelps,  
Nathan S Phelps,  
E Leazoe Phelps,  
D Barber,  
Russell H Friendly,  
Howard Peterson,  
Charles Brown,  
William Armstrong,  
Andrew Cheney,  
Jonh Kyer,  
C B Kimball,  
Tom X Ellis,  
Sevin Errickson,  
O S Errickson,  
Andrew Thompson,  
E S West,  
Jeptha Becker,  
Samdo Caffman,

Aikin Miner,  
 Daniel Hurlbut,  
 William Carpenter,  
 William D Hurlbut,  
 Calvin Case,  
 William Rill,  
 Joel Ballard,  
 Henry Holdbodge,  
 David Haselton,  
 Lorenzo Schemerhorn,  
 John Schemerhorn,  
 William Bird,  
 James Ralston,  
 William Woodard,  
 Oren Woodard,  
 John Whitney.

TERRITORY OF MINNESOTA, } ss.  
 FILLMORE COUNTY, }

I, G. W. Willis, Clerk of the District Court  
 of Fillmore County, M. T., do hereby certify that the above petitioners are citizens of  
 Fillmore County, M. T.

G. W. WILLIS,  
 Clerk of the U. S. District Court.

Mr Hanson, on leave granted, introduced  
 (No. 6, H of R.) A memorial to Congress for an appropriation of \$30,000 for the  
 improvement of the Mississippi river between St. Anthony and Sauk Rapids.

Which was read the first and second times and laid on the table to be printed.

Mr. Thompson, on leave granted, introduced

(No. 19, H of R.) A bill to incorporate the Winona ferry company,

Which was read the first and second times and laid on the table to be printed.

Mr. Dixon, on leave granted, introduced the following resolution:

*Resolved*, That the Sergeant-at-arms be allowed one dollar for notifying each absent  
 member under a call of the House, and fifty cents for each return or report to said  
 House, and fifteen cents for each mile actually traveled in notifying each absent mem-  
 ber, and that the Secretary of the Territory pay the same out of the moneys appropria-  
 ted to defray the expenses of the Legislature.

And the yeas and nays being called for and ordered, there were,

Yeas 8. }  
 Nays 7. }

Those who voted in the affirmative were,

Mr Dixon  
 Hanson

Mr Fridley  
 Register  
 Thompson

Mr Grant  
 Stanchfield  
 Willim—8.

Those who voted in the negative were,

Mr Beatty  
Davis

Mr Brawley  
Rolette

Mr Cave  
Sibley  
Speaker—7.

So the resolution was adopted.

Mr. Hanson, on leave granted, introduced  
(No. 20, H of R,) A bill granting to Orin W. Rice the right to establish a ferry  
across the head of the Bay Superior.

Which was read the first and second times, and laid on the table to be printed.

Mr Davis offered the following resolution:

*Resolved*, That each member of the Legislature be allowed three dollars per day  
extra for services in this House, any law to the contrary notwithstanding,  
And the yeas and nays being called for and ordered, there were

Yeas, 1. }  
Nays, 14. }

Those who voted in the affirmative, were

Mr. Beatty—1.

Those who voted in the negative, were

Mr. Brawley,  
Davis,  
Hanson,  
Sibley,

Mr. Cave,  
Fridley,  
Regester,  
Stanchfield,  
Willim,

Mr. Dixon,  
Grant,  
Rolette,  
Thompson,  
Speaker—14.

So the motion was not adopted.

Mr. Dixon on leave granted,

Introduced the following resolution:

*Resolved*, (the Council concurring) That the committee on Public Buildings be, and  
are hereby instructed to visit and inspect the public buildings, and report to the House  
and Council as soon as convenient.

Which was adopted.

Mr. Dixon, introduced the following resolution:

*Resolved*, That the Secretary of the Territory be requested to transmit to the House  
a statement of the number of votes polled at the several precincts in each county, in this  
Territory, at the election in October last.

Which was adopted.

Mr. Dixon from the Committee on Internal Improvements,

Made the following report:

The Committee on Internal Improvements, to whom was referred the petitions of D.  
W. C. Dunwell, and others, citizens of Dacotah county; of J. K. Reiner, and others,  
citizens of Washington county, and W. H. C. Folsom, and others, citizens of Taylor's  
Falls, in this Territory, praying that the Assembly grant a reasonable extension of time  
to the Minnesota and North Western Railroad Company, within which to complete their  
Railroad and Telegraph, and aid the said company in such other proper manner as to  
the Assembly may seem meet, respectfully

## REPORT:

That your committee find the petition of the citizens of Dakota county, signed by 60 of the citizens of that county; the petition from Marine Mills in Washington county, by 36 of the citizens of that place, and the petition from Taylor's Falls by 29 of the citizens there. That all of the signers of the said petitions who are known to your committee, are voters in this Territory, and are among the most respectable and useful of our people.

That, for the reasons heretofore stated, in the report of your committee, upon the petitions of citizens of St. Paul, your committee deem the conclusions arrived at by the petitioners to be correct.

These petitions indicate strongly that the settlers of Dakota and Washington counties are awake to their own interests, and are anxious for the prosecution and success of the great plan for the internal improvement of Minnesota referred to by them. The farmers and lumbermen want markets at home, and hence they desire the encouragement of an enterprise calculated to secure the early and rapid settlement of the Territory. They want easy and cheap facilities of communication with markets east and south of us, so that they may obtain their supplies more readily and upon better terms, and participate generally in all the advantages attended upon being near to the large cities with which we now have such uncertain, difficult and expensive intercourse.

Your committee believe that it is the duty of this Assembly to encourage them, and to encourage the enterprise which they favor.

Dakota county especially, has a deep interest in the construction of the improvement contemplated by the charter of the Minnesota and North Western Railroad Company, as they will pass through that county and develop its rich and varied resources, speedily and effectually. Its rich prairies, beautiful lakes, and water powers, will not long remain unknown (as they now are comparatively,) after the construction of the Railroad, but will teem with a thrifty and happy population.

Your committee reiterate the recommendation before expressed, that the prayer of the petitioners be granted.

J. B. DIXON,  
JOSEPH ROLETTE.

On motion of Mr. Sibley,  
The House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

## TUESDAY.

FEBRUARY 6, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker,

The roll being called,

The following members answered to their names:

Andros,	Hanson,
Beatty,	Lemay,
Brawley,	Register,
Cave,	Sibley,
Dixon,	Stanchfield,
Davis,	Thompson,
Fridley,	Willim,
Grant,	Speaker.

On motion of Mr. Dixon,

The reading of the journal was dispensed with.

Mr. Willim presented the petition of

H. R. McKinstry and 45 other citizens,

Praying that a charter for a ferry across Lake St. Croix may be granted to Wm. H. Oliver.

Which was read, and

On motion of Mr. Willim,

Was ordered to be printed in the Journal.

## PETITION.

*To the Honorable the Council and*

*House of Representatives of the Territory of Minnesota:*

The undersigned would respectfully petition, that Wm. H. Oliver may have a charter for a ferry across Lake St. Croix, from a point where the south line of lot number three, in section number twenty-six, in town number twenty-nine north, of range number twenty west, intersects waters of said lake, on the west shore of the same, to the opposite in the town of Hudson.

H R McKinstry,  
 R B Johnson,  
 S S Denton,  
 Albert Harris,  
 John McKusick,  
 Hayn Byrone,

L E Thompson,  
Oliver Parsona,  
Jno S Proctor,  
J McCloud,  
E C Mowbaun,  
J J Larsing,  
Phillip Miller,  
O Carlie,  
Wm B Ulken,  
S R Fuller,  
Wm McKusick,  
John Fisher,  
E D Farmer,  
D B Loomis,  
John Leach,  
S M Ronell,  
T M Fullerton,  
J H Sawyer,  
Jacob Fisher,  
A C FASTER,  
H M Curtis,  
Thomas J Yorke,  
Harvey Wilson,  
A D Heatorn,  
S Partridge,  
Wm Whiteside,  
John Foley,  
George Harris,  
William Horr,  
Elam Greeley,  
Mahlon Black,  
Henry McLane,  
Jesse Taylor,  
John Olliver,  
Geo Battels,  
E Perry Sloan,  
Samuel Beukleo,  
M Holcombe,  
R McDonald,

Mr. Fridley presented the report of the Territorial Treasurer.

On motion of Mr. Sibley,

The reading of the report was dispensed with, the report laid on the table and ordered to be printed in the Journal.

OFFICE OF THE TERRITORIAL TREASURER, }  
St. Paul, Dec. 21st, 1854. }

*To the Honorable, the Council and*

*House of Representatives, of Minnesota Territory:*

In obedience to the requirements of the Statutes, I have the honor to report to you the condition of the Financial Department of the Territory, as exhibited by the Books of this Office, for a statistical report of which you are referred to the Schedule hereto annexed:

CHARLES E. LEONARD.

**SCHEDULE No. 1,**

*Showing the Dates, Drafts, Amounts and Receipts of the respective Counties, as exhibited by the books of the Territorial Treasurer.*

**RAMSEY COUNTY.**

AMOUNTS DUE.			MONEYS EXPENDED.		
DATES.	DRAFTS.	AMOUNTS.	DATES.	RECEIPTS.	AMOUNTS.
February 1, 1850,	.....	544 39	Feb. 1, 1850	.....	544 39
do 1851,	.....	782 11	do 1851	.....	167 63
do 1852,	.....	1060 82	do 1852	.....	1418 45
		<u>2387 30</u>	Total	.....	<u>2130 45</u>
		2130 45			
Leaving a balance due,.....	0	<u>256 85</u>			

WASHINGTON COUNTY.

February 1, 1850.	262 07	Feb. 1, 1850	228 90
do 1851.	385 17	do 1851	385 17
do 1852.	343 76	do 1852	782 48
do 1853.		do 1854	
			<u>1346 55</u>

20 H. P.

BENTON COUNTY.

February 1, 1850.	26 05	Feb. 1, 1850	26 05
do 1851.	64 78	do 1851	
do 1852.	108 17	do 1852	100 00
do 1853.		do 1854	
			<u>128 05</u>

CHISAGO COUNTY.

February 1, 1852.	46 89	Feb. 1, 1852	0 00
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WABASHAW COUNTY.

February 1, 1852.	16 50	Feb. 1, 1852	7 00
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ITASCA COUNTY.

February 1, 1852.	8 62	Feb. 1, 1852	0 00
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**SCHEDULE No. 1 — Concluded.**

AMOUNTS DUE.			MONEYS EXPENDED.		
DATES.	DRAFTS.	AMOUNTS.	DATES.	RECEIPTS.	AMOUNTS.
<b>HENNEPIN COUNTY.</b>					
February 1, 1852, .....		43 50	1852 .....		
1853, .....			Feb. 1 1855 .....		102 88
<b>DAKOTA COUNTY.</b>					
February 1, 1852, .....		36 35	Feb. 10, '55 .....		52 62

# REPORT

OF THE

## TERRITORIAL TREASURER FOR THE YEAR 1854.

*The accounts for Washington, Hennepin and Benton Counties, are as follows:*

### WASHINGTON COUNTY.

DATE.	RECT'S	WHEN DRAWN.	TO WHOM PAYABLE.	
June 8th, Rec'd from Treasurer of Washington county in Auditor's warrants,	\$ 595 00	Nov. 1, 1852, Dec. 20, 1853, July 9th, 1852.	James McBoal, salary, F. R. Delano, salary, F. K. Bartlett, on acc't Auditor, C. S. Thompson, road contract,	\$75 00 50 00 50 00 105 00
		Nov. 1, 1852.	J. E. McKusick, salary,	50 00
		" "	" "	50 00
In cash June 3d, Rec'd from Treasurer of Washington cnt'y Dec. 8th, in Auditor's warrants,	87 48 150 00	" " " " Sept. 7, 1853. Dec. 20, 1853.	F. K. Bartlett, services and station'y J. McBoal, salary, F. Murphy, axe-man on Ter. road, F. R. Delano, salary,	35 00 75 00 30 00 25 00
		" "	" "	25 00
		" "	" "	25 00
		" "	" "	25 00
		June 23, 1853.	" "	25 00
		" 6, "	" "	25 00
		" 6, "	" "	25 00
		" 23, "	" "	25 00
		" 23, "	" "	25 00
			Cash balance on hand,	\$37 48

HENNEPIN COUNTY.

DATE.	RECT'S	WHEN DRAWN.	TO WHOM PAYABLE.	
Dec. 11, 1854.	\$	Dec. 30, 1853,	A. Van Voorhes, salary,	\$50 00
Received of Treasurer of Hennepin cnt'y in Auditor's warrants,		Jan. 10, 1854,	Calvin A. Tuttle, salary,	50 00
Received in cash as per above,	100 00			
	2 88			
			Cash balance on hand,	\$2 88

BENTON COUNTY.

July 27, 1854,	\$			
Received of Benton county in cash,	100 00			
Received of G. W. Prescott,	2 62			

AUDITORY WARRANTS COUNTERSIGNED AND TO WHOM.

E. W. Merrill,	salary,	-----	\$ 50 00
Calvin A. Tuttle,	"	-----	50 00
L. A. Babcock,	extra services,	-----	100 00
"	"	-----	150 00
L. Emmett,	"	-----	53 60
"	"	-----	56 50
"	"	-----	36 00
"	salary,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	35 00
"	"	-----	25 00
"	extra services,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	15 00
"	"	-----	10 09
"	"	-----	28 00

J. T. Georgia,	salary,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00

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\$844 19

The above is a true statement of Auditor's warrants by me countersigned since the 20th day of February, 1854.

CHARLES E. LEONARD,  
*Territorial Treasurer.*

ST. PAUL, Dec. 21, 1854.

Whole amount of Auditor's Warrants received for the year 1854, and canceled, commencing February 20th, as per account stated	-----	\$845 00
Whole amount of cash received, as per account	-----	142 18
Cash paid on Auditor's Warrant drawn in favor of E. W. Merrill's salary	----	30 00
Cash paid on Auditor's Warrant drawn in favor of L. Emmett's salary	-----	20 00
Cash balance on hand	-----	92 98

The above Report is a correct statement of Auditor's Warrants received, and cash received and paid out since the 20th of February, 1854.

CHARLES E. LEONARD,  
*Territorial Treasurer.*

ST. PAUL, December 21st, 1854.

In further report I would respectfully call the attention of the Legislature to a repeal of the amendment of section four of article three of chapter eight of the revised statutes.

The effect of said amendment being to place under the control of the county treasurer the management of matters pertaining solely to the office of the Territorial Treasurer, and imposing upon the county treasurer duties which are foreign to his office, and belonging exclusively to that of the Territorial Treasurer.

The practical working of the said amendments completely nullifies and at the same time embarrasses the action of the Territorial Treasurer, and works an injustice to the holders of Auditor's warrants. For example:

It appears by the books of this office that Auditor's warrants issued in 1850 and 1851 still remain unpaid, though often presented for payment, which would not have been the case if the moneys owing to the office of the Territorial Treasurer had been paid over to the said Treasury instead of being discharged by Auditor's warrants through the county Treasurers.

It will be seen therefore, that the Territorial warrants, by such amendment, instead of being paid by the Territorial Treasurer, a duty properly belonging to his office, and none other, are paid by the County Treasurer.

I would respectfully call your attention to the certificate of the Register of Deeds of Washington county, which is herewith submitted, by which it appears that the whole amount of tax assessed in that county for the year 1850, as seen by the records of the

county Commissioners, was \$2,288 60, of which \$228 86 was due to the Territorial revenue. By the books belonging to this office, it appears that the said amount \$228 86 was duly paid, and a balance of \$33 17 still remaining due to the Treasury of the said county of Washington for the year 1850. The original draft therefore as it appears to me being in error, having been drawn by the Treasurer and countersigned by the Auditor for more than was due from that county by \$33 17, I would therefore respectfully recommend that the same be canceled from the books of this office.

CHARLES E. LEONARD,  
Territorial Treasurer.

OFFICE OF REGISTER OF DEEDS OF WASHINGTON COUNTY, }  
Minnesota Territory, December 6, 1854. }

I do hereby certify that the whole amount of Tax assessed in this county, in the year 1850, as it appears by the records of the county Commissioners was \$2,288 60, of which \$2,059 74 was for County revenue, and \$228 86 for Territorial revenue.

In testimony whereof, I have hereunto set the seal of the county.

H. CURLIS,  
Register of Deeds.

Mr. Hanson, on leave granted, introduced

(No. 21, H of R) A Bill for an act to incorporate the German Reading Society of Saint Cloud.

Which was read the first and second times, and laid on the table to be printed.

Mr. Lemay, on leave granted, introduced

(No 22, H of R) A Bill, entitled an act to incorporate the St. Paul and Sauk Rapids Plank Road Company,

Which was read the first and second times and laid on the table to be printed.

Mr. Sibley gave notice, that he should on to-morrow, or some subsequent day, introduce,

A Bill, entitled An Act to amend an Act granting to Henry G. Bailey, the right to establish and maintain a ferry across the Mississippi river at or near Olive Grove in the county of Wabashaw, approved March 1852.

Mr. Hanson gave notice,

That on to-morrow or some future day of the present session, he would introduce,

A Bill defining the boundaries of certain counties.

Mr. Lemay gave notice,

That on to-morrow, or some future day, he would introduce,

A Bill to incorporate the St. Paul Typographical and Literary Union. Also,

A Bill to incorporate the Immigration Society.

A message from his Excellency the Governor, being announced,

G. Green Durbin, Esq., his private secretary, appeared and delivered a message in writing to the Speaker.

Mr. Hanson, on leave granted, introduced,

(No 23, H of R) A Bill for an act to locate a Territorial road, from St. Cloud, to intersect the Red River road of the North.

Which was read the first and second times and laid on the table to be printed.

Mr. Fridley offered the following resolution,

*Resolved*, that 100 copies of the Territorial Treasurer's report be printed in pamphlet form for the use of both Houses.

Which resolution was adopted.

Mr. Haus gave notice,

That on to-morrow, or some future day of this session, he would introduce,

A Bill granting to W. Foster the right to establish a Ferry across the Minnesota river.

Mr. Hanson gave notice,

That on to-morrow, or some future day, he would introduce,

A Bill for an act to locate a Territorial road from St. Cloud to Lac Tra Varie. Also,

A Bill for an act to locate a Territorial road from St. Augusta on the Mississippi river, Lac Tra Varie.

Mr. Dixon on leave granted, introduced

(No 24, H of R) A Bill for the sale of spiritous liquors in the Territory of Minnesota.

Which was read the first and second times, and laid on the table to be printed.

Mr. Hanson gave notice,

That on to-morrow or some future day he would introduce

A Bill, authorizing the construction of a dam across Crow river.

Mr. Willim gave notice,

That on to-morrow or some future day of the session, he would ask leave to introduce,

A Bill granting to William H. Oliver, the right to establish a Ferry across Lake St. Croix. Also,

A Bill to incorporate the town of Henderson. Also,

A Bill to incorporate the Mississippi River Improvement Company.

The Chair laid before the House the following message and accompanying documents from his Excellency the Governor:

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EXECUTIVE DEPARTMENT, MIN. TER. }  
February 5, 1855. }

SPEAKER HOUSE OF REPRESENTATIVES:

I have the honor to transmit herewith the 2d Annual Report of the Inspectors of the Territorial Prison.

Very Respectfully,

W. A. GORMAN.

WARDEN'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 1, 1855. }

Gov. W. A. GORMAN:

Sir—I herewith transmit to you the proceedings of the Board of Inspectors of January 1st, as also their report to you for the year ending Dec. 31, 1854.

F. R. DELANO,  
Warden.

INSPECTOR'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 1, 1855. }

SIR:—In accordance to the statute, we transmit to you our Second Annual Report of the affairs of this Prison. During the past season, a large amount of work has been performed upon the Prison, and the grounds belonging thereto, under the appropriation in the hands of the Warden, and expended by H. F. Masterson, Disbursing Agent of the United States. The grading and drainage of the grounds has been completed, as has also been the principal Prison buildings. There is still wanted, to meet the purposes for which this institution is intended, a work-shop, which will answer the present and future wants of the Prison, and in which the convicts may be employed in a more secure manner than at present. We estimate the cost of a suitable shop, to be built of stone, at six thousand dollars, and would recommend that a memorial to Congress praying for an appropriation for that amount and to be applied to that purpose.

We are pleased to say that the general affairs of the Prison and police thereof, under the management of the present warden meets with our entire approval, and that the convicts are well fed and clothed, and carefully watched. It has been with us, in our management thereof, a rule to make this institution a place where the convict may become permanently reformed and fitted again to become a member of society, as well as a place for the punishment of offences against the laws. During the term for which we have acted as Inspectors, and which will expire with the present session of the Legislature, our duties have been attended with more than the ordinary amount of labor, the erection of the proper buildings, and the general carrying on of the works, with regard to their future usefulness leads us to believe that we can point to this Institution of our Territory and future State, as one where the appropriations made therefor have been economically expended, and to as good purpose as at any place within our knowledge.

Hoping that our duties have been performed to the satisfaction of the people of the Territory, we respectfully submit this our report.

J. B. DIXON,  
Chairman of the Board.

To Governor W. A. GORMAN,

INSPECTOR'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 11, 1855. }

Board met.

Present—Messrs. Dixon and Stearns.

The warden of the Prison laid before the Board the amount of bills paid by him during the past six months, which were examined and approved.

On motion of Mr. Stearns,

The Board adjourned to meet the first Monday in April next.

Signed,

J. B. DIXON,  
Chairman.

Attest:

F. R. DELANO, Clerk.

I hereby certify that the above is a correct transcript of the doings of the Board of Inspectors at their meeting, January 1st, 1855.

F. R. DELANO,  
Warden.

On motion of Mr. Dixon,

One hundred copies of the report were ordered to be printed for the use of both Houses.

Mr. Cave gave notice that on to-morrow or some future day of the session, he would introduce

A Bill relative to Free Schools in the city of St. Paul.

Mr. Cave, from the committee on Incorporations, made the following

#### REPORT :

The committee on Incorporations to whom was referred

A Bill to incorporate the town of Henderson,

Beq leave to report the same back, with amendments.

C. S. CAVE,  
J. B. DIXON,

The committee on Incorporations, to whom was referred

The petition of C. H. Rolf, and others, praying for a ferry charter across the St. Croix River,

Beq leave to report the petition back, and recommend the prayer of the petitioners be granted.

C. S. CAVE.  
J. B. DIXON.

**REPORT**  
OF THE  
**WARDEN OF THE TERRITORIAL PRISON.**

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*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

The undersigned respectfully submit the following report of the affairs of the Territorial Prison, for the year ending Dec. 31, 1854:

During the last year the balance of the appropriation on hand Dec. 31, 1853, has been expended upon contracts entered into the spring of 1853; as also a large amount of work been done under the appropriation of Congress, and disbursed by H. F. Masterson, Esq., disbursing agent for the United States Treasury Department. Under these appropriations the grading has been completed, according to the original plans, as has also been the drainage of the grounds.

The Prison buildings are also complete, with the exception of workshop accommodations, to which latter want I would call the particular attention of your honorable body, and suggest the propriety of memorializing Congress for an appropriation of six thousand dollars, with which to erect a stone workshop suitable for the present and future use of this institution.

Two convicts have been received during the past year. None have been discharged. The large amount of emigration from the old States, taken in connection with our criminal code, renders it probable that increased accommodations will be needed at an early day.

It affords me particular pleasure to make honorable mention of the high state of morals and general steady habits of the convicts, at present confined in this institution.

In this connection I would also suggest the propriety of a small appropriation for the increase of the Theological portion of the prison library.

In regard to the fiscal affairs of the prison, I refer you to the annexed statement of receipts and expenditures, marked B.

All of which is most

Respectfully submitted,

F. R. DELANO,

Warden.

WARDEN'S OFFICE, Territorial Prison, Jan. 1, 1855.

## STATEMENT B.

## PRISON RECEIPTS,

<i>In account,</i>	DR.
To balance on hand Dec. 31, 1853.....	\$5,616 76

## PRISON EXPENDITURES.

<i>In account,</i>	CR.
By amount paid to contractors and others for material and labor furnished to prison.....	\$5,013 63
Balance.....	\$603 13
	<hr/> \$5,616 75

Which balance will be due to the contractor for iron doors for cells, as soon as this job is completed, which will be at an early day.

F. R. DELANO,  
Warden.

WARDEN'S OFFICE, Territorial Prison, Jan. 1, 1855.

On motion of Mr. Regester,

One hundred copies of the report was ordered to be printed for the use of both Houses.

Messages from the Council being in order,

The following messages was taken up and read:

MR. SPEAKER:

The Council has passed

No. 8—A bill to provide for the improvement of the Minnesota river;

No. 9—A bill granting to Wm. W. Sweeny, W. Lauver, Richard Freeborn, and Morris Hobart the right to establish and maintain a Ferry across the main channel of the Mississippi river.

No. 12—An act granting to O. H. Kelly, the right to establish and maintain a Ferry across the Mississippi river;

No. 5—A bill to incorporate the Transit Railroad Company;

The Council has concurred in the passage of

(No. 5, H. of R.) A bill to amend an act entitled an act to incorporate the Minnesota and North Western Railroad Company.

After the reading of the above messages,

(No. 8, C. F.) A bill to provide for the improvement of the navigation of the Minnesota river,

Was taken up,

And read a first and second time.

(No. 9, C. F.) A bill granting to Wm. W. Sweeny, Wm. Lauver, Richard Freeborn, and Morris Hobart the right to establish and maintain a Ferry across the main channel of the Mississippi river.

Was taken up and read the first and second times.

Mr. Brawley moved

(No. 9, C. F.) Be referred to the committee on Incorporations.

(No. 12, C. F.) An act granting O. H. Kelley, the right to establish and maintain a Ferry across the Mississippi river,

Was taken up and read the first and second times.

Mr. Brawley moved,

(No. 12, C. F.) Be referred to the Committee on Incorporations.

And the yeas and nays being called for and ordered, there were

Yeas 9. }  
Nays 7. }

Those who voted in the affirmative were

Mr. Beatty,	Mr. Brawley,	Mr. Haus,
Lemay	Rolette,	Sibley,
Stanchfield	Willim,	Speaker—9.

Those who voted in the negative were,

Mr. Cave,	Mr. Dixon,	Mr. Fridley,
Grant,	Hanson,	Regester,
		Thompson—7.

So the motion prevailed.

(No. 5, C. F.) A Bill to incorporate the Transit Railroad Company,  
Was taken up,

Mr. Sibley moved,

To suspend the rules, and that the bill be read the first time by its title;  
Which was determined in the affirmative.

The bill was read the first and second time by its title.

Mr. Brawley moved,

(No. 5, C. F.) Be referred to the Committee on Internal Improvements;  
Which was determined in the affirmative.

Mr. Hanson moved,

That the rules be suspended, and

(No. 6, H of R) A memorial to Congress for an appropriation of \$30,000 for the improvement of the Mississippi river, between St. Anthony and Sauk Rapids,

Be read the third time;

Which was determined in the affirmative.

The memorial was read the third time.

The question then recurring on the passage of the memorial:

It was passed.

The question then recurring on agreeing to the title of the memorial:

It was agreed to.

Mr. Dixon moved,

That the rules be suspended, and

(No. 6, H of R.) A memorial to Congress for the erection of a Fort at or near Pembina river,

Be read the third time;

Which motion was adopted.

The memorial was read a third time.

The question then recurring on the passage of the memorial:

It was passed.

The question then recurring on agreeing to the title of the memorial.

It was agreed to.

Mr. Sibley moved,

That the House now resolve itself into a committee of the whole;

Which motion was adopted.

The House accordingly resolved itself into a committee of the whole.

Mr. Dixon in the chair,

After some time passed therein,

The committee rose, and by their chairman, reported that the committee have had under consideration

(No. 4, C. F.) A bill to incorporate the town of Henderson,

And for other purposes; also,

(No. 4, H. of R.) A Bill entitled an act to incorporate the Stillwater Ferry Company,

And report the same back to the House, with amendments.

Mr. Dixon moved,

That the report of the committee of the whole, be accepted;

Which motion was adopted.

Mr Hanson moved,

That the House adjourn;

Which motion was adopted.

So the House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SWEETLEY,

*Chief Clerk.*

**WEDNESDAY,**

**FEBRUARY 7, 1855.**

The House met pursuant to adjournment,

And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Andros,	Beatty,
Brawley,	Cave,
Dixon,	Fridley,
Hanson,	Haus,
Regester,	Rolette,
Sibley,	Thompson,
Willim,	Speaker,

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Dixon

The reading of the Journal was dispensed with.

Mr. Thompson presented the petition of A. D. Sprague and 190 other citizens of Houston county, praying that the county seat of Houston county may be located by a vote of the people of said county.

Which was read, and

On motion of Mr. Thompson,

It was ordered to be printed for the use of the House.

Mr. Thompson gave notice,

That on to-morrow, or some future day of the present session, he would introduce a Bill for the re-location of the county seat of Houston county by a popular vote.

Mr. Hanson, on leave granted, introduced

(No. 25, H. of R.) An act to authorize the construction of a dam across Crow river. Which was read the first and second times, and laid on the table to be printed.

Mr. Lemay, on leave granted, introduced

(No. 26, H. of R.) A bill for an act to grant to mechanics and others, a lien on house and other buildings.

Which was read the first and second times, and laid on the table to be printed.

Mr. Hanson, on leave granted, introduced

(No. 27, H. of R.) A bill for an act to locate a Territorial road from St. Augusta, on the Mississippi river, to Lake Travers.

Which was read the first and second times, and laid on the table to be printed.

Mr. Willim, on leave granted, introduced.

(No. 28, H. of R. An Act granting to William H. Oliver the right to establish and maintain a Ferry across Lake St. Croix.

Which was read a first and second times.

And laid on the table to be printed.

Mr. Hanson on leave granted,

Introduced No. 29, H. of R.

A Bill for an act to locate a Territorial road from St. Cloud to Lac Traverse.

Which was read a first and second times,

And laid on the table to be printed.

Mr. Cave, from the Committee on Incorporations, made the following

### REPORTS:

The committee on Incorporations to whom was referred

(No. 9 C. F.) A Bill granting to William W. Sweeney, and others, the right to establish and maintain a Ferry across the Mississippi river, beg leave to report the bill back without amendments. Also,

(No. 12, C. F.) An Act granting O. H. Kelley, the right to establish and maintain a ferry across the Mississippi river,

Report the bill back to the House.

C. S. CAVE,

J. B. DIXON.

Mr. Sibley, from the select committee to which was referred the matter of the defining the boundaries of certain counties, reported

(No. 30, H. of R.) A Bill to define the boundaries of certain counties,

Which was read the first and second times,

And laid on the table to be printed.

Mr. Dixon from the select committee appointed to draft Rules for the government of the House during the present session, made the following report, viz:

**STANDING RULES**  
OF THE  
**HOUSE OF REPRESENTATIVES.**

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I. The Speaker shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceeding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceeding day to be read.

II. He shall preserve order and decorum, 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.

III. He shall rise to put a question; but may state it sitting.

IV. Questions shall be distinctly put in this 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 doubt, or a division be called for, the House shall divide. Those in the affirmative of the question, shall first rise in their seats; and afterwards those in the negative.

V. The Speaker shall call some member to the chair when the House votes to go into committee of the whole, and may then debate the question before the committee, He shall also have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. In case the Speaker shall be absent at the hour to which the House was adjourned, the Clerk shall preside until a Speaker *pro tem.* shall be chosen.

VI. He shall appoint all committees unless otherwise directed by the House. He shall sign all acts, memorials, addresses and resolutions; and all writs, warrants and subpoenas (issued by the House) shall be signed by him and attested by the Chief Clerk.

VII. In all cases the Speaker shall have the right of voting; and on all questions he shall vote last.

VIII. In case of any disturbance or disorderly conduct in the lobby, the Speaker, (or Chairman of the committee of the whole,) shall have power to order the same to be cleared.

IX. After the Journal has been read and corrected, the order of business shall be as follows, viz;

1. Letters, petitions, memorials, remonstrances and accompanying documents, may be presented and referred.

2. Resolutions may be offered and considered; notices of leave to introduce bills may be given; and bills may be introduced on leave granted.

3. Reports of committees may be made and considered.

First, from standing committees;

Second, from select committees.

4. Messages from the Council, and amendments proposed by the Council to bills from the House of Representatives.

5. Bills and Resolutions from the Council on their second reading.

6. Bills on their third reading.

7. Bills ready for a third reading.

8. Bills reported by a committee of the whole.

9. Bills in which a committee of the whole has made progress and has leave to sit again.

10. Bills not yet considered in committee of the whole:

X. Bills of a public nature shall always have the preference of private bills.

XI. 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 avoid personality.

XII. Whenever any member is called to order, he shall sit down until it is determined whether he is in order or not; and if a member be called to order for words spoken in debate, the exceptionable words shall be taken down in writing immediately.

XIII. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

XIV. No member shall speak more than twice on the same question; and more than once on a motion of commitment, without leave of the House.

XV. No member shall vote on any question in cases where he is not within the bar of the House when the question was put, unless by leave of the House.

XVI. Upon a division and count of the House on any question, no member without the bar shall be counted.

XVII. 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. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced. And any member wishing to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

XVIII. When a motion is made and seconded, it shall be stated by the Speaker; or being in writing, it shall be handed to the Chief Clerk, and read before debated.

XIX. Every motion shall be reduced to writing, if the Speaker or any member desire it.

XX. After a motion is stated by the Speaker, or read by the Chief Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

XXI. When a question is under debate no motion shall be received, unless to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to

commit, to amend or to postpone indefinitely; and these several motions shall have precedence in the order in which they stand arranged. A motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall not 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 equivalent to the rejection of the bill.

XXII. A motion to adjourn shall always be in order; that and the motion to lie on the table shall be decided without debate.

XXIII. The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude amendment and further debate of the main question. On a motion of the previous question, and prior to the main question being put, a call of the House shall be in order.

XXIV. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XXV. When a motion or question has been once put and carried in the affirmative or negative, it shall be in order for any member who voted in the majority, or when the House is equally divided, for a member who voted in the negative, to move for a reconsideration thereof on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn. A motion for reconsideration being put and lost shall not be renewed.

XXVI. Any member may call for a division of the question, when the same will admit of it. A motion to strike out and insert shall be deemed to be indivisible. A motion to strike out being lost, shall not preclude an amendment, nor a motion to strike out and insert.

XXVII. In presenting a petition, memorial, remonstrance, or other communication addressed to the House, or Legislative Assembly, the member shall only state the general purport of it.

XXVIII. Every petition, memorial, remonstrance, resolution, bill and report of committee, shall be endorsed with its appropriate title; and immediately under the endorsement the name of the member presenting the same shall be written.

XXIX. Any member may make a call of the House, and require absent members to be sent for, but a call of the House cannot be made after the voting has commenced; and the call of the House being ordered, and the absentees noted, the door shall be closed, and no member be permitted to leave the room until the report of the Sergeant-at-Arms be received and acted upon, or farther proceedings in the call be suspended.

XXX. The following Standing Committees (each to consist of three members,) shall be appointed at the commencement of the session, viz:

- On Internal Improvements.
- On Territorial Affairs.
- On the Judiciary.
- On Agriculture and Manufactures.
- On the Militia.

On Schools.  
 On Incorporations.  
 On Territorial Roads.  
 On Printing.  
 On Public Printing.  
 On Engrossed Bills.  
 On Enrolled Bills.  
 On Legislative Expenditures.  
 On Territorial Expenditures.  
 On Estates and Escheats.

XXXI. The rules observed in the House shall govern as far as practicable, the proceedings in the committee of the whole; except that a member may speak oftner than twice on the same subject, and that a call for the yeas and nays, or for the previous question, cannot be made.

XXXII. Amendments made in committee of the whole shall be entered on a separate piece of paper, and so reported to the House by the chairman, standing in his place, which amendment shall not be read by the Speaker unless required by one or more of the members. The report having been first acted upon, the bill shall then be subject to debate and amendment before the question to engross it be taken.

XXXIII. All bills, memorials and joint resolutions shall be introduced by motion for leave, or upon the reports of committees. Members introducing a bill, shall always give one day's notice of a motion to bring it in, and when brought in, it shall be endorsed with the name of the member or committee, introducing.

XXXIV. Every bill, memorial or joint resolution requiring the approval of the Governor, shall receive three several readings previous to its passage; the first reading shall be at length, and no bill shall receive a second and third reading on the same day.

XXXV. No bill, memorial or joint resolution shall be committed or amended until it has been twice read. If objections are made to a bill on its first reading, the question shall be, "Shall the bill be rejected?" If no objection be made, or the question to reject be lost, the bill shall go to its second reading.

XXXVI. All bills, memorials and joint resolutions requiring the approval of the Governor, shall, on a second reading, be considered in committee of the whole before they shall be acted upon by the House, and those originating in the House, except resolutions not requiring the approval of the Governor, before being considered in committee of the whole, shall be printed, unless otherwise ordered by the House.

XXXVII. Fifty copies of every bill, joint resolution, or memorial, shall be printed after the second reading by the Clerk, unless otherwise ordered. And all bills, resolutions and amendments, after being printed, shall remain at least one day on the files before being considered.

XXXVIII. No more than three bills originating in the House shall be committed to the same committee of the whole; and such bills shall be analagous in their nature, which analogy shall be determined by the Speaker.

XXXIX. The final question upon the second reading of every bill, or other paper originating in the House, and requiring three readings previous to being passed, shall

be, "Shall it be engrossed and read a third time?" and upon every such bill or paper originating in the Council, "Shall it be read a third time?"

XL. No amendments shall be received on third readings, except to fill blanks, without the unanimous consent of the House. In filling blanks, the largest sum, longest time, and greatest distance, shall be first taken.

XLI. A bill, memorial, or resolution may be committed at any time previous to its passage; and if any amendment be reported upon such commitment by any other than a committee of the whole, it shall be again read a second time, considered in the committee of the whole, and the question for third reading and passage again put.

XLII. Every bill, joint resolution or memorial, originating in the House, shall be carefully engrossed before being transmitted to the Council for concurrence.

XLIII. Immediately after the passage of any bill or other paper, to which the concurrence of the Council is to be asked, it shall be the duty of the Chief Clerk to transmit the same to the Council, unless some member of the House shall make a motion to re-consider the vote by which the House passed said bill or other paper, in which case the Chief Clerk shall not transmit said bill or other paper until the motion to re-consider has been put; and on the concurrence in any bill or other paper of the Council by the House, or on the concurrence or disagreement in any vote of the Council, it shall also be the duty of the Chief Clerk to notify the Council thereof.

XLIV. It shall be competent for any member when a question is being taken, to call for the ayes and nays, which shall be inserted on the journal. A call for the ayes and nays cannot be interrupted in any manner whatever.

XLV. It shall be in order for the committee on enrollment to report at any time.

XLVI. The Chief Clerk shall keep a correct journal of the daily proceedings of the House, and shall perform such other duties as shall be assigned to him as Chief Clerk. He shall permit no journal, records, accounts, or papers to be taken from the table or out of his custody, other than in the regular mode of business; and if any papers in his charge shall be missing, he shall report the fact to the Speaker, that inquiry may be made. He shall superintend the recording of the journal of proceedings, engrossing, enrolling, transcribing and copying of bills and resolutions, and generally performing the duties of Chief Clerk, under the direction of the Speaker.

XLVII. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with these rules and the orders of the House, and the joint rules and orders of the Council and House of Representatives.

XLVIII. The standing hour for the daily meeting of the House shall be ten o'clock in the morning, until the House direct otherwise.

XLIX. No standing rule or order of the House, shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be rescinded, changed, or suspended, except by a vote of at least two-thirds of the members present.

J. B. DIXON,  
F. ANDROS.

Mr. D. F. Brawley from the Joint Committee on Enrolled Bills, made the following

## REPORT:

The Joint Committee on Enrolled Bills, have examined and found correctly enrolled the following memorial:

(No. 2, H. of R.) A memorial to Congress for an appropriation of \$5,000, for the construction of a Territorial Road from the west bank of the Mississippi, opposite the lower portion of the city of St. Paul, to intersect the Territorial Road now being constructed from Mendota to Wabashaw.

I. VAN ETTEN,  
Chairman Council Com.  
D. F. BRAWLEY,  
Chairman House Com.

Mr. D. F. Brawley from the Joint Committee on Enrolled Bills, made the following

## REPORT:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills, Memorials, and Joint Resolutions:

(No. 5, H. of R.) A Bill for an Act to amend an Act entitled "An Act to incorporate the Minnesota and North Western Railroad Company.

(No. 1, C. F.) A Bill to confirm the qualifications of certain county officers in Sibley county, and other purposes.

(No. 13, C. F.) A Bill to amend an act entitled an act relating to auctioneers.

(No. 1, C. F.) Joint Resolution relative to the binding of the journal.

I. VAN ETTEN,  
Chairman Council Com.  
D. F. BRAWLEY,  
Chairman House Com.

On motion of Mr. Hanson,

The House resolved itself into a committee of the whole;

Mr. Hanson in the Chair,

For the purpose of taking into consideration

(No 15, H of R) A Bill to incorporate the Lake Pepin Boom Company,

Pending the sitting of the Committee of the Whole.

A message from the Council being announced,

The Speaker having taken the Chair,

A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following message:

MR. SPEAKER—

The Council has concurred in the passage of

(No. 6, H of R,) A memorial to Congress for \$30,000 for the improvement of the Mississippi river between St. Anthony and Sauk Rapids.

With amendments and an amendment to its title. Also,  
(No 5, H of R.) A memorial for the erection of a Fort at or near Pembina river,  
with amendments.

In which the concurrence of the House is respectfully requested;

And then he withdrew.

The Secretary having withdrawn,

The Committee resumed its sitting.

After some time spent therein,

The committee rose, and by their chairman reported

That the committee have had under consideration

(No 15, H of R) A Bill to incorporate the Lake St. Croix Boom Company,

And report the same back to the House with amendments.

The report of the committee on the whole was accepted.

The Speaker of the House then signed the following acts, memorials and joint resolution:

A Bill to amend an act, entitled An act to incorporate the Minnesota and North Western Railroad Company.

A memorial to Congress for an appropriation of \$5,000 for the construction of a Territorial road from the West bank of the Mississippi opposite the lower portion of the city of St. Paul to intersect the Territorial road now being constructed from Mendota to Wabashaw.

A Bill to confirm the qualification of certain county officers in Sibley county, and other purposes.

A Bill to amend an act, entitled An act relating to auctioneers.

A Joint Resolution relating to the binding of the Journals.

Mr. Cave, by the unanimous consent of House, introduced

(No. 31, H of R) An act relating to free schools in the city of St. Paul.

Which was read the first and second times,

And laid on the table to be printed.

Mr. Rollette, by the unanimous consent of the House, introduced

(No. 32, H of R) A Bill for a line of Telegraph from St. Paul to St. Anthony and Minneapolis,

Which was read the first and second times,

And laid on the table to be printed,

Mr. Davis gave notice,

That on to-morrow or some future day of this session, he would introduce

A bill to incorporate the St. Paul Literary Association.

On motion of Mr. Dixon,

The rules were suspended, and

(No. 4, H of R) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to the Territorial Prison,

Was taken up.

Mr. Dixon moved,

That the rules be suspended in order that the bill may be read the third time,

Which motion was adopted.

The memorial was read a third time.

The question then recurring on the passage of the memorial,  
It was passed.

The question then recurring on agreeing to the title of the memorial,  
It was agreed to.

Mr. Beatty gave notice,

That on to-morrow or some future day, he would introduce

A Bill to establish a ferry across the St. Louis river.

On motion of Mr. Sibley,

The House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

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THURSDAY.

FEBRUARY 1, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called, the following members answered to their names:

Andros,	Brawley,
Dixon,	Davis,
Fridley,	Grant,
Hanson,	Haus,
Regester,	Rolette,
Sibley,	Stanchfield,
Thompson,	Willim,
	Speaker.

Prayer by the Rev. Mr. Hodsdon.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker—

The President of the Council has signed the following entitled bills, memorials and joint resolutions:

(No. 5, H of R) A Bill to amend an act entitled "An Act to incorporate the Minnesota and Northwestern Railroad Company."

(No. 2, H of R) A Memorial to Congress for an appropriation of \$5,000 for the construction of a Territorial road from the west bank of the Mississippi opposite the

lower portion of the city of St. Paul, to intersect the Territorial road now being constructed from Mendota to Wabashaw.

(No. 13, C F) A Bill to amend an act entitled An act relating to auctioneers.

(No. 1, C F) A Joint Resolution relating to the binding of the Journals.

(No. 1, C F) A Bill to confirm the qualification of certain county officers in Sibley county.

The Council has passed,

(No. 2, C F) A Bill to provide for laying out certain Territorial roads,

In which the concurrence of the House is respectfully requested.

And then he withdrew.

On motion of Mr. Davis,

The reading of the journal was dispensed with.

Mr. Davis presented the petition of

Helen M. Pratt,

Asking for a divorce, which,

On motion of Mr. Davis,

Was referred to the Committee on the Judiciary.

Mr. Andros, on leave granted, introduced

(No. 33, H of R) An Act to incorporate the St. Joseph Hospital.

Which was read the first and second times,

And laid on the table to be printed.

A message from his Excellency the Governor being announced,

G. Green Durbin, Esq., his Private Secretary, appeared and delivered a message in writing.

The Speaker laid the message before the House.

**MR. SPEAKER,—**

*Gentlemen of the House of Representatives:*

I herewith return to the House of Representatives, in which it originated, Bill number 5, entitled "an act to amend an act to incorporate the Minnesota and North Western Railroad company," with my objections to its becoming a law.

By the 6th section of said act, the charter granted to the Minnesota and North Western Railroad company is expressly enacted, which brings up all the questions which arose in regard to the privileges, powers, and franchises therein granted. If the same persons who composed the last House of Representatives, also composed the present, it would be needless for me to enter into the subject in detail; but under existing circumstances I feel it a public duty to point out the obligations, which are in my judgment so manifest therein.

It will be borne in mind that the grant of lands made by Congress to the State of Illinois, approved 20th September, 1850, is substantially the same,

(and differs but little even in terms,) as that made to this Territory by the act of Congress, approved 29th of June, 1854. By an act of the Illinois Legislature, approved February 10, 1851, a charter was granted to the Illinois Central Railroad company, by which they were to receive the lands to aid in constructing certain roads therein named. Said charter is substantially like that granted to the M. & N. W. R. R. Co. by the Legislature of Minnesota at its last session, and re-enacted again by you at the present session, except that the charter to the M. & N. W. R. R. Co., leaves out nearly, if not quite all the guards and securities expressly provided for in the Illinois charter.

The first guard against imposition or fraud in the Illinois charter is found in the 15th section, which provides that "immediately upon the organization of said company, and the presentation to the Governor of the State of Illinois, of a certificate signed by the corporators herein before named, and duly acknowledged, accepting of this act of incorporation, and certifying to the due organization of said corporation, to the subscription of the capital stock thereof by the corporators herein before named, and their associates, of the sum of one million of dollars, and the bonafide payment of 20 per cent thereon to the Treasurer of said company, verified by the affidavit of the Treasurer and President of the company, which said certificate shall be filed in the office of the Secretary of State."

It will be seen that Illinois required the guarantee for the constructing of said road, &c., that 20 per cent on one million of dollars should be actually paid in. The Minnesota charter only requires that 10 per cent shall be paid in, nor does it require them to report under oath that one cent had been paid into the treasury in good faith.

2d. The Illinois charter in the 15th section requires the company to deposit three hundred thousand (\$300,000) dollars of registered Canal Bonds or funded internal improvement bonds of Illinois, or two hundred thousand dollars in specie, or two hundred thousand dollars in U. S. 6 per cent stocks, with the Treasurer of State, to be returned to said company on the completion of 50 miles of said road, within the time and according to the provisions of the charter. Minnesota has no such security, and strange to say she refuses to ask it. I have to learn that the Illinois Central R. R. company is not as responsible and as reliable as the M. & N. W. R. R. company, and I frankly confess, it is utterly beyond my comprehension to see why Minnesota should not guard her interest as amply as did the State of Illinois.

3d. Illinois, then, requires the Governor to make a deed to said company, in fee simple of all the lands granted her by Congress, and simultaneously with the execution of said deed by the Governor, she expressly takes another still stronger and safer security from said company. That is to say, a mort-

gage is to be executed to trustees by said company on all the lands conveyed by the Governor to the company, expressly to secure and guarantee to the State of Illinois, the first and prior lien on everything thus mortgaged, of every kind and description whatever.

1st. To secure the completion of the road and branches within the *time* and upon the *conditions*, and in the *manner* in the charter provided. Minnesota has required of the M. & N. W. R. R. Co., no such security, but on the contrary has refused to ask it. If the Illinois Central R. R. Co. accepted these terms and gave these securities, why is it that Minnesota does not thus secure the people's rights? Surely Minnesota is not more able in her tender infancy to risk her lands in the hands of a corporation than Illinois with her million inhabitants. Surely Minnesota is no less liable to imposition than Illinois.

Again—while Illinois secures to her people 7 per cent in money, of the *gross* proceeds of her road Minnesota asks only 7 per cent on her *net* proceeds, and asks no security for *that*.

By the 8th section of the Minnesota charter "the fee simple" is granted to the corporation absolutely "without any further *act* or *deed*," and the Governor is directed to give an additional deed, if required by the company. "to vest in them a more perfect title." It will be observed that when this title is completed, the company have the power under the 10th section to mortgage the road, franchises, *lands* and materials belonging thereto; thus empowering the company to borrow any amount of money they need in constructing the road. This money they may use at will, and in any way they choose, either to bank upon in New York, or to speculate in any way the most profitable dividends can be realized for three years, and not expend one dollar on the road—against which Minnesota has no remedy until the expiration of the first three years, and then she can only have a forfeiture of their charter, and bring suit at the end of said 3 years for the value of the land thus misapplied. Who will she then sue? The officers and stockholders of course! *Who are they?* I do not know, and I presume that no member of this Legislature does. The officers and stockholders of to-day may not be the officers and stockholders then. They may each be responsible now, but they may all be bankrupt then. Against such an unfortunate contingency, Illinois took good care to be amply secured. Against which unfortunate contingency, Minnesota has no security whatever, and refuses to ask it. What service can the forfeiture of their charter be if they thus misapply your funds? It only brings you back to where you started after having lent your lands for the company to raise money upon.

And here another question arises, whether the bond holders who loaned the money to the company cannot hold the lands thus mortgaged, and en-

force a title. This proposition will be still stronger if Congress should not disapprove the charter now before them, for then it will have equal force with any act of Congress, for a failure to disapprove is equivalent I presume to an approval. It is true the patent is not to be issued until a certain part of the road is completed, yet it must be remembered that the company have three years to complete fifty miles, and Minnesota is silenced—her lips sealed, her complaints fruitless, her denunciations powerless, until that period rolls round, and it matters not to whom this company transfers their stock. It matters not if they fail and become bankrupts in this time; no remedy is left this infant Territory; and I here repeat that the people's representatives in this and the last Legislature, not only did not ask security against such events, but even *refused* to ask, and *refused* to receive them. Even in the ordinary dealings of men, security is usually required, where the amount is large and the credit long.

It must be borne in mind that the Congress of the United States gave these lands to Minnesota, *not* to the M. & N. W. R. R. Co., and their value has generally been estimated at six or seven million of dollars, and this enormous sum is proposed to be given over in fee simple to a company to build a railroad, without taking any security that they will build it in the *time*, or in the *manner* or that they will *faithfully* apply the proceeds thereof as required.

Minnesota thus loans to this company six millions of dollars on three years time, without asking any security.

It is not the Minnesota & N. W. R. R. Co. that proposes to build this road, it is Minnesota that proposes to build it through her agents, to whom she furnishes the capital. Would any company undertake such a work at present without some bonus? Surely not. Then it is the immense value the Company set upon the lands, that induces her to hang on our Legislative Halls, and ask for time and further privileges. But it is said we want a road and must have it. This is all correct. We should have a road in the shortest possible time, and it matters not what agents we employ to build it, if we take sufficient guarantees for their faithful performance.

As the M. & N. W. R. R. charter is re-enacted by the bill before me, I am again called upon to approve every section as if it was an original bill.

The 8th section of said charter grants the right of way two hundred feet wide through the whole length of said proposed road, with power to take all the necessary timber, stone or other material, and to have and hold absolutely all the lands within said (200) two hundred feet, which is now owned by Minnesota, or which they may hereafter own.

It is known to every man of ordinary intelligence that Minnesota is forbidden by her Organic Act from interfering with the primary disposal of

the soil. Therefore, to give and grant any body the right of way, and the soil to the width of two hundred feet, from the Iowa line to Lake Superior, is clearly in violation of the Organic Act.

To avoid this, Congress must first grant the right of way to Minnesota, and then she may grant it to a company ; but not before. This will not be denied by any one, I presume, unless his pecuniary interest blind his judgment. If the act of Congress approved 29th of June, 1854, granting lands to Minnesota for railroad purposes, was now in full force and unrepealed, the right of way has been accidentally omitted to be granted, unless by implication arising out of the right to build a railroad to and from certain points. The right of way is only granted expressly over the reserved lands subject to the approval of the President of the United States.

2d. If the right of way was granted by the act of the 29th June, 1854, that act has been repealed by the act of the 4th of August, 1854. But it is said that Congress had no right to repeal the grant because the company had commenced the construction of the road, and had thereby a vested right. This I utterly deny, and I distinctly aver that the said company has not expended one dollar or one cent in the construction of said road ; and in proof of my position, I have in my possession (and have transmitted a copy to your body) the report of the acting President and Treasurer, made to me on the first day of January 1855, under their oaths, duly attested by a competent officer, that said company had not expended *any sum whatever in the construction of said road*, but that they had expended about nine thousand dollars in some way not made known to me.

[See copy printed by order of the Council, attached hereto.]

By the bill presented to me, it appears that the 16th section of the charter of the M. & N. W. R. R. Co., is repealed. The section thus repealed is the one which declares the charter absolutely void if they fail to comply with its provisions. And the substitute in the third section of the bill before me, declares that said charter shall only be void if the company fail to build the "said fifty miles of railroad from St. Paul north, within three years, and to complete the whole within three years thereafter. and to complete a line of elegraph from Dubuque to St. Paul within twenty-two months after the passage of said act." While the 16th section thus repealed required that the board of directors should have been organized on or before the first day of July. 1854. It is believed that here is the difficulty with the M. & N. W. R. R. Co., from the beginning. That they have not in all probability complied with this provision, as it has not been made known, publicly at least, who their officers and directors are, or whether they did elect and organize there, by the time required ; and this legislation is intended, I presume, to cover this defect. It was this clause that caused the alteration to be made in the act of Congress, whereby we lost our lands.

Mr. Breckenridge, in his official report to Congress, says that "the parties who are dissatisfied with the Minnesota charter, and who desired the grant to be thrown before a future Legislature, wished the third section to be reported from the committee, and passed by the House in the above form; while those who desired the company to receive the grant by virtue of the charter wished the word "future" before the word "legislation," to be stricken out, and the word "and" to be substituted for the word "or" between the words "constituted" and "organized." This explains the reason of the alteration, and points out who did it, and why it was done, especially when we observe the 16th section of the M. & N. W. R. R. charter."

And the first section of the bill proposes to exempt their lands from taxation until the patent issues, and there is no other right of taxation reserved to the territory. Under existing circumstances I have serious objections to this clause. First, by the time the patent is ready to be issued after the completion of the twenty miles, the lands will have been in the possession of our citizens as purchasers from the company, and thereby cause the settlers and owners to pay the tax, and not the company.

In the next place, the sixth section of the act incorporating the M. & N. W. R. R. charter, declares the capital stock of said company to be *personal property*, which will only be taxed where the owners and holders reside, unless you expressly reserve the right of taxation, and it is clear that this provision was to avoid taxation in Minnesota.

I cannot therefore, let go our right to tax their capital stock, and all their property both real and personal. Our fellow citizens are taxed on all their capital stock of every kind and description. Instead therefore, of this clause bettering the old charter, so far as the interest of our people is concerned, it puts the burthen off the shoulders of the company on to that of our own citizens.

But let us look at the question of taxation in another light. It has been proclaimed that we have the right to tax the capital stock without it is expressly exempted by law. Suppose this to be true. By declaring the whole of their capital stock personal property, you can only tax the stockholders who reside in Minnesota, unless you expressly say it shall be taxed and put a clause to that effect in their charter; for personal property follows the person of the owner, and can only be taxed in the county or district in which the person resides.

Then what remains for us to tax belonging to this company under the extraordinary privileges of the charter? The capital stock represents the road, depots, buildings, machine shops, and everything which that capital has been expended in making and constructing. If the capital stock is therefore only to be taxed as personal property, it is out of your reach, unless

you secure its taxation by special enactment. The per centage to be paid by the bill before me is objectionable, and it is not in the form I should regard as safe for the territory.

The clause giving the right to alter, amend, or repeal after twenty years is (by the last clause making Minnesota pay all damages, that the corporation may sustain thereby) worse than if no such power was given. The modern doctrine is now well understood among public men, that no corporation for the concentration of a large capital, should have perpetual and unalterable charters and in most of the New England states this guard is reserved to the people, as it rightfully ought to be. The people have an inherent right to alter, amend, or modify even the most sacred fundamental law at pleasure, and there is no sound reason why they should not possess unlimited power over every law their representatives may enact. But in attempting to retain this right in the charter the representatives have shown their lack of confidence in the justice of a future Legislature, and the people, by holding the Territory bound in damages if they should be inclined, after twenty years, to ask for its alteration, modification, or repeal.

But allow me in conclusion, to ask whether the representatives of the people have any security that the company will accept the amendments proposed? Where is your guaranty? What do they forfeit if they do not accept these amendments? What pledge have you and from whom, that they will accept them?

In the ordinary business transactions of life, men of capital do not consent without some consideration, to have their bond increased.

In looking at these amendments impartially, I am constrained however, to say that they enlarge their privileges, franchises and rights, instead of contracting and limiting them.

1. The per centage to be paid the Territory, is the same as in the old charter.

2. The taxation of their lands is postponed until the patent issues, thereby throwing the taxes on the purchasers, and off the company, while the old charter did not mention the subject, and therefore left all real estate liable to taxation from the beginning.

3. Some of the obligations held against the company in the sixteenth section of the charter are released by its express repeal.

4. The old charter is re-enacted to cure all failures and defalcations of the company.

5. The time is extended for the completion of the first fifty miles of the road.

6. The time is extended for the completion of the whole line of the road.

7. The time is extended for completing the telegraph.

8. The power to alter, amend or repeal is clogged with a provision to bind the people forever to this corporation or to take upon the Territory a public debt.

But it is not to be disguised that the re-enactment of the old charter is to cure their own defalcations. If they sincerely intend to deal fairly by Minnesota, they cannot object to deposit a sufficient guarantee in money or good stocks, that they will accept proper amendments, and build the first fifty miles of the road or forfeit the amount thus deposited.

The Illinois Central Railroad company do it cheerfully, and there is no fair reason why the M. & N. W. R. R. Co. should not do the same.

I cannot refrain from expressing my decided conviction that the lands are gone from us forever, unless you take some steps to get this obnoxious charter out of the way, and appeal to the justice of Congress not to hold Minnesota responsible for the wrongs of others. I must also be allowed to express the opinion that the commencement of the suit by the United States against this company, and in the name and under the circumstances, was suicidal to our best interests, as I fear will be shown in the end, notwithstanding it may have been commenced through proper and pure motives. I honestly fear, as I have from the beginning, that it will prove disastrous to our hopes and prosperity.

I have honestly endeavored to point out the best course to secure to Minnesota these lands, and a railroad, and my views remain unchanged. I have no private interest to favor—no unjust prejudice to overcome, but would cheerfully change my course to-morrow, if I could thereby advance the prosperity and welfare of Minnesota.

One of the great political parties in this government has always looked with jealousy upon the encroachments of capital upon the rights and privileges of the people. And in a new country we will have to keep an eternal vigilance, or this powerful adversary to the people's rights will lay hold of and bind the infant arms of this young Territory, until it will move the body at will. The Money King of our country has already more than a just share of influence among all the affairs of men: and reaching out his ponderous arms, encircling every obstacle in his path, and like the great waters of the Mississippi, bears off upon its tide every impediment to its progress or sinks it to the bottom.

My duty is now done. Yours is left to your consciences your judgments, and your constituents.

W. A. GORMAN.

## CORRESPONDENCE RELATIVE TO THE M. &amp; N. W. R. R. CO.

STATEMENT made by the Minnesota and North-Western Railroad Company, to His Excellency Willis A. Gorman, Governor of the Territory of Minnesota, under and in accordance with the provisions of the act of the Legislative Assembly of the Territory of Minnesota, entitled "An Act to incorporate the Minnesota and North Western Railroad Company," approved March 4th, 1854.

The Minnesota and North Western Railroad Company have not yet expended any sum whatever in the construction of the railroad contemplated in the said act of incorporation, or in the machinery therefor, or in the appurtenances thereto belonging.

The company has received, since the incorporation thereof, and during the present year, the sum of \$100,020.

The said company has expended, since its incorporation, and during the present year, the sum of \$9,672 24.

In witness whereof, the said company has caused this instrument to be attested by Robert W. Lowber, its Acting President, and the seal of the said company to be hereto affixed, this eighth day of December, 1854.

R. W. LOWBER,  
Acting President M. & N. W. R. R. Co.

STATE OF NEW YORK, }  
City and County of New York, } ss.

Robert W. Lowber, the Acting President, and Peter S. Burchan, the Treasurer of the M. & N. W. R. R. Co., being duly sworn say, and each for himself says, that the foregoing statement of the said Company is in all respects correct and true.

ROBERT W. LOWBER,  
PETER S. BURCHAN.

Sworn to and subscribed this 8th day }  
of December, 1854, before me. }

JAMES P. HYATT,  
Commissioner of Deeds.

A message from the Council being announced,

A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following message:

Mr. Speaker—

The Council has concurred in the adoption of the following resolution:

*Resolved*, (The Council concurring,) That the Committee on Public Buildings be,

and are hereby instructed to visit and inspect the Public Buildings, and report to the House and Council as soon as convenient.

With amendments, in which the concurrence of the House of Representatives is requested.

Strike out "Committee on Public Buildings," and insert "Committees on Public Buildings and on Agriculture and Manufactures of the two Houses, and the Committees on the Militia."

Insert after "Public Buildings," in the second line, the words "and the agricultural and manufacturing establishments connected therewith at Stillwater."

Mr. Rollette moved,

That the House adjourn until Monday next at 10 o'clock.

And the yeas and nays being called for and ordered, there were

Yeas 10. }

Nays 8. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Reger,
Rollette,	Stanchfield,	Thompson,
Willim.		

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Sibley,	Speaker.	

So the House adjourned until Monday morning at 10 o'clock.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

## MONDAY.

FEBRUARY 12, 1856.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Andros,	Hanson,
Beatty,	Lemay,
Rolette,	Regester,
Cave,	Sibley,
Dixon,	Stanchfield,
Davis,	Thompson,
Fridley,	Willim,
Grant,	Haus,
	Speaker.

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Davis,

The reading of the Journal was dispensed with.

Mr. Fridley moved,

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas, 8. }  
Nays, 9. }

Those who voted in the affirmative were

Mr. Fridley,	Mr. Grant,	Mr. Hanson,
Lemay,	Regester,	Rolette,
	Stinchfield,	Thompson—8.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Dixon,	Davis,	Haus,
Sibley,	Willim,	Speaker—9.

So the motion did not prevail.

Mr. Hanson moved that

(No 5, H of R) A Bill to amend an act entitled "An Act to incorporate the Minnesota and Northwestern Railroad Company,

Passed Jan. 31st, 1855,

And the message of the Governor vetoing the same,

Be laid on the table.

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regester,
Rolette,	Stinchfield,	Thompson,
		Wilkin—10.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Haus,	Sibley,
		Speaker—7.

So the motion was adopted.

Mr. Beatty presented the petition of William Connell and 40 other citizens of Cass county, praying the appointment of commissioners to lay out a road from the county of Hennepin to Sauk Rapids. Which,

On motion of Mr. Andros,

Was referred to the committee on Territorial Roads.

Mr. Thompson, on leave granted, introduced,

(No 34, H of R) A Bill relative to the county seat of Houston county.

Which was read the first and second times, and laid on the table to be printed.

Mr. Lemay, on leave granted, introduced

(No 34, H of R) An act to incorporate the Territorial Emigration Society.

Which was read the first and second times, and laid on the table to be printed,

Mr. Lemay, on leave granted, introduced

(No 36, H of R) An act to incorporate the Minnesota Typographical Society.

Which was read the first and second times, and laid on the table to be printed.

Mr. Hanson, on leave granted, introduced,

(No 37, H of R) A Bill to lay out a Territorial Road from Chasca to the forks of Crow River.

Which was read the first and second times,

And laid on the table to be printed.

Mr. Davis, on leave granted, introduced

(No 38, H of R) An act to incorporate the St. Paul Litterary Association.

Which was read the first and second times,

And laid on the table to be printed.

Mr. Beatty, on leave granted, introduced

(No 39, H of R) A Bill granting to George R. Stuntz, the right to establish a ferry across the St. Louis river.

Which was read the first and second times,

And laid on the table to be printed.

Mr. Davis moved,  
 That the committee on the Judiciary,  
 To which was referred the petition of Helen M. Pratt, asking for a divorce,  
 Be requested to send back the petition of the House.  
 Which motion was adopted.  
 Mr. Davis then asked leave to withdraw the petition,  
 Which leave was granted.  
 Mr. Dixon presented the petition of J. Q. A. Ward, for a divorce from his wife, Helen  
 M. Ward.

Which was read.

Mr. Cave moved,  
 That the petition be referred to a select committee of three,  
 To be appointed by the chair.  
 Which was determined in the negative.

Mr. Dixon moved,  
 That the petition be referred to the committee on the Judiciary.  
 Which was determined in the affirmative.

On motion of Mr. Hanson,  
 The House resolved itself into a Committee of the Whole,  
 Mr. Hanson in the chair,  
 For the purpose of taking into consideration  
 (No. 30, H of R) A Bill to define the boundaries of certain counties.  
 After some time passed therein,  
 The committee rose,  
 And by their chairman reported,  
 That the committee have had the Bill under consideration,  
 And report it back to the House with amendments.  
 The report was accepted.

A message from his Excellency the Governor being announced,  
 E. Green Durbin, Esq., his private Secretary, appeared,  
 And handed in a message in writing to the Speaker.

The question then recurring in concurring to the first amendment adopted in Com-  
 mittee of the Whole, viz:

To strike out the word "Mower," in the second line of the third section, and insert  
 the word "Jefferson" in lieu thereof.

It was decided in the negative.

Mr. Hanson moved,  
 That the bill be laid upon the table.  
 Which was determined in the affirmative.

The chair laid before the House the following message from His Excellency the  
 Governor:

Mr. Speaker—

I am directed by the Governor to inform the House of Representatives, that he did,

on the 7th inst., approve and sign the following Memorial, which originated in the House of Representatives:

No. 2. A memorial to Congress for an appropriation of \$5,000, for the construction of a Territorial road from the west bank of the Mississippi, opposite the lower portion of the city of St. Paul, to intersect the Territorial road now being constructed from Mendota to Wabashaw.

On motion of Mr. Dixon,

The House resolved itself into a Committee of the Whole,

Mr. Cave in the chair,

For the purpose of taking into consideration,

(No. 1, C F.) A memorial of the Legislative Assembly of Minnesota Territory,

To Congress for an appropriation for the construction of a military road. Also,

(No. 3, C F.) A memorial of the Legislative Assembly of Minnesota Territory,

To Congress, for an appropriation of \$10,000 for the construction of a military road from Fort Ripley to or near the mouth of Pembina river.

After some time passed therein,

The committee rose, and, by their chairman,

Reported back the memorial to the House without amendment.

The report of the Committee of the Whole was accepted.

The question then recurring on ordering

(No. 3, C F,) To be read a third time,

It was determined in the affirmative.

The memorial was then read a third time, and

The question then recurring on the passage of the memorial,

It was passed.

The question recurring on agreeing to the title of the memorial,

It was agreed to.

The question then recurring on ordering

No. 1, C F, to be read a third time,

It was determined in the affirmative.

The question recurring on the passage of the memorial,

It was passed.

The question recurring on agreeing to the title of the memorial,

It was agreed to.

Mr. Dixon moved that

(No. 15, H of R) An Act to incorporate the Lake Pepin Boom Compay,

Be taken up.

Which was determined in the affirmative.

Mr. Dixon moved

That the report of the Committee of the Whole be accepted,

Which was determined in the affirmative.

The question recurring upon agreeing to the first amendment, viz:

Inserting in the 9th line of the first section, after the words "United States," the words "or of this Territory,"

It was determined in the affirmative.

The question recurring on agreeing to the second amendment, viz:

To strike out in the last part of the second section, the words "to the amount of the stock owned by each, at its par value,"

Mr. Hanson moved

To amend by inserting in lieu thereof the words "in case the assets of the company shall be found insufficient to cover the same."

And the yeas and nays being called for and ordered, there were,

Yeas, 12. }  
Nays, 4. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Fridley,
Grant,	Hanson,	Lemay,
Regester,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker—12.

Those who voted in the negative were

Mr. Cave,	Mr. Dixon,	Mr. Davis,
		Haus—4.

So the amendment to the amendment was adopted.

The question then recurring on agreeing to the amendment, as amended.

And the yeas and nays being called for and ordered, there were

Yeas 11. }  
Nays 5. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Fridley,
Hanson,	Lemay,	Regester,
Sibley,	Stanchfield,	Thompson,
	Willim,	Sperker—11.

Those who voted in the negative were

Mr. Cave,	Mr. Dixon,	Mr. Davis,
	Grant,	Haus—5.

So the amendment as amended, was adopted.

The question then recurring,

On agreeing to the third amendment, viz:

Add to the third section, the words

"Provided that none but practical lumbermen shall take stock in said company, for the first six days after the books are opened."

And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 8. }

Those who voted in the affirmative were

Mr. Fridley,	Mr. Grant,	Mr. Hanson,
Lemay.	Regester,	Rolette,
Stinchfield,	Thompson,	Willim—9.

Those who voted in the negative, were

Mr. Andros,	Mr. Reatty,	Mr. Cave,
Dixon,	Davis,	Haus,
	Sibley,	Speaker—8.

So the amendment was concurred in.

The question then recurring on agreeing to the fourth amendment, viz:

Strike out in the sixth section, the word "fifth" and insert in lieu thereof, the words "twenty-fifth."

And the yeas and nays being called for and ordered, there were

Yeas 14, }  
Nays 3. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Davis,
Fridley,	Grant.	Hanson,
Lemay,	Regester,	Rolette,
Sibley,	Stanchfield,	Thompson,
	Willim,	Speaker—14.

Those who voted in the negative were

Mr. Cave,	Mr. Dixon,	Mr. Haus—3.
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So the amendment was concurred in.

The question then recurring on agreeing to the fifth amendment, viz:

By inserting the words "and qualified" between the words "elected" and "in" in the sixth line, in section 10.

And the yeas and nays being called for and ordered, there were

Yeas, 16. }  
Nays. 1. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Davis,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Regester,	Rolette,	Sibley,
Stanchfield,	Thompson,	Willim,
		Speaker—16.

Those who voted in the negative were

Mr. Dixon—1.

So the amendment was concurred in.

The question then recurring on agreeing to the sixth amendment, viz:

Strike out in section eleven, the word "sixty" and insert in lieu thereof, the words "thirty."

And the yeas and nays being called for and ordered, there were

Yeas, 12. }  
Nays, 5. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Sibley,
Register,	Rolette,	Stanchfield,
Thompson,	Willim,	Speaker—12.

Those who voted in the negative were

Mr. Beatty,	Mr. Cave,	Mr. Dixon,
	Davis,	Haus—5.

So the amendment was concurred in.

The question then recurring on agreeing to the seventh amendment, viz:

Strike out all after the word "company" in the seventh line of section eleventh, to the word "provided" in the eight line of the same section, and inserting in lieu thereof, the following words—"shall be responsible for all logs passing the said boom, or escaping therefrom, between the 10th day after the ice is out of the river, and the first day of October in each year, and while such logs remain under their charge, or in the hands of their agents."

And the yeas and nays being called for and ordered, there were

Yeas 14. }  
Nays 2. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Fridley,
Grant,	Haus,	Hanson,
Lemay,	Register,	Rolette,
Sibley,	Stinchfeed,	Thompson,
	Willim,	Speaker.—14.

Those who voted in the negative were

Mr. Dixon,	Mr. Davis.—2.
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So the amendment was concurred in.

The question then recurring on agreeing to the eighth amendment, viz:

To strike out the word "sort," in the first line of the twelfth section, and inserting the word "raft" in lieu thereof, and also by striking out, in the same section, the words "the same out of said boom temporarily," and insert in lieu thereof, the words "each mark separately."

And the yeas and nays being called for and ordered, there were

Yeas, 15. }  
Nays. 2. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Davis,
Fridley,	Grant,	Haus,
Hanson,	Lemay,	Register,
Rolette,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker.—15.

Those who voted in the negative were

Mr. Cave,	Mr. Dixon.—2.
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So the amendment was concurred in.

The question then recurring on agreeing to the ninth amendment, viz:

To insert the words "or near," between the word "below" and the words "the foot," in the last line of the thirteenth section.

And the yeas and nays being called for and ordered, there were

Yeas, 11. }  
Nays, 6. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Fridley,
Grant,	Hanson,	Regester,
Rolette,	Sibley,	Stanchfield,
	Thompson,	Willim.—11.

Those who voted in the negative were

Mr. Cave,	Mr. Dixon,	Mr. Davis,
Haus,	Lemay,	Speaker.—6.

So the amendment was concurred in.

The question then recurring on concurring in the tenth amendment, viz:

Strike out in line sixth, of section seventeenth, the words "at five dollars," and insert in lieu thereof, the words "at the market price."

And the yeas and nays being called for and ordered, there were

Yeas, 14. }  
Nays, 4. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Fridley,	Grant,	Hanson,
Lemay,	Regester,	Rolette,
Sibley,	Stanchfield,	Thompson,
	Willim,	Speaker.—14.

Those who voted in the negative were

Mr. Cave,	Mr. Dixon,	Mr. Davis,
		Haus.—4.

So the amendment was concurred in.

The question then recurring on concurring in the eleventh amendment, viz:

To strike out the eighteenth section.

And the yeas and nays being called for and ordered, there were

Yeas, 12. }  
Nays, 7. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Grant,
Haus,	Hanson,	Rolette,
Stanchfield,	Sibley,	Willim.—12.

Those who voted in the negative were

Mr. Dixon,  
Regester,

Mr. Fridley,  
Rolette,

Mr. Lemay,  
Thompson,  
Speaker.—7.

So the amendments were concurred in.

The question then recurring on concurring in the twelfth amendment, viz:  
Striking out the word "repeal," in the last section.

And the yeas and nays being called for and ordered, there were

Yeas, 7, }  
Nays, 10. }

Those who voted in the affirmative were

Mr. Andros,  
Lemay,

Mr. Beatty,  
Regester,

Mr. Hanson.  
Thompson,  
Willim.—7.

Those who voted in the negative were

Mr. Cave,  
Fridley,  
Rolette,

Mr. Dixon,  
Grant,  
Stanchfield,

Mr. Davis,  
Haus,  
Sibley,  
Speaker.—10.

So the House refused to concur in the amendment.

Mr. Dixon moved

That the bill be indefinitely postponed.

Mr. Cave moved

That the bill be re-committed to the Committee on Incorporations.

Mr. Rolette moved.

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas, 1, }  
Nays, 17, }

Those who voted in the affirmative were

Mr. Rolette.—1.

Those who voted in the negative were

Mr. Andros,  
Cave,  
Fridley,  
Hanson,  
Sibley,

Mr. Beatty,  
Dixon,  
Grant,  
Lemay,  
Stanchfield,  
Willim,

Mr. Brawley,  
Davis,  
Haus,  
Regester,  
Thompson,  
Speaker.—17.

So the House refused to adjourn.

The question recurring on the motion of Mr. Cave,

And the yeas and nays being called for and ordered, there were

Yeas, 12, }  
Nays, 6. }

Those who voted in the affirmative were

Mr. Andros,  
Dixon,  
Haus,  
Regester,

Mr. Brawley,  
Davis,  
Hanson,  
Rolette,

Mr. Cave,  
Grant,  
Lemay,  
Speaker.—12.

Those who voted in the negative were

Mr. Beatty,  
Stanchfield,

Mr. Fridley,  
Thompson,

Mr. Sibley,  
Willim.—6.

So the motion prevailed.

Mr. Dixon moved

That the House do now adjourn.

Which motion was determined in the affirmative.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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**TUESDAY.**

FEBRUARY 13, 1855.

The House met pursuant to adjournment,

And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Andros,  
Dixon,  
Grant,  
Hanson,  
Rolette,  
Stanchfield,  
Willim,

Cave,  
Davis,  
Haus,  
Regester,  
Sibley,  
Thompson,  
Speaker.

Prayer by the Rev. Mr. Hodsdon.

The Journal of yesterday was read and corrected.

Mr. Davis gave notice

That on to-morrow or some future day he would introduce

A Bill to incorporate a company, to be known as the "Pioneer Hook and Ladder Company of the city of St. Paul."

Mr. Willim presented,

(No. 1, H. of R.) Joint resolution, relative to error in the charge of \$33,17, to the county of Washington by the Territorial Treasurer in the year 1850.

Which was read the first and second times,

And laid on the table.

Mr. Lemay offered the following resolution

*Resolved*, That the communication from Robert Owen, Esq., of London, relative to a Congress of all nations,

Be taken from the table

And referred to a special committee of three,

With instructions to report at an early period thereon.

And the yeas and nays being called for and ordered, there were

Yeas, 9, }  
Nays, 8. }

Those who voted in the affirmative were

Mr. Brawley,	Mr. Cave,	Mr. Dixon,
Fridley,	Grant,	Lemay,
Regester,	Rolette,	Thompson—8.

Those who voted in the negative were:

Mr. Andros,	Mr. Beatty,	Mr. Davis,
Haus,	Hanson,	Sibley,
Stanchfield,	Willim,	Speaker—9.

So the resolution was not adopted.

A message from the Council being announced,

A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following message:

**MR. SPEAKER—**

The Council has passed.

(No. 11, C. F.) An Act to amend an act entitled "an act to provide for the survey of logs and lumber in M. T., approved March 1st 1854.

In which the concurrence of the House is respectfully requested.

And then he withdrew.

Mr. Rolette, from the Joint Committee on Enrolled Bills,

Made the following

#### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled, the following memorial

(No. 2, C. F.) Memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation to complete the Government works at Fort Ridgely,

I. VAN ETTEN,  
Chairman Council Com,  
JOS. ROLETTE,  
A. M. FRIDLEY,  
House Com,

The Speaker signed the following memorial,

(No. 2, C. F.) A memorial, of the Legislative Assembly of Minnesota Territory, To Congress, for an appropriation to complete the government works at Fort Ridgely,

Mr. Dixon, from the Committee on Internal Improvements to whom was referred (No. 5, C. F.) A Bill to incorporate the Transit Railroad Company, beg leave to report the same back to the House, with amendments.

J. B. DIXON,  
F. ANDROS,  
JOS. ROLETTE.

Mr. Stanchfield, from the Committee on Territorial Affairs, made the following

REPORT :

MR. SPEAKER—

Your Committee beg leave to report,  
(No. 6, C. F.) Back to the House, without amendments, and recommend its passage.

S. STANCHFIELD,  
Chairman of Com.

Mr. Thompson, on leave granted, presented  
The remonstrance of E. A. Goodall and 39 other citizens of Houston county.  
Against the removal of the county seat of said county.  
The remonstrance was read.

Mr. Lemay, by the unanimous consent of the House, presented  
The petition of Fredrick Emmett and 24 others, praying the passage of a law  
Incorporating a Territorial Immigration Society.  
Which was read.

Mr. Hanson, on leave granted, introduced,  
(No. 40, H of R,) A Bill for an act to incorporate the Upper Mississippi River Navigation company.

Mr. Hanson moved,  
That the rules be suspended, and that the bill be read the first and second times by its title.

Which motion was adopted.

The bill was read the first and second times by its title, and laid on the table to be printed.

Mr. Lemay, by the unanimous consent of the House, introduced,  
(No. 41, H of R) An act granting to J. Andrews, the right to establish and maintain a ferry across the Minnesota river.

Which was read a first and second times, and laid on the table to be printed.

Mr. Lemay, by the unanimous consent of the House, introduced,  
(No. 42, H of R.) A bill to provide for the destruction of wolves, which was read the first and second times.

Mr. Brawley moved,

That the bill be referred to the committee on incorporations,

Mr. Cave moved,

To amend by referring the bill to the committee on enrolled bills,  
Which amendment was not adopted.

The question recurring on the motion of Mr Brawley, it was not adopted.

Mr. Lemay moved,

That the bill be referred to the committee on Territorial affairs.

Mr. Davis moved,

That the bill be referred to the committee on estates and escheats, which motion was not adopted.

The question then recurring on the motion of Mr Lemay, it was determined in the affirmative.

Mr Hanson moved,

(No. 33, H of R,) An act to incorporate the St. Joseph Hospital, be taken from the table, and referred to the committee of the whole; which was determined in the affirmative.

Mr. Hanson moved that,

(No. 8, C F,) A bill to provide for the improvement of the navigation of the Minnesota river, be taken from the table.

And referred to the committee of the whole.

Which motion was adopted.

Mr. Sibley moved, that

(No. 18, H of R,) A Bill, entitled An Act to restore to Ephraim H. Whitaker his civil rights as a citizen of the United States,

Be taken up.

Which motion was adopted.

Mr. Sibley moved

That the rules be suspended, and that the bill be ordered to be engrossed for a third reading.

Which motion was adopted.

Messages from the Council being in order,

The Clerk took from the table, and read the following message:

MR. SPEAKER:

The Council has passed

(No. 11, C F,) An Act to amend an Act entitled An Act to provide for the survey of logs and lumber in M. T., approved March 1, 1854,

In which the concurrence of the H of R is respectfully requested.

(No. 11, C F) An Act to amend "an Act entitled An Act to provide for the survey of logs and lumber in M. T.," approved March 1, 1854,

Was read the first and second times, and,

On motion of Mr. Sibley,

Was referred to the Committee on the Judiciary.

The Clerk also took from the table and read the following message:

MR. SPEAKER;

The Council has concurred in the adoption of the following Joint Resolution:

*Resolved*, (The Council concurring,) That the Committee on Public Buildings be, and are hereby instructed to visit and inspect the Public Buildings, and report to the Council as soon as convenient,

With amendments, in which the concurrence of the House of Representatives is requested.

Strike out "Committee on Public Buildings," and insert "Committees on Public Buildings and on Agriculture and Manufactures of the two Houses, and the Committees on the Militia."

Insert after "Public Building," in the second line, the words "and the agricultural and manufacturing establishments connected therewith at Stillwater."

The question recurring on concurring in the amendments as passed by the Council, And the yeas and nays being called for and ordered, there were,

Yeas, 2, }  
Nays, 14. }

Those who voted in the affirmative were

Mr. Lemay,

Mr. Regester.—2.

Those who voted in the negative were

Mr. Andros,  
Cave,  
Grant,  
Sibley,

Mr. Beatty,  
Dixon,  
Hanson,  
Stanchfield,  
Willim,

Mr. Brawley,  
Fridley,  
Rolette,  
Thompson,  
Speaker—14

So the House refused to concur in the amendments,

The Clerk also took from the table and read the following message:

MR. SPEAKER—

The Council has concurred in the passage of

(No. 6, H. of R.) A memorial to Congress for \$30,000 for the improvement of the Mississippi between St. Anthony and Sauk Rapids,

With amendments and an amendment to its title. Also,

(No. 5, H. of R.) A memorial for the erection of a Fort at or near the Pembina River,

With amendments.

In which the concurrence of the House is respectfully requested.

And then he withdrew.

(No. 6, H. of R.) A memorial to Congress for \$30,000 for the improvement of the Mississippi between St. Anthony and Sauk Rapids, was taken up.

The question then recurring on concurring in the amendments made by the Council, the first paragraph of the memorial,

They were concurred in.

The question then recurring on concurring in the amendment to the second paragraph of the memorial,

It was concurred in.

The question then recurring on concurring in the amendments to the third paragraph of the memorial,

It was concurred in.

The question then recurring on concurring in the amendment to the fifth paragraph of the memorial,

It was concurred in.

The question then recurring on concurring in the amendment to the sixth paragraph of the memorial,

It was concurred in.

The question then recurring on concurring in the amendments to the seventh paragraph,

They were concurred in.

The question then recurring on concurring in the amendment to the title,

It was concurred in.

Mr. Dixon moved,

(No. 5, H. of R.) A memorial for the erection of a Fort at or near Pembina River Be indefinitely postponed.

Which motion was adopted.

The Clerk also took from the table, and read the following message:

**MR. SPEAKER—**

The President of the Council has signed the following entitled bills, memorials and resolutions:

(No. 5, H of R,) A Bill to amend an act entitled " An Act to incorporate the Minnesota and Northwestern Railroad Company."

(No. 2, H of R.) A memorial to Congress for an appropriation of \$5,000 for the construction of a Territorial road from the west bank of the Mississippi opposite the lower portion of the city of St. Paul to intersect the Territorial road now being constructed from Mendota to Wabashaw.

(No. 13, C F.) A Bill to amend an act entitled an act relating to auctioneers.

(No. 1, C F.) A Joint Resolution relating to the binding of the Journals.

(No. 1, C F.) A Bill to confirm the qualification of certain county officers in Sibley county.

The Council has passed,

(No. 2, C F,) A Bill to provide for laying out certain Territorial roads, In which the concurrence of the House is respectfully requested.

(No. 2, C F,) A Bill to provide for laying out certain Territorial roads, Was read the first and second times.

Mr. Sibley moved

That the bill be referred to the Committee on Territorial roads.

Which motion was adopted.

Mr. Dixon moved

That the rules be suspended, and that

(No. 12, C F,) An Act granting to O. H. Kelley the right to establish and maintain a Ferry across the Mississippi river,

Be read a third time.

Which was not adopted.

Mr. Sibley moved that

(No. 9, C F) A Bill granting to William W. Sweeney, William Lauver, Richard

Freeborn and Morris Hobart, the right to establish and maintain a ferry across the main channel of the Mississippi River,

Be referred to the Committee of the Whole.

Which motion was adopted.

The question then recurring on ordering

(No. 4, C F) A Bill to incorporate the town of Henderson, and for other purposes,

To a third reading,

It was determined in the affirmative.

On motion of Mr. Hanson

The rules were suspended,

And the bill was read a third time by its title.

The question recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

The question then recurring on concurring in the amendments to

(No. 4, H of R,) A bill granting an act to incorporate the Stillwater Ferry company, as adopted in committee of the whole.

They were all concurred in save the amendment to the 6th section.

Mr. Sibley moved,

That the bill be indefinitely postponed,

And the yeas and nays being called for and ordered, there were

Yeas 6. }

Nays 11. }

Those who voted in the affirmative were,

Mr Cave

Mr Davis

Mr Sibley

Stanchfield

Willim

Speaker—6.

Those who voted in the negative were,

Mr Beatty

Mr Brawley

Mr Dixon

Fridley

Grant

Haus

Hanson

Lemay

Regester

Rolette

Thompson—11.

So the motion did not prevail.

The question then recurring on ordering the bill to be engrossed for a third reading, and the yeas and nays being called for and ordered, there were

Yeas 11. }

Nays 7. }

Those who voted in the affirmative were,

Mr Beatty

Mr Brawley

Mr Dixon

Fridley

Grant

Haus

Hanson

Lemay

Regester

Rolette

Thompson—11.

Those who voted in the negative were,

Mr Andros

Mr Cave

Mr Davis

Mr. Sibley

Mr. Stanchfield

Mr. William

Speaker—7.

So the bill was ordered to be engrossed for a third reading.

(No. 9, H of R.) A bill granting to Samuel H. McManus, William Creighton, and James C. Beekman, the right to establish and maintain a Ferry across the Mississippi river, was then taken up and the amendments as adopted in the committee of the whole were concurred in by the House.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof,

Appeared and delivered the following message:

MR. SPEAKER:—The Governor has informed the Council that he did on 7th inst., approve and sign the following bills which originated in the Council;

(No. 1, C F.)

A bill to confirm the qualifications of certain county officers in Sibley county, and other purposes.

(No. 13, C. F.) An act to amend an act entitled an act relating to Auctioneers.

And also the following Joint Resolutions:

(No. 1, C. F.) Joint Resolution relative to the binding of the journal.

The Council has passed

(No. 14, C. F.) A bill to define the boundaries of certain counties.

The Council has also passed

(No. 2, C. F.) Joint Resolution relative to the adjournment of the Legislative Assembly of M. T.

(No. 3, C. F.) Joint Resolution relative to covers for the Journals of the last Session.

In which the concurrence of the House is respectfully requested.

And then he withdrew.

Mr. Sibley moved,

(No. 9, H. of R.) Be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas, 7, }  
Nays, 8. }

Those who voted in the affirmative were

Mr. Cave,  
Sibley,

Mr. Davis,  
Stanchfield,

Mr. Haus,  
William,  
Speaker—7.

Those who voted in the negative were

Mr. Beatty,  
Grant,

Mr. Brawley,  
Hanson,  
Rolette,

Mr. Dixon,  
Lemay,  
Thompson—8.

So the motion was lost.

The question then recurring on ordering the bill to be engrossed for a third reading.

And the yeas and nays being called for and ordered, there were

Yeas, 9, }  
Nays, 7. }

Those who voted in the affirmative were

Mr. Beatty,	Mr. Brawley,	Mr. Dixon,
Davis,	Grant,	Hanson,
Lemay,	Rolette,	Thompson—9.

Those who voted in the negative were

Mr. Cave,	Mr. Haus,	Mr. Register,
Sibley,	Stanchfield,	Willim,
		Speaker—7.

So the bill was ordered to be engrossed for a third reading.

(No. 9, H. of R.) A Bill granting to Lewis Stone, George Houghton, and H. M. Corbett, the right to establish and maintain a Ferry across the Mississippi river;

Was taken up for the purpose of taking into consideration the amendments to the bill, as adopted in

Committee of the Whole,

And reported to the House.

The question being taken on concurring in the amendments, to the first section, viz:

By inserting the name of "H. C. Riggs" after that of "Lewis Stone,"—by striking out the name "George Houghton" in the fourth line and inserting the name "H. C. Riggs," and by striking out the words "and a half" in the 4th line.

And the yeas and nays being called for and ordered, there were

Yeas, 7, }  
Nays, 9. }

Those who voted in the affirmative were

Mr. Brawley,	Mr. Dixon,	Mr. Fridley,
Grant,	Register,	Rolette,
		Speaker.—7.

Those who voted in the negative were

Mr. Beatty,	Mr. Cave,	Mr. Davis,
Haus,	Hanson,	Lemay,
Sibley,	Stanchfield,	Willim.—9.

So the amendments to the first section were not concurred in.

Mr. Hanson moved

To amend the bill by inserting the name of "A. C. Riggs" after the name of "Lewis Stone," whenever it occurs in the bill.

Which was determined in the affirmative.

The question recurring upon agreeing to the amendments to the second section, viz:

After the word "ferry" in the fourth line, insert the words "after nine o'clock."

It was agreed to.

The question then recurring on concurring in the amendments of the 4th section, viz:

Strike out the words "three hundred," in the fourth line, and insert "one thousand."

It was concurred in.

The question then recurring on agreeing to the last amendment, viz:

To add the following as an additional section:

Section 8th.—The Legislature may amend or modify this act at any time,

It was agreed to.

Mr. Sibley moved

That the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas, 7, }  
Nays, 10. }

Those who voted in the affirmative were

Mr. Cave,	Mr. Davis,	Ma. Register,
Sibley,	Stanchfield,	Willim,
		Speaker.—7.

Those who voted in the negative were

Mr. Beatty,	Mr. Brawley,	Mr. Dixon,
Fridley,	Grant,	Haus,
Hanson,	Lemay,	Rolette,
		Thompson.—10.

So the motion was lost.

The question then recurring on ordering the bill to be engrossed for a third reading, And the yeas and nays being called for and ordered, there were

Yeas, 10, }  
Nays, 8. }

Those who voted in the affirmative were

Mr Beatty	Mr Brawley	Mr Dixon
Davis	Fridley	Grant
Haus	Hanson	Rolette
		Thompson—10,

Those who voted in the negative were,

Mr Cave	Mr Lemay	Mr Register
Sibley	Stanchfield	Willim
		Speaker—7.

So the bill was ordered to be engrossed for a third reading.

Mr. Hanson moved, that the vote by which

[No, 15, H of R.] A bill to incorporate the Lake Pepin Boom Company, was re-committee to the committee on Incorporations, be reconsidered,

And the yeas and nays being called for and ordered, there were,

Yeas 11. }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Fridley	Mr. Grant	Mr. Hanson
Lemay	Register	Rolette
Sibley	Stanchfield	Thompson
	Willim	Speaker—11.

Those who voted in the negative were,

Mr. Beatty	Mr. Brawley	Mr. Cave
Dixon	Davis	Haus—6.

So the vote was reconsidered.

Mr. Dixon moved,

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

And the yeas and nays being called for and ordered there were,

Yeas 9. }  
Nays 9. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Beatty	Mr. Brawley
Cave	Dixon	Davis
Haus	Rolette	Speaker—9.

Those who voted in the negative were,

Mr. Fridley	Mr. Grant	Mr. Hanson
Lemay	Register	Sibley
Stanchfield	Thompson	Willim—9.

So the motion was lost.

Mr. Dixon moved,

That the House do now adjourn,

And the yeas and nays being called for and ordered, there were

Yeas 7. }  
Nays 11. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Cave	Mr. Dixon
Grant	Haus	Lemay
		Rolette—7.

Those who voted in the negative were,

Mr. Beatty	Mr. Brawley	Mr. Davis
Fridley	Hanson	Register
Sibley	Stanchfield	Thompson
	Willim	Speaker—11.

So the House refused to adjourn

Mr. Dixon moved a call of the House.

The Clerk called the roll, and reported Mr. Dixon as absent.

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat,

The Sergeant-at-arms returned and reported that he had notified the absent member, and that he was now in attendance.

Mr. Dixon moved, that the House do now adjourn, and the yeas and nays being called for and ordered there were

Yeas 7. }  
Nays 11. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Brawley	Mr. Cave
Dixon	Grant	Haus
		Rolette—7.

Those who voted in the negative were,

Mr. Beatty  
Hanson  
Sibley

Mr. Davis  
Lemay  
Stanchfield  
Willim

Mr. Fridley  
Regester  
Thompson  
Speaker—11.

So the motion was last.

Mr. Dixon moved

A call of the House,

The Clerk called the roll and reported Mr. Rolette as absent.

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

Mr. Willim moved

That further proceedings under the call of the House be dispensed with.

Which motion was adopted.

Mr. Brawley moved

That the bill be recommended to the committee on Incorporations.

And the yeas and nays being called for and ordered, there were

Yeas, 8, }  
Nays, 10, }

Those who voted in the affirmative were

Mr. Andros,  
Cave,

Mr. Beatty,  
Dixon,  
Lemay,

Mr. Brawley,  
Haus,  
Speaker—8.

Those who voted in the negative were

Mr. Davis,  
Hanson,  
Sibley,

Mr. Fridley,  
Regester,  
Stanchfield,

Mr. Grant,  
Rolette,  
Thompson,  
Willim—10.

So the motion was lost.

Mr. Hanson moved

To amend the second section of the bill by striking out the words "in case the assets of the company shall be found insufficient to cover the same."

A message from the Council being announced,

A. J. Morgan, Esq., the Secretary appeared and delivered the following message:

**MR. SPEAKER—**

The Council has passed,

(No. 4, H. of R.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to the Territorial Prison;

The memorial is herewith returned.

The question being taken on the adoption of the amendment as offered by Mr. Hanson.

It was adopted

The question then recurring on ordering the bill to be engrossed for a third reading, It was determined in the affirmative.

(No. 10, H. of R.) A Bill for an Act granting to Antoine Roberts the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial Road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Seuer county;

Was taken up for the purpose of taking into consideration the amendments to the bill as adopted in the committee of the whole.

The amendments were concurred in by the House.

Mr. Sibley moved,

That the bill be indefinitely postponed.

Mr. Brawley moved a call of the House,

The clerk called the roll, and reported that all the members were present,

Mr. Sibley withdrew the motion.

Mr. Sibley moved,

That the bill be laid on the table.

And the yeas and nays being called for and ordered, there were

Yeas, 12. }

Nays, 5. }

Those who voted in the affirmative were

Mr. Andros,

Grant,

Regester,

Thompson,

Mr. Beetty,

Haus,

Sibley,

Willim,

Mr. Davis,

Hanson,

Stanchfield,

Speaker—12.

Those who voted in the negative were

Mr. Brawley,

Mr. Cave,

Lemay,

Mr. Dixon,

Rollette—5.

So the motion prevailed,

Mr. Brawley moved,

That the House do now adjourn.

Which was determined in the affirmative,

So the House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

**WEDNESDAY.**

FEBRUARY 14, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker. The roll being called, the following members answered to their names:

Andros	Beatty
Brawley	Cave
Dixon	Davis
Grant	Haus
Hanson	Register
Rolette	Sibley
Stanchfield	Willim Speaker.

Prayer by the Rev. Mr. Hodsdon.

The Clerk commenced the reading of the Journal.

On motion of Mr. Brawley, the further reading of the Journal was dispensed with.

Mr. Willim on leave granted, introduced

(No. 43, H of R.) An act to amend section 4, chapter 73, of the revised Statutes.

Which was read the first and second times, and laid on the table to be printed.

Mr Stanchfield, on leave granted, introduced

(No. 44, H of R.) A bill for the relief of School District No. 6, in Ramsey county,

Which was read the first and second times, and laid on the table to be printed.

Mr Sibley, from the committee on the Judiciary, to which was referred the petition of J. Q. A. Ward, asking for a divorce from Helen Maria Ward his wife, introduced

[No. 45, H of R.] A bill entitled an act to dissolve the marriage contract between John Q. A. Ward and Helen Maria Ward, his wife.

Mr Sibley moved,

That the reading of the evidence accompanying the report of the committee, be dispensed with, which was determined in the affirmative.

Mr Sibley moved,

That the bill be referred to the committee of the whole, which was determined in the affirmative.

Mr Register from the committee on Engrossed Bills, made the following

**REPORT :**

The committee on Engrossed Bills have examined and found correctly engrossed the following bills:

[No. 18, H of R.] A bill entitled an act to restore to Ephraim H. Whitaker his civil rights as a citizen of the United States.

[No. 7, H of R.] A bill granting to Lewis Stone, A. C. Riggs, Geo. Houghton and N. H. Corbett the right to establish and maintain a ferry across the Mississippi river:

(No. 9, H of R.) A Bill granting to Samuel H. McManus, Wm. Creighton, and James C. Beekman, the right to establish and maintain a ferry across the Mississippi River.

(No. 4, H of R.) A Bill entitled An Act to incorporate the Stillwater Ferry Company.

(No. 15, H of R.) To incorporate the Lake Pepin Boom Company.

S. M. REGESTER,

Chairman of Committee:

Messages from the Council being in order,

The Clerk took from the table and read the following message:

MR. SPEAKER:—

The Governor has informed the Council that he did, on the 7th inst., approve and sign the following bills which originated in the Council:

(No. 1, C F) A Bill to confirm the qualifications of certain county officers in Sibley county, and other purposes.

(No. 13, C F) An Act to amend an Act entitled An Act relating to Auctioneers: And also the following Joint Resolutions:

(No. 1, C F) Joint Resolution relative to the binding of the Journal.

The Council has passed,

(No 14, C F) A Bill to define the boundaries of certain counties.

The Council has also passed:

(No 2, C F) Joint Resolution relative to the adjournment of the Legislative Assembly of M. T.

[No 3, C F) Joint resolution relative to covers for the Journals of the last session: In which the concurrence of the House is respectfully requested.

(No 14, C F) To define the boundaries of certain counties,

Was taken from the table.

The Clerk commenced reading the bill:

Mr. Sibley moved

That the further reading of the bill be dispensed with, and that the bill be laid upon the table.

Which was not adopted.

(No 3, C F) Joint Resolution relative to the adjournment of the Legislative Assembly of M. T.,

Was taken from the table and read by the Clerk.

Mr. Sibley moved to amend by changing to first Monday in September:

Mr. Cave moved to lay the resolution on the table.

Which motion was adopted.

The Clerk then read

(No 3, C F) Joint Resolution relative to covers for the Journals of last session.

The question then recurring on concurring in the resolution,

It was determined in the affirmative.

Mr. Rolette, from the Joint Committee on Enrolled Bills,

Made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions:

(No. 1, C F.) Memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation for the construction of a military road.

(No. 3, C F.) Memorial of the Legislative Assembly of Minnesota Territory for an appropriation of \$10,000 for the construction of a military road from Fort Ripley to or near the mouth of Pembina River.

I. VAN ETTEN,  
Chairman Council Com.  
J. ROLETTE,  
A. M. FRIDLEY,  
House Committee.

The Clerk took from the table, and read the following message:

MR. SPEAKER:—

The Council has passed

(No. 4, H of R.) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to the Territorial Prison.

The memorial is herewith returned.

Mr. Sibley, by the unanimous consent of the House,

Introduced the following resolution:

*Resolved*, That Bill (No. 5, H of R.) A bill to amend an act entitled "An act to incorporate the Minnesota & North-Western Railroad Company," be taken from the table and made the special order for this day at 12 meridian.

Mr. Rolette moved

To lay the resolution on the table.

And the yeas and nays being called for and ordered, there were

Yeas, 9. }

Nays, 8. }

As follows:

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regester,
Rollette,	Stanchfield,	Willim—9.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Sibley,	Speaker—8.	

So the resolution was laid on the table.

Mr. Sibley moved .

(No. 18, H of R,) A bill to restore Ephriam H. Whitaker his civil rights as a citizen of the United States,

Be taken up,

Which was decided in the affirmative.

The question recurring on reading the bill a third time, it was determined in the affirmative.

The question recurring on the passage of the bill, it was passed.

The question recurring on agreeing to the title of the bill, it was agreed to.

Mr. Davis moved that

(No 10, H of R,) A bill for an act granting to Antoine Robert the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives, in Le Seuer county, be taken up.

Which motion was adopted.

Mr. Davis moved that the bill be ordered to be engrossed for a third reading.

And the yeas and nays being called for and ordered, there were

Yeas 14. }  
Nays 2, }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Dixon,	Davis,
Fridley,	Grant,	Haus,
Hanson,	Lemay,	Regester,
	Rolette,	Willim—14.

Those who voted in the negative, were

Mr. Sibley, Mr. Speaker—2.

So the bill was ordered to be engrossed for a third reading.

Mr. Fricley moved that

(No 6, C F) A Bill to provide for laying out a Territorial road from St. Paul to Elliota,

Be referred to the Committee of the Whole.

Which motion was adopted.

Bills for a third reading being in order,

The question recurring on reading

(No 9, H of R) A Bill granting to Samuel H. McManus, William Creighton, and James C. Beekman, the right to establish and maintain a ferry across the Mississippi river,

Mr. Sibley moved

That the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas, 5. }  
Nays, 10. }

Those who voted in the affirmative were

Mr. Andros,	Sibley,	Stanchfield,
	Willim,	Speaker—5.
Those who voted in the negative were		
Mr. Beatty,	Mr. Brawley,	Mr. Davis,
Fridley,	Grant,	Haus,
Hanson,	Lemay,	Regester,
		Rolette—10.

So the motion was lost.

The question again recurring on ordering the bill to be read a third time,  
And the yeas and nays being called for and ordered, there were

Yeas 9. }  
Nays 6. }

Those who voted in the affirmative were

Mr. Beatty,	Mr. Brawley,	Mr. Davis,
Fridley,	Grant,	Haus,
Hanson,	Lemay,	Rolette—9.

Those who voted in the negative were

Mr. Andros,	Mr. Regester,	Mr. Sibley,
Stanchfield,	Willim,	Speaker—6.

So the bill was ordered to be read the third time.

The Clerk read the bill the third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 11, }  
Nays 7. }

Those who voted in the affirmative were,

Mr Beatty	Mr Brawley	Mr Dixon
Davis	Fridley	Grant
Haus	Hanson	Lemay
	Regester	Rolette—11,

Those who voted in the negative were,

Mr Andros	Mr Cave	Mr Sibley
Stanchfield	Thompson	Willim
		Speaker—7.

So the bill passed.

The question then recurring on agreeing to the title of the bill, it was agreed to,

The question then recurring on ordering

[No. 15, H of R.] An act to incorporate the Lake Pepin Boom Company to a third reading.

Mr Hanson asked the unanimous consent of the House to amend the 17th section, by striking out the words "five dollars" in the eleventh line, and inserting the words "the market price."

Mr Dixon objected.

Mr Willim moved,

That the bill be recommitted to the committee of the whole, which motion was adopted.

A message from the Council being announced, A J Morgan, Esq., Secretary thereof appeared and delivered the following message:

MR SPEAKER:—

The Council has passed,

[No. 16, C F,] An act granting to James M and J N Goodhue the right to establish and maintain a ferry across the Mississippi river.

[No. 17, C F,] A bill to incorporate the Little Falls Manufacturing company.

No. 18, C F,] A bill for an act establishing a Board of Trade.

In which the concurrence of the House is respectfully requested.

The President of the Council has signed

[No. 2, C F,] A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to complete the government works at Fort Ridgely.

Mr Hanson moved,

That the House now resolve itself into a committee of the whole for the purpose of taking into consideration.

[No. 15, H of R,] An act to incorporate the Lake Pepin Boom Company; also,

[No. 26, H of R,] A bill for an act to grant to mechanics and others a lien on houses and other buildings.

Mr. Dixon raised the following points of order, viz;

That the House would not resolve itself into a committee of the whole, to take into consideration a bill which had been referred to the committee of the whole, the same day.

The chair decided against the points of order.

The question recurring on the

Motion of Mr. Hanson,

It was adopted.

The House accordingly resolved itself into a Committee of the Whole.

Mr. Cave in the chair.

Having under consideration

[No 5, H of R,]

Also, [No 26, H of R.]

A message from the Council being announced, the Speaker took the chair, when A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following message;

MR. SPEAKER:—

The President of the Council has appointed Messrs- Brown, Stimson, and Freeborn, a committee of conference to confer with a similar committee to be appointed on the part of the House, on amendments offered by the Council to the House joint resolution relative to the appointment of a committee to visit the Territorial Buildings.

I have been directed by the Council to request for further action

(No. 2, C F,) Joint resolution relative to the adjournment of the Legislative Assembly of Minnesota Territory.

The Council has passed

[No 7, C F.] A bill to provide for the taking of a census of the population of this Territory.

In which the concurrence of the House is respectfully requested.

And then he withdrew.

The Speaker then left the chair, and the committee resumed its sitting.

After some time passed therein, the committee rose, and by their chairman reported that the committee have had under consideration

[No 15, H of R] A bill to incorporate the Lake Pepin Boom Company.

And report the same back to the House with amendment.

Also, that the committee have under consideration

[No. 26, H of R] A bill for an act to grant to mechanics and others a lien on houses and other buildings.

And reported progress on said bill, and ask leave to sit again.

The report of the committee of the whole was accepted.

The question then recurring on agreeing to the amendment as proposed by the committee of the whole, to

(No. 15, H. of R.) A bill to incorporate the Lake Pepin Boom Company,

It was agreed to.

The question then recurring on ordering the bill to be read a third time.

It was determined in the affirmative.

Mr. Sibley moved,

That the rules be suspended, and that the bill be read a third time by its title.

Which was determined in the affirmative,

The bill was then read a third time.

The question then recurring on the passage of the bill:

And the yeas and nays being called for and ordered, there were

Yeas, 16. }

Nays, 2. }

Those who voted in the affirmative were

Mr. Beatty,

Dixon,

Grant,

Lemay,

Sibley,

Mr. Brawley,

Davis,

Haus,

Register,

Stanchfield,

Mr. Cave,

Fridley,

Hanson,

Rolets,

Thompson,

Willim—16.

Those who voted in the negative were

Mr. Andros,

Mr. Speaker.

So the bill was passed.

The question recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Davis moved,

(No. 26, H. of R.) A bill granting to mechanics and others a lien on homes and other buildings,

Be referred to a select committee of three,

Which was determined in the affirmative.

Mr. Sibley gave notice

That on to-morrow he would move that the House resolved itself into a committee of the whole;

For the purpose of taking into consideration

(No. 45, H. of R.) A bill entitled, an act to dissolve the marriage contract between John Q. A. Ward and Helen Maria Ward, his wife.

Mr. Davis, on leave granted, introduced

(No 46, H of R) An Act to incorporate the Pioneer Hook and Ladder Company of the city of St. Paul.

Which was read a first and second times,

And laid on the table to be printed.

Mr. Lemay, on leave granted, introduced

(No 17, H of R) A Bill to provide for laying out a Territorial road from St. Paul to Little Canada, and the White Bear Lake to Marine Mills.

Which was read the first and second times,

And laid on the table to be printed.

The Chair announced the following as the select committee, to which was referred

(No. 26, H of R) A Bill, for an act granting to mechanics and others a lien on houses and other buildings.

Messrs. Davis, Hanson and Andros.

Mr. Thompson introduced

(No. 48, H of R) A Bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

Mr. Davis moved

That the rules be suspended,

And that the bill be read the first and second times by its title.

Which motion was adopted.

Mr. Brawley moved

That the bill be referred to the Committee on Incorporations.

Mr. Thompson moved

To amend the motion by referring the bill to the Committee of the Whole:

Which amendment was adopted.

The question then recurring on the adoption of the amendment as amended,

And the yeas and nays being called for and ordered, there were

Yeas, 12, }  
Nays, 6. }

Those who voted in the affirmative were

Mr. Cave,

Grant,

Regester,

Thompson,

Mr. Dixon,

Hanson,

Rolette,

Willim,

Mr. Fridley,

Lemay,

Stanchfield,

Speaker

Those who voted in the negative were

Mr. Andros,

Davis,

Mr. Beatty,

Haus,

Mr. Brawley,

Sibley.

So the amendment as amended was adopted.

The question then recurring on ordering

(No. 4, H of R) A Bill to incorporate the Stillwater Ferry Company, to a third reading,

Mr. Sibley moved

That the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas, 4, }  
Nays, 14, }

As follows:

Those who voted in the affirmative, were

Mr. Andros,	Mr. Cave,	Mr. Sibley,
Speaker.		

Those who voted in the negative were

Mr. Beatty,	Mr. Brawley,	Mr. Dixon,
Davis,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Register,	Rolette,	Stanchfield,
Thomson,	Willim.	

So the motion was not adopted.

The question again recurring on ordering the bill to a third reading.

And the yeas and nays being called for and ordered, there were

Yeas, 13. }  
Nays, 4. }

As follows:

Those who voted in the affirmative were

Mr. Beatty,	Mr. Brawley,	Mr. Dixon,
Davis,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Register,	Rolette,	Thompson,
Willim.		

Those who voted in the negative were

Mr. Andros,	Mr. Cave,	Mr. Sibley,
Speaker.		

So the bill was ordered to be read a third time.

Mr. Hanson moved

That the rules be suspended, and that the bill be read a third time by its title.

Which motion was adopted.

The Clerk read the bill the third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were,

Yeas, 13, }  
Nays, 4. }

As follows:

Those who voted in the affirmative were

Mr. Beatty,	Mr. Brawley,	Mr. Dixon,
Davis,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Regester,	Rolette,	Thompson,
Willim.		

Those who voted in the negative were

Mr. Andros,	Mr. Cave,	Mr. Sibley,
Speaker.		

So the bill was passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

The question then recurring on ordering

(No. 7, H of B,) A bill granting to Lewis Stone, A. C. Riggs, George Houghton, and H. M. Corbett, the right to establish and maintain a Ferry across the Mississippi river.

Mr. Sibley moved

That the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas 4. }
Nays 12. }

Those who voted in the affirmative, were

Mr. Andros	Mr. Cave	Mr. Sibley
		Speaker—4.

Those who voted in the negative were,

Mr. Brawley	Mr. Dixon	Mr. Davis
Fridley	Grant	Haus
Hanson	Lemay	Regester
Rolette	Thompson	Willim—12.

So the motion was not adopted.

The question again recurring on ordering the Bill to be read a third time,

It was determined in the affirmative.

Mr. Dixon moved,

That the rules be suspended, and that the bill be read a third time by its title, which motion was adopted.

The bill was read a third time.

The question then recurred on the passage of the bill;

And the yeas and nays being called for and ordered, there were

Yeas 12. }
Nays 5. }

Those who voted in the affirmative were

Mr Beatty	Mr Brawley	Mr Dixon
Davis	Fridley	Grant
Haus	Hanson	Lemay
Regester	Rolette	Thompson—12.

28—H. R.

Those who voted in the negative were,

Mr Andros

Mr Cave

Mr. Sibley

Willim

Speaker—5.

So the bill passed.

The question then recurring on agreeing to the title of the bill, it was agreed to,

The speaker signed the following memorial:

[No. 1, C F.] A memorial of the Legislative Assembly of Minnesota Territory, for an appropriation for the construction of a Military Road; also,

[No. 3, C F.] A memorial of the Legislative Assembly of Minnesota Territory, to Congress, for an appropriation of \$10,000, for the construction of a Military road from Fort Ripley to or near the mouth of Pembina river.

On motion of Mr Hanson,

The House resolved itself into a committee of the whole, Mr. Davis in the chair, for the purpose of taking into consideration,

[No. 6, C. F.] A bill to provide for laying out a Territorial Road from St Paul to Elliota.

After some time passed therein, the committee rose, and by their chairman reported back the bill to the House without amendment.

The report of the committee of the whole was accepted.

Mr. Sibley moved,

To amend the bill, by striking out all after the word "route" in the third line of the second section.

Mr. Davis moved,

A call of the House.

The Clerk called the roll,

And reported Messrs. Andros, Cave and Haus, absent,

The Speaker decided the Sergeant-at-Arms to notify the absent members to appear in their seats.

The Sergeant-at-Arms returned and reported, that he had notified the absent members and that they were now in their seats.

The question then recurring on the adoption of the amendment, offered by Mr. Sibley;

And the yeas and nays being called for and ordered, there were,

Yeas, 7, }

Nays, 11. }

Those who voted in the affirmative were

Mr. Andros,

Mr. Beatty,

Mr. Hanson,

Regester,

Sibley,

Willim,

Speaker—7.

Those who voted in the negative were

Mr. Brawley,

Mr. Cave,

Mr. Dixon,

Davis,

Fridley,

Grant,

Haus,

Lemay,

Rolette,

Stanchfield,

Thompson—11.



give said company any color of right to any portion of the Sioux lands, as long as said lands continue to belong to said Indians.

The question then recurring on the adoption of the amendment,  
And the yeas and nays being called for and ordered, there were,

Yeas 9. }  
Nays 8. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Brawley,	Mr. Cave,
Haus,	Hanson,	Lemay,
Sibley,	Willim,	Speaker—9.

Those who voted in the negative were

Mr. Beatty,	Mr. Dixon,	Mr. Fridley,
Grant,	Register,	Rolette,
	Stanchfield,	Thompson—8.

Mr. Dixon moved

That the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas, 14. }  
Nays, 8. }

Those who voted in the affirmative were,

Mr. Andros,	Mr. Beatty,	Mr. Cave,
Dixon,	Fridley,	Grant,
Haus,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson,
	Willim,	Speaker—14.

Those who voted in the negative were

Mr. Brawley,	Mr. Hanson,	Mr. Sibley—3.
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So the bill was indefinitely postponed.

On motion of Mr. Sibley,

The House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

**THURSDAY.**

FEBRUARY 15, 1855.

The House met pursuant to adjournment,  
And was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Andros,  
Brawley,  
Davis,  
Grant,  
Hanson,  
Sibley,  
Thompson,

Beatty,  
Cave,  
Fridley,  
Haus,  
Regester,  
Stanchfield,  
Willim,  
Speaker.

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Brawley,

The reading of the Journal was dispensed with.

Mr. Sibley presented the petition of J. J. Noah and 112 other citizens of Dakota county,

Praying that the township line on the west of Credit river, be made the western boundary of said county,

Or that the present line remain as heretofore fixed by act of the Legislature.

Mr. Dixon gave notice, that he would on to-morrow, or some future day, introduce, A Bill to incorporate the St. Croix and Lake Superior Railroad Company.

Mr. Beatty on leave granted, introduced,

(No. 49, H. of R.) An act granting to Edmund F. Ely and Daniel Roher, the right to establish and maintain a ferry across the St. Louis Bay or River.

Which was read a first and second times,

And laid on the table to be printed.

Mr. Regester on leave granted, introduced,

(No 50, H of R,) An act granting to John Hamilton the right to establish and maintain a ferry across the St. Croix river.

Which was read the first and second times, and laid on the table to be printed.

Mr. Grant, on leave granted, introduced

(No 51, H of R,) A bill to incorporate the Sisters' Propagation of the Faith Society of St. Joseph, at Pembina.

Which was read the first and second times, and laid on the table to be printed.

Mr. Haus, on leave granted, introduced

(No 52, H of R,) A bill granting to William Foster the right to establish and maintain a ferry across the Minnesota river at San Francisco in Carver county.

Mr. Hanson moved

That the rules be suspended, and that the bill be read a third time by its title.

Which motion was adopted.

The bill was read the first and second time, and laid on the table to be printed.

Mr. Fridley, on leave granted, introduced

(No. 53, H of R,) An act granting to Roswell P. Russell and others the right to build a sluice or sluices over the Falls of St. Anthony.

Mr. Hanson moved

That the rules be suspended, and that the bill be read the first and second time by its title.

Which motion was adopted.

The bill was read the first and second times, and laid on the table to be printed.

Mr. Stanchfield, on leave granted, introduced

(No. 54, H of R,) An act granting to Franklin Steele the right to build a sluice or sluices over the falls of St. Anthony.

Which was read the first and second times,

And laid on the table to be printed.

Mr. Davis gave notice that on to-morrow or some future day, he would introduce a bill granting to D. F. Brawley, the right to establish and maintain a ferry across the river Styx.

Which was read the first and second times, and laid on the table to be printed.

Mr. Rolette from the Joint committee on enrolled bills, made the following

#### REPORT :

The Joint Committee on enrolled bills have examined and found correctly enrolled [No. 4, H of R,] A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to the Territorial Prison;

I. VAN ETTEN,

Chairman Council Com.

JOS. ROLETTE,

A. M. FRIDLEY,

House Committe,

Mr. Register from the committee on engrossed bills, made the following

#### REPORT :

The committee on engrossed bills have examined and found correctly engrossed the following bill:

[No. 10, H of R,] A bill for an act granting to Antoine Roberts the right to establish and maintain a ferry across the Minnesota River, at the terminus of the Territo-

ial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives, in Le Seuer county;

S. M. REGESTER,  
Chairman of Committee.

The Speaker signed the following memorial:

[No. 4, H of R.] A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation to the Territorial Prison.

Messages from the Council being in order, the Clerk took from the table, and read the following message;

MR. SPEAKER:—The Council has passed,

[No. 16, C F.] An act granting to James N. and I. N. Goodhue the right to establish and maintain a Ferry across the Mississippi river.

(No. 17, C. F.) A bill to incorporate the Little Falls Manufacturing Co.

(No. 18, C. F.) A bill for an act establishing Boards of Trade;

In which the concurrence of the House is respectfully requested.

The President of the Council has signed

(No. 2, C. F.) A memorial of the Legislative assembly of Minnesota Territory To Congress, for an appropriation to complete the government works at Fort Ridgely.

(No. 16, C. F.) A bill granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river. Was taken up, And read the first and second times.

(No. 17, C. F.) A bill to incorporate the Little Falls Manufacturing Company, Was also taken up,

And read the first and second times.

(No. 18, C. F.) A bill for an act establishing Boards of Trade, Was taken up,

And read the first and second times.

The Clerk took from the table, and read the following message:

MR. SPEAKER:—

The President of the Council has appointed Messrs. Brown, Stimson and Freeborn a committee of conference to confer with a similar committee on the part of the House, on the amendments offered by the Council to House Joint Resolution, relative to the appointment of a committee to visit the Territorial buildings.

I have been directed by the Council to request for further action on

(No. 2, C. F.) Joint Resolution relative to the adjournment of the Legislative Assembly of M. T.

The Council has passed

(No. 7, C. F.) A bill to provide for taking a census of the population of this territory.

In which the concurrence of the House is respectfully requested.

(No. 7, C. F.) A bill to provide for taking the census of the population of the Territory, Was taken up,

And read the first and second times.

On motion of Mr. Sibley,

The House resolved itself into a committee of the whole;

Mr. Davis in the Chair,

For the purpose of taking into consideration

(No. 45, H. of R.) An act to dissolve the marriage contract between John Q. A. Ward and Helen Maria Ward, his wife.

After some time passed therein, the committee rose, and by their chairman reported that they have had the bill under consideration, and report it back to the House without amendments, and recommend its passage.

Mr. Rolette moved a call of the House.

The Clerk called the roll, and reported Mr. Lemay the only absent member.

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

Mr. Sibley moved

That further proceedings under the call of the House be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 9. }

Those who voted in the affirmative were

Mr. Fridley,	Mr. Hanson,	Mr. Regester,
Sibley,	Stanchfield,	Thompson,
Willim,	Speaker—8.	

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Dixon,	Davis,
Grant,	Haus,	Rolette—9.

So the motion was lost.

Mr. Sibley moved

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Ayes 5, }  
Nays 12. }

As follows:

Those who voted in the affirmative were

Mr. Hanson,	Mr. Regester,	Mr. Sibley,
Willim,	Speaker—5.	

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Dixon,	Davis,
Fridley,	Grant,	Haus,
Rolette,	Stanchfield,	Thompson—12.

So the motion was lost.

Mr. Dixon moved

That all further proceedings under the call be dispensed with.

Which motion was adopted.

Mr. Cave moved

That the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas, 9, }  
Nays, 8. }

Those who voted in the affirmative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Dixon,	Davis,
Grant,	Haus,	Rolette—9.

Those who voted in the negative were

Mr. Fridley,	Mr. Hanson,	Mr. Regester,
Sibley,	Stanchfield,	Thompson,
	Willim,	Speaker—8.

So the motion was adopted.

Mr. Cave moved

That that the vote by which the bill was indefinitely postponed, be reconsidered.

Mr. Fridley moved

To lay the motion on the table:

Which motion was not adopted.

The question then recurring on the motion of Mr. Cave,

And the yeas and nays being called for and ordered, there were

Yeas, 7, }  
Nays, 9. }

Those who voted in the affirmative were

Mr. Fridley,	Mr. Hanson,	Mr. Regester;
Sibley,	Stanchfield,	Thompson;
	Willim,	Speaker—8.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Dixon,	Davis,
Grant,	Haus,	Rolette—9.

So the motion was lost.

Mr. Brawley moved

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas, 8, }  
Nays, 10. }

Those who voted in the affirmative were

Mr. Beatty,	Mr. Brawley,	Mr. Cave,
Dixon,	Grant,	Haus,
	Lemay,	Rolette—8.

Those who voted in the negative were

Mr. Andros,	Mr. Davis,	Mr. Fridley,
Hanson,	Regester,	Sibley,

Mr Stanchfield,

Mr. Thompson,

Mr. Willim,  
Speaker—10.

So the motion was lost.

On motion of Mr. Sibley,

The House resolved itself into a committee of the whole, Mr. Andros in the chair, for the purpose of taking into consideration

[No. 33, H of R,] An act to incorporate the St. Joseph's Hospital.

After some time passed therein, the committee rose, and by their chairman reported back the bill to the House without amendments, and recommended its passage.

The report of the committee of the whole was adopted.

Mr. Davis moved,

That the rules be suspended, and that the bill be now read a third time; which motion was adopted.

Mr. Sibley moved,

That the bill be read a third time by its title, which motion was adopted; the bill was read a third time.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

Mr. Fridley moved,

To reconsider the vote by which,

[No. 8, C F,] A bill to provide for the improvement of the Minnesota river, be reconsidered, which motion was adopted.

Mr. Cave moved,

That the House do now adjourn; which motion was not adopted.

Bills for a third reading being in order, the question recurred on reading,

[No. 10, H of R,] A bill granting to Antoine Roberts the right to establish a Ferry across the Minnesota river; which was determined in the affirmative.

Mr. Hanson moved,

That the rules be suspended;

And that the bill be read a third time by its title;

Which motion was adopted.

The bill was read a third time.

The question then recurring on the passage of the bill;

And the yeas and nays being called for and ordered, there were

Yeas, 12. }

Nays. 3. }

Those who voted in the affirmative were

Mr. Andros,

Mr. Beatty,

Mr. Brawley,

Cave,

Dixon,

Davis,

Grant,

Haus,

Hanson,

Lemay,

Register,

Rolette—12.

Those who voted in the negative were

Mr. Sibley,

Mr. Willim,

Mr. Speaker—3.

So the bill passed.

The question then recurring on agreeing to the title of the bill.

It was agreed to.

Mr. Hanson, by the unanimous consent of the House, introduced,  
(No. 57, H. of R.) A bill granting to Samuel Allen the right to establish and maintain a ferry across the Minnesota river at or near Chasca in Hennepin county.

Mr. Hanson moved,

That the rules be suspended,

And that the Bill be read the first and second times by its title,

Which motion was adopted.

And laid on the table to be printed,

Mr. Dixon moved,

That the Chief Clerk be instructed to request the Council to return to the House  
(No. 8, C. F.) A bill to provide for the improvement of navigation of the Minnesota river,

Which motion was adopted.

Mr. Fridley moved, that

(No. 48, H. of R.) A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company, be printed,

Which motion was adopted.

Mr. Haus moved,

That the House do now adjourn.

Which was determined in the negative.

Mr. Cave moved, that

(No. 14, C. F.) A bill to define the boundaries of certain counties,  
Be now taken up.

And the yeas and nays being called for and ordered, there were

Yeas, 15, }  
Nays, 1. }

Those who voted in the affirmative were

Mr. Andros	Mr. Cave	Mr. Dixon
Davis,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Register,	Rolette,	Sibley,
Stanchfield,	Willim,	Speaker.

Mr. Thompson voting in the negative.

So the motion was adopted.

On motion of Mr. Hanson,

The House resolved itself into a Committee of the Whole,

Mr. Dixon in the chair,

For the purpose of taking into consideration

(No. 14, C F) A Bill to define the boundaries of certain counties.

Also, (No. 25, H of R,) an Act to authorize the construction of a dam across the Crow river.

After some time passed therein,

The Committee rose,  
 And by the chairman reported back  
 (No. 14, C F) To define the boundaries of certain counties,  
 Without amendment, and  
 (No. 25, H of R) An Act to authorize the construction of a dam across the Crow  
 river, with amendments.

The report of the Committee was accepted.

The question then recurring on concurring in the amendments to  
 (No. 25, H of R) A Bill to provide for the improvement of the navigation of the  
 Minnesota river.

The question then recurring on ordering the bill to be engrossed for a third reading,  
 It was determined in the affirmative.

The question then recurring on ordering  
 (No. 14, C F) A Bill to define the boundaries of certain counties,  
 To be ordered to a third reading.

It was decided in the negative.

Mr. Dixon, by the unanimous consent of the House,  
 Introduced the following

#### RESOLUTION :

WHEREAS, the act of Congress entitled "An act to organize the Territories of Nebraska and Kansas," approved May 30, 1854, does not contain the provision, reserving to Congress the right to disapprove and annul the laws passed by the Legislative Assemblies and Governors of those Territories, but in express terms leaves the people of those Territories "*perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.*"

*And whereas,* The right of the people of the Territories of the United States to govern themselves is thereby recognized, and adopted, as part of the policy of the national government.

*And whereas,* By the 6th section of the act of Congress entitled "An act to establish the Territorial government of Minnesota," approved March 3d, 1849, it is provided, that all the laws passed by the Legislative Assembly and Governor of this Territory shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect, thus denying to the people of Minnesota the right of self government, given to the people of the Territories of Nebraska and Kansas,

*And whereas,* The House of Representatives of the United States has already, in the exercise of the power thus unjustly and invidiously reserved, resolved to disapprove of, and annul laws passed by the Governor and Legislative Assembly of Minnesota, relating solely to our own domestic affairs, thus violating the principles established by the organization of the Territories of Nebraska and Kansas, and placing in jeopardy any and all of the laws enacted for the protection of the persons, liberties and property of our citizens, and reducing them to a condition of vassalage to a body, in the election of which, and in the proceedings of which they have no vote:

*Therefore, resolved,* By the House of Representatives of the Legislative Assembly

of the Territory of Minnesota, that the Delegate to Congress from this Territory be, and he is hereby requested to ask for, and urge to his utmost, the repeal of so much of the 6th section of the act of Congress, of March 3d, 1849, as makes the laws passed by the Legislative Assembly and Governor of Minnesota, null and of no effect, if disapproved by Congress.

*Resolved*, That the chief clerk of the House of Representatives be, and he is hereby instructed to forward a certified copy of these preamble and resolutions to the Hon. Henry M. Rice, Delegate to Congress, FORTHWITH.

Mr. Davis moved,

That the resolutions be indefinitely postponed, and the yeas and nays being called for and ordered, there were

Yeas 9. }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros	Mr. Reatty	Mr. Brawley,
Cave	Davis	Haus
Sibley	Willim	Speaker—9.

Those who voted in the negative were,

Mr. Dixon	Mr. Fridley	Mr. Grant
Hanson	Lemay	Regester
	Rolette	Stanchfield—8.

So the resolutions were indefinitely postponed.

Mr. Cave moved

That the House do now adjourn.

Which was determined in the negative.

Mr. Lemay moved

That the vote by which the House refused to order (No 14, C F.) A bill to define the boundaries of certain counties, To a third reading, be reconsidered.

Which motion prevailed.

Mr. Rolette moved

To lay the bill on the table.

And the yeas and nays being called for and ordered, there were

Yeas 11. }  
Nays 6. }

Those who voted in the affirmative were, .

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Regester,
Rolette,	Stanchfield,	Thompson,
Willim,	Speaker—11.	

Those who voted in the negative were,

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Sibley—6,		

So the motion was adopted.  
 Mr. Rolette moved  
 That the House do now adjourn.  
 Which was determined in the affirmative.  
 So the Council adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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**FRIDAY.**

FEBRUARY 16, 1855.

The House met pursuant to adjournment,  
 And was called to order by the Speaker.  
 The roll being called,  
 The following members answered to their names:

Andros,	Beatty,
Cave,	Dixon,
Davis,	Fridley,
Grant,	Haus,
Hanson,	Lemay,
Register,	Rolette,
Sibley,	Stanchfield,
Thompson,	Willim,
	Speaker,

Prayer by the Rev. Mr. Hodsdon.

Hr. Hanson moved

That the reading of the Journal be dispensed with.

Which motion was lost.

The Journal of yesterday was read and corrected.

Mr. Cave presented

The petition of Louis M. Howard, and 55 other citizens of Rice county,  
 Remonstrating against the division of the aforesaid county.

Mr. Cave moved

That the petition be referred to the select committee on the boundaries of counties.  
 Which motion was adopted.

Mr. Thompson, on leave granted, introduced  
(No. 58, H of R.) A Bill for an act to prohibit slavery or involuntary servitude in the Territory of Minnesota.

Which was read the first and second times,  
And laid on the table to be printed,

Mr. Stanchfield, from the Committee on Territorial Roads, made the following report:  
(No. 2, C F.) A Bill to provide for laying out certain Territorial roads.

Your committee report the bill with the emendments back and wish to be discharged from any further consideration of said bill, and ask for it to be laid on the table.

S. STANCHFIELD.

S. M. REGESTER.

On motion of Mr. Sibley,  
The report of the committee was accepted.

On motion of Mr. Willim,  
The committee was discharged from the further consideration of the bill.

Mr. Davis by the unanimous consent of the House, introduced the following resolution.

*Resolved*, That, (No. 5, H. of R.) be made the special order for 12 o'clock to-day;  
And the yeas and nays being called for and ordered, there were

Yeas, 6, }  
Nays, 12. }

Those who voted in the affirmative were

Mr. Andros,  
Davis,

Mr. Beatty,  
Sibley,

Mr. Cave,  
Speaker—6.

Those who voted in the negative were

Mr. Brawley,  
Grant,  
Lemay,  
Stanchfield,

Mr. Dixon,  
Haus,  
Regester,  
Thompson,

Mr. Fridley,  
Hanson,  
Rolette,  
Willim—12.

So the motion was lost.

Mr. Sibley, from the Committee on the Judiciary, to which was referred,  
(No. 11, H. of R.) An act, to amend "an act entitled an act to provide for the survey of logs and lumber in M. T." "approved March, 1, 1854,"

Report that the committee ask to be discharged from further consideration of the bill, and report the same back to the House with the recommendation that it be laid on the table.

The report was accepted.

Mr. Dixon presented the following report:

The Joint Committee appointed to report Joint Rules for the government of the two Houses, during the present session, made the following

## REPORT :

The Joint Committee, appointed to report Joint Rules for the government of the two Houses, during the present session, beg leave to report the following Joint Rules of order :

## JOINT RULES AND ORDERS OF THE TWO HOUSES.

1. In all cases of disagreement between the two Houses, if either House shall request a conference and appoint a committee for that purpose, the other House shall appoint a similar committee, and such committee shall, at a convenient hour, to be agreed upon by their chairman, meet in the conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for or against the disagreements, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, or from the House of Representatives to the Council, it shall be announced at the door of the proper House by the door-keeper thereof, and shall be respectfully communicated to the chair by the person by whom it may be sent.

3. After a bill shall have passed both Houses, it shall be duly enrolled by one of the enrolling clerks, under the direction of the Secretary of the Council, or Chief Clerk of the House of Representatives, as the bill may have originated in one or the other House, before it shall be presented to the Governor for his approval.

4. When a bill is duly enrolled, it shall be examined by a joint committee of two from each House, appointed for that purpose, who shall carefully compare the enrolled with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, and make their report forthwith to the respective Houses.

5. 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.

6. After a bill shall have been thus signed in each House, it shall be presented by the said committee of enrollment to the Governor for his approval, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Chief Clerk of the House, or the Secretary of the Council, as the bill may have originated in the one or the other House, and the said committee shall report the day of presentation to the Governor, which shall be entered on the Journal of each House.

7. All orders, resolutions and votes which are to be presented to the Governor for his approval, shall also in the same manner be previously enrolled, examined and signed, and then be presented in the same manner, and by the same committee, as is provided in the case of bills.

8. When a bill, memorial, or resolution which shall have 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.

9. When a bill or resolution which has passed in one House, is rejected in the other it shall not be again 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.

10. Each House shall transmit to the other all papers, on which any bill, memorial or resolution shall be founded.

11. After each House shall have adhered to their disagreement, a bill, memorial, or resolution is lost.

12. Whenever any report of a joint committee or other document shall be presented to both Houses of the Legislative Assembly, the first acting on the same, if it shall be thought necessary to have it printed shall order a sufficient number of copies for both branches, and shall immediately inform the other House of its action upon the subject.

13. Neither House shall adjourn during any session thereof, without the consent of the other, for a longer period than three days.

14. The committees of each House on Territorial Expenditures, on Enrolled Bills, or Legislative Expenses, on Public Buildings and Printing shall act jointly.

15. When a bill, resolution, or memorial, shall have passed either House, which requires the concurrence of the other, it shall be transmitted to said House; without the necessity of entering an order on the Journal of the House in which it passed, requiring the concurrence of the other House.

16. In joint convention of the two Houses, the Speaker of the House of Representatives shall preside.

17. No item shall be inserted in any appropriation bill until it has been passed upon by one of the joint committees on Territorial expenditures, or Legislative expenditures.

18. The general appropriation bill shall be introduced into the House at least ten days before the close of the session, and passed by the House and sent to the Council for their concurrence, at least three days before the close of the session.

J. B. DIXON;

WM. DAVIS.

On motion of Mr. Dixon

The reading of the rules were dispensed with.

The question then recurring on the adoption of the rules, they were adopted.

Mr. Register, by the unanimous consent of the House, introduced the following resolution:

*Resolved,* That the Chief Clerk of the House procure printed and bound in pamphlet form, for the use of the House, one hundred and twenty-five copies of the rules of the House, to contain also the rules of the Council, joint rules of the Council and House, and the standing committees.

Which was adopted.

Mr. Register, from the Committee on Engrossed Bills, made the following

## REPORT:

The Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

(No. 25, H of R.) An act to authorize the construction of a dam across the Crow river.

S. M. REGISTER,  
C. W. THOMPSON.

Mr. Cave, from the Committee on Incorporations, made the following.

## REPORT:

The Committee on Incorporations, to whom was referred  
(No 8, H of R.) A bill to amend an act entitled "an act to incorporate the St. Anthony Boom Company, approved February 27, 1852.

Beg leave to report the bill back with the following amendments:

Strike out section 11, 12, and 13.

C. S. CAVE,  
J. B. DIXON.

Mr. Davis, by the unanimous consent of the House, introduced the following preamble and resolutions:

*Whereas*, The Congress of the United States did, by an act approved June 29, 1854, grant to the Territory of Minnesota alternate sections of land to aid her in constructing a railroad therein.

*And whereas*, Said act was improperly altered by striking out the word "or" in the third section, and substituting the word "and," after said act passed the United States House of Representatives, and before it passed the Senate: therefore,

*Resolved*, That in condemning the act as unjustifiable, and "deserving severe censure," and that Minnesota has no sympathy with such improper conduct, therefore

*Resolved*, That we earnestly ask the Congress of the United States to repeal the act by which they repealed the grant of lands, and reinstate the act approved June 29, 1854, as it passed the House of Representatives of the United States before its alteration.

*Resolved*, That we, the representatives of the people of Minnesota, most respectfully but most solemnly protest against being made the victims of wrongs committed by others against our will, and without our approbation or consent.

*Resolved* That a certified copy of this preamble and resolutions be forwarded by the Chief Clerk of the House of Representatives, and that copies be forwarded by the Governor to the Speaker of the House of Representatives, and President of the Senate.

Mr. Hanson moved

That the preamble and resolutions be laid on the table.

Mr. Dixon moved a call of the House.

The roll being called, the Clerk reported

Messrs. Fridley, Haus, and Rolette, were absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

The Sergeant-at-Arms returned and reported

That he had notified the absent members, and that they were in attendance.

The question recurring on the motion of Mr. Hanson,

Mr. Rolette called for the reading of the resolutions.

The Resolution was read.

Mr. Davis moved

A call of the House.

The roll being called, Mr. Brawley was reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

The Sergeant-at-Arms returned and reported that the absent member was in his seat.

The question again recurring on Mr. Hanson's motion, to lay the preamble and resolutions on the table,

And the yeas and nays being called for and ordered, there were,

Yeas, 10, }  
Nays, 8. }

As follows:

Those who voted in the affirmative were

Mr. Dixon,  
Hanson,  
Rolette,  
Willim.

Mr. Fridley,  
Lemay,  
Stanchfield,

Mr. Grant,  
Register,  
Thompson,

Those who voted in the negative were,

Mr. Andros,  
Cave,  
Sibley,

Mr. Beatty,  
Davis,  
Speaker.

Mr. Brawley,  
Haus,

So the preamble and resolutions were laid on the table.

Mr. Brawley moved

(No 14, C F,) A bill to define the boundaries of certain counties.

Be taken up.

Which motion was not adopted.

Council bills for a second reading, being in order,

Mr. Sibley moved that

No 16, C F—An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river,  
Be referred to the Committee on Incorporations.

And the yeas and nays being called for and ordered, there were

Yeas, 7, }  
Nays, 10. }

Those who voted in the affirmative were

Mr. Cave,	Mr. Davis,	Mr. Hans,
Sibley,	Stanchfield,	Willim,
Speaker.		

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Dixon,
Eridley,	Grant,	Hansen,
Lemay,	Register,	Rolette,
Thompson,		

So the motion was lost.

Mr. Cave moved

That the bill be laid on the table,

Which motion was adopted.

Mr. Sibley moved,

(No. 7, C. 7.) A bill to provide for taking a census of the population of this Territory,

Be referred to the Committee of the whole,

Which was determined in the affirmative.

A Message from the Council being announced, A. J. Morgan, Esq., the Secretary thereof

Appeared and delivered the following message,

MR. SPEAKER:—

I have been directed by the President of the Council to call upon the House for the petition of certain citizens of M. T., praying the restoration to civil rights of Ephram H. Whitaker; and such other documents touching the matter. Also,

The petition of George H. Fletcher for a divorce from his wife Jane Fletcher.

I am directed by the Council to return

(No. 8, C F.) A bill to provide for the improvement of the navigation of the Minnesota river.

Mr. Hanson moved,

(No. 18, C F.) A bill for an act establishing Boards of Trade,

Be referred to the committee of the whole,

Which motion was adopted.

Mr. Sibley moved

(No. 17, C F.) A bill to incorporate the Little Falls Manufacturing company,

Be referred to the Committee on Incorporations,

Which was determined in the negative.

Mr. Hanson moved

That the bill be referred to the committee of the whole,

Which was determined in the affirmative.

Bills for a third reading being in order,

Mr. Hanson moved,

(No. 25, H of R,) An act to authorize the construction of a dam across the Crow river.

Be laid on the table,

Which was determined in the affirmative.

Mr. Sibley moved, that

(No. 8, H of R.) A bill to amend an act entitled, "An act to incorporate the St. Anthony Boom Company." Approved Feb. 27th 1852

Be referred to the committee of the whole,

Which motion was adopted.

On motion of Mr Thompson, The House resolved itself into a committee of the whole, Mr. Willim in the chair, for the purpose of taking into consideration,

[No. 19. H. of R.] A bill to incorporate the Winona ferry company;

After some time passed therein, the committee arose, and by their chairman, reported back the bill with an amendment, and recommended its passage;

The report of the committee of the whole was accepted;

The question then recurring on concurring in the amendment as proposed by the committee of the whole, it was concurred in;

The question recurring on ordering

[No. 19, H. of R.] A bill to incorporate the Winona ferry company, to be engrossed for a third reading, it was ordered to be engrossed;

On motion of Mr, Willim,

(No. 11, H. of R.) A bill to provide for the election of Superintendents of common schools, was taken up, and referred to the committee of the whole;

Mr, Willim moved, that

[No. 18, H. of R.) A bill granting to William H. Oliver the right to establish and maintain a ferry across Lake St. Croix, be taken up, and referred to the committee of the whole, which motion was adopted;

Mr. Thompson moved that,

(No. 46, H of R,) A bill to incorporate the Pioneer Hook and Ladder Company of St. Paul, be taken up, and referred to the committee of the whole, which motion was adopted.

Mr. Hanson moved that,

(No. 20, H of R,) A bill granting to Orrin W. Rice, the right to establish a ferry across the head of the Bay of Superior, be taken up and referred to the committee of the whole, which motion was adopted.

On motion of Mr. Willim,

The House resolved itself into a committee of the whole, Mr. Hanson in the chair, for the purpose of taking into consideration

(No. 11, H. of R.) A bill to provide for the election of Superintendents of Common Schools.

[No. 20, H of R] A Bill granting to Orrin W. Rice the right to establish a Ferry across the head of the Bay of Superior.

Also, [No. 28, H of R.] A Bill granting to Wm. H. Oliver the right to establish and maintain a Ferry across Lake St. Croix.

And after some time passed therein,

The Committee rose, and by their chairman,

Reported bill No. 28, H of R, back to the House without amendments;

And bills No. 11, H of R, and No. 20, H of R, with amendments, and recommended their passage.

The report of the Committee of the Whole was accepted.

The question then recurring on agreeing to the amendments to

[No. 11, H of R] An Act to provide for the election of Superintendents of Common Schools,

They were concurred in.

The question recurring on ordering the bill to be engrossed for a third reading,

It was determined in the affirmative.

The question recurring on ordering

[No. 28, H. of R] A Bill granting to Wm. H. Oliver the right to establish and maintain a Ferry across Lake St. Croix,

To be engrossed for a third reading,

It was decided in the affirmative.

The question then recurring on concurring in the amendment to

(No. 20, H of R) A Bill granting to Orrin W. Rice the right to establish a ferry across the head of the Bay of Superior,

It was concurred in.

The question then recurring on ordering

No. 20, H of R, to be engrossed for a third reading,

It was decided in the affirmative.

Mr. Hanson moved

That the rules be suspended,

And that the House now resolve itself into a Committee of the Whole, for the purpose of taking into consideration

(No. 48, H of R) A Bill for an Act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

Which motion was not adopted.

Mr. Register, from the Committee on Engrossed Bills, made the following

#### REPORT :

The Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

(No. 19, H of R) A Bill to incorporate the Winona Ferry Company.

S. M. REGISTER,

C. S. CAVE,

Committee.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—

The President of the Council has signed

(No. 4, H of R) A Memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to the Territorial Prison:

The Council has passed

(No. 15, C F) A Bill to incorporate the city of St Anthony.

(No. 20, C F) A Bill to incorporate the Little Falls Bridge Company.

(No. 2, C F) An Act to amend an Act granting to Daniel F. Brawley the right to establish and maintain a Ferry across the Mississippi River.

(No 22, C F,) A bill to amend the revenue laws of Ramsey county.

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

The Council has passed

(No. 33, H of R,) An act to incorporate the St. Joseph's Hospital.

The bill is herewith returned.

The Governor has informed the Council that he did, on the 15th of February, approve and sign the following Council memorials:

[No 1, C F,] Memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation for the construction of a military road.

[No 3,] Memorial to Congress for an appropriation of \$10,000 for the construction of a military road from Fort Ripley to or near the mouth of Pembina river.

Mr. Dixon moved that

(No 2, C F,) A bill to provide for laying out certain Territorial roads,

Be taken up,

Which motion was adopted.

Mr. Dixon moved

That the bill be referred to the Committee of the Whole.

Which motion was adopted.

Mr. Hanson moved that

(No 37, H of R,) A bill to provide for laying out Territorial road from Chasca to the forks of Crow river,

Be taken up and referred to the Committee of the Whole.

Which motion was adopted.

On motion of Mr. Hanson

The House resolved itself into a Committee of the Whole,

Mr. Dixon in the chair,

For the purpose of taking into consideration

(No 12, C F,) An act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river. Also

(No 2, C F,) A bill to provide for laying out certain Territorial roads. Also

(No 37, H of R) A bill to lay out a Territorial road from Chasca to the forks of Crow river.

After some time passed therein, the committee rose, and by their chairman reported back

(No. 2, C F,) A bill to provide for laying out certain Territorial roads,

Without amendment, and recommended its indefinite postponement. Also

(No 37, H of R,) A bill to lay out a Territorial road from Chasca to the forks of Crow river,

With amendments.

The question then recurring on concurring in the amendments to

(No 37, H of R,) They were concurred in.

The question then recurring on ordering [No 37, H of R,] to be engrossed for a third reading,

It was ordered to be engrossed.

The question then recurring on indefinitely postponing

[No. 2, C F,]

Mr. Davis moved,

A call of the House,

The roll being called, Messrs. Brawley and Haus were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

The Sergeant at arms returned

And reported that he had notified the absent members, and that they were in attendance.

The question again recurring on the indefinite postponement of

[No. 2, C F,]

And the yeas and nays being called for and ordered, there were

Yeas, 7. }  
Nays, 11. }

Those who voted in the affirmative were

Mr. Andros,  
Davis,

Mr. Beatty,  
Haus,

Mr. Cavé,  
Sibley,  
Speaker—7.

Those who voted in the negative were

Mr. Brawley,  
Grant,  
Regester,

Mr. Dixon,  
Hanson,  
Rolette,  
Thompson,

Mr. Fridley,  
Lemay,  
Stanchfield,  
Willim—11.

So the motion was lost.

Mr. Sibley moved to strike out the 29th section and insert in lieu thereof, the following:

"And the expense of laying out such roads and of laying out roads heretofore authorized by the legislature of this Territory shall be paid out of the Territorial Treasury anything in any act heretofore passed by the Legislature of this Territory to the contrary notwithstanding."

Mr. Hanson moved

That the bill and amendments be laid on the table,

Which motion was adopted.

Mr. Hanson moved

That the vote by which

[No. 37, H of R.] A bill to lay out a Territorial road from Chasca to the forks of Crow river,

Was ordered to be engrossed for a third reading, be reconsidered,

Which motion was adopted.

Mr. Hanson moved

To amend the amendments adopted in committee of the whole, by adding the words "by way of" after Shakopee, in the 2d line of the 1st section,

Which motion was adopted.

The question then recurring on concurring in the amendment as amended,

It was determined in the affirmative,

The question then recurring on ordering the bill to be engrossed for a third reading,

It was determined in the affirmative.

Mr. Stanchfield, by the unanimous consent of the House,

Introduced (No. 57, H of R) A Bill supplementary to an Act entitled An Act to amend the Minnesota and Northwestern Railroad Company.

Mr. Hanson moved

That the rules be suspended, and that the bill be read the first and second times by its title.

Which motion was adopted.

The bill was read a first and second time and laid on the table to be printed.

Mr. Fridley moved that

(No. 5, H of R) An Act entitled An Act to amend "an Act incorporating the Minnesota and North Western Railroad Company," be taken from the table.

Which motion prevailed.

The question then recurring on the passage of the bill, the objection of the Governor to the passage of the bill to the contrary notwithstanding,

And the yeas and nays being taken there were

Yeas 12. }  
Nays 6, }

Those who voted in the affirmative were

Mr. Brawley,  
Grant,  
Lemay,  
Stanchfield,

Mr. Dixon,  
Haus,  
Regester,  
Thompson,

Mr. Fridley,  
Hanson,  
Rolette,  
Willim—12.

Those who voted in the negative were

Mr. Andros,  
Davis,

Mr. Beatty,  
Sibley,

Mr. Cave,  
Speaker—6.

Mr. Davis moved

That the House (the Council concurring) do now adjourn *sine die*.

The chair decided the motion out of order.

Mr. Dixon moved

That the House adjourn until 3 o'clock this afternoon.

Which motion was adopted.

So the House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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*AFTERNOON SESSION.*

3 O'CLOCK.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Beatty,  
Cave,  
Haus,  
Thompson,

Brawley,  
Grant,  
Hanson,  
Willim,  
Speaker.

The Chair informed the House

That there was not a quorum present.

A quorum having arrived,

The House proceeded to business.

Mr. Willim moved

To reconsider the vote by which the following resolutions were indefinitely postponed:

## RESOLUTION:

WHEREAS, The Act of Congress, entitled "An Act to organize the Territories of Nebraska and Kansas," approved May 30, 1854, does not contain the provision reserving to Congress the right to disapprove and annul the laws passed by the Legislative Assemblies and Governors of those Territories, but in express terms leaves the people of those Territories "*perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.*"

*And whereas,* The right of the people of the Territories of the United States to govern themselves is thereby recognized, and adopted, as part of the policy of the national government.

*And whereas,* By the 6th section of the act of Congress entitled "An act to establish the Territorial government of Minnesota," approved March 3d, 1849, it is provided, that all the laws passed by the Legislative Assembly and Governor of this Territory shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect, thus denying to the people of Minnesota the right of self government, given to the people of the Territories of Nebraska and Kansas.

*And whereas,* The House of Representatives of the United States has already, in the exercise of the power thus unjustly and invidiously reserved, resolved to disapprove of, and annul laws passed by the Governor and Legislative Assembly of Minnesota, relating solely to our own domestic affairs, thus violating the principles established by the organization of the territories of Nebraska and Kansas, and placing in jeopardy any and all of the laws enacted for the protection of the persons, liberties and property of our citizens, and reducing them to a condition of vassalage to a body, in the election of which, and in the proceedings of which they have no vote:

*Therefore, resolved,* By the House of Representatives of the Legislative Assembly of the Territory of Minnesota, that the Delegate to Congress from this territory be, and he is hereby requested to ask for, and urge to his utmost, the repeal of so much of the 6th section of the act of Congress, of March 3d 1849, as makes the laws passed by the Legislative Assembly and Governor of Minnesota, null and of no effect, if disapproved by Congress.

*Resolved,* That the chief clerk of the House of Representatives be, and he is hereby instructed to forward a certified copy of these preamble and resolutions to the Hon. Henry M. Rice, Delegate to Congress, FORTHWITH.

And the yeas and nays being called for and ordered, there were

Yeas 12. }  
Nays 3. }

Those who voted in the affirmative were,

Mr. Beatty	Mr. Brawley	Mr. Dixon
Fridley	Grant	Haus
Hanson	Regester	Rolette
Stanchfield	Thompson	Willim—12.

Those who voted in the negative were,  
 Mr. Cave                      Mr. Sibley                      Mr. Speaker—8.

So the vote was reconsidered,

Mr. Thompson offered the following amendments:

Strike out in the 4th paragraph of the preamble, the words "in the exercise of the power thus unjustly and invidiously reserved."

Strike out all of said paragraph after "Assembly of Minnesota."

Strike out in first paragraph of preamble all after "those Territories."

The resolutions as amended, were read as follows:

### RESOLUTIONS:

WHEREAS, the act of Congress, entitled "An act to organize the Territories of Nebraska and Kansas," approved May 30, 1854, does not contain the provision, reserving to Congress the right to disapprove and annul the laws passed by the Legislative Assemblies and Governors of those Territories.

*And whereas,* The right of the people of the Territories of the United States to govern themselves was thereby recognized, and adopted, as a part of the policy of the national government.

*And whereas,* By the 6th section of the act of Congress entitled "An act to establish the Territorial government of Minnesota," approved March 3d, 1849, it is provided that all the laws passed by the Legislative Assembly and Governor of this Territory shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect, thus denying to the people of Minnesota the right of self government, given to the people of the Territories of Nebraska and Kansas.

*And whereas,* The House of Representatives of the United States, has already resolved to disapprove of, and annul laws passed by the Legislative Assembly of Minnesota.

*Therefore resolved,* By the Council of the Legislative Assembly of the Territory of Minnesota, that the Delegate to Congress from this Territory be, and he is hereby requested to ask for, and urge to his utmost, the repeal of so much of the 6th section of the act of Congress, of March 3d, 1849, as makes the laws passed by the Legislative Assembly and Governor of Minnesota null and of no effect, if disapproved by Congress.

*Resolved,* That the Chief Clerk of the House of Representatives be, and he is hereby instructed to forward a certified copy of this preamble, and resolutions, to the Hon. Henry M. Rice, Delegate to Congress, FORTHWITH.

The question being taken on the adoption of the amendments,  
 They were adopted.

The question then recurring on the adoption of the resolutions as amended,  
And the yeas and nays being called for and ordered, there were,

Yeas 12. }  
Nays 6. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson,
		Willim.

Those who voted in the negative were

Mr. Beatty,	Mr. Brawley,	Mr. Cave,
Haus,	Sibley,	Speaker.

So the resolutions as amended were adopted.

Mr. Rolette moved

That the rules be suspended, and that

(No. 59, H of R) A Bill supplementary to an Act entitled An Act to amend the  
M. & N. W. R. R. Co.,

Be taken up.

And the yeas and nays being called for and ordered, there were

Yeas, 12, }  
Nays, 4. }

Those who voted in the affirmative were,

Mr. Brawley,	Mr. Dixon,	Mr. Fridley,
Grant,	Haus,	Hanson,
Lemay,	Register,	Rolette,
Stanchfield,	Thompson,	Willim.

Those who voted in the negative were

Mr. Beatty,	Mr. Cave,	Mr. Sibley,
		Speaker.

So the motion was adopted.

Mr. Dixon moved

That the rules be suspended,

And that the bill be now read a third time;

Which motion was adopted.

The bill was read a third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were,

Yeas, 12. }  
Nays, 4. }

Those who voted in the affirmative were

Mr. Brawley,	Mr. Dixon,	Mr. Fridley,
Grant,	Haus,	Hanson,
Lemoy,	Register,	Rolette,
Stanchfield,	Thompson,	Willim.

Those who voted in the negative were,

Mr. Beatty,

Mr. Cave,

Mr. Sibley,  
Speaker

So the Bill passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

On motion of Mr. Sibley,

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

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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**MONDAY.**

FEBRUARY 10, 1844.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Andros,  
Cave,  
Davis,  
Grant,  
Hanson,  
Rolette,  
Stanchfield,  
Willim,

Mr. Beatty,  
Dixon,  
Fridley,  
Haus,  
Regester,  
Sibley,  
Thompson,  
Speaker.

Prayer by the Rev. Mr. Hodsdon.

The Clerk commenced reading the Journal.

On motion of Mr. Dixon,

The further reading of the Journal was dispensed with.

Mr. Brawley, on leave granted, introduced,

(No. 7, H of R) A memorial for an appropriation of \$5,000 to extend the Mendota and Big Sioux road from Mendota to the west bank of the Mississippi River, opposite St. Paul.

Which was read the first and second times,

And laid on the table to be printed.

Mr. Fridley presented the petition of Daniel Baldwin and 38 other citizens of St. Anthony and vicinity praying that the northern boundary of St. Anthony as laid down in the act to incorporate said town, may be altered.

Mr. Stanchfield presented the remonstrance of W. A. Cheever and 15 other citizens of St. Anthony city, remonstrating against being incorporated with the village of St. Anthony.

Mr. Grant, by the unanimous consent of the House, introduced

[No. 10, H. of R.,] A bill for an act granting to John L. Wilson, Anton Edelbrook, and William A. Corbett, the right to establish and maintain a Ferry across the Mississippi river at Saint Cloud.

The bill was read the first and second times, and laid on the table to be printed.

Mr. Willim presented the petition of G. T. Curtis and 36 other citizens of Washington county, praying the repeal of section 2, chapter 21 of the Session Laws, approved March 4th, 1854.

Which was read and referred to the Committee on Territorial Affairs.

Mr. Davis presented the following resolutions:

WHEREAS, Members of this House are openly charged, in the streets, and through the public presses of this city, with being subjects of bribery—that members of this House have received from the agents or friends of the Minnesota and North Western Railroad company, a reward or promise of reward for their votes in favor of the passage of House Bill, No. 5, entitled

“An act to amend an act incorporating the Minnesota and Northwestern Railroad company.”

And whereas, These reports, (as we believe) are almost universally, throughout the community, accredited as true,

And whereas, Such reports and charges are derogatory to the honor of this House and if true, should consign the guilty parties to eternal infamy, Therefore

Be it resolved, That a committee of three be appointed by the chair to enquire into said charges, and report to this House at the present session; and that said committee be empowered to send for persons and papers, administer all necessary oaths, and do all the acts necessary to elicit the truth in the premises.

Mr. Hanson moved,

That the resolutions be laid on the table.

And the yeas and nays being called for and ordered, there were,

Yeas 9. }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Brawley  
Hanson  
Rolette

Mr. Dixon  
Haus  
Thompson

Mr. Grant  
Regeater  
Willim—9.

Those who voted in the negative were,

Mr. Andros,  
Davis,

Mr. Beatty,  
Sibley,

Mr. Cave,  
Speaker.

So the resolution was laid on the table.

Mr. Dixon, by the unanimous consent of the House, introduced  
(No. 61, H of R) A bill entitled an act to incorporate the Stillwater and Lake Superior Railroad Company.

Which was read the first and second times,

And laid on the table to be printed.

Messages from the Council being in order,

The following message was taken up and read:

MR. SPEAKER:—

I have been directed by the President of the Council to call upon the House for the petition of certain citizens of M. T., praying for the restoration to civil rights of Ephraim H. Whitaker; and succo other documents touching the matter.

Also, the petition of Geo. H. Fletcher for a divorce from his wife, Jane Fletcher.

I am directed by the Council to return

(No. 8, C F) A bill to provide for the improvement of the navigation of the Minnesota river.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Council has passed

A bill for an act granting to Antoine Roberts the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives, in Le Sueur county.

With an amendment, and an amendment to its title.

The Council has passed

(No. 18, C F) A bill entitled an act to restore Ephraim H. Whitaker his civil rights as a citizen of the United States.

Also, (No. 4, H of R,) A bill for an act to incorporate the Stillwater Ferry Company.

Mr. Hanson moved that

No. 8, C F) A bill to provide for the improvement of the navigation of the Minnesota river,

Be referred to the Committee of the Whole.

Which motion was adopted.

On motion of Mr. Hanson,

The House resolved itself into a Committee of the Whole,

Mr. Cave in the chair,

For the purpose of taking into consideration

(No. 8, C F) A bill to provide for the improvement of the navigation of the Minnesota river.

After some time passed therein,

The Committee rose,

And by their chairman reported back the bill with an amendment.

And recommended its passage.

The report of the Committee of the Whole, was accepted.

The question then recurring on concurring in the 1st amendment as proposed by the Committee of the Whole,

To strike out 17th section of the Bill,

It was concurred in.

The question then recurring on concurring in the second amendment adopted in committee of the whole, viz: By adding to the 16th section the following words:

*Provided*, That nothing herein shall be so construed, as to assume that the Legislative Assembly confers any right on said company to occupy any lands belonging to any tribe of Indians, without authority from the proper department of the general government.

It was concurred in.

The question then recurring on ordering the bill to a third reading.

It was determined in the affirmative.

The bill was read a third time.

The question then recurring, on the passage of the bill,

So the bill was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

The following Council message was also taken up and read:

MR. SPEAKER:—

The President of the Council has signed

(No. 4, H of R) A memorial of the Legislative Assembly of Minnesota Territory, to Congress, for an appropriation to the Territorial prison.

The Council has passed

(No. 15, C F) An act to incorporate the city of St. Anthony.

[No. 20, C F] An act to incorporate the Little Falls Bridge Company.

[No. 21, C F] An act to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river.

[No. 22, C F] A bill to amend the revenue laws of Ramsey county.

In which the concurrence of the H. of R. is respectfully requested.

The Council has passed

[No. 33, H of R] An act to incorporate the St. Joseph's Hospital.

The bill is herewith returned.

The Governor has informed the Council that he did, on the 15th Feb., approve and sign the following Council

#### MEMORIALS:

[No. 1, C F] Memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation for the construction of a military road.

[No. 3.] Memorial to Congress for an appropriation of \$10,000, for the construction of a military road from Fort Ripley to or near the mouth of Pembina river.

[No. 15, C F] A bill to incorporate the city of St. Anthony,

Was taken up and read the first and second times.

Mr. Davis moved,

That the Preamble Resolutions offered by him this morning be taken from the table.

Which motion was adopted.

The Preamble and Resolutions were taken up.

Mr. Sibley moved

To amend the resolution, by adding thereto the following:

“And the said committee shall also have power to inquire into all charges, which may have been made on reliable authority, touching the offering to or acceptance by members of this House of bribes, in any shape whatever.”

Mr. Hanson moved

That the preamble and resolutions with the amendment be laid on the table,

And made the special order of the day for to-morrow morning at 12 o'clock.

Which motion was adopted.

[No. 20, C F] A bill to incorporate the Little Falls Bridge Company,

Was taken up, and read the first and second times.

[No. 21, C F] A bill to amend an act granting to D. F. Brawley the request to establish and maintain a ferry across the Mississippi river,

Was taken up, and read the first and second times.

[No. 22, C F] A bill to amend the revenue laws of Ramsey county,

Was taken up, and read the first and second times.

The following message was taken up and read.

MR. SPEAKER;—

The Council has passed,

(No. 10, H of R,) For an act granting to Antoine Roberts the right to establish a ferry across the Minnesota river at the terminus of the territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county.

With an amendment and an amendment to its title;

The Council has passed,

(No. 18, H. of R.) A bill entitled an act to restore to Ephraim H. Whitaker his civil rights as a citizen of the United States;

(No. 4, H of R,) To incorporate the Stillwater ferry company;

(No. 10, H of R,) A bill for an act granting to Antoine Roberts, the rights to establish and maintain a ferry across the Mississippi river at the terminus of the territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county.

With the amendments as adopted by the Council was taken up.

The question recurring on agreeing to the Council amendments to the bill;

Mr. Davis moved,

A call of the House;

The roll being called, Messrs. Andros, Beatty, and Bolette were reported absent.

The Speaker directed the Sergeant-at-Arms, to notify the absent members to appear in their seats.

The Sergeant-at-Arms returned and reported that the absent members were in their seats;

The question again recurring in agreeing to the amendment of the Council,

Mr. Rolette moved,

A call of the House;

The roll being called, all the members were reported present;

The question again recurring in agreeing to the amendment,

And the yeas and nays being called for and ordered there were,

Yeas 8. }  
Nays 10. }

Those who voted in the affirmative were

Mr. Grant,	Mr. Hanson,	Mr. Register,
Rolette,	Thompson	Willim,
	Dixon,	Speaker—8.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Fridley,
Haus,	Lemay,	Sibley,
		Stanchfield—10.

So the House refused to concur in the amendment.

The question then recurring on concurring in the Council amendment to the title of the Bill.

It was determined in the negative.

Mr. Sibley moved

(No. 14, C F,) A bill to define the boundaries of certain counties,

Be taken up,

Mr. Rolette moved

That the House do now adjourn,

And the yeas and nays being called for and ordered, there were

Yeas, 14. }  
Nays, 4. }

As follows:

Those who voted in the affirmative were

Mr. Dixon,	Mr. Grant,	Mr. Rolette,
		Thompson—4.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Fridley,
Haus,	Hanson,	Lemay,
Register,	Sibley,	Stanchfield,
	Willim,	Speaker—14.

So the House refused to adjourn.

Mr. Hanson moved,

A call of the House.

The roll being called, all the members were reported present,

Mr. Fridley moved,

That the House adjourn until this afternoon at 3 o'clock,

And the yeas and nays being called for and ordered, there were,

Yeas 8. }

Nays 10. }

As follows:

Those who voted in the affirmative were

Mr. Dixon,

Mr. Fridley,

Mr. Grant,

Regester,

Rolette,

Stanchfield,

Thompson,

Willim—8.

Those who voted in the negative were

Mr. Andros,

Mr. Beatty,

Mr. Brawley,

Cave,

Davis,

Haus,

Hanson,

Lemay,

Sibley,

Speaker—10.

So the House refused to adjourn,

Mr. Regester moved

A call of the House,

The roll being called,

Mr. Stanchfield was reported absent

The Speaker directed the Sergeant at Arms to notify the absent member to appear in his seat.

The Sergeant at Arms returned and reported that he had notified the absent member, and that he was in attendance.

Mr. Dixon moved

That the House do now adjourn.

Which motion was lost.

The question then recurring on the motion of Mr. Sibley.

It was determined in the affirmative.

The bill was accordingly taken up.

The question then recurring on ordering the bill to be read a third time,

Mr. Rolette moved

That the bill be laid upon the table,

And the yeas and nays being called for and ordered, there were

Yeas 6, }

Nays 12. }

Those who voted in the affirmative were

Mr. Dixon,

Mr. Grant,

Mr. Rolette,

Stanchfield,

Thompson,

Willim,

Those who voted in the negative were

Mr. Audros,  
Cave,  
Haus,  
Regester,

Mr. Beatty,  
Davis,  
Hanson,  
Sibley,

Mr. Brawley,  
Fridley,  
Lemay,  
Speaker.

So the motion was lost.

Mr. Sibley moved the previous question,

The question then being, shall the main question be now put?

It was determined in the affirmative.

The question then recurring,

Shall the bill be now read the third time?

It was determined in the affirmative.

Mr. Hanson moved

That the rules be suspended, and that the bill be read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

On motion of Mr. Fridley,

The House adjourned until this afternoon at 3 o'clock.

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### AFTERNOON SESSION.

3 O'CLOCK P. M.

The House met pursuant to adjournment; and was called to order by the Speaker,

The roll being called,

The following members answered to their names:

Cave,

Davis,

Fridley,

Lemay,

Rolette,

Thompson,

Dixon,

Willim,

Grant,

Regester,

Sibley,

Speaker,

Mr. Davis from a select committee, to which was referred

(No. 26, H of R,) A bill for an act to grant to mechanics and others a lien on houses and other buildings;

Reported the bill back to the House with recommendation, that the bill be amended by striking out the third section;

The report of the committee was accepted;

Mr. Rolette from the joint committee on enrolled bills made the following report;  
The joint committee on enrolled bills have examined and found correctly enrolled the following memorial:

(No. 6, H. of R.) A memorial to Congress for appropriations in Minnesota Territory;

I- VAN ETEN,  
*Ch'n Com. Com.*  
D. F. BRAWLEY,  
*Ch'u House Com.*  
JOSEPH ROLETTE,  
W. P. MURRAY.

The Speaker signed the following memorial;

(No. 6, H. of R.) A memorial to Congress for an appropriation in Minnesota Territory;

Mr. Willim moved that,

(No. 56, H. of R.) A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company;

Be taken up and referred to the committee of the whole;

Which motion was adopted;

On motion of Mr. Thompson,

The House resolved itself into a committee of the whole,

Mr. Davis in the Chair,

For the purpose of taking into consideration

(No. 56, H. of R.) A bill to amend an act entitled "An act to incorporate the Minnesota and Western Railroad Company.

Also,

(No. 48, H. of R.) A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

Also,

(No. 14, C. F.) An act to incorporate the city of St. Anthony.

After some time passed therein, the committee rose, and by their Chairman reported that the committee have had the bills under consideration, and reported back

(No. 56, H. of R.) and (No. 48, H. of R.) to the House without amendment, and recommended their passage.

Also, the committee have had under consideration

No. 15, C F., and report it back to the House without amendment, and recommend that it be

Referred to the Committee on Incorporations.

The report of the Committee of the Whole was accepted.

The question then recurring on ordering

[No. 48, H of R] A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company,

To be engrossed for a third reading,

And the yeas and nays being called for and ordered, there were

Yeas, 11, }  
Nays, 4. }

As follows:

Those who voted in the affirmative were

Mr. Brawley,	Mr. Cave,	Mr. Dixon,
Fridley,	Grant,	Hanson,
Regester,	Rolette,	Stanchfield,
	Thompson,	Willim—11.

Those who voted in the negative were

Mr. Beatty,	Mr. Davis,	Mr. Sibley,
Speaker—4.		

So the bill was ordered to be engrossed for a third reading.

The question then recurring on ordering

(No. 56, H. of R.,) A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company,

To be engrossed for a thlrd reading,

And the yeas and nays being called for and ordered, there were

Yeas, 10, }  
Nays, 6. }

Those who voted in the affirmative were

Mr. Brawley,	Mr. Dixon,	Mr. Grant,
Haus,	Hanson,	Regester,
Rolette,	Stanchfield,	Thompson,
Willim—10.		

Those who voted in the negative were

Mr. Beatty,	Mr. Cave,	Mr. Davis,
Fridley,	Sibley,	Speaker—6.

So the bill was ordered to be engrossed for a third reading.

The question then recurring on concurring in that part of the report of the Committee of the Whole, which recommended that

(No. 15, C. F.,) An act to incorporate the city of St. Anthony,

Be referred to the Committee on Incorporations.

And the yeas and nays being called for and ordered, there were:

Yeas, 8, }  
Nays, 9. }

As follows:

Those who voted in the affirmative were

Mr. Beatty,	Mr. Brawley,	Mr. Cave,
Dixon,	Davis,	Haus,
	Sibley,	Speaker—8.

Those who voted in the negative were

Mr. Fridley,	Mr. Grant,	Mr. Hanson,
Lemay,	Regester,	Rolette,
Stanchfield,	Thompson,	Willim—9.

So the House refused to refer bill to the Committee on Incorporations.

Mr. Fridley moved

That the bill be referred to a select committee of three.

Which motion was adopted.

The Chair announced the following as the committee:

Messrs. Fridley, Sibley and Willim.

Mr. Sibley asked leave to be excused from serving on the committee;

Which leave was granted.

The chair appointed Mr. Davis in the place of Mr. Sibley.

Mr. Rolette moved

That the House do now adjourn;

And the yeas and nays being called for and ordered, there were

Yeas, 2, }  
Nays, 15. }

Those who voted in the affirmative were

Mr. Lemay, Mr. Stanchfield—2.

Those who voted in the negative were

Mr. Beatty,	Mr. Brawley,	Mr. Cave,
Dixon,	Davis,	Fridley,
Grant,	Haus,	Hanson,
Register,	Rolette,	Sibley,
Thompson,	Willim,	Speaker—15.

So the House refused to adjourn.

On motion of Mr. Davis

The House resolved itself into a Committee of the Whole,

Mr. Willim in the chair,

For the purpose of taking into consideration

(No. 46, H. of R.,) An act to incorporate the Pioneer Hook and Ladder Company, of the city of Saint Paul.

Also,

(No. 6, H. of R.,) A bill to provide for laying out certain Territorial Roads in Minnesota Territory.

After some time passed therein, the committee rose, and by their chairman, reported back the bills to the House with amendment, and recommended their passage.

The report of the Committee of the Whole was accepted.

The question then recurring on concurring on the amendments to

(No. 6, H. of R.,) A bill to provide for laying out certain Territorial roads in Minnesota Territory,

They were concurred in.

The question then recurring on ordering the bill to be engrossed for a third reading, It was determined in the affirmative.

The question then recurring on concurring in the amendments to

(No. 46, H. of R.,) A bill to incorporate the Pioneer Hook and Ladder Company of St. Paul,

As adopted by the Committee of the Whole,

Mr. Davis moved

To amend the amendments by striking out the word "repeal" in the last section.

Which motion was not adopted.

The amendments as adopted by the Committee of the Whole,

Were then concurred in.

The question then recurring on ordering the bill to be engrossed for a third reading,

It was determined in the affirmative.

Mr. Lemay moved that

No. 21, (H. of R.,) A bill entitled an act to incorporate the St. Paul and Sauk Rapids Plank-road Company.

Also,

(No. 35, H. of R.,) A bill to incorporate the Territorial Immigration Society.

Also,

(No. 36, H. of R.,) A bill for an act to incorporate the Minnesota Typographical Union.

be taken up, and referred to the Committee of the Whole:

Mr. Rolette moved,

That the House do now adjourn,

And the yeas and nays being called for and ordered, there were

Yeas 8, }

Nays 8. }

Those who voted in the affirmative were

Mr. Cave,

Mr. Davis,

Mr. Grant,

Haus,

Regeater,

Rolette,

Stanchfield,

Speaker.

Those who voted in the negative were,

Mr. Beatty

Mr. Brawley

Mr. Dixon

Hanson

Lemay

Sibley

Thompson

Willim—8,

So the House refused to adjourn.

The question then recurring on the motion of Mr. Lemay,

It was determined in the affirmative;

Mr. Brawley moved,

That the House do now adjourn;

And the yeas and nays being called for and ordered, there were

Yeas 8. }

Nays 8. }

Those who voted in the affirmative were,

Mr. Brawley

Mr. Cave

Mr. Davis

Grant

Haus

Rolette

Stanchfield

Thompson—8.

Those who voted in the negative were,

Mr. Beatty

Mr. Dixon

Mr. Hanson

33—H. R.

Lemay

Regester  
WillimSibley  
Speaker—8.

So the House refused to adjourn;

Mr. Stanchfield moved,

A call of the House;

The roll being called,

Mr. Andros was reported absent;

Mr. Sibley moved,

That Dr. Andros be excused from further attendance on this House during this day;

Which motion was adopted;

Mr. Davis moved,

That the House do now adjourn;

And the yeas and nays being called for and ordered there were,

Yeas 10. }

Nays 7. }

Those who voted in the affirmative were,

Mr. Brawley

Mr. Cave

Mr. Davis

Fridley

Grant

Haus

Rolettee

Stanchfield

Thompson

Speaker—10.

Those who voted in the negative were,

Mr. Beatty

Mr. Dixon

Mr. Hanson

Lemay

Regester

Sibley

Willim—7.

So the House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

## TUESDAY.

FEBRUARY 20, 1855.

The House met pursuant to adjournment, and was called to order by the speaker.

The roll being called, the following members answered to their names:

Beatty,	Brawley,
Cave,	Dixon,
Fridley,	Grant,
Haus,	Hanson,
Rolette,	Sibley,
Stanchfield,	Thompson,
Willim,	Speaker.

Prayer by the the Rev. Mr. Hodsdon.

The Clerk commenced reading the journal.

On motion of Mr. Brawley

The further reading of the journal was dispensed with.

Mr. Thompson presented the petition of Thomas H. Conniffie and 167 other citizens of Houston county, in relation to the County seat of said county.

Mr. Andros presented the memorial of

William G. M'Crovoy and 41 other citizens of Cass county, in Minnesota Territory, asking that the County seat of Cass county be located at Monticello in said county.

Also, a similar petition from John D. Taylor and 11 others.

Mr. Andros presented the petition of

D. T. Wood and 14 other citizens of Cass county, praying that said county may be organized, and that the county seat of said county may be established at Farmington, at Sauk Rapids.

Also, a petition of

F. L. Delisle and 50 other citizens of Cass county, praying that the county seat of said county may be located at Saint Cloud.

Mr. Cave moved,

That the petition be referred to the delegation from Cass and Benton county.

Which motion was adopted.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof appeared and delivered the following

## MESSAGE:

**MR. SPEAKER:—**

The Council has passed by a two-thirds vote,  
(No. 59, H. of R.) A Bill to amend an act entitled an act to incorporate the M. & N, W. R. R. Co.

The Bill and accompanying documents are herewith returned.

The Council has also passed  
(No. 59, H. of R.) A Bill supplementary to an act entitled an act to amend the M. & N. W. R. R. Co.

The amendments on which the concurrence of the H. of R. is requested.

Mr. Dixon presented the petition of  
C, Carli and 15 others in relation to the City charter of Stillwater.

Mr. Andros by the unanimous consent of the House, introduced  
(No. 62, H. of R.) An act to organize the county of Wight and for other purposes,  
Which was read the first and second times,  
And laid on the table to be printed.

Mr. Dixon on leave introduced  
(No. 63, H. R.) An act to amend an act entitled an act to incorporate the City of Stillwater, in the county of Washington.

Which was read the first and second times,  
And laid on the table to be printed.

Mr. Hanson, on leave granted, introduced  
(No. 64, H. R.) An act to establish the county seat of Carver county,  
Which was read the first and second times,  
And laid on the table to be printed.

Mr. Register, from the Committee on Engrossed Bills, made the following

## REPORT:

The Committee on Engrossed Bills have examined and found correctly engrossed the following bills:

(No. 48, H. of R.) A Bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company;

(No. 56, H of R) A bill to amend an act entitled "An Act to incorporate the Minnesota Western Railroad Company."

[No. 20, H of R] A bill granting to Orrin W. Rice the right to establish a ferry across the head of the Bay of Superior.

[No. 28, H of R] A bill granting to Wm. H. Oliver the right to establish and maintain a ferry across Lake Saint Croix,

[No. 37, H of R] A bill to lay out a Territorial Road from Chaska to the forks of the Crow River.

S. M. REGESTER,  
C. W. THOMPSON.

A message from the Council being announced,  
A. J. Morgan, Esq., Secretary thereof appeared and delivered the following

MESSAGE:

MR. SPEAKER:—

The Council has passed by a two-third vote,

[No. 4, H of R] A bill to amend an act entitled an act to incorporate the M. & N. W. R. R. Co.

Also, (No 59, H of R,) A bill supplementary to an act entitled an act to amend the M. & N. W. R. R. Co.,

With amendments, in which the concurrence of the House is requested.

The question then recurring on the concurrence of the House in the amendments made by the Council to

(No 59, H of R) A bill to amend an act entitled "An Act to incorporate the Minnesota and Northwestern Railroad Company,"

They were concurred in.

Bills for a third reading being in order,

The question recurred on ordering

(No. 56, H. of R.,) A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company,

To be read a third time, the bill was read a third time;

And it was determined in the affirmative.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

The question then recurring on ordering

(No. 19, H. of R.,) A bill to incorporate the Winona Ferry Company,

To be read a third time, it was determined in the affirmative.

The bill was read a third time.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

The question then recurring on ordering

(No. 18, H. of R.,) A bill granting to William H. Oliver the right to establish and maintain a ferry across Lake Saint Croix,

To be read a third time, it was determined in the affirmative.

The bill was read a third time.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on on agreeing to the title of the bill, it was agreed to.

The question then recurring on ordering  
(No. 37, H. of R.,) A bill to lay out a territorial road from Chaska to the forks of Crow river,

To be read a third time, it was determined in the affirmative.

The bill was read a third time.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to the title of the bill, it was agreed to;

A message from the Council being announced,

A. J. Morgan Esq., Secretary thereof appeared,

And delivered the following

### MESSAGE :

**MR. SPEAKER:—**

The Council has refused to concur in the first amendment of the House of Representatives, to

(No. 8, C. F.) A bill to provide for the improvement of the navigation of the Minnesota river;

And concurred in the balance.

I am directed by the Council to ask the H. of R, to return

(No. 22, C. F.) A bill to amend the revenue laws of Ramsey county :

The question then recurring on ordering,

[No. 48, H. of R.] A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad company,

To be read a third time,

Mr. Sibley moved,

That the bill be re-committed to the committee of the whole;

Which was determined in the affirmative.

Mr. Rolette, from the joint committee on enrolled bills,

Made the following

### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bill:

[No. 4, C. F.] A bill for an act to incorporate the town of Henderson, and for other purposes,

I. VAN ETTEN,

*Chairman Council Com.*

JOS. ROLETTE, } *House*

A. M. FRIDLEY, } *Committee.*

On motion of Mr. Hanson,  
The House resolved itself into a Committee of the Whole,  
Mr. Cave in the chair,

For the purpose of taking into consideration

(No 52, H of R) A bill for an act granting to Wm. Foster the right to establish and maintain a ferry across the Minnesota river, at San Francisco, in Carver county.

After some time passed therein,

The Committee arose, and by their Chairman reported back the bill to the House with amendments.

The report of the committee of the whole was accepted.

The question then recurring on concurring in the amendment adopted in committee of the whole,

They were concurred in.

The question then recurring, on ordering the bill to be engrossed for a third reading, It was determined in the affirmative,

On motion of Mr. Hanson,

The House resolved itself into a Committee of the Whole,  
Mr. Dixon in the Chair,

For the purpose of taking into consideration

(No. 21, H. of R.) A bill for an act to incorporate the German Reading Society, of Saint Cloud. Also,

(No. 13, H. of R.) A bill entitled an act to incorporate the Monticello Academy, at Monticello.

Pending the sitting of the Committee of the Whole.

A message from the Council being announced;

The Speaker took the Chair, when

A. J. Morgan, Esq., the Secretary thereof  
Appeared and delivered the following

#### MESSAGE :

MR. SPEAKER:—

The President of the Council has signed

(No. 6, H. of R.) A memorial to Congress for an appropriation in Minnesota Territory.

The Secretary having withdrawn,

The Committee resumed its sitting.

And after sometime passed therein,

The Committee rose,

And by their Chairman reported back

(No. 21, H of R,) With an amendment; and

(No. 13, H of R,) Without amendments.

The report of the Committee was accepted.

The question then recurring on concurring in the amendment to

(No. 21, H of R,) A bill for an act to incorporate the German Reading Society, of Saint Cloud;

Be now read a third time.

Which was determined in the affirmative.

Mr. Hanson moved,

That the rules be suspended;

And that the bill be read a third time by its title;

Which was determined in the affirmative.

The bill was read a third time by its title.

The question then recurring on the passage of the bill;

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Hanson moved,

That the rules be suspended, and that

[No. 13, H. of R.] A bill entitled an act to "incorporate" the Monticello Academy, at Monticello,

Be now read a third time:

Which was determined in the affirmative;

Mr. Hanson moved,

That the rules be suspended, and that the bill be read a third time by its title;

Which was determined in the affirmative;

The bill was read a third time.

The question then recurring on the passage of the bill, it was passed;

The question then recurring on agreeing to the title of the bill, it was agreed to.

On motion of Mr. Dixon,

The House resolved itself into a committee of the whole;

Mr. Willim in the chair;

For the purpose of taking into consideration

(No. 50, H. of R.) An act granting to John Hamilton, the right to establish and maintain a ferry across the St. Croix river; Also,

(No. 35, H. of R.) A bill to incorporate the Territorial Immigration Society; also,

[No. 36, H. of R.] A bill for an act to incorporate the Minnesota Typographical Union;

After some time passed therein, the committee rose, and by their chairman reported back

[No. 36, H. of R.] And

[No. 50, H. of R.] Without amendments; and

[No. 35, H. of R.] With amendments.

The report of the committee was accepted;

Mr. Dixon moved,

That the rules be suspended; that

[No. 50, H. of R.] An act granting to John Hamilton, the right to establish and maintain a ferry across the St. Croix river,

Be now read a third time by its title;

Which motion was adopted;

The bill was read a third time;

The question then recurring, on the passage of the bill, it was passed.

Mr. Dixon moved

A call of the House.

The roll being called,

Messrs. Brawley, Cave, Davis, Fridley and Haus were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

The Sergeant-at-Arms returned and reported the absent members in their seats.

The question then recurring on the title of the bill,

It was agreed to.

Mr. Hanson moved

That the rules be suspended, and that

(No. 35, H of R) A bill to incorporate the Territorial Immigration Society;

Be now read a third time by its title.

Which motion was adopted.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Hanson moved

That the rules be suspended, and that

(No. 36, H of R) An act to incorporate the Minnesota Typographical Union;

Be now read a third time by its title;

Which motion was adopted.

The bill was read a third time.

The question then recurring on the passage of the bill,

The bill passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Hanson moved

(No 7, H of R) A memorial to Congress for an appropriation of \$5000 to extend the Mendota and Big Sioux River Road from Mendota to the west bank of the Mississippi, opposite Saint Paul,

Be now taken up,

And that the rules be suspended, and the memorial be now read a third time by its title.

Which was determined in the affirmative.

The memorial was read a third time.

The question then recurring on the passage of the memorial,

It was passed.

The question then recurring on agreeing to the title of the memorial, it was agreed to.

Mr. Rolette moved a call of the House;

The roll being called, Mr. Fridley was reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

The Sergeant-at-Arms returned and reported that the absent member was in his seat.

The chair announced that the hour for taking up the special order of the day had arrived; the special order being the following resolutions; which were taken up and read:

### RESOLUTIONS :

*Whereas*, Members of this House are openly charged in the streets, and through the public presses of this city, with being subjects of bribery,—that members of this House have received from the agents or friends of the Minnesota and North-Western Railroad Company a reward or promise of reward for their votes in favor of the passage of House Bill No. 5, entitled “An act to amend an act incorporating the Minnesota and North-Western Railroad Company.”

*And whereas*, These reports, (as we believe) are almost universally, throughout this community, accredited as true.

*And whereas*, Such reports and charges are derogatory to the honor of this House and if true, should consign the guilty parties to eternal infamy,

*Therefore be it Resolved*, That a committee of three be appointed by the chair to inquire into said charges, and report to this House at the present session; and that said committee be empowered to send for persons and papers, administer all necessary oaths, and do all the acts necessary to elicit the truth in the premises.

“And the said committee shall also have power to inquire into all charges which may have been made on reliable authority, touching the offering to or acceptance by members of this House of bribes in any shape whatever.”

Mr. Dixon moved

That the resolutions be laid on the table.

And the yeas and nays being called for and ordered, there were

Yeas, 8, }  
Nays, 8. }

Those who voted in the affirmative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Hanson,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson—9.

Those who voted in the negative were

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Cave,	Davis,	Haus,
Sibley,	Willim,	Speaker—8.

So the House refused to lay the resolutions on the table.

Mr. Dixon moved,

That the resolutions be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas, 8. }  
Nays, 11. }

As follows:

Those who voted in the affirmative were

Mr. Dixon,  
Hanson,

Mr. Fridley,  
Regester,

Mr. Grant,  
Rolette,  
Thompson—7.

Those who voted in the negative were

Mr. Andros,  
Cave,  
Lemay,

Mr. Beatty,  
Davis,  
Sibley,  
Willim,

Mr. Brawley,  
Haus,  
Stanchfield,  
Speaker—11.

So the motion was lost.

Mr. Fridley moved,

That the House adjourn until three o'clock this afternoon.

And the yeas and nays being called for and ordered, there were

Yeas 4. }  
Nays 14. }

As follows:

Those who voted in the affirmative were,

Mr. Fridley,

Mr. Grant,

Mr. Stanchfield,  
Thompson—4.

Those who voted in the negative were,

Mr. Andros,  
Cave,  
Haus,  
Rolette,

Mr. Beatty,  
Davis,  
Hanson,  
Regester,  
Willim,

Mr. Brawley,  
Dixon,  
Lemay,  
Sibley,  
Speaker—14.

So the motion was lost.

Mr. Hanson moved,

That the House do now adjourn,

And the yeas and nays being called for and ordered, there were

Yeas, 11. }  
Nays, 7. }

As follows:

Those who voted in the affirmative were,

Mr. Brawley,  
Grant,  
Lemay,

Mr. Dixon,  
Haus,  
Regester,  
Stanchfield,

Mr. Fridley,  
Hanson,  
Rolette,  
Thompson—11.

Those who voted in the negative were

Mr. Andros,  
Davis,

Mr. Beatty,  
Sibley,

Mr. Cave,  
Willim,  
Speaker—7.

So the House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

**WEDNESDAY.**

FEBRUARY 21, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Beatty

Cave

Grant

Regeester

Sibley

Thompson

Speaker.

Brawley

Davis

Haus

Rolette

Stanchfield

Willim

Prayer by the Rev. Mr. Hodsdon.

The Clerk commenced reading the Journal;

On motion of Mr. Rolette,

The further reading of the Journal was dispensed with;

Mr. Rolette, from the Joint committee on enrolled bills, made the following

**REPORT :**

The Joint committee on enrolled bills have examined and found correctly enrolled the following bill :

(No. 18, H. of R.) A bill for an act entitled, an act to restore to Ephraim H. Whitaker, his civil rights as a citizen of the United States.

I. VAN ETTEN,

*Chairman Council Com.*

JOS. ROLETTE. } *House*  
A. M. FRIDLEY. } *Committee.*

Mr. Thompson presented the petition of Warren J. Howell and 21 others, praying for the formation of a new county, to be called the county of Jefferson.

Mr. Willim offered the following preamble and

### RESOLUTIONS :

*Whereas*, Certain of the public newspapers of the City of St. Paul have, during the last eight months and up to the present time, teemed with charges of fraud and corruption respecting the Legislature of this Territory, implicating as well the members of last session as of this.

*And Whereas*, Certain members of the Council in their places upon the floor of the Council have repeated and given currency to such charges,

*And Whereas*, The dignity and honor of this House and the reputation of the people of this Territory require that those charges be thoroughly investigated.

*Be it therefore resolved*, That a Committee of three be elected by this House, to enquire into and report upon all charges, allegations and complaints that may be brought to the notice of said Committee, respecting the offer to, or acceptance by any member of the Legislature, at its present session, of any money, or other valuable thing, with a view to influence the vote of such member, or to influence such member to refrain from voting or attending either House pending the passage of any bill, or the election of any printer or presiding officer or officers of either of said Houses, or whether any member has been so influenced by reason of, or approached by any person with or any promises of reward or preference of any kind, or whether threats have been made to any member, with a view to influence his vote by any executive officer of this Territory,

And said committee are required to report from time to time to this House, and they are at liberty, if they see fit, to set and proceed with such inquiry during the recess of the Legislature and report to this House at the next session thereof.

And said committee shall have power to send for persons and papers, administer oaths to witnesses, and do all other proper acts necessary to elicit the truth in the premises.

Mr. Sibley moved

To amend the resolutions, by striking out the following words: "be elected by this House,"

And inserting in lieu thereof the following: "to be appointed by the chair."

And the yeas and nays being called for and ordered, there were

Yeas, 5. }  
Nays, 12. }

Those who voted in the affirmative were

Mr. Beatty,	Mr. Brawley,	Mr. Cave,
Davis,	Sibley.	

Those who voted in the negative were

Mr. Dixon,	Mr. Fridley,	Mr. Grant,
Haus,	Hanson,	Lemay,
Regeester,	Willim,	Rolette,
Stanchfield,	Thompson,	Speaker.

So the amendment was not adopted.

Mr. Davis moved

That all members who have been charged with offering or receiving bribes, be precluded from voting on all motions in relation to the preamble and resolutions.

Mr. Dixon moved

That the motion be laid on the table; which was determined in the affirmative.

Mr. Sibley moved

That the preamble and resolutions be indefinitely postponed;

And the yeas and nays being called for and ordered, there were,

Yeas, 2. }  
Nays, 15. }

Those who voted in the affirmative were,

Mr. Beatty,	Sibley.
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Those who voted in the negative were

Mr. Brawley,	Cave,	Dixon,
Davis,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Regeester,	Rolette,	Stanchfield,
Thompson,	Willim,	Speaker.

So the motion was lost.

Mr. Davis moved

To amend the resolution by requiring the committee to report during the present session of the Legislature.

And the yeas and nays being called for and ordered, there were

Yeas 16. }  
Nays 1. }

Those who voted in the affirmative were

Mr. Beatty,	Brawley,	Cave,
Dixon,	Davis,	Fridley,
Grant,	Haus,	Lemay,
Regeester,	Rolette,	Sibley,
Stinchfield,	Thompson,	Willim,
Speaker.		

Those who voted in the negative were

Mr. Hanson,

So the motion was adopted.

A message from the Council being announced, A. J. Morgan, Esq., the secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—

The Council has passed the following

### RESOLUTION:

*Resolved*, That there be printed for the use of the two Houses 5000 copies of the act to incorporate the Minnesota and North-Western Railroad Company, together with the proceedings of both Houses in relation to said act, the message of the Governor notifying the Council that he had signed the same, so much of the Governor's Annual Message as relates to said corporation, the amendments to the act incorporating said Minnesota and North-Western Railroad Company, the proceedings of the two Houses relative to the amendatory bill, and the objections of the Governor to said amendment, as communicated to the House of Representatives, when said amendments were returned without the executive approval; also the bill supplementary to the amendments, and the proceedings of the two Houses on the passage of the same.

The President of the Council has signed

(No. 14, C. F.,) An act to incorporate the town of Henderson and for other purposes.

Also,

(No. 18, H. of R.,) An act to restore to Ephriam H. Whittaker his civil rights as a citizen of the United States.

The Council has passed

(No. 24, C. F.,) A bill to change the time of holding Courts in the county of Ramsey.

Mr. Sibley moved,

To amend the resolution by striking out the following words:

“And they are at liberty if they see fit to set and proceed with such inquiries during the recess of the Legislature, and report to this House at the next session thereof.”

Which motion was adopted.

The question again recurring on the adoption of the preamble and resolutions,

They were adopted.

Mr. Rolette moved

That the vote by which the preamble and resolutions were adopted be reconsidered.

And the yeas and nays being called for and ordered, there were,

Yeas 9. }  
Nays 8. }

As follows:

Those who voted in the affirmative were

Mr. Dixon, Haus, Rolette,	Mr. Fridley, Lemay, Stanchfield,	Mr. Grant, Register, Thompson—9.
Those who voted in the negative were,		
Mr. Beatty, Davis,	Mr. Brawley, Hanson, Willim,	Mr. Cave, Sibley, Speaker—8.

So the vote was reconsidered.

Mr. Rolette moved,

That the preamble and resolutions be referred to the committee on internal improvements.

Mr. Davis moved

To amend the motion by referring to the committee on the judiciary.  
The question then recurring on the adoption of the amendment,  
And the yeas and nays being called for and ordered, there were,

Yeas, 5. }  
Nays, 12. }

As follows:

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Cave,
	Davis,	Haus—5.

Those who voted in the negative were

Mr. Dixon,	Fridley,	Grant,
Hanson,	Lemay,	Register,
Rolette,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker—12.

So the motion was lost.

The question then recurring on the motion of Mr. Rolette,

It was determined in the affirmative.

Mr. Sibley on leave granted, introduced

(No. 65 H of R,) A bill entitled an act to establish the office of county auditor,

Which was read the first and second times,

And laid on the table to be printed.

Mr. Davis, on leave granted, introduced

(No. 66, H of R,) A bill to amend an act, entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota.

Mr. Davis moved,

That the rules be suspended

And that the bill be read the first and second times by its title.

Which motion was adopted.

The bill was read the first and second times,

And laid on the table to be printed.

Mr. Fridley by the unanimous consent of the House, introduced

(No. 67, H of R.) A Bill for an Act to increase the salary of the Territorial treasurer,

Which was read the first and second times,

And laid on the table to be printed.

Mr. Hanson, on leave granted, introduced

(No. 68, H of R.) A Bill for an act to incorporate the Minnesota & Northern Pacific Railroad Company.

Mr. Hanson moved

That the rules be suspended

And that the bills be read a first and second times by its title,

Which motion was adopted.

The bill was read the first and second times,

And laid on the table to be printed;

Mr. Dixon, on leave granted, introduced,

(No. 69, H. of R.) A bill entitled an act to incorporate the Minnesota Railroad company;

Mr. Sibley moved,

That the rules be suspended;

And the bill be read a first and second times by its title;

Which motion was adopted;

Mr. Regester from the committee on engrossed bills made the following

#### REPORT :

The committee on engrossed bills have examined and found correctly engrossed the following bills:

(No. 6, H. of R.) A bill to provide for laying out certain Territorial Roads in Minnesota Territory:

[No. 52, H. of R.] A bill for an act granting to Wm. Foster, the right to establish and maintain a ferry across the Minnesota river, at San Francisco, in Carver county.

S. M. REGESTER.

C. W. THOMPSON.

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

[No. 15, H. of R.] A bill to incorporate the city of St. Anthony, reported back the bill with amendments, and recommended their adoption.

Mr. Brawley, on leave granted, introduced,

[No. 70, H. of R.] An act to organize the county of Brown, and for other purposes; Which bill was read the first and second times, and laid on the table to be printed;

A message from the Council being in order,

The following message was taken up, and read:

MR. SPEAKER:—

The Council has refused to concur in the first amendment of the H. R. to

[No. 8, C. F.] A bill to provide for the improvement of the navigation of the Minnesota River,

And concurred in the balance;

I am directed by the Council to ask H. R. to retain,

[No. 22, C. F.] A bill to amend the revenue laws of Ramsey county;

[No. 8, C. F.] A bill to provide for the improvement of the navigation of the Minnesota river, was taken up;

Mr. Sibley moved,

That the House adhere to its first amendments to the bill, which was rejected by the Council;

Which motion was adopted;

So the House adhered to the amendments.

The following message was also taken up and read:

Mr. SPEAKER:—

The Council has passed the following resolution:

*Resolved*, That there be printed for the use of the two Houses 5,000 copies of the act to incorporate the Minnesota and North Western Railroad Company, together with the proceedings of both Houses in relation to said act, the message of the Governor notifying the Council that he had signed the same, so much of the Governor's annual message as relates to said corporation, the amendments to the act incorporating said Minnesota and North Western Railroad Company, the proceedings of the two Houses relative to the amendatory bill, and the objections of the Governor to said amendment, as communicated to the House of Representatives, when said amendments were returned without the Executive approval; also, the bill supplementary to the amendments, and the proceedings of the two Houses on the passage of the same.

The President has signed

(No. 4, C F) An act to incorporate the town of Henderson, and for other purposes.

(No. 18, H of R) An act to restore to Ephraim H. Whittaker his civil rights as a citizen of the United States.

The Council has passed

(No. 24, C F) A bill to change the time of holding courts in the county of Ramsey.

(No. 24, C F) A bill to change the time of holding the courts in Ramsey county.

Was taken up and read the first and second times.

Mr. Dixon moved

That the bill be referred to the Committee on the Judiciary.

Which motion was adopted.

Mr. Willim moved that

(No. 15, C F) A bill to incorporate the city St. Anthony;

Be taken up.

The amendments as reported by the select committee were read.

A message from the Council being announced,  
A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

## MESSAGE:

Mr. SPEAKER:—

The Council has refused to read from its amendments to

(No. 10, H of R) A bill for an act granting to Antoine Roberts the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial road from St. Paul to Traverse des Sioux, at a point where the said Robert lives, in Le Sueur county.

The question then recurring on the adoption of the first amendments to

(No. 15, C F) A bill to incorporate the city of St. Anthony, viz:

To insert in the second line of section 3d of chapter 1st, the words "running east and west in the line of said street," in lieu of the words "its extension west."

It was adopted.

The question then recurring on the adoption of the second amendment to the bill, viz:

By striking out the words "extending west," in the fourth line of said section, and inserting in lieu thereof the following words:

"Running east and west on the line of said street."

It was adopted.

The question then recurring on the adoption of the third amendment to the bill, viz:

To insert in the 5th line of said section between the words "extending" and "west" the words "east and;" it was adopted;

The question then recurring on the adoption of the 4th amendment to the bill, viz;

To insert in the first line of section second in chapter second after the word "members" the words "two from each;" it was adopted;

The question then recurring on the adoption of the 5th amendment to the bill, viz:

To strike out in the 9th line of the said section, the words "the city" and inserting in lieu thereof, the words "each respective ward;" it was adopted;

The question then recurring on the adoption of the 6th amendment to the bill, viz;

To strike out in the fourth line of the first section of the fourth chapter the words "and chapter," and insert in lieu thereof the word "section;" it was adopted.

The question then recurring on the adoption of the 7th amendment to the bill, viz:

To strike out in the 8th line of the same section the words, "all the elections," and insert in lieu thereof the words "the first election;" it was adopted;

The question then recurring on the adoption of the 8th amendment to the bill, viz;

To insert after the word "charter" in the same line of the same section, the words "and the return shall be made to the said Clerk of the Board of County Commissioners and he shall canvass the same, and issue certificates of election, to the person having the highest number of votes;" it was adopted;

The question then recurring on the adoption of the 9th amendment to the bill, viz;

To insert after the word "chapter," in the same line of the same section, the word "in;" it was adopted;

The question then recurring on the adoption of the 10th amendment to the bill, viz;

To insert after the word "same," in the same line of the same section, the word "manner;" it was adopted;

The question then recurring on the adoption of the 11th amendment to the bill, viz:

To add to the said section the following:

"*Provided*, That in all subsequent elections for choice of city officers, the elections shall be held in such manner as shall be prescribed by ordinance," it was adopted:

The question then recurring on the adoption of the 12th amendment to the bill, viz:

To strike out section eighth of chapter fifth, the word "pare," and insert in lieu thereof the word "repair;" it was adopted;

The question then recurring on the adoption of the 13th amendment to the bill, viz:

To add as an additional section to chapter 9th, the following:

SEC. 8. "The Legislature may alter or amend this act at any time," it was adopted;

The question then recurring on ordering the bill to be read a third time,

Mr. Dixon moved,

That the rules be suspended;

And that the bill be read by its title;

Which motion was adopted;

The bill was read a third time;

The question then recurring on the passage of the bill, it was passed;

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Hanson moved that

(No. 16, C F) An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi River.

Be taken up.

Which motion was adopted.

On motion of Mr. Dixon

The House resolved itself into a Committee of the Whole,

Mr. Davis in the chair,

For the purpose of taking into consideration

(No. 16, C F) An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi River.

Also, [No. 22, H of R,] A bill entitled an act to incorporate the St. Paul and Sauk Rapids Plank Road Company.

Also, a bill to provide for taking a census of the population of this Territory.

After some time passed therein,

The Committee rose, and by their chairman reported back No. 16, C F, with an amendment, and No. 22, H of R, and No. 7, C F, without amendment.

The question then recurring on concurring in the amendments, as adopted by the Committee of the Whole, to No. 16, C F,

It was concurred in.

Mr. Dixon moved

To amend the bill by striking out the name "Henrietta Goodhue," wherever it occurs in the bill, and inserting in lieu thereof the name "Henrietta Mann."

Which motion was adopted.

Mr. Cave moved

To amend the bill by inserting between the words "steam" and "power," in the third line of the second section, the words "or horse."

Which amendment was adopted.

The question then recurring on ordering the bill to be read a third time;

It was determined in the affirmative.

Mr. Dixon moved

That the rules be suspended, and that

The bill be read a third time by its title.

Which was determined in the affirmative.

The bill was read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following

#### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

(No. 14, C. F.,) A bill for an act to define the boundaries of certain counties.

I. VAN ETTEN, <i>Chm'n.</i>	} Committee.
J. ROLETTE,	
A. M. FRIDLEY,	

The question then recurring on ordering

(No. 22, H. of R.,) A bill to incorporate the St. Paul and Sauk Rapids Plank Road Company,

To a third reading,

Mr. Dixon moved

That the bill be indefinitely postponed;

Which motion was adopted.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Council has refused to concur in the passage of

(No. 35, H. of R.,) An act to incorporate the Territorial Immigration Society.

The Council has passed

(No. 7, H. of R.) Memorial to Congress for \$5000 to extend the Mendota and Big Sioux River Road from Mendota to the West bank of the Mississippi river opposite St. Paul.

(No. 56, H. of R.) A bill to amend an act to incorporate the Minnesota Western Railroad Company.

(No. 21, H. of R.) A bill to incorporate the German Reading Society of St. Cloud. And then he withdrew.

The question then recurring on ordering

[No. 7, C. F.,] A bill to provide for taking a census of the population of this Territory,

To be read a third time,

Mr. Rolette moved

That the bill be indefinitely postponed.

And the ayes and nays being called for and ordered, there were

Yeas 5, }  
Nays 11. }

Those who voted in the affirmative were

Mr. Dixon,

Rolette,

Grant,

Speaker—5.

Regeester,

Those who voted in the negative were

Mr. Beatty,

Fridley,

Lemay,

Thompson,

Rrawley,

Haus,

Sibley,

Willim—11.

Davis,

Hanson,

Stanchfield,

So the motion was lost.

The Speaker signed

(No. 14, C F,) A bill to define the boundaries of certain counties.

Mr. Dixon moved,

To amend

(No. 7, C F,) By striking out the words "fourth of July" in the 7th section of the bill and inserting in lieu thereof, the words "fifteenth day of August."

Which amendment was adopted.

Mr. Dixon moved,

To amend the bill

By striking out the word "July" in the 8th section and inserting the word "August" in lieu thereof.

Which motion was adopted.

The question then recurring on ordering, the bill to be read a third time,

It was determined in the affirmative.

Mr. Dixon moved,

That the rules be suspended,

And that the bill be read a third time by its title;

Which was determined in the affirmative.

The bill was read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Rolette moved,

That the House adjourn until this afternoon at 3 o'clock.

And the yeas and nays being called for and ordered, there were,

Yeas, 12. }  
Nays, 4. }

As follows:

Those who voted in the affirmative were

Mr. Beatty,	Brawley,	Dixon,
Fridley,	Grant,	Hanson,
Register,	Rolette,	Stanchfield,
Thompson,	Willim,	Speaker—12.

Those who voted in the negative were,

Mr. Cave,	Davis,	Haus,
		Sibley—4.

So the House adjourned until this afternoon at 3 o'clock.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

*AFTERNOON SESSION.*

3 O'CLOCK P. M.

The House met pursuant to adjournment,  
And was called to order by the Speaker.  
The roll being called,

The following members answered to their names:

Beatty,	• Brawley,
Cave,	Davis,
Fridley,	Haus,
Sibley,	Thompson,
	Speaker.

Mr. Cave moved  
That the House adjourn.

Mr. Dixon moved  
A call of the House.

The roll being called,  
Messrs. Andros, Grant, Hanson, Lemay, Rolette, Stanchfield and Willim,  
Were reported absent.

Mr. Davis moved  
That further proceedings under the call be dispensed with.  
And the yeas and nays being called for and ordered, there were

Yeas, 8, }  
Nays, 6. }

Those who voted in the affirmative were

Mr. Beatty,	Cave,	Davis,
Sibley,	Speaker—5.	

Those who voted in the negative were,

Mr. Brawley,	Dixon,	Fridley,
Haus,	Register,	Thompson—6.

So the motion was lost.

Mr. Hanson moved  
That the House do now adjourn.

Mr. Dixon moved  
A call of the House.  
The roll being called,

Messrs. Andros, Grant, Lemay and Rolette were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Davis moved

That further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 8. }

As follows:

Those who voted in the affirmative were,

Mr. Beatty,	Cave,	Davis,
Hanson,	Sibley,	Speaker—6.

Those who voted in the negative were

Mr. Brawley,	Dixon,	Fridley,
Haus,	Regester,	Stanchfield,
	Thompson,	Willim—8.

So the motion was lost.

Mr. Sibley moved

That the House adjourn.

And the yeas and nays being called for and ordered, there were

Ayes 5, }  
Nays 9. }

As follows:

Those who voted in the affirmative were were

Mr. Beatty,	Cave,	Davis,
Hanson,	Sibley—5.	

Those who voted in the negative were

Mr. Brawley,	Dixon,	Fridley,
Haus,	Regester,	Stanchfield,
Thompson,	Willim,	Speaker—9.

So the motion was lost.

Mr. Willim moved

That further proceedings under the call of the House be suspended.

Which motion was adopted.

Mr. Cave moved

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas 5, }  
Nays 10. }

As follows:—

Those who voted in the affirmative were

Mr. Beatty,	Cave,	Davis,
Hanson,	Sibley—5.	

Those who voted in the negative were

Mr. Brawley,  
Grant,  
Stanchfield,

Dixon,  
Haus,  
Thompson,

Fridley,  
Regester,  
Willim,  
Speaker—10.

So the House refused to adjourn.

Mr. Dixon moved that

[No. 5, C F] A bill to incorporate the Transit Railroad Company  
Be taken up.

Mr. Cave moved

A call of the House.

The roll being called, the Clerk reported

Messrs. Andros, Lemay and Rolette were absent.

Mr. Dixon moved

That further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays 4. }

Those who voted in the affirmative were

Mr. Brawley,  
Grant,  
Stanchfield,  
Speaker.

Dixon,  
Haus,  
Thompson,

Fridley,  
Regester,  
Willim,

Those who voted in the negative were

Mr. Beatty,  
Sibley—4.

Cave,

Davis,

So the motion prevailed.

Mr. Dixon renewed his motion.

Mr. Davis moved

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas 5, }  
Nays 10. }

Those who voted in the affirmative were

Mr. Beatty,  
Hanson,

Cave,  
Sibley—5.

Davis,

Those who voted in the negative were

Mr. Brawley,  
Grant,  
Stanchfield,  
Speaker—10.

Dixon,  
Haus,  
Thompson,

Fridley,  
Regester,  
Willim,

So the House refused to adjourn.

Mr. Cave moved

A call of the House.

The roll being called, Messrs. Andros, Lemay, and Rolette, were reported absent.

Mr. Davis moved

That the House do now adjourn;

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 7. }

Those who voted in the affirmative were

Mr. Beatty,	Cave,	Davis,
Hanson,	Thompson,	Willim,
Speaker—7.		

Those who voted in the negative were

Mr. Brawley,	Dixon,	Fridley,
Grant,	Haus,	Regester,
Sibley,	Stanchfield,	Willim—9.

Mr. Cave moved

That further proceedings under the call be dispensed with;

Which motion was adopted.

Mr. Davis moved

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas 7, }  
Nays 8. }

Those who voted in the affirmative were

Mr. Beatty,	Cave,	Davis,
Hanson,	Sibley,	Willim,
Speaker—7.		

Those who voted in the negative were,

Mr. Brawley,	Dixon,	Fridley,
Grant,	Haus,	Regester,
Stanchfield,	Thompson—8.	

So the House refused to adjourn.

Mr. Regester from the Committee on Engrossed Bills, made the following

### REPORT:

The Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

(No. 46, H. of R.) An act to incorporate the Pioneer Hook and Ladder Company, of the city of Saint Paul.

C. W. THOMPSON.

S. M. REGESTER.

*Committee*

The Sergeant-at Arms returned and reported the absent members in their seats, except Mr. Andros, who sent the following communication in writing:

FEBRUARY 21, 1855.

*Speaker of House of Representatives:*

My health forbids my being at the House of Representatives to-day, from which I would respectfully ask that I may be excused.

Very Respectfully.

F. ANDROS.

Mr. Sibley moved,

That Mr. Andros be excused from attendance on this House during this day;

Which was determined in the affirmative;

Mr. Brawley, by the unanimous consent of the House, introduced,

(No. 71, H. of R.) An act prescribing rules and regulations for the execution of the trust, arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances."

Mr. Hanson moved,

That the rules be suspended;

And that the bill be now read a third time by its title;

Which motion was lost;

The bill was laid on the table to be printed;

Mr. Register moved,

A call of the House;

The roll being called,

Messrs. Andros, Beatty, Cave, Dixon, Davis, Lemay and Rolette, were reported absent;

Mr. Davis moved,

That the proceedings under the call of the House be dispensed with;

Which motion was adopted.

Mr. Stanchfield, by the unanimous consent of the House, introduced,

(No. 72, H. of R.) An act entitled "An act to secure to the owners, their property in logs, masts, spars, and other timber;

Which was read the first and second times and laid on the table to be printed;

Mr. Dixon moved that,

[No. 2, C. F.] A bill to provide for laying out certain territorial roads, be taken up;

Which motion was adopted;

The question then recurring on the concurrence of the House, as reported by the committee on territorial roads,

They were concurred in;

Mr. Sibley moved

To amend the bill by striking out the 34th section,

And inserting in lieu thereof the words "and the expenses of laying out such roads, and laying out roads heretofore authorized by the Legislature of this Territory, shall be paid out of the Territorial Treasury, any thing in any act heretofore passed by the Legislature of this Territory, to the contrary notwithstanding."

The question being taken on the adoption of the amendment,  
And the yeas and nays being called for and ordered there were,

Yeas 4. }  
Nays 12. }

Those who voted in the affirmative were,

Mr. Beatty,	Cave	Hanson
		Sibley—4.

Those who voted in negative were,

Mr. Brawley	Dixon	Fridley
Grant	Haus	Lemay
Register	Rolette	Stanchfield
Thompson	Willim	Speaker—12.

So the amendment was not adopted;

Mr. Cave moved,

That the third section be amended,

By striking out the name of "Joseph R. Brown" and insert the name of N. M. McKennon in lieu thereof;

The question being taken on the adoption of the amendment,  
And the yeas and nays being called for and ordered, there were

Yeas, 8. }  
Nays, 8. }

Those who voted in the affirmative were,

Mr. Brawley	Cave	Dixon
Davis	Haus	Hanson
	Register	Rolette—8.

Those who voted in the negative were,

Mr. Beatty	Fridley	Grant
Sibley	Stanchfield	Thompson
	Willim	Speaker—8.

So the amendment was not adopted;

Mr. Cave moved,

To amend the 34th section,

By inserting after the word "paid" the words "by the town of Henderson;"

The question being taken on the adoption of the amendment,

And the yeas and nays being called for and ordered, there were

Yeas, 7, }  
Nays, 10. }

Those who voted in the affirmative were,

Mr. Beatty,  
Hau,

Cave,  
Sibley,

Davis,  
Willim,  
Speaker—7.

Those who voted in the negative were,

Mr. Brawley,  
Grant,  
Regester,

Dixon,  
Hanson,  
Roletta,

Fridley,  
Lemay,  
Stanchfield,  
Thompson—10.

So the amendment was lost.

Mr. Sibley moved,

That the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were,

Yeas, 6, }  
Nays, 11. }

Those who voted in the affirmative were,

Mr. Beatty, Cave,  
Sibley, Willim,

Davis,  
Speaker—6.

Those who voted in the negative were,

Mr. Brawley, Dixon,  
Grant, Hau,  
Lemay, Regester,  
Stanchfield,

Fridley,  
Hanson,  
Roletta,  
Thompson—11.

So the motion did not prevail.

The question then recurring on ordering the bill to be read a third time.  
It was determined in the affirmative;

Mr. Dixon moved,

That the rules be suspended,

And that the bill be now read a third time by its title;

Which motion was adopted;

The bill was read a third time;

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered there were,

Yeas 10. }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Brawley Dixon  
Grant Hanson  
Regester Roletta

Fridley  
Lemay  
Stanchfield  
Thompson—10,

Those who voted in the negative were,

Mr. Beatty Cave  
Sibley Willim

Davis  
Speaker—6.

So the bill passed;

The question then recurring on agreeing to the title of the bill,

Mr. Cave moved,  
 To amend the title,  
 By striking out all after the word "Bill," and inserting in lieu thereof, the words "to provide the town of Henderson and Joseph R. Brown with Territorial roads."

The question being taken on the adoption of the amendment, it was lost;

Mr. Sibley moved,  
 To amend the title by adding these to the following words:  
 "And to plunge the different counties of this Territory irretrievably into debt."

The question being taken on the adoption of the amendment,  
 And the yeas and nays being called for and ordered, there were

Yeas 6. }  
 Nays 10. }

Those who voted in the affirmative were,

Mr. Beatty	Cave	Davis
Sibley	Willim	Speaker—6.

Those who voted in the negative were,

Mr. Brawley	Dixon	Fridley
Grant	Hanson	Lemay
Register	Rolette	Stanchfield
		Thompson—10.

So the amendment was not adopted;

The question then recurring on agreeing to the title of the bill,  
 And the yeas and nays being called for and ordered, there were

Yeas 10. }  
 Nays 6. }

Those who voted in the affirmative were,

Mr. Brawley,	Dixon,	Fridley,
Grant,	Hanson,	Lemay,
Register.	Rolette,	Stanchfield,
		Thompson—10.

Those who voted in the negative were,

Mr. Beatty,	Cave,	Davis,
Sibley,	Willim,	Speaker—6.

So the title of the bill was agreed to.

Mr. Stanchfield moved

That the House do now adjourn,

And the yeas and nays being called for and ordered there were,

Yeas, 5, }  
 Nays, 11. }

Those who voted in the affirmative were,

Mr. Beatty,	Fridley,	Rolette,
	Willim,	Speaker—5.

Those who voted in the negative were,

Mr. Brawley	Cave,	Dixon,
-------------	-------	--------

Davis,  
Lemay,

Grant,  
Regester,  
Stanchfield,

Hanson,  
Sibley,  
Thompson—11.

So the motion did not prevail.

On motion of Mr. Dixon,

The House resolved itself into a Committee of the Whole,

Mr. Dixon in the Chair,

For the purpose of taking into consideration

(No. 5, C F,) A bill to incorporate the Transit Railroad Company. Also,

(No. 48, H of R,) A Bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

Also, (No. 8, H of R) A bill to amend an act entitled an act to incorporate the St. Anthony Boom Company, approved Feb. 7th, 1852.

After some time passed therein,

The committee rose,

And by their chairman reported back

They had under consideration

(No. 5, C F) A bill to incorporate the Transit Railroad Company.

Also, (No. 48, H of R,) A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

And reported progress and asked leave to sit again.

Leave was granted.

The committee also reported by their chairman,

That they had had under consideration,

(No. 8, H of R,) A bill to amend an act entitled an act to incorporate the St. Anthony Boom Company.

And reported the same back to the House without omenment.

On motion of Mr. Davis,

The House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

**THURSDAY,****FEBRUARY 22, 1855.**

The House met pursuant to adjournment, and was called to order by the Speaker. The roll being called, the following members answered to their names:

Mr. Beatty,	Mr. Brawley,
Cave,	Davis,
Grant,	Haus,
Regester,	Rolette,
Sibley,	Fridley,
Hanson,	Thompson,
Willim,	Speaker.

Prayer by the Rev. Mr. Hodadon.

The Clerk commenced reading the Journal.

On motion of Mr. Cave,

The further reading of the Journal was dispensed with.

Mr. Rolette presented the

**PETITION**

Of R. R. Peck, and 56 other citizens of Le Sueur county, requesting the Legislature to disannul the act of the County Commissioners relative to the county seat of Le Seur county, and praying that the Legislature may locate the county seat of said county at Le Seur City.

Mr. Rolette, on leave granted, introduced

[No. 73, H of R] An act to locate the county seat of Le Sueur county.

Which was read the first and second times,

And laid on the table to be printed.

Mr. Hanson, by the unanimous consent of the House,

Presented the petition of

Geo. F. Brott, and 50 other citizens of Minnesota,

Praying for the passage of an act

Granting to R. P. Russel and others the privilege of constructing a sluice or sluices over St. Anthony Falls.

Mr. Rolette, on leave granted, introduced

(No. 74, H of R) An act to provide for the appointment of a Commissioner of Emigration to the Territory of Minnesota.

Which was read a first and second times,  
And laid on the table to be printed.

Mr. Andros, on leave granted, introduced

(No. 75, H of R) The bill for an act to repeal an act entitled an act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes.

Which was read the first and second times,  
And laid on the table to be printed.

Mr. Thompson on leave granted, introduced,

(No. 8, H of R,) A memorial to Congress for \$10,000 for the continuation of the Mendota and Wabashaw road,

Which was read the first and second times,  
And laid on the table to be printed.

Mr. Rolette on leave granted, introduced

(No. 76, H of R,) An act granting to Ira Myrick, the right to establish and maintain a ferry across the Minnesota river at La Scur City.

Which was read the first and second times,  
And laid on the table to be printed.

Mr. Register from the Committee on Engrossed Bills, made the following

#### REPORT:

The Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

(No. 8, H of R,) A Bill to amend an act entitled "An act to incorporate the St. Anthony Boom Company."

Approved, February 27th 1852.

S. M. REGISTER,  
C. S. CAVE.

Mr. Willim on leave granted, introduced

(No. 77, H of R,) A bill to provide for the election of Supervisors of roads and other purposes,

Which bill was read the first and second times,  
And laid on the table to be printed.

Reports of Committees being in order,

Mr. Sibley from the Judiciary Committee introduced

(No. 78, H of R,) A bill to abolish imprisonment for debt, and for other purposes,  
Which was read the first and second times,

And laid on the table to be printed.

Mr. Sibley from the Committee on the Judiciary to which was referred the petition of George H. Fletcher, moved that the committee be discharged from the further consideration of the subject,

The question being taken on discharging the Committee from the further consideration on the subject.

It was determined in the affirmative.

Mr. Dixon from the committee on Internal Improvements, made the following

### REPORT :

The Committee on Internal Improvements to whom was referred a resolution relative to the dignity and honor of the House, beg leave to report the same back to the House, with an amendment as follows,

That the House appoint as a committee of investigation Messrs. Hanson, Cave and Sibley.

J. B. DIXON,  
J. ROLETTE,

The question recurring on agreeing to the amendments as reported by the committee; And the yeas and nays being called for and ordered there were,

Yeas 11, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Brawley,	Dixon,	Grant,
Haus,	Lemay,	Regester,
Rolette,	Stanchfield,	Thompson,
Willim,	Speaker—11.	

Those who voted in the negative were,

Mr. Andros,	Beatty,	Cave,
Davis,	Fridley,	Hanson,
Sibley—7.		

So the amendment was concurred in.

The question then recurring on the adoption of the following resolutions, as amended:

*Whereas*, Certain of the public newspapers of the city of St. Paul have during the last eight months and up to the present time, teemed with charges of fraud and corruption respecting the Legislature of this Territory, implicating as well the members of last session as of this;

*And Whereas*, Certain members of the Council in their places upon the floor of the Council have repeated and given currency to such charges;

*And Whereas*, The dignity and honor of this House and the reputation of the people of this Territory require that those charges be thoroughly investigated;

*Be it therefore Resolved*, That a committee of three be elected by this House, to enquire into and report upon all charges, allegations and complaints that may be brought to the notice of said committee respecting the offer to, or acceptance by any member of the Legislature at its present session, of any money or other valuable thing with a view to influence the vote of such members or to influence such member to refrain from voting or attending either House pending the passage of any bill, or the election of any printer

or presiding officer or officers of either of said Houses, or whether any member has been so influenced by reason of or approached by any person with or any promises of reward or preference of any kind, or whether threats have been made to any member with a view to influence his vote by any executive officer of this Territory.

And said committee are required to report from time to time to this House.

And said committee shall have power to send for persons and papers, administer oaths to witnesses, and do all other proper acts necessary to elicit the truth in the premises.

That this House appoint a committee of investigation, Messrs. Hanson, Caye and Fridley.

They were adopted.

Mr. Sibley moved

That the vote by which the Judiciary Committee were discharged from further consideration of the petition of George H. Fletcher asking for a divorce, be reconsidered.

Which motion was adopted.

Mr. Sibley, on leave,

Withdrew his motion.

Mr. Sibley moved,

That the Judiciary Committee be discharged from the further consideration of the petition of Reuben Robinson, asking a divorce.

Which motion was adopted.

Mr. Andros, from a select committee, made the following

#### REPORT :

The select committee to whom was referred the petition of Wright county, praying for the location of the county seat of said county at Monticello,

Would respectfully report:

That they have carefully examined said petition, that said petition is signed by a large majority of the inhabitants of said county.

We would therefore respectfully recommend that the prayer of said petitioners be granted.

Feb. 22, 1855.

F. ANDROS,  
JAMES BEATTY.

A message from the Council being announced,

A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following

#### MESSAGE :

MR. SPEAKER:—

(No. 10, H. of R.) A bill for an act granting to Antoine Roberts, the right to establish and maintain a ferry across the Mississippi river at the terminus of the Territorial Road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county,

Mr. Dixon moved

That a committee of conference be appointed upon the disagreement of the Council and House to the amendment made by the Council to No. 10, H. of R.

Which motion was adopted.

The chair appointed Messrs. Willim, Register and Davis as said committee of conference.

The following message was taken up and read:

**MR. SPEAKER:—**

The Council has refused to concur in the passage of

(No. 35, H. of R.,) A bill to incorporate the Territorial Immigration Society.

The Council has passed

(No. 7, H. of R.,) A memorial to Congress for an appropriation of \$5000 to extend the Mendota and Big Sioux road from Mendota to the west bank of the Mississippi river opposite St. Paul.

No. 56, H. of R.,) A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company."

(No. 21, H. of R.,) A bill for an act to incorporate the German Reading Society of Saint Cloud.

Bills for a third reading being in order, the question recurred on ordering

(No. 8, H. of R.,) A bill to amend an act entitled "An act to incorporate the Saint Anthony Boom Company," approved February 7, 1852,

To be read a third time,

The bill was read a third time.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

The question then recurring on ordering

(No. 20, H. of R.,) A bill granting to Orrin W. Rice the right to establish a ferry across the head of the Bay of Superior,

To be read a third time, it was determined in the affirmative.

The bill was read a third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 14, }

Nays 3. }

Those who voted in the affirmative were

Mr. Andros,

Dixon,

Grant,

Lemay,

Beatty,

Davis,

Haus,

Rolette,

Stanchfield,

Brawley,

Fridley,

Hanson,

Register,

Thompson.

Those who voted in the negative were

Mr. Sibley,

Willim,

Speaker,

So the bill was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to,

The question then occurring on ordering  
(No. 6, H of R) A bill to provide for laying out certain Territorial roads in Minnesota Territory

To be read a third time, it was determined in the affirmative.

Mr. Dixon moved

That the rules be suspended,

And the bill be read a third time by its title.

Which motion was adopted.

The bill was read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

The question then recurring on ordering

(No. 46, H of R) A bill to incorporate the Pioneer Hook and Ladder Company of St. Paul,

To be read a third time,

It was determined in the affirmative.

The bill was read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

The question then recurring on ordering

(No. 52, H. of R.,) A bill for an act granting to Willam Foster the right to establish and maintain a ferry across the Minnesota river, at the city of San Francisco, in Carver county,

To be read a third time,

Mr. Hanson moved

That the rules be suspended,

And that the bill be read a third time by its title.

Which motion was adopted.

The bill was read a third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were,

Yeas, 10, }  
Nays, 6. }

Those who voted in the affirmative were,

Mr. Brawley,

Grant,

Lemay,

Dixon,

Haus,

Register,

Davis,

Hanson,

Rolette,

Thompson—10.

Those who voted in the negative were

Mr. Andros,

Cave,

Sibley,

Mr. Stanchfield, Willim, Speaker—6.  
 So the bill passed.  
 The question then recurring on agreeing to the title of the bill,  
 It was agreed to.  
 A message from the Council being announced,  
 A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

## MESSAGE:

MR. SPEAKER:—

The Council has appointed Messrs. Brown, Stimpson and Stearns, a committee of conference on the disagreement to Council amendment to

(No. 8, C F,) To provide for the improvement of the navigation of the Minnesota river,

The Council has passed,

(No. 2, C F,) A bill to provide for laying out certain Territorial roads.

With amendment to House amendment to section 32, in which the concurrence of the H of R is respectfully requested.

The Council has passed,

(No. 36, H. of R.,) A bill for an act to incorporate the Minnesota Typographical Union.

(No. 50, H of R.) An act granting to John Hamilton, the right to establish and maintain a Ferry across the St. Croix river.

(No. 13, H of R,) A bill entitled an act to incorporate the Monticello Academy, at Monticello.

(No. 28, H of R,) An act granting to Wm. H. Oliver, the right to establish and maintain a ferry across Lake St. Croix.

(No. 19, H of R,) A bill to incorporate the Winona Ferry Company,  
 With amendments,

On motion of Mr. Sibley,

The House resolved itself into a Committee of the Whole,

Mr. Davis in the chair,

For the purpose of taking into consideration

(No. 48, H of R) A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

(No. 5, C F) A bill to incorporate the Transit Railroad Company.

A message from the Council being announced,

The Speaker took the chair, when

A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

## MESSAGE:

MR. SPEAKER:—

The President has signed

(No. 14, C F) A bill to define the boundaries of certain counties.

The Council has passed

(No. 25, C F) A bill supplementary to the act incorporating the Minnesota Historical Society;

In which the concurrence of the House is requested.

I am instructed by the Council to request of the House for future action,

(No. 35, H of R,) An act to incorporate the Territorial Immigration Society.

The Secretary having withdrawn,

The committee resumed its sitting, and after some time passed therein,

The committee rose, and by their chairman

Reported back the bills to the House with amendments.

The question recurring on concurring in the first amendment to

(No. 5, C F) A bill to incorporate the Transit Railroad Company,

As adopted in Committee of the Whole, viz:

To strike out the words "which shall be deemed personal property," in the 2d line of the 3d section.

It was amended in.

The question then recurring on concurring in the second amendment to the same bill:

"And the stockholders shall be individually liable for the debts of the corporation;"

And the yeas and nays being called for and ordered, there were,

Yeas 11, }

Nays 5. }

Those who voted in the affirmative were

Mr. Andros,

Cave,

Grant,

Reger,

Beatty,

Dixon,

Haus,

Speaker—11.

Brawley,

Davis,

Lemay,

Those who voted in the negative were,

Mr. Hanson,

Thompson,

Rolette,

Willim—5.

Stanchfield,

So the amendment was concurred in.

The question recurring on concurring in the third amendment, viz:

"So far as the Legislative Assembly have authority to confer such right;"

It was concurred in.

The question then concurring in the fourth amendment, viz:

"To strike out section 12;"

It was concurred in:

The question then recurring on concurring in the fifth amendment, viz:

"To strike out in the last line of section 16 the words 'in any manner destroying or impairing the vested right of said corporation;'"

It was concurred in.

The question then recurring on concurring in the amendment made to the bill in Committee of the Whole on yesterday, viz:

"To insert the name Hon. J. B. Dixon after the name E. D. Clinton, in the fourth line of the first section."

Mr. Sibley offered the following as an amendment to the amendment, viz:

To add to the first section the following words:

Provided that in no case shall any member of this Legislative Assembly be inserted as one of the incorporators under his charter.

The question being taken on the amendment as an amendment;

And the yeas and nays being called for and ordered, there were,

Yeas, 6, }  
Nays, 11. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Sibley,	Stanchfield,	Speaker—6.

Those who voted in the negative were

Mr. Cave,	Dixon,	Fridley,
Grant,	Haus,	Hanson,
Lemay,	Register,	Rolette,
Thompson,	Willim—11.	

So the amendment to the amendment was lost.

The question then recurring on concurring in the amendment,

And the yeas and nays being called for and ordered there were,

Yeas, 6. }  
Nays, 11. }

Those who voted in the affirmative were,

Mr. Brawley	Fridley	Haus
Hanson	Lemay	Thompson—8.

Those who voted in the negative were,

Mr. Andros	Beatty	Cave
Dixon	Davis	Grant
Register	Rolette	Sibley
	Willim	Speaker—11.

So the amendment was not concurred in;

Mr. Rolette moved,

That the vote by which,

The following amendment made to the third section of the bill, viz:

"And the stockholders shall be individually liable for the debts of the corporators."

Be reconsidered;

And the yeas and nays being called for and ordered there were,

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Dixon	Fridley
Hanson	Lemay
Rolette	Sibley

Grant  
Regester  
Thompson  
Willim—10.

Those who voted in the negative were,

Mr. Andros	Beatty
Cave	Davis

Brawley  
Haus  
Speaker—7.

So the vote was reconsidered;

The question then recurring on concurring in the said amendment,

It was determined in the negative;

Mr. Dixon moved,

That the rules be suspended,

And that the bill be read a third time by its title;

Which was determined in the affirmative;

The bill was read a third time;

The question then recurring on the passage of the bill,

It was passed;

The question then recurring on agreeing to the title of the bill,

It was agreed to;

The question then recurring,

On agreeing to the amendments to,

(No. 48, H. of R.) A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Comyany,

As adopted in the committee of the whole.

They were concurred in.

Mr. Davis moved,

To amend the third section, by striking out the words "which shall be deemed personal property" in the second line.

Which amendment was adopted.

The question then recurring on ordering the Bill to be engrossed for a third reading,

Mr. Dixon moved,

That the rules be suspended,

And that the bill be read a third time by its title,

Which motion was adopted.

The bill was read a third time,

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

On motion of Mr. Sibley,  
 The House resolved itself into a Committee of the Whole.  
 Mr. Cave in the Chair,  
 For the purpose of taking into consideration,  
 (No. 71, H of R,) An act prescribing rules and regulations for the execution of the trust, arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances. Also,  
 [No. 26, H of R,] A bill for an act granting to mechanics and others a lien on houses and other buildings.

With amendments as proposed by the select committee to which the bill was referred,  
 After some time passed therein,  
 The Committee rose,  
 And by their Chairman reported back  
 [No. 26, H of R,] With the amendments as reported by the Select Committee, without amendments, and  
 [No. 71, H of R.] With amendments.  
 And recommended their passage.  
 The report was accepted.

The question then recurring on concurring in the amendments to  
 [No. 26, H of R,] A Bill for an act granting to Mechanics and others a lien on houses and other buildings,

They were concurred in.

The question recurring on ordering the bill to be engrossed for a third reading,

Mr. Dixon moved

That the rules be suspended, and that the bill be now read a third time by its title.

Which motion was adopted.

The bill was read the third time.

The question then recurring on agreeing to the amendments to

(No. 71, H of R) An act prescribing rules and regulations for the execution of trust, arising under an act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances,

As adopted by the Committee of the Whole,

And the yeas and nays being called for and ordered, there were

Yeas, 4. }  
 Nays, 12, }

As follows:

Those who voted in the affirmative were

Mr. Dixon,

Davis,

Grant,

Stanchfield—4.

Those who voted in the negative were

Mr. Beatty,

Brawley,

Cave,

Fridley,

Haws,

Hanson,

Lanay,

Register,

Sibley,

Thompson,

Willim,

Speaker—12.



Those who voted in the negative were

Mr. Cave,	Dixon,	Davis,
Grant,	Stanchfield,	Willim—6.

A two-third vote being required to suspend the rules, the motion was not adopted.

Mr. Stanchfield moved

That the House adjourn until this afternoon at 3 o'clock;

And the ayes and nays being called for and ordered, there were

Yeas 4, }
Nays 12. }

Those who voted in the affirmative were

Mr. Cave,	Dixon,	Grant,
Stanchfield—4.		

Those who voted in the negative were

Mr. Beatty,	Brawley,	Davis,
Fridley,	Haus,	Hanson,
Lemay,	Regester,	Sibley,
Thompson,	Willim,	Speaker—12.

So the motion was lost.

Mr. Stanchfield moved

A call of the House.

The roll being called, Mr. Rolette was reported absent.

Mr. Sibley moved

That further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas, 14, }
Nays, 3. }

As follows:

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Davis,	Fridley,	Grant,
Haus,	Hanson	Lemay,
Regester,	Sibley,	Thompson,
	Willim,	Speaker—14.

Those who voted in the negative were,

Mr. Cave,	Dixon,	Stanchfield—3.
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So the motion prevailed.

Mr. Dixon moved,

That the House adjourn until this afternoon at 3 o'clock.

And the yeas and nays being called for and ordered, there were,

Yeas, 6. }
Nays, 12. }

As follows:

Those who voted in the affirmative were

Mr. Cave, Rolette,	Dixon, Stanchfield,	Grant, Willim—6.
Those who voted in the negative were,		
Mr. Andros, Davis, Hanson, Sibley,	Beatty, Fridley, Lemay, Thompson,	Brawley, Haus, Register, Speaker—12.

So the motion was lost.

Mr. Sibley called for the previous question.

The question then recurring,

Shall the main question be now put?

It was determined in the affirmative.

The question then recurring on ordering the bill to be engrossed for a third reading.

It was determined in the affirmative.

On motion of Mr. Sibley,

The House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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**FRIDAY.**

FEBRUARY 28, 1855.

The House met pursuant to adjournment, and was called to order by the *Speaker*;

The roll being called,

The following members answered to their names:

Beatty	Brawley
Cave	Grant
Register	Sibley
Fridley	Hanson
Thompson	Willim
	Speaker.

Prayer by the Rev. Mr. Hodsdon;

The Clerk commenced reading the Journal;

On motion of Mr. Cave,  
 The further reading of the Journal was dispensed with;  
 Mr. Sibley from the committee on the Judiciary, to whom was referred,  
 (No. 24, C. F.) A bill to change the times of holding courts in the county of Ramsey;

Reported back the same without amendments.

Messages from the Council being in order,

The following message was taken up:

MR. SPEAKER:—

The Council has appointed,

Messrs. Brown, Stimson and Stearns a committee of conference on the disagreement to Council amendment to

(No. 8, C. F.) A bill to provide for the improvement of the navigation of the Minnesota river;

The Council has concurred in the House amendments to,

(No. 7, C. F.,) A bill to provide for taking a census of the population of this Territory;

The Council has concurred in the amendments to

(No. 2, C. F.) A bill to provide for laying out certain Territorial roads;

With an amendment to the House amendment to sec. 32. In which the concurrence of the House is requested.

The Council has concurred in the House amendments to No. 2, C. F.

The Council has passed

(No. 36, H. of R.) A bill for an act to incorporate the Minnesota Typographical Union.

(No. 50, H. of R.) An act granting to John Hamilton the right to establish and maintain a ferry across the St. Croix river.

(No. 13, H. of R.,) A bill entitled an act to incorporate the Monticello Academy at Monticello.

(No. 28, H. of R.) A bill granting to William H. Oliver the right to establish and maintain a ferry across Lake St. Croix.

(No. 19, H. of R.) A bill to incorporate the Winona Ferry Company,

With amendments.

Mr. Dixon moved

The chair appoint a committee of conference to confer with a similar committee on the part of the Council, in relation to the disagreement of the House to Council amendments to

(No. 8, C. F.) To provide for the improvement of the navigation of the Minnesota river.

Which motion was adopted.

The chair appointed

Messrs. Dixon, Cave and Andros as said committee.

The question then recurring on concurring in the said amendment to the House amendment to

[No. 2, C. F.] A bill to provide for laying out certain Territorial roads,  
It was concurred in.

The following message was taken up and read:

**Mr. SPEAKER:—**

The President has signed

[No. 14, C. F.] A bill to define the boundaries of certain counties.

The Council has passed,

[No. 25, C. F.] A bill supplementary to the act incorporating the Minnesota Historical Society;

In which the concurrence of the House is requested;

I am instructed by the Council to request of the House for future action,

[No. 35, H. of R.] An act to incorporate the Territorial Immigration Society;

[No. 25, C. F.] A bill supplementary to an act to incorporate the Minnesota Historical Society, was taken up,

And read the first and second times;

Mr. Sibley moved,

That the rules be suspended,

And that the bill be read a third time;

Which motion was lost;

Mr. Dixon moved,

That the clerk be instructed to return to the Council for further consideration,

[No. 35, H. of R.] A bill to incorporate the Territorial Emigration Society;

Which motion was adopted;

Mr. Rolette, from the joint committee on enrolled bills,

Made the following

## REPORT :

The joint committee on enrolled bills have examined and found correctly engrossed the following bill, and memorial;

[No. 56, H. of R.] A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company;

[No. 6, C. F.] A bill to provide for laying out a Territorial road from St. Paul to Elliota;

(Nq. 7, H. of R.) A memorial to Congress for an appropriation of \$5000 to extend

the Mendota and Big Sioux River road from Mendota to the west bank of the Mississippi, opposite St. Paul.

I. VAN ETTEN,  
*Chairman.*  
J. ROLETTE,  
A. M. FRIDLEY,  
*Committee.*

Mr. Register, from the Committee on Engrossed Bills made the following

REPORT :

The Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

(No. 71, H. of R.,) An act prescribing rules and regulations for the execution of the trust, arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances.

J. M. REGISTER,  
C. THOMPSON.  
*Committee.*

The Speaker signed the following Bills and memorial:

(No. 56, H. of R.,) A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company.

(No. 6, C. F.,) A bill to provide for laying out a Territorial road from St. Paul to Elliot.

(No. 7, H. of R.,) A memorial for an appropriation of \$5000 to extend the Mendota and Big Sioux road from Mendota to the west bank of the Mississippi river opposite St. Paul.

Mr. Sibley moved

That the rules be suspended, and that

(No. 6, H. of R.,) A bill entitled an act to establish the office of County Auditor,  
Be taken up and referred to the Committee of the Whole;

Which motion was adopted.

Bills for third reading being in order, the question recurring on ordering

(No. 71, H. of R.,) An act prescribing rules and regulations for the execution of trust, arising under an act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances."

To be read the third time.

Mr. Hanson moved,

That the rules be suspended, and

That the bill be read a third time by its title;

Which motion was adopted,

The bill was read a third time,  
 The question then recurring on the passage of the bill,  
 It was passed.  
 The question then recurring on agreeing to the title of the bill,  
 It was agreed to.

On motion of Mr. Sibley,  
 The House resolved itself into a Committee of the Whole,  
 Mr. Hanson in the Chair,  
 For the purpose of taking into consideration,  
 (No. 65, H of R,) A bill entitled an act to establish the office of County Auditor,  
 After some time passed therein,  
 The Committee rose,  
 And by their Chairman,  
 Reported back the bill to the House with amendment.  
 The report of the Committee was accepted,  
 The question then recurring on concurring in the amendments to the bill,  
 As adopted in the committee of the whole,  
 They were concurred in,  
 The question then recurring on ordering the bill to be engrossed for a third reading.  
 It was determined in the affirmative.

On motion of Mr. Thompson,  
 The House resolved itself into a committee of the Whole,  
 Mr. Thompson in the Chair,  
 For the purpose of taking into consideration of,  
 (No. 25, C F,) A Bill supplementary to an act to incorporate the Minnesota Historical Society,  
 After some time passed therein,  
 The Committee rose,  
 And by their Chairman,  
 Reported back the bill to the House, without amendment.  
 The question then recurring on ordering the bill to be engrossed for a third reading  
 Mr. Fridley offered an amendment to the bill,

Mr. Sibley moved,  
 That the bill with the amendment be recommended to the Committee of the Whole,  
 And the yeas and nays being called for and ordered, there were

Yeas 8. }  
 Nays 9. }

Those who voted in the affirmative were,

Mr. Andros,  
 Cave,

Beatty,  
 Davis,  
 Sibley,

Brawley,  
 Haus,  
 Speaker—8.

Those who voted in the negative were,

Mr. Dixon,  
 Hanson,

Fridley,  
 Register,

Grant,  
 Rolette.

Mr. Stanchfield, Thompson, Willim—9.  
 So the motion was lost,

Mr. Sibley moved,  
 A call of the House.

Mr. Lemay was reported absent,  
 The Speaker directed the Sergeant at Arms to notify the absent member to appear  
 in his seat.

The Sergeant at Arms returned and reported  
 That he had notified the absent member, and that he was in attendance.

Mr. Dixon moved,  
 That all further proceedings under the call be dispensed with,  
 And the yeas and nays being called for and ordered, there were

Yeas 8, }  
 Nays 9. }

Those who voted in the affirmative were,

Mr. Dixon,	Fridley,	Grant,
Hanson,	Regester,	Rolette,
Stanchfield,	Thompson,	Willim—9.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
	Sibley,	Speaker.

So the motion was adopted.

Mr. Sibley moved,  
 That the House adjourn until this afternoon at 3 o'clock,  
 And the yeas and nays being called for and ordered, there were

Yeas 7. }  
 Nays 10. }

Those who voted in the affirmative were,

Mr. Andros	Beatty	Brawley
Davis	Haus	Rolette
		Sibley—7.

Those who voted in the negative were,

Mr. Cave	Dixon	Fridley
Grant	Hanson	Regester
Stanchfield	Thompson	Willim
		Speaker—10.

Mr. Fridley moved,  
 That Mr. Lemay be excused from further attendance in this House during this day;  
 And the yeas and nays being called for and ordered, there were

Yeas 10. }  
 Nays 5. }

Those who voted in the affirmative were,

Mr. Andros	Dixon	Fridley
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Grant  
Rolette

Hanson  
Stanchfield

Regester  
Willim  
Speaker—10.

Those who voted in the negative were,

Mr. Beatty

Brawley  
Davis

Cave  
Haus—5.

So the motion was adopted;

Mr. Davis moved,

That the bill and the amendment,

Be laid on the table, and made the special order of the day for to-morrow;

And the yeas and nays being called for and ordered, there were

Yeas 7. }  
Nays 10. }

Those who voted in the affirmative were,

Mr. Andros  
Cave

Beatty  
Davis

Brawley  
Haus  
Sibley—7.

Those who voted in the negative were,

Mr Dixon  
Hanson  
Stanchfield

Fridley  
Regester  
Thompson

Grant  
Rolette  
Willim  
Speaker—10.

So the motion was lost.

Mr. Brawley moved

That the bill and amendment be referred to the committee on Territorial Affairs.

And the yeas and nays being called for and ordered, there were

Yeas 7. }  
Nays 10. }

Those who voted in the affirmative were

Mr. Andros,  
Cave,

Beatty,  
Davis,

Brawley,  
Haus,  
Sibley—7.

Those who voted in the negative were

Mr. Dixon,  
Hanson,  
Stanchfield,

Fridley,  
Regester,  
Thompson,

Grant,  
Rolette,  
Willim,  
Speaker—10.

So the motion was lost.

Mr. Dixon called for the previous question.

The question then recurring,

“Shall the main question now be put?”

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 8. }

Those who voted in the affirmative were

Mr. Dixon,	Fridley,	Grant,
Hanson,	Regester,	Rolette,
Stanchfield,	Thompson,	Willim,
		Speaker—10.

Those who voted in the negative were

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
Lemay,	Sibley—8.	

So the House ordered the main question to be now put.

Mr. Haus moved

That the House adjourn.

The chair decided the motion out of order.

Mr. Brawley moved

A call of the House.

The roll being called, all the members were reported present.

The question then recurring on the adoption of the amendment,

And the yeas and nays being called for and ordered, there were

Yeas 10, }
Nays 8. }

As follows:

Those who voted in the affirmative were

Mr. Dixon,	Fridley,	Grant,
Hanson,	Regester,	Rolette,
Stanchfield,	Thompson,	Willim,
		Speaker—10.

Those who voted in the negative were

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
	Lemay,	Sibley—8.

So the amendment was adopted.

The question then recurring on ordering the bill as amended to be read a third time,

Mr. Davis moved

That the House adjourn.

The Speaker decided the motion out of order.

Mr. Davis appealed from the decision of the chair.

The question then recurring

“Shall the opinion of the Chair stand as the opinion of the House?”

And the yeas and nays being called for and ordered, there were

Ayes 10, }
Nays 8. }

Those who voted in the affirmative were

Mr. Dixon,	Fridley,	Grant,
Hanson,	Regester,	Rolette,

Mr. Stanchfield, Thompson, Willim,  
Speaker—10.

Those who voted in the negative were

Mr. Andros, Brawley, Cave,  
Davis, Haus, Lemay,  
Sibley—7.

So the opinion of the chair was sustained.

The question again recurring on ordering the bill as amended to be read a third time

And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays 7. }

Those who voted in the affirmative were

Mr. Dixon, Fridley, Grant,  
Hanson, Regester, Rolette,  
Stanchfield, Thompeon, Willim,  
Speaker—10.

Those who voted in the negative were

Mr. Andros, Beatty, Brawley,  
Cave, Davis, Haus,  
Lemay—7.

So the bill was ordered to be read a third time.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

Mr. SPEAKER:—

The Council has passed

(No. 25, C. F.) A bill supplementary to the act incorporating the Minnesota Historical Society.

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

The President has signed,

[No. 56, H. of R.] A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company;

[No. 7, H. of R.] A memorial to Congress for an appropriation of \$5000, to extend the Mendota and Big Sioux river road from Mendota to the west bank of the Mississippi river, opposite St. Paul;

(No. 6, C. F.) A bill to provide for laying out a Territorial road from St. Paul to Elliota;

The Council has passed,

(No. 6, H. of R.) A bill to provide for laying out certain Territorial roads in Minnesota Territory;

(No. 20, H. of R.) A bill granting to C. M. Rice the right to establish a ferry across the Bay of Superior;

(No. 52, H. of R.) A bill for an act granting to Wm. Foster, the right to establish

and maintain a ferry across the Minnesota river, at the city of San Francisco, in Carver county.

(No. 46, H. of R.) A bill to incorporate the Pioneer Hook and Ladder Company of St. Paul;

(No. 35, H. of R.) A bill to incorporate the Territorial Immigration Society;

(No. 25, H. of R.) A bill supplementaty to the act incorporating the Minnesota Historical Society;

Was read a third time.

Mr. Davis moved,

That the bill be referred to the committee on Territorial affairs;

And the yeas and nays being called for and ordered there were,

Yeas 7. }

Nays 11. }

Those who voted in the affirmative were, .

Mr. Andros

Beatty

Brawley

Cave

Davis

Haus

Lemay—7.

Those who voted in the negative were,

Mr. Dixon

Fridley

Grant

Hanson

Register

Rolette

Sibley

Stanchfield

Thompson

Willim

Speaker—11.

So the motion was lost.

Mr. Davis moved,

That the bill be indefinitely postponed,

And the yeas and nays being called for and ordered there were;

Yeas 7. }

Nays 11. }

Those who voted in the affirmative were,

Mr. Andros

Reatty

Brawley

Cave

Davis

Haus

Lemay—7.

Those who voted in the negative were

Mr. Dixon,

Fridley,

Grant,

Hanson,

Register,

Rolette,

Sibley,

Stanchfield,

Thompson,

Willim,

Speaker.

The question recurring on the passage of the bill,

Mr. Fridley called for the previous question.

The question then recurring,

Shall the main question now be put?

And the yeas and nays being called for and ordered, there were

Yeas 10, }

Nays 7. }

Those who voted in the affirmative were

Mr. Dixon,	Fridley,	Grant,
Hanson,	Register,	Rolette,
Stanchfield,	Thompson,	William,
		Speaker.

Those who voted in the negative were,

Mr. Beatty,	Brawley,	Cave,
Davis,	Haus,	Lemay,
		Sibley.

So the main question was ordered.

The question then recurring,

Shall the bill pass?

And the yeas and nays being called for and ordered there were,

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Dixon,	Fridley,	Grant,
Hanson,	Register,	Rolette,
Stanchfield,	Thompson,	William,
		Speaker.

Those who voted in the negative were,

Mr. Beatty,	Brawley,	Cave,
Davis,	Haus,	Lemay,
		Sibley.

So the bill passed.

The question then recurring on agreeing to the title of the bill,

Mr. Fridley moved

To amend the title of the bill, by adding after the word "Society," the words "and for other purposes."

Which motion was adopted.

The question then recurring on agreeing to the title of the bill as amended,  
It was agreed to.

Mr. Davis moved

That the House adjourn until 3 o'clock this afternoon.

And the yeas and nays being called for and ordered there were,

Yeas 6. }  
Nays 12. }

As follows:

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Davis,
Haus,	Rolette,	Speaker:

Those who voted in negative were,

Mr. Brawley,	Cave,	Dixon,
Fridley,	Hanson,	Lemay,

Mr. Register,  
Thompson,

Sibley,  
Willim.

Stanchfield,

So the House refused to adjourn.

Mr. Fridley moved

That the vote by which

[No. 25, C. F.] A bill supplementary to the act incorporating the Minnesota Historical Society,

Was passed, be reconsidered.

And the yeas and nays being called for and ordered, there were,

Yeas, 8, }  
Nays, 10. }

As follows:

Those who voted in the affirmative were were

Mr. Andros,  
Cave,

Beatty,  
Davis,  
Lemay,

Brawley,  
Haus,  
Sibley

Those who voted in the negative were

Mr. Dixon,  
Hanson,  
Stanchfield,  
Speaker.

Fridley,  
Register,  
Thompson,

Grant,  
Rolette,  
Willim,

So the House refused to consider the vote.

On motion of Mr. Hanson,

That the rules were suspended, and

The House resolved itself into a Committee of the Whole.

Mr. Cave in the Chair,

For the purpose of taking into consideration

(No. 9, C F,) A bill granting to Wm. W. Sweeny, Wm. Lauver, Richard Freeborn, and Morris Robert, the right to establish and maintain a Ferry across the main channel of the Mississippi river. Also,

(No. 62, H of R,) An act to organize the County of Wright and for other purposes. Also,

(No. 34, H of R,) A bill relative to the county seat of Houston county.

And after some time passed therein,

The Committee rose,

And by their Chairman reported back,

(No. 9, C F,) Also,

(No. 34, H of R,) With amendments. Also,

(No. 62, H of R,) With amendments.

The question then recurring on concurring in the amendments to

[No. 62, H of R,] An act to organize the county of Wright, and for other purposes,

It was concurred in.

Mr. Hanson moved,

That the bill be indefinitely postponed.

A message from the Council being announced,  
A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following

MESSAGE :

MR. SPEAKER:—

The Council has passed,  
[No. 71, H of R,] An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the U. S., under certain circumstances.

With amendments.

In which the concurrence of the H of R is respectfully requested.

And then he withdrew.

The question recurring,

On motion of Mr. Hanson,  
To indefinitely postpone No. 62, H. of R.,  
Mr. Rolette moved

A call of the House.

The roll being called, Messrs. Fridley and Sibley were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Cave moved

That all further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
Lemay,	Speaker—8.	

Those who voted in the negative were,

Mr. Dixon,	Grant,	Hanson,
Rolette,	Sibley,	Stanchfield,
Thompson,	Willim—8.	

So the motion was lost.

The Sergeant-at Arms returned, and reported that the absent members were in their seats.

The question again recurring on the indefinite postponement of No. 62, H. of R.;

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 10. }

Those who voted in the affirmative were

Mr. Dixon,	Fridley,	Grant,
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Mr. Hanson,	Lemay,	Stanchfield,
Thompson,	Willim—8.	

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
Register,	Rolette,	Sibley,

Speaker—10.

So the motion was lost.

Mr. Hanson moved

That the bill be referred to the Committee on Internal Improvements;

Which motion was lost.

Mr. Hanson moved

That the bill be referred to the Committee on Improvements;

Which motion was adopted.

Mr. Rolette, from the joint committee on enrolled bills, made the following

#### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bill;

(No. 33, H. of R.) To incorporate the St. Joseph's Hospital.

I. VANETTEN,

*Chairman Council Com.*

JOS. ROLETTE,

A. M. FRIDLEY,

*House Committee*

Mr. Rolette moved,

That the House adjourn until this afternoon at 3 o'clock;

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Beatty

Grant

Rolette

Dixon

Hanson

Stanchfield

Fridley

Register

Thompson

Willim—10.

Those who voted in the negative were,

Mr. Andros

Davis

Brawley

Haus

Cave

Sibley

Speaker—7.

So the House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

### AFTERNOON SESSION.

3 O'CLOCK P. M.

The House met pursuant to adjournment,

And was called to order by the Speaker;

The roll being called,

The following members answered to their names:

Mr. Andros

Dixon

Grant

Hansen

Rolette

Stanchfield

Brawley,

Fridley

Haus

Register

Sibley

Willim

Speaker.

Mr. Fridley moved,

(No. 71, H. of R.) An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled an act for the relief of citizens of towns, upon lands of the United States, under certain circumstances, be taken up;

Which motion prevailed.

The question recurring on concurring in the first amendment,

Made to the bill by the Council, viz:

To strike out the word 'law' in the third line of the sixth section, and insert the word 'pleading' in lieu thereof;

It was concurred in.

The question then recurring on concurring in the second Council amendment to the same bill;

To add to the ninth section the words

Provided, that no provision of this act shall be construed to change the provisions of any act heretofore passed, authorizing the manner in which any town site shall be entered under the provisions of the act of Congress above referred to.

It was concurred in.

Mr. Rolette moved

That the rules be suspended, and that

[No. 73, H. of R.] An act to locate the county seat of Le Sueur county

Be taken up.

Which motion was adopted.

On motion of Mr. Dixon,

The House resolved itself into a Committee of the Whole,

Mr. Willim in the chair,

For the purpose of taking into consideration

[No. 73, H. of R.] A bill to locate the county seat of Le Sueur county.

Also, [No. 21, C. F.] A bill for an act to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river.

And after some time passed therein,

The Committee rose, and by their chairman

Reported back the bills to the House with amendments.

And recommended the adoption of the amendments and the passage of the bills.

The report of the Committee of the Whole was accepted.

The question then recurring on agreeing to the amendments reported by the Committee of the Whole to

(No. 73, C. F.) A bill to locate the county seat of Le Sueur county,

They were concurred in.

The question then recurring on ordering the bill to be engrossed for a third reading,

It was determined in the affirmative.

The question then recurring on agreeing to the amendments, as adopted in the Committee of the Whole, to

(No. 21, C. F.) A bill to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river,

They were concurred in.

Mr. Sibley moved

To amend the fourth section by inserting between the words "may" and "alter," the word "repeal."

And the yeas and nays being called for and ordered, there were

Ayes 5, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros,

Lemay,  
Willim,

Sibley,  
Speaker—5.

Those who voted in the negative were

Mr. Dixon,  
Hanson,

Grant,  
Regester,  
Stanchfield,

Haus,  
Rolette,  
Thompson—8.

So the amendment was lost.

Mr. Dixon moved

That the rules be suspended, and that the bill be read a third time by its title.

Which motion was adopted.

The bill was read a third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 4. }

Those who voted in the affirmative were,

Mr. Dixon,  
Hanson,  
Rolette,

Grant,  
Lemay,  
Stanchfield,

Haus,  
Regester,  
Thompson—9.

Those who voted in the negative were

Mr. Andros,  
Speaker—4.

Sibley,

Willim,

So the bill passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

On motion of Mr. Hanson

The rules were suspended, and the House resolved itself into a Committee of the Whole;

Mr. Thompson in the chair;

For the purpose of taking into consideration

(No. 53, H. of R.,) An act granting to Roswell P. Russell and others the right to build a sluice or sluices over the Falls of St. Anthony.

Also,

[No. 4, H. of R.,] An act granting to Franklin Steele the right to build a sluice or sluices over the Fall of St. Anthony.

Also,

[No. 42, H. of R.,] A bill to provide for the destruction of Wolves.

After sometime passed therein, the committee rose, and by their chairman reported back with amendments No. 42, H. of R.,; No. 53, H. of R., and No. 54, H. of R.

The report of the Committee of the Whole was adopted.

The question then recurring on concurring in the amendments as proposed by the Committee of the whole, to

[No. 53, H. of R.,] An act granting to Roswell P. Russell and others, the right to build a sluice or sluices over the Falls of St. Anthony,

Mr. Sibley moved



So the amendment was not adopted.

Mr. Dixon moved,

To amend the 8th section,

By adding thereto the words "may be amended or modified at any time."

Which amendment was adopted.

Mr. Dixon moved

That the rules be suspended, and that the bill be now read a third-time by its title.

Mr. Stanchfield moved

A call of the House.

The roll being called,

Messrs. Beatty, Davis, Haus and Thompson were reported absent.

A message from his Excellency the Governor being announced,

F. Andros, Esq., his private Secretary appeared and handed in a message in writing to the Speaker.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Sibley moved

That all further proceedings under the call be dispensed with;

Which motion was adopted.

Mr. Stanchfield moved

That the House adjourn.

Which motion was not adopted.

The question then recurring on the motion of Mr. Dixon,

It was determined in the affirmative.

The bill was read a third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas, 8, }  
Nays, 7. }

As follows:

Those who voted in the affirmative were

Mr. Dixon,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Rolette,	Thompson.	

Those who voted in the negative were

Mr. Andros,	Brawley,	Register,
Sibley,	Stinchfield,	Willam,
Speaker.		

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Fridley moved

That the vote by which

(No. 53, H. of R.) An act granting to Roswell P. Russell and others the right to build a sluice or sluices over the Falls of St. Anthony,

Was ordered to be engrossed for a third reading, be reconsidered.

Which motion was adopted

Mr. Stanchfield moved

That the House adjourn.

Which motion was lost.

Mr. Dixon moved

That the rules be suspended,

And that No. 53, H. of R. be now read a third time by its title.

Mr. Stanchfield moved

That the bill be indefinitely postponed.

Which motion was lost.

The chair called the attention of the House to a blank in the second line of the first section of the bill.

Mr. Hanson moved

That the blank be filled with the words "for the period of 20 years."

Mr. Stanchfield moved

That the bill be referred to the Committee on Incorporations.

Which motion was lost.

The question then recurring,

On motion of Mr. Dixon,

It was determined in the affirmative.

The bill was then read a third time.

The question then recurring on the passage of the Bill,

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Dixon,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Rolette,	Thomson—8.	

Those who voted in the negative were,

Mr. Andros,	Brawley,	Regester,
Sibley,	Stanchfield,	Willim,
Speaker—7.		

So the bill passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

The question then recurring on concurring in the amendments as made by the Committee of the Whole, to

(No. 42, H. of R.,) A bill to provide for the destruction of wolves,

They were concurred in.

The question then recurring on ordering the bill to a third reading,

It was determined in the affirmative.

Mr. Regester, from the Committee on Engrossed Bills, made the following

## REPORT:

The committee on engrossed bills have examined and found correctly engrossed the following bill:

(No. 73, H. of R.,) A bill to locate the County seat of Le Sener county.

S. M. REGESTER,

C. W. THOMPSON,

*Committee.*

The chair laid before the House the following communication from His Excellency the Governor:

**MR. SPEAKER:—**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following act and memorial, which originated in the House of Representatives:

(No. 18.) An act entitled "An act to restore to Ephriam H. Whitaker his civil rights as a citizen of the United States;

(No. 6,) A memorial to Congress for appropriations in Minnesota Territory.

February 21, 1855.

Which was read.

The Speaker signed the following bill:

(No. 33, H. of R.,) An act to incorporate the St. Joseph Hospital.

Mr. Sibley moved

That the House adjourn;

Which motion was adopted.

So the House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

**SATURDAY.**

FEBRUARY 24, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Andros	Beatty
Brawley	Cave
Dixon	Davis
Grant	Haus
Regester	Sibley
Stanchfield	Thompson
Willim	Speaker.

On motion of Mr. Sibley,

The reading of the Journal was dispensed with;

Messages from the Council being in order,

The following bills were taken up:

(No. 36, H. of R.) A bill for an act to incorporate the Minnesota Typographical Union.

(No. 50, H. of R.) An act granting to John Hamilton, the right to establish and maintain a ferry across the St. Croix river;

[No. 19, H. of R.] A bill to incorporate the Winona ferry company:

[No. 13, H. of R.,] A bill entitled "An act to incorporate the Monticello Academy, at Monticello.

[No. 28, H. of R.] A bill granting to William H. Oliver the right to establish and maintain a ferry across Lake St. Croix;

The question then recurring on the concurrence of the House in Council amendments to,

[No. 4, H. of R.] To incorporate the Stillwater ferry company,

It was concurred in;

The question then recurring

On the concurrence of the House to the Council amendment to

[No. 36, H. of R.] An act to incorporate the Minnesota Typographical Union,

It was concurred in;

The question then recurring on the concurrence of the House to the Council amendments to

[No. 50, H. of R.] An act granting to John Hamilton, the right to establish and maintain a ferry across the St. Croix river,

It was concurred in;

The question then recurring on concurring in in the Council amendments to

[No. 19, H. of R.] To incorporate the Winona ferry company,

It was concurred in;

The question then recurring on concurring in the Council amendment to

[No. 13, H. of R.] A bill entitled an act to incorporate the Monticello Academy, at Monticello,

It was concurred in;

The question then recurring on the concurrence of the House in the Council amendments to

[No. 28, H. of R.] An act granting to Wm. H. Oliver, the right to establish and maintain a ferry across Lake St. Croix;

It was concurred in;

Council bills for a third reading being in order,

Mr. Sibley moved that,

[No. 20, C. F.] A bill to incorporate the Little Falls bridge company; and

[No. 22, C. F.] A bill to amend the revenue laws of Ramsey county;

Be referred to the committee of the Whole.

Bills for a third reading being in order,

The question then recurring on ordering

(No. 73, H. of R.) A bill to locate the county seat of Le Sueur county,

Be read a third time,

It was determined in the affirmative.

The bill was read the third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Rolette, from the Committee on Enrolled Bills,

Made the following

## REPORT :

### MR. SPEAKER:—

The Committee on Enrolled Rules, report, that they have presented to the Governor for his signature the following bills:

[No. 14, C. F.] A bill to define the boundaries of certain counties.

[No. 56, H. of R.] A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company;

(No. 7, H. of R.) A memorial to Congress for an appropriation of \$5000 to extend

the Mendota and Big Sioux River road from Mendota to the west bank of the Mississippi, opposite Saint Paul.

[No. 6, C. F.] A bill to provide for laying out a Territorial road from St. Paul to Elliota;

JOSEPH ROLETTE.

Mr. Cave from the Committee on Incorporations  
Made the following

REPORT :

The Committee on Incorporations, to whom was referred  
(No. 62, H. of R.) A bill to organize the county of Wright,  
Report back the same with an amendment, viz:

To insert after the third section the words, "and shall immediately thereafter proceed to locate the county seat for said county, which selected point shall be and remain the county seat.

C. S. CAVE,

The report of the committee was accepted;

Mr. Hanson moved,

That the bill and amendment be referred to the committee on Internal Improvements;

And the yeas and nays being called for and ordered, there were

Yeas, 4. }  
Nays, 12. }

Those who voted in the affirmative were,

Mr. Hanson	Stanchfield	Thompson
		Willim—4.

Those who voted in the negative were,

Mr. Andros	Beatty	Brawley
Cave	Dixon	Davis
Grant	Haus	Regester
Rolette	Sibley	Speaker—12.

So the motion was lost;

Mr. Sibley moved,

A call of the House;

The roll being called, Mr. Lemay was reported absent;

The Sergeant at-arms was directed by the Speaker to notify the absent member to appear in his seat.

Mr. Brawley moved,

That all further proceedings under the call be dispensed with;

Which motion was adopted.

Mr. Fridley moved,

That the bill and amendment be referred to a select committee of three,  
Which motion was lost;  
The question then recurring on concurring in the amendment to the bill as reported  
by the committee on incorporations,

It was concurred in;

Mr. Hanson moved,

That the bill be referred to the committee of the whole;

Which motion was lost.

Mr. Brawley moved

That the bill be ordered to be engrossed for a third reading.

Mr. Fridley offered the following resolution:

That the county seat of the county of Wright shall be located by the popular vote of  
said county.

That the votes shall be confined to four points—

Monticello, Manhattan, Morreicius, and Pleasant Grove.

The point receiving the plurality of votes shall be the county seat.

Mr. Hanson moved

A call of the House.

The roll being called

Messrs. Lemay and Rolette were reported absent.

Mr. Brawley moved

That all further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas, 10, }

Nays, 5. }

As follows:

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Haus,	Sibley,	Stanchfield,
Speaker—10,		

Those who voted in the negative were,

Mr. Fridley,	Grant,	Hanson,
Thompson,	Willim—5.	

So the motion prevailed.

Mr. Hanson moved

That the House adjourn.

And the yeas and nays being called for and ordered, there were,

Yeas, 4, }

Nays, 11. }

As follows:

Those who voted in the affirmative were

Mr. Grant,	Hanson,	Rolette,
Willim—4.		

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davia,
Fridley,	Haus,	Sibley,
Stanchfield,	Speaker—11.	

So the House refused to adjourn.

Mr. Dixon moved,

A call of the House.

The roll being called, all the members were reported present.

Mr. Dixon moved

That Mr. Lemay be excused from further attendance upon this House during this day.

Which motion was adopted.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Council has concurred in the report of the committee of conference on  
(No. 8, C. F.) A bill to provide for the improvement of the navigation of the Min-  
nesota river.

The Council has passed

(No. 27, C. F.) A bill for an act to amend an act entitled an act to amend an act  
to incorporate the St. Croix Boom Company.

The Council has receded from its amendment to

(No. 13, H. of R.) A bill entitled "An act to incorporate the Monticello Academy  
at Monticello."

The Council has indefinitely postponed

(No. 54, H. of R.) An act granting to Franklin Steele the right to build a sluice or  
sluices over the Falls of St. Anthony.

(No. 53, H. of R.) An act granting to Roswell P. Russell and others the right to  
build a sluice or sluices over the Falls of St. Anthony.

The bills are herewith returned.

The Council has passed

(No. 8, H. of R.) A bill to amend an act entitled "An act to incorporate the St.  
Anthony Boom Company," approved Feb. 27th, 1852.

Also, (No. 30, C. F.,) A bill for an act providing a change of venue in certain cases.

Also, (No. 15, H. of R.,) An act to incorporate the Lake Pepin Boom Company.

Mr. Sibley moved the previous question.

The question then recurring, shall the main question be now put?

It was determined in the affirmative.

The question then recurring on the adoption of the amendment offered by Mr. Fridley  
to the bill,

And the yeas and nays being called for and ordered, there were,

Yeas 8, }  
Nays 9. }

As follows:

Those who voted in the affirmative were,

Mr. Fridley,	Grant,	Haus,
Hanson,	Sibley,	Stanchfield,
Thompson,	Willim.	

Those who voted in the negative were

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Regester,	Rolette,	Speaker.

So the amendment was not adopted.

The question then recurring on ordering the bill to be engrossed for a third reading,

And the yeas and nays being called for and ordered, there were,

Yeas 9, }  
Nays 8. }

As follows:

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Regester,	Sibley,	Speaker.

Those who voted in the negative were,

Mr. Fridley,	Grant,	Haus,
Hanson,	Rolette,	Stanchfield,
Thompson,	Willim.	

So the bill was ordered to be engrossed for a third reading.

Mr. Sibley moved

That the House resolve itself into a Committee of the Whole,

For the purpose of taking into consideration

(No. 24, C. F.) A bill to change the times of holding courts in the county of Ramsey.

Also, (No. 78, H. of R.) An act to abolish imprisonment for debt, and for other purposes.

Mr. Stanchfield moved

To suspend the rules, and refer

(No. 4, H. of R.) A bill for the relief of School District number six, in Ramsey county.

Which motion was adopted.

The House accordingly resolved itself into a Committee of the Whole,

Mr. Davis in the chair,

Having said bill under consideration.

A message from the Council being announced,

The Speaker took the chair, when

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

### MESSAGE :

Mr. SPEAKER:—

The President of the Council has signed

(No. 33, H of R) A bill to incorporate the St. Joseph Hospital.

The Council has passed

(No. 2, C F) An act to incorporate the St. Anthony and Lake Superior Boom Company.

Also, (No. 28, C F,) A bill relative to the terms of courts in certain counties.

And then he withdrew.

The committee resumed its sitting.

After some time passed therein, the committee rose, and by their chairman reported back

No. 78, H. of R., with an amendment,

And No. 24, H. of R., and No. 4, H. of R., without amendment.

The question then recurring on concurring in said amendment to

(No. 78, H of R) A bill to abolish imprisonment for debt,

And for other purposes,

It was concurred in;

The question then recurring on ordering the bill to be engrossed for a third reading,

It was determined in the affirmative,

The question then recurring on ordering,

(No. 4, H. of R.) A bill for the relief of school district number six in Ramsey county,

To be engrossed for a third reading,

It was determined in the affirmative;

The question then recurring on ordering,

(No. 24, H. of R.) A bill to change the time of holding courts in the county of Ramsey,

To be read a third time,

It was determined in the affirmative;

The question then recurring on the passage of the bill,

It was passed;

The question then recurring on agreeing to the title of this bill,

It was agreed to;

Mr. Register moved,

That the vote by which,

(No. 6, H. of R.) An act to organize the county of Wright, and for other purposes,

Was ordered to be engrossed for a third reading, be reconsidered;

The question on being taken on the motion,

And the yeas and nays being called for and ordered, there were

Yeas 9. }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Fridley	Grant	Haus
Hanson	Regester	Rolette
Stanchfield	Thompson	Willim—9.

Those who voted in the negative were,

Mr. Andros	Beatty	Brawley
Cave	Dixon	Davis
	Sibley	Speaker—8.

So the vote was recommended;

Mr. Hanson moved,

That the bill be indefinitely postponed,

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 10. }

Those who voted in the affirmative were

Mr. Grant,	Haus,	Hanson,
Stanchfield,	Thompson,	Willim,

Those who voted in the negative were

Mr. Andros,	Beatty,	Brawley,
Cave.	Dixon,	Davis,
Fridley,	Regester,	Sibley,
Speaker.		

So the motion was lost.

Mr. Brawley called for his previous question.

The question then recurring, shall the main question be now put?

And the yeas and nays being called for and ordered there were,

Yeas 9, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Rolette,	Sibley,	Speaker.

Those who voted in the negative were

Mr. Fridley,	Grant,	Haus,
Hanson,	Regester,	Stanchfield,
Thompson,	Willim.	

So the House ordered the main question to be now put.

The question then recurring on ordering the Bill to be engrossed for a third reading,

And the yeas and nays being called for and ordered, there were

Yeas, 7. }  
Nays, 9. }

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Brawley,
Davis,	Cave,	Sibley,
Speaker.		

Those who voted in the negative were

Mr. Fridley,	Grant,	Haus,
Hanson,	Register,	Rolette,
Stanchfield,	Thompson,	Willim.

So the House refused to order the Bill to be engrossed for a third reading.

Mr. Dixon, from the joint committee appointed to confer on the disagreeing vote of the two Houses, on

[No. 8, C. F.,] A bill to provide for the improvement of the navigation of the Minnesota River,

Respectfully report that the committee has conferred on the subject referred, and has agreed to recommend that the House of Representatives recede from its first amendment to said bill;

All of which is respectfully submitted.

J. R. BROWN,  
J. E. MOWER,  
F. ANDROS,  
C. T. STEARNS,  
J. B. DIXON.

The report was accepted.

The question then recurring on concurring in the report, it was concurred in.

Mr. Rolette moved

That the House adjourn.

And the yeas and nays being called for and ordered, there were,

Yeas, 11, }  
Nays, 6. }

Those who voted in the affirmative were

Mr. Andros,	Dixon,	Davis,
Fridley,	Grant,	Haus,
Register,	Rolette,	Stanchfield,
Thompson,	Speaker—11.	

Those who voted in the negative were

Mr. Beatty,	Brawley,	Cave,
Hanson,	Sibley,	Willim—6.

So the House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

**MONDAY.**

FEBRUARY 26, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker;  
The roll being called,

The following members answered to their names:

Mr. Brawley	Hanson
Dixon	Davis
Grant	Haus
Rolette	Regester
Sibley	Stanchfield
Thompson	Willim
Speaker.	

Prayer by the Rev. Mr. Hodsdon;

On motion of Mr. Haus,

The reading of the Journal was dispensed with;

Mr. Sibley presented the petition of,

John Atkinson and 42 others of Minnesota Territory asking the passage of a law, prohibiting the running at large as free commoners, all stud horses, bulls and boars;

Also, a similar petition from Leonard Aldrich and 18 others, citizens of Minnesota Territory, which,

On motion of Mr. Sibley,

Were referred to the committee on Territorial Affairs, with instructions to report a bill in accordance with the Prayer of the petitioners;

Mr. Hanson presented the petition of the officers and members of the Carson League of St. Anthony and Minneapolis, praying the passage of a law prohibiting the sale of intoxicating liquors:

Which was read and referred to the committee on the Judiciary;

Mr. Willim, on leave granted, introduced,

(No. 79, H. of R.) An act to incorporate the Stillwater Academy,

Which was read a first and second times,

And laid on the table to be printed;

Message from the Council being taken up,

(No. 26, C. F.) A bill for an act to incorporate the St. Anthony and Lake Superior Mining Company,

Was read the first and second times;

Mr. Sibley moved,

That the bill be referred to the committee on Incorporations,  
Which motion was adopted;

Mr. Willim moved that,

(No. 77, H. of R.) A bill to provide for the election of Supervisors of roads, and for other purposes,

Be taken up and referred to the committee of the whole,  
Which motion was adopted;

Mr. Willim moved that,

(No. 43, H. of R.) An act to amend section 5th chapter 73 of the Revised Statutes,  
Be taken up and referred to the committee on the Judiciary,  
Which motion was adopted;

Mr. Rolette moved that,

(No. 74, H. of R.) An act to provide for the appointment of a Commissioner of Emigration to the Territory of Minnesota,

Be taken up and referred to the Committee of the Whole.

Which motion was adopted.

Mr. Sibley moved that

(No. 75, H. of R.) A bill for an act to repeal an act entitled an act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes,

Be taken up, and referred to the Committee of the Whole.

Which motion was adopted.

(No. 28, C F) A bill relative to the terms of courts to be held in certain counties,  
Was read the first and second times.

Mr. Sibley moved

That the bill be referred to the Committee of the Whole.

Which motion was adopted.

[No. 30, C F] A bill for an act allowing a change of venue in certain cases,

Was read a first and second times.

On motion of Mr. Sibley,

The bill was referred to the Committee of the Whole.

[No. 27, C F] A bill for an act to amend an act entitled an act to amend an act to incorporate the St. Croix Boom Company,

Was taken up.

Mr. Willim moved

That the rules be suspended, and the bill read the first and second times by its title,  
Which motion was adopted.

On motion of Mr. Willim,

The bill was referred to the Committee of the Whole.

Mr. Rolette moved that

[No. 76, H of R] An act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota river at Le Sueur City,

Be taken up and referred to the Committee of the Whole.

Which motion was adopted.

Mr. Dixon moved that

[No. 63, H of R] An act to amend an act entitled an act to incorporate the city of Stillwater, in the county of Washington,

Be taken up and referred to the Committee of the Whole.

Which motion was adopted.

Mr. Dixon moved that

[No. 14, H. of R] An act granting to Moses Perrin and Joseph H. Tyler the right to establish and maintain a ferry over Lake St. Croix,

Be taken up and referred to the Committee of the Whole,

Which motion was adopted.

Mr. Dixon moved that

[No. 5, H of R] A bill to incorporate the Sisters Propagation of Faith Society of St. Josephs at Pembina,

Be taken up and referred to the Committee of the Whole;

Which motion was adopted.

Mr. Fridley, by the unanimous consent of the House, introduced

[No. 21, H. of R.,] Joint resolution for a change of the United States Distributing Office from Dubuque in the State of Iowa, to Galena in the State of Illinois;

Which was read the first and second times.

Mr. Sibley moved

That the rules be suspended, and that the joint resolution be read a third time by its title;

Which motion was adopted.

A message from the Council being announced, A. J. Morgan, secretary thereof, appeared and delivered the following

#### MESSAGE :

**MR. SPEAKER:**—The Council has passed

[No. 9, H. of R.,] A bill granting to S. H. McManus, William Creighton and James Beekman the right to establish and maintain a ferry across the Mississippi river.

Also,

[No. 7, H. of R.,] A bill granting to Levi Stone, A. C. Riggs, George Houghton, and H. N. Corbett the right to establish and maintain a ferry across the Mississippi river.

The bills are herewith returned.

The Secretary having withdrawn,

[No. 2, H. of R.,] Joint resolution for a change of the U. S. Distributing Office from Dubuque in the State of Iowa, to Galena in the State of Illinois,

Was read the third time.

The question then recurring on the passage of the joint resolution, it was passed.

The question then recurring on agreeing to the title of the joint resolution, it was agreed to.

Mr. Brawley moved that

[No. 55, H. of R.,] A bill for an act to incorporate the St. Paul and Lake Superior Mining Company,

Be taken up and referred to the Committee of the Whole;  
Which motion was adopted.

Mr. Willim moved that the Clerk be instructed to return

[No. 22, C. F.,] A bill to amend the Revenue laws of Ramsey county,  
To the Council;

Which was adopted.

Mr. Thompson moved that

(No. 8, H. of R.,) A memorial to Congress for \$10,000 for the construction of the Mendota and Wabashaw road,

Be taken up and referred to the Committee of the Whole;  
Which motion was adopted.

Mr. Fridley moved that

(No. 67, H. of R.,) An act to increase the salary of the Territorial treasurer,  
Be taken up and referred to the Committee of the Whole;

Which motion was adopted.

Mr. Dixon moved that

(No. 61, H. of R.,) A bill entitled "An act to incorporate the Stillwater and Lake Superior Railroad Company,"

Be taken up and referred to the Committee of the Whole.

Which motion was adopted.

Mr. Brawley moved that

[No. 70, H of R] An act to organize the county of Brown, and for other purposes,  
Be taken up and referred to the Committee of the Whole.

Which motion was adopted.

Mr. Cave moved that

[No. 39, H of R] A bill granting to George R. Stuntz the right to establish and maintain a ferry across the St. Louis river,

Be taken up and referred to the Committee of the Whole.

Which motion was adopted.

Mr. Sibley moved

That the chief clerk be instructed to request the Council to grant leave to the Secretary to amend his message in relation to

[No. 15, H R] An act to incorporate the Lake Pepin Boom Company.

[No. 34, H of R] A bill relative to the county seat of Houston county

Was taken up.

The question then recurring on concurring in the amendments to the bill, as made in the Committee of the Whole,

They were concurred in.

The question then recurring on ordering the bill to be engrossed for a third reading,

It was ordered to be engrossed.

The question then recurring on ordering

[No. 9, C F] A bill granting to Wm. W. Sweeney, Wm. Lauver, Richard Freeborn and Norris Hobart the right to establish and maintain a ferry across the main channel of the Mississippi river,

To be read a third time,

It was determined in the negative.

So the House refused to order the bill to be read a third time.

On motion of Mr. Sibley,

The House resolved itself into a Committee of the Whole,

Mr. Willim in the Chair,

For the purpose of taking into consideration

[No. 75, H of R] A bill for an act to repeal an act entitled An act to authorize the exercise of all equity jurisdiction, in the form of civil actions, and for other purposes.

Also, [No. 27, C F,] An act to amend an act entitled an act to amend an act to incorporate the St. Croix Boom Company.

After some time passed therein, the committee rose, and by their chairman reported back

No. 75, H of R, without amendment,

And No. 27, C F, with an amendment.

The question then recurring on ordering No. 75, H of R to be engrossed for a third reading,

It was determined in the affirmative.

The question then recurring on the concurrence of the House in the amendment made by the Committee of the Whole to No. 27, C. F.,

Mr. Regester moved

To amend the 21st section by adding to the end of the last section the words "pro rata."

Which amendment was adopted.

Then the amendment as amended was concurred in.

Mr. Dixon moved

That the rules be suspended, and the bill be now read a third time.

And the yeas and nays being called for and ordered, there were

Yeas 15, }  
Nays 1. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Fridley,
Grant,	Lemay,	Regester,
Rolette,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker.

Those who voted in negative were,

Mr. Davis.

Mr. Dixon moved

That the rules be suspended, and the bill read a third time by its title.

Which motion was adopted.

The bill was read a third time by its title.

The question then being on the passage of the bill,

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

Mr. Sibley moved

That the vote by which the House refused to order

(No. 9, C. F.) A bill granting to Wm. W. Sweeney, Wm. Lauver and Morris Hobart the right to establish and maintain a ferry across the main channel of the Mississippi river,

To be read a third time, be reconsidered.

Mr. Rolette moved

A call of the House.

The roll being called, all the members were reported present;

The question then recurring on the motion of Mr. Sibley,

It was determined in the affirmative;

So the vote was reconsidered;

The question then recurring on ordering the bill to be read a third time,

And the yeas and nays being called for and ordered, there were

Yeas, 16, }

Nays, 2. }

Those who voted in the affirmative were,

Mr. Andros

Beatty

Brawley

Dixon

Davis

Fridley

Grant

Haus

Hanson

Lemay

Regeester

Rolette

Sibley

Stanchfield

Thompson

Willim—16.

Those who voted in the negative were

Mr. Cave

Speaker—2.

So the bill was ordered to be read a third;

Mr. Dixon moved,

That the rules be suspended,

And the bill be read a third time by its title;

Which motion was adopted;

The bill was read a third time;

The question then recurring on the passage of the bill;

It was passed,

The question then recurring on agreeing to the title of this bill,

It was agreed to;

On motion of Mr. Thompson,

The House resolved itself into a committee of the whole;

Mr. Thompson in the chair;

For the purpose of taking into consideration;

(No. 8, H. of R.) A memorial to Congress for \$10,000 for the construction of the Mendota and Wabashaw road;

And after some time passed therein,

The committee rose, and by their chairman, reported back the memorial to the House without amendment, and recommended its passage;

Mr. Dixon moved,

That the rules be suspended,

And the memorial be now read a third time,

Which motion was adopted;

The memorial was read a third time;

The question then recurring on the passage of the memorial,

It was passed;

The question then recurring on agreeing to the title of the memorial,

It was agreed to;

On motion of Mr. Dixon,

The House resolved itself into a Committee of the Whole.

Mr. Regeester in the Chair,

For the purpose of taking into consideration

(No. 76, H of R,) An act granting to Ira Myrick the right to establish and maintain a Ferry across the Minnesota river at Le Sueur City. Also,

(No. 14, H of R,) A bill granting to Moses Perin and Joseph H. Tyler, the right to establish a Ferry over Lake St. Croix, Also,

(No. 39, H of R,) A bill granting to George R. Stuntz, the right to establish and maintain a Ferry across the St. Louis river.

After some time passed therein,

The Committee rose,

And by their Chairman reported back,

(No. 76, H of R,) Without amendment. And

(No. 39, H of R,) With amendments and recommended that it be referred to the Committee on Incorporations. Also,

(No. 14, H of R,) With amendment.

The question then recurring on concurring in the recommendation of the committee to refer

(No. 39, H of R,) To the Committee on Incorporations,

The recommendation was not concurred in.

The amendments to the bill were concurred in by the House.

The question recurring on ordering the bill to be engrossed for a third reading.

It was so ordered.

The question then recurring on concurring in the amendment to

(No. 14, H of R,) It was concurred in.

The bill was then ordered to be engrossed for a third reading.

The question then recurring on ordering

[No. 76, H of R,] To be engrossed for a third reading,

Mr. Davis offered to amend the bill by adding thereto  
 [No. 10, H of R.] A bill for an act granting to Antoine Robert the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial Road, leading from St. Paul to Traverse des Sioux, at a point where said Robert lives, in Le Seur county.

Mr. Davis moved

To amend the amendment by striking out the words "two miles" wherever it occurs, and insert the words "three quarters of a mile" in lieu thereof.

Which motion was lost.

Mr. Dixon moved

That the amendment be laid on the table.

The chair decided the motion out of order.

Mr. Cave moved

That the bill and amendment be referred to the Committee on Internal Improvements;

Which motion was adopted.

So the bill and amendment were referred to the Committee on Internal Improvements.

On motion of Mr. Dixon,

The House resolved itself into a Committee of the Whole,

Mr. Cave in the chair,

For the purpose of taking into consideration

[No. 72, H. of R.,] An act entitled "An act to secure to the owners their property in logs, masts, spars, and other timber."

Also,

[No. 51, H. of R.] A bill to incorporate the Sisters' Proagation of Faith Society of St. Joseph, at Pembina.

Also,

[No. 66, H. of R.,] A bill to amend an act entitled "An act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota."

A message from the Council being announced,

The Speaker in the chair,

A. J. Morgan, Esq., secretary thereof appeared and delivered the following

### MESSAGE:

Mr. SPEAKER:—

The Council has passed

[No. 41, C. F.,] A bill changing the name of Ann Elizabeth White to Ann Elizabeth Tinker.

And the Secretary having withdrawn, the committee resumed its sitting, and after some time passed therein, the committee rose, and by their chairman reported back No. 51, H. of R., without an amendment, with the recommendation that the bill pass.

Mr. Dixon moved

That the rules be suspended, and that the bill be now read a third time by its title;  
Which motion was adopted.

The bill was read the third time.

The question recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to its title, the title was agreed to.

The committee also reported progress on No. 72, H. of R., and No. 66, H. of R.,  
and asked leave to sit again; which was granted.

On motion of Mr. Dixon

The House adjourned until 3 o'clock this afternoon.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

### AFTERNOON SESSION.

3 O'CLOCK P. M.

The House met pursuant to adjournment,

And was called to order by the Speaker;

The roll being called,

The following members answered to their names:

Beatty,	Brawley,
Cave,	Dixon,
Grant,	Haus,
Hanson,	Regester,
Sibley,	Stanchfield,
Thompson,	Willim,
	Speaker.

On motion of Mr. Sibley,

The House resolved itself into a Committee of the Whole.

Mr. Cave in the Chair,

For the purpose of taking into consideration

(No. 66, H of R.) A bill to amend an act, entitled an act to incorporate the city  
of St. Paul, Ramsey county, Territory of Minnesota. Also,

(No. 72, H of R.) An act entitled an act to secure to the owners their property in logs, masts, spars and other timber. Also,

[No. 77, H of R.] A bill to provide for the election of supervisor of public roads and for other purposes.

After sometime passed therein,

The Committee rose,

And by their chairman reported back

[No. 77, H of R.] With amendments,

And recommended its passage; also,

[No. 72, H of R.] With amendments,

And recommended its indefinite postponement; also,

[No. 66, H of R.] Without amendment,

With a recommendation that it be referred to the Committee on Incorporations.

The question then recurring on referring No. 66, H of R to the committee on Incorporations,

It was so referred;

The question then recurring on concurring in the recommendation of the committee of the whole to indefinitely postpone

(No. 72, H. of R.) An act entitled an act to secure to the owners their property in logs, masts, spars and other timber;

And the yeas and nays being called for and ordered, there were

Yeas 3. }  
Nays 13. }

Those who voted in the affirmative were,

Mr. Beatty

Grant

Hanson—3,

Those who voted in the negative were,

Mr. Brawley

Cave

Dixon

Fridley

Haus

Lemay

Register

Rolette

Sibley

Stanchfield

Thompson

William

Speaker—13.

So the House refused to indefinitely postpone the bill;

The question then recurring on the concurrence of the House in the amendments made to the bill in the committee of the whole,

Mr. Dixon moved,

That the bill and amendments be referred to the committee on territorial roads;

And the yeas and nays being called for and ordered, there were,

Yeas 10, }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Brawley

Dixon

Grant

Hanson

Lemay

Rolette

Register

Stanchfield

Thompson

William—10,

Those who voted in the negative were,

Mr. Beatty

Cave

Fridley

Haus

Sibley.

Speaker—6.

So the bill and amendments were referred to the committee on territorial roads.

The question then recurring

On the concurrence of the House in the amendment to

(No. 77, H of R,) A bill to provide for the election of supervisors of roads and for other purposes,

As adopted in the committee of the whole,

It was concurred in;

The question then recurring on ordering the bill to be engrossed for a third reading,

It was ordered to be engrossed;

On motion of Mr. Beatty,

The House resolved itself into a Committee of the Whole,

Mr. Willim in the chair,

For the purpose of taking into consideration

[No. 12, C. F.,] An act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river.

[No 23, H of R.] A bill for an act to locate a Territorial road from Saint Cloud to intersect the old Red River road of the North.

After some time passed therein, the committee rose, and by their chairman reported back

[No 12, C F,] with an amendment, and recommended its adoption; and No 23, H of R, without amendment.

Mr. Dixon moved

That the rule be suspended, and that

No. 30, H. R., be read a third time by its title;

Which was adopted.

The bill was read a third time by its title.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to the title of the bill, it was agreed to.

The question then recurring on the concurrence of the House in the amendment as made in Committee of the Whole to

[No. 12, C. F.,] An act granting to O. H. Kelly the right to establish and maintain a Ferry across the Mississippi river,

Mr. Sibley moved

To amend the bill by inserting the word "repealed" before the word "amended," in the last section;

And the yeas and nays being called for and ordered, there were

Yeas 5, }

Nays 9. }

Those who voted in the affirmative were,

Mr. Haus,

Lemay,

Sibley,

Speaker.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Dixon,	Fridley,	Grant,
Hanson,	Rolette,	Thompson.

So the amendment was not adopted.

The amendment, as adopted in Committee of the Whole, was then concurred in.

Mr. Dixon moved

That the rule be suspended and the bill be read a third time by its title only; which was adopted.

The bill was read a third time.

The question then recurring on the passage of the bill,

And the ayes and nays being called for and ordered, there were

Yeas 11, }
Nays 5. }

As follows:

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Dixon,
Fridley,	Grant,	Hanson,
Lemay,	Register,	Rolette,
Stanchfield,	Thompson.	

Those who voted in the negative were,

Mr. Cave,	Haus,	Sibley,
Willim,	Speaker.	

So the bill passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Sibley, from the committee to whom was referred

The petition of the officers and members of the Carson League, asking the passage of a prohibitory liquor law,

Asked to be discharged from the further consideration of the petition.

Which was agreed to.

Mr. Rolette, by the unanimous consent of the House, introduced

[No. 80, H of R.] A bill to incorporate the Minnesota Packet, Stage, and Express Companies.

Mr. Dixon moved

That the rule be suspended, and the bill be read a first and second time by its title. Which was adopted.

Mr. Hanson, by the unanimous consent of the House, introduced,

[No. 81, H. R.] A bill granting to Geo. A. McLeod the right to establish and maintain a ferry across the Minnesota river, at a point at or near the residence of said McLeod, in Traverse, in the county of Nicollet.

Mr. Dixon moved

That the rule be suspended and the bill be read a first and second time by its title. Which was agreed to.

The bill was read a first and second time;

And laid on the table to be printed.

Mr. Fridley by the unanimous consent of the House introduced

[No. 82, H of R,] An act to amend chapter 71 of the Revised Statutes;

Which was read the first and second times,

And laid on the table to be printed.

Mr. Lemay by the unanimous consent of the House, introduced

[No. 83, H of R,] A bill for an act granting to Antoine Embolta, John H. Febbe, and Geo. Lodenback the right to establish and maintain a ferry across the Mississippi river at Saint Augusta;

Which was read the first and second times,

And laid on the table to be printed.

Mr. Regester, from the Committee on Engrossed Bills made the following

### REPORT :

MR. SPEAKER:—

The Committee on Engrossed Bills have examined and found correctly engrossed the following:

[No. 78, H of R,] An act to abolish imprisonment for debt and for other purposes;

[No. 44, H of R,] A bill for the relief of school district No. 6 in Ramsey county;

[No. 34, H of R,] A bill relative to the county seat of Houston county;

[No. 42, H of R,] A bill to provide for the destruction of wolves.

S. M. REGESTER,

C. THOMPSON.

*Committee.*

Mr. Rolette moved,

That the House adjourn,

Which was adopted.

So the House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

## TUESDAY.

FEBRUARY 27, 1855.

The House met pursuant to adjournment, and was called to order by the speaker.  
The roll being called, the following members answered to their names:

Andros,	Beatty,
Cave,	Dixon,
Grant,	Haus,
Rolette,	Register,
Sibley,	Thompson,
Willim,	Speaker.

Prayer by the the Rev. Mr. Hodsdon.

The Clerk commenced reading the Journal.

On motion of Mr. Dixon,

The reading of the Journal was dispensed with.

Mr. Brawley, from the Joint Committee on Enrolled Bills, made the following

## REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills and memorials:

[No. 59, H of R] A bill for an act supplementary to an act entitled an act to amend the Minnesota and North Western Railroad Company.

[No. 50, H of R] An act granting to John Hamilton the right to establish and maintain a ferry across the St. Croix river.

No. 36, H of R] An act to incorporate the Minnesota Typographical Union.

[No. 28, H of R] A bill granting to William H. Oliver the right to establish and maintain a ferry across Lake St. Croix.

(No. 71, H. of R.,) An act prescribing rules and regulations for the execution of the trust, arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances.

I. VAN ETTEN,  
*Chairman Coun. Com.*

D. F. BRAWLEY,  
*Chairman House Com.*

A. M. FRIDLEY.

(No. 21, H. of R.) A bill for an act to incorporate the German reading Society of St. Cloud;

(No. 46, H. of R.) A bill to incorporate the Pioneer Hook and Ladder company of the city of St. Paul;

I. VAN ETTEN,  
*Chairman Council Com.*  
D. F. BRAWLEY,  
A. M. FRIDLEY,  
*House Committee.*

(No. 6, H. of R.) A bill to provide for laying out certain territorial road in Minnesota Territory;

(No. 19, H of R,) To incorporate the Winona Ferry Company;

[No. 20, H of R,] A bill granting O. W. Rice the right to establish a ferry across the Bay of Superior;

[No. 52, H of R,] A bill for an act granting to Wm. Foster, the right to establish and maintain a ferry across the Minnesota river, at the city of San Francisco, in Carver county;

[No. 35, H of R,] A bill to incorporate the Territorial Emigration Society.

I. VAN ETTEN,  
*Chairman Council Com.*  
D. F. BRAWLEY,  
A. M. FRIDLEY,  
*House Committee.*

Mr. Rolette from the Joint Committee on Enrolled bills made the following

### REPORT :

The Joint Committee on enrolled bills have examined and found correctly engrossed the following bills:

[No. 2, C F,] A bill to provide for laying out certain Territorial Roads;

[No. 7, C F,] A bill to provide for taking a census of the population of this Territory,

[No. 8, C F,] A bill to provide for the improvement of the navigation of the Minnesota river,

[No. 21, C F,] A bill for an act, to amend and act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river,

I. VAN ETTEN,  
JOS. ROLETTE,  
*Chairman Council Com.*  
D. F. BRAWLEY,  
A. M. FRIDLEY,

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

## MESSAGE:

MR. SPEAKER:—

I have been instructed to alter my message of Saturday relative to,  
[No. 15, H of R.] An act to incorporate the Lake Pepin Boom Co.

By inserting thereafter with amendments,

The Council has refused to concur in the first amendment of the H of R, to,

[No. 27, C F.] An act to amend an act entitled an act to incorporate the St. Croix Boom Company, and

Concurred in the second amendments thereto,

The Council has indefinitely postponed,

[No. 2, H of R,] Joint Resolution relative to a change of the U. S. Distributing Office from Dubuque in the state of Iowa, to Galena in the State of Illinois,

The Joint Resolution is herewith returned,

The Council has refused to concur in the first amendment of the H of R, to,

[No. 5, C F,] An act to incorporate the Transit Railroad Company,

And has concurred in the balance.

The Council has concurred in the amendment of the House of Representatives to (No. 16, C F,) An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river,

With an amendment to the amendment in which the concurrence of the House of Representatives is requested.

The Council has passed

(No. —) An act to incorporate the Mississippi river improvement company.

The Governor has informed the Council that he did on the 21st day of February approve and sign the following act and memorial originating in the Council:

(No. 4, C. F.,) An act to incorporate the town of Henderson and for other purposes;

(No. 2, C. F.,) A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation to complete the Government works at Fort Ridgely.

Also, that he did on the 26th day of February approve and sign the following Council Bills:

(No. 6, C. F.,) A bill to provide for laying out a Territorial Road from St. Paul to Elliot.

[No. 14, C. F.,] An act to define the boundaries of certain counties.

Messages from the Council being in order,

[No. 41, C. F.,] A bill changing the name of Ann Elizabeth White to Ann E. Tinker,

Was taken up and read the first and second times.

The question then recurring on the concurrence of the House in the Council amendments to

(No. 15, H. of R.,) An act to incorporate the Lake Pepin Boom Company,  
It was coocurred in.

(No. 27, C. F.,) A bill for an act to amend an act entitled "An act to amend an act  
to incorporate the St. Croix Boom Company,

Was taken up.

The Council having refused to concur in the following amendments by the House to  
the bill, viz: to strike out the 20th section,

Mr. Dixon moved

That the House recede from its amendment.

And the yeas and nays being called for and ordered, there were

Yeas, 13, }  
Nays, 0. }

As follows:

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Cave,
Dixon,	Haus,	Hanson,
Register,	Rolette,	Sibley,
Stanchfield,	Thompson,	Willim,
Speaker.		

So the House receded from its amendments.

(No. 5, C. F.,) An act to incorporate the Transit Railroad Company,

Was taken up.

The Council having refused to concur in the first amendments made by the House to  
the bill, viz:

To strike out the words "Which should be deemed personal property," in the second  
line of the third section.

Mr. Sibley moved

That the House adhere to its amendment.

And the yeas and nays being called for and ordered, there were

Yeas 13, }  
Nays 2. }

As follows:

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Brawley,
Cave,	Fridley,	Grant,
Haus,	Hanson,	Register,
Rolette,	Sibley,	Stanchfield,
Speaker.		

Those who voted in the negative were,

Thompson, Willim.

So the House adhered to its amendments.

A message from the Council being announced,

A. J. Morgan, Esq., the Secretary thereof, appeared and delivered the following

## MESSAGE :

**MR. SPEAKER:—**

I have been instructed to call upon the H. R., and request for further action by the Council

(No. 71, H of R) An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled an act for the relief of the citizens of towns upon lands of the United States, under certain circumstances.

The Council has passed

(No. 5, C F) A memorial relative to the Half-Breed lands,  
In which the concurrence of H. R. is requested.

Mr. Fridley moved

That the vote by which the House adhered to its amendment to (No. 5, C. F.,) be reconsidered, which was lost.

(No. 16, C F,) An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river,

Being taken up, and the question recurring on the concurrence of the House in the amendment made by the Council to the amendment to the Bill made by the House, it was concurred in.

(No 31, C F,) An act to incorporate the Mississippi Improvement Company,  
Was taken up, and read the first and second times.

Mr. Stanchfield moved

That the rules be suspended, and that No. 31, C. F., be now read by its title;  
Which motion was not adopted.

Mr. Sibley moved

That the bill be referred to the Committee of the Whole;  
Which motion was adopted.

(No. 5, C. F.,) Memorial relative to the Half-Breed Lands,  
Was taken up and read the first and second times.

Mr. Sibley moved

That the memorial be referred to the Committee on Territorial Affairs;  
Which was adopted.

Bills for a third reading being in order, the question recurred on ordering

(No. 78, H. of R.,) An act to abolish imprisonment for debt, and for other purposes,  
To be read a third time,

It was so ordered and the bill was read a third time;

The question then recurring on the passage of the bill,

It was passed;

The question then recurring on agreeing to the title of the bill,

It was agreed to.

The question then recurring on ordering,  
(No. 44, H. of R.) A bill for the relief of School District No. 6, in Ramsey county,  
To be read a third time,

It was so ordered;

The bill was read a third time and passed,

The title of the bill was then agreed to;

The question then recurring on ordering,

[No. 42, H. of R.] A bill to provide for the destruction of wolves,

To be read a third time,

It was so ordered;

The bill was read a third time and passed;

Its title was then agreed to;

The question then recurring on ordering

[No. 34, H. of R.] A bill relative to the county seat of Houston county,

To be read a third time,

It was so ordered;

The bill was then read a third time and passed.

Its title was then agreed to.

Mr. Hanson moved that,

[No. 25, H. of R.] A bill to authorize the construction of a dam across the Crow river, be taken up;

Which was adopted.

The bill was read a third time;

The bill was then passed, and its title agreed to;

The Speaker has signed the following bills:

(No. 35, H. of R.) An act to incorporate the Territorial Emigration Society;

(No. 28, H. of R.) An act granting to Wm. H. Oliver the right to establish and maintain a ferry across Lake St. Croix;

(No. 21, H. of R.) An act to incorporate the German Reading Society of Saint Cloud;

(No. 59, H. of R.) An act supplementary to an act entitled an act to amend the Minnesota and Northwestern Railroad Company;

(No. 46, H. of R.) An act to incorporate the Pioneer Hook and Ladder Company of St. Paul;

(No. 19, H. of R.) An act to incorporate the Winona ferry company;

(No. 20, H. of R.) An act granting to Orrin W. Rice the right to establish a ferry across the head of the Bay of Superior;

[No. 52, H. of R.] An act granting to Wm. Foster the right to establish and maintain a ferry across the Minnesota river, at San Francisco in Carver county;

[No. 36, H. of R.] An act to incorporate the Minnesota Typographical Union;

[No. 6, H. of R.] An act to provide for laying out certain territorial roads in Minnesota Territory;

(No. 50, H. of R.) An act granting to John Hamilton the right to establish and maintain a ferry across the St. Croix river;

[No. 7, C. F.] A bill to provide for the taking of a census of the population of this Territory;

(No. 2, C F) A bill to provide for laying out certain Territorial roads.

(No. 21, C F) A bill to amend an act Granting to Daniel F. Brawley the right to establish and maintain a Ferry across the Mississippi river.

(No. 8, C F) A bill to provide for the improvement of the navigation of the Minnesota river.

On motion of Mr. Hanson,

The House resolved itself into a Committee of the Whole,

Mr. Cave in the chair,

For the purpose of taking into consideration

[No. 27, H of R] A bill for an act to locate a Territorial road from Saint Augusta, on the Mississippi river, to Lac Traverse.

Also, [No. 29, H of R,] A bill for an act to locate a Territorial road from St. Cloud to San Francisco.

Also, [No. 61, H of R,] A bill entitled an act to incorporate the Stillwater and Lake Superior Railroad Company.

And after some time passed therein, the committee rose, and by their chairman reported back the bills without amendment, and recommended its passage.

The question then recurring on ordering No. 29, H of R to be engrossed for a third reading,

It was so ordered.

The question then recurring on ordering No. 27, H of R to be engrossed for a third reading,

Mr. Dixon moved

That the rules be suspended and the bill be read a third time by its title.

Which was adopted.

The bill was read a third time and passed.

The title of the bill was then agreed to.

The question then recurring on ordering No. 6, H of R to be engrossed for a third reading,

Mr. Sibley moved

To amend the bill by striking out in the third line of the 10th section the words

"Or to materially obstruct;"

Which amendment was adopted.

Mr. Sibley moved

To amend the 18th line of the 13th section, by striking out the word "third," and inserting the word "first," in lieu thereof;

Which amendment was adopted.

Mr. Dixon moved

That the rules be suspended, and the bill be now read a third time by its title.

Which motion was adopted.

The bill was then read a third time and passed.

Its title was then agreed to.

Mr. Rolette, by the unanimous consent of the House, introduced  
 [No. H of R] A bill granting to Charles Donnelly the right to establish and maintain a ferry across the Mississippi, at the mouth of Platte river, and for other purposes.

Mr. Dixon moved

That the rules be suspended, and the bill be read a third time by its title.

And the yeas and nays being called for and ordered there were,

Yeas, 6, }  
 Nays, 7. }

Those who voted in the affirmative were,

Mr. Dixon,	Fridley,	Grant,
Regester,	Rolette,	Thompson—67

Those who voted in the negative were,

Mr. Andros,	Cave,	Haus,
Sibley,	Stanchfield,	Willim,
Speaker—7.		

So the motion was lost.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Council has passed

(No. 8, H. of R.,) A memorial to Congress for \$10,000 for the construction of the Mendota and Wabashaw road.

The Council has passed

[No. 33, C. F.,] An act for the benefit of the Common Schools of the Territory of Minnesota, and for other purposes.

Also,

[No. 43, C. F.,] A bill granting to M. L. Ames, George Hazlep, George W. Farrington, C. H. Parker, William D. Dodd, the right to establish a Ferry across the Minnesota river;

In which the concurrence of the H. of R. is requested.

(No. 84, H. of R.,) A bill granting to Charles Donnelly, the right to establish and maintain a Ferry across the Mississippi river, at the mouth of Platte river, and for other purposes,

Was read the first time.

Mr. Sibley moved

That the bill be rejected.

And the yeas and nays being called for and ordered there were,

Yeas 8, }  
 Nays 7. }

Those who voted in the affirmative were,

Mr. Andrus,	Beatty,	Brawley;
Cave,	Fridley,	Hans,
Sibley,	Willim,	Speaker—9.

Those who voted in the negative were,

Mr. Dixon,	Grant,	Hanson,
Regester,	Rolette,	Stanchfield,
Thompson—7.		

So the bill was rejected.

On motion of Mr. Hanson,

The House resolved itself into a Committee of the Whole,

Mr. Willim in the chair,

For the purpose of taking into consideration

[No. 60, H of R.] A bill for an act granting to John L. Wilson, Austin Edelbrook, and Wm. A. Corbett, the right to establish and maintain a ferry across the Mississippi river, at St. Cloud.

[No. 74, H. of R.] An act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota; also,

(No. 68, H. of R.) A bill for an act to incorporate the Minnesota and Northern Pacific Railroad Company;

After sometime passed therein,

The committee rose, and by their chairman, reported back,

(No. 60, H. of R.) With sundry amendments;

The question then recurring on concurring in the amendment to

(No. 50, H. of R.) As made by the committee of the whole,

They were concurred in;

Mr. Sibley moved,

To amend the bill

By inserting the word "repeal" between the words "alter" and "or" in the 6th section;

And the yeas and nays being called for and ordered, there were

Yeas 7, }
Nays 8. }

Those who voted in the affirmative were,

Mr. Andrus	Beatty	Cave
Haus	Sibley	Willim
		Speaker—7.

Those who voted in the negative were,

Mr. Brawley	Dixon	Grant
Hanson	Regester	Rolette
	Stanchfield	Thompson—8.

So the amendment was not adopted.

The question recurring on ordering the bill to be engrossed for a third reading,

It was so ordered.

The committee also reported back,

[No. 68, H of R,] With amendments;  
Which amendments were concurred in by the House.

Mr. Hanson moved,  
That the rules be suspended,  
And the bill be read a third time by its title;  
Which motion was adopted.  
The bill was read the third time, and was passed.  
Its title was then agreed to.

The committee also reported back,  
[No. 74, H of R,] With amendment;  
The amendment was not concurred in by the House.

Mr. Rolette moved,  
That the rules be suspended,  
And that the bill be now read a third time by its title;  
Which was adopted.  
The bill was then read a third time and passed.  
Its title was then agreed to.

Mr. Dixon moved  
That the House adjourn until 3 o'clock this afternoon.  
And the yeas and nays being called for and ordered, there were

Yeas, 8, }  
Nays, 6. }

Those who voted in the affirmative were,

Mr. Dixon,	Grant,
Regester,	Rolette,
Thompson,	Willim.

Hanson,  
Stanchfield,

Those who voted in the negative were

Mr. Andros,	Brawley,
Haus,	Sibley,

Cave,  
Speaker.

So the House adjourned until 3 o'clock.

*AFTERNOON SESSION.*

3 O'CLOCK.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Andros,	Davis,
Dixon,	Sibley,
Thompson,	Willim,
Speaker.	

No quorum being present,

Mr. Sibley moved

A call of the House.

The roll being called,

Mr. Beatty,	Cave,*
Dixon,	Fridley,
Haus,	Hanson,
Lemay,	Regester,
Stanchfield,	

Were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Brawley moved

That further proceedings under the call of the House be dispensed with.

Which motion was lost.

Mr. Sibley moved,

That the House adjourn;

Which motion was lost.

On motion of Mr. Hanson,

Further proceedings under the call were dispensed with.

Mr. Brawley moved,

That the House do now adjourn;

Which motion was lost.

Mr. Andros moved,

A call of the House;

The roll being called,

Messrs. Beatty and Cave, were reported absent.

Mr. Dixon moved,

That all further proceedings under the call of the House be dispensed with;  
And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays 4. }

Those who voted in the affirmative were,

Mr. Dixon	Grant	Hanson
Lemay	Regester	Rolette
Stanchfield	Thompson	Willim
		Speaker—10.

Those who voted in the negative were,

Mr. Andros	Davis	Haus
		Sibley—4.

So the motion was adopted.

Mr. Sibley, from the Judiciary Committee to which was referred,

(No. 43, H of R,) An act to amend section fifth, chapter 73, of the Revised Statutes,  
Reported back the same to the House with sundry amendments;

The question recurring on concurring in the first amendment as reported by the Judiciary committee, viz;

To strike out the word "five" in the third line of the first section, and insert the word "three" in lieu thereof, and to strike out the words "for each day employed,"

It was concurred in.

The second amendment to the bill as reported by the committee, viz:

To strike out the word "five" in the last line of the sixth section and insert the word "three" in lieu thereof, and also to strike out the words "for each day," in the same line of the same section,

It was also concurred in;

The third amendment namely, add as section 7, that the second section of chapter 21 of the session laws of 1854 be and the same is hereby repealed,

It was concurred in.

Mr. Sibley moved,

That the rules be suspended,

And the bill be now read a third time:

Which motion was adopted.

Mr. Willim moved,

That the rules be now suspended,

And that the bill be now read a third time by its title;

Which motion was adopted.

The bill was read a third time and passed;

Its title was then agreed to.

Mr. Regester, from the committee on engrossed bills, made the following

## REPORT:

The committee on engrossed bills have examined and found correctly engrossed the following bills:

(No. 39, H of R,) A bill granting to George R Stuntz the right to establish and maintain a ferry across the St. Louis river.

(No. 14, H of R,) A bill granting to Moses Perrin and Joseph H. Tyler, the right to establish a ferry over Lake St. Croix;

(No. 77, H of R.) A bill to provide for the election of supervisor of public roads and for other purposes.

S. M. REGESTER.  
C. W. THOMPSON.

Mr. Stanchfield, from the committee on territorial roads, made the following report;

The committee on Territorial roads, to whom was referred,

(No. 72, H of R,) An act entitled an act to secure to the owners their property in logs, masts, spars and other timber, beg leave to

## REPORT :

That in their opinion the said bill provides only such securities and safeguards to property as may safely be granted by any Legislative body, and that too, for a class in the community whose capital, enterprise and energy have done more to increase the wealth, encourage emigration, and open the resources of our Territory, than any other save one, and is only equalled, not excelled, by that—the Agricultural interest. And though there are imperfections in the bill, your committee think they can suggest such amendments as will remedy them all, without the necessity of cutting out whole sections, thereby rendering it for all purposes for which it is intended inoperative, and a new incumbrance upon the Statute Book.

The Lumberman's life is one of toil, from the first moment he builds his rude shanty in the forest, the first load of supplies he sends to that camp, and the first blow he strikes, until he finally reaches with his raft, after many long, perilous miles, his market far down the Mississippi. The Lumberman, after expending, not alone his time and strength, but considerable sums of money, for his business requires the investment of a large amount of capital, cannot, like the merchant, pile up his goods in warehouses, or lay them on the shelves, and with doors barred and bolted, rest secured that no intruder can molest, or like the banker, shut up his bags of gold, his bonds or his shinplasters, in a safe alike imperious to the thief or fire, but far out of

sight, must trust his own good fortune and the honesty of others, that he ever finds these logs, the only representative of his wealth.

And what day does the lumberman distinguish his own property from that of multitudes of others pursuing the same business, driving their logs on the same waters, and toward the same market? By the rough carving of the woodman's axe either of the initials of the owners names, or some mark of the like nature, barely cut through the bark. This and this alone is from the necessity of the case, the sole means the owner can have to identify his property, and it is at the mercy of any scoundrel, who chooses at the expense of a few moments work, to obliterate all evidence of ownership, and then raft them together and coolly claim them as his own, because forsooth, there is upon them no evidence of their belonging to any one except him who has them in possession.

Evidence of theft in such cases is so hard to be obtained, and so rare must be convictions under any law found to prevent the stealing of timber, it is no more than just that the provisions of any law for that purpose should be very stringent, the penalties severe, and every facility given for the detection of the offender, in order that the slightest good may be effected, and unprincipled men may be deterred from committing depredations upon this kind of property.

Those who are only accustomed to large speculations, may think that it is but a small matter if a log or two be taken now and then worth only one, two or three dollars, and that no Legislature should be burthened with a matter of so small importance, yet to the lumberman it is a matter of great importance if in the course of a season, two or three hundred of his logs are spirited away, for he feels it in his pocket to the tune of dollars and cents.

We might instance cases where men have, this winter, taken logs from the St. Paul Boom, cut out the marks, shoved the marked pieces under the ice, and riving the balance into shingles, sold them in the streets of St. Paul, with no other right than any man has to his neighbor's pocket-book, if he can take it out without the fear of detection.

Your committee therefore feel that it is not asking too much if they trespass upon the time of the House sufficiently long to discuss the different sections of this bill.

The first section provides that if any one shall take the timber of another, without his consent shall be fined \$2,000 for each offence, one half for the benefit of the informer, and one half for the Territory.

The object of this provision is to induce accomplices in guilt to become informers for the sake of the reward. And for the purpose of making the law still more stringent, your committee would recommend that this section be amended by adding after the word "complaint" in the 7th line the words

"and imprisonment in the territorial prison not exceeding twelve months," leaving it at the discretion of the court, in aggravated cases to sentence for a further penalty, though in our opinion it may be doubtful whether the chief object to be gained, that of procuring an informer will not be lost by making the penalty too severe.

Sec. 2d Provides that if any one shall steal any logs or other timber, he shall suffer the penalty provided by Statute for larceny if he has not been convicted under the provisions of the first section providing two, and somewhat different punishments for the same offence. And to render it more strongly operative against the wrong, your committee would recommend that the section be amended by inserting after the word "employment" in the second line, the words "or under the direction."

The third section provides a punishment for any person who shall alter the mark on any log not being the owner thereof, and, as has been before said, the mark on a log is the only true evidence of ownership, therefore your committee think that no man should be allowed, not being the owner of such log, to cut or mutilate it at pleasure; therefore that the following words be stricken out in the second and third lines of said section, "and with the intent to claim the same."

The 4th section provides that the person shall be liable, if he steals logs or other timber to pay the owner twice the value of each stick he wrongfully takes.

Sec. 5. Provides that if any timber is found in the possession of an other, with the marks cut out or altered, it shall be presumptive evidence of his guilt.

Your committee do not think this an unjust provision. It could rarely happen that a man could take or have taken into his mill a log, and have it go through the process of "cutting," "scalping" and rolling it upon the carriage, without finding out that it is the property of another, and if an honest man, he would be likely to take such care himself, or give his men such directions, that he would not have all the trouble of running out of his mill logs that he did not own, nor would he except in extraordinary cases, if so unfortunate as to take up his neighbor's logs, have any trouble for proving that it was a mistake. Nor is it often the case that logs, in running down any stream, get the marks cut out. Logs often wear off the mark, or are broken up in driving, but are not cut up; but knaves often cut the marks out of logs to prevent the owner from proving property. Logs are not usually by extraordinary freshets carried into a man's yard in that condition, and if such a case should occur, it is not only possible, but highly probable, that he would be enabled to prove that he had in no way occasioned the mutilation. Moreover it is but more directly asserting a presumption

of law, that the onus falls upon the person in whose possession stolen property is found, to prove that he came honestly by it. Therefore your committee would recommend that this section which was stricken out in the committee of the whole, be reinstated in the bill.

SEC. 6th Provides that any person, by himself or his agent, may enter in a peaceable manner upon any mill, raft, &c., for the purpose of searching for any logs or timber he may have lost; and any person willfully obstructing such search, shall be fined in a sum not less than twenty or more than fifty dollars. Your committee fail to see any injustice in this provision.—Persons going into mills or upon rafts of logs every day, where by strict construction of law, they are but re-passers; but your committee fail to see any particular damage done the owner. Yet under that construction of law the possessor denies the right of the owner to look for himself. He may go on stealing with impunity, only now and then obliged to lose a part of his ill-gotten gain, when he finds a legal search is about to be made, by pushing the log from his raft, in running the slab from his mill that bear upon it the evidence of his guilt, letting it float off with the current, so easy is it near running streams or even in ponds to set wood floating. The victim however, pays justices' fees and officers' fees, becomes not "a wiser," nor probably a "better man," but does have the satisfaction of having made a "legal search."

Your committee think this section should be retained, but to make it perfect, that in the fourth line the words "an action of debt," be stricken out, and instead the words "a civil action" be inserted. And in order to prevent any injustice being done any party, the following words be added: "Provided that in case search be made, and no logs be found belonging to the party making such search, then the party shall be liable for all damages occasioned to the owner of said mill, millbrow, raft of logs or other timber on account of said search to be by him recovered in a civil action."

The remaining sections of the bill we believe to be equally meritorious with the others; yet we would offer such amendments to section 7 as will in our opinion, render its meaning more clear, and trust that none will oppose the reinstating of the section as amended, unless they wish to compel the honest lumberman to drive the logs of the mean and dishonest among his fellows, who would get their logs driven at his expense. How easily this may be done, we trust there are lumbermen enough on the floor of this House to explain, and save your committee the trouble of arguing the point.

Your committee would propose the following amendments to section 7, and would urge that the bill, as amended, should pass.

Amend the fourth line of this section so that it shall read to their "destination or place of manufacture."

In the fifth line, add at the end of the line, after the word owner, the words "or owners."

In the sixth line, after the word or, add the words "his or their."

In the eighth line, the words "if the owner of such logs cannot be ascertained," be stricken.

Change, in the 9th line, the word section to "chapter." Also add the following: "Provided that before proceeding to drive such logs, the owner or owners thereof shall (if he or they can be found within a reasonable time) be duly notified of the intention of the person giving such notice to drive said logs, and if, after such notice to the owner, (if he can be found within a reasonable time,) he neglect to drive said logs, the person giving said notice, or after having made diligent search for the said owner, may proceed to drive said logs to some secure place, in accordance with the provisions of the preceding section."

The section, as amended, will read as follows:

"**SEC. 7.** Any person whose timber, in any of the waters of this Territory shall be so intermixed with the logs, masts, or spars of another, that the same cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all logs, masts, and spars with which his own are intermixed, toward their destination or place of manufacture, when no special and different provision is made by law for driving such lumber, and shall be entitled to a reasonable compensation from the owner, to be recovered, after demand therefor on the said owner or owners, or his or their agent, if know, in a civil action, and he shall have a prior lien on the same until thirty days after the timber shall have arrived at its place of destination, in order to enable him to attach the said logs, masts and spars in such action, and the same proceedings may be had for the collection of such demand or demands as is provided in chapter 86 of the Revised Statutes of this Territory for the collection of demands against boats and vessels navigating the waters of this Minnesota Territory.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE :

**MR. SPEAKER:**—The Council has passed

(No. 34, C. F.,) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

Messrs. Brown, Van Etten and Olmsted have been appointed a committee of conference to act with a similar committee on the part of the House of Representatives on the disagreeing vote relative to the amendment to

(No. 5, C F,) A bill to incorporate the Transit Railroad Company.

The Council has concurred in the House amendment to

(No. 25, C F,) A bill supplementary to an act incorporating the Minnesota Historical Society, and for other purposes.

The Council has passed

(No. 40, C F,) A bill for an act to incorporate the Minnesota Fire, Life and Marine Insurance Company.

In which the concurrence of the H of R is respectfully requested.

And then he withdrew.

Mr. Dixon moved that

No. 72, H of R, Together with the report of the Committee on Territorial Road, to which said bill had been referred,

Be referred to the Committee of the Whole;

Which motion was adopted.

Mr. Davis, by the unanimous consent of the House, introduced

(No. 85, H of R,) A bill to amend the Revised Statutes,

Which was read a first and second times, and laid on the table to be printed.

Mr. Cave, from the Committee on Incorporations, made the following

#### REPORT :

The Committee on Incorporations to whom was referred

(No. 66, H of R,) A bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county,

Be given leave to report the bill back with amendments:

Strike out in section 1, line 3, the words "fourteen, fifteen, sixteen and seventeen;"

Strike out in same section, line 4, the word "three" and insert "two," and strike out all in same section, after the word "year," line forty-three.

C. S. CAVE,

J. B. DIXON.

The report and bill were referred to the Committee of the Whole.

(No. 14, H of R,) An act granting to Moses Ferrin and Joseph H. Tyler the right to establish and maintain a ferry over Lake St. Croix,

Was taken up and ordered to be read a third time.

On motion of Mr. Dixon,

The rules were suspended, and the bill was read a third time by its title.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered there were,

Yeas 10. }

Nays 4. }

As follows:

Those who voted in the affirmative were,

Mr. Brawley,	Dixon,	Fridley,
Haus,	Hanson,	Lemay,
Regester,	Rolette,	Stanchfield,
Willim—10.		

Those who voted in the negative were,

Mr. Andros,	Cave,	Sibley,
Speaker—4.		

So the bill passed.

Its title was then agreed to.

(No. 77, H of R,) A bill to provide for the election of supervisors of roads, and for other purposes,

Was ordered to be read a third time.

On motion of Mr. Dixon,

The bill was read a third time.

(No. 39, H of R,) A bill granting to George R. Stuntz the right to establish and maintain a ferry across the St. Louis River,

Was ordered to be read a third time.

On motion of Mr. Dixon,

The rules were suspended, and the bill was read a third time by its title.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 10, }
Nays 7. }

As follows:

Those who voted in the affirmative were,

Mr. Dixon,	Grant,	Haus,
Hanson,	Lemay,	Regester,
Rolette,	Stanchfield,	Thompson,
Willim—10.		

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Sibley,
Speaker—7.		

So the bill passed.

Its title was then agreed to.

On motion of Mr. Willim,

(No. 1, H of R,) Joint Resolution relative to error in the change of \$33,16 to the county of Washington, by the Territorial Treasurer in the year 1850,

Was taken up and referred to the Committee of the Whole.

On motion of Mr. Cave,

The House resolved itself into a Committee of the Whole,

Mr. Cave in the chair,

For the purpose of taking into consideration

(No. 66, H of R,) A bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota. Also

(No. 55, H of R,) A bill for an act to incorporate the St. Paul and Lake Superior Mining Company. Also,

(No. 72, H of R,) An act entitled an act to secure to the owners their property in logs masts, spars and other timber,

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

MESSAGE:

MR. SPEAKER:—

Messrs. Brown, Van Etten, and Freeborn have been appointed a committee of conference on the part of the Council on the disagreeing vote of the two Houses on the amendment to

(No. 10 H of R,) A bill for an act granting to Antoine Robert, the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county.

The Secretary having withdrawn,

The committee resumed its sitting;

After some time passed therein, the committee rose, and by their chairman, reported back,

(No. 55, H of R,) Without an amendment, and recommended that it be referred to the committee on Incorporations; Also,

(No. 66, H of R,) Without amendment; Also,

(No. 72, H of R,) With sundry amendments.

The question being taken on referring,

(No. 55, H of R,) To the committee on incorporations as recommended by the committee,

It was referred;

The question being taken on the concurrence of the House in the amendments to

(No. 72, H of R,) Adopted in the committee of the whole,

They were concurred in.

Mr. Sibley offered the following amendment to the bill, viz:

To strike out the word "mill" where it first occurs in the second line of the sixth section;

And the yeas and nays being called for and ordered, there were

Yeas, 4, }

Nays, 8. }

Those who voted in the affirmative were,

Mr. Andros

Cave

Sibley

Speaker—4,

Those who voted in the negative were,

Mr. Beatty  
Hanson

Dixon  
Regeester  
Thompson

Grant  
Stanchfield  
Willim—8.

So the amendment was not adopted.

The bill was then ordered to be engrossed for a third reading.

No. 66, H of R was then ordered to be engrossed for a third reading.

Mr. Sibley moved

That the House now adjourn.

Which motion was lost.

Mr. Dixon, from the Committee on Internal Improvements, to which was referred (No. 76, H of R,) An act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota River at Le Sueur City,

Together with the amendments as offered in the House to the bill,

Reported back the bill and amendment, and recommended that the bill pass without the amendment.

On motion of Mr. Dixon,

The committee was discharged from the further consideration of the subject.

Mr. Cave moved

That the report of the committee and the bill accompanying the report be laid on the table.

Which motion was lost.

Mr. Rolette moved

That the bill be taken up.

The question then recurring on agreeing to the amendment as reported by the Committee of the Whole,

Mr. Sibley moved

To amend the amendment by striking out the words "two miles," in the 3d line of the first section, and inserting in lieu thereof the words "three-quarters of a mile."

Which amendment was adopted.

The amendment as amended was then rejected.

Mr. Rolette moved

That the rules be suspended, and that the bill be now read a third time by its title;

Which motion was adopted.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 5. }

As follows:

Those who voted in the affirmative were,

Mr. Beatty,

Grant,

Regeester,

Thompson—10,

Dixon,

Hanson,

Rolette,

Fridley,

Lemay,

Stanchfield,

Those who voted in the negative were

Mr. Brawley,  
Willim,

Cave,  
Speaker—5.

Sibley,

So the bill passed.

Its title was then agreed to.

Mr. Hanson moved

That a committee of conference be appointed on the part of the House, to act in conjunction with a similar committee on the part of the Council, on the disagreement of the House amendments to

(No. 5, C F,) An act to incorporate the Transit Railroad Company.

The Chair appointed Messrs. Hanson, Willim and Davis as said committee.

On motion of Mr. Beatty,

The House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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**WEDNESDAY.**

FEBRUARY, 28 1855.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called, the following members answered to their names:

Mr. Andros,	Beatty,
Davis,	Cave,
Grant,	Haus,
Rolette,	Register,
Hanson,	Fridley,
Stanchfield,	Thompson,
Willim,	Speaker.

Prayer by the Rev. Mr. Hodsdon.

The Clerk commenced reading the Journal;

On motion of Mr. Dixon,

The reading of the Journal was dispensed with.

Mr. Dixon presented the petition of W. A. Cheever and 15 others, so praying

That so much of Section 25 as lies east of the Mississippi River, comprising 200 acres,

and known as St. Anthony City, be set off from the recently incorporated city of St. Anthony.

Which was referred to the Committee on Incorporation.

Mr. Hanson, on leave granted, introduced,

(No. 86, H of R,) An act providing that copies of records in the office of Register of Deeds may be admissible in evidence;

Which was read the first and second times.

Mr. Hanson moved

That the rules be suspended, and that the bill be read a third time;

Which was adopted.

The bill was then read a third time and passed.

Its title was then agreed to.

Messages from the Council being in order,

(No. 43, C F,) A bill granting to M. L. Ames, George Hezlep, George W. Farrington, C. H. Parker, and Wm. B. Dodd, the right to establish a ferry across the Minnesota river,

Was taken up and read the first and second times.

Mr. Hanson moved

That the rules regulating bills to be considered in the Committee of the Whole, before amendments could be offered, be suspended;

Which motion was adopted.

Mr. Hanson offered the following amendments:

To strike out all after the word "Minnesota," in the third line of the first section, and insert in lieu thereof the following:

"For the distance of  $\frac{3}{4}$  of one mile, each way from the point of intersection with the said river of Broadway street, in the town of St. Peter, in Nicollet county, aforesaid, as per recorded plot of the same."

Which amendment was adopted.

Mr. Hanson moved

That the rules be suspended, and the bill be read a third time by its title;

Which motion was adopted.

And the bill was read a third time and passed.

The title of the bill was then agreed to.

(No. 33, C F,) An act for the benefit of common schools of M. T., and for other purposes,

Was taken up, and read the first and second times.

On motion of Mr. Willim,

The rules were suspended, and the bill was read a third time by its title.

The bill was then passed and its title agreed to.

(No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory,

Was taken up, and read the first and second times.

(No. 40, C F,) A bill for an act to incorporate the Minnesota Fire, Life and Marine Insurance Company,

Was taken up and read the first and second times.

Mr. Rolette moved

That the rules be suspended, and

(No. 32, H of R,) A bill for a line of telegraph from St. Paul to St. Anthony and Minneapolis,

Be taken up and read a third time.

Which was adopted.

The bill was read a third time and passed.

Its title was agreed to.

Mr. Hanson, on leave granted, introduced

No. 87, H of R,) A bill relative to the terms of courts to be held in certain counties, and for other purposes.

Which was read the first and second times, and laid on the table to be printed.

A message from the Council being announced,

A. J. Morgan, Secretary thereof, appeared and delivered the following

#### MESSAGE :

**Mr. SPEAKER:—**

The Council has passed

(No. 26, H of R,) A bill granting to mechanics a lien on houses and other buildings, with amendments,

In which the concurrence of the H of R is requested.

Mr. Lemay, on leave granted, introduced

[No. 8, H of R,] Joint resolution relative to the payment for translation of certain public documents;

Which was read the first and second times.

Mr. Willim moved that

[No. 79, H of R,] An act to incorporate the Stillwater Academy

Be taken up;

Which was adopted.

On motion of Mr. Willim,

The rules were suspended, and the bill was read a third time.

A message from his Excellency the Governor being announced,

E. Greene Durbin, Esq., his private Secretary, appeared and handed in a message in writing to the Speaker.

(No. 79, H of R,) A bill to incorporate the Stillwater Academy,

Was then passed,

Its title was then agreed to,

The Speaker laid before the House, the following communication,

**Mr. SPEAKER:—**

I am directed by the Governor to inform the Council that he did on the 26th day of

February, 1855, approve and sign the following act, and memorial which originated in the House:

(No. 56, H of R.) An act supplementary to an act entitled an act to amend the Minnesota & Northwestern Railroad Company;

(No. 7, H or R.) A memorial to Congress for an appropriation of \$5000 to extend the Mendota and Big Sioux River road from Mendota to the west bank of the Mississippi, opposite Saint Paul.

E. GREENE DURBIN,  
Private Secretary.

MR. SPEAKER:—

I am directed by the Governor to inform the House of Representatives, that he did on the 27th day of February, approve and sign the following bills which originated in the House of Representatives.

[No. 6, H of R.] A bill to provide for laying out certain Territorial Roads in Minnesota Territory.

[No. 20, H of R.] A bill for an act granting to Orrin W. Rice the right to establish a ferry across the Bay of Superior.

[No. 21, H R.] A bill for an act to incorporate the German Reading Society of St. Cloud.

[No. 33, H of R.] An act to incorporate the St. Joseph's Hospital,

[No. 19, H of R.] A bill to incorporate the Winona Ferry Company.

(No. 28, H of R.) A Bill granting to Willim H. Oliver the right to establish and maintain a ferry across Lake St. Croix.

(No. 52, H of R.) A bill for an act granting to Wm. Foster the right to establish and maintain a ferry across the Minnesota river, at the city of San Francisco, in Carver county.

(No. 35, H of R.) A bill to incorporate the Territorial Emmigration Society.

(No 36, H of R.) An act to incorporate the Minnesota Typographical Union.

(No 46, H R.) For an act to incorporate the Pioneer Hook and Ladder Company of the city of St. Paul.

(No 50, H of R.) An act granting to John Hamilton, the right to establish and maintain a Ferry across the St. Croix river.

E. GREEN DURBIN,  
Private Secretary.

A message from the Council being announced, the Speaker took the chair, and A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE :

MR. SPEAKER:—

The Council has passed,

(No 37, C F.) A bill to incorporate the Boston and Minnesota Mining Company.

(No 38, C F,) A bill to incorporate the Pittsburg and Minnesota Mining Company.

[No 23, H of R.] A bill for an act to locate a Territorial Road from St. Cloud to intersect the old Red River road of the North,

With amendment.

[No 61, H of R.] A bill entitled an act to incorporate the Stillwater and Lake Superior Railroad Company.

[No 51, H R.] A bill to incorporate the Sisters Propagation of Faith Society of St. Joseph, at Pembina.

[No 25, H of R.] An act to authorize the construction of a dam across the Crow river.

(No 78, H of R.) An act to abolish imprisonment for debt and for other purposes.

(No 27, H of R.) A bill for an act to locate a Territorial road from Saint Augusta, on the Mississippi river, to Lac Traverse.

(No 34, H of R.) A bill relative to the county seat of Houston county:

The President has signed the following bills:

(No 35, H of R.) A bill to incorporate the Territorial Immigration Society.

(No 28, H of R.) An act granting to William H. Oliver. the right to establish and maintain a ferry across Lake St. Croix.

(No 21, H of R.) An act to incorporate the German Reading Society of St. Cloud.

(No 59, H of R.) An act supplementary to a bill to amend an act entitled "An act to incorporate the Minnesota and North-Western Railroad Company."

(No 46, H of R.) An act to incorporate the Pioneer Hook and Ladder Company of the city of St. Paul.

[No 19, H of R.] A bill for an act to incorporate the Winona Ferry Company.

[No 22, H of R.] A bill granting to Orrin W. Rice the right to establish a ferry across the head of the Bay of Superior.

No 52, H of R.] An act granting to William Foster the right to establish and maintain a ferry across the Minnesota river at the city of San Francisco in Carver county.

[No 86, H of R.] An act to incorporate the Minnesota Typographical Union.

[No 8, H of R.] A bill to provide for laying out certain Territorial roads.

[No 50, H of R.] An act granting to J. M. Hamilton the right to establish and maintain a ferry across the St. Croix river.

[No. 7, C F.] A bill for an act to provide for taking a census of the population of this Territory.

[No. 2, C F.] A bill for an act to provide for laying out certain Territorial roads.

[No. 21, C F.] A bill for an act to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi River.

[No. 8, C F.] A bill to provide for the improvement of the navigation of the Minnesota River.

The Governor has informed the Council that he did on the 27th Feb., 1855, approve and sign the following bills, which originated in the Council:

[No. 2, C F.] A bill to provide for laying out certain Territorial roads.

[No. 7, C F.] A bill to provide for the taking of a census of the population of this Territory;

The Council has passed

[No. 21, C F,] A bill to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi River.

The Council has passed

[No. 19, H of R,] A bill to incorporate the Winona Ferry Company.

[No. 39, C F,] A bill granting to Carmi P. Garlick the right to maintain a ferry across the Minnesota River.

[No. 44, C F,] A bill to incorporate the Western Bridge Company.

The Secretary having withdrawn,  
 The committee resumed its sitting;  
 And after some time passed therein,  
 The committee rose,  
 And by their chairman reported back  
 No. 41, H of R,  
 With sundry amendments. Also,  
 No. 85, C F,  
 With sundry amendments. Also,  
 No. 34, C F,  
 With sundry amendments.  
 The amendments to  
 No. 34, C F,  
 As adopted in the Committee of the Whole,  
 Were concurred in by the House.

Mr Dixon moved

To amend this bill by striking out the words "two members of the Council, and three members of the House of Representatives," wherever it occurs in the bill.

And the yeas and nays being called for and ordered, there were

Yeas 7. }  
 Nays 10. }

Those who voted in the affirmative were,

Mr. Andros	Beatty
Cave	Dixon

Brawley  
 Davis  
 Haus—7.

Those who voted in the negative were,

Mr. Fridley	Grant
Register	Rolette
Stanchfield	Thompson

Hanson  
 Sibley  
 William  
 Speaker—10.

On motion of Mr. Dixon,

~~The House resolved itself into a committee of the whole,~~

Mr. Thompson in the chair;

For the purpose of taking into consideration,

(No. 68, H of R,) An act to amend an act entitled an act to incorporate the city of Stillwater in the county of Washington;

Also,

(No. 1, H of R,) Joint resolution relative to error in the charge of \$33,17 to the county of Washington by the Territorial treasurer in the year 1850.

The Secretary having withdrawn,

The committee resumed its sitting;

After some time passed therein, the committee rose and by their chairman, reported (No. 1, H of R,) Without amendment;

And,

(No. 68, H of R,) With amendment;

Mr. Sibley moved,

A call of the House;

The roll being called,

Messrs. Beatty, Brawley, Davis, Fridley, Haus, Register, Rolette and Stanchfield, were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seat.

On motion of Mr. Willim,

Further proceedings under the call were dispensed with.

Mr. Dixon moved,

That the rules be suspended, and that

(No. 1, H of R,) A Joint resolution relative to error in the charge of \$33,17 to the county of Washington by the territorial treasurer in the year 1850,

Be read a third time;

Which motion was adopted.

The Joint Resolution was then read and passed.

And the question recurring on agreeing to the title of the bill,

It was agreed to.

The amendments as made by the committee of the whole, to

(No. 68, H of R,) An act to amend an act entitled an act to incorporate the city of Stillwater, Washington county,

Were then concurred in by the House.

Mr. Dixon moved,

That the rules be suspended, and that

(No. 68, H of R,) Be now read a third time by its title;

Which was adopted.

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

Its title was then agreed to.

On motion of Mr. Sibley,

(No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of M. T.

Was taken up,

And referred to the Committee of the Whole.

On motion of Mr. Sibley,

The rules were suspended,

And the House resolved itself into a Committee of the Whole,

Mr. Cave in the Chair,

For the purpose of taking into consideration

(No. 41, H of R,) A bill granting to Julius Andrews the right to establish and maintain a ferry across the Minnesota river;

Also,

(No. 31, C F) An act to incorporate the Mississippi River Improvement Company.

(No. 34, C F) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory,

So the amendment was not adopted.

Mr. Brawley offered the following amendment to the bill, viz:

To add as additional section,

Section 19th. Nothing contained in this act, shall be so construed as to interfere with the present representation from the west side of the river.

And the yeas and nays being called for and ordered, there were,

Yeas 5, }  
Nays 12. }

Those who voted in the affirmative were,

Mr. Beatty,

Brawley,

Cave,

Davis,

Haus—5.

Those who voted in the negative were,

Mr. Andros,

Dixon,

Fridley,

Grant,

Hanson,

Regester,

Rolette,

Sibley,

Stanchfield,

Thompson,

Willim,

Speaker—12.

So the amendment was lost;

Mr. Dixon moved,

A call of the House,

The roll being called,

Mr. Lemay was reported absent;

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

Mr. Willim moved,

That further proceedings under the call be dispensed with.

Which motion was adopted.

Mr. Rolette moved,

That the rules be suspended,

And that

(No. 34, C F) Be now read a third time.

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Fridley,	Grant,	Hanson,
Regester,	Rolette,	Sibley,
Stanchfield,	Thompson,	Willim,
Speaker.		

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Haus,	Lemay.	

It requiring two-thirds to suspend the rules,

The motion was lost.

The question then recurring on the concurrence of the House in the amendments as made in the Committee of the Whole to

No. 31, C F,

Mr. Sibley moved

To amend the last amendment made in the Committee of the Whole, by inserting the word "repeal," between the words "altered" and "a," in the 8th section.

And the yeas and nays being called for and ordered there were,

Yeas 7, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros,	Brawley,	Cave,
Davis,	Hanson,	Sibley,
Speaker.		

Those who voted in the negative were,

Mr. Fridley,	Grant,	Haus,
Lemay,	Regester,	Stanchfield,
Thompson,	Willim.	

So the amendment to the amendment was not adopted.

The question again recurring on concurring in the amendments to the bill as made in the Committee of the Whole,

Mr. Davis moved

A call of the House.

The roll being called,

Messrs. Beatty and Rolette were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

The Sergeant-at-Arms returned and reported that the absent members had been notified, and were in attendance.

Mr. Sibley moved

To amend the bill by striking out the words,

"Which shall be deemed personal property,"

In the 10th line of the 5th section.

And the yeas and nays being called for and ordered, there were,

Ayes 7, }  
Nays 11. }

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Cave,
Dixon,	Davis,	Sibley,
Speaker.		

Those who voted in the negative were,

Mr. Brawley,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Regester,	Rolette,	Stanchfield,
Thompson,	Willim.	

So the amendment was not adopted.

Mr. Sibley moved

That the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were,

Yeas 8. }  
Nays 10. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
	Sibley,	Speaker—8.

Those who voted in the negative were,

Mr. Fridley,	Grant,	Haus,
Hanson,	Lemay,	Regester,
Rolette,	Stanchfield,	Thompson,
		Willim—10.

Mr. Sibley moved,

That the bill be referred to the committee on Incorporations,

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 10. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
	Sibley,	Speaker—8.

Those who voted in the negative were,

Mr. Fridley,	Grant,	Haus,
Hanson,	Lemay,	Regester,
Rolette,	Stanchfield,	Thompson,
		Willim—10.

So the motion was lost.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

MESSAGE :

MR. SPEAKER:—

The Council has passed,

(No. 44, H of R,) A bill for the relief of school district No. 6, in Ramsey county,  
With amendments;

The Council has indefinitely postponed,

(No. 23, H of R,) An act to amend section 5, chap. 73, of revised statutes.

The bill is herewith returned.

The Council has passed,

[No. 68, H of R,] A bill to incorporate the Minnesota and Northern Pacific Rail-  
road Company,

With amendments,

In which the concurrence of the H of R, is respectfully requested.

(No. 74, H of R,) A bill to provide for the appointment of a commissioner of Em-  
igration of M. T.

With an amendment.

Also

(No. 74, H of R,) An act granting to Moses Perin and Jos. H. Tyler the right to  
establish and maintain a ferry across Lake Saint Croix,

With amendments,

(No. 74, H of R,) A bill to provide for the election of Supervisors of Roads, and  
for other purposes.

(No. 39, H of R,) A bill granting to George R. Stuntz the right to establish and  
maintain a ferry across the St. Louis river,

With an amendment.

(No. 76, H of R,) An act granting to Ira Myrick the right to establish and main-  
tain a ferry across the Minnesota river at Le Seur city.

And then he withdrew.

(No. 31, C F,) Was then ordered to be read a third time.

Mr. Rolette moved,

That the rules be suspended,

And the bill be read a third time by its title;

Which motion was lost.

Mr. Dixon moved,

That the House adjourn until 3 o'clock this afternoon;

And the yeas and nays being called for and ordered, there were

Yeas 7, }  
Nays 10 }

Those who voted in the affirmative were,

Mr. Andros  
Cave

Beatty  
Dixon

Brawley  
Grant  
Lemay—7.

Those who voted in the negative were,

Mr. Davis  
Register  
Stanchfield

Fridley  
Rolette  
Thompson

Hanson  
Sibley  
Willim  
Speaker—10:

So the House refused to adjourn;  
The bill was then read a third time;

Mr. Davis moved,

That the bill be referred to the committee on Territorial Affairs,  
And the yeas and nays being called for and ordered, there were

Yeas, 8, }  
Nays, 8. }

Those who voted in the affirmative were,

Mr. Andros  
Dixon

Brawley  
Davis  
Sibley

Cave  
Lemay  
Speaker—8.

Those who voted in the negative were,

Mr. Fridley  
Register

Grant  
Rolette  
Thompson

Hanson,  
Stanchfield  
Willim—8.

So the motion was lost.

Mr. Sibley moved,

That the bill be referred to the committee on Internal improvements;  
And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros  
Dixon

Brawley  
Davis  
Sibley

Cave  
Lemay  
Speaker—8.

Those who voted in the negative were,

Mr. Fridley  
Register

Grant  
Rolette  
Thompson

Hanson  
Stanchfield  
Willim—8.

So the motion was lost.

Mr. Dixon moved,

A call of the House;

The roll being called,

Messrs. Beatty and Haus were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Sibley moved,

That further proceedings under the call be dispensed with;

Which motion was lost.

The Sergeant-at-Arms returned and reported that he had notified the absent members, and that they were now in attendance.

Mr. Sibley moved

That the bill be referred to a select committee of three, to be appointed by the Chair;

And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Haus,	Lemay,	Sibley,
Speaker—10.		

Those who voted in the negative were

Mr. Fridley,	Grant,	Hanson,
Regester,	Rolette.	Stanchfield,
Thompson,	Willim—8.	

So the motion was adopted.

The amendments as made by the Committee of the Whole, to  
No. 41, H of R,

Coming up for the concurrence of the House,

Mr. Cave moved

To amend the amendment, as made in the Committee of the Whole,

By adding to section 9th the words,

“Provided, that this act may be repealed, amended, or modified by any subsequent Legislature.”

The amendments as amended were then concurred in.

Mr. Willim moved

To amend the bill by striking out section 3d.

And the yeas and nays being called for and ordered, there were,

Yeas 3, }  
Nays 3. }

Those who voted in the affirmative were,

Mr. Andros,	Cave,	Speaker—3.
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Those who voted in the negative were

Mr. Beatty,	Brawley,	Dixon,
Davis,	Fridley,	Grant,
Haus,	Hanson,	Regester,
Rolette,	Sibley,	Stanchfield,
Thompson—13.		

The bill was then ordered to be engrossed for a third reading.

Mr. Fridley, by the unanimous consent of the House, introduced the following resolution:—

*Resolved*, That the Enrolling Committee be requested to report immediately to this House why

(No. 71, H of R,) An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances,"

Reported enrolled by said committee on the 27th inst., was not returned to this House for the signature of the Speaker;

Which resolution was adopted.

Mr. Rolette moved

That the House adjourn.

Which motion was adopted.

So the House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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THURSDAY,

MARCH 1, 1855.

The House met pursuant to adjournment and was called to order by the Speaker.

The roll being called,

The following members answered to their names:

Mr. Andros,

Cave,

Fridley,

Haus,

Lemay,

Sibley,

Thompson,

Speaker.

Beatty,

Davis,

Grant,

Hanson,

Regester,

Stanchfield,

Willim,

Prayer by the Rev. Mr. Hodsdon;

On motion of Mr. Dixon,

The reading of the journal was dispensed with;

Mr. Sibley moved, that

[No. 34, C F,] A bill to provide for the apportionment of members of the Legislative Assembly of this Territory,

Be taken up.

Mr. Sibley moved,

To amend the bill by striking out the word "may" in the second line of the thirteenth section, and inserting the word "shall" in lieu thereof,

Which amendment was adopted;

Mr. Sibley moved,

The previous question;

The question being,

Shall the main question be now put?

It was determined in the affirmative;

So the main question was ordered to be put.

The question then recurring,

On ordering the bill to be read a third time,

And the yeas and nays being called for and ordered, there were

Yeas, 11, }  
Nays, 7. }

Those who voted in the affirmative were

Mr. Andros,

Hanson,

Sibley,

Fridley,

Register,

Stanchfield,

Willim,

Grant,

Rolette,

Thompson,

Speaker—11.

Those who voted in the negative were,

Mr. Beatty,

Dixon,

Brawley,

Davis,

Cave,

Haus,

Lemay—7.

So the bill was ordered to be read a third time,

The bill was then read a third time,

Mr. Sibley moved,

The previous question on the passage of the bill,

The question then recurring,

Shall the main question be now put?

And the yeas and nays being called for and ordered, there were

Yeas 11, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Andros,

Hanson,

Sibley,

Fridley,

Register,

Stanchfield,

Willim,

Grant,

Rolette,

Thompson,

Speaker—11.

Those who voted in the negative were,

Mr. Beatty,

Brawley,

Cave,

Dixon,

Davis,

Haus,

Lemay—7,

So the main question was ordered;

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 11, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Andros,  
Hanson,  
Sibley,

Fridley,  
Register,  
Stanchfield,  
Willim,

Grant,  
Rolette,  
Thompson,  
Speaker—11.

Those who voted in the negative were,

Mr. Beatty,  
Dixon,

Brawley,  
Davis,

Cave,  
Haus,  
Lemay—7.

So the bill passed,

The question then recurring on agreeing to the title of the bill.

And the yeas and nays being called for and ordered, there were,

Yeas 11, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Andros,  
Hanson,  
Sibley,

Fridley,  
Register,  
Stanchfield,  
Willim,

Grant,  
Rolette,  
Thompson,  
Speaker—11.

Those who voted in the negative were,

Mr. Beatty,  
Dixon,

Brawley,  
Davis,

Cave,  
Haus,  
Lemay—7.

So the title of the bill was agreed to.

Mr. Sibley moved,

That the vote by which,

(No. 34, C F.) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

Was passed by the House,

Be reconsidered.

And the yeas and nays being called for and ordered, there were

Ayes 9, }  
Nays 9. }

Those who voted in the affirmative were,

Mr. Andros,  
Cave,  
Haus,

Beatty,  
Dixon,  
Lemay,

Brawley,  
Davis,  
Register—9.

Those who voted in the negative were,

Mr. Fridley,

Rolette,

Thompson,

Grant,

Sibley,

Willim,

Hanson,

Stanchfield,

Speaker—9.

So the House refused to reconsider the vote;

Mr. Regester from the joint committee on engrossed bills made the following

### REPORT:

The joint committee on engrossed bills have examined and found correctly engrossed the following bills:

[No. 66, H of R,] A bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota.

[No. 72, H of R,] An act entitled an act to secure to the owners their property in logs, masts, spars, and other timber.

[No. 65, H of R,] A bill entitled an act to establish the office of county auditor.

[No. 60, H of R,] A bill for an act granting to John S. Wilson, Anton Edelbrock and Wm. A. Corbett the right to establish and maintain a ferry across the Mississippi river at St. Cloud.

[No. 29, H of R,] A bill for an act to locate a Territorial road from St. Cloud to Lac Traverse.

(No. 75, H of R,) A bill for an act to repeal an act entitled an act to authorize the exercise of all equity jurisdiction in the form of civil actions and for other purposes.

S. M. REGESTER,

C. S. CAVE,

*Committee.*

Mr. Brawley, from the joint committee on enrolled bills made the following

### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills:

(No. 24, C F,) A bill to change the time of holding courts in the county of Ramsey.

(No. 12, C F,) A bill for an act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river;

(No. 16, C F,) A bill for an act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river.

(No. 4, H of R,) A bill to incorporate the Stillwater ferry company,

(No. 8, H of R,) A bill for an act to amend an act entitled an act to incorporate the St. Anthony Boom company.

Approved Feb. 27, 1852.

(No. 9, H of R,) A bill for an act granting to Samuel H. McManus, Wm. Creighton,

and James C. Beekman, the right to establish and maintain a ferry across the Mississippi river.

(No. 25, C F,) A memorial;

I. VAN ETTEN,  
*Chairman Council Com.*  
JOS. ROLETTE,  
D. F. BRAWLEY,  
*House Committee.*

A message from the Council being announced, A. J. Morgan, Esq., Chief Clerk thereof, appeared and delivered the following

MESSAGE :

MR. SPEAKER:—

The Council has passed,

(No. 36, C F,) A bill to amend certain chapters of the Revised Statutes,

In which the concurrence of the H of R is respectfully requested.

The Council has concurred in House amendment to

(No. 43, C F,) A bill granting to M. L. Ames, George Hezlep, George W. Farrington, C. H. Parker, and Wm. B. Dodd, the right to establish a Ferry across the Minnesota river.

The Council has passed

(No. 79, H of R,) An act to incorporate the Stillwater Academy,

With amendments.

(No. 32, H of R,) A bill for a line of telegraph from St. Paul to St. Anthony and Minneapolis,

With amendments.

(No. 1, H of R,) Joint resolution relative to error in the charge of \$33,16 to the county of Washington, by the Territorial Treasurer in the year 1850.

An act providing that copies of records in the office of Register of Deeds may be admissible in evidence;

With an amendment;

[No. 63, H of R,] An act to amend an act entitled an act to incorporate the city of Stillwater, Washington county,

With an amendmet;

Mr. Sibley moved,

That the bills ready for a third reading be now taken up;

Which motion was adopted.

[No. 65, H of R,] A bill entitled an act to establish the office of county auditor,

Was then read a third time;

On motion of Mr. Sibley,

The rules were suspended,

And the bill was read a third time by its title,

The bill was then passed;

The question then recurring on agreeing to its title,

It was agreed to.

(No. 60, H of R,) A bill for an act granting to John L. Wilson, Anton Edelbrock and Wm. A. Corbett, the right to establish and maintain a ferry across the Mississippi river at St. Cloud,

Was then ordered to be read a third time;

On motion of Mr. Hanson,

The rules were suspended,

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 10. }

Nays 4. }

Those who voted in the affirmative were,

Mr. Beatty,

Dixon,

Hanson,

Brawley,

Davis,

Lemay,

Cave,

Grant,

Stanchfield,

Thompson—10.

Those who voted in the negative were,

Mr. Andros,

Sibley,

Willim,

Speaker—4.

Its title was then agreed to.

(No. 66, H of R,) A bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota,

Was then ordered to be read a third time;

On motion of Mr. Rolette,

The rules were suspended,

And the bill read a third time by its title;

The bill was then passed,

And its title agreed to.

(No. 29, H of R,) A bill for an act to locate a Territorial road from St. Cloud to Lac Traverse,

Was then ordered to be read a third time;

The bill was then read a third time and passed;

The question then recurring on agreeing to its title,

It was agreed to.

(No. 75, H of R,) A bill for an act to repeal an act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes,

Was ordered to be read a third time.

Mr. Hanson by the unanimous consent of the House, presented the remonstrance of D. C. Coolep and 20 others, members of the legal profession of M. T. against the passage of the bill;

The question recurring on the passage of the bill,

Mr. Hanson moved,

To lay the bill on the table;

And the yeas and nays being called for and ordered, there were

Ayes 11, }  
Nays 4. }

Those who voted in the affirmative were

Mr. Andros,	Brawley,	Dixon,
Grant,	Hanson,	Regester,
Sibley,	Stanchfield,	Thompson,
	Willim,	Speaker—11.

Those who voted in the negative were,

Mr. Beatty,	Cave,	Davis,
		Lemay—4.

The question recurring on ordering,

[No. 72, H of R,] An act entitled an act to secure to the owners their property in logs, masts, spars and other timber,

To be read a third time;

Mr. Dixon moved,

A call of the House,

-The roll being called,

Messrs. Haus, Lemay and Rolette were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats;

A message from the Council being announced, A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

I have been instructed to call upon the H of R, and request the return to the Council for further action,

[No. 74, H of R,] An act to provide for the appointment of a commissioner of emigration for the Territory of Minnesota.

Mr. Andros moved,

That further proceedings under the call be dispensed with;

Which motion was lost.

Mr. Sibley moved,

That the House adjourn;

Which motion was lost.

Mr. Sibley moved,

That all further proceedings under the call of the House be dispensed with.

Which motion was adopted.

[No. 72, H of R,] An act entitled an act to secure to the owners their property in logs, masts, spars, and other timber,

Was then ordered to be read a third time,

Mr. Dixon moved a call of the House.  
 The chair decided the motion out of order;  
 Mr. Dixon appealed from the decision of the chair;  
 The question then recurring,  
 Shall the opinion of the chair stand as the opinion of the House?  
 And the yeas and nays being called for and ordered, there were

Yeas 14. }

Nays 2. }

Those who voted in the affirmative were,

Mr. Andros,

Cave,

Grant,

Sibley,

Beatty,

Davis,

Lemay,

Stanchfield,

Willim,

Brawley,

Fridley,

Regester,

Thompson,

Speaker—14.

Those who voted in the negative were,

Mr. Dixon,

Hanson—2.

So the opinion of the chair was sustained.

The bill was then read a third time.

Mr. Dixon moved,

A call of the House;

The roll being called,

Messrs. Haus and Rolette were reported absent.

Mr. Cave moved,

That further proceedings under the call be dispensed with;

Which was lost.

Mr. Cave moved,

That the House do now adjourn;

Which motion was lost.

Mr. Cave moved,

That further proceedings under the call of the House be dispensed with;

Which motion was adopted.

Mr. Cave moved,

That Messrs. Haus and Rolette be excused from further attendance upon this House during the morning's session.

Mr. Stanchfield moved,

That the House adjourn until 2 o'clock this afternoon;

Which motion was lost.

Mr. Thompson moved,

That the House adjourn until half-past two o'clock,

Which was not adopted.

The motion of Mr. Cave was then adopted.

The Speaker signed the following bills:

[No. 12, C F.] An act granting to O. H. Kelley, the right to establish and maintain a ferry across the Mississippi river.

(No. 10, C F,) An act to amend an act granting to James M. Goodhue, and Isaac N. Goodhue, the right to establish and maintain a ferry across the Mississippi river;

[No. 9, H of R,] An act granting to Samuel H. McManus, William Creighton, and James C. Beekman, the right to establish and maintain a ferry across the Mississippi river;

(No. 4, H of R,) An act to incorporate the Stillwater ferry company;

(No. 8, H of R,) An act to amend an act entitled, "an act to incorporate the St. Anthony Boom Company.

Approved Feb. 27th, 1852.

(No. 24, C F,) A bill to change the time of holding courts in the county of Ramsey.

The question then recurring on the passage of,

(No. 72, H of R,) An act entitled an act to secure to the owners their property in logs, masts, spars, and other timber;

And the yeas and nays being called for and ordered, there were

Yeas, 14, }  
Nays, 2. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Dixon,	Davis,	Fridley,
Grant,	Hanson,	Lemay,
Register,	Stanchfield,	Thompson,
	Willim,	Speaker—14.

Those who voted in the negative were,

Mr. Cave, Sibley—2.

So the bill passed.

The title of the bill was then agreed to.

Mr. Fridley moved,

That the House adjourn until this afternoon at 3 o'clock.

And the yeas and nays being called for and ordered, there were

Yeas 7, }  
Nays 9. }

Those who voted in the affirmative were,

Mr. Fridley,	Hanson,	Register,
Stanchfield,	Thompson,	Willim,
		Speaker—7.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Lemay,	Sibley—9.

So the motion was lost;

Mr. Brawley moved,

That messages from the Council be now taken up.

Mr. Hanson moved a call of the House;

The roll being called,

All the members were reported present.

Mr. Hanson moved,

That the House adjourn until half past three o'clock, this afternoon;

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 9. }

Those who voted in the affirmative were,

Mr. Fridley,	Hanson,	Regeester,
Stanchfield,	Thompson,	Willim—6.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Sibley,	Speaker—9.

So the motion was not adopted;

Mr. Hanson moved,

That the House do now adjourn;

And the yeas and nays being called for and ordered, there were

Yeas 3, }  
Nays 13. }

Those who voted in the affirmative were,

Mr. Hanson,	Regeester,	Thompson—3.
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Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Fridley,	Grant,	Lemay,
Sibley,	Stanchfield,	Willim,
		Speaker—13.

So the House refused to adjourn;

Mr. Hanson moved,

A call of the House;

The roll being called,

All the members were reported present.

Mr. Hanson moved,

That the House adjourn;

And the yeas and nays being called for and ordered, there were

Yeas 5. }  
Nays 11. }

Those who voted in the affirmative were,

Mr. Fridley,	Hanson,	Regeester,
	Stanchfield,	Thompson—5.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Lemay,	Sibley,
	Willim,	Speaker—11.

So the House refused to adjourn.

Mr. Hanson moved

A call of the House.

The Chair decided the motion out of order.

Mr. Brawley moved

The previous question.

The question then recurring,

Shall the main question be now put?

It was determined in the affirmative.

The question then recurring,

Shall the messages from the Council be now taken up?

It was determined in the affirmative.

Mr. Hanson moved

A call of the House.

The roll being called,

All the members were reported present.

Messages from the Council being taken up,

The question recurred on the concurrence of the House in the amendments made by the Council to

(No. 26, H of R,) A bill granting mechanics a lien on houses and other buildings;

Mr. Hanson moved

A call of the House;

The roll being called,

All the members were reported present.

Mr. Hanson moved

To amend the Council amendments, by striking out the words "twenty-five per cent" wherever it occurs in the bill.

And the yeas and nays being called for and ordered, there were

Yeas 3, }	
Nays 11. }	

Those who voted in the affirmative were,

Mr. Hanson,	Regester,	Stanchfield—3.
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Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Lemay,	Sibley,
Willim,	Speaker—11.	

So the motion was lost.

Mr. Thompson moved a call of the House.

The roll being called,

Mr. Fridley was reported absent.

Mr. Dixon moved

That Mr. Fridley be excused from further attendance on this House during the day.

And the yeas and nays being called for and ordered, there were

Ayes 9, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Lemay,	Sibley—9.

Those who voted in the negative were,

Regester,	Stanchfield,	Thompson,
Willim,	Speaker—5.	

So the motion was adopted.

The previous question having been called for, the question recurred,

Shall the main question now be put?

And the yeas and nays being called for and ordered, there were,

Yeas 11, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Fridley,	Grant,	Lemay,
Sibley,	Speaker—11.	

Those who voted in the negative were,

Mr. Hanson,	Regester,	Stanchfield,
Thompson,	Willim—5.	

So the main question was ordered.

The question then recurring on the concurrence of the House to the amendments made in the Council to

No. 26, H of R,

And the yeas and nays being called for and ordered, there were

Yeas, 4, }  
Nays, 11. }

Those who voted in the affirmative were

Mr. Fridley,	Regester,	Stanchfield,
Willim—4.		

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Hanson,	Lemay,
Sibley,	Speaker—11.	

So the House refused to concur in the amendments.

Mr. Brawley moved that

(No. 48, H of R,) A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company,

Be taken up, and called for the previous question on his motion.

The question then recurring,

Shall the main question now be put?

And the yeas and nays being called for and ordered, there were

Yeas 10. }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Lemay,	Sibley,
Speaker—10.		

Those who voted in the negative were,

Mr. Fridley,	Hanson,	Register,
Stanchfield,	Thompson,	Willim—6.

The question then recurring on taking up

No. 33, H of R,

And the yeas and nays being called for and ordered, there were,

Yeas 10. }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Fridley,
Grant,	Sibley,	Speaker—9.

Those who voted in the negative were,

Mr. Hanson,	Register,	Stanchfield,
		Willim—4.

So the bill was taken up.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

MESSAGE :

MR. SPEAKER:—

The Council has passed

(No. 32, C F.) A bill granting to Felix Regling the right to establish and maintain a ferry across the Mississippi river at or near the mouth of Crow river;

(No. 46, C F.) A bill granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river.

(No. 23, C F.) A bill to amend the Revised Statutes in reference to assessors, and for other purposes.

In which the concurrence of the H of R is respectfully requested.

Mr. Cave called for the previous question on the concurrence of the House to the Council amendments to

No. 48, H of R.

The question then recurring

Shall the main question be now put?

And the ayes and nays being called for and ordered, there were

Yeas 11, }

Nays 5. }

Those who voted in the affirmative were,

Mr. Andros,

Cave,

Fridley,

Beatty,

Dixon,

Grant,

Sibley,

Brawley,

Davis,

Lemay,

Speaker—11.

Those who voted in the negative were,

Mr. Hanson,

Regester,

Thompson,

Stanchfield,

Willim—5.

So the main question was ordered;

Mr. Hanson moved,

That the House adjourn,

The Speaker decided the motion out of order,

Mr. Hanson appealed from the decision of the Chair;

Mr. Cave moved,

To lay the appeal on the table,

Which was determined in the affirmative.

The question then recurring on concurring in the first Council amendments to the Bill;

Mr. Hanson moved a call of the House;

The roll being called,

All the members were reported present,

The question again recurring on concurring in the first Council amendment to the Bill;

And the yeas and nays being called for and ordered, there were

Yeas 11, }

Nays 4. }

Those who voted in the affirmative were,

Mr. Andros,

Cave,

Grant,

Beatty,

Dixon,

Lemay,

Brawley,

Davis,

Sibley,

Speaker—10.

Those who voted in the negative were,

Mr. Hanson,

Regester,

Stanchfield,

Thompson—4.

So the amendment was adopted.

The question then recurring on the concurrence of the House in the second Council amendment to the bill,

It was concurred in.

Mr. Davis moved,

To consider the vote by which the House concurred in the amendments to No. 48, H of R.

As made by the Council.

Mr. Fridley moved,

To lay the motion to reconsider on the table,

And the yeas and nays being called for and ordered, there were

Yeas, 6, }  
Nays, 9. }

Those who voted in the affirmative were,

Mr. Fridley,	Grant,	Regester,
Stanchfield,	Thompson.	Willim—6.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Lemay,	Sibley,	Speaker—9.

So the motion was lost.

The question then recurring on the motion of Mr. Davis,

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 10. }

Those who voted in the affirmative were, .

Mr. Grant,	Hanson,	Regester,
Stanchfield,	Thompson,	Willim—6.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Fridley,	Lemay,	Sibley,
		Speaker—10.

So the motion was lost.

Mr. Dixon moved,

The House adjourned until this afternoon at 3 o'clock.

And the yeas and nays being called for and ordered, there were

Yeas 0, }  
Nays 12. }

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Lemay,	Regester,
Sibley,	Willim,	Speaker—12.

So the motion was lost.

Mr. Hanson moved,  
That the rules be suspended,  
And that  
(No. 81, H of R,) A bill for an act granting to George A. McLeod, the right to establish and maintain a ferry across the Minnesota river,

Be taken up,  
Which motion was lost.

Mr. Davis moved,  
That the House adjourn until 3½ o'clock this afternoon;  
And the yeas and nays being called for and ordered, there were

Yeas 7, }  
Nays 9. }

Those who voted in the affirmative were,

Mr. Dixon,	Davis,	Fridley,
Grant,	Lemay,	Stanchfield,
		Willim—7.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Hanson,	Register,
Sibley,	Thompson,	Speaker—9.

So the motion was lost.

Messages from the Council being under consideration,  
(No. 37, C F,) A bill to incorporate the Boston and Minnesota Mining Company;  
Was then taken up,  
And read the first time;

Mr. Sibley moved,  
That the bill be rejected;  
And the yeas and nays being called for and ordered, there were

Yeas 3, }  
Nays 11. }

Those who voted in the affirmative were,

Mr. Sibley,	Willim,	Speaker—3.
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Those who voted in the negative were,

Mr. Beatty,	Cave,	Davis,
Dixon,	Fridley,	Grant,
Hanson,	Lemay,	Register,
	Stanchfield,	Thompson—11.

So the motion was lost.

The bill was read a second time.

Mr. Sibley moved,  
To refer the bill to a select committee of three;  
Which motion was lost.

Mr. Sibley moved,  
That the bill be referred to the committee on Incorporations,

Which motion was lost.

Mr. Dixon moved,  
That the rules be suspended,  
And the bill be now read a third time by its title.  
And the yeas and nays being called for and ordered, there were,

Yeas 10, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Beatty,	Cave,	Dixon,
Fridley,	Grant,	Hanson,
Lemay,	Regester,	Stanchfield,
		Thompson—10.

Those who voted in the negative were,

Mr. Brawley,	Davis,	Sibley,
	Willim,	Speaker—5.

So the motion was adopted;  
The bill was then read a third time.

Mr. Sibley moved,  
That the bill be referred to a committee of five;  
And the yeas and nays being called for and ordered, there were,

Yeas 5, }  
Nays 9. }

Those who voted in the affirmative were,

Mr. Davis,	Hanson,	Lemay,
	Sibley,	Willim—5.

Those who voted in the negative were,

Mr. Beatty,	Brawley,	Cave,
Dixon,	Fridley,	Grant,
Regester,	Stanchfield,	Thompson—9.

Mr. Sibley moved,  
That the bill be referred to the committee of the whole;  
Which was lost.

Mr. Dixon moved,  
The previous question,  
Mr. Cave, moved a call of the House,

The roll being called,  
Mr. Andros was reported absent.

The Sergeant-at-Arms was directed by the Speaker to notify the absent member to appear in his seat.

The Sergeant at Arms returned and reported  
That he had notified the absent member,  
And that he was in attendance.

The question then recurring  
Shall the main question be now put?

It was determined in the affirmative.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were,

Yeas 8, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Beatty,	Dixon,	Fridley,
Grant,	Lemay,	Regeater,
	Stanchfield,	Thompson—8.

Those who voted in the negative were,

Mr. Andrews,	Hanson,	Sibley,
	Willim,	Speaker—5.

So the bill passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

(No. 38, C F.) A bill to incorporate the Pittsburg and Minnesota Mining Company.

Was taken up,

And read the 1st time.

Mr. Sibley moved,

That the bill be rejected,

Which motion was lost.

The bill was read the second time.

Mr. Hanson moved,

That a committee of conference be appointed by the Council on the disagreeing vote in the amendments to

(No. 10, H of R,) A bill granting to Antoine Roberts, the right to establish and maintain a ferry across the Minnesota River,

Which motion was adopted.

The Chair appointed,

Messrs. Davis, Hanson and Haus as said committee.

On motion of Mr. Dixon,

The House adjourned.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,

*Chief Clerk.*

**FRIDAY.**

MARCH, 2, 1855.

The House met pursuant to adjournment, and was called to order by the Speaker. The roll being called, the following members answered to their names:

Mr. Brawley,	Cave,
Dixon,	Davis,
Grant,	Haus,
Hanson,	Regester,
Rolette,	Sibley,
Stanchfield,	Willim,
Speaker.	

Prayer by the Rev. Mr. Hodsdon.

The Clerk commenced the reading of the Journal:

On motion of Mr. Sibley

The further reading of the journal was dispensed with.

The Chair announced the following as the committee to whom was referred (No 31, C F,) An act to incorporate the Mississippi River Improvement Company: Messrs. Sibley, Willim, and A. M. Fridley.

Mr. Sibley presented the petition of Ames, Van Etten and 14 others, members of the legal profession, praying the repeal of an act passed March 5th, 1853, entitled "An act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes."

Which was laid on the table.

Mr. Brawley, from the joint committee on enrolled bills, made the following

**REPORT:**

The joint committee on enrolled bills have examined and found correctly enrolled the following bills and memorials:

(No. 7, H of R,) A bill for an act granting to Lewis Stone, A R Riggs, George Houghton, and H N Corbett, the right to establish and maintain a ferry across the Mississippi River.

(No. 8, H of R,) A memorial to Congress for ten thousand dollars for the construction of the Mendota and Wabashaw road.

(No. 13, H of R,) An act entitled an act to incorporate the Monticello Academy, at Monticello.

(No 15, H of R,) An act to incorporate the Lake Pepin Boom Company.

I. VAN ETTEN,

*Chairman Council Com.*

D. F. BRAWLEY,

A. M. FRIDLEY,

*House Com.*

The Speaker has signed the following bills:

(No. 7, H of R,) An act granting to Lewis Stone, A. C. Riggs, George Houghton and H. N. Corbett, the right to establish and maintain a ferry across the Mississippi River.

(No. 13, H of R,) An act entitled an act to incorporate the Monticello Academy, at Monticello.

(No. 8, H of R,) A memorial to Congress for an appropriation of \$10,000, for the continuation of the Mendota and Wabashaw road.

(No. 15, H of R,) An act to incorporate the Lake Pepin Boom Company.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following

#### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and join resolutions:

[No. 33, C F.] An act for the benefit of Common Schools of the Territory of Minnesota, and other purposes.

[No. 43, C F.] A bill granting to Wm. L. Ames, Geo. Hezlep, Geo. W. Farrington, C. H. Parker, and W. B. Dodd, the right to establish a ferry across the Minnesota river.

[No. 27, C F.] An act to amend an act entitled an act to amend an act to incorporate the St. Croix Boom Company.

[No. 25, C F.] A bill supplementary to the act incorporating the Minnesota Historical Society, and for other purposes.

[No. 15, C F.] An act to incorporate the city of St. Anthony.

[No. 9, C F.] A bill granting to W. Sweeney, W. Lauer, Richard Freeborn, and Norris Hobart, the right to establish and maintain a ferry across the main channel of the Mississippi River.

D. F. Brawley, from the Joint Committee on Enrolled Bills, made the following

#### REPORT :

The Joint Committee on Enrolled Bills did, on the 8th day of Feb., 1855, present to His Excellency, the Governor, for examination and approval, the following bills:

Feb. 8th, 1855.

No. 2, H of R, A memorial.

No. 5, H of R, A bill.

No. 1, C F, A bill.

No. 13, A bill.

No. 1, C F, Joint Resolution.

The Joint Committee on Enrolled Bills did, on the 16th day of Feb., 1855, present to His Excellency, the Governor, for examination and approval, the following bills:

No. 26, C F, A memorial.

No. 1, C F, Memorial.

No. 3, C F, Memorial.

No. 4, H of R, A memorial.

The Joint Committee on Enrolled Bills did, on the 22d day of Feb., 1855, present to His Excellency, the Governor, for examination and approval, the following bills:

No. 6, H R, A memorial.

No. 4, C F, A bill.

No. 18, H R, A bill.

No. 56, H R, A bill.

No. 6, C F, A bill.

No. 7, H R, A memorial.

No. 33, H R, An act.

The Joint Committee on Enrolled Bills did, on the 27th day of Feb., 1855, present to His Excellency, the Governor, for examination and approval, the following bills:

No. 19, H R, An act.

No. 21, H R, A bill.

No. 46, H R, A bill.

No. 59, H R, A bill.

No. 50, H R, A bill.

No. 36, H R, An act.

No. 28, H R, An act.

No. 6, H R, A bill.

No. 20, H R, An act.

No. 52, H R, An act.

No. 35, H R, An act.

No. 2, C F, A bill.

No. 7, C F, A bill.

No. 8, C F, A bill.

No. 21, C F, A bill for an act.

D. F. BRAWLEY,  
*Chairman House Com.*

Mr. Cave, from the Committee on Incorporations, made the following

## REPORT :

The Committee on Incorporations, to whom was referred

[No. 55, H of R,] A bill for an act to incorporate the St. Paul and Lake Superior Mining Company,

And

[No. 26, C F,] A bill for an act to incorporate the St. Anthony and Lake Superior Mining Company,

Beg leave to report the bill back with the following amendments :

“Strike out in section 7, in both bills, the word jointly, and insert individually.”

C. S. CAVE,  
J. B. DIXON.

Mr. Rolette moved

That the Chief Clerk be instructed to return to the Council for their further action (No 74, H of R,) An act to provide for the appointment of a Commissioner of Emigration to the Territory of Minnesota.

Which motion was adopted.

A message from the Council being announced,

A. J. Morgan, Esq., appeared and delivered the following

## MESSAGE.

MR. SPEAKER:—

The Council has concurred in the House amendments to (No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of Minnesota Territory.

The Council has passed

(No. 65, H of R,) A bill entitled an act to establish the office of County Auditor. With an amendment, and an amendment to its title.

(No. 66, H of R,) A bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota,

With amendments.

(No. 60, H R,) A bill for an act granting to John L. Wilson, Anton Edelbrook, and Wm. A. Corbett, the right to establish and maintain a ferry across the Mississippi river, at St. Cloud,

With an amendment, and an amendment to its title.

The Council refuses to recede from its amendment to

(No. 26, H of R,) A bill for an act granting to mechanics and others a lien on houses and other buildings.

The Council has adopted the report of the committee of conference on the disagreeing vote on

(No. 5, C-F.) An act to incorporate the Transit Railroad Company.  
Mr. Register, from the Committee on Engrossed Bills, made the following

## REPORT :

The Committee on Engrossed Bills have examined and found correctly engrossed the following bill :

(No. 41, H of R,) A bill granting to Julius Andrews the right to establish and maintain a ferry across the Minnesota River.

S. M. REGESTER,  
C. W. THOMPSON,  
*Committee.*

Mr. Hanson moved

That the Committee of the Whole be discharged from the further consideration of (No. 28, C F,) A bill relative to the terms of courts to be held in certain counties. Which motion was lost.

Mr. Hanson moved that

(No. 87, H of R,) A bill relative to the terms of courts to be held in certain counties, and for other purposes,

Be taken up and referred to the Committee of the Whole.

Which was adopted.

On motion of Mr. Hanson,

The House resolved itself into a Committee of the Whole,

Mr. Cave in the chair,

Having under consideration

(No. 70, H of R,) A bill to organize the county of Brown and for other purposes.

Also,

(No. 87, H of R,) A bill relative to the terms of the courts to be held in certain counties, and for other purposes.

A message from the Council being announced, the Speaker took the chair, when A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

## MESSAGE :

MR. SPEAKER:—

The President of the Council has signed

(No. 9, H of R,) An act granting to Samuel H. McManus, William Creighton, and James C. Beekman, the right to establish and maintain a ferry across the Mississippi River.

(No. 4, H of R,) An act to incorporate the Stillwater Ferry Company.

(No. 8, H of R,] A bill for an act to amend an act entitled an act to incorporate the St. Anthony Boom Company, approved Feb. 27, 1852.

(No. 16, C F,) An act to amend an act granting to James M. Goodhue, Isaac N. Goodhue, the right to establish and maintain a ferry across the Mississippi River.

(No. 24, C F,) A bill to change the time of holding courts in the county of Ramsey.

[No. 12, C F,] An act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi River.

The Secretary having withdrawn, the committee resumed its sitting.

After some time passed therein,

The committee rose,

And by their chairman reported back

No. 70, H of R,

With amendments, and recommended its passage. Also,

No. 87, H of R,

With amendments, and recommended its passage.

The report of the Committee of the Whole was accepted.

The question then recurring on the concurrence of the House in the amendment made by the Committee of the Whole to

No. 87, H of R,

It was concurred in.

The bill was then ordered to be engrossed for a third reading.

The question then recurring on the concurrence of the House in the first amendment as made in the Committee of the Whole, to

No. 70, H of R,

Viz; To strike out the word "Keating," in the 6th section, and insert "Davis," in lieu thereof.

It was concurred in.

The question then recurring on the concurrence of the House in the second amendment made in the Committee of the Whole to the bill, viz:

To strike out the word "Brown," in the 6th section, and inserting the word "Stevens" in lieu thereof.

It was concurred in.

The question then recurring on the concurrence of the House to the third amendment made to the bill in the Committee of the Whole, viz:

To add as an additional section the following:

Section 8th. And be it further enacted, That so much of section (25) twenty-five lying east of the Mississippi River, comprising two hundred acres and known as St. Anthony City, shall not be *included in the* City of St. Anthony.

And the yeas and nays being called for and ordered, there were

Yeas, 6, }  
Nays, 9. }

Those who voted in the affirmative were,

Mr. Andros,  
Dixon,

Beatty,  
Davis,

Brawley,  
Lemay—6.

Those who voted in the negative were,

Mr. Fridley,	Grant,	Hanson,
Regester,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker—9.

So the amendment was not concurred in.

Mr. Davis moved

To amend the bill by striking out the word "Brown," wherever it occurs in the bill, and insert the word "Stevens" in lieu thereof;

Which amendment was adopted.

The bill was then ordered to be engrossed for a third reading.

Messages from the Council being taken up,

(No. 36, C F,) A bill to amend certain chapters of the Revised Statutes, Was taken up and read the first and second times.

On motion of Mr. Hanson,

The bill was rejected.

(No 44, C F,) A bill to incorporate the Western Bridge Company, Was taken up and read the first and second times.

A message from the Council being announced, A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

#### MESSAGE :

MR. SPEAKER:—

The President of the Council has signed the following bill and memorial:

(No 15, H of R,) An act to incorporate the Lake Pepin Boom Company.

(No 7, H of R,) An act granting to Lewis Stone, A. C. Riggs, George Houghton, and H. N. Corbett, the right to establish and maintain a Ferry across the Mississippi river.

(No 8, H. of R,) Memorial to Congress for \$10,000 for the continuation of the Mendota and Wabashaw road.

(No 13, H of R,) A bill entitled "A act to incorporate the Monticello Academy at Monticello.

(No 39, C F,) An act granting to Carmi P. Garlick the right to maintain a Ferry across the St. Croix river,

Was taken up and read the first and second times.

Mr. Dixon moved

That the rules be suspended, and the bill be now read a third time by its title;

Which motion was adopted.

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

Its title was then agreed to.

Mr. Sibley moved

To re-consider the vote by which

(No 87, H of R,) A bill relative to the terms of the Courts to be held in certain counties, and for other purposes,

Was ordered to be engrossed for a third reading;  
Which motion was adopted.

Mr. Sibley moved  
To amend the bill by striking out the 10th section;  
Which amendment was adopted.

The bill was then ordered to be engrossed for a third reading.  
(No 23, C F,) A bill for an act to amend the revised statutes in reference to assessors and for other purposes,

Was taken up, and read the first and second times.

Mr. Brawley moved  
That the bill be indefinitely postponed.  
And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 8. }

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Haus,
Lemay,	Regeater,	Speaker—9.

Those who voted in the negative were

Mr. Fridley,	Grant,	Hanson,
Rolette,	Sibley,	Stanchfield,
Thompson,	Willim—8.	

So the motion prevailed, and the bill was indefinitely postponed.

(No 32, C F,) A bill granting to Felix Reghing the right to establish and maintain a Ferry across the Mississippi river at or near the mouth of Crow river,

Was taken up and read the first and second times.

Mr. Sibley moved that the bill be rejected; which motion was adopted.

(No 46, C F,) A bill for an act granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river.

Was taken up and read the first and second times.

Mr. Dixon moved

A call of the House.

The roll being called, Messrs. Andros, Beatty, Brawley, Cave, Davis, Lemay, and Rolette, were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

The Sergeant-at-Arms returned and reported the absent members in attendance.

A message from the Council being announced, A. J. Morgan, secretary thereof, appeared and delivered the following

## MESSAGE;

**MR. SPEAKER:—**

The Council has passed

(No 47, C F,) A bill prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the U. S. under certain circumstances."

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

Also, the Council has passed

(No 74, H of R,) An act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota,

With one amendment.

The bill is herewith returned.

Mr. Dixon moved

That the rules be suspended, and that

(No 46, C F,) A bill for an act granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river,

Be now read a third time by its title;

Which motion was adopted.

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

Its title was then agreed to.

(No 79, H of R,) An act to incorporate the Stillwater Academy,

Was then taken up.

The amendments as made to the bill in the Council were then rejected by the House.

A message from His Excellency, the Governor, being announced, E. Greene Durbin, Esq., His Excellency's private secretary, appeared and handed in a message in writing to the Speaker.

(No 86, H of R,) An act providing that copies of Records in the offices of Register of Deeds may be admissible evidence,

Was taken up.

The amendment made by the Council to the bill, was then concurred in by the House.

(No 63, H of R,) An act to amend an act entitled an act to incorporate the city of Stillwater in the county of Washington;

The amendment of the Council to the bill was then concurred in by the House.

(No 27, H of R,) A bill for an act to locate a Territorial road from Saint Augusta, on the Mississippi river, to Lac Traverse.

The amendment as made by the Council to the bill, was then concurred in by the House.

(No 32, H of R,) A bill for a line of Telegraph from St. Paul to St. Anthony and Minneapolis,

Was taken up.

The question on recurring on the concurrence of the House in the amendments made to the bill by the House, they were concurred in.

(No 14, H of R,) An act granting to Moses Perin and Joseph H. Tyler the right to establish and maintain a ferry across Lake Saint Croix,

Was taken up.

The amendment as made by the Council to the bill, was then concurred in by the House.

(No. 68, H of R,) A bill for an act to incorporate the Minnesota and Northern Pacific Railroad company.

Was then taken up.

The amendments as made in the Council to the bill, were then concurred in by the House.

(No. 44, H of R,) A bill for the relief of school district No. 6, in Ramsey county,

Was then taken up.

The amendment made by the Council to the bill, was then concurred in by the House.

(No. 23, H of R,) A bill for an act to locate a Territorial road from St. Cloud to intersect the old Red river road of the North,

Was taken up.

The question then recurring on the concurrence of the House in the following amendment to the bill by the Council, viz: To add as an additional section, the following:

SEC. 2. Nothing contained in any act heretofore passed, shall be deemed to exclude any portion of the city of St. Paul as established by the act of incorporation, approved March 4th, 1854, from the limits of Ramsey county.

And the yeas and nays being called for and ordered there were,

Yeas	8,	}
Nays	5.	

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
Lemay,	Rolette—8.	

Those who voted in the negative were

Mr. Hanson,	Register,	Stanchfield,
Willim,	Speaker—5.	

So the amendment was concurred in.

(No 39, H of R,) A bill granting to George R. Stuntz the right to establish and maintain a Ferry across the St. Louis river,

Was then taken up.

The amendment made by the Council to the bill, was then concurred in by the House.

The chair laid before the House, the following communication:

**MR. SPEAKER:—**

I am directed by the Governor to inform the House of Representatives, that Bill number 59, being an Act supplementary to an act entitled "An act to amend the Min-

nesota and North-Western Railroad Company," has been retained in his possession more than three days, whereby it has become a law under the provisions of the 20th section of the organic act." His reasons therefore will be found in the accompanying

## MESSAGE :

MR. SPEAKER:—

I have the honor to communicate to the House of Representatives that I have retained in my possession, for more than three days

(No 59, H of R,) A bill for an act supplementary to an act entitled "An act to amend the Minnesota and North-Western Railroad Company,

Intending that it should become a law without my signature, for the following reasons :

1st. Your Honorable Body will perceive at a glance that the Act is supplementary to an act amending the Minnesota and North-Western Railroad Company, instead of the *charter* of said company.

I hope Gentlemen that this important omission, as I deem it, was unintentional. There has been already enough Legislation casualties connected with this Minnesota and North Western Railroad Company, without having the mortification of seeing another attempt in Minnesota. The general objects of the bill are substantially in accordance with my previous re-considerations, and in the event of the acceptance of the amendments before me, by the Company, in good faith and with the intention of carrying out and executing the requirements of the act, one of the serious objections entertained by me against the Charter, will be removed.

2d. I deem it idle Legislation, totally void and of no effect, unless the Company shall voluntarily comply with its provisions. There can be no pretence that they are bound by it. I must decline Gentlemen sanctioning by my approval and signature, a legislative enactment which recognizes the former acts of the Company as correct, and which presumes from the past conduct of this Company enough to warrant its voluntary submission to the imposing upon it important and onerous pecuniary obligations.

If the Company choose to deposite money in this Territory to secure the building of the said road, they can do so without this law; if they do not choose to do so, the law would be as powerless as blank paper.

I am of the opinion that in the haste with which the bill passed the Legislature, the important fact that it must be a mere nullity was lost sight of. No other reason would I assign for this act of intelligent legislators. This Company has been charged with gross fraud in effecting their objects. These charges have been listened to by the people and by the Congress of the United States. Wherever the facts have been known, the charges have been believed.

On account of those charges the House of Representatives of the United States have disapproved the charter of the company by a unanimous vote, and I am inclined to believe that ere this the Senate have concurred with the House in their action. I cannot therefore allow myself to place in the equivocal position of seeming to recognize its existence. Such an act would seem to be in open defiance of the Government of the

United States. It would certainly be in opposition to my judgment, and in violation of the dictates of my conscience.

While your Honorable Body are legislating for said Company, the Congress of the United States seem to be Legislating against it.

But the Bill before me has received the sanction of the Legislature, and as it can in no possible contingency which occurs to me work any harm, but if accepted and executed in good faith by the Company, may be beneficial to the Territory or future State of Minnesota, I have concluded to give it such a direction as will meet with your views.

W. A. GORMAN.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following

#### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly engrossed the following bill:

(No. H of R,) A bill for an act to provide for the apportionment of the members of the Legislative Assembly of the Territory.

I. VAN ETTEN,  
*Chairman Council Com.*

J. ROLETTE,  
*Chairman House Com.*

A. M. FRIDLEY.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following

#### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bill:

(No. 48, H of R,) A bill to incorporate the Root River Valley and Southern Minnesota Railroad Company.

I. VAN ETTEN,  
*Chairman Council Com.*

D. F. BRAWLEY,  
*Chairman House Rep.*

Messages from the Council still being in order,

(No. 65, H of R,) A bill entitled an act to establish the Office of County Auditor, and for other purposes,

Was taken up,

The question then recurring on the concurrence of the House in the amendments made to the bill by the Council,

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Cave,
Davis,	Haus,	Lemay—6.

Those who voted in the negative were,

Mr. Dixon,	Fridley,	Regester,
Sibley,	Stanchfield,	Thompson,
	Willim,	Speaker—8.

So the House refused to concur in the amendments of the bill;

The question then recurring on concurring in the Council amendments to the title of the Bill, viz

To read the words "and for other purposes" to the title.

It was not concurred in.

(No. 47, C F,) An act prescribing Rules and Regulations for the execution of the trust arising under the act of Congress entitled an act for the relief of citizens of towns upon lands of the United States, under certain circumstances,

Was taken up,

And was read the first and second times,

Mr. Sibley moved,

That the bill be referred to a select committee of three,

Which motion was adopted;

(No. 66, H of R,) A bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota,

Was taken up,

The amendments as made to the bill by the Council were then concurred in by the House,

(No. 74, H of R,) An act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota.

Was taken up,

The following amendments made to the bill by the Council, viz, to insert between the words "Commissioners" and the word "shall" the words "shall have been at the time of his appointment at least three months in the Territory and" was then concurred in by the House.

(No. 80, H R,) A bill for an act granting to John L. Wilson, Anton Edelbrook, and Wm. A. Corbett, the right to establish and maintain a ferry across the Mississippi river, at St. Cloud,

Was taken up,

The Council amendments to the bill were then concurred in by the House,

The amendment to the title was then concurred in by the House,

Mr. Hanson presented the following report which was concurred in by the House;

The Joint Committee to which was referred the disagreeing vote of the two houses on,

(No. 5, C F,) A bill to incorporate the Transit Railroad Company.

Respectfully

## REPORT:

That the committee have had a conference on the matter before them, and have agreed to recommend that the House of Representatives do recede from its first amendments to said bill.

In support of this recommendation, your committee would state that they believe the names of Gov. Gorman and Secretary Rosser were inserted in the bill without being consulted on the subject and that both those gentlemen are desirous that their names should not be used in connection with any act of the Legislature of this character.

Under the impression therefore, that the names were inserted not only without the consent, but against the wishes of the gentlemen named, your committee deem it to be an act of justice to those gentlemen that their names be stricken from the Bill.

JOSEPH R. BROWN,  
I. VAN ETTEN,  
*Council Com.*

D. M. HANSON,  
W. A. DAVIS,  
W. WILLIM.  
*Committee House Rep.*

The Speaker has signed the following bills:

(No 43, C F,) A bill granting to W. L. Aines, George Hazlep, George W. Farrington, C. H. Parker and William B. Dodd, the right to establish and maintain a Ferry across the Minnesota river.

(No 34, C F,) A bill to provide for the appointment of the Legislative assembly of Minnesota Territory.

(No 33, C F,) An act for the benefit of common schools of Minnesota Territory, and for other purposes.

(No 25, C F,) A bill supplementary to the act incorporating the Minnesota Historical Society, and for other purposes.

(No 9, C F,) A bill granting to William W. Sweeney, William Lauver, Richard Freeborn and Morri Robert, the right to establish and maintain a Ferry across the main channel of the Mississippi river.

(No 15, C F,) An act to incorporate the City of St. Anthony.

(No 48, H of R,) An act incorporating the Root River Valley and Southern Minnesota Railroad Company.

The chair announced Messrs. Sibley, Haus, and Stanchfield, as the select committee to which was referred No. 47, C. F.

On motion of Mr. Dixon

The House adjourned until this afternoon at 3 o'clock.

*AFTERNOON SESSION.*

3 O'CLOCK P. M.

The House met pursuant to adjournment, and was called to order by the Speaker.  
The roll being called, the following members answered to their names:

Mr. Andros,	Beatty,
Brawley,	Cave,
Dixon,	Fridley,
Grant,	Haus,
Hanson,	Regester,
Rolette,	Sibley,
Stanchfield,	Thompson.

Mr. Dixon moved

A call of the House:

The roll being called

Messrs. Davis and Lemay were reported absent,

Mr. Cave moved,

That further proceedings under the call of the House be dispensed with,

And the yeas and nays being called for and ordered, there were

Yeas 5, }  
Nays 13. }

Those who voted in the affirmative were,

Mr. Cave,	Haus,	Sibley,
	Stanchfield,	Speaker—5.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Dixon,	Fridley,	Grant,
Hanson,	Regester,	Rolette,
	Thompson,	Willim—11.

So the motion was lost.

Mr. Cave moved,

That the House adjourn,

Which motion was lost;

Mr. Fridley moved,

That further proceedings under the call of the House be dispensed with,

And the yeas and nays being called for and ordered, there were,

Yeas 8, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Cave,  
Sibley,

Fridley,  
Stanchfield,  
Willim,

Hanson,  
Thompson,  
Speaker—8.

Those who voted in the negative were,

Mr. Andros,  
Dixon,

Beatty,  
Grant,  
Regester,

Brawley,  
Haus,  
Rolette—8.

So the motion was lost.

The Sergeant-at Arms was directed by the Speaker to notify the absent members to appear in their seats.

Mr. Cave moved,

That the House adjourn,  
Which motion was lost;

Mr. Cave moved,

That further proceedings under the call be dispensed with,  
And the yeas and nays being called for and ordered, there were,

Ayes 5, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Cave,

Fridley,  
Stanchfield,

Sibley,  
Speaker—5.

Those who voted in the negative were,

Mr. Andros,  
Grant,

Brawley,  
Haus,

Dixon,  
Regester,  
Rolette—7.

So the motion was lost,

Mr. Sibley moved,

That the House adjourn,  
Which motion was lost;

Mr. Sibley moved,

That all further proceedings under the call be dispensed with,  
And the yeas and nays being called for and ordered, there were

Yeas 5, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Cave,

Sibley,  
Thompson,

Stanchfield,  
Speaker—5.

Those who voted in the negative were,

Mr. Andros,  
Grant,

Brawley,  
Lemay,

Dixon,  
Regester,  
Rolette—7.

So the motion was lost;

Mr. Dixon moved,

That the House adjourn,  
And the yeas and nays being called for and ordered, there were,

Yeas 3, }  
Nays 12. }

Those who voted in the affirmative were,

Mr. Andros, Cave, Sibley,

Those who voted in the negative were,

Mr. Beatty, Brawley, Dixon,  
Fridley, Grant, Haus,  
Lemay, Register, Rolette,  
Stanchfield, Willim, Speaker.

So the House refused to adjourn.

Mr. Dixon moved

That further proceedings under the call be dispensed with,  
And the yeas and nays being called for and ordered, there were

Yeas 11, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Brawley, Dixon, Fridley,  
Grant, Lemay, Register,  
Rolette, Stanchfield, Thompson,  
Willim, Speaker.

Those who voted in the negative were,

Mr. Andros, Beatty, Cave,  
Haus, Sibley.

So the motion was adopted.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof appeared and delivered the following

#### MESSAGE:

**MR. SPEAKER:—**

The President has signed the following bills:

(No 43, C F,) A bill granting to William I. Ames, George W. Farrington, C. H. Parker, William B. Dodd, the right to establish and maintain a Ferry across the Minnesota river.

(No 34, C F,) A bill to provide for the apportionment of the Legislative Assembly of the Territory.

(No 33, C F,) An act for the benefit of Common Schools of the Territory of Minnesota and for other purposes.

(No 2, C F,) A bill supplementary to the act Incorporating the Minnesota Historical Society, and for other purposes.

(No 9, C F,) A bill for an act granting to W. W. Sweeny, William Lauver, Richard Freeborn and Norris Hobart the right to establish and maintain a Ferry across the Mississippi river.

(No 15, C F,) A bill to incorporate the city of St. Anthony.

(No 48, H of R,) An act incorporating the Root River Valley and Southern Minnesota Railroad Company.

Mr. Rolette moved that

(No 49, C F,) A bill supplementary to an act to provide for the apportionment of the members of the Legislative Assembly of this Territory,

Be taken up; which motion was adopted.

Mr. Sibley moved a call of the House:

The Clerk called the roll, and Messrs. Davis, Hanson and Lemay, were reported absent.

Mr. Rolette moved

That Mr. Davis be excused from further attendance on this House during this day;

And the yeas and nays being called for and ordered, there were

Yeas 11, }  
Nays 6. }

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Brawley,
Dixon,	Fridley,	Grant,
Regester,	Rolette,	Stanchfield,
Willim,	Speaker.	

Those who voted in the negative were

Mr. Cave,	Haus,	Hanson,
Lemay,	Sibley,	Thompson..

So the motion was adopted.

(No 49, C F,) was then read the first time.

Mr. Brawley moved

That the bill be rejected,

And the yeas and nays being called for and ordered, there were

Ayes 13, }  
Nays 4. }

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Brawley,
Dixon,	Fidley,	Grant,
Lemay,	Regester,	Rolette,
Stanchfield,	Willim,	Speaker.

Those who voted in the negative were,

Mr. Cave,	Hanson,	Sibley,
Thompson.		

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

(No 47, C F,) An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances,

Referred back the bill to the House with the following amendment:

Strike out the words "to occupant or occupants thereof," in the 7th line of the 2d section.

The report of the committee was adopted.

The question then recurring on concurring in the amendment as reported by the committee,

And the yeas and nays being called for and ordered, there were,

Yeas 10, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Beatty,	Caye,	Fridley,
Haus,	Lemay,	Sibley,
Stanchfield,	Thompson,	Willim,
Speaker.		

Those who voted in the negative were,

Mr. Brawley,	Dixon,	Grant,
Register.		

So the amendment was adopted.

Mr. Register, from the committee on engrossed bills made the following

#### REPORT :

The committee on engrossed bills have examined and found correctly engrossed the following bill:

(No. 70, H of R.) An act to organize the county of Brown and for other purposes;  
S. M. REGESTER,  
C. S. CAVE,  
*Committee.*

Ms. Willim from the select committee to which was referred;

(No. 31, C F) An act to incorporate the Mississippi Improvement company;  
Reported back the bill to the House with the following amendment:

To add to the 4th section the following words:

" *Provided*, That if at any time the Legislature of this Territory or future State of Minnesota, should deem it advisable to improve the navigation of said river, within the limits herein mentioned, or if Congress should make an appropriation for such purpose, the rights herein granted, shall not be so construed as to interfere with the execution of such purpose.

The report of the committee was adopted.

The question then recurring on the adoption of the amendment to the bill as reported by the committee,

It was adopted.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof appeared and delivered the following

## MESSAGE.

MR. SPEAKER:—

The Council refuses to recede from its amendment to  
(No. 79, H of R,) An act to incorporate the Stillwater Academy,  
Also,

The Council refuses to recede from its amendment to  
[No. 65, H of R,] A bill entitled an act to establish the office of county auditor.  
The bills are herewith returned.

No. 31, C F,

Was then ordered to be read a third time.

On motion of Mr. Rolette,

The rules were suspended,  
The bill was then read a third a third time, by its title.  
The bill was then passed, and its title agreed to.

On motion of Mr. Dixon

[No 30, C F,] A bill for an act allowing a change of venue in certain cases,  
Was taken up.

The bill was then ordered to be read a third time.

Mr. Rolette moved

That the bill be suspended, and the bill be taken up and read a third time by its title,  
Which motion was lost.

The bill was then read a third time.

Mr. Sibley, by the unanimous consent of the House, offered the following amendment  
to the bill:

Section 7 of chapter 66, page 274 of the Revised Statutes, is hereby amended, by  
adding at the end of said section 7—"When it shall be made fully to appear that from  
any other reason or cause existing, the parties cannot live in peace and happiness to-  
gether, and that their mutual welfare requires a separation;"

Which was adopted.

The bill as amended was then passed.

The question then recurring on agreeing to the title of the bill,

Mr. Sibley moved

To amend the title of the bill by adding thereto the words "and for other purposes;"  
Which amendment was adopted.

The title as amended was then agreed to.

On motion of Mr. Hanson

The House resolved itself into a Committee of the Whole:

Mr. Willim in the chair:

For the purpose of taking into consideration

(No 47, H of R,) A bill to provide for laying out a Territorial road from St. Paul,  
by way of Little Canada and the White Bear Lake, to Marine Mills.

(No 84, H of R,) A bill for an act granting to Anton Embolt, John H. Febbe and

George Lodneback, the right to establish and maintain a Ferry across the Mississippi river, at Saint Augusta, and for other purposes.

(No 24, H of R,) A bill for the sale of spirituous liquors within the Territory of Minnesota.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

MESSAGE:

MR. SPEAKER:—

The Council has passed

(No 48, C F,) An act supplementary to an act to incorporate the Minnesota Historical Society;

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

The Council concurs in the House amendments to

[No 30, C F,] A bill for an act allowing a change of venue in certain cases.

The Council has concurred in the House amendments to

[No. 31, C F,] An act to incorporate the Mississippi river Improvement company.

The Secretary having withdrawn,

The committee resumed its sitting,

After some time passed therein,

The Committee rose,

And by their chairman reported back,

[No. 84, H of R,] With an amendment;

Also,

[No. 47, H of R,] Without an amendment,

Also,

[No. 27, H of R,] Without amendment,

And recommend that it be indefinitely postponed,

The question then recurring on the indefinitely postponing,

No. 24, H of R.

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Beatty,  
Hanson,

Brawley,  
Sibley,  
Willim,

Cave,  
Thompson,  
Speaker—8.

Those who voted in the negative were,

Mr. Dixon,  
Lemay,

Grant,  
Regeester,

Haus,  
Stanchfield—6.

So the bill was indefinitely postponed.

Mr. Regeester moved,

That the rules be suspended and that

No. 47, H of R.

Be read a third time by its title,

Which motion was adopted.

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

Its title was then agreed to.

The question then recurring on the concurrence of the House in the amendment as made in the committee of the whole, to

No. 84, H of R.

Mr. Sibley moved,

To amend the amendment by inserting the word "repeal" before the word "alter" in the last section.

And the yeas and nays being called for and ordered, there were

Yeas 5, }  
Nays 9. }

Those who voted in the affirmative were,

Mr. Beatty,

Cave,

Sibley,

William,

Speaker—5.

Those who voted in the negative were,

Mr. Brawley,

Dixon,

Fridley,

Grant,

Haus,

Lemay,

Regester,

Stanchfield,

Thompson—9.

So the motion was adopted.

The bill was then read a third time.

The bill was then passed, and its title agreed to.

Mr. Hanson moved

That the rules be suspended in order that he might introduce a bill;

Which motion was adopted.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Council has passed

[No 29, C F,] A bill for an act legalizing the town of Winona;

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

So the amendment to the amendment was not adopted.

The amendment as adopted in the committee of the whole, was then concurred in.

Mr. Regester moved

That the rules be suspended, and the bill be now read a third time by its title,

And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Dixon,  
Haus,  
Regester,  
Thompson.

Fridley,  
Hanson,  
Rolette,

Grant,  
Lemay,  
Stanchfield,

Those who voted in the negative, were

Mr. Brawley,  
Willim,

Cave,  
Spenger.

Sibley,

Mr. Hanson, on leave granted, introduced

[No 88, H of R,] An act to defray the expenses of the Legislative Assembly of the Territory of Minnesota, and for other purposes.

Which was read the first and second times and laid on the table to be printed.

Mr. Haus moved that

[No 41, H of R,] A bill to change the name of Ann Elizabeth White to Ann Elizabeth Tiinker,

Be taken up.

Which motion was adopted.

On motion of Mr. Regester

The rules were suspended, and the bill was read a third time by its title.

The bill was then passed and its title agreed to.

Mr. Hanson moved that

(No 81, H of R,) A bill for an act granting to George A. McLeod the right to establish and maintain a Ferry across the Minnesota river,

Be taken up.

Which motion was adopted.

Mr. Hanson moved

That the bill be referred to the Committee of the Whole.

On motion of Mr. Hanson

The House resolved itself into a Committee of the Whole,

Mr. Thompson in the chair,

For the purpose of taking into consideration

(No 81, H of R,) A bill granting to George A. McLeod the right to establish and maintain a Ferry across the Minnesota river at a point at or near the residence of the said McLeod in the county of Nicolet.

A message from the Council being announced,

The Speaker took the Chair, when

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

#### MESSAGE :

MR. SPEAKER:—

The Council has passed

[No. 73, H of R,] A bill to locate the county seat of Le Sueur county;

The Secretary having withdrawn,

The Committee resumed its sitting;  
 After some time passed therein,  
 The committee rose, and by their chairman,  
 Reported the bill back to the House with amendments;  
 The amendments were concurred in by the House,

Mr. Register moved,  
 That the rules be suspended,  
 And that the bill be read a third time,  
 Which was adopted,  
 The bill was read a third time,  
 The question then recurring, on the passage of the bill;  
 On ordering the bill to be read a third time:  
 And the yeas and nays being called for and ordered, there were

Yeas, 11, }  
 Nays, 4. }

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Dixon,
Fridley,	Grant,	Haus,
Hanson,	Lemay,	Register,
	Stanchfield,	Thompson—11.

Those who voted in the negative were,

Mr. Cave,	Sibley,	Willim,
		Speaker—4.

So the bill passed.

The title of the bill was then agreed to.

Mr. Rolette moved,

That the House do now adjourn.

And the yeas and nays being called for and ordered, there were

Yeas, 9, }  
 Nays, 6. }

Those who voted in the affirmative were,

Mr. Beatty,	Fridley,	Grant,
Hanson,	Lemay,	Register,
Rolette,	Sibley,	Stanchfield—9.

Those who voted in the negative were

Mr. Brawley,	Cave,	Dixon,
Thompson,	Willim,	Speaker—6.

So the House adjourned.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

## SATURDAY.

MARCH 3, 1855.

*MORNING SESSION.*

The House met pursuant to adjournment,  
 And was called to order by the Speaker,  
 The roll being called,  
 The following members answered to their names:

Mr. Andros,  
 Brawley,  
 Dixon,  
 Haus,  
 Regeater,  
 Sibley,  
 Thompson,

Beatty,  
 Cave,  
 Davis,  
 Hanson,  
 Rolette,  
 Stanchfield,  
 Willim,  
 Speaker.

Prayer by the Rev. Mr. Hodsdon.

On motion of Mr. Rolette,

The reading of the Journal was dispensed with.

Report from the Enrolling Committee being in order,

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following

## REPORT:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

[No. 76, H of R,] A bill granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota river at Le Sueur city.

[No. 78, H of R,] A bill to abolish Imprisonment for debt and other purposes.

[No. 84, H of R,] A bill relative to the county seat of Houston county.

[No. 77, H of R,] An act to provide for the election of Supervisors of Roads and for other purposes.

[No. 25, H of R,] An act to authorize the construction of a dam across Crow river.

(No. 23, H of R.) A bill for an act to locate a Territorial road from St. Cloud to intersect the old Red river road of the North,

I. VAN ETTEN,  
*Chairman Council Com.*  
 J. ROLETTE,  
 A. M. FRIDLEY.  
*House Com.*

The Speaker signed the following bills:

A Bill to provide for the election of Supervisors of roads and other purposes.

An Act granting to Ira Myrick the right to establish and maintain a Ferry across the Minnesota river at Le Sueur City.

A Bill relative to the County seat of Houston county.

An Act to abolish imprisonment for debt, and for other purposes.

A Bill for an act to locate a Territorial road from Saint Cloud to intersect the old Red river Road of the North.

An Act to authorize the construction of a dam across Crow river.

Mr. Hanson presented the petition of George Parks and 147 other citizens of Hennepin county, praying that the location of the County Seat of said county may be at Minneapolis.

Mr. Davis, on leave granted, introduced

(No 89, H of R,) An act to prohibit the running at large of stallions, bulls, and boars;

Which was read the first and second times.

Mr. Sibley moved

That the rules be suspended, and the bill be now read a third time by its title;

Which motion was adopted.

The bill was then passed, and its title agreed to.

Mr. Hanson, on leave granted, introduced

(No 90, H of R,) An act granting to Luther M. Brown the right to establish and maintain a Ferry across the Minnesota river at Shokapee;

Which was read the first and second times.

Mr. Dixon moved

That the rules be suspended, and the bill be read a third time;

Which motion was adopted.

Mr. Dixon moved

To amend the bill by adding thereto the following section:

SEC. 7. That so much of Minnesota Territory as is contained within the following boundaries, be and the same is hereby erected into a separate county, which shall be known by the name of Pine, viz:—Beginning at a point on the St. Croix river where the line between townships thirty-seven and thirty-eight of range twenty intersect the said river, thence due west to Rum river, thence up the main branch of said river to Mille Lac, thence due north to the southern boundary of Itasca county, thence east along said

southern boundary to the eastern boundary of the Territory; thence along the eastern boundary of said Territory to the place of beginning.

And the ayes and nays being called for and ordered, there were

Yeas 11, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Haus,	Hanson,
Regester,	Rolette—11.	

Those who voted in the negative were,

Nr. Fridley,	Sibley,	Stanchfield,
Willim,	Speaker—5.	

So the amendment was adopted.

Mr. Hanson offered the following amendment to the bill:

To add as an additional section the following:

SEC. 11. That an act entitled "An act to prohibit the introduction of liquors into the territory purchased from the Sioux Indians," be, and the same is hereby extended over that portion of the old Fort Snelling Reserve situate on the west bank of the Mississippi river, and which was made a part of the Stillwater land district by an act approved 26th of August, 1852, entitled "An act to regulate and define the boundaries of the Military Reserve at St. Peters river, in the Territory of Minnesota, and for other purposes;"

Which amendment was adopted.

Mr. Rolette offered the following amendment to the bill, viz:

To add as an additional section the following:

SEC. 12. The seat of justice for the county of Newton shall be located at Rice's Point. The seat of justice for the county of St. Louis shall be located at Clarksville, near the mouth of Beaver river.

Mr. Stanchfield moved

A call of the House.

The roll being called, Messrs. Fridley and Lemay were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

On motion of Mr. Haus

Further proceedings under the call were dispensed with.

The question then recurring on the amendment offered by Mr. Rolette,

And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Haus,	Lemay,
Rolette—10.		

Those who voted in the negative were

Mr. Fridley,	Register,	Sibley,
Stanchfield,	Thompson,	Willim,
Speaker—7.		

So the amendment was adopted.

Mr. Davis offered the following amendment to the bill, viz:—To add as an additional section to the bill the following:

SEC. 13. And be it further enacted, that so much of section twenty-five lying east of the Mississippi river, comprising two hundred acres, and known as St. Anthony city, shall not be included in the city of St. Anthony, as chartered by this Legislature at this session.

Mr. Hanson moved

The previous question;

The question then recurring, "shall the main question be now put?"

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 12. }

Those who voted in the affirmative were

Mr. Andros,	Brawley,	Hanson,
Sibley,	Willim,	Speaker—6.

Those who voted in the negative were,

Mr. Beatty,	Cave,	Dixon,
Davis,	Fridley,	Grant,
Haus,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson—12.

So the main question was not ordered,

The question then recurring on the adoption of the amendment offered by Mr. Davis,

And the yeas and nays being called for and ordered, there were

Yeas 11. }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Fridley,	Grant,	Lemay,
	Rolette,	Thompson—11.

Those who voted in the negative were,

Mr. Haus,	Hanson,	Register,
Sibley,	Stanchfield,	Willim,
		Speaker—7.

So the amendment was adopted,

Mr. Fridley offered the following amendment to the bill:

## AN ACT,

### TO INCORPORATE THE STILLWATER AND SAINT ANTHONY RAILROAD COMPANY.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota:*

That John McKusick, Elias McKean, Christopher Carli, Isaac Staples, Willim H. Mower, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and assigns, are hereby created a body corporate, by the name of the Stillwater and Saint Anthony Rail Road Company and by that name shall be and are hereby made capable in law to purchase hold and enjoy and retain to them and their successors, lands tenements and hereditaments, so far as may be necessary for the purpose of said railroad, and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and to be sued, implead and to be impleaded, answer and to be answered, defend and to be defended; and also, to make and use a common seal, and the same to alter or renew at their pleasure; and if either of the persons named in this section shall die, refuse or neglect to execute the powers, and discharge the duties hereby created it shall be the duty of the remaining persons herein before named, or a majority of them, to appoint a suitable person, or persons, to fill such vacancy, or vacancies, so often as the same shall occur.

SEC. 2. The said corporation are empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous route whereon to construct a Railroad, and shall cause an estimate to be made of the probable cost thereof, and the said corporation shall be, and they are hereby invested with the right to construct a Railroad with one or more tracks from the City of Stillwater, Washington county, Minnesota Territory, by the most feasible and advantageous route to the Falls of St. Anthony, on the Mississippi river.

SEC. 3. The capital stock of said corporation shall be one million of dollars, and shall be divided into shares of one hundred dollars each, and five dollars on each share shall be paid at the time of subscribing.

SEC. 4. The above named persons, or a majority of them, are authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription, which books shall be opened at the city of Stillwater, the city of Saint Paul and at Saint Anthony, and at such other places as they may deem expedient, by giving thirty days notice in some newspaper printed in the Territory of Minnesota, and in such other places as may be thought advisable, of the time and place or times and places, of opening said books, said books to be kept open thirty days.

SEC. 5. So soon as one hundred thousand dollars of said stock shall have been subscribed the above named persons, or the same number thereof as shall have given notice above required, shall give like notice for the meeting of the stockholders, to choose di

rectors at some time at least thirty days thereafter, and at some place within said Territory of Minnesota. And if, at such time and place, the holders of one-half or more of said stock subscribed shall attend, either in person or by lawful proxy, they shall proceed to choose from the stockholders, by ballot, nine directors, each share of stock entitling the owner to one vote; and at such election the persons named in the first section of this act, or those appointed by its provisions to fill vacancies which may have occurred or any three of them if no more be present, shall be inspectors of such election and shall certify in writing signed by them or a majority of them what persons are elected directors, and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be directors, to complete the number required and shall certify the same in like manner, and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting five shall form a board competent to transact all business of the company, and thereafter a new election of directors shall be made annually at such time and places as the stockholders at their first meeting shall appoint, and if the stockholders at their first meeting shall fail to appoint the day of such election, then it shall be holden in the succeeding year on the same day of the same month, on which the said first election was holden unless the same shall be on the first day of the week, in which case it shall be holden on the next day succeeding, and if no election be made on the day appointed said company shall not be dissolved, but said election may be made at any time appointed by the by-laws of said company.—The said directors shall elect one of their number President and shall appoint a Secretary, Treasurer, such engineers, and other officers, as they may find necessary; shall fix their compensation, and may require adequate security for the performance of their respective trusts.

SEC. 6. The directors may receive payment to the subscriptions to the capital stock at such time, in such proportion, not exceeding twenty-five per cent at any one installment, under such conditions as they shall deem fit, under the penalty of forfeiture of all previous payments thereon, or otherwise: *Provided*, They shall never require the payment to be made at any place out of the counties through which said road shall pass; and such directors shall, at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner required in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

SEC. 7. The directors of said company shall have power to make, from time to time, all needful rules, regulations and by-laws touching the business of said company, and to determine the number of tracks and railways upon such road, and the width thereof, and the description of carriages, which may be used thereon; to regulate the amount of tolls, and the manner of collecting the same for such transportation, and to fix penalties for the breach of any such rules, regulations or by-laws, and to direct the mode and condition of transforming the stock of said company; and penalties provided for by the said by-laws may be sued for by any person authorized thereby, in the name of said company, and recover, in a civil action before any court having jurisdiction of the amount, and the said company may erect and maintain station and toll houses, and such other buildings and fixtures as the accommodation of those using said road may require.

**Sec. 8.** The said company may construct the said Rail Road across any public or private road, highway, stream of water, or water course, if the same shall be necessary; but the said company shall restore such road, highway, stream of water, or water course, to its former state, or in a sufficient manner not to impair its usefulness to the owner, or to the public.

**Sec. 9.** As soon as the amount of tolls accruing and received from the use of said road, or part thereof, according to the provisions of this act, shall exceed six per cent on the amount of said capital stock paid in, after deducting therefrom the expenses and liabilities of said company, the directors of said company shall make a dividend of such nett profits among the stockholders, in proportion to their respective shares, and no accumulative fund exceeding one per cent of the profits of said company, shall remain undivided for more than six months. The stock, property and effects of this company shall be exempt from taxation under the laws of this Territory until the said road shall be completed and in running order.

**Sec. 10.** If any person or persons shall wilfully obstruct or in any way spoil, injure or destroy said road or any of its depots, station houses, cars, store houses, buildings, machine shops or other fixtures, or anything belonging or incidental thereto, or any materials to be used in the construction thereof, or any building fixture or carriage erected or constructed for the use and convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in a civil action in any court having jurisdiction of the amount.

**Sec. 11.** Whenever it shall become necessary in the location or construction of said road to pass through the land of any individual, it shall be the duty of said company to provide for said individual proper wagon ways and all necessary roads and passages across the track of said road Railroad, or otherwise the company shall be liable to such individual in treble the amount of damages occasioned by such neglect.

**Sec. 12.** Said company shall have power to increase its capital stock two millions of dollars.

**Sec. 13.** The said company shall have the right to enter upon any lands to survey and lay down said road not exceeding one hundred and thirty feet in width, except where it is necessary to leave room for turn-outs, sites for water, building conduits and tanks, sites for depots and store-houses, machine and other shops, and the extra tracks necessary therefor. And whenever it is necessary to have such lands, they shall have the right to enter upon, take hold and occupy such lands, and also to enter upon any lands adjoining said road, and obtain therefrom sand, gravel, stone and other materials as may be necessary for the construction of said road. And whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, to be paid therefor, shall be ascertained in the manner following, to wit:—Said company shall apply to the Judge of the District Court of the Territory of Minnesota for the appointment of three commissioners, whose duty it shall be at the earliest practicable time after their appointment, to proceed to examine and assess the damages which may be sustained by the several owners or claimants of the lands through which the road of said company is located; and the said commissioners in assessing said damages, shall deduct therefrom the benefit which said lands receive

by the construction of said road. It shall be the duty of said company to give thirty days notice of their application for the appointment of said commissioners, in at least one newspaper published in each of the counties through which said road is laid out. And it shall be the duty of said commissioners to cause ten days notice of their meeting to appraise the damages of any lands through which said road may run, to be given to the owner or claimant thereof; and in case said owner or claimant shall be a minor, insane person, or unmarried woman, then such notice shall be given to the guardian committee or husband of such minor, insane person, or unmarried woman. Either party feeling himself aggrieved by the decision of said commissioners may appeal to the district court of the county in which said lands may be situated; and said appeal shall be tried in the same manner as any suit commenced therein, *provided* that said company shall not in any manner be delayed in the construction of their road by any such appeal, but may proceed immediately with such construction, on paying into the office of the clerk of said court the amount of moneys awarded to the owner or owners of such lands, and filing a bond with said clerk to said owner or owners of such land, binding said company to pay such further sum as may be finally awarded against said company. The notice to be given by the commissioners to the owners of lands required for the railroad, shall be in writing, and be delivered to said owner or owners or left at their usual place of residence, if residents of this Territory, or if non-residents then said notice to be given by publishing the same in a newspaper published in the county where said land is situated, for four successive weeks before making said appraisalment.

SEC. 14. The said company is hereby authorized to borrow money to be expended in the construction and equipment of their said road and its appendages, and to issue bonds for the payment thereof, in the usual form, such bonds not to exceed in the aggregate, at the period of the completion of said road, three-fourths of the whole amount actually expended on said road and its appendages aforesaid, and may make and execute in the corporate name of said company all necessary mortgages, writings, notes, bonds, or other papers, for any liability that it may incur in the construction or equipment of said road.

SEC. 15. The said company is hereby authorized and empowered to construct their said railroad and its branches in sections as fast as they may obtain the means of so doing, and the franchise of the portions so completed and put in operation shall vest in said company the same as though the whole was completed.

SEC. 16. The said company is authorized and empowered to connect its road with the road of any railroad company or companies in the Territory of Minnesota; or to become part owner or lessee of any railroad in said Territory. And any railroad company in said Territory duly organized under the laws of said Territory may connect its road with the road of this company, and may in like manner with the consent of this company become part owner or lessee of the road of this company, or any portion thereof situated in this Territory.

SEC. 17. This company shall have power to enter upon and pass over the Railroad of any other company whose railroad connects with that of this company, with their cars and engines; and any other company whose railroad connects with this railroad, shall have like power to enter upon this railroad and pass over the same with their cars

and engines; and such reciprocal use of said respective railroads shall be upon terms to be agreed upon by the officers of the respective companies, and in case such terms cannot be agreed upon by said officers, then an application may be made by either party to the Supreme Court of this Territory, whose duty it shall be to fix such terms for the respective parties as the equity of the case may demand.

SEC. 18. The said Stillwater and St. Anthony Railroad Company shall commence and complete their said road within six years from the passage of this act.

SEC. 19. Every conductor, baggage-master, or other agent or servant of the said company, and who shall be engaged in the ticket-office or on the cars on said railroad, shall wear upon his hat or cap a plain badge which shall indicate his office or station, and no conductor or collector shall demand or be entitled to receive any fare or toll from any freight or passenger, or exercise any control or direction in his station, or be authorized or allowed to interfere with any passenger, baggage or freight, without wearing such badge.

SEC. 20. Every locomotive engine on said railroad shall be furnished with a good and sufficient alarm-bell or whistle, which shall be fully sounded at least eighty rods distant from every highway crossing while the engine, either with or without a train of cars, shall be passing over said road; and for every violation of this section, the said company shall forfeit and pay to whomsoever shall prosecute for the same, the sum of one hundred dollars.

SEC. 21. This is hereby declared a public act, and shall be favorably construed in all legal and equitable proceedings for the accomplishment of the objects intended by this act.

SEC. 22. The Legislature may at any time alter or amend,

Mr. Beatty moved,

The previous question,

The question then recurring,

“ Shall the main question be now put ? ”

And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 6. }

Those who voted in the affirmative were

Mr. Andros,

Dixon,

Haus,

Beatty,

Davis,

Hanson,

Cave,

Grant,

Lemay—9.

Those who voted in the negative were,

Mr. Brawley,

Stanchfield,

Register,

Thompson,

Rolette,

Willim—6.

So the main question was ordered,

The question then recurring in the adoption of the amendments offered by Mr. Fridley:

Mr. Fridley moved a call of the House,

The roll being called,  
 All the members were reported present,  
 The question again recurring on the adoption of the amendments offered by Mr. Fridley;

And the yeas and nays being called for and ordered, there were,

Yeas 7, }  
 Nays 10. }

Those who voted in the affirmative were,

Mr. Dixon,	Fridley,	Regeester,
Sibley,	Stanchfield,	Thompson,
		Willim—7.

Those who voted in the negative, were

Mr. Andros,	Beatty,	Cave,
Davis,	Grant,	Haus,
Hanson,	Lemay,	Rolette,
		Speaker—10.

So the amendment was lost.

The question then recurring on ordering the bill to be read a third time,  
 And the yeas and nays being called for and ordered there were,

Yeas 8, }  
 Nays 9. }

Those who voted in the affirmative were,

Er. Andros,	Beatty,	Brawley,
Dixon,	Davis,	Hanson,
	Lemay,	Rolette—8.

Those who voted in the negative were,

Mr. Cave,	Fridley,	Grant,
Regeester,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker—9.

So the bill was refused a third reading.

Mr. Dixon moved,

To reconsider the vote first taken;

And the yeas and nays being called for and ordered, there were

Yeas 7, }  
 Nays 9. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Dixon,	Davis,	Lemay,
		Rolette—7.

Those who voted in the negative were,

Mr. Cave,	Fridley,	Hanson,
Regeester,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker—9.

So the House refused to consider the vote.

Mr. Sibley moved

To reconsider the vote by which the House refused to concur in the Council amendment to

(No 65, H of R,) A bill to establish the office of county auditor;

And the yeas and nays being called for and ordered, there were,

Yeas 9, }  
Nays 6. }

Those who voted in the affirmative were

Mr. Andros,	Cave,	Fridley,
Grant,	Haus,	Lemay,
Sibley,	Thompson,	Speaker—9.

Those who voted in the negative were

Mr. Dixon,	Hanson,	Register,
Rolette,	Stanchfield,	Willim—6.

So the vote was reconsidered.

The question then recurring on concurring in the Council amendments to the bill,

Mr. Hanson moved

To lay the bill on the table;

And the yeas and nays being called for and ordered, there were

Ayes 12, }  
Nays 4. }

Those who voted in the affirmative were

Mr. Brawley,	Dixon,	Davis,
Fridley,	Grant,	Haus,
Hanson,	Register,	Rolette,
Stanchfield,	Willim,	Speaker—12.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Cave,
Sibley—4.		

So the bill was laid on the table.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following

### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

(No 60, H of R,) A bill granting to J. S. Wilson, Anton Edelbrock and W. A. Corbett the right to establish and maintain a Ferry across the Mississippi river at St. Cloud and for other purposes.

(No 27, H of R,) A bill to locate a Territorial road from St. Augusta on the Mississippi river to Lac Traverse.

(No 73, H of R,) An act to locate the county seat of Le Sueur county.

(No 44, H of R) An act for the relief of school district number 6, in Ramsey county.

No —, H of R,) An act providing that copies of records in the office of Register of Deeds may be admissable in evidence.

(No 51, H of R,) An act to incorporate the Sisters of Propagation of Faith Society of St. Joseph, at Pembina.

(No 74, H of R,) An act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota.

(No. 46, C F,) A bill for an act granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river.

(No. 37, C F,) A bill to incorporate the Boston and Minnesota Mining Company.

[No 30, C F,] A bill for an act allowing a change of venue in certain cases, and for other purposes.

(No. 40, C F,) An act changing the name of Ann Elizabeth White to Ann Elizabeth Tinker.

(No. 39, C F,) An act granting to Carmi P. Garlic the right to establish and maintain a ferry across the St. Croix river.

[No. 31, C F,] An act to incorporate the Mississippi river Improvement company.

I. VAN ETEN;

*Council Com.*

JOS. ROLETTE,

D. F. BRAWLEY.

*House Com.*

The Speaker has signed the following bills, memorials and joint resolutions:

A bill granting to J. L. Wilson, Anton Edelbrock and W. A. Corbet the right to establish and maintain a ferry across the Mississippi river at Saint Cloud, and for other purposes.

A bill to locate a Territorial road from St. Augusta on the Mississippi river to Lac Traverse.

An act to locate the county seat of Le Sueur county.

An act for the relief of school district No. 6, in Ramsey county.

An act providing that copies of records in the office of register of deeds may be admissible in evidence.

An act to incorporate the Sisters of Propagation of Faith Society of St. Joseph's, at Pembina.

An act to provide for the appointment of a commissioner of emmigration for the Territory of Minnesota.

A bill granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river.

A bill to incorporate the Boston and Minnesota Mining Company.

An act allowing a change of venue in certain cases and for other purposes.

An act changing the name of Ann Elizabeth White, to Ann Elizabeth Tinker.

An act granting to Carmi P. Garlick the right to establish and maintain a ferry across the St. Croix river.

An act to incorporate the Mississippi River Improvement Company.

Mr. Fridley from the Committee on Enrolled Bills, reported that he had presented to the Governor for his approval and signature the following bills:

(No. 15, C F,) An act to incorporate the City of St. Anthony.

(No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

(No. 25, C F,) A bill supplementary to the act incorporating the Minnesota Historical Society, and for other purposes.

I. VAN ETTEN,

*Chairman Council Com.*

A. M. FRIDLEY,

*Chairman House Com.*

On motion of Mr. Sibley

Bills for a third reading were ordered to be taken up.

Mr. Sibley moved

A call of the House.

The roll being called, Messrs. Cave, Davis, Lemay, Register and Thompson, were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The President of the Council has signed

(No 34, H of R,) An act relative to the county seat of Houston county.

(No 76, H of R,) An act granting to Ira Myrick the right to establish and maintain a Ferry across Minnesota river at Le Suer city.

(No 77, H of R,) An act to provide for the election of Supervisors of Roads and for other purposes.

(No 23, H of R,) An act to locate a Territorial road from St. Cloud to intersect the old Red river road of the North.

(No 78, H of R,) An act to abolish imprisonment for debt, and for other purposes.

And then he withdrew.

The Sergeant-at-Arms returned, and reported the absent members in attendance.

Mr. Register, from the committee on enrolled bills, made the following report:

The committee on engrossed bills have examined and found correctly engrossed the following bill:

(No 87, H of R,) A bill relative to the terms of the courts to be held in certain counties and for other purposes.

S. M. REGISTER,

C. W. THOMPSON.

Mr. Rolette, from the joint committee on enrolled bills, made the following

### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bill:

(No 5, C F.) A bill for an act to incorporate the Transit Railroad Company.

I. VAN ETTEN,  
*Chm'n Council Committee.*  
J. ROLETTE,  
D. F. BRAWLEY,

The Speaker signed the following bills:

A bill for an act to incorporate the Transit Railroad Company.

(No. 47, H of R,) A bill to provide for laying out a Territorial Road from St. Paul, by way of Little Canada and the White Bear Lake, to Marine Mills.

Was then taken up,

And ordered to be read a third time;

The bill was then passed,

And its title agreed to.

(No. 87, H of R,) A bill relative to the terms of courts to be held in certain counties, and for other purposes.

Was then taken up.

Mr. Dixon moved a call of the House,

The roll being called,

Messrs. Andros and Davis were reported absent.

The Speaker directed the Sergeant-at-arms to notify the absent members to appear in their seats.

The Sergeant-at-arms returned and reported the absent members in attendance.

The question then recurring on ordering

No. 87, H of R.

To be read a third time.

Mr. Hanson moved,

To amend the bill by adding as an additional section the following:

SEC. 10. It shall be the duty of the first board of county commissioners, which shall be hereafter elected, in any unorganized county, laid off in pursuance of any law of this Territory, as soon after said board shall have been elected and qualified as provided by law, as the said board or a majority thereof shall determine to locate the county seat of the county, and the location so made as aforesaid, shall be the county seat of the county to all intents and purposes, until otherwise provided by law.

Which amendment was adopted.

The bill was then ordered to be read a third time;

On motion of Mr. Hanson,

The rules were suspended,

And the bill was read a third time by its title;

The question then recurring on the passage of the bill,  
And the yeas and nays being called for and ordered, there were

Yeas 13, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Cave,
Davis,	Fridley,	Hanson,
Lemay,	Regester,	Sibley,
Stanchfield,	Thompson,	Willim,
		Speaker—13.

Those who voted in the negative were,

Mr. Andros,	Dixon,	Grant,
	Haus,	Rolette—5.

So the bill was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

On motion of Mr. Cave,

The House resolved itself into a Committee of the Whole,

Mr. Willim in the Chair,

Having under consideration

(No. 38, C F,) A bill to incorporate the Pittsburg and Minnesota Mining Company.

Also,

(No. 44, H of R,) A bill to incorporate the Western Bridge Company.

Also,

(No. 55, H of R,) A bill for an act to incorporate the St. Paul and Lake Superior Mining Company.

A message from the Council being announced, the Speaker took the chair, when A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Council has passed

(No 81, H of R,) A bill granting to George McLeod the right to establish a Ferry across the Minnesota river at a point at or near the residence of said McLeod, in Traverse, in the county of Nicollet,

With amendments.

(No 70, H of R,) An act to organize the county of Stevens, and for other purposes.

An act granting to Julius Andrews the right to establish a Ferry across the Minnesota river, with amendments and an amendment to its title.

The Governor has informed the Council that he did on the 2d inst. sign and approve the followin bill, which originated in the Council:

(No 29, C F,) An act granting to O. H. Kelly the right to establish and maintain a Ferry across the Mississippi river.

The Council has passed

(No 50, C F,) A bill relating to certain records of the District Court of the county of Fillmore.

The Secretary having withdrawn, the committee resumed its sitting.

A message from the Council being announced, the Speaker took the chair, when A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

### MESSAGE:

**MR. SPEAKER:—**

The Council has passed

(No 51, C F,) An act to provide for the election of Superintendents of Common Schools,

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

The Secretary having withdrawn, the committee resumed its sitting.

After some time passed therein the committee rose, and by their chairman reported back

(No 38, C F,) with amendments.

Also, (No 44, H of R,) with amendments.

(No 55, H of R,) Without amendments.

The report of the committee of the whole was accepted.

The question then recurring on concurring in the amendment made by the Council to (No 38, C F,) it was concurred in.

Mr. Dixon moved

That the rules be suspended, and the bill be now read a third time by its title; And the yeas and nays being called for and ordered, there were,

Yeas 10, }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Cave,
Dixon,	Davis,	Grant,
Haus,	Lemay,	Register,
Rolette—10.		

Those who voted in the negative were,

Mr. Fridley,	Hanson,	Sibley,
Thompson,	Willim,	Speaker—6.

A two third vote being required to suspend the rules,

The motion was lost.

A message from His Excellency the Governor being announced,

C. J. Henniss, Esq., appeared and handed in the following

### MESSAGE:

**MR. SPEAKER:—**

I am directed by the Governor to inform the House of Representative, that he has this day approved and signed,

(No. 78, H of R,) "An act to abolish imprisonment for debt and for other purposes." Which originated in the House of Representatives.

Mr. Dixon moved a call of the House,  
The roll being called,  
Messrs. Andros and Haus were reported absent;  
The Speaker directed the Sergeant-at-arms to notify the absent members to appear in their seats;

On motion of Mr. Sibley,  
Further proceedings under the call be dispensed with,  
Which motion was adopted.

Mr. Sibley moved,  
That the House adjourn until 4 o'clock this afternoon,  
Which motion was lost.

Mr. Dixon moved,  
That the rules be suspended,  
And the bill No. 38, be now read a third time by its title.

Mr. Sibley moved a call of the House,  
The roll being called,

Mr. Fridley was reported absent;

On motion of Mr. Thompeon,  
Further proceedings under the call of the House were dispensed with,

Mr. Hanson moved,  
That the bill be indefinitely postponed,  
And the yeas and nays being called for and ordered, there were

Yeas, 7, }  
Nays, 9. }

Those who voted in the affirmative were,

Mr. Hanson,	Regeester,
Stanchfield,	Thompson,

Sibley,  
William,  
Speaker—7.

Those who voted in the negative were,

Mr. Beatty,	Brawley,
Dixon,	Davis,
Haus,	Lemay,

Cave,  
Grant,  
Rolette—9.

So the motion was lost.

The bill was then read a third time;

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Cave,
Dixon,	Davis,	Grant,
Haus,	Lemay,	Rolette—9.
Those who voted in the negative were -		
Mr. Hanson,	Regester,	Sibley,
Stanchfield,	Thompson,	Willim,
		Speaker—7.

So the bill passed.

Its title was then agreed to;

On motion of Mr. Rolette,

The House adjourned until 4 o'clock this afternoon.

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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### AFTERNOON SESSION.

4 O'CLOCK.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll being called, the following members answered to their names:

Mr. Beatty,	Brawley,
Cave,	Dixon,
Davis,	Grant,
Haus,	Regester,
Rolette,	Sibley,
Stanchfield,	Thompson,
Willim,	Speaker.

A message from the Council being announced, A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

#### MESSAGE :

**MR. SPEAKER:—**

The Council has concurred in House amendments to

(No 8, C F,) A bill to incorporate the Pittsburg and Minnesota Mining Company.

And then he withdrew.

Messages from the Council being taken up

(No 29, C F.) A bill legalizing the town of Winona.

Was taken up, and read the first and second times.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Council has refused to concur with the House of Representatives in the passage of (No 89, H of R,) An act to prohibit the running at large of stallions, bulls and boars.

The Council has passed

(No 12, H of R,) An act to dissolve the marriage contract between George H. Fletcher and Jane, his wife.

And then he withdrew.

Mr. Thompson moved

To amend No. 29, C. F., by adding between the words "enter" and "secondly" in the 5th section, the words "the fractional quarter section upon which the original of first platt herein referred to was mainly laid."

Which amendment was adopted.

Mr. Haus moved

To amend the bill by adding thereto the following, as an additional section.:

SEC. All and every dwelling house or other building hereafter constructed and erected within the Territory of Minnesota, together with the right, title and interest of the person or persons owning such dwelling house or other building on and to the land upon which the same shall be situated, not exceeding forty acres; or if erected within the limits of any city, town or village plat, the lot on which such dwelling house or other building shall be situated, not exceeding in extent one acre, shall be subject to the payment of the debt contracted for, or by reason of any work done, or materials found, and provided by any brick-maker, brick-layer, stone-cutter, mason, lime merchant, carpenter, painter and glazier, iron monger, plasterer and lumber merchant, or any other person employed in erecting or furnishing materials for and in the erection and construction of such house or other building, before any other lien which originated subsequent to the laying in of stock or to the commencement of such house or other building. If such dwelling house or other buildings, or any other portion thereof, shall have been constructed under contract or contracts entered into by the owner thereof or his or her agent with any person or persons, no person who may have done work for such contractor or contractors, or furnished materials for him or them on his or their order or authority, shall have or possess any lien on said house or other building for work done or materials so furnished, unless the person or persons so employed by such contractor to do work or furnish materials for such building, shall within thirty days after having performed work or having furnished materials as aforesaid, give notice in writing to the owner or owners of such building, or his or their agents, that he or they are so employed to work or

to furnish or to have furnished materials, and that they claim the benefit of the lien granted by this chapter.

No claim of any sub-contractor shall be a lien under this chapter, except so far as the owner may be indebted to the contractor at the time of giving such notice as aforesaid of such claim, or may become indebted afterwards to him as such contractor.

No such debt for work and materials shall remain a lien upon such lands, houses or other buildings, longer than one year from the time of furnishing of materials, or the performance of the labor, unless a petition or claim for the same shall be filed, and an action for the recovery thereof be instituted within the said year.

The claim or petition shall contain a brief statement of the contract or demand on which it is founded, and of the amount due thereon, with a description of the premises and all the material facts in relation thereto, and may be filed in the County or Circuit Court of the proper county, either in term time or in vacation; either at or before the commencement of suit; no transfer of the premises or property by the owner, agent or occupant, shall in any way bar any claimants from availing themselves of the provisions of this chapter.

Each and every person having received satisfaction for his or their debt, for which a claim is or has been, or shall be filed for action brought, shall, at the request of any person interested in the building on which the same was a lien, or in having the said lien removed, or of his or their legal representatives, on payment of the cost of the claim or action, and on tender of the cost of office for entering satisfaction, within six days after such request made, enter satisfaction for the claim in the office where such claim was or shall be filed in such action brought, which shall for ever thereafter discharge, defeat and release the same.

If such person having received satisfaction as aforesaid, by himself or his attorney, shall not within six days after the request and payment of costs of the claim, or action as tender as aforesaid by himself or his attorney, duly authorize, enter satisfaction as aforesaid, he, she or they then neglecting so to do, shall forfeit and pay unto the party or parties aggrieved, any sum of money not exceeding one half of the debt of which the claim is filed, or action brought as aforesaid, to be sued for and recovered by the person or persons damnified, in like manner other debts are now recovered by existing laws for the recovery of debts.

In all cases of a lien created by this act, the person having a claim filed in accordance with its provisions, may proceed to recover it by a personal action against the debtor, his executors or administrators, or when the plaintiff is a sub-contractor by scire-facias against the owner of the building.

When the suit is commenced by summons, and judgment rendered for the plaintiff, execution may be issued and levied upon the premises subject to such time, and sale thereof be made in the manner prescribed by law in ordinary cases.

Sec. 10. If any part of the premises can be separated from the residue and sold without damage to the whole, and if the value thereof shall be sufficient to satisfy the judgment which may be rendered, and cost of suit and expense of sale the court may order sale of that part if it shall appear to be most for the interest of the parties concerned.

The officer who makes the sale shall give notice of the time and place appointed thereof, in the manner prescribed in relation to the sale of real estate on execution, unless the court shall order other and different notice to be given, and such officer shall give to the purchaser a deed of conveyance of the premises sold, which shall be valid and effectual to pass all the right, title and interest of the defendant in and to said premises absolutely whether the same be held in fee simple for life or for years.

Any person or persons performing manual labor upon any land, timber or lumber for or on account of the owner, agent or assigner thereof, may avail themselves of the foregoing provisions of this chapter, and upon complying with the requirements thereof shall have a like lien thereon for the amount of work and labor done and performed, and the said lien may be carried into force and effect, pursuant to the foregoing provisions of this chapter.

In all cases under the foregoing provisions of this chapter, whenever judgment shall be rendered in favor of the plaintiff, such judgment shall be for damages and costs of suit and interest to the plaintiff at the rate of two and a half per cent. per month from the time of recording said lien.

Any person who shall make, alter or repair, or bestow labor on any article of personal property at the request of the owner or legal possessor thereof, shall have a lien on such property so made, altered or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and the materials he has furnished, and such person may hold and retain possession of the same, until such just and reasonable charges shall be paid, and if they be not paid within three months after the labor shall have been performed or the materials furnished, such person having such lien may proceed to sell the property by him so made, altered or repaired, or upon which labor has been bestowed, at public auction, by giving public notice of such sale by advertisement for three weeks in some newspaper published in the county, or if there be no such paper in the county, then by posting up notice of such sale in three of the most public places in the county, three weeks before the time of sale; and the proceeds of such sale shall be applied, first, to the discharge of such lien, and the costs and expenses of keeping and selling such property; and the remainder, if any, shall be paid over to the owner thereof. The provisions of this and the following section not to interfere with any special agreement of parties.

Any person who is a common carrier, and any person who shall, at the request of the owner or lawful possessor of any personal property, carry, convey or transport the same from one place to another, and any person who shall safely keep or store any personal property, at the request of the owner or lawful possessor thereof, shall have the same lien and the same power of sale for the satisfaction of his reasonable charges, upon the same conditions and restrictions as provided in the preceding section.

*And be it further enacted,* That all laws heretofore passed by the Legislative Assembly of Minnesota, and now in force in said Territory, regarding or effecting mechanics' liens, be and the same are hereby repealed.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

## MESSAGE:

**MR. SPEAKER:—**

The Council has passed  
(No. 87, H of R,) A bill relative to the terms of the Courts to be held in certain counties.

The question then recurring on the adoption of the amendment to  
(No. 29, C F,) As offered by Mr. Haus,  
It was adopted.

A message from the Council being announced,  
A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

## MESSAGE:

**MR. SPEAKER:—**

The President has signed

An act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota.

An act to locate the county seat of Le Seur county.

(No. 44, H of R,) An act for the relief of school district No. 6, in Ramsey county.

An act to incorporate the Sisters Propagation Society of St. Joseph, at Pembina.

An act granting to John L. Wilson, Anton Edelbrook and W. A. Corbett the right to establish and maintain a ferry across the Mississippi river at St. Cloud, and for other purposes.

(No. 34, H of R,) An act relative to the county seat of Houston county.

(No. 25, H of R,) An act to authorize the construction of a dam across the Crow River.

(No. 76, H of R,) An act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota at Le Seur city.

(No. 77, H of R,) An act to provide for the election of Supervisors of Roads and for other purposes.

An act to locate a Territorial road from St. Cloud to intersect the old Red river road of the North.

(No. 78, H of R,) An act to abolish imprisonment for debt.

An act providing that copies of Records in the office of Register of Deeds may be admissible in evidence.

An act to locate a Territorial road from St. Augusta on the Mississippi river to Lac Traverse.

(No. 5, C F,) An act to incorporate the Transit Railroad Company.

(No. 41, C F,) An act changing the name of Ann Elizabeth White to Ann Elizabeth Tinker.

(No. 37, C F,) An act to incorporate the Boston and Minnesota Mining Company.

(No. 39, C F, An act granting to Carmi P. Garlick the right to establish a ferry across St. Croix river.

(No. 30, C F,) A bill for an act allowing a change of venue in certain cases and for other purposes.

(No. 46, C F,) An act granting to O. W. Streeter the right to establish a ferry across the Mississippi river.

The Council has concurred in House amendment to

(No. 47, C F,) An act prescribing rules and regulations for the execution of the trust arising under act of Congress, entitled an act for the relief of citizens of M. T. under certain circumstances.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following

### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills, Memorials, and Joint Resolutions:

(No. 47, C F.) A bill to provide for laying out a Territorial road from St. Paul, by way of Little Canada and White Bear Lake, to Marine Mills.

I. VAN ETTEN,  
*Chairman Council Com.*

D. F. BRAWLEY,  
*Chairman House Com.*

The Speaker has signed the following bill:

(No. 47, C F.) A bill to provide for laying out a Territorial Road by way of Little Canada and White Bear Lake, to Marine Mills.

Mr. Brawley from the Joint Committee on Enrolled bills made the following

### REPORT :

The Joint Committee on Enrolled Bills did on the 2d day of March 1855, present to His Excellency for his examination and approval the following bills:

No. 8, H of R, A bill.

No. 4, H of R, A bill.

No. 8, H of R, A memorial.

No. 13, H of R, A bill,

No. 7, H of R, A bill.

No. 9, H of R, A bill.

No. 15, H of R, A bill.

No. 27, C F, A bill.

No. 9, C F, A bill,

- No. 24, C F, A bill.  
 No. 43, C F, A bill.  
 No. 33, C F, A bill.  
 No. 16, C F, A bill.  
 No. 12, C F, A bill.  
 And on March 3d, 1855.  
 No. 60, H of R, An act.  
 No. 27, H of R, An act.  
 No. 73, H of R, An act.  
 No. 44, H of R, An act.  
 An act providing that copies of Records in the office of Register of Deeds may be admissible in evidence.  
 No. 51, H of R, An act.  
 No. 77, H of R, An act.  
 No. 34, H of R, An act.  
 No. 78, H of R, An act.  
 No. 76, H of R, An act.  
 No. 25, H of R, An act.  
 No. 48, H of R, An act to incorporate Root River and Southern Minnesota Rail Road Company.

D. F. BRAWLEY,  
*Chairman Com. H. of R.*

Mr. Brawley, from the Committee on Enrolled Bills, made the following

#### REPORT :

- The Committee on Enrolled Bills have examined the following bills:  
 [No. 78, H of R,] An act to abolish imprisonment for debt.  
 [No. 23, H of R,] An act to locate a Territorial road from St. Cloud to intersect the old Red River road of the North.  
 [No. 34, H of R,] An act relative to the county seat of Houston county.  
 [No. 77, H of R,] An act to provide for the election of Supervisors of roads, and for other purposes.  
 [No. 76, H of R,] An act granting to Ira Myrick ferry charter, &c.  
 [No. 25, H of R,] An act to authorize the construction of a dam across Crow river,  
 No. 40, C F.  
 No. 37, C F.  
 No. 30, C F.  
 No. 14, C F.  
 No. 39, C F.  
 No. 5, C F.

I. VAN ETTEN,  
*Chairman Council Com.*  
 D. F. BRAWLEY,  
*Chairman House Com.*

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following

### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills and Joint Resolutions:

[No. 92, H of R.] A bill for an act for a line of Telegraph from St. Paul to St. Anthony and Minneapolis.

[No. 14, H of R.] A bill for an act granting to Moses Perrin and Joseph Tyler the right to establish and maintain a ferry over Lake St. Croix.

[No. 39, H of R.] A bill for an act granting to George R. Stuntz the right to establish and maintain a ferry across the St. Louis river.

[No. 1, H of R.] Joint Resolution relative to the error in the charge of \$33,17 to the county of Washington, by the Territorial Treasurer for the year 1850.

I. VAN ETTEN,  
*Chm'n Council Committee.*  
J. ROLETTE,  
D. F. BRAWLEY,  
*House Committee.*

The Speaker signed the following bills:

A bill for an act for a line of telegraph from St. Paul to St. Anthony and Minneapolis.

(No. 14, H of R.) A bill for an act granting to Moses Perrin and Joseph Tyler, the right to establish and maintain a ferry over Lake St. Croix.

[No. 39, H of R.] A bill for an act granting to George R. Stuntz the right to establish and maintain a ferry across the St. Louis River.

[No. 1, H of R.] Joint resolution relative to error in the charge of \$33 17 to the county of Washington, by the Territorial Treasurer for the year 1850.

A message from his Excellency the Governor being announced,

E. Greene Durbin, Esq., his Excellency's Private Secretary, appeared and delivered the following

### COMMUNICATION:

MR. SPEAKER:—

I am directed by the Governor to inform the House of Representatives that he did on the 2d March, approve and sign the following Bills and Memorials which originated in the House:

No. 4. An act to incorporate the Stillwater Ferry Company.

No. 8. - A memorial to Congress for \$10,000, for the continuation of the Mandota and Wabashaw road.

No. 7. An act granting to Lewis Stone, A. C. Riggs, George Houghton and H. N. Corbett the right to establish and maintain a ferry across the Mississippi river.

No. 9. An act granting to Samuel McMannus, William Creighton and James C. Beekman the right to establish and maintain a ferry across the Mississippi river.

No. 13. An act entitled an an to incorporate the Monticello Academy at Monticello.

No. 8. An act to amend an act entitled an act to incorporate the St. Anthony Boom Company, approved February 27th, 1854.

No. 15. An act to incorporate the Lake Pepin Boom Company.

E. GREENE DURBIN,  
*Private Secretary.*

A message from His Excellency the Governor being announced,  
E. Greene Durbin, Esq., his Excellency's Private Secretary, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

I am directed by the Governor to inform the House of Representatives, that he did on the 3d inst. approve and sign the following Bills which originated in the House.

No. 25. An act to authorize the construction of a dam across the Crow river.

No. 23. An act to locate a Territorial road from St. Cloud to intersect the old Red River road of the North.

No. 77. An act to provide for the election of Supervisors of Roads, and for other purposes.

No. 76. An act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota River at Le Seuer city.

No. 34. An act relating to the county seat of Houston county.

E. GREENE DURBIN,  
*Private Secretary.*

On motion of Mr. Dixon,

The rules were suspended,

And

[No. 29, C F,] A bill legalizing the town of Winona.

Was read a third time, and passed;

Its title was then agreed to.

On motion of Mr. Dixon,

The vote by which the title of the bill was agreed to, was reconsidered.

On motion of Mr. Dixon,

The title was amended by adding thereto the words, "and for other purposes."

The title as amended was then agreed to.

Mr. Dixon moved, that

No. 69, H of R,

Be taken up,

Which motion was lost.

Mr. Dixon moved a call of the House,

The roll being called,

Messrs. Brawley, Haus, Lemay and Stanchfield were reported absent.

The Speaker directed the Sergeant-at-arms to notify the absent members to appear in their seats.

On motion of Mr. Sibley,

Further proceedings under the call were dispensed with.

The Sergeant-at-arms returned and reported the absent members in attendance.

(No. 48, C F.) An act supplementary to an act entitled an act to incorporate the Minnesota Historical Society, and for other purposes.

Was taken up;

And read the first and second times.

Mr. Fridley moved,

That the rules be suspended,

And the bill be now read a third time by its title,

And the yeas and nays being called for and ordered, there were

Yeas, 9, }  
Nays, 6. }

Those who voted in the affirmative were,

Mr. Fridley,

Regester,

Thompson,

Grant,

Sibley,

Willim,

Hanson,

Stanchfield,

Speaker—8.

Those who voted in the negative were,

Mr. Andros,

Dixon,

Brawley,

Davis,

Cave,

Haus,

Rolette—7.

A two-third vote being required to suspend the rules so the motion was lost.

Mr. Davis moved

That the bill be indefinitely postponed.

Mr. Dixon moved

A call of the House;

The roll being called, Messrs. Beatty and Lemay were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Sibley moved

That all further proceedings under the call of the House be dispensed with;

Which motion was lost.

Mr. Sibley moved

That the House adjourn until 6 o'clock this afternoon;

And the yeas and nays being called for and ordered, there were,

Yeas 6, }  
Nays 10. }

Those who voted in the affirmative were,

Mr. Beatty, Davis,	Brawley, Grant,	Cave, Sibley—6.
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Those who voted in the negative, were

Mr. Andros, Hanson, Stanchfield, Speaker—10.	Dixon, Regeater, Thompson,	Fridley, Rolette, Willim,
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So the motion was lost.

Mr. Sibley moved

That further proceedings under the call be dispensed with;  
And the yeas and nays being called for and ordered there were,

Yeas 9, }
Nays 8. }

Those who voted in the affirmative were,

Mr. Fridley, Regeater, Thompson,	Grant, Sibley, Willim,	Hanson, Stanchfield, Speaker—9.
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Those who voted in the negative were,

Mr. Andros, Cave, Hans.	Beatty, Dixon, Rolette—8.	Brawley, Davis,
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So the motion was adopted.

Mr. Dixon moved

A call of the House;

The roll being called, Mr. Lemay was reported absent.

A message from the Council being announced,

A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

### MESSAGE:

**MR. SPEAKER:—**

The Council has passed

(No 42, H of R,) A bill to provide for the destruction of wolves, with an amendment.

Mr. Hanson moved

That further proceedings under the call of the House be dispensed with:

And the yeas and nays being called for and ordered, there were

Yeas 10, }
Nays 7. }

Those who voted in the affirmative were,

Mr. Fridley, Lemay, Stanchfield, Speaker—10.	Grant, Regeater, Thompson,	Hanson, Sibley, Willim,
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Those who voted in the negative were,



And the yeas and nays being called for and ordered, there were

Yeas 10, }  
Nays . 8. }

Those who voted in the affirmative were,

Mr. Beatty,	Fridley,	Grant,
Hanson,	Register,	Sibley,
Stanchfield,	Thompson,	Willim,
Speaker—10.		

Those who voted in the negative were,

Mr. Andros,	Brawley,	Cave,
Dixon,	Davis,	Haus,
Lemay,	Rolette—8.	

It required a two-third vote to suspend the rules, so the motion was lost. The question then recurring on concurring in the Council amendment to (No 70, H of R,) An act to organize the County of Stevens, and for other purposes, And the yeas and nays being called for and ordered, there were

Yeas 13, }  
Nays 4. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Fridley,	Grant,
Haus,	Hanson,	Lemay,
Sibley,	Stanchfield,	Willim,
Speaker—13.		

Those who voted in the negative were,

Mr. Dixon,	Davis,	Rolette,
Thompson—4.		

So the amendment was concurred in.

(No 50, C F,) A bill relating to certain records of the District Courts of the counties of Fillmore and Winona,

Was read the first and second times.

Mr. Hanson offered the following amendment to the bill:

That the legal voters at the next general election in the county of Hennepin, shall vote for some particular point or place within the town of Minneapolis, on which to erect the County Buildings; such selection being made by a majority vote of all votes cast, the Register of Deeds and Clerk of the County Commissioners shall make such report to the Board of Commissioners who shall establish such county seat at such point determined upon by the vote, and shall place the same on a lot or block at such selected point to the best interest of the town and county, such selection made as above provided, shall be the permanent county seat location. The County Commissioners at their next regular meeting for said county, shall determine upon three locations in said town to be voted for, and name them—such names to be placed on the tickets under the direction of the clerk of the board of commissioners; but one name shall be voted for, the other

two erased from the ticket. All acts conflicting with this act relative to the county seat of Hennepin county are hereby repealed.

Mr. Davis offered the following amendment to the bill.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota:*

That Section Five of Article two, in chapter four, page forty one of the Revised Statutes of Minnesota, is amended, so as to read as follows:

SEC. 5. That there shall be allowed annually to the Treasurer of this Territory, the sum of five hundred dollars for his services, and ten cents a mile for all actual travel performed in the discharge of the duties of his office.

That Section nine of chapter two, page thirty-one of the amendments to the Revised Statutes, is hereby repealed.

Which was adopted.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

• MESSAGE :

MR. SPEAKER:—

The Council has passed

(No. 8, H of R.) Memorial to Congress for \$10,000 for the construction of the Mendota and Wabashaw Road. •

(No. 33, C F,) An act for the benefit of Common Schools, of the Territory of M. T., and for other purposes.

Also,

(No. 43, C F,) A bill granting to Wm. L. Ames, Geo. Hezlep, G. W. Farrington, C. H. Parker, and Wm. B. Dodd the right to establish a ferry across the Minnesota River.

In which the concurrence of the H. of R., is requested.

The Council has passed

(No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

Messrs. Brown, Van Etten and Olmsted have been appointed a committee of conference to act with a similar committee on the part of the H. of R., on the disagreeing vote relative to the amendment to

(No. 5, C F,) An act to incorporate the Transit Railroad Company.

The Council has concurred in House amendments to

(No. 25, C F,) A bill supplementary to an act incorporating the Minnesota Historical Society, and for other purposes.

The Council has passed

(No. 40, C F,) A bill for an act to incorporate the Minnesota Fire, Life and Marine Insurance Company.

In which the concurrence of the H. of R., is respectfully requested.

Mr. Cave offered the following amendment.

That so much of section (25) lying east of the Mississippi river, comprising two hundred acres, and known as St. Anthony City, shall not be included in the City of St. Anthony, as chartered by this Legislature, at this session.

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Cave,
Davis,	Haus,	Sibley—6.

Those who voted in the negative were,

Mr. Dixon,	Grant,	Hanson,
Rolette,	Stanchfield,	Thompson,
	Willim,	Speaker—8.

So the amendment was lost.

Mr. Dixon offered the following amendment

That so much of Minnesota Territory as is contained within the following boundaries, be and the same is hereby erected into a separate county, which shall be known by the name of Pine, viz:—Beginning at a point on the St. Croix river where the line between townships thirty-seven and thirty-eight of range twenty intersect the said river, thence due west to Rum river, thence up the main branch of said river to Mille Lac, thence due north to the southern boundary of Itasca county; then east along said southern boundary to the eastern boundary of the Territory; thence along the eastern boundary of said county to the place of beginning.

Which amendment was adopted.

Mr. Sibley offered the following amendment to the bill:

SECTION 1. The Judges of the Supreme Court shall have power, in all questions of law held by them under advisement, to render judgment in vacation: and every summons in all civil actions in any District Court shall be issued under the seal of Court. and shall require the defendant to appear and answer the complaint in such action on the first day of the next regular term of the court in which the same may be commenced; *Provided*, that if such summons shall not be served at least twenty days before the first day of said term, it shall require the defendant to answer on the first day of the next succeeding term of said court; and the plaintiff shall be required to reply forthwith, if at all, unless an extension of time shall be granted by the court. The summons shall be served by the sheriff of the county in which the defendant is found, or by his deputy, except in cases where such sheriff or his deputy is personally interested, when the same shall be served by the coroner of such county.

SEC. 2. Whenever it shall appear from the return of the officer that the defendant, after due diligence, cannot be found, and has no residence within this Territory, an order for the publication of the summons shall be entered of course by the clerk, in the same manner as it is now required to be granted by the court.

SEC. 3. All objections to the pleadings in any action in a District Court, either in form or substance, shall be taken at some regular term of the court in which the action is pending, in accordance with the practice of the common law and such rules as the court may prescribe.

SEC. 4. If the defendant shall fail to answer as required by the summons, judgment may be entered against him by default for the amount demanded in the complaint; but no default shall be taken or judgment rendered, in any action, except at a regular term of the court in which the same shall be pending; and when the service of the summons is by publication, the plaintiff, before entry of judgment, shall give bond as now required by law in such cases.

SEC. 5. The plaintiff, in any action not otherwise previously disposed of, shall cause the same to be entered by the clerk in the term calendar of the court on (or before) the first day of the term to which the same shall be made returnable, and no other notice of trial or issue shall be required by either party.

SEC. 7. Such attachment shall constitute and be a lien upon the real estate so attached in favor of the creditor, which lien shall continue in force until the end of ninety days from the entry of final judgment in the action. And no lien created by the entry and docketing of a judgment shall continue beyond ninety days from such entry; *Provided*, that every lien so created prior to the passage of this act shall continue for ninety days from and after its passage.

SEC. 8. No judgment shall be rendered against a garnishee in any action, unless a copy of the summons served upon such garnishee shall have been served upon the principal defendant in the action, or upon his attorney therein, at least eight days before the return day thereof; unless the officer serving the same shall return that such principal defendant cannot be found in the Territory.

SEC. 9. Any party desirous of taking the deposition of any witness residing out of this Territory, to be used in any action pending in any court therein, may file such interrogatories as he may deem necessary in the office of the Clerk of the Court in which such action is pending, together with the names of the parties to such action, and of the witness or witnesses whose deposition is required, and shall also serve a copy of the same upon the opposite party, or his counsel.

SEC. 10. The opposite party may, at any time within fourteen days from the service of the same upon him, file, in the office of said clerk, cross interrogatories; and it shall, thereupon, be the duty of the clerk, upon the request of the party first named, to issue a commission, under the seal of the court, to any judge or clerk of any court of record, or any commissioner for this Territory, duly appointed, in the county or district in the State or Territory in which such witness or witnesses may reside, authorizing and empowering such judge, clerk or commissioner, to take the deposition required. And said clerk shall annex to the commission all such interrogatories as may have been filed in accordance with the foregoing provisions.

SEC. 11. The commissioner so appointed shall have power to administer the necessary oath or affirmation, and to examine such witness or witnesses as shall be mentioned in the commission, by proposing to him or them such interrogatories as are annexed thereto, and none others; and the answers to the same shall be reduced to writing by

such commissioner, or by some disinterested person under his direction, and, having been subscribed by the deponent, shall be annexed to the said interrogatories and commission and, under his seal, returned to the court from which the commission shall have issued; and the same may be used as evidence by either party in the cause in which it shall have been taken.

SEC. 12. Each of the District Judges of this Territory is hereby authorized to make and establish such rules for the government of the practice in the courts in his district, as he may deem useful and necessary; *Provided*, the same shall not be in contravention of the laws of the Territory.

A message from the Governor being announced, E. Greene Durbin, Esq., his private secretary, appeared and handed in a communication in writing.

Mr. Hanson moved

The previous question.

The question then recurring "shall the main question be now put?"

It was determined in the negative.

Mr. Fridley moved

To amend the amendment by striking out the 6th section;

Which amendment was adopted.

Mr. Rolette moved

To amend the amendment by adding thereto the following:

The seat of justice for the county of Benton shall be located at Rice Point; and the seat of justice for the county of St. Louis shall be located at Clarksville, near the mouth of Beaver river.

Which amendment was adopted.

The question then recurring on the adoption of the amendment as amended,

And the ayes and nays being called for and ordered, there were

Yeas 11, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Bräwley,	Cave,	Dixon,
Davis,	Fridley,	Grant,
Haus,	Rolette,	Sibley,
Stanchfield,	Speaker—11.	

Those who voted in the negative were

Mr. Andros,	Beatty,	Hanson,
Thomson,	Willim—5.	

So the amendment as amended was adopted.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Governor has informed the Council that he did on the 3d inst. approve and sign

(No 5, C F,) An act to incorporate the Transit Railroad Company.

The President of the Council has signed the following bills:

(No 47, C F,) An act prescribing rules and regulations for the execution of trust arising under an act of Congress entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances.

Joint resolutions relative to error in the charge of \$33,17 to the county of Washington by Territorial Treasurer in the year 1850.

An act granting to Moses Perin and Joseph H. Tyler the right to establish and maintain a Ferry over Lake St. Croix.

An act granting to George R. Stuntz the right to establish and maintain a Ferry over the St. Louis river.

An act for a line of Telegraph from St. Paul to St. Anthony and Minneapolis.

And then he withdrew.

Mr. Dixon moved,

To amend the bill by adding thereto the following:

That L. M. Brown, his heirs, executors, administrators, or assigns, shall have the exclusive right and privilege for the period of fifteen years, of keeping and maintaining a ferry across the Minnesota River, in the counties of Scott and Hennepin, in Territory of Minnesota, at a point opposite the town of Shakopee, and no other ferry shall be established within one mile above or below said ferry.

That said L. M. Brown shall at all times keep a safe and good boat or boats in good repair, sufficient for all persons wishing to cross at said Ferry, and shall give prompt and ready attendance on passengers or teams at all occasion and at all hours, both at night or day; but persons wishing to cross at said Ferry in night may be charged double fare as hereinafter prescribed.

The rates charged for crossing at said Ferry, shall not exceed the following:

For each foot passenger.....	10 cents.
Each horse, mare, or mule, with or without rider.....	15 "
Each two-horse, two-ox, or two-mule team, loaded or unloaded with driver.....	30 "
Each single horse carriage.....	25 "
Each additional cow or ox.....	10 "
Each swine or sheep.....	2 "

All freight of lumber, fifty cents per thousand feet, and three cents per hundred pounds, for all other articles not in teams.

The said L. M. Brown, shall within six months from the passage of this act, file, or cause to be filed with the Clerk of the Board of County Commissioners of the county Scott, a bond to said Board with two or more sufficient sureties, to be approved by said Clerk, in the penal sum of three thousand dollars, conditioned that he will fulfill all the duties that are imposed upon him by the foregoing sections.

For every neglect in keeping a good sufficient boat or failure to give prompt and ready

attendance, the said L. M. Brown, shall forfeit a sum not exceeding fifteen dollars to be recovered by a civil action before any Court having jurisdiction.

Any person who shall sustain any injury by the negligence of said L. M. Brown, or of the ferryman in his employ, may have a remedy on the bond required in this Act.

This act to take effect from and after its passage, and the Legislature may alter amend or repeal this act at any time, but this act shall not be so construed as to interfere with any license heretofore granted to any other person, by any Board of County Commissioners within the limits prescribed in this act.

Mr. Hanson moved,

To amend the amendment by adding thereto the following:

SEC. 11. That an act entitled "An act to prohibit the introduction of liquors into the territory purchased from the Sioux Indians," be, and the same is hereby extended over that portion of the old Fort Snelling Reserve situate on the west bank of the Mississippi river, and which was made a part of the Stillwater land district by an act approved 26th of August, 1852, entitled "An act to reduce and define the boundaries of the Military Reserve at St. Peters river, in the Territory of Minnesota, and for other purposes;"

The question being taken on the adoption of the amendment, to the amendment;

And the yeas and nays being called for and ordered, there were

Yeas 6, }  
Nays 10. }

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Brawley,
Hanson,	Sibley,	Thompson—6.

Those who voted in the negative were,

Mr. Cave,	Dixon,	Davis,
Fridley,	Grant,	Haus,
Rolette,	Stanchfield,	Willim,
		Speaker—10.

So the amendment to the amendment was not adopted.

Mr. Rolette, from the joint committee on enrolled bills, made the following

#### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions:

(No 66, H of R,) A bill for an act to incorporate the Minnesota and Northern Pacific Railroad Company.

(No 63, H of R,) An act entitled "An act to incorporate the city of Stillwater in the county of Washington.

(No 66, H of R,) An act entitled "An act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota.

The Speaker has signed the following bills:

A bill for an act to incorporate the Minnesota and Northern Pacific Railroad Company.

An act entitled "An act to incorporate the city of Stillwater in the county of Washington.

An act entitled "An act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota.

(No 27, H of R,) A bill for an act to locate a Territorial road from St. Anthony on the Mississippi river, to Lac Traverse.

(No 73, H of R,) A bill for an act to locate a county road at Le Sueur county.

(No 81, C F,) An act to incorporate the Mississippi River Improvement Company.

(No 74, H of R,) An act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota.

(No 60, H of R,) A bill granting a ferry charter to J. S. Wilson and others.

Joint resolution providing that copies of records in the office of register of deeds may be admissible in evidence.

(No 51, H of R, An act to incorporate the Sisters' of propagation of faith society of St. Joseph, at Pembina.

I. VAN ETTEN,  
*Ch'm Council Committee.*  
JOSEPH ROLETTE.

Mr. Stanchfield moved

A call of the House.

The roll being called, Messrs. Haus and Regester were reported absent.

The Speaker directed the Sergeant at-Arms to notify the absent members to appear in their seats.

Mr. Sibley moved\*

That all further proceedings under the call of the House be dispensed with.;  
Which motion was lost.

The Seargeant-at-Arms returned and reported the absent members in attendance.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

His Excellency has informed the Council that he did on the 2d inst., approve and sign the following bills, which originated in the Council.

(No 9, C F,) A bill granting to William W. Sweeney, William Leonard, Richard Freeborn and Norris Hobart, the right to establish and maintain a Ferry across the main channel of the Mississippi river.

(No 33, C F,) An act for the benefit of Common Schools and for other purposes.

(No 43, C F,) An act granting to William L. Ames, George Hezlep, George W. Farrington, C. H. Parker, William B. Dodd the right to establish and maintain a Ferry across the Minnesota river.

- (No 24,) An act to change the time of holding courts in the county of Ramsey.  
 (No 16,) An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a Ferry across the Mississippi river.  
 (No 12,) An act granting to O H Kelley the right to establish and maintain a Ferry across the Mississippi river.  
 (No 29,) An act to amend an act entitled "An act to incorporate the St. Croix Boom Company."  
 (No 48,) An act to incorporate the Root River Valley and Southern Minnesota Railroad Company.  
 (No 15,) An act to incorporate the city of St. Anthony.  
 (No 46,) An act granting to O. W. Streeter the right to establish and maintain a Ferry across the Mississippi river.  
 (No 37,) An act to incorporate the Boston and Minnesota Mining Company.  
 (No 41,) An act changing the name of Ann E. White to Ann E. Tinker.  
 (No 70,) An act allowing a change of venue in certain cases and for other purposes.  
 (No 39,) An act granting to Carmi P. Garlick the right to establish and maintain a Ferry across the St. Croix river.

With an amendment and an amendment to its title.

The President has signed the following bills:

An act to organize the County of Stearns, and for other purposes.

An act to incorporate the Pittsburg and Minnesota Mining Company.

An act to dissolve the marriage contract between George H. Fletcher and Jane his wife.

The question then recurring on the adoption of the amendment,  
 And the yeas and nays being called for and ordered, there were

Yeas 7, }  
 Nays 9. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Dixon,
Davis,	Haus,	Lemay,
Sibley—7.		

Those who voted in the negative were,

Mr. Cave,	Fridley,	Grant,
Hanson,	Register,	Stanchfield,
Thompson,	Willim,	Speaker—9.

On motion of Mr. Dixon

The bill was indefinitely postponed.

The Speaker laid before the House the following communication from His Excellency the Governor:

**MR. SPEAKER:—**

I am directed by the Governor to inform the House of Representatives that he did on the 3d of March approve and sign the following bills, which originated in the House:

An act to locate the county seat of Le Seur county.

An act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota.

E. GREENE DURBIN,  
*Private Secretary.*

On motion of Mr. Dixon

The House took a recess until 8 o'clock.

JAMES S. NORRIS,  
*Speaker.*

Attest:

JAMES C. SHEPLEY,  
*Chief Clerk.*

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**EVENING SESSION.**

8 o'clock.

The House met pursuant to adjournment, and was called to order by the Speaker. The roll being called, the following members answered to their names:

Mr. Beatty,	Brawley,
Cave,	Dixon,
Fridley,	Stanchfield,
Willim,	Speaker.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

**MESSAGE:**

**MR. SPEAKER:—**

The President of the Council has signed the following bills:

An act to incorporate the Minnesota and Northern Pacific Railroad Company.

An act amendatory to an act to incorporate the city of St. Paul, Ramsey Co., M. T.

An act to incorporate the city of Stillwater, Washington county, M. T.

On motion of Mr. Dixon,

The Chief Clerk was instructed to return to the parties in the Ward divorce case all papers in his possession relative to the same.

No. 51, C F, was taken up.

Mr. Hanson offered, as an amendment to the bill, the following, as an additional section:

"That an act entitled "An act to prohibit the introduction of liquors into the Territory purchased from the Sioux Indians," be, and the same is hereby extended over that portion of the old Fort Snelling Reserve, situate on the west bank of the Mississippi River, and which was made a "part of the Stillwater Land District" by an act approved twenty-sixth August, eighteen hundred and fifty-two, entitled "An act to reduce and define the boundaries of the Military Reserve at St. Peters River, in the Territory of Minnesota, and for other purposes."

Mr. Dixon moved

To amend the amendment by inserting the following:

That so much of Minnesota Territory as is contained within the following boundaries be, and the same is hereby created into a separate county, by the name of Pine; beginning at a point on the St. Croix River, where the line between townships 37 and 38 intersects said river; thence due west, to Rum River; thence up the main branch of said river to Mille Lac; thence due north to the southern boundary of Itasca county; thence east along said southern boundary to the eastern boundary of the Territory; thence along the eastern boundary of said county to the place of beginning.

Mr. Stanchfield moved a call of the House.

The roll being called,

Messrs. Fridley, Grant, Lemay and Register were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Cave moved

That all further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 11. }

Nays 4. }

Those who voted in the affirmative were,

Mr. Andros,	Brawley,	Cave,
Davis,	Fridley,	Haus,
Lemay,	Sibley,	Thompson,
Willim,	Speaker—11.	

Those who voted in the negative were,

Mr. Beatty,	Dixon,	Rolette,
Stanchfield—4.		

So the motion was adopted.

The question then recurring on the adoption of the amendment to the amendment.

And the yeas and nays being called for and ordered, there were

Yeas 8, }

Nays 9. }

Those who voted in the affirmative were

Mr. Andros,  
Davis,

Beatty,  
Haus,  
Rolette,

Dixon,  
Lemay,  
Sibley—8.

Those who voted in the negative were,

Mr. Brawley,  
Hanson,  
Thompson,

Cave,  
Regester,  
Willim,

Fridley,  
Stanchfield,  
Speaker—9.

So the amendment to the amendment was not adopted.

Mr. Dixon offered as an amendment to the amendment the following bill:

A bill for an act granting to Luther M. Brown the right to establish and maintain a ferry across the Minnesota River, at Shakopee.

*Be it enacted by the Legislative assembly of Minnesota Territory:*

That Luther M. Brown, his heirs, executors, administrators and assigns, shall have the right and privilege, for the period of twenty years of keeping and maintaining a ferry across the Minnesota river at Shakopee, and no other ferry shall be established within one half mile of said ferry, either above or below the same.

Said Luther M. Brown, shall at all times keep boats in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attendance on passengers and teams on all occasions, at all hours, both night and day; but persons crossing at said ferry after nine o'clock P. M., may be charged double the rates as hereinafter prescribed.

The rates charged for crossing said ferry, shall not exceed the following:

For each foot passenger.....	10 cents.
For each horse, mare or mule, with or without rider.....	15 "
For each cow or ox.....	10 "
For each two-horse, two-ox, or two-mule team, loaded or unloaded, with driver.....	25 "
For each single horse carriage.....	25 "
For each additional horse, mule, ox or cow.....	15 "
For each swine or sheep.....	2 "

All freight of lumber, merchandise, or other articles not in teams, at the rate of five cents per barrel, fifty cents per thousand feet of lumber, and five cents per hundred pounds for all other articles.

The said Luther M. Brown shall, within three months after the passage of this act, file or cause to be filed with the County Commissioners of Scott county, a bond for the benefit of said county, with two or more sureties to be approved by said Commissioners in the penal sum of five hundred dollars, conditioned, that they will fulfill all the duties that are imposed upon them in the foregoing sections.

For every neglect in keeping good and sufficient boats, or failure to give prompt and due attendance, the said Luther M. Brown, shall forfeit a sum not exceeding ten dollars, to be recovered by a civil action before any Court having competent jurisdiction.

The Legislature may alter or amend this act at any time.

This act to take effect on and after its passage.

Mr. Hanson moved,  
 The previous question;  
 The question then recurring,  
 "Shall the main question be now put?"  
 And the yeas and nays being called for and ordered, there were

Yeas 6, }
Nays 10. }

Those who voted in the affirmative were,

Mr. Hanson,	Lemay,	Sibley,
Stanchfield,	Willim,	Speaker—6.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Haus,	Register,	Rolette,
		Thompson—10.

So the House refused to order the main question;

The question then recurring on the adoption of the amendment offered by Mr. Dixon to the amendment,

And the yeas and nays being called for and ordered, there were,

Yeas 11, }
Nays 6. }

Those who voted in the affirmative were,

Mr. Andros,	Mr. Beatty,	Mr. Brawley,
Dixon,	Davis,	Haus,
Hanson,	Lemay,	Register,
	Rolette,	Thompson—11.

Those who voted in the negative were,

Mr. Cave,	Mr. Fridley,	Mr. Stanchfield,
Sibley,	Willim,	Mr. Speaker—6.

So the amendment to the amendment was adopted.

Mr. Hanson moved

The previous question.

The question then recurring, "Shall the main question be now put?"

And the yeas and nays being called for and ordered, there were,

Yeas, 8, }
Nays, 8. }

Those who voted in the affirmative were,

Mr. Beatty,	Mr. Brawley,	Mr. Hanson,
Lemay,	Stanchfield,	Thompson,
	Willim,	Mr. Speaker—8.

Those who voted in the negative were,

Mr. Andros,	Mr. Cave,	Mr. Dixon,
Davis,	Haus,	Register,
	Rolette,	Sibley—8

So the House refused to order the main question to be now put.

Mr. Brawley moved

To amend the amendment by adding thereto

The seat of justice for the county of Newton shall be located at Rice's Point; and the seat of justice for the county of St. Louis shall be located at Clarksville, near the mouth of Beaver river.

And the yeas and nays being called for and ordered, there were,

Yeas 8, }  
Nays 6. }

Those who voted in the affirmative were

Mr. Andros,	Brawley,	Cave,
Dixon,	Davis,	Haus,
Rolette,	Lemay—8.	

Those who voted in the negative were

Mr. Register,	Sibley,	Stanchfield.
Thompson,	Willim,	Speaker—6.

So the amendment to the amendment was adopted.

Mr. Rolette, from the joint committee on enrolled bills, made the following

#### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills:

(No 12, H of R.) An act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher, his wife.

[No 70, H of R,] An act to organize the county of Stevens and for other purposes.

[No 38, C F,] An act to incorporate the Pittsburg and Minnesota mining company.

I. VAN ETTEN,  
*Ch'mn Council Com.*

J. ROLETTE,  
D. F. BRAWLEY.

The Speaker has signed the following bills:

An act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher, his wife.

An act to organize the County of Stevens, and for other purposes.

An act to incorporate the Pittsburg and Minnesota mining company.

Mr. Dixon moved further to amend the amendment by inserting the following:

That Soorates Nelson, Franklin Steele, H. M. Rice, C. Carli, Isaac Gray, Erastus Corning, John Gardner, W. B. S. Moore, Alex. Ramsey, R. B. Mason, Morris Ketcham, John McKusick, F. R. Delano, Isaac Staples, Theodore Parker, of the Territory of Minnesota, and all such persons as shall hereafter become stockholders in the Company hereby incorporated, shall be a body politic and corporate by the name and style of the "Minnesota Railroad Company," and under that name and style shall be capable of

sueing and being sued, imploding and being impleaded, defending and being defended against in law and equity, in all courts and places whatsoever, in like manner, and as fully as natural persons, may make and use a common seal and alter and renew the same at pleasure, and by their said corporate name and style shall be capable in law of contracting and being contracted with; shall be, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate which may be needful to carry into effect fully the purposes and objects of this act.

It shall be the duty of the above named corporators, within sixty days after the passage of this act, to cause a book for subscriptions to the capital stock of the said company to be opened at some designated place in the city of New York, giving ten days notice thereof in two or more daily newspapers printed in the said city, and after a sum not less than one million of dollars of the capital stock of the said company shall have been subscribed, and an instalment of ten per cent. paid upon each share, then the subscribers to whom the said one million of dollars of stock shall have been awarded by the corporators herein named, shall become corporators of the company, and shall, within thirty days thereafter, proceed to elect a Board of Directors, which shall consist of not less than twelve stockholders, citizens of the United States of America, three of whom shall reside in the Territory or future State of Minnesota. The said directors, so elected, shall within ten days thereafter, proceed to organize by the election of a President, and such other officers as they may see fit to appoint; and until such organization the corporate powers of the said company shall remain in and be exercised by the corporators, or a majority of them, heretofore specified.

From and after the organization of the said board of directors, all the corporate powers of said company shall be vested in, and controlled and exercised by said board of directors, and such officers and agents as they shall appoint; three of whom shall hold the office of director for one year, three others for two years, three others for three years, and the remaining three for four years; the time which each of the first board of directors shall hold his term of office to be determined by lot, within thirty days after the first organization of said board. At the expiration of the term of one year from the organization of said board and every succeeding year thereafter, there shall be chosen three directors from among the stockholders of said company, due notice of such election having been first given by the board of directors, to supply the vacancies of those who go out, and each director shall continue in office until his successor is elected and assumes the trust conferred on him. Vacancies in the board may be filled by a vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular election of directors, but no person shall be so elected who shall not have been openly nominated at a meeting of the directors at least one week before the time appointed for such election. Other officers, agents and servants, whether members of the board or otherwise, shall be entirely subject to the control of the board. In every election of directors for any other purpose, each share of capital stock shall be entitled to one vote, to be given in person or by proxy; a majority of the board of directors shall constitute a quorum for the transaction of business.

The said directors shall have power to make, ordain, and establish, all such by laws,

rules and regulations may be deemed expedient and necessary to fulfil the purposes, and to carry into effect the provisions of this act, and for the well ordering, regulating and securing the affairs and business of the company, and such by-laws, rules and regulations shall have the force and effect of law: *Provided*, that the same be not repugnant to the constitution and laws of the United States, or repugnant to the laws of the Territory, or future State, of Minnesota, or to this act. The board of directors shall have power to establish such rates of toll for the conveyance of persons and property upon the railroad, by this act authorized to be built, as they shall, from time to time, by their resolutions, direct and determine; and to levy and collect the same for the use of the said company; the transportation of persons and property, the width of track, the construction of wheels, the form and size of the cars, the weight of loads, and all other matters and things respecting the use of said road and the conveyance of passengers and property, shall be exclusively within the control of said board of directors, and in conformity to such rules and regulations as they shall, from time to time, determine. Said board of directors may have the power to hold its meetings in the city of New York, and to order and hold all elections for directors in said city.

The capital stock of said corporation shall be ten millions of dollars, which may be increased from time to time to any sum not exceeding the entire amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner and at such places, as may be ordered and provided by the board of directors, who shall have power to require the payment of sums subscribed by stockholders, in such manner and on such terms as they may deem proper, and on refusal or neglect on the part of the stockholders or any of them, to make payments on the requisition of the board of directors, the shares of such delinquent may, after thirty days' public notice, be sold at public auction, under such rules as the said board of directors may adopt; the surplus money, if any remains after deducting payments due, with the interest and necessary costs of sale, to be paid to such delinquent stockholders; books for subscription to stock shall be opened by the board of directors in the city of New York, and in the city of St. Paul, and may be opened in the city of London, from time to time, as said directors may order.

The said corporation is hereby authorized and empowered, to survey, locate, construct, complete, alter, maintain and operate as a railroad, with one or more tracts or lines of rails, from a point on the North-West shore of Lake Superior in Minnesota Territory, north of the St. Louis river, opposite the entrance of the Left Hand river into Lake Superior; and near the mouth of the St. Louis river, Minnesota, on Lake Superior, by way of St. Anthony, St. Paul and Stillwater, Minnesota, and cross the Mississippi at St. Paul to such point on the northern boundary line of the State of Iowa as the board of directors may designate; which point shall be selected with reference to the best route to the city of Dubuque; *Provided*, that such location shall conform in all respects to such route as may be designated in any act of Congress granting lands for the construction of the said railroad.

The said corporation shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, by paying therefor in the

manner hereinafter provided, land not exceeding two hundred feet in width, through its entire length, may enter upon and take possession of, and use all and singular said lands two hundred feet in width, and all streams, minerals, and materials of every kind thereon, for the location of depots and stopping places, for the purpose of constructing bridges, dams, embankments, excavations, station grounds, spoil banks, turnouts, engine houses, shops and other buildings, necessary for the construction, completing, altering, maintaining, preserving and complete operation of said road. All such lands, waters, minerals, materials and privileges belonging, or which may hereafter belong to the Territory or future State of Minnesota, on and within said two hundred feet in width, are hereby granted to said corporation for said purposes, and for no other; and for the purpose of aiding the said company in the construction and maintaining the said railroad, it is further enacted that any lands that may be granted to the said Territory to aid in the construction of the said railroad, shall be, and the same are hereby granted in fee simple absolute, without any further act or deed, and the Governor of this Territory, or future State of Minnesota is hereby authorized and directed, in the name and on behalf of said Territory or State, after the said grant of land shall have been made by the United States to said territory, to execute and deliver to said company such further deed or assurance of the transfer of said property as said company may require to vest in them a perfect title to the same; *Provided*, however, that such lands shall be taken and held upon such terms and conditions as may be prescribed by the act of Congress granting the same; *Provided*, also, whenever the net earnings of said road shall exceed twenty per cent. on the amount of capital actually expended by said company in the construction and furnishing of said road and appurtenances, said corporation shall pay semi-annually to the Treasurer of the Territory or future State of Minnesota, and take his receipt for the same, seven per cent. of the said net earnings of said railroad.

Said company may take such lands for the construction of said road as may be deemed requisite by said corporation, but unless the lands so taken shall be purchased or voluntarily given for the purpose aforesaid, proper compensation for the land so taken, shall be made, which shall be determined and ascertained in the manner following: The said party or parties interested may present to the circuit, or district, or county court of the circuit, or district, or county, where said lands or real estate proposed to be taken shall lie, a petition signed by its attorney or agent, describing with convenient accuracy and certainty, by map or otherwise the lands or real estate so required to be taken as aforesaid, setting forth the name and residence of each owner or other person mentioned therein, as lessee, incumbrancer, as far as known to such attorney or agent, or appearing of record and praying the appointment of such commissioners, to ascertain the compensation to be made such owners and others interested, for the taking or injuriously affecting such land or real estate as aforesaid. The court shall have satisfactory evidence that notice of and intended application, and the time and place thereof, for the appointment of commissioners of appraisal between said corporation and the owners and persons interested in such lands and real estate, had been given at least ten days previously to such owners personally, or to their agent or attorney, at their residence or on the premises, or by publication thereof, for four weeks previous to such application, in any newspaper, printed in the county in which said lands or real estate may be, or if no

newspaper be printed in said county, in a newspaper printed at the Capitol of this Territory and also in a newspaper published at the shortest distance within said Territory or State from the place where the lands lies; such publication to be allowed only in respect to owners who shall appear by affidavit to have no residence in the county to such agent or attorney, whereat such notice could be delivered as aforesaid. The court may adjourn the proceedings from time to time, it may direct any future notice thereof to be given that may seem proper, it shall take proofs and allegations of all parties interested, touching the regularity of the proceedings, and shall by an entry in its minutes, appoint three competent and disinterested persons, who shall be free-holders of said county, commissioners to ascertain such compensation as aforesaid, specifying in such entry a time and place for the first meeting of such commissioners. The said commissioners before entering upon the duties of their office, shall take the oath required by the laws of this Territory or the future State of Minnesota, and any of them may administer oaths to witnesses produced before them, and may adjourn from time to time. Whenever they shall meet to hear proofs and allegations, unless by appointment of the court, or pursuant to adjournment, they shall cause ten days previous notice of such meetings to be given to the said owners or parties interested, or their attorney or agent, and may each of them issue subpoenas, and compel witnesses to appear and testify; they shall hear the proofs and allegations of the parties, and any three or more of them, after reviewing the premises, without fear or favor, or partiality, ascertain and certify the compensation proper to be made to the said owners and parties interested, for the lands or real estate to be taken, as well as all damages accruing to the owner of the lands and real estate as aforesaid, taken in consequence of the condemnation of the same, or injuriously affected as aforesaid, may in their discretion assess a separate, reasonable sum in favor of such owners and parties interested, or of any person appointed by the court to appear as attorney for them, for costs, expenses and reasonable counsel fees. They, or a majority of them, shall make, subscribe and file with the clerk of the county in which said lands or real estate shall lie, a certificate of their said assessment, in which said lands or real estate shall be described by map or otherwise, with convenient accuracy and certainty. The court upon such certificate and due proof that such compensation and separate sums, if any, be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the State Treasury, or other place for that purpose, approved by the court, shall make and cause to be entered in its minutes, a rule describing such lands or real estate, in manner aforesaid, such ascertainment of compensation, with the mode of making it, and such payment or deposit of the same compensation as aforesaid, a certified copy of which rule shall be recorded and indexed in the proper recording office, in like manner, and with like effect as if it were a deed of conveyance from the said owners or parties interested, to the said corporation. Upon the entry of such rule, the said corporation shall become seized in fee of all the land and real estate, described in said rule, as required to be taken as aforesaid during the continuance of the corporation, by this or any subsequent act, and may take possession of, and hold, and use the same for the purposes of said road, and shall thereupon be discharged from all claims for any damages, by reason of any matter specified in said petition, certificate or rule of said court. If, at any time, after an attempted or actual ascertainment of compensation, under this act

or any other act, or any purchase by or donation to said corporation of any lands for the purpose aforesaid, it shall appear that the titles acquired thereby to all or any part of such lands for the use of road, or if the title of said corporation shall fail or be deemed defective, the said corporation may proceed anew to perfect such title by procuring an ascertainment of the compensation proper to be made to any person or persons, whose title, claim or interest in, or lien upon such land, and by making payment thereof in the manner hereafter provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this act, the court or officers to whom the application shall be made, may by a sale in that behalf made, authorize the said corporation if already in possession, and if not in possession, to take possession of and use such premises during the pendency, and until the final conclusion of such proceedings, and may stay all actions and proceedings against said corporation, on account thereof: *Provided*, such corporation should pay a sufficient sum into court, or give security, to be approved by said court, to pay the compensation in that behalf, when ascertained, and in every case where possession shall be authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the company. The said commissioners shall be entitled to receive from said corporation a compensation not exceeding five dollars for each day actually employed by them in the discharge of their duties. Such compensation to be taxed and allowed by the court, and which shall be paid by said corporation. If any commissioner so appointed shall die, be unable, or fail to serve, the court may appoint another in his place, on reasonable notice of the application, to be approved by the court; the proceedings hereby authorized may be had in the district of any county where the lands lie, and all motions to the district court shall be made at a general or special term thereof, in said county. The said commissioners shall file the said certificate in the office of the Clerk of the District Court of the county where the lands to be affected may lie, and any clerk shall, when presented with an order from the court for that purpose, transfer a certified copy of the same, and the proceeding connected therewith, to the clerk of any other county in which any portion of the lands to be affected may lie, whenever such clerk shall be so required by said corporation, its agent or attorney.

For the purpose of raising funds from time to time, for the construction and completion of said road and the purchase of iron and other materials, to be used thereon, and for other purposes connected with the construction and completion of said road, said company may issue its bonds in such form and for such amounts and at such rates of interest, payable at such time and places as the said board of directors may by their by-laws direct. The payment of said bonds may be secured by a deed of trust or mortgage on the franchise, lands, road and materials belonging to said company or all or either of them: *Provided*, that the faith of the Territory or future State of Minnesota, shall be in no wise pledged for the redemption of said bonds, and that no banking privileges are hereby granted to said company.

If any person shall carelessly, wilfully, maliciously, or wantonly delay or obstruct the passage of any carriage on said road, or shall place, or cause to be placed, any material thereon, or in any way trespass upon, spoil, injure or destroy said road, or any part thereof, or anything belonging or pertaining thereto, or employed or used in connection with

their road, survey, construction or management, all persons committing, or aiding or abetting in the commission of such trespass or offence, shall forfeit and pay to the said company treble such damages as shall be proved before any court of competent jurisdiction, and shall be imprisoned until the payment thereof, unless sooner discharged by due proceedings of law; and further, such offenders shall be liable to indictment in the county within whose jurisdiction the offence may be committed, and to pay a fine of not less than thirty, nor more than one thousand dollars, to the use of the people of the Territory and future State of Minnesota; or may be imprisoned in the penitentiary or jail, for a term not exceeding five years, in the discretion of the court before whom the same shall be tried.

Said corporation may construct their said road over or across any stream of water, water-course, road, highway, railroad, or canal, not, however, in such a manner as to interrupt or impede the navigation of any navigable stream or highway; and all roads or railroads, laid out subsequently to the completion of any part of the said railroad which may cross or intersect the same, shall be laid out and constructed at the point of intersection in a manner that will do the least damage to said railroad. Whenever the track of said railroad shall cross a road or highway, such road or highway may be crossed at grades, or carried under or over said track, as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway as may be deemed requisite by said corporation, unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid. Compensation shall be ascertained in the manner in this act provided, and duly made by said corporation to the owners and persons interested in such lands. The same, when so taken or compensation made, to become a part of such intersecting road or highway, in such manner and by such tenure as the adjacent parts of the same highway may be held for highway purposes; *Provided*, that the present or any subsequent Legislature of the Territory, or future State of Minnesota, may authorize any railroad or highway to cross or intersect the said railroad, on such terms as will do the least damage to the said railroad company.

Every conductor, baggage master, engineer, brakeman, or other servant of such corporation, employed in a passenger train or at stations for passengers, shall wear upon his hat or cap a badge which shall indicate his office, the initial letters or style of the corporation. No conductor or collector, without such badge, shall demand or be entitled to receive from any passenger any fare, toll or ticket, or exercise any of the powers of his office, and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage or property.

A bell of at least thirty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and shall be rung or whistled at the distance of at least eighty rods from the place where said road shall cross any other road, and be kept ringing or whistling at intervals until it shall have crossed said road or street under a penalty of fifty dollars for every neglect, to be paid by said corporation; one-half thereof to go to the informer and the other half to the Territory or future State of Minnesota; and to be liable for all damages which shall be sustained by any person by reason of such neglect. Said cor-

poration shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each public road or street, where the same is crossed by the railroad, on such elevation as not to obstruct the travel, and to be easily seen by travelers, and on each side of said board shall be printed in capital letters, of at least the size of nine inches each, the words "*Railroad crossing! Look out for the cars!*" But this provision shall not apply to streets of cities or villages, unless the corporation be required to put up such boards by the officers having charge of such streets. Said company shall construct and maintain a good substantial board or rail fence five and one-half feet high, along said railroad, in the line of the lands by this act granted them, and shall construct and maintain cattle guards, wherever the same may be necessary, sufficient to keep cattle, sheep, horses and hogs from and off the track of said railroad, and shall be liable for all damages sustained by any person by reason of any neglect to keep and maintain such fence and cattle guard in good repair.

Said corporation shall, within a reasonable time after said road shall have been permanently located, cause to be made a map and profile thereof, and of the land taken and obtained for the use of said road, and file the same in the office of the Secretary of the Territory or of the future State of Minnesota, and also like maps of the parts thereof located in the different counties through which the same may pass, and cause the same to be recorded in the office for recording deeds in the county in which said parts of said roads shall lie, and also where any re-location of said line or lines may have been made as heretofore authorized, then a like map or profile thereof shall be made and filed in the manner and places aforesaid.

The said company shall render to the Governor of the Territory or State of Minnesota, on or before the first day of January in each and every year, a statement in writing, verified by the oath of the President and Treasurer of the said railroad company, exhibiting the amount of capital actually expended by said company in the construction of said road, and the machinery therefor and appurtenances thereunto belonging, with the amount of the receipts and expenditures during the year. The said company shall construct and complete at least fifty miles of the track of the said railroad between St. Paul and the northern terminus of the said road, within three years from the passage of this act, and the whole of the remainder of the said railroad, from the said northern terminus to the line of the State of Iowa, shall be constructed and wholly completed by the said company within six years from and after the passage of this act. The whole of the track of the said railroad shall be laid with a rail not less than sixty pounds per yard, and the engines and rolling stock thereof shall be made, in all respects, equal to those on the best description of road in the United States: *Provided*, however, that the said company shall not be required to cross the Mississippi at St. Paul with the said railroad, but may, at the option of the said company, establish a connection either by means of a bridge, or by good and sufficient steam ferry boats. Within twenty-two months from and after the passage of this act, or in case the route of the said railroad between St. Paul and the Iowa line shall be sooner located and the timber cut off, then within thirty days after such timber shall have been cut off, the said company shall construct, complete, and keep in operation a line of telegraph between Dubuque and St. Paul.

In case the said company shall fail to construct and complete the said fifty miles of railroad between the northern terminus thereof and St. Paul within three years from the passage of this act, or to construct and complete the whole of the remainder of the said railroad within three years thereafter, or to construct and put in operation the said line of telegraph within the time limited by this act, then, and in either of the said cases, this act, and all grants contained in the said acts, or either of them, shall cease and be void, and all the right, title and interest of the said company in and to the lands granted to the said Territory by the act of Congress of June 29th, 1854, and to the said company by the act of the Legislature of the Territory of March 4th, 1854, together with all the chartered rights, franchises, and privileges, shall revert to the said Territory.

The lands granted to the said company by this act shall be exempt from taxation, under the laws of the Territory and State of Minnesota, until patents shall be duly issued upon the completion of each twenty miles of said road, as contemplated in and by the act of Congress entitled "an act to aid the Territory of Minnesota in the construction of a railroad therein," approved June 29th, 1854. Annual taxes for Territorial and State purposes may be levied upon all the property of the said corporation, with the exception hereinbefore provided, and no taxes, except for Territorial or State purposes, shall be imposed or levied upon the property of said company.

All contracts, obligations, bonds, certificates, and agreements, which shall be entered into in the name and behalf of the said company, by its proper officers or agents, or any of them, within the scope of the general or special powers conferred by the directors upon such officers or agents, shall be obligatory and binding upon the said company, although, except in the case and contracts in relation to real estate, such instruments may not be verified by the common seal of the said company, nor specially authorized by such directors.

In case the said company, its officers, agents and servants, or any or either of them, shall fail, neglect, or refuse to do or perform any duty required by this act, the said company and its said officers, agents, and servants, may, upon information filed by the Attorney General of the Territory or State of Minnesota, or by any other officer designated by law for that purpose, be compelled, by mandamus, or by the decree or judgment of any court having competent jurisdiction, to do and perform such duty, and may also be compelled to respond in such damages as the said Territory or State shall be found to have sustained in consequence of such failure or omission.

Nothing herein contained shall be so construed as to repeal, or in any wise vitiate, any charter for the construction of any bridge across the Mississippi river, or vitiate or render void any railroad charter heretofore granted by the Legislature.

This act shall be deemed a public act, and shall be in force from and after its passage: *Provided*, however, that unless the Minnesota and North Western Railroad Company shall, within sixty days from and after the passage of this act, assign and transfer to the company hereby incorporated, all the franchises, rights, property, assets and effects of the said Minnesota and North Western Railroad Company, or enter into a valid contract so to assign and transfer the same at a future time, this act shall be void.

A message from His Excellency the Governor being announced, E. Greene Durbin, Esq., his private secretary, appeared and delivered the following

### COMMUNICATION:

**MR. SPEAKER:—**

I am directed by the Governor to inform the House of Representatives that he approved and signed on the 3d inst., the following bills, which originated in the House of Representatives.

An act granting to Moses Perin and Joseph H. Tyler, the right to establish and maintain a Ferry over Lake St. Croix.

An act granting to George R. Smith the right to establish and maintain a Ferry across the St. Louis river.

Joint resolution relative to error in the charge of \$33,17 to the county of Washington by the Territorial Treasurer, in the year 1850.

An act to locate a Territorial road from St. Augusta on the Mississippi river to Lac Traverse.

An act providing that copies of records in the office of Register of Deeds may be admissible in evidence.

An act granting to John L. Wilson, Anton Edelbrock and William A. Corbett the right to establish and maintain a Ferry across the Mississippi river at St. Cloud, and for other purposes.

An act to incorporate the Sisters' Propagation of Faith Society of St. Joseph, Pembina,

E. GREENE DURBIN.

*Private Secretary.*

A message from the Council being announced, A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

### MESSAGE:

**MR. SPEAKER:—**

The Governor has informed the Council that he did, on the 3d inst., approve and sign the following bill:

(No 34, C F.) A bill to provide for the apportionment of representation in this Territory.

The Council has concurred in House amendment to

(No 50, C F.) A bill to legalize the town of Winona.

On motion of Mr Sibley

Further proceedings under the call of the House were dispensed with.

Mr. Sibley moved

That the bill and amendments be indefinitely postponed;

And the yeas and nays being called for and ordered, there were

Yeas 11, }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Cave,
Davis,	Fridley,	Haus,
Hanson,	Lemay,	Sibley,
Stanchfield,	Speaker—11.	

Those who voted in the negative were,

Mr. Brawley,	Dixon,	Regester,
Rolette,	Thompson,	Willim—6.

So the bill and amendments were indefinitely postponed.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

MESSAGE:

MR. SPEAKER:—

Messrs. Brown and Stimson have been elected on the part of the Council to act under the apportionment law, on the joint committee to apportion the Representation of the Legislative Assembly of this Territory.

And then he withdrew.

Mr. Rolette, from the joint committee on enrolled bills, made the following

REPORT :

The joint committee on enrolled bills have presented to the Governor for his approval and signature the following bills:

(No 47, C F,) A bill for an act prescribing rules and regulations for the execution of trust arising under the act of Congress, &c.

(No H of R,) An act granting to Moses Perin and Joseph H. Tyler the right to establish and maintain a Ferry over Lake St. Croix.

(No H of R,) For a line of Telegraph from St. Paul to St. Anthony and Minneapolis.

(No H of R,) Granting to George R. Stuntz the right to establish and maintain a Ferry across the St. Louis river.

(No H of R,) Joint resolution relative to error in the charge of \$33,17 to the county of Washington by the Territorial Treasurer in the year 1850.

An act to incorporate the Pittsburgh and Minnesota mining company.

I. VAN ETTEN,  
*Chm'n Council Com.*  
 J. ROLETTE,  
 D. F. BRAWLEY.

Mr. Sibley moved

That the House proceed to the election of three members to perform the duties required in

(No 34, C F,) An act to provide for the apportionment of members of the Legislative Assembly of this Territory.

Mr. Rolette moved

A call of the House;

The roll being called, Mr. Grant was reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

Mr. Sibley moved

That all further proceedings under the call of the House be dispensed with;

And the yeas and nays being called for and ordered, there were,

Ayes 15, }  
Nays 2. }

Those who voted in the affirmative were

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Fridley,
Haus,	Hanson,	Lemay,
Register,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker—15.

Those who voted in the negative were,

Mr. Dixon,	Rolette—2.
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So the motion was adopted.

Mr. Sibley moved

That Mr. Grant be excused from further attendance on this House, during this night.

Which motion was adopted.

The question then recurring on the motion of Mr. Sibley,

And the yeas and nays being called for and ordered, there were

Yeas 15, }  
Nays 2. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Fridley,
Haus,	Hanson,	Lemay,
Register,	Sibley,	Stanchfield,
Thompson,	Willim,	Speaker—15.

Those who voted in the negative, were

Mr. Dixon,	Rolette—2.
------------	------------

So the motion was adopted.

Mr. Sibley moved, that the House proceed to elect three members *viva voce*;

Which was adopted.

The House proceeded to elect one person.

Mr. Fridley nominated Mr. Hanson.

And the House proceeded to ballot.

Mr. Andros	voted for	Mr. Cave.
Beatty	"	Davis.
Brawley	"	Hanson.
Cave	"	Andros.

Dixon	voted for	Mr. Cave.
Davis	"	Beatty.
Fridley	"	Hanson.
Haus	"	Cave.
Hanson	"	Davis.
Lemay	"	Dixon.
Regester	"	Hanson.
Rolette	"	Norris.
Sibley	"	Davis.
Stanchfield	"	Hanson.
Thompson	"	Hanson.
Willim	"	Hanson.
Speaker	"	Hanson.

Mr. Cave	received	.....	3	votes.
Davis	"	.....	3	"
Andros	"	.....	1	"
Beatty	"	.....	1	"
Dixon	"	.....	1	"
Hanson	"	.....	7	"
Norris	"	.....	1	"

Whole number of votes cast, ..... 17

Necessary to a choice, ..... 9

The chair announced that there was no choice.

The House again proceeded to a second ballot.

Mr. Andros	voted for	Mr. Cave,
Beatty	"	Davis,
Brawley	"	Hanson,
Cave	"	Andros,
Dixon	"	Lemay,
Davis,	"	Cave,
Fridley	"	Hanson,
Haus	"	Cave,
Hanson	"	Cave,
Lemay	"	Dixon,
Regester	"	Dixon,
Rolette	"	Sibley,
Sibley	"	Hanson,
Stanchfield	"	Hanson,
Thompson	"	Hanson,
Willim	"	Hanson,
Speaker	"	Hanson,

Mr. Cave	received	.....	4	votes.
Davis,	"	.....	1	"

Mr. Hanson, received	.....	7	“
Andros, “	.....	1	“
Lemay, “	.....	1	“
Dixon, “	.....	2	“
Sibley, “	.....	1	“
		17	
Whole number of votes,	.....	17	
Necessary to a choice,	.....	9	

No choice.

The chair announced that there was no choice.

The House again proceeded to a third ballot.

Mr. Andros	voted for	Mr. Davis,	
Beatty	“	Davis,	
Brawley	“	Hanson,	
Cave	“	Davis,	
Dixon	“	Register,	
Davis	“	Cave,	
Fridley	“	Hanson,	
Haus	“	Cave,	
Hanson	“	Davis,	
Lemay	“	Hanson,	
Register	“	Hanson,	
Rolette	“	Hanson,	
Sibley	“	Hanson,	
Stanchfield	“	Hanson,	
Thompson	“	Hanson,	
Willim	“	Hanson,	
Speaker	“	Hanson,	
Mr. Davis	received	.....	4 votes.
Register, “	.....	1	“
Cave “	.....	2	“
Hanson “	.....	10	“

Whole number of votes cast,	.....	17.
Necessary to a choice,	.....	9.

Mr. Hanson was therefore declared by the Speaker to be duly elected.

The House then proceeded to the election of a second member;

Mr. Andros	voted for	Mr. Davis,
Beatty	“	Davis,
Brawley	“	Cave,
Cave	“	Davis,
Dixon,	“	Davis,
Davis	“	Cave,
Fridley	“	Brawley,

Grant,	voted for	Mr. Davis,
Haus	"	Davis,
Hanson	"	Davis,
Lemay	"	Davis,
Regester	"	Haus,
Rolette	"	Davis,
Sibley	"	Davis,
Stanchfield	"	Dixon,
Thompson	"	Dixon,
Willim	"	Brawley,
Speaker	"	Davis.

Mr. Davis received	-----	11 votes.
Cave	" -----	2 "
Brawley	" -----	2 "
Dixon	" -----	2 "
Haus	" -----	1 "
Whole number of votes,	-----	18
Necessary to a choice,	-----	10

Mr. Davis was therefore declared by the Speaker to be duly elected,

The House then proceeded to ballot for a third person,

Mr. Andros	voted for	Mr. Dixon,
Beatty	"	Cave,
Brawley	"	Willim,
Cave	"	Dixon,
Dixon,	"	Regester,
Davis	"	Dixon,
Fridley	"	Willim,
Grant	"	Dixon,
Haus	"	Dixon,
Hanson	"	Willim,
Lemay	"	Dixon,
Regester	"	Willim,
Rolette	"	Sibley,
Sibley	"	Speaker,
Stanchfield	"	Dixon,
Thompson	"	Willim,
Willim	"	Brawley,
Speaker	"	Willim,

Mr. Dixon received	-----	7 votes.
Cave	" -----	1 "
Willim	" -----	6 "
Regester	" -----	1 "
Speaker	" -----	1 "

Sibley received	-----	1	"
Brawley	-----	1	"
		18	"
Whole number cast,	-----	18	"
Necessary to a choice,	-----	10	"

No one having received a sufficient number of votes, the House proceeded to ballot for a second time.

Mr. Andros	voted for	Mr. Speaker,
Beatty	"	Regester,
Brawley	"	Dixon,
Cave	"	Regester,
Dixon	"	Regester,
Davis	"	Regester,
Fridley	"	Regester,
Grant	"	Dixon,
Haus	"	Regester,
Hanson	"	Regester,
Lemay	"	Regester,
Regester	"	Dixon,
Rolette	"	Dixon,
Sibley,	"	Regester,
Stanchfield	"	Regester,
Thompson	"	Regester,
Willim	"	Regester,
Speaker	"	Regester,

Mr. Speaker received	-----	1	vota.
Regester	-----	13	"
Dixon	-----	4	"
		18	"
Whole number cast,	-----	18	"
Necessary to a choice,	-----	10	"

The Speaker declared Mr. Regester duly elected, he having received a majority of all the votes cast.

Mr. Regester asked to be excused from serving on the committee.

Mr. Sibley moved

That Mr. Regester be excused; which was adopted.

The House again proceeded to the election of a third member with the following result:

Mr. Andros	voted for	Mr. Speaker,
Beatty	"	Dixon,
Brawley	"	Dixon,
Cave	"	Speaker,
Dixon	"	Willim,
Davis	"	Speaker,

Mr. Fridley voted for Mr. Willim,  
 Grant " Dixon,  
 Haus " Speaker,  
 Hanson " Willim,  
 Lemay " Fridley,  
 Register " Dixon,  
 Sibley " Speaker,  
 Stanchfield " Willim,  
 Thompson, " Willim,  
 Willim " Speaker,  
 Speaker " Willim.

Mr. Norris received ..... 6 votes.  
 Dixon " ..... 4 "  
 Willim " ..... 6 "  
 Fridley " ..... 1 "  
 -----  
 Whole number cast, ..... 17 "  
 Necessary to a choice, ..... 9 "

No one having received a majority of the votes cast, there was no choice.

The House proceeded to a a second ballot.

Mr. Andros voted for Mr. Cave,  
 Beatty " Dixon,  
 Brawley " Dixon,  
 Cave " Haus,  
 Dixon " Grant,  
 Davis " Rolette,  
 Fridley " Willim,  
 Grant " Dixon,  
 Haus " Dixon,  
 Hanson " Willim,  
 Lemay " Rolette,  
 Register " Willim,  
 Rolette " Dixon,  
 Sibley " Willim,  
 Stanchfield " Willim,  
 Thompson " Willim,  
 Willim " Dixon,  
 Speaker " Willim,

Mr. Cave received ..... 1 vote.  
 Haus " ..... 1 "  
 Dixon " ..... 6 "  
 Willim " ..... 7 "  
 Rolette " ..... 2 "

Grant received .....	1	"
Whole number cast, .....	18	"
Necessary to a choice, .....	10	"

There being no choice, the House again proceeded to a second ballot:

Mr. Andros	voted for	Mr. Cave.
Beatty	"	Cave.
Brawley	"	Cave.
Cave	"	Dixon.
Dixon	"	Cave.
Davis	"	Cave.
Fridley	"	Willim.
Grant	"	Dixon.
Haus	"	Cave.
Hanson	"	Willim.
Lemay	"	Dixon.
Regester	"	Willim.
Rolette,	"	Dixon.
Sibley	"	Willim.
Stanchfield	"	Willim.
Thompson	"	Willim.
Willim	"	Cave.
Speaker	"	Willim.

Mr. Cave received .....	7	votes.
Dixon " .....	4	"
Willim " .....	7	"

Whole number cast, .....	18	"
Necessary to a choice, .....	10	"

There being no choice, the House again proceeded to ballot a third time:

Mr. Andros	voted for	Mr. Cave:
Beatty	"	Cave.
Brawley	"	Cave.
Cave	"	Dixon.
Dixon	"	Cave.
Davis	"	Cave.
Fridley	"	Willim.
Grant	"	Sibley.
Haus	"	Cave.
Hanson	"	Willim.
Lemay	"	Cave.
Regester	"	Willim.
Rolette	"	Sibley.
Sibley	"	Willim.

Mr. Stanchfield voted for Willim.  
 Thompson " Willim.  
 Willim " Davis.  
 Speaker " Willim.

Mr. Davis received	-----	1	vote.
Cave "	-----	7	"
Willim "	-----	7	"
Sibley "	-----	2	"
Dixon "	-----	1	"

Whole number of votes ----- 18

Necessary to a choice ----- 10

So there was no choice.

The House proceeded to ballot a fourth time, with the following result:

Mr. Andros voted for Mr. Cave.  
 Beatty " Cave.  
 Brawley " Cave.  
 Cave " Dixon.  
 Dixon " Cave.  
 Davis " Cave.  
 Fridley " Willim.  
 Grant " Dixon.  
 Haus " Cave.  
 Hanson " Willim.  
 Lemay " Thompson.  
 Register " Willim.  
 Rolette " Sibley.  
 Sibley " Cave.  
 Stanchfield " Willim.  
 Thompson " Willim.  
 Willim " Haus.  
 Speaker " Willim.

Mr. Cave received	-----	7	votes.
Dixon "	-----	2	"
Haus "	-----	1	"
Willim "	-----	6	"
Thompson "	-----	1	"
Sibley "	-----	1	"

Whole number, ----- 18 "

Necessary to a choice, ----- 10 "

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

MESSAGE :

MR. SPEAKER:—

The President of the Council has signed  
(No. 87, H of R,) Relative to the terms of courts to be held in certain counties and  
for other purposes.

The Governor has informed the Council that he did on the 3d inst. approve and sign  
the following Council Bill:

(No. 47, C F.) An act prescribing rules and regulations for the execution of trust  
arising under the act of Congress, entitled an act for the relief of the citizens of towns  
upon lands of M. T. under certain circumstances.

And then he withdrew.

The House again proceeded to ballot for a fifth time.

Mr. Andros	voted for	Mr. Cave,	
Beatty	"	Cave,	
Brawley,	"	Cave,	
Cave,	"	Dixon,	
Dixon,	"	Register,	
Davis	"	Cave,	
Fridley	"	Register,	
Grant	"	Register,	
Haus	"	Cave,	
Hanson	"	Register,	
Lamay	"	Cave,	
Register	"	Dixon,	
Rolette	"	Register,	
Sibley	"	Cave,	
Stanchfield	"	Register,	
Thompson	"	Register,	
Willim	"	Register,	
Speaker	"	Register,	
Mr. Cave	received	.....	7 votes.
Dixon	"	.....	2 "
Register	"	.....	9 "
			→
Whole number cast,	.....		18 "
Necessary to a choice,	.....		10 "

There being no choice, the House again proceeded to ballot for a sixth time.

Mr. Andros	voted for	Mr. Cave.
Beatty	"	Cave.
Brawley	"	Cave.

Mr. Cave voted for Mr. Dixon.

Dixon	"	Register,
Davis	"	Cave.
Fridley	"	Register.
Grant	"	Register.
Haus	"	Cave.
Hanson	"	Register.
Lemay	"	Lemay.
Register	"	Dixon.
Rolette	"	Register,
Sibley	"	Cave.
Stanchfield	"	Register.
Thompson	"	Register,
Willim	"	Register.
Speaker	"	Register.

Mr. Cave received	.....	6 votes.
Dixon "	.....	2 "
Lemay "	.....	1 "
Register "	.....	9 "

Whole number of votes,	.....	18
Necessary to a choice,	.....	10

There being no choice, the House again proceeded to ballot for a seventh time,

Mr. Andros voted for Mr. Cave.

Beatty	"	Cave.
Brawley	"	Cave.
Cave	"	Dixon.
Dixon	"	Cave.
Davis	"	Cave.
Fridley	"	Register.
Grant	"	Cave.
Hanson	"	Register.
Lemay	"	Cave.
Register	"	Dixon.
Rolette	"	Cave.
Sibley	"	Cave.
Stanchfield	"	Register.
Thompson	"	Register.
Willim	"	Register.
Speaker	"	Register.

Mr. Cave received	.....	9 votes.
Dixon "	.....	2 "
Register "	.....	6 "

Whole number of votes cast,.....17

Necessary to a choice,..... 9

Mr. Cave was therefore declared duly elected.

Mr. Rolette, from the Committee on Enrolled Bills, reported, that they had presented to the Governor, for his signature, the following bills:

(No. 12, H of R,) To dissolve the marriage contract between George H. Fletcher and Jane Fletcher his wife.

An act to organize the county of Stearns, and other purposes.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The President of the Council has signed the following bills:

(No. 29, C F,) A bill legalizing the town of Winona, and for other purposes,

(No. 4, C F,) Joint resolution relative to a removal of Distributing Post Office from Dubuque, Iowa, to Galena, Illinois.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following

#### REPORT:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

(No. 87, H of R,) A bill for an act relative to the terms of the courts to be held in certain counties, and for other purposes.

I. VAN ETTEN,

*Chairman Com. Com,*

J. BOLETTE,

D. F. BRAWLEV,

*House Committee.*

Mr. Hanson moved that

(No. 65, H of R,) A bill to establish the office of County Auditor, and for other purposes,

Be taken up.

Which was adopted.

The bill was then taken up.

The question then recurring on concurring in the amendment made by the Council to the bill,

Mr. Dixon moved a call of the House.

The roll being called,

Messrs. Brawley and Thompson were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Sibley moved

That all further proceedings under the call of the House be dispensed with,

Which motion was adopted.

Mr. Register moved

That the bill and amendments be indefinitely postponed.

And the yeas and nays being called for and ordered, there were

Yeas 10, }

Nays 7. }

Those who voted in the affirmative were,

Mr. Brawley,

Davis,

Register,

Willim—10.

Cave,

Haus,

Stanchfield,

Dixon,

Lemay,

Thompson,

Those who voted in the negative were,

Mr. Andros,

Hanson,

Speaker—7.

Beatty,

Rolette,

Grant,

Sibley,

So the motion was adopted,

On motion of Mr. Register,

Messages from the Council were taken up,

(No. 4, C F,) Joint Resolution relative to the Distributing Post Office,

Was taken up;

And read the first and second times.

Mr. Hanson moved,

That the rules be suspended,

And the Joint Resolution be now read a third time,

Which motion was adopted.

The Joint Resolution was then read a third time, and passed.

Its title was then agreed to.

Mr. Dixon moved,

That

(No. 88, H of R,) A bill to defray the expenses of the Legislative Assembly of Minnesota Territory, and for other purposes,

Be taken up,

Which motion was adopted.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

## MESSAGE :

**MR. SPEAKER:—**

The Council has passed  
(No. 6, C F,) Joint Resolution relative to printing the general laws passed by the present Legislative Assembly.

In which the concurrence of H. of R. is requested.

The Council has refused to concur in the passage of  
(No. 3, H of R,) Joint Resolution relative to payment for translation of certain public documents.

The Council has passed  
(No. 88, H of R,) An act to defray the expenses of the Legislative Assembly of Minnesota Territory.

With an amendment.

And then he withdrew.

On motion of Mr. Cave,  
The House resolved itself into a committee of the whole,  
Mr. Willim in the Chair,  
Having under consideration,  
(No. 88, H of R,) An act to defray the expenses of the Legislative Assembly of Minnesota Territory, and for other purposes,

After some time passed therein,

The Committee rose,

And by their chairman reported back the bill to the House.

With a recommendation,

That it be indefinitely postponed;

The question then recurring on concurring in the recommendation of the committee,  
viz:

To indefinitely postpone the bill.

Mr. Dixon moved,

A call of the House.

The roll being called,

Messrs. Fridley, Hanson and Thompson were reported absent,

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Sibley moved,

That all further proceedings under the call be dispensed with,

And the yeas and nays being called for and ordered, there were

Yeas, 4, }

Nays, 11. }

Those who voted in the affirmative were,

Mr. Davis,

Sibley,

Willim,  
Speaker—4.

Those who voted in the negative were,

Mr. Andros,  
Cave,  
Haus,

Beatty,  
Dixon,  
Lemay,  
Rolette,

Brawley,  
Grant,  
Regester,  
Stanchfield—11.

So the motion was lost.

A message from his Excellency the Governor being announced,

E. Greene Durbin, his Excellency's Private Secretary, appeared and handed in a message in writing to the Speaker.

The Sergeant-at-Arms returned and reported the absent members in attendance.

The question again recurring on the indefinite postponement of the bill,

And the yeas and nays being called for and ordered, there were

Yeas 2, }  
Nays 13. }

Those who voted in the affirmative were

Mr. Willim, Speaker—2.

Those who voted in the negative were,

Mr. Andros,  
Dixon,  
Haus,  
Regester,

Brawley,  
Fridley,  
Hanson,  
Rolette,

Cave,  
Grant,  
Lemay,  
Stanchfield,  
Thompson—13.

So the House refused to concur in the report of the committee.

Mr. Brawley moved to amend the bill by adding thereto

(No 58, H of R,) A bill for an act to prohibit slavery or involuntary servitude in the Territory of Minnesota.

The question recurring on the adoption of the amendment,

And the yeas and nays being called for and ordered, there were

Yeas 3, }  
Nays 11. }

Those who voted in the affirmative were,

Mr. Hanson, Thompson,

Speaker—3.

Those who voted in the negative were,

Mr. Andros,  
Dixon,  
Haus,  
Stanchfield,  
Brawley,  
Fridley,  
Lemay,  
Willim—11.

Cave,  
Grant,  
Regester,

So the amendment was not adopted.

Mr. Fridley moved

To amend the bill by adding thereto the following:

## United States—

		To GEORGE W. BOWMAN,	Dr.
For St. Anthony Express furnished members of Minnesota Legislature as follows:—			
C. F. Stevens,	7	copies, 9 weeks,	63
D. M. Hanson,	5	“ 9 “	45
Joseph Rolette,	3	“ 9 “	27
Mr. Grant,	3	“ 9 “	27
S. Stanchfield,	6	“ 9 “	54
J. B. Dixon,	6	“ 9 “	54
S. M. Register,	3	“ 9 “	27
H. H. Sibley,	3	“ 9 “	27
J. C. Shepley,	3	“ 9 “	27
S. B. Garvie,	1	“ 9 “	9
J. M. Holland,	1	“ 9 “	9
William Colville,	3	“ 9 “	27
A. M. Fridley,	30	“ 9 “	270
			665
			6½
			\$41 56

St. Anthony, February, 1855.

## United States—

To

DANIEL S. PAINÉ

Dr.

To two hundred and twenty-five copies Minnesota Republican furnished the Legislature of Minnesota, at 6½ cents each, \$14 07

St. Anthony, February 27, 1855.

\$200.

The Government of the United States owes to Rev. Mr. D. LEDON the sum of two hundred dollars, for the translation into French of the Governor's Message.

St. Paul, March 2, 1855.

\$125.

The Government of the United States owes to Rev. Mr. D. LEDON the sum of one hundred and twenty-five dollars, for the translation into French of the Organic Act of Minnesota.

St. Paul, March 3, 1855.

Which amendments were adopted:

Mr. Rolette moved

To amend the bill by adding thereto the following:

The seat of justice for the county Newton shall be located at Rice's Point; and the seat of justice for the county of St. Louis shall be located at Clarksville, near the mouth of Beaver river.

A message from His Excellency the Governor being announced, E. Greene Durbin, His Excellency's private secretary, appeared and delivered the following Message in writing to the Speaker:

Mr. Davis moved

To amend the amendment offered by Mr. Rolette, by adding thereto the following:

And be it further enacted, That so much of section twenty-five lying east of the Mississippi River, comprising two hundred acres, and known as St. Anthony City, shall not be included in the city of St. Anthony.

Which amendment to the amendment was not adopted.

The question then recurring on the adoption of the amendment offered by Mr. Rolette, It was not adopted.

Mr. Sibley moved

To amend the bill by adding thereto St. Peters Courier's bill:

*United States*

To JAMES STEVER,

*Dr.*

To 15 copies of St. Peters Courier,.....\$15 75.

Mr. Sibley moved the previous question.

The question then recurring,

Shall the main question be now put?

It was determined in the affirmative.

The amendment as offered by Mr. Sibley was then adopted.

The question then recurring on ordering the bill to be engrossed for a third reading, It was determined in the negative.

Mr. Dixon moved

That the vote first taken be reconsidered;

And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 8. }

Those who voted in the affirmative were

Mr. Dixon,	Grant,	Haus,
Hanson,	Lemay,	Register,
Rolette,	Stanchfield,	Thompson—9.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Sibley,
Willim,	Speaker—8.	

So the vote was reconsidered.

Mr. Hanson moved

To amend the amendment by adding thereto the following:

That Prof. Bernan be allowed two hundred dollars for translating the Organic Act and the Constitution of the United States.

Mr. Rolette moved

To amend the amendment by adding thereto the following bill:

*F. Rolette, Esq.,*

		To E. HONICK & Co.	Dr.
To 1	Ream letter paper,	-----	\$5 00
" 1/2	" cap "	-----	3 00
" 1/2	" note "	-----	2 00
" 1	gold pen and holder,	-----	5 00
" 1	knife,	-----	2 50
" 1	ivory holder,	-----	1 00
" 1	ink stand,	-----	1 50
			20 00

I hereby certify that the above account is true and correct.

JOS. ROLETTE.

Which amendment to the amendment was adopted.

The amendment as amended was then adopted.

Mr. Davis moved

To amend the bill by adding thereto the following bill:

ST. PAUL, March 8, 1855.

*Territory of Minnesota*

		TO TIMES OFFICE,	Dr.
To 60	Weekly Times for Hon. Mr. Kittson,		
" 48	" " " Murray;		
" 30	" " " Mower;		
" 60	" " " Van Etten;		
" 50	" " " Olmsted;		
" 100	" " " Sec. Morgan;		
" 24	" " " Clerk Baker;		
" 30	" " " Hon. Mr. Colwell;		
" 30	" " " " Johnson;		
-----			
442	at 5c.,	-----	\$22 10
To 42	Daily Times for Messenger, Mr. Dixon;		
" 42	" " " Hon. Mr. Brown;		
" 84	" " " " Bartlett;		
" 42	" " " " Willim;		
-----			
210	at	-----	6 60
To 75	Weekly Times for Hon. Mr. Beatty;		
" 15	" " " " Holland;		
" 50	" " " " Davis;		

"	50	Weekly Times for Hon. Mr. Andros;	
"	20	" " " Lemay;	
"	25	" " " Cave;	
"	30	" " " Sibley;	
"	20	" " " Brawley;	
"	20	" " " Haus;	
"	15	" " Chief Clerk Shepley.	
320 at 5c, -----			16 00
			<u>\$44 70</u>

John M. Dewton, being duly sworn, says, that the above account, and each and every item thereof, is true, and further says, that he is clerk in the office of the Daily Times, and that the papers above charged were furnished and entries made by him.

JOHN M. DEWTON.

Sworn and subscribed before me, this 3d day of March, 1855.

WILBUR M. HAYWOOD,

*Notary Public.*

Which amendment was adopted.

Mr. Dixon called for the previous question.

The question then being,

Shall the main question be now put?

It was determined in the affirmative.

The bill was then ordered to be engrossed for a third reading.

Mr. Rolette, from the joint committee on enrolled bills, made the following

#### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions:

(No 29, C F,) A bill for an act legalizing the town of Winona.

(No 4, C F,) Joint resolution relative to the Distributing Post Office.

I. VAN ETTEN,

*Chm'n Council Com.*

A. M. FRIDLEY,

JOSEPH ROLETTE.

On motion of Mr. Thompson

Messages from the Council were taken up.

[No 24, H of R.] A bill to provide for the destruction of wolves,

Was taken up.

The question then recurring on the concurrence of the House to the amendment made by the Council to the bill, it was not concurred in.

[No 84, H of R.] A bill for an act granting to Anton Enholte, John H. Febbe, the right to establish a Ferry across the Minnesota river,

Was taken up.

The question then recurring on concurring in the amendment made to the bill by the Council, it was not concurred in.

[No 81, H of R.] An act granting to George A. McLeod the right to establish a Ferry across the Minnesota river at a point at or near the residence of the said McLeod in Traverse in the county of Nicollet,

Was taken up.

The question then recurring in the concurrence of the House in the amendment made to the bill by the Council,

Mr. Cave moved

A call of the House.

The roll being called, Mr. Davis was reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent member to appear in his seat.

Mr. Thompson moved

That further proceedings under the call of the House be dispensed with;

And the yeas and nays being called for and ordered, there were

Yeas, 6, }  
Nays, 6. }

Those who voted in the affirmative were,

Mr. Dixon,	Fridley,	Grant,
Hanson,	Thompson,	Speaker—6.

Those who voted in the negative were,

Mr. Brawley,	Cave,	Davis,
Haus,	Lemay,	Stanchfield—6.

So the motion was adopted.

The Sergeant-at-Arms returned and reported the absent member in attendance.

A message from the Council being announced, A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

### MESSAGE;

MR. SPEAKER:—

The Council has passed

(No. 6, C F,) Joint Resolution relative to instructing the Enrolling Committee to have the bill correctly enrolled which refers to the dividing the Territory into Judicial Districts.

In which the concurrence of H. of R. is requested.

The Governor has informed the Council that he has approved and signed the following bill:

An act to incorporate the Pittsburgh and Minnesota Mining Company.

The question again recurring on the concurrence of the House, in the amendments made by the Council to

No. 84, H. of R.

And the ayes and nays being called for and ordered, there were

Yeas 10, }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Dixon,	Grant,	Haus,
Hanson,	Lemay,	Regester,
Rolette,	Stanchfield,	Thompson,
		Willim—10.

Those who voted in the negative were

Mr. Beatty,	Brawley,	Cave,
Davis,	Sibley,	Speaker—6.

So the House concurred in the amendments.

A message being announced;

**MR. SPEAKER:—**

The Council has passed the following Joint Resolution, in which the concurrence of the H. of R. is requested.

The Speaker laid before the House the following

### COMMUNICATION:

**MR. SPEAKER:—**

I am directed by the Governor to inform the House of Representatives that he has approved and signed the following bills, which originated in the House of Representatives.

An act to organize the county of Stearns, and for other purposes.

An act entitled an act to incorporate the city of Saint Paul, Ramsey county, Territory of Minnesota.

An act to incorporate the city of Stillwater in the county of Washington.

An act for a line of telegraph from St. Paul to St. Anthony and Minneapolis.

Which originated in the House.

E. GREENE DURBIN.

*Private Secretary.*

On motion of Mr. Hanson,

(No. 6, C F.) Joint Resolution relative to printing the general laws,

Was then taken up.

Mr. Dixon moved

That the joint resolution be indefinitely postponed;

And the yeas and nays being called for and ordered, there were

Yeas 11, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Dixon,	Davis,
Grant,	Haus,	Lemay,
Rolette,	Speaker—11.	

Those who voted in the negative were

Mr. Fridley,	Hanson,	Regester,
Sibley,	Stanchfield,	Thompson,
Willim—7.		

Mr. Rolette, from the joint committee on enrolled bills, made the following

### REPORT :

They have presented to His Excellency the Governor, the following bills for his signature :

(No 29, C F,) A bill for an act legalizing the town of Winona, and for other purposes.

(No 4, C F,) Joint resolution relative to the Distributing Post Office.

I. VAN ETTEN,

*Chm'n Council Com.*

J. ROLETTE.

So the joint resolution was indefinitely postponed.

On motion of Mr. Hanson,

(No 3, H of R,) Joint resolution relative to the payment for translating certain public documents,

Was taken up.

Mr. Sibley moved

That the rules be suspended, and the bill be now read a third time by its title.

Which motion was adopted.

The joint resolution was read a third time.

The joint resolution was then passed, and its title agreed to.

On motion of Mr. Thompson,

(No. 40, C F,) A bill for an act to incorporate the Minnesota Life, Fire, and Marine Insurance Company,

Was taken up.

Mr. Hanson offered the following amendment to the bill, as an additional section :

That the legal voters of Minneapolis, at the next general election in the county of Hennepin, shall vote for some particular point or place within the town of Minneapolis, on which to erect the county buildings; such selection to be made by a majority vote of all votes cast. The Register of Deeds and Clerk of the Board of County Commissioners shall make such report to the Board of Commissioners, who shall establish such county seat at such point determined upon by the vote, and shall place the same on a lot or block at such selected point, to the best interest of the town and county. Such selection, made as above provided, shall be the permanent county seat location. The

County Commissioners, at their next regular meeting for said county, shall determine upon three locations in said town, to be voted for, and name them, such names to be placed on the tickets, under the direction of the Clerk of the Board of County Commissioners. But one name shall be voted for; the other two erased from the ticket.—All acts conflicting with this act relative to the county seat of Hennepin county, are hereby repealed.

Mr. Sibley moved

That the rules be suspended, and the bill be now read a third time by its title;  
And the yeas and nays being called for and ordered there were,

Yeas 9, }  
Nays 8. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Grant,	Hanson.	Lemay,
Rolette,	Sibley,	Thompson—9.

Those who voted in the negative were,

Mr. Cave,	Dixon,	Davis,
Haus,	Regester,	Stanchfield,
Willim,	Speaker—8.	

A two third vote being required to suspend the rules,

The motion was lost.

Mr. Sibley moved,

That the chief clerk be instructed to inform the Council that the House is ready to adjourn *sine die*.

And the yeas and nays being called for and ordered, there were,

Ayes 11, }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Davis,	Haus,
Hanson,	Sibley,	Stanchfield,
	Willim,	Speaker—11.

Those who voted in the negative were,

Mr. Dixon,	Grant,	Lemay,
Regester,	Rolette,	Thompson—6.

So the motion was adopted.

On motion of Mr. Hanson,

The House resolved itself into a committee of the whole,

Mr. Thompson in the Chair,

Having under consideration,

(No. 40, C F.) A bill for an act to incorporate the Minnesota Fire, Life and Marine Insurance Company.

A message from the Council being announced,

The Speaker took the Chair,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

MESSAGE:

MR. SPEAKER:—

The Governor has informed the Council that he has approved and signed the following bill and Joint Resolution:

(No. 29, C F,) An act legalizing the town of Winona.

No. 4, Joint Resolution relative to removal of Distributing Post Office.

The Secretary having withdrawn,

The committee resumed its sitting,

And after sometime passed therein, the committee rose,

And by their chairman reported back the bill to the House without amendment;

And recommended its passage.

Mr. Cave moved, a call of the House,

The roll being called,

Messrs. Andros, Davis, Fridley, and Rolette were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Davis moved,

That further proceedings under the call of the House be dispensed with;

Which motion was lost.

The Sergeant-at-Arms returned and reported the absent members in attendance.

Mr. Hanson moved,

To amend the bill by adding thereto

(No. 55, H. of R.) A bill for an act to incorporate the St. Paul and Lake Superior Mining Company.

Mr. Fridley moved

To amend the amendment by adding as an additional section—

“And be it further enacted that the county of St. Anthony shall be attached to the county of Ramsey for Judicial purposes, until the county of St. Anthony.

Mr. Dixon moved

A call of the House.

The roll being called, Messrs. Andros, Beatty, Cave and Willim were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Sibley moved

That all further proceedings under the call be dispensed with.

Which motion was lost.

The Sergeant-at-Arms returned and reported the absent members in attendance.

Mr. Sibley moved

To reconsider the vote by which the House refused to suspend all further proceedings under the call of the House.

Which motion was adopted.

Further proceedings under the call of the House were then dispensed with.

Mr. Fridley withdrew his amendment.

Mr. Sibley called for the previous question.

The question then recurring, "shall the main question be now put," it was determined in the affirmative.

Mr. Regester, from the committee on engrossed bills, made the following

### REPORT :

The committee on engrossed bills have examined and found correctly engrossed the following bills, memorials and joint resolutions :

(No 88, H of R.) A bill for an act to defray the expenses of the Legislative Assembly of Minnesota, and for other expenses.

S. M. REGESTER,  
C. W. THOMPSON,

*Committee.*

The amendment offered by Mr. Hanson was then adopted.

The bill was then ordered to be engrossed for a third reading ;

Mr. Sibley moved

To reconsider the vote just taken ;

Which was determined in the affirmative.

Mr. Hanson moved

That the rules be suspended, and the bill be read a third time by its title ;

Which motion was adopted.

The bill was read a third time and passed.

Mr. Hanson moved

To amend the title of the bill by adding thereto the words "and for other purposes ;"

Which was adopted.

The title as amended was then agreed to.

Mr. Davis moved

That a committee of two be appointed to act in conjunction with a similar committee to be appointed by the Council, to wait upon His Excellency the Governor and inquire whether he has any further communication to make to the two Houses ;

And the yeas and nays being called for and ordered, there were

Yeas 8, }  
Nays 7. }

Those who voted in the affirmative were,

Mr. Andros,  
Davis,  
Willim,

Brawley,  
Sibley,  
Speaker—8.

Cave,  
Stanchfield,

Those who voted in the negative were,

63—H. R.

Mr. Dixon,  
Lemay,  
Thompson—7.

Grant,  
Regester,

Haus,  
Rolette,

So the motion was adopted.

The chair appointed Messrs. Davis and Regester as said committee.

Mr. Lemay, from the Committee on Estates and Escheats, made the following

### REPORT :

The Committee on Estates and Escheats, to whom was referred that part of the Governor's annual message relative to Know Nothingism, beg leave to report, and ask to be discharged from the further consideration of a subject of which they assure the House they know nothing.

- All of which is respectfully submitted.

JOSEPH LEMAY,  
*Chairman.*  
W. A. DAVIS.

Mr. Dixon moved that

(No. 88, H of R.) An act to defray the expenses of the Legislative Assembly of Minnesota, and for other purposes,

Be taken up;

Which motion was adopted.

The bill was ordered to be read a third time.

Mr. Cave moved a call of the House.

The roll being called,

Messrs. Andros, Beatty, Fridley, Haus, Hanson, Lemay and Regester were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Dixon moved

That all further proceedings under the call be dispensed with.

And the yeas and nays being called for and ordered, there were

Yeas 9, }  
Nays 5. }

As follows:—

Those who voted in the affirmative were,

Mr. Brawley,  
Haus,  
Rolette,

Dixon,  
Lemay,  
Stanchfield,

Grant,  
Regester,  
Thompson—9.

Those who voted in the negative were,

Mr. Cave,  
Willim,

Davis,  
Speaker—5.

Sibley,

(No. 88, H. of R.) An act to defray the expenses of the Legislative Assembly of

the Territory of Minnesota and for other purposes,

Was read the third time.

A Message from the Council being announced,

A. J. Morgan Esq., Secretary thereof appeared and delivered the following,

### MESSAGE:

MR. SPEAKER:

The Council has passed the following joint resolution in which the concurrence of H. of R. is requested.

The question then recurring on the passage of  
No. 88, H of R.

And the yeas and nays being called for and ordered, there were,

Ayes 11, }  
Nays 7. }

Those who voted in the affirmative were

Mr. Brawley,	Dixon,	Fridley,
Grant,	Haus,	Hanson,
Lemay,	Register,	Rolette,
	Stanchfield,	Thompson—11.

Those who voted in the negative were,

Mr. Andros,	Beatty,	Cave,
Davis,	Sibley,	Willim,
		Speaker—7.

So the bill passed.

Its title was then agreed to.

On motion of Mr. Hanson,

Messages from the Council were taken up.

A message from the Council being announced,

A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

### MESSAGE:

MR. SPEAKER:—

The Council has concurred in the first and third amendments to  
(No. 40, C F.) A bill for an act to incorporate Life, Fire and Marine Insurance Company,

And refuses to concur in the second and fourth amendments.

Messages from the Council being taken up,

(No. 40, C F.) A bill to incorporate the Minnesota Fire, Life and Marine Insurance Company.

Was taken up.

On motion of Mr. Sibley,

The House receded from its second and fourth amendments.

On motion of Mr. Regester,  
 Messages from the Council were taken up;  
 The following resolution was taken up and read,  
*Resolved*, by the Legislative Assembly, that fifteen hundred copies of the laws, and three hundred copies of the journals of each house, for the present session shall be printed by the public printers, and that 50 copies of the journal be full bound.

Read first and second times.

On motion of Mr. Willim,  
 The rules were suspended,  
 And the Joint Resolution be read a third time by its title.  
 Which motion was not adopted.

The following joint resolution,

*Resolved*, By the Council and House of Representatives, that the joint committee selected to divide the representation in the Territory, be, and they are hereby authorized to divide by sixty-four, instead of sixty-eight, as provided by the act to provide for the apportionment of the members of the Legislative Assembly of this Territory,

Was taken up, and read the first and second times.

Mr. Hanson moved a call of the House.

The roll being called,

Messrs. Andros, Fridley, Haus, Lemay, Norris, Regester, and Sibley, were reported absent.

The Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

Mr. Brawley moved

That all further proceedings under the call be dispensed with.  
 And the yeas and nays being called for and ordered, there were

Yeas 5, }  
 Nays 8. }

Those who voted in the affirmative were,

Mr. Beatty,	Brawley,	Cave,
Dixon,	Haus—5.	

Those who voted in the negative, were

Mr. Hanson,	Regester,	Rolette,
Sibley,	Stanchfield,	Thompson,
Willim,	Speaker—8.	

So the motion was lost.

The Sergeant-at-Arms returned and reported the absent members in attendance.

Mr. Sibley moved

That the rules be suspended, and the joint resolution be now read a third time;  
 And the yeas and nays being called for and ordered, there were

Yeas 4, }  
 Nays 9. }

As follows:—

Those who voted in the affirmative were,



The question again recurring "Shall the main question be now put?"

It was determined in the affirmative.

The question then recurring on the indefinite postponement of the joint resolution,

The motion was not adopted.

Mr. Sibley moved

That the rules be suspended, and the joint resolution be now read a third time;

Which motion was lost.

On motion of Mr. Dixon

Messages from the Council were taken up:

A message from the Council being announced, A. J. Morgan, Esq., appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The Council has passed the following

#### RESOLUTION:

*Resolved*, (The House concurring,) That the committee on enrolled bills be instructed to erase from the bill relative to the terms of courts in this Territory, the tenth section of said bill; to strike out all which attaches the counties of Cave, Wright, and Stearns to any other counties for judicial purposes.

(No 88, H of R.) A bill to defray the expenses of the Legislative Assembly of this Territory, and for other purposes,

Was then taken up.

The amendment made by the Council to the bill was then concurred in.

The following joint resolution was taken up, and read the first and second times:

*Resolved*, (The House concurring,) That the committee on enrolled bills be instructed to erase from the bill relative to the terms of courts in this Territory, the tenth section of said bill; also, to strike out all which attaches the counties of Carver, Wright and Stearns to any other counties for judicial purposes.

On motion of Mr. Cave

The joint resolution was indefinitely postponed.

A message from the Council being announced, A. J. Morgan, Esq., secretary thereof, appeared and delivered the following

#### MESSAGE:

MR. SPEAKER:—

The President of the Council has appointed Messrs. Stearns and Freeborn to act in conjunction with the House committee to wait upon His Excellency the Governor and ascertain if he has any further communications to make.

And then he withdrew.

The Secretary having withdrawn, the committee resumed its sitting.

After some time passed therein the committee rose, and by their chairman reported back the joint resolution with an amendment, and recommended its passage.

The report was accepted.

The question then recurring on concurring in the amendment made to the bill in the committee of the whole,

And the yeas and nays being called for and ordered, there were,

Yeas 6, }  
Nays 3. }

Those who voted in the affirmative were

Mr. Andros,	Haus,	Hanson,
Sibley,	Stanchfield,	Willim,
Speaker—6.		

Those who voted in the negative were

Mr. Beatty,	Brawley,	Cave,—3.
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Mr. Sibley moved

To suspend, and that the joint resolution be now read a third time,

And the yeas and nays being called for and ordered there were

Yeas 8, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Dixon,	Hanson,	Lemay,
Rolette,	Sibley,	Stanchfield,
Willim,	Speaker—8.	

Those who voted in the negative were,

Mr. Andros,	Beatty,	Brawley,
Cave,	Haus—5.	

Mr. Rolette, from the joint committee on enrolled bills, made the following

### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bill:

(No. 88, H of R.) A bill for an act to defray the expenses of the Legislative Assembly of the Territory of Minnesota, and for other purposes.

C. T. STEARNS,  
*Chm'n Council Com.*  
J. ROLETTE,  
D. F. BRAWLEY.

The Speaker signed the following bill:

No. 88, H of R.

Mr. Hanson moved,

To reconsider the vote by which the House refused to suspend the rules on,

No. 6, C. F.

The question then recurring on the suspension of the rules,

Mr. Cave moved,

A call of the House,  
 The roll being called,  
 Messrs. Brawley, Davis, Fridley, Grant, Lemay and Thompson were reported ab  
 The Speaker directed the Sergeant-at-Arms to notify the absent members to a  
 in their seats.

The Sergeant-at-Arms returned and reported the absent members in attendance.  
 A message from the Council being announced,  
 A. J. Morgan, Esq., Secretary thereof, appeared and delivered the following

### MESSAGE:

MR. SPEAKER:

The President of the Council has signed  
 (No. 88, H of R.) A bill to defray the expenses of the Legislative Assemb  
 Minnesota Territory.

And then he withdrew.

The question recurring on the suspension of the rules, in order that  
 (No. 6, C F.) Joint Resolution be ordered to a third reading,  
 And the yeas and nays being called for and ordered, there were

Yeas 5, }  
 Nays 6. }

Those who voted in the affirmative were,

Mr. Hanson,	Lemay,	Sibley,
	Stanchfield,	Thompson—5

Those who voted in the negative were,

Mr. Andrea,	Beatty,	Brawley,
Cave,	Haus,	Speaker—6.

Mr. Hanson moved a call of the House.

The roll being called,

Messrs. Davis, Fridley, Grant, Register, and Thompson, were reported absent.  
 The Speaker directed the Sergeant-at Arms to notify the absent members to a  
 in their seats.

Mr. Brawley moved

That further proceedings under the call be dispensed with;  
 Which motion was adopted.

Mr. Hanson moved

That the resolution be laid on the table.

Which motion was adopted.

A message from His Excellency the Governor being announced,  
 E. Greene Durbin, Esq., appeared and delivered the following

## MESSAGE.

Mr. SPEAKER:—

I am directed by the Governor to inform the House of Representatives that he has approved and signed

“An act to defray the expenses of the Legislative Assembly of the Territory of Minnesota, and for other purposes,”

Which originated in the House of Representatives.

Mr. Davis, from the Committee appointed to wait on the Governor, delivered the following

## MESSAGE

EXECUTIVE DEPARTMENT, M. T., }  
3d March, 1855. }

To the Speaker of the House of Representatives:

I have the honor to inform the House of Representatives that I have no further communication to make to them.

W. A. GORMAN.

Mr. Haus offered the following resolution:

*Resolved*, That the thanks of this House be, and are hereby tendered to Hon. J. Travis Rosser, Secretary of the Territory, for his kindness and attention to the members of the Legislative Assembly, and the integrity, gentlemanly deportment, and spirit of accommodation which he has uniformly evinced in the discharge of the duties of his office.

Adopted unanimously.

The following message from the Council was read:

Mr. SPEAKER:—

The Council has adjourned *sine die*.

On motion of Mr. Davis,

The House adjourned *sine die*.

After eloquent remarks from the Speaker, he announced the House adjourned *sine die*

JAMES S. NORRIS,

*Speaker.*

Attest:

JAMES C. SHELLEY,  
*Chief Clerk.*







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Introduced,	187
Read first and second times,	177
Passed and title agreed to,	363
Passed by council, amended,	376
Reported enrolled,	445
Signed by the Speaker,	445

Signed by the President,	453
Approved,	472
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Passed and title agreed to,	337
Reported enrolled,	398
Signed by the Speaker,	410
Signed by the President,	413
Approved,	457
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Bill introduced,	247
Read first and second times,	247
Passed and title agreed to,	354
Passed by Council,	400
Reported enrolled,	431
Signed by the Speaker,	432
Signed by the President,	442
Approved,	472
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Passed by Council, amended,	295
Reported enrolled,	346
Signed by the Speaker,	350
Signed by the President,	370
Approved,	369
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Elected,	15
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Signed by the President,	271
Approved,	347

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Signed by the Speaker,	322
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Approved,	369

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Approved,	437

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Reported enrolled,	403
Signed by Speaker,	410
Signed by President,	413
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Approved,	369

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Read first and second times,	290
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Reported enrolled,	397
Signed by Speaker,	398
Signed by President,	403
Approved,	445
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Approved,	347
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Signed by President,	310
Approved,	369
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Approved,	322
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Reported enrolled,	222
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Read first and second times,	85
Referred to Committee on Territorial Roads,	95
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Passed and title agreed to,	189
Reported enrolled,	200
Signed by Speaker,	218
Approved,	239
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Appointed <i>pro tem.</i> ,	7
Elected	15

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Signed by Speaker,	432
Signed by President,	442
Approved,	458

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Approved,	492

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Passed and title agreed to,	294
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Reported enrolled,	346
Signed by Speaker,	350
Signed by President,	370
Approved,	369
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Passed by Council amended,		376
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Passed by Council,		278
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Signed by President,		310
Approved,		309

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Amended,	298
Passed and title agreed to,	298
Passed by Council amended,	298
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Reported enrolled,	408
Signed by Speaker,	410
Signed by President,	414
Approved,	458

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Passed and title agreed to,	351
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Reported enrolled,	345
Signed by Speaker,	350
Signed by President,	370
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Passed and title agreed to,	298
Reported enrolled,	434
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Approved,	453

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Passed and title agreed to,	485
Reported enrolled,	491
Approved,	496

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Introduced,	195
Read first and second times,	195
Passed and title agreed to,	372
Passed by Council,	383
Reported enrolled,	445
Signed by Speaker,	445
Signed by President,	455
Approved,	457
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Reported back with amendments,	356
Passed and title agreed to,	356
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## CROW RIVER.

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Introduced,	166
Read first and second times,	166
Reported engrossed,	234
Passed and title agreed to,	350
Passed by Council,	370
Reported enrolled,	421
Signed by the Speaker,	422
Signed by President,	442
Approved,	446

## MINNESOTA RIVER.

Bill introduced by message from Council,	138
Read first and second times,	164
Action on,	219, 220
Reconsidered,	226
Amended,	249
Passed and the title agreed to,	249
Reported enrolled,	346
Signed by Speaker,	351
Signed by President,	370

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Notice for leave to introduce bill,	159
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Read first and second times.	349
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Amended,	415
Passed and title agreed to,	416
Reported enrolled,	332
Signed by the Speaker,	432

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**COMMON SCHOOLS.**

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Amended,	236
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Introduced by message from Council,	352
Read first and second times,	367
Passed and title agreed to,	367
Reported enrolled,	398
Signed by Speaker,	410
Signed by President,	418
Approved,	457
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Notice for leave to introduce bill relative to,	161
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For relief of District number six, Ramsey county,	
Bill introduced,	208
Read first and second times,	208
Passed and title agreed to,	350
Passed by Council, amended,	376
Amendments concurred in,	406
Reported enrolled,	431
Signed by Speaker,	432
Signed by President,	442

**SERGEANT-AT-ARMS.**

Appointed <i>pro tem.</i> ,	7
Elected,	14

**SISTERS' PROPAGATION OF FAITH SOCIETY—**

Bill introduced,	222
Read first and second times,	222
Passed and title agreed to,	340
Passed by Council,	370
Reported enrolled,	432
Signed by the Speaker,	432
Signed by the President,	442
Approved,	472

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Bill introduced.	231
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Approved,	459



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**APPENDIX**

**TO THE**

**JOURNAL OF THE HOUSE OF REPRESENTATIVES**

**OF THE**

**TERRITORY OF MINNESOTA.**

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**1—HOUSE APPENDIX.**

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

## GOVERNOR'S MESSAGE.

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*Fellow-Citizens of the Council and House of Representatives:*

You have again assembled in obedience to the requirements of law, to deliberate upon the condition, wants and interests of your respective constituents.

I congratulate you upon the growth and unexampled prosperity of our Territory during the year that has just closed. The goodness of a Divine Providence has been graciously bestowed upon us in a peculiar manner; with but few exceptions, all have enjoyed good health; the seasons have been genial; the harvest abundant; labor rewarded; new avenues of wealth and prosperity opened up; immigration has poured in from the east, south and north; hundreds of thousands of acres of land have been claimed and settled upon, and thousands of acres more purchased of the general government; hundreds of farms have been opened, and from every quarter of the Territory the most cheering news has been received of uninterrupted prosperity.

Not quite six years have elapsed since the Territory was established. During that period twenty counties have been laid off, and nearly all organized. Our population has increased from about five thousand to thirty thousand or more; our commerce more than quadrupled; and new villages have sprung up; new facilities for education have opened; splendid church edifices erected; and society has taken a high moral stand. With such high and hopeful prospects before us, you are again called upon to look into the future, and if possible give such vitality to the civil institutions of the Territory, as their various interests may require.

Sound political economy has taught us that population is the basis of wealth and greatness. It is therefore the duty of the law-making power to so frame the political institutions of government as most certainly to secure it. Our agricultural, mineral and manufacturing resources are so abundant, that Minnesota needs no utopian pictures to be drawn to entice to our Territory either population, capital or commerce. We need only a true history of our broad fertile prairies, our woods, lakes, rivers, minerals, prairies, water power and navigation to tempt capital in abundance, and direct emigration to where they

can find enough of those advantages combined to satisfy the enterprising of all classes and countries. We need not stop to inquire why it is that thousands of our fathers, brothers and friends can content themselves to stick to the worn out and comparatively barren soil of the old states, rather than seek a home in this invigorating and healthy climate and fertile soil. They will soon find out our facilities for wealth and comfort when we take steps to advertise them. I would, therefore, as the first step to this end, recommend that you take into consideration at the earliest day convenient, the propriety of appointing an emigration agent to reside chiefly in the city of New York, whose duty it shall be to give to the people correct information of our Territory, its soil, climate, population, productions, agricultural, manufacturing and educational facilities, and prospects. Up to this time our Territory has had mainly to rely upon the faithful pen of visitors and our local press, while most of the territories of the confederacy have been ushered before the civilized world in congressional debates; each and every page of their history published before their organization, owing to the peculiar sensitiveness of the public mind north and south on the subject of slavery. The wealth, beauty and fertility of each hill, mountain, mine, prairie, navigable stream, soil and climate, have been portrayed by the able and watchful senator or representative in Congress, until the reader of our national history in the old world, and elsewhere, is fully informed from reliable authority of all he needs to enable him to make up his mind where he will go to seek a home. While Minnesota came before Congress quiet and unobtrusive, asked for a civil government, and has received it; and has made her way up to her present high position by the force of truth and her own natural resources, fertility and beauty. It is a lamentable truth that the climate of Minnesota is less understood among the masses of the people in the states, than almost anything else connected with her history. During the past year I have received almost innumerable letters from the middle states preponderating a variety of questions about our territory, especially desiring to know if our winters are not very long, and so exceedingly cold that stock freezes to death, and man hardly dare venture out of his domicile. This popular error among the citizens of the states must be speedily corrected in some reliable manner. To this end, I respectfully recommend that you take measures to have prepared a brief, well-written pamphlet, giving the facts in regard to the soil, climate, productions, agricultural, manufacturing and educational facilities; our growth, population and prospects; which, having your official sanction, will produce such favorable results as have been neither seen nor felt before. Such a brief official history of our territory should be placed in the hands of the people in all parts of this country and Europe through an emigration agent; and it is believed that it can be fully prepared by the first of March, and ready for distribution by the opening of navigation in the spring.

It was the pleasure of the last legislature to enact a charter for a company to construct a railroad from the Iowa State line, by way of St. Paul, to Lake Superior, by which they anticipated a grant of lands from the Congress of the United States to our Territory to aid in the completion thereof. This charter was first introduced into the Council on the twenty-third day of February, eighteen hundred and fifty-four. The extraordinary powers and privileges given by it to the company thus constituted, aroused the opposition of this community, among whom were some of the soundest men of our

Territory. Every objectionable section or clause was contested inch by inch, from the day of its introduction till the moment it received my signature, which was given but five minutes before the final adjournment, under what may be perhaps properly termed a protest against the extraordinary powers and privileges therein granted. And suffice it to say, that had I withheld my official approval, we should to-day have our magnificent grant of lands in full force ready for your action, after you had an opportunity to confer fully and freely with your constituents, and been better prepared now to do their will in the premises. The second section of the charter provides that said company shall meet in the Chamber of Commerce, in the city of New York, in not less than thirty, nor more than sixty days from the passage of the act, and then and there accept or reject the charter. They did so meet and did accept the same, and their letter of acceptance is herewith transmitted for your information. On the twenty-ninth day of June, eighteen hundred and fifty-four, the President of the United States approved and signed an act which had passed the Congress of the United States, granting to Minnesota alternate sections of land to aid her in building a road from the southern line of Minnesota, by way of St. Paul, in the direction of Lake Superior. The third section of the act of Congress, as it passed the House of Representatives, read as follows: "And be it further enacted, that the lands hereby granted to said territory, shall be subject to the disposal of any legislature thereof for the purposes aforesaid, and no other; nor shall they enure to the benefit of any company heretofore constituted or organized." Thereby expressly excluding all corporate bodies before chartered by our legislature. Before it was acted upon by the Senate of the United States, the word "or" in said third section was, without the authority of the House of Representatives, improperly struck out, under circumstances no doubt quite as familiar to yourselves as to me. It must be borne in mind, that said company assumed during the pendency of said bill before Congress that they were "constituted," but not, at the passage of the bill, "organized." Thus, you will perceive the motives their agents had in desiring to have stricken out the word "or" and have substituted therefor the word "and." The sixteenth section of the charter made null and void all the privileges and powers therein granted, unless the board of directors of said company were organized on or before the first day of July, and therefore they say that they did organize said board of directors on said first day of July. To this end, they gave notice in the New York "Express," for the first time, on the thirtieth of June last, for a meeting of said company on the next day at ten o'clock, at the Bank of the Republic, in the city of New York. It is then a matter for your consideration whether such a notice was a sufficient compliance with the charter. I am not prepared to inform you where the stockholders resided, but it is reasonable to infer that as the charter requires the books for subscription to said stock to be opened at different points in the United States, that there were stockholders elsewhere than in the city of New York; and if so, such notice was surely unreasonable and insufficient. It is satisfactory evidence to my mind, and will be, I presume, to yours, that their hot haste was intended to avail themselves of the alteration made in the third section of the law of Congress, and thus attempt to bring themselves within the purview of the sixteenth section of their charter. And even now, I am totally unable to inform you who were the officers and directors elected at this hasty meeting of said company.

It may not be amiss, at this stage of the history of this company's action, to look for a moment at the language of the third section of the act of Congress as it was approved by the President. It reads as follows: "Sec. 3. And be it further enacted, that the said lands hereby granted to the said territory, shall be subject to the disposal of any legislature thereof, for the purposes aforesaid; nor shall they enure to the benefit of any company heretofore constituted *and organized.*" It is evident and indisputable that Congress intended to exclude all companies previously chartered by our legislature, or why would they say that the lands they were granting to Minnesota should not enure to any company heretofore constituted. The first part of the section enjoins it upon our legislature to dispose of the lands thereby granted, for the purpose of constructing a railroad from the southern line of Minnesota, commencing at a point between township ranges nine and seventeen, thence by way of St. Paul, to the eastern line of said Territory, in the direction of Lake Superior, and for "*no other.*" We must then see if there is any charter on our statute books constituting any company to build a road along this specifically designated line, commencing and terminating as the act of Congress directed.

The answer is plain, that no such company but the Minnesota and Northwestern Railroad Company had ever been constituted in Minnesota before that day. Other charters for railroads had been granted, but none on such lines as the act of Congress appropriated these lands to aid us in constructing. Thus the question is plainly put:—What company did Congress desire to exclude from the benefit of this grant? What company was there to be excluded but the Minnesota and Northwestern Railroad Company? By the seventeenth section of their charter, "All acts or parts of acts that in any manner conflict with this act, or the rights and franchises hereby granted, are hereby repealed; *Provided*, Said company accept this charter in manner and form as provided in section two; *And provided further*, That the passage of this act shall not vitiate or render void any railroad charter heretofore granted by this Legislative Assembly of this Territory."

The repealing clause herein makes it manifest that Congress intended to exclude the Minnesota and Northwestern Railroad Company, and all others. By further examination of the third section of the act of Congress, you will observe that if the words "shall be subject to the disposal of any legislature thereof;" mean anything, it must mean to direct a future disposal, or surely other words would have been employed than "*shall be subject to the disposal of;*" evidently pointing to future, and not past action.

It would have been quite as easy for Congress to have said "that said lands shall be subject to the disposal of any *past* legislature thereof." And equivalent words would have been used no doubt, if such had been their intentions, unless we come to the conclusion that Congress was legislating *expressly for the benefit* of this Minnesota and Northwestern Railroad Company, and not for the Territory of Minnesota! A conclusion which no rational mind would entertain for a moment.

It is not reasonable to suppose that Congress intended these lands to be subject to the past action of the Legislature of Minnesota, for in the next following sentence they attempt and do *exclude* the past action of the very body they authorize to dispose of them. And the words used to exclude previously chartered companies explains and qualifies

the power to dispose of said lands, thereby excluding the conclusion that any company could take the lands without subsequent action from the legislature.

But it is manifest that the alteration which the friends of the Minnesota and Northwestern Railroad Company procured to be made in the third section of the act of Congress was *intended* (as the investigating committee say) to throw the grant into their hands, and thereby avoid the future action of our legislature.

The general rule in regard to all grants, is that they shall be construed so as to effect the intention of the grantor; and it is evident that some company before chartered by the Minnesota Legislature, was intended by the grantor to be excluded from the benefits of the grant, and the inquiry is again forced upon us—What company was it? The Congress of the United States having retained a supervision over our Territorial acts, evidently intended from the manifest construction of the language used, to protect us from any former hasty or improper legislation.

After the House of Representatives was advised that an unauthorized alteration in the text of the said railroad bill had been made, by which Congress seemed to have done that which they did not intend to do, an investigation was ordered by that body to ascertain if possible, where and how it was done. The committee appointed was composed of men of the highest character for integrity and ability. They discharged the duty assigned them, and reported that there had been a material and unauthorized change in the text of the bill, which "*deserved severe censure*;" and recommended that the third section be amended to conform to the exact language of the bill as it passed the House of Representatives, and the minority of the committee took stronger grounds against the alteration, and also recommended substantially the same amendment of the third section and some other parts of the bill. This investigating committee reported to the House on the third day of August, which report was laid on the table and ordered to be printed. The facts disclosed in the evidence, produced such a furor of indignation and excitement, that on the fourth day of August, the House repealed the law making the grant, which repealing act went to the Senate the same day and passed that body almost immediately by a large majority.

We are therefore forced to the conclusion that the act of alteration was regarded as such a flagrant attack upon the purity of national legislation that it deserved the most marked rebuke.

It should be borne in mind, that the Senate of the United States and House of Representatives, are composed of statesmen who bear a favorable comparison for ripened intellect and mature judgment, with any body of men in the civilized world, and are, therefore, rarely induced to repeal their own acts so promptly, except the cause be manifest and a proper vindication of their integrity requires it. It is due to the people of this Territory that the history of this railroad transaction should be given fairly; that you, as their representatives, may be able so to act as to secure the confidence of the Congress of the United States, that they may re-grant to our Territory that which they took back from us. To do this, it will be necessary, in my judgment, to vindicate Minnesota from any participation or sympathy in the act which caused the repeal of the law making the grant. It was evidently the intention of Congress to give us this grant of lands, and it is believed they still intend so to do; yet it could hardly have been expected

that they would have done less than repeal it in order to rebuke an improper act, seriously affecting the purity of their legislation. Now that they have vindicated themselves, there seems to be no fair reason why the same members who voted for the grant should not repeal the repealing act, and reinstate the act approved the twenty-ninth of June, and reinstate the third section as it passed the House of Representatives. It is now manifest that an overwhelming majority of the people of Minnesota have in their late elections, expressed their decided condemnation of the act for which Congress felt so indignant, and have thereby given abundant proof to our national representatives, that such censurable conduct received no sympathy from them. It is also manifest by the result of our late elections in this Territory, that the charter granted the Minnesota and Northwestern Railroad Company last session meets with great disfavor, because of the extraordinary powers and privileges conferred upon the corporation. It is therefore evidently the will of the people that it should be disapproved by Congress at its present session.

Congress, in the act organizing this Territory, reserved the right to disapprove any law passed by the legislature; and in the third section of the organic act makes it the duty of the secretary of the Territory to transmit a copy of the laws passed to the Congress of the United States, on or before the first of December in each year. This charter was passed on the fourth of March last, and as Congress has not yet had the law presented for their action, it will be laid before them officially for the first time during this present session. It is important that you take such action in the premises as you deem best suited to the feelings and interests of your constituents. This should be accompanied with a respectful resolution instructing our delegate in Congress to urge your views upon the appropriate committees, and upon both branches of Congress. This course is believed to be the surest guarantee to secure the favorable action of the National Legislature in repealing their repealing act, and restoring the law of the twenty-ninth of June, and reinstating the third section of the act as it passed the House of Representatives.

I feel the utmost confidence that the individual members of Congress will see that we are not wronged for the acts of others. Minnesota has no favorite company whatever to whom she desires to grant a new charter. But her citizens feel that extraordinary powers and privileges have been given said corporation, which must materially affect her welfare hereafter. It is most important to the welfare of the future State of Minnesota that if she comes in possession of lands or other means, to be invested in railroads, that she should have secured a just share in the dividends or income in proportion to the amount of money or lands by her thus appropriated or invested.

The State of Illinois received a like grant to aid her in constructing a railroad, and she required the company who proposed to build the road to pay annually seven per cent. upon the gross proceeds thereof, and it would seem that Minnesota should also secure a fair resulting interest before she parts with her title to these lands. There is no reason to doubt that we can have the road built readily upon such terms by any company who may have the means, and the enterprise to engage in the work. Thus securing a sufficient interest to pay all the taxes of the Territory, or future State; if that direction be advisable, for a half century or more to come.

The question now naturally arises, will Congress give us back these lands? I assure you that I feel the utmost confidence in the justice and liberality of the present Congress. It is believed that a truthful statement of the facts laid before them, cannot fail to procure their favorable action. Minnesota is the only Territory, and can be the only State, owing to her peculiar geographical position, in the confederacy, where the people without a railroad must be ice-bound and virtually imprisoned four months in the year. Shut up, and shut out from the great marts of commerce and markets, except by a land travel of 250 miles through ice and snow, while if the climate was temperate, the obstacle would be greatly lessened. It is therefore triumphantly submitted whether any other part of our great republic can call with so much propriety and justice for the fostering care and aid of the parent government. Here we have at least thirty thousand souls, and three frontier posts, Fort Snelling, Fort Ripley and Fort Ridgely, with five hundred troops, and the necessary arms and munitions; all ice-locked and comparatively buried, so far as external commerce, trade, travel, navigation or transportation is concerned, during this period. In a national point of view, if the enterprise and social comfort of thirty thousand American citizens do not reach the nation's attention, and demand their sympathy, we may ask, of what service can the troops be to the government, if needed elsewhere, in the months of December, January, February and March? How can they be used except where they are? To march out to where the channels of communication are uninterrupted, requires almost superhuman powers of endurance, unless avoided by an expense more than equal to the actual cost to the government of 800,000 acres of land, heretofore given us for a railroad.

By a recent report of the Commissioner of the General Land Office, it will be seen that the cost of public land to the government, including the original purchase and extinguishment of Indian title, cost of survey, selling and managing the same, is about 20 cents per acre. Therefore, supposing the late grant to be about 800,000 acres, it would only take from the treasury of the United States \$160,000. The late grant provided that the other 800,000 remaining to the government for sale, should not be sold for less than \$2.50 per acre, by which the United States treasury would receive two millions of dollars, the same as if the whole had been retained, and sold at \$1.25 per acre; and include in this transportation of troops and other property of the United States, which go free of charge over a railroad to be built from the proceeds of the lands, and the item of \$160,000 would be materially diminished, and access given the commercial world to our copper mines, vast pineries, fertile soil, and thriving commercial and manufacturing towns, and frontier posts. Not only does it put the same amount into the treasury, but the advantages of a railroad through these lands leading to the best markets in the west, will so greatly facilitate the sale and settlement of the remaining sections that the proceeds thereof will come into the treasury in far less time than if the whole remained without such a road; therefore, we again appeal to the justice of our national representatives, as they have given the territories of Iowa and Wisconsin thousands of acres for local improvements, and millions of acres to Oregon, Washington and New Mexico territories, to aid their growth and wealth, to give us the key to unlock our ice-bound winter home, and then we will at an early day relieve the national treasury of the burthen of our support from year to year.

I hope I shall be pardoned for drawing a comparison between the facilities and favors granted by the General Government to other Territories, and those to Minnesota. By an act approved 29th September, 1850, 640 acres of land were granted to Oregon Territory for each head of a family, and 320 acres to single men over 18 years of age (the Indian half-breeds included) to induce a speedy settlement within her borders; and by the act of 14th February, 1853, this magnificent bequest was extended to 1855, and by said act the further privilege of pre-emption upon unsurveyed lands. She has had large grants each year for roads, light-houses and buoys. She has received the additional facility of a Surveyor General for the Territory, various land offices established, and appropriations for public buildings. Washington Territory has been allowed the same munificent grant of 640 and 320 acres of land to actual settlers, to push forward her growth and prosperity, together with a Surveyor General, and various appropriations for roads, light-houses, buoys, &c., land offices established, and pre-emption of unsurveyed public lands. Therefore, supposing that half the population of Oregon and Washington Territories avail themselves of the bounty of the government, it will give from six to ten millions of acres to Oregon, and one-third that amount to Washington Territory. If we estimate the number of acres of land at six millions, occupied in Oregon under this bounty of the government at 20 cents per acre, (the actual cost to the government) it makes the sum of *one million two hundred thousand dollars*, of which she has been the beneficiary. If we estimate them at \$1,25 per acre, it would give her seven millions five hundred thousand dollars; and to estimate that two million acres will be occupied at the close of the present year in Washington Territory, it would give her four hundred thousand dollars at 20 cents per acre, and two million five hundred thousand dollars at \$1,25 per acre. By the act of the 22d July, 1854, New Mexico received a bounty to actual settlers of 160 acres, and pre-emption on unsurveyed lands, a surveyor general, &c., which, if it only covers one million acres, will amount to two hundred thousand dollars at 20 cents per acre, being forty thousand dollars more than is asked by Minnesota for the purpose of a railroad; and if estimated at \$1,25, it would amount to one million two hundred and fifty thousand dollars. Kansas and Nebraska have been provided for by the usual appropriations, and have been allowed a surveyor general and pre-emption of unsurveyed lands, while they are in a more temperate latitude, with navigable streams open nearly the whole year, together with the Hannibal and St. Joseph Railroad coming to the borders of Kansas, to aid in the construction of which the government gave over one million acres of land, and the projected railroad from Davenport, by way of Iowa city and Fort Des Moines, to Council Bluffs, while the central portion of Minnesota is locked up—250 miles by land and 350 miles by water, from Dubuque, our most convenient point of introduction to the uninterrupted channels of communication.

Again, it is not inappropriate to remark that grants of this kind to Territories are not new or novel, nor is Minnesota the first to ask or receive it. By an act of 8th August, 1846, alternate sections of land were granted to the Territory of Iowa, to improve the navigation of the Desmoines river, worth millions of dollars. Also, by an act approved 5th August, 1846, alternate sections of land were granted to the Territory of Wisconsin, for the improvement of the Wisconsin and Fox rivers, and connecting them by a canal.

Similar grants to States are numerous, and need not be particularly enumerated. Such, indeed, have been the advantages given for the settlement of Oregon, that last year her overland emigration alone was estimated at seven thousand souls, and she is now preparing the way to be admitted into the Union as a State, although Minnesota was organized about the same time.

Another serious obstacle to our business in the winter, is the irregularity of the mail facilities. During at least four or five months in the year, a weekly mail is all we usually get, and it must be borne in mind that until we receive the aid of the government in the way of a grant of lands, this state of things must continue for some years, owing to natural obstacles, which can be but partially removed by the increase of population. Again, objections are urged that the proceeds of sales of public lands are pledged specifically for the redemption and payment of the United States stock, issued by virtue of the act approved 28th January, 1847, and that it would be bad faith to donate these lands to the States or Territories. To this there are two sufficient and satisfactory answers : 1st. It is the *proceeds* of the *sales* of the public lands that are thus pledged, and as the lands remaining along the line of these grants are required to sell for \$2,50 per acre, no deficit is thereby created in the Treasury. 2. The whole of the soil lately granted to us on the west side of the Mississippi river for the Railroad, was on the 28th January, 1847, Indian Territory, and the Indian title not extinguished ; and therefore I think not chargeable with the incumbrance of the public debt. If formidable objections do exist to granting land for Railroad purposes within the States, it is believed that there is none such existing against grants to Territories. If so, they could be urged with fifty-fold more propriety against appropriating money directly out of the Treasury, for the construction of roads under the control and direction of the general government, as is done every year without the least question as to the existence of the constitutional power.— Territories are under the quasi guardian-ship of the general government, and what is given to a Territory is virtually given to the government, or, in other words, it is virtually the government giving to herself, under express authority in the Constitution to make all needfull rules and regulations respecting the Territory or other property of the United States, and to dispose of the same. So far then, as the government may give land or money to her Territories for roads or other like improvements, it is not unlike a land-holder opening a road through his farm to facilitate his taking care of its products. The general government could have no Territory here, if the people could not get here ; nor can she expect soon to be relieved from territorial appropriations out of her Treasury, if she leaves us locked up for four months in each year. If our climate would allow the great Father of Waters to remain open and unobstructed all the year, this urgent appeal would come with far less force ; but other Territories have twelve months in which to invite immigration—Minnesota scarcely eight. Thus the national pride and the national honor is invoked to aid us, as none others can make the same plea for help.

It will be among your most important duties to guard with vigilance the interests of this young Territory against the insidious encroachments of capital and extravagant speculation. Your legislative aid may be invoked to charter corporations for banking purposes, under the specious pretence of keeping out the currency of other States. It will only require a glance at the subject to satisfy disinterested persons that a Bank in the

Territory would produce no such results. If a bank in St. Paul issues bills on the most approved banking basis, the demand for gold and silver to enter land, during the next five or ten years in this Territory, would cause such drafts upon its metallic basis, as to either ruin its credit or destroy its profits, either of which would soon cause such an institution to close its business. Consequently, to avoid this, a bank would and must resort to the policy of pushing out its bills from home, and to this end evidently would make arrangements with some distant banks or bankers to circulate its bills abroad, and receive and circulate those of other banks in return, so that each would only be required to redeem in currency, and not in coin. Thus it must be evident that no bank can produce the result desired in the Territory under the necessary demand for gold and silver for many years to come. Such an institution, in my judgment, would prove in the end a withering blight upon the country. The present derangement of the currency is giving a salutary lesson not soon to be forgotten, and should warn the people to beware of the specious and seductive reasoning in favor of banks of our own to keep out the paper of other banks abroad.

By existing laws, our Territorial elections take place annually on the second Tuesday in October. You will not fail to observe that immigration begins with the first steamboat arrival at St. Paul in April, and the settlers are not allowed a vote at the following October elections, because they will not have been six months in the Territory. Thus actually depriving the settler of the right of suffrage certainly for twelve months; and if he arrived in the spring, for 15, 16 and 17 months,—a longer probation than is required by most of the old States. It is believed that this needs only to be stated to secure your favorable consideration. I would suggest that the time fixed for the meeting of the Legislature be changed from the first Wednesday in January, to the first Monday in December, for the manifest reason that the Congress of the United States through which all our appropriations come, at their short sessions, adjourns about the same time that our Legislature does, and begins one month before, which gives but little time for the wants of our people to be made known to that body through this—and much less time for it to act. And no stronger reason exists for your meeting in January, than in December, on account of the business of the people, or the weather. It is therefore thought to be a very desirable change.

I must again renew my recommendation of last session, for a more equitable apportionment to the Counties on the west side of the Mississippi river. The rapid increase of their population, since the last apportionment of Representatives fully justifies me in urging you to give this subject your early attention. The justice and propriety of the measure is made manifest by the vote polled at the late elections.

The cause of Education has not been overlooked or neglected by our fellow citizens.—The Hamline University, chartered at the last session of the Legislature, has been located at Red Wing with sufficient endowment it is understood to place its success beyond a reasonable doubt. The Central University has been located at Minneapolis, a point of much promise, and the institution placed in such a train as will insure its entire success. The Territorial University lands have been partly selected; and such favorable locations made as give the highest promise of its future usefulness and entire success. And it is confidently believed that at no distant day this institution will commend itself particularly to the patronage of the citizens of the Southern States, because of the un-

exampled health that is enjoyed in Minnesota at all seasons of the year, and because of its location within plain view of the Falls of St. Anthony, and its picturesque scenery. The endowments will be ample to fill the different professorships with gentlemen of the highest literary, and scientific attainments, and make it in all respects equal to the first-class Universities in the United States. The Superintendent of Common Schools has been engaged with commendable spirit and zeal in giving every impetus to the cause of education generally; and particularly to that which comes more immediately in the purview of his official duty. I respectfully refer you to his official report which will be laid before you at an early day.

A female institution of learning has been opened at Stillwater, on the St. Croix, under the most promising auspices, and cannot fail to add to the already high reputation of that flourishing town for intelligence and morality.

The Baldwin College for the education of females, is in full tide of prosperity in St. Paul, and has a sufficient endowment to place its usefulness and success beyond doubt.

The Catholic institution at St. Paul, for the education of young men, is also in a flourishing condition, with permanent endowments and a large catalogue of scholars in daily attendance.

It affords me much satisfaction to say that the cause of practical agriculture in our Territory has been greatly promoted by the formation of agricultural societies, and especially is the county of Hennepin entitled to the highest praise, for getting up a most excellent and interesting fair at Minneapolis, during the past fall, which was numerously attended, and gave the fullest assurance of the capacity of our soil to produce almost every cereal and esculent in the greatest abundance. I therefore commend this great interest to your attention.

By the Auditor's report it will be seen that the taxable property of the Territory has largely increased within the last year. In 1854 it amounted to \$4,578,033 29; being \$2,132,596 29 of an increase over the preceding year; and the estimated value for 1855 is \$7,000,000. The financial condition of the Territory will be seen by the report of the Treasurer, to which you are respectively referred.

It will be proper for your attention to be directed to our laws for the collection of debts. No creditor should be allowed in this age of civilization and humanity to imprison the body of his debtor in any possible contingency, except for fraud; whereof he may be found guilty in the judgment of his peers. No contingency can in my judgment arise to justify this badge of a barbarous age remaining on our statute books, except for the cause stated.

The wire suspension bridge across the Mississippi river above the Falls of St. Anthony, is a work worthy of the highest commendation, and reflects great credit upon the enterprising people of St. Anthony and Minneapolis. It is now about completed and gives Minnesota the honor of being the first to span the great Father of Waters. The enterprising projectors of this great work are justly entitled to the hearty thanks of the people of Minnesota.

Since your last session, the President of the United States issued his proclamation for the sale of the lands in the Minneapolis district; but owing to certain grants of land by Congress for railroad purposes, the sales were suspended, but opened again for the benefit

of pre-emptors. In this connection, I renew my recommendation that the Congress of the United States be earnestly requested to protect the settlers on the Fort Snelling reservation. After the act passed reducing the reserve, our citizens entered upon it and made valuable improvements, and I know I do not over estimate their value when I say that they have expended over two hundred thousand dollars in good, substantial, and even elegant buildings, and in opening farms and other improvements. This they have done with the firm hope that they would not be compelled to meet at the sale the man of superior means or the speculator. Nor is this all; for one of the most flourishing towns in this Territory, has sprung up on this reserve, that Minnesota can boast of within her borders. It should be borne in mind, that the supposed increased value of these lands has been produced by the actual expenditure of the peoples' money and labor, and not by any act of the national government; and the only reason for supposing these lands to be more valuable than others, grows out of the above stated fact. It is not in accordance with my views of the just policy of our government that she should hold on to her domain until the people (who are a constituent part of the government) shall, by their money and labor, so improve the adjacent lands, by opening roads, building villages, erecting churches, school houses, and improving the water-power, as to enormously increase their relative value, and then let the doors be thrown open for capital to compete with the pioneer settler. The government should, in my judgment, act upon the principle that the public lands are to be so managed as to secure their speedy settlement by those who would improve them, and I have no hesitation in saying that a man who owns a tract of land without occupying or improving it, but holds it until other men's capital and labor adds great value to it, is "a drone in the hive that sucks the honey which is made for him by the industry of others."

Although we have no voice or vote in the great questions which agitate the public mind of the nation, yet we cannot but feel a deep solicitude in the welfare of our common country. Within the past year, new measures have been agitated, and strange combinations formed for political purposes, that in a greater or less degree influence and give direction to the nation's destiny. At no very distant day the people of Minnesota will assume their position in the sisterhood of States, which requires us to keep a watchful vigilance upon passing events. Heretofore our Government has been supposed to be an asylum for the oppressed of all nations. The founders of the Republic invited them to make their home in a government where they could enjoy the inestimable privileges guaranteed by the Constitution—of worshipping God according to the dictates of their conscience. Yet, strange as it may seem, a secret organization has been formed for political purposes throughout the United States, and even extending to the Territory of Minnesota, which is shrouded in darkness and mystery—which is oath bound—intolerant and proscriptive in design; yet dangerous only because it faces with all the isms and factions in the nation. It proscribes all who happen to be born "on the Rhine, the Danube, the Shannon, or the Thames." It proposes a religious test for all official position. Such an organization might well soon be expected to proscribe the sun, because he dares first to shine upon the Oriental world!

In speaking of such an organization for such political purposes, I feel that I am in the

line of my duty, to warn you, lest such influences silently creep into the heart of your deliberations, even in these Legislative Halls.

It will give me pleasure cordially to co-operate with you in all measures necessary for the development of the resources of our Territory.

It is a source of pride that we can congratulate ourselves on being citizens of the only safe and free Constitutional Republic in the civilized world, whose influence for the extension of liberty and equality is being more and more sensibly felt every day; having guarantied to us all the main sources of happiness that any government can give. Having a Chief Magistrate holding the Nation's helm who has faithfully observed all the constitutional obligations imposed upon him, and guarded with an unsurpassed vigilance the National honor at home and abroad. With an Administration that has conducted our diplomatic negotiations with consummate skill and ability, preserved inviolate all our national engagements, and avoided all intervention in the struggles of European powers, we may justly feel proud that we are American citizens.

W. A. GORMAN.

## FOURTH ANNUAL REPORT.

OF THE

# REGENTS OF THE MINNESOTA UNIVERSITY.

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*To the Honorable, the Council and*

*House of Representatives of the Territory of Minnesota:*

In submitting to your consideration the Fourth Annual Report of the Board of Regents of the University of Minnesota, they have the pleasure of presenting the affairs of the institution in a more satisfactory condition than they have hitherto assumed. During the past year, the Board has had occasion to take action upon several matters of importance, intimately connected with the interests of the University. They trust the measures adopted may meet the approbation of the Legislature, under whose care the institution is placed, and prove conducive to its permanent growth and prosperity.

The ground selected four years since as the site for the University Buildings, was near the centre of the village of St. Anthony, just above the Mills, and fronting on Main street, and embracing about three acres and three-quarters of ground. Although at that time, this was deemed the most favorable location that offered, it has upon subsequent consideration, been regarded as objectionable in several respects. The quantity of ground was thought entirely inadequate to the future wants of the Institution. No more could be obtained in the vicinity, except at rates which, for such a purpose, would be deemed exorbitant. The close proximity of the site to the manufacturing establishments and business part of the town, was thought less favorable to the prosecution of literary pursuits, than a more retired location. Nor was the situation such as to command the best view of the striking and picturesque scenery of the Falls and their environs.

After repeated discussion of the whole subject, and a careful examination of the different locations offered as sites for the consideration of the Board, they at length

unanimously made choice of the property owned by Messrs. Joshua L. Taylor and Paul R. George, which lies upon the bluff between the village of St. Anthony Falls and St. Anthony City. The unrivalled advantages of that location, as a site for the University buildings, is admitted by all familiar with it; indeed, it may be confidently asserted, that a more desirable situation in all respects for an institution of learning, is not to be found in the valley of the Mississippi. The tract comprises an area of twenty-five and one-third acres, embracing a river front of over six hundred feet, and the whole ground mostly covered with large oak trees. A deed of this land has been executed by Messrs. Taylor and George to the Board, and is on record in the proper office. The consideration paid by the Board for this property was six thousand dollars—one thousand down, and the balance to be paid in six, twelve and eighteen months; for which the notes of the Board, (secured by mortgage on the premises,) were given. The price paid is considered by competent judges as considerable less than the market value of the land.

By an Act of Congress of the 19th of February, 1851, two townships of land were donated by Government to the University, to be selected from any of the surveyed, and unappropriated lands within the Territory. During the past year, the Board have been engaged to some extent, in the selection of these lands. Eight thousand five hundred and eighty-four acres have been located within the Stillwater land district, in townships thirty-nine, forty, and forty-one, of which six thousand six hundred and sixty-four acres have received the approval of the Secretary of the Interior—the balance of the locations not having yet been acted upon by him. The lands thus far entered, have been the most desirable tracts of pine timber, which could be found on the surveyed lands yet unappropriated. These locations have been selected and made under the examination and supervision of Capt. J. Rollins, who has been employed by the Board for that purpose, and whose experience and judgment in such matters, eminently qualify him, for this important and responsible trust. It is believed by the Board, that the location of the grant should be mostly made of pine timber lands, as being likely to prove by far the most advantageous to the interests of the Institution.

Although by terms of the Act referred to, the Board have the right to enter these lands before they are in market; yet so far in advance of the surveys are the squatters, or trespassers on the public lands, that the most valuable tracts, are swept of their timber before the lands are surveyed and the maps returned to the proper offices. Unless the Government interferes to prevent this waste, or hasten the surveys, great loss must result to the Institution from this cause.

The proceeds of these lands must be the chief source from whence the funds are to be derived for the erection of the University buildings, and the endowment of the Institution. No funds whatever, have yet been received by the Board of Regents, except what have been contributed by individuals towards the erection of the building for the Preparatory Department. The amount still due on this building, with the cost of locating the lands, have created an indebtedness on the part of the Board of about three hundred dollars, which there are no funds in the Treasurer's hands to meet. Permits have been granted to cut timber on about a third of the land located during the past year, from which it is hoped, sufficient funds will be realized, to meet the expenses of selecting and entering the lands, as well as the payments which have been assumed by

the Board in the purchase made for a site for the University buildings as heretofore stated.

The services rendered by the officers of the Board, have hitherto been entirely gratuitous. In consideration, however, of the increased duties devolving upon the secretary, treasurer and librarian, resulting from the necessity of keeping the requisite books and accounts connected with the entry of the University lands, preparing contracts and attending to the other necessary duties connected therewith, and preparing suitable accommodation for, and arranging the books belonging to the library, demanding a much larger share of their time and attention than formerly: a resolution was adopted by the Board in July last, at a meeting held for the election of officers, that the secretary receive a salary of two hundred and fifty dollars per annum, the treasurer one hundred, and the librarian fifty dollars. This action of the Board, in accordance with section 9 of chapter 28 of the Revised Statutes, is respectfully submitted to the Legislature for approval.

By section 17 of the same chapter, seven members are required in order to call a meeting of the Board, or transact business.

As the Board is at present constituted of members residing in distant and different parts of the Territory, considerable inconvenience has been experienced from time to time in securing a quorum for the transaction of business.

It has several times happened that some members of the Board have travelled a distance of twenty or thirty miles at a considerable expense, to extend stated meetings of the Board, at which nothing could be accomplished from a lack of one or two members to constitute a quorum.

The Board would respectfully suggest to your consideration the propriety of an amendment of that section, authorizing a less number to constitute a quorum for the transaction of business, or else the enactment of a provision, by which the attendance of members should be compelled at stated meetings of the Board.

By the provisions of section 5 of chapter 28 of the Revised Statutes, the Legislature at its present session, is required to elect four members of the Board of Regents to supply the places of those whose term of office expires on the first Monday of February, 1855. The members whose terms of office expire on that date, are, Franklin Steele, J. W. Furber, N. C. D. Taylor and I. Atwater.

The Preparatory Department still continues under the supervision of the Rev. E. W. Merrill.

It is in a more flourishing condition than at any former period, both as regards the number of pupils, and the progress made in the different branches of study.

The influence and usefulness of this Department in its general bearings on the educational interest of the Territory is already apparent, and is constantly increasing. Teachers have been there, qualified and prepared to take charge of our common schools, and young men fitted for the active business of life.

The whole number of pupils in attendance the past year has been one hundred and seventy, and over one hundred and fifty different students have been in attendance the present winter term.

Classes have been taught in all the primary and common English branches, as well as in the higher branches and languages, embracing Natural and Mental Philosophy, As-

tronomy, Algebra and Geometry, Surveying, Book-Keeping, &c., in all of which branches a marked improvement has been apparent in the progress of the pupils.

In conclusion the Board are gratified to represent, that the prospects of the institution are such as to afford the reasonable assurance, that it will soon be in a condition to realize the most sanguine hopes which its founders and friends have entertained in regard to it.

Placed as it is under your fostering care, it is hoped that such measures may be adopted to promote its interests as the wisdom of your Honorable Bodies may suggest.

All of which is respectfully submitted.

I. ATWATER,  
*Secretary of the Board of Regents.*

**R E P O R T**  
OF THE  
**SURVEYOR GENERAL OF THE SECOND DISTRICT.**

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*To the Honorable the Legislative Assembly of the Territory of Minnesota, assembled:*

In obedience to the requirements of the Revised Statutes, I have the honor to submit the following statement as exhibited by the books of this office:

The amount of logs surveyed from March 1st, 1854, to December 31st, 1854, in this District, according to the log scale, established by law in this Territory, in feet, board measure, is as follows, to wit: 22,833,106.

On account of the breakage of booms in this District, and the Surveyor General of the third district not having qualified, the lumbermen in this district requested of me the appointment of a Deputy Surveyor, to survey the logs which had broken through the booms in this District, in compliance with which, the logs surveyed in the third district amounted to 1,519,338 feet, board measure; making in all the survey by me made during the time above stated, 24,352,444 feet, board measure.

During the said term no application has been made to me to survey lumber, and therefore none has been surveyed.

In further report, I would respectfully recommend the adoption of a different rule than the St. Croix scale, by which logs shall be surveyed.

By the use of the St. Croix scale, the one established by law for this Territory, as will be seen by reference to section 9, chapter 16, page 54, of the Session Laws for 1854, great injury and injustice are done to the lumbermen, from the fact that the St. Croix scale, measures less number of feet in each log, than what proves to exist when sawed into lumber, whenever the logs fall short of thirty inches in diameter; and exceeds whenever the logs measure above thirty-six inches in diameter. The logs measured by me in this district will not average over twenty-five inches in diameter, but very few measuring above thirty inches, and such, I am informed, is the case in other districts.

It will therefore be seen that by the use of said scale a great loss annually accrues to the lumbermen.

I would therefore respectfully recommend the adoption of the Norton Scale instead, for the reason that it gives the correct number of feet, board measure, in logs ranging from eight inches to forty-eight inches in diameter.

In further report I would respectfully recommend an amendment to section 11, chapter 16, page 54, of Session Laws for 1854, as follows, to wit: *Provided*, That in all cases where said surveyor shall require assistance to handle logs or lumber, it shall be furnished by the owner of such logs or lumber, or at his expense; and for all services performed by said surveyors by virtue of their office, there shall be allowed the sum of ten cents per mile travelling fees.

The effect of the said section, as it now exists, is to throw upon the Surveyor General oftentimes great expense and no remuneration. It will be seen by reference to section 7 of the same chapter, that it is the duty of the Surveyor General, by himself or deputy, to repair to any part of his district, and survey any logs or lumber at the request of the owners of such logs or lumber. If such place, therefore be less than thirty miles—for instance twenty-nine miles—no mileage is allowed; and if the amount of logs to be surveyed is 5,000 feet or 10,000 feet, as is frequently the case, the Surveyor's fees in all would amount to twenty-five cents in the first case, and fifty cents in the other.

I would therefore recommend the allowing of mileage in all cases.

All of which is respectfully submitted.

DANIEL STANCHFIELD,

*Surveyor General for the second District, Minnesota Territory.*

St. Paul, December 30, 1854.

**REPORT**  
OF THE  
**SURVEYOR GENERAL OF THE FIRST DISTRICT.**

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*To the Hon. the Legislative Assembly of the Territory of Minnesota:*

The undersigned, surveyor-general of logs and lumber in and for the first district, M. T., respectfully reports:

That the whole amount of logs surveyed and measured, by himself and deputies, during the year ending the 31st day of December, A. D. 1854, is twenty-four millions, three hundred and fifty-four thousand, nine hundred and twenty-nine feet, board measure, which may be divided as follows, to wit:

<i>Rivers.</i>	<i>No. of logs.</i>	<i>Amount in feet.</i>
Main St. Croix .....	11,779	3,711,170
<i>Tributaries to St. Croix.</i>		
Willow River .....	1,465	412,328
Apple River .....	10,675	3,053,572
Wood River .....	5,008	1,706,175
Snake River .....	34,689	11,361,926
Kettle River .....	4,366	1,440,665
Clam River .....	2,968	950,283
Crooked Creek .....	1,076	362,825
Upper St. Croix .....	4,220	1,355,985
Total .....	76,247	24,354,929

And the said surveyor-general further reports that he has not, either by himself or deputies, surveyed or measured any sawed lumber during the year ending December 31st, 1854. All of which is respectfully submitted.

ROBERT HASTY,  
*Sur. Gen. First Dist., M. T.*

By Jno. J. ROBERTSON,

*Deputy.*

Stillwater, M. T., January 1, 1855.

EXECUTIVE DEPARTMENT, MINNESOTA TERRITORY,  
January 17, 1855.

PRESIDENT OF COUNCIL:—I have the honor to transmit herewith, the report of the acting President and Treasurer of the M. & N. W. R. R. Co., made to this office in accordance with the provisions of the charter.

Respectfully,

Your obt' servant,

W. A. GORMAN.

## STATEMENT

Made by the Minnesota and North-Western Railroad Company to His Excellency Willis A. Gorman, Governor of the Territory of Minnesota, under and in accordance with the provisions of the act of the Legislative Assembly of the Territory of Minnesota, entitled "An Act to incorporate the Minnesota and North-Western Rail Road Company," approved March 4th, 1854.

The Minnesota and North-Western Rail Road Company have not yet expended any sum whatever in the construction of the Rail Road contemplated in the said act of incorporation, or in the machinery therefor, or in the appurtenances thereunto belonging.

The Company has received, since the incorporation thereof, and during the present year, the sum of one hundred thousand and twenty dollars, (\$100,020'00.)

The said Company has expended since its incorporation and during the present year, the sum of nine thousand six hundred and seventy-two dollars and twenty-four cents, (\$9,672 24.)

In witness whereof, the said Company has caused this instrument to be attested by Robert W. Lowber, its acting President, and the seal of said Company to be hereto affixed, this eighth day of December, eighteen hundred and fifty-four.

ROBERT W. LOWBER,

*Acting President of the Minnesota and North-Western Rail Road Com'py.*

STATE OF NEW YORK, }  
CITY AND COUNTY OF NEW YORK, } ss.

Robert W. Lowber, the Acting President, and Peter S. Burchan, the Treasurer of the Minnesota and North-Western Rail Road Company, being duly sworn, say, and each for himself says, that the foregoing statement of the said Company is in all respects correct and true.

ROBERT W. LOWBER,  
PETER S. BURCHAN.

Sworn to and subscribed this 8th day of December, 1854, before me.

JAMES P. HYATT,  
*Com. of Deeds.*



ence below that diameter, as exhibited above, is about 14 per cent. or 140 feet in each thousand.

Although this appears at first sight to be an object of great importance to the logger, and that in order to afford that meritorious class of our population a just remuneration for their labor, the Norton scale should be at once adopted, as the scale of our territory. Yet upon reflection, it will be seen that no such beneficial results to the logger could be obtained by any change in the present scale of the territory. Your committee is confirmed in this belief by conversations with men who have had much experience in the manufacture of lumber in this territory, and who are unanimous in the opinion that logs in this territory do not saw out the quantity of lumber given under the St. Croix scale, and that in purchasing logs by that scale allowance is always made for the discrepancy between the scale and the actual quantity of lumber the logs will saw. A change to the Norton scale would therefore have no other effect than to increase the discrepancy while much inconvenience and trouble would be entailed upon the logger, as well as the miller, in the purchase and sale of logs.

As well might the Legislature enact that 50 pounds of corn should constitute a bushel, with a view to increasing the income of the farmer, or that two feet should constitute a yard for the benefit of the merchant, as to enact that 860 feet of logs as heretofore called, should hereafter be deemed to be a thousand feet, with the object of benefitting the logger. It is well understood that in all commercial transactions, prices are governed by quantity as well as quality, and it is ridiculous to suppose that the same price could be obtained for logs per 1000, if 860 feet constituted the thousand, as would be paid per 1000 if ten hundred feet formed the thousand. In other words, the logger could not obtain the same price per thousand if measured by Norton's scale, as he could if sold by the St. Croix scale, while, if the former was established as the scale rule of the territory, he would be required to pay for booming, scaling, and rafting 140,000 feet more on the work of a team—say one million of feet—than he would under the present rule.

The St. Croix scale was adopted by the St. Croix lumbermen after a thorough calculation of the quantity of lumber that could be manufactured from a log of a given size, taking into consideration the hidden imperfections in our timber, and the mode of sawing on that river, and that scale has now got into general use in transactions in logs both in the territory and in sales in the markets below, and is as nearly satisfactory to all interested as any other scale could be, and your committee believe that no change could at this time, be made, without subjecting a large portion of the loggers to great inconvenience and trouble, if it did not result in actual loss.

It is a well known fact that on the St. Croix an extensive lumbering business is done on the Wisconsin side of the river, and that exchanges of logs

to a great amount take place annually. On the Wisconsin side the St. Croix scale is recognized, and if another scale should be adopted in this territory, it is evident that it would create much confusion and difficulty in settling exchange accounts.

In examining the different scale rules, your committee are of opinion that ~~Seiber's~~ <sup>Seiber's</sup> rule would probably give a nearer approximation to a just and equitable rule than either the St. Croix or Norton scale, and if a rule was to be adopted now for the first time in the Territory, would feel inclined to recommend its adoption, but owing to the previous establishment of the St. Croix rule, in connection with the fact that it is used and recognized in transactions in logs wherever logs are marketed on the Mississippi river, and with the firm conviction on the part of your committee, that a change in the scale rule would effect a corresponding change in the price of logs, while the logger would be subjected to much additional expense and trouble. Your committee would respectfully recommend that no change should be <sup>at</sup> this time made in the scale now used in the Territory.

Your committee therefore report back to the Council, (No. 11, C. F.), a bill to amend an act entitled, "an act to provide for the survey of logs and lumber in Minnesota Territory," approved March 1, 1854, with the recommendation that said bill be indefinitely postponed.

All of which is most respectfully submitted.

JOSEPH R. BROWN, Chairman,  
CHAS. T. STEARNS,  
J. E. MOWER,

## LOG SCALES.

*Comparison between the Log Scale now in use in the Territory, and that known as Norton's Improved Scale.*

ST. CROIX RULE.			NORTON'S RULE.			ST. CROIX RULE.			NORTON'S RULE.		
Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.
14	14	81	14	14	120	16	14	125	16	14	160
14	16	100	14	16	137	16	16	144	16	16	182
14	18	112	14	18	154	16	18	158	16	18	205
14	20	125	14	20	171	16	20	180	16	20	228
14	22	167	14	22	188	16	22	198	16	22	251
DIFFERENCE 35 PER CENT.						DIFFERENCE 27 PER CENT.					
18	14	171	18	14	208	20	14	224	20	14	262
18	16	196	18	16	239	20	16	256	20	16	300
18	18	220	18	18	267	20	18	285	20	18	338
18	20	245	18	20	297	20	20	310	20	20	375
18	22	269	18	22	327	20	22	352	20	22	419
DIFFERENCE 21 PER CENT.						DIFFERENCE 17 PER CENT.					
22	14	282	22	14	323	24	14	350	24	14	388
22	16	324	22	16	369	24	16	400	24	16	444
22	18	364	22	18	415	24	18	450	24	18	500
22	20	405	22	20	461	24	20	500	24	20	555
22	22	445	22	22	507	24	22	550	24	22	611
DIFFERENCE 14 PER CENT.						DIFFERENCE 11 PER CENT.					
26	14	423	26	14	459	28	14	504	28	14	533
26	16	483	26	16	525	28	16	576	28	16	609
26	18	544	26	18	590	28	18	648	28	18	685
26	20	605	26	20	656	28	20	720	28	20	761
26	22	665	26	22	722	28	22	792	28	22	837
DIFFERENCE 8½ PER CENT.						DIFFERENCE 6 PER CENT.					
30	14	591	30	14	610	32	14	685	32	14	699
30	16	676	30	16	697	32	16	784	32	16	799
30	18	740	30	18	784	32	18	882	32	18	891
30	20	845	30	20	871	32	20	980	32	20	990
30	22	929	30	22	958	32	22	1078	32	22	1089
DIFFERENCE 3 PER CENT.						DIFFERENCE 1 PER CENT.					

EXECUTIVE DEPARTMENT,  
Minnesota Territory, St. Paul, Feb. 8, 1855. }

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

In compliance with the law, I beg leave to present to this honorable body the annual report of the Librarian:

Respectfully,

Your Obedt. Srvt.,

**W. A. GORMAN**

**REPORT**  
OF THE  
**LIBRARIAN OF THE TERRITORIAL LIBRARY.**

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The accession of Books, Law Reports, Charts, &c., to the Library during the past year, will be found enumerated in the accompanying schedule.

Although an appropriation was made by Congress some time since, of five hundred dollars for the purchasing of Books, &c., for the Library, yet as no one was authorised to draw and expend such appropriation, I would suggest that this Legislature take some action in regard to the matter.

Many of the Books which were loaned out during the past year have not been returned in compliance with the requirements of the rules of the Library. The Librarian deemed it expedient, owing to this state of facts, to cause advertisements to be put in the several papers published in this city, notifying delinquents, that unless such books were returned on or before a day specified in the advertisements, legal proceedings would be instituted against them. Some of those who have books in their possession not having returned them in compliance with said notice, legal proceedings will be instituted against them.

No fines or assessments have been collected during the past year.

I would respectfully ask to be permitted to direct the attention of this Legislative Assembly to such portions of the last annual report of the Librarian as referred to the binding of pamphlets and mutilated books, and to the compilation of a new catalogue.

ROBERT A. SMITH,

*Librarian.*

**List of Books, Reports, &c. received by the Librarian since the last Report to this Honorable Body.**

**LAW REPORTS.**

	Reports,.....	Vol.	
Maryland	.....	.....	3.
Maryland Chancery	“ .....	“ .....	3.
Richardson's South Carolina	“ .....	“ 5 and 6.	
Cushing's Massachusetts	“ .....	“ 6 and 7.	
Missouri	“ .....	“ 16 and 17.	
Texas	“ .....	“ 8, 9 and 10.	
Zabriskie's Law, N. J.	“ .....	“ .....	3.
Halstead's Chancery,	“ .....	“ .....	4.
Foster's New Hampshire	“ .....	“ .....	3.
Maine	“ .....	“ .....	35.
Busbee's North Carolina Equity	“ .....	.....	
“ “ “ Law	“ .....	.....	
B. Munroe's Kentucky	“ .....	“ .....	13.
Chandler's Wisconsin	“ .....	“ .....	3.
Alabama	“ .....	“ 23, 24, N.S.	
Illinois	“ .....	“ .....	14.
Warden's Ohio	“ .....	“ .....	2.
Monroe & Harlan's Digest of Kentucky Reports.			

**LAWS—LOCAL AND GENERAL.**

- Revised Code of Delaware, 1855.
- Acts and Resolves of General Assembly of Rhode Island.
- Acts of Alabama, 1853-4.
- Acts of Massachusetts 1854—2 copies.
- Acts of Louisiana, 1854—3 copies.
- Private and Local Statutes of Wisconsin, 1853.
- Laws of Illinois, 1853.
- Laws of Tennessee, 1853-4.
- Laws of Texas, 1853-4.
- Acts and Resolves of General Assembly of South Carolina.
- Constitution of Vermont, 1852.
- Laws of Maryland, 1854.
- Las Actas de Nueva Mejico.
- Laws of Wisconsin, 1853—2 copies.
- Laws of New York, 76th Session, 1853.
- New Hampshire Compiled Statutes, 1853.

## LAWS—LOCAL AND GENERAL

Laws of Ohio, 1854.  
 Swan's Revised Statutes of Ohio, 1854.  
 Revised Statutes of Kentucky.  
 Laws of Kentucky—2 volumes—2 copies.  
 Laws of Vermont, 1853—2 copies.  
 Laws of Oregon Territory, 1853.  
 Archives of Oregon Territory. •

## ASSEMBLY DOCUMENTS, JOURNALS, &amp;c.

Diario del Consejo Legislativo de Nueva Mejico;  
 Journal of the Legislative Council of New Mexico;  
 " House of Representatives  
 Assembly Documents of New York, 1853..... 6 vols.  
 Senate " " " ..... 3 "  
 Senate Journal " " " .....  
 Assembly " " " ..... 2 "  
 Journal of Massachusetts Convention 1853.  
 " House Representatives of Alabama, 1853-4.  
 " Senate " "  
 " House of Representatives Texas 5th Legislature.  
 " Senate " "  
 " " Maryland 1854.  
 " House of Representatives " "  
 Senate Documents second session thirty-second Congress..... 27 copies.  
 Executive " " " " ..... 25 "  
 Senate Mis. " " " " ..... 2 "  
 House " " " " ..... 2 "  
 Senate Jour. " " " " ..... 2 "  
 House " " " " ..... 2 "  
 House Journal first session thirty-third Congress..... 3 copies.  
 Senate Reports 2nd session 32d " ..... 2 "  
 House Committee " " " ..... 2 "  
 " List of Private Claims from A. to G., ..... 2 "  
 Statistics of U. S. Census of 1850 ..... 2 "  
 Maryland State Documents.  
 Senate Journal of Kentucky, 1853-4.  
 House " " "  
 Assembly Documents " "  
 Annual Reports to the Governor of Kentucky.

## MISCELLANEOUS.

Documents relating to the Colonial History of New York, vol. 3;  
Documentary History of New York, vol. 3 and 4.  
Report of Sup't of U. S. Coast Survey, 1852.  
Patent Office Report, Mechanics, 1853.  
67th Annual Report of Regents of University of New York, 2 copies.  
Annual Report of Trustees of State Library.  
Notes on the Sandwich Islands—Presented by Arnold W. Taylor, Esq.  
Kentucky codes of Practice.

## MAPS.

New Map of the State of Alabama.

ROBERT A. SMITH,  
*Librarian.*



FOURTH ANNUAL REPORT  
UPON THE  
COMMON SCHOOLS  
FOR THE TERRITORY OF MINNESOTA.

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*To the Hon. the Legislature of the Territory of Minnesota:*

The cause of education in Minnesota has probably received more attention during the past, than in any previous year since the organization of the Territory. Within that time the School Law has been amended and improved; universities have been chartered and endowed; seminaries of a high grade have been established and encouraged; and the number of common schools has greatly increased. From the information which has been obtained by visits paid to schools, by correspondence, and by interviews with friends of education from different parts of the Territory, it appears that our schools are in a better condition than would be expected in the unsettled state of so new a country. They must yet be elevated to a higher standard to correspond with our increased wealth of manufactures, agriculture and commerce. It is true that in respect to education, we may not, at present, reach that degree of excellence attained by a few of the States; and it is also true that the united intelligence and enterprise of the people, if directed to the advancement of the school interests, will, in a few years, secure to us a system of schools second to no other.

A well founded and well sustained system of popular learning is inestimable in its benefits to any people; and it behooves the Territory, in her infancy, to employ every available means to lay a deep and durable foundation for the intellectual culture of her sons and daughters.

Whether regarded in a literary sense, or as the promoters of general prosperity, common schools are equally entitled to favorable consideration. The Legislature, it is hoped, will so esteem it, and will adopt such further measures as the importance of the subject demands.

## SCHOOL LAWS.

While it is gratifying to observe the increasing interest which is manifested on educational subjects, it is a cause of regret that some of the teachers and trustees have neglected to fulfil a very important requirement of the school law, viz: to furnish the Superintendent with accurate reports at the close of each quarter. Without this statistical information, a full report cannot be submitted to the Legislature.

Section 19 of the amended School Law, making it the teacher's duty to transmit to the Superintendent an account of the school, at the expiration of every three months, has failed to produce the desired effect. It is suggested that the law would prove more effectual, if so amended as to render it necessary for teachers to forward their reports to entitle them to any portion of the public moneys.

The 5th article of section 12, requires the trustees of each school district "to examine as to their qualifications, and to contract with and employ all teachers in the district: *Provided*, That no teacher shall be employed who shall not first be examined and found qualified in moral character and ability to teach a district school." This article has not always been observed. Trustees are often chosen by the district, who are incompetent to ascertain whether the teacher is, or is not, qualified for his vocation. This and other evils might be obviated by having in each county a Superintendent, whose duty it shall be to examine teachers and grant certificates to those who are well qualified, to visit the schools of the county and exercise over them a general supervision, and to submit a full report annually, in the month of November, to the Territorial Superintendent. These few suggestions are commended to the favorable notice of your honorable body.

## SCHOOL HOUSES.

But few school buildings have been erected within the past year. In a new country like our own, it is often policy to defer erecting school houses until a more dense population and greater pecuniary means will warrant the construction of such as will be required in the future. No district should build a school edifice, until it is in circumstances to construct one after the most approved model. It is better to occupy a church, a hall, or a room in a private dwelling, for the present, than to erect a small, unventilated, ill constructed building, style it a school house, and crowd children and teachers into it to breathe impure air and to suffer the consequences.

Small villages, before they are prepared to build costly churches, would do well to erect good school edifices, which might be used on the Sabbath as places of worship. All who may contemplate the erection of school houses, and who desire to construct convenient, attractive buildings, at the least expense, are recommended to peruse *Barnard's* excellent work on School Architecture.

## SCHOOL BOOKS.

The introduction of a uniform series of text books, though desirable, is attended with difficulties. The act which created the office of Superintendent of Schools enjoins upon me the duty of recommending school books, but does not grant the power to enforce their use. Hence without the co-operation of the people, the Superintendent in this respect is powerless.

The confusion, occasioned by the great variety of school books, brought from nearly every State in the Union, with all the peculiar tastes and prejudices pertaining thereto, is an obstacle to the introduction of a uniform series of books not easily overcome. Some will naturally be dissatisfied with the recommendation, whatever it may be. In these and all other circumstances, the decision of the Superintendent should be the result of a thorough and impartial examination of the principal books used in schools. The opinions of others, and the fact that a frequent change in text books is not desirable, should also have their due weight.

There are so many books claiming our attention, of merits so nearly equal, that it is a delicate task to make the selection of a particular list. The following books, which are again recommended to be used in the schools of this Territory, are thought to be adapted to our present wants:

Sanders' Series of Readers.

Davies' Series of Arithmetics and Higher Mathematics.

Mitchell's Primary Geography.

Mitchell's School Geography and Atlas.

Mitchell's Ancient Geography. ●

Pelton's Outline Maps.

Mrs. Willard's Histories.

Well's School Grammar.

Cutter's Physiology.

Parker's Philosophy.

Webster's Dictionary and Speller.

Class Book of Etymology, by James Lynd.

It seems to be the duty of all who would prefer to use other books in place of the whole or a part of those recommended, to waive their particular preferences, and to assist in introducing the above list throughout the Territory. Books can be introduced into new schools with little difficulty; and whenever it is necessary to make a change, it can be effected to suit the convenience of the district.

## SCHOOL MONEYS.

In addition to one-fourth of one per cent., which is assessed on all the taxable property in each county, for the exclusive hire of teachers, there is set apart, for the better support of Common Schools, and the general diffusion of education, twenty-five per cent. of all

moneys paid into the county treasury arising from licenses from the sale of spirituous or other liquors, and the proceeds of all fines for a breach of the penal laws of this Territory, not otherwise appropriated by law. All other expenses pertaining to Common Schools are paid by a tax on the property in each school district. The amount of money raised by the districts, when added to the school fund, should be sufficiently ample to sustain schools of the highest character. No accounts of the receipts and expenditures of the school moneys have ever been received. It should be required of the Treasurer, or some other officer or officers of each county, to forward to the Superintendent on, or near the first day of December, in each year, accounts of school moneys received and expended.

The Legislature, at its last session, passed an act prohibiting the payment of school moneys from the Treasury for other than school purposes. This law is important, and should be strictly observed.

### TEACHERS.

So far as it has been ascertained, competent persons have generally conducted the school during the past year, and, in some instances, have received fair compensation for the duties performed.

The winter session is usually taught by mail teachers, at wages, ranging from \$35 to \$75 per month; and the summer term by females, who are paid from \$20 to \$30 per month.

Greater inducements should be offered teachers, if we would prevent many of the best qualified from seeking more profitable employments. It is generally necessary to pay remunerative wages to secure the services of the best instructors. There is scarcely an evil more prevalent than that of selecting teachers, not with reference to superior qualifications, but to the least compensation to be paid. All experience on this subject teaches that a short term, under the direction of a competent teacher, is preferable to a long term, taught by one of the *cheap*, unqualified persons, who sometimes undertake to train the minds of youth.

At the present day, it is expected that educators will improve those under their charge, not only mentally, but physically and morally. And to ensure success in this great work, parents should co-operate with the teacher in every proper manner; should encourage their children to study, to obedience in school and to regular attendance. We hope that every school district in the Territory will give merited attention to this subject, and will employ, encourage, and liberally pay, well qualified teachers.

No one should be employed as instructor, who cannot give unquestionable evidence of possessing the necessary attainments. A district may have a commodious and elegant school edifice, well supplied with the most convenient seats, with the best books, maps, blackboards, and apparatus, and yet, without exercising great discretion in procuring teachers, the school may be of little value.

### GENERAL REMARKS.

The people of Minnesota, and their agents, the members of the Legislative Assembly, are aware of the immense advantages to be derived from devising, and carrying into effect, measures, which would promote the cause of popular education.

They are aware that all action taken now, in the morning of our Territorial existence, will be felt throughout our future day. It should therefore, be the aim of all to make common schools what they are designed to be; the foundation of real wealth and greatness—the instrument to mould a high mental and moral character for a State or Nation. We should love Common Schools, for they are the pillars of freedom. They prevent crime in all its forms; they teach lessons of equality, and recognize no distinction in rank, except what is due to personal merit; they raise to the light many a brilliant gem of intellect, that might otherwise be buried forever; they fit man for every laudable calling and station in life; they aid every enterprise and every cause which elevates society, and contributes to a nation's integrity, honor and happiness. To enjoy fully the benefits of popular education, we should properly appreciate and improve the advantages which we possess over many of the other Territories and States. Government has donated us two sections of land in each township, or one-eighth of all the land, for the support of Common Schools. Our population is noted for industry and intelligence.—Our climate is healthful, and fits both body and mind for study. We have within reach the means to educate all—the rich and the poor, the exalted and the humble.

Although the Territory is yet young, much has already been accomplished. Six years ago, was commenced in a log hut, in St. Paul, the first School for the education of white children, in the Territory. Now there are flourishing Schools in our cities, villages and towns, and the means is offered to nearly all to acquire a good practical education. In six years to come, we may, with union of action, effect a still greater change; may rear hundreds of school houses on our fertile and lovely prairies, and along the banks of our clear streams, beautiful lakes and majestic rivers; may establish and support schools, which will be to the Territory a source of pride and honor and prosperity.

All of which is respectfully submitted.

M. C. BAKER,  
Superintendent of Common Schools.

MINNEAPOLIS, January 1st, 1855.



# MAJORITY REPORT

FROM THE

## JUDICIARY COMMITTEE,

ON SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES  
TO THE MINNESOTA AND N. W. RAILROAD CHARTER.

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*To the Honorable, the Legislative Assembly of Minnesota:*

The committee on the Judiciary to whom so much of the Governor's message as relates to railroads was referred beg leave to report:

That they have given the subject that consideration which its gravity and importance demand. The suggestions and recommendations of his Excellency being confined entirely to the charter of the Minnesota and North Western Railroad of the last session and to the grant by Congress of certain lands to the Territory to aid in the construction of a railroad therein, and the subsequent repeal of that grant, your committee have not felt at liberty to extend their report beyond these particular topics.

The charter of the company referred to, after having passed both Houses of the Legislature, received the Governor's approval on the 4th of March last. Your committee believe that the organization of the company took place in accordance with its requirements and that thus far, they have complied with the stipulations of the charter in their preliminary movements. The unprecedented powers and franchises conferred on this company aroused a spirit of opposition in the Territory, such as had seldom been witnessed. It was asserted by its opponents that the charter had been granted without sufficient consideration on the part of the Legislature—it having been first introduced on the 22d of February—only nine days previous to the day of adjournment—that it

really secured no equivalent to the Territory in the shape of a resulting interest, and that it contained no reservation of the right to alter or amend at any time thereafter, if such exercise of power should ever become necessary. The excitement upon the subject was so intense, that the friends of the Territory in Congress were induced to insert a provision in the bill granting lands to the Territory for the construction of a railroad, that the donation shall "be subject to the disposal of the Legislature thereof, for the purpose aforesaid and no other, nor shall it inure to the benefit of any company heretofore constituted or organized." It is needless for your committee to recapitulate the facts connected with the fraudulent change of the word "or" into "and" between "constituted and "organized," which took place upon the engrossment of the bill, and which was effected in order to defeat the intention of Congress, and to secure the grant to the Minnesota and North Western Company, for they are familiar to the members of this House. Nor is it within the sphere of the duty assigned to your committee to enquire by whom the alteration was made, or who were its abettors. The fact that the change was effected and that it could inure only to the advantage of the company referred to, is indisputable. The bill thus mutilated passed the Senate and it was not until it had received the signature of the President, that the very important change in its phraseology was discovered. The indignation of Congress at this gross attack upon the purity of its legislation was so great, that by an act which received the sanction of the President on the 4th of August last, it withdrew the grant of land from the Territory.

But the chartered company were not disposed to yield, even after this decisive stop on the part of the National Legislature. In order to test the right of Congress thus to repeal its own act, a trespass was committed, or alledged to have been committed by the agents of the company upon lands originally comprised within the donation, which was followed by a suit on the part of the Government in the U. S. Court of the first District against said company.

Judge Welch decided upon the pleadings that the repeal was not valid, and that the lands in question belonged of right to Minnesota, and that this decision was affirmed by the Supreme Court of the Territory.

The cause was then transferred to the docket of the U. S. Supreme Court at Washington, and so far as any knowledge has reached your committee, it has not yet been decided.

Your committee have deemed proper to make this brief, and as they are convinced, correct statement of the details of this extraordinary case, and it only remains for them to express their views upon two points connected with it. 1st, Shall Congress be memorialized by the Legislature to disapprove the charter granted by the last Legislature, and—2nd, If the charter is thus disapproved and annulled, and the United States Supreme Court should affirm the decision of the Supreme Court of this Territory, will the grant of lands made by act of Congress, approved 24th June last (1854) inure to Minnesota? Your committee is of opinion that no time should be lost in praying Congress to render null the charter, although well aware that it is a delicate matter to ask the interference of that body in Territorial Legislation. Under none but the most urgent and imperative circumstances, could your committee be induced to recommend an appeal to such interference. In matters connected with the administration of Territorial

affair, the local Legislature should have full power to act, uncontrolled by any supervision on the part of Congress. But if, as your committee sincerely believe, a company has been chartered by a Legislature, not elected with reference to a particular question of great magnitude, which involves the interest of the Territory and future State for all time to come, and if there had been granted to the said company rights and privileges of an almost unlimited character, and without any power on the part of a future Legislature to alter or amend in the least particular, and when the voice of the people has declared their dissent to such action on the part of their legislators—then has occurred a case, in the opinion of your committee, when it is not only justifiable, but strictly incumbent upon those to whom has been confided the trust of regulating the affairs of our temporary Government, to use every proper endeavor to apply a remedy to evils of so great and menacing a character. Congress has reserved to itself the right, in our Organic Act, to disapprove any act of our Legislature, and surely, if the power is ever to be exercised, it should be in such an instance as we have cited.

It cannot be properly asserted that the Minnesota and North Western Rail Road Company have vested rights under their charter. The act of the Legislature of last session was inchoate and imperfect until it received the sanction of Congress. No rights whatever can vest in the Company until that sanction is obtained, nor is the charter worth the paper upon which it is written, until Congress shall decide that it shall remain upon your statute books. Neither is the doctrine of "squatters sovereignty" invaded or violated by the step which your committee recommended. This Legislature merely prays Congress to perform for the Territory, what we would do ourselves had we the power. The people demand this action on the part of the National Government action, which if opposed to their wishes, would be highly unrighteous and improper.

It has also put forward as an objection, that by memorializing Congress for the disapproval of the charter, the plighted faith of the Territory would be violated.

Your committee can see no force in such reasoning. Both the Legislature and the Company well know the contract that made the charter would be binding upon neither party if Congress should subsequently disapprove and annul it. It is not pretended that any expenditures have been made upon the line of the road or that any of the active and energetic operations so profusely promised when the charter was under consideration by the Legislature, have been performed. The telegraph line from Dubuque to St. Paul, stipulated to be completed and ready for the transportation of despatches within twenty months after the formation of the first board of directors under the Act, has not as yet been commenced, nor has any step been taken, so far as your Committee is informed, to comply with that provision of the charter. Notice of a memorial has been given in the House, praying amendments to that instrument. Your committee is not aware of the nature of these proposed alterations, that except an extension of time will be asked for, wherein to construct the telegraph, together with the fifty miles of road required to be furnished within three years from the date of the acceptance of the charter by the company. The avowed object for pressing the Act of Incorporation through the Legislature in advance of the grant of land by Congress, was that twelve months of time would thereby be gained in advancing the railroad towards completion. Yet a

year has elapsed and according to the sworn statement of the presiding officer of the Company to the Governor, not a dollar has been expended for any purpose on the line of the road. Minnesota is this day no further advanced in her railroad improvements than she was when the charter was granted, and the Company or its agents now come forward and demand that more time shall be afforded to enable them to comply with the requirements of what they claim to be the existing contract between the Territory and themselves, thus ignoring and abandoning the very grounds upon which the advocates of the charter based their protest against any delay on the part of the last Legislature.

The proceedings of the Company have thus far been shrouded in mystery. The first named incorporator in the Act, whose simple means it was asserted were to be invested in the stock of the contemplated railway, has long since become refugee from the justice of the community he had basely swindled. We are now told that the charter has passed into the hands of responsible and honorable men, most of whom are not comprised in the original list of incorporators. Your committee are utterly unable to state whether such is, or is not the case, for neither they, nor the rest of the people of Minnesota, unless it be a few privileged exceptions, know the names of these individuals—where they reside, or what are their standing and character. No explanations have been vouchsafed on these points, or upon the plan of operations which this association have marked out for themselves. It is boldly affirmed that unless the Company build the road, no other can, but such assertions must pass as of little worth, unsustained as they are by any show of facts.

The interests of this Territory imperatively require a railway communication from its southern boundary to Lake Superior, at the earliest practicable period, but your committee are satisfied that so desirable an end can be achieved in a more speedy manner, and with greater advantages to Minnesota than under the existing charter. The present depressed state of financial matters in the United States and in Europe, precludes indeed any reasonable hope that this chartered company or any other, can now procure the necessary funds for the building of the railroad. We must wait patiently until the crisis is past—until the causes which have produced it have ceased to operate, and the monetary affairs of the country are restored to their usual sound condition. It would not be the part of wisdom for the Territory to remain trammelled by the Act of the last Legislature, if she can honorably free herself from its obligations. That act has been pregnant of evil to Minnesota, and as the result of hasty and ill judged legislation, has been denounced by the people. But for it our Territory would now be rejoicing in the possession of a magnificent grant of lands from the government, to be applied as prudence might dictate in the construction of railroad intercommunication north and south. The advocates of the Minnesota and North-Western Company do not pretend that the railroad will be finished within the time specified by the charter, and therefore an extension of time is desired in their memorial.

Your committee might show other reasons, which, in their judgment would render it proper for this Legislature to memorialize Congress for the annulment of the charter, but they deem them superfluous and they proceed to the point "whether the grant of land

will cease to the Territory, if the U. S. Supreme Court should decide that the repealing act of Congress is not valid." It is not requisite that words should be wasted in the discussion of so plain a proposition. The grant of land by the act of Congress of the 30th of June last, was made to the Territory, and to no other corporate body. If the Act of the 4th of August last, repealing the grant, is not legal, and the Supreme Court at Washington so decides, then must the land remain to the grantee alone, unless, by a previous lawful act it has inured to the benefit of a third party. Should Congress disapprove the charter granted to the Minnesota and North-Western Railroad Company which it has undoubted right to do, then that Company having no vested rights, as your committee have already demonstrated, are no longer in existence as a body corporate, and the Territory is released from all obligations to perform any part of her inchoate contract.

In concluding their report, your committee would state that they have not deemed it requisite to point out what they consider to be the obnoxious provisions of the charter to the Minnesota and North-Western Railroad Company. That has already been done so often and so ably, that nothing remains to be urged with reference to that subject. Your committee will, therefore, only state their conviction that the said charter confers such unprecedented powers upon the corporators, as would enable them to command absolutely all the Railroad communications north and south, through the Territory and future State, without any fear of competition from other companies—would place them beyond the reach of the Territorial or State Authorities for all time to come—and would end in the establishment of a huge monopoly in our midst, to overawe and control all future legislation. A charter involving and effecting the interests of ourselves, not only, but of future generations, should be so guarded and restricted at every point, that any abuse of its privileges and its franchises would be instantly followed by a termination of its own existence.

In accordance with the foregoing views, your committee recommend to the House the adoption of the following joint memorial to Congress.

H. H. SIBLEY,  
WILLIAM WILLIM.

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## MEMORIAL.

*To the Honorable, the Senate and*

*House of Representatives of the United States, in Congress Assembled:*

The memorial of the Legislative Assembly of the Territory of Minnesota, respectfully represents, That at the session of the Legislative Assembly, a charter was granted to the Minnesota and North-Western Railroad Company, conferring franchises and privileges of an extraordinary character upon the corporation—the said Legislative Assembly not having been elected by the people with any reference to the questions involved in the charter aforesaid—that the people at their subsequent election, emphatically condemned

said Act of Incorporation as containing power of an unwarrantable and dangerous nature; therefore, your memorialist respectfully pray your Honorable body to disapprove the Act of the Legislative Assembly of Minnesota, incorporating said Minnesota and North-Western Railroad Company, approved by the Governor, March the fourth, one thousand eight hundred and fifty-four. And they further pray that the grant of land from Congress to Minnesota Territory may be re-instated as before the Act of repeal, approved fourth of August last, in the form in which the Bill originally passed the House of Representatives, and before the alterations were made in said Bill.

## COMMUNICATION

FROM THE

MINORITY OF THE JUDICIARY COMMITTEE.

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*To the Honorable House of Representatives:*

The undersigned, a minority of the Committee on the Judiciary, to which was referred that portion of the Executive Message relating to the act of the 4th of March last, incorporating the Minnesota and North-Western Railroad Company, the act of Congress of the 29th of June, 1854, granting certain lands to this Territory, and the alteration of the text thereof, pending its passage in the House of Representatives, the act of Congress of the 4th of August last, repealing the granting act, and also the desire of the people in reference to the said act of Incorporation, expressed in the following words, that is to say:

“It is therefore evidently the will of the people that it should be so disapproved by Congress at its present session.”

Respectfully,

A. M. FRIDLEY.



## MINORITY REPORT.

FROM THE

### JUDICIARY COMMITTEE,

ON SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES  
TO THE MINNESOTA AND N. W. RAILROAD CHARTER.

*To the Honorable, the Legislative Assembly of Minnesota:*

With the matter of the alteration of the act of Congress granting lands for the purposes of the road, by one of its own sworn officers, it would seem, that we have nothing whatever to do. That body has ample power to protect its own dignity and vindicate its own honor. It is a privilege also exclusively its own, and, it is believed, that we are not called upon to sit in judgment or pass sentence upon any officer of that body, nor upon his acts.

The House of Representatives thought fit to have the subject investigated without calling for our assistance, and the result was that their committee reported that their officer was innocent of any intentional wrong and that no fraud had in fact been committed.

And, indeed, is generally conceded now, by enlightened jurists and lawyers, that the alteration was merely verbal, and did not change the meaning of the act, which must be derived from all the language used in it, taken as a whole, and not depend upon the construction of a single word.

But if the alteration was material and the officer merited strong condemnation, how much more reprehensible would be the conduct of this Legislative Assembly, to whom is confided the trust of protecting the People's honor and of preserving the public faith inviolate, should it seek directly, or indirectly, to annul a solemn legislative contract, for the performance of which the Public faith is pledged.

That contract has been deliberately made and accepted. Both the parties to it have taken upon themselves obligations which cannot be dissolved but by mutual consent.

One million of dollars to the capital stock has been subscribed upon the faith of it, and one hundred thousand dollars of that amount has been actually paid in. And we are informed by our judicial records that the company actually commenced the location of their track, thus giving evidence of good faith as well as ability to comply with the contract on their part. And shall we arrest their progress by repudiating it on our

part? What an humiliating spectacle to every friend of the Territory to witness her in such a position before the world at large, held up to ridicule and scorn, bearing a dishonored name and a blasted credit in every financial circle? What madness and folly for her now, when all the people of the Union are directing an admiring eye upon her, and predicting an ~~honorable and brilliant~~ career, to ~~disappoint~~ those high expectations and cover her name with shame!

If one contract is to be violated, may not another be? What security could be given to any other company that they should not share a like fate? Nay, where is the prudent man who would risk money upon a mere charter, when he had witnessed the destruction of a large amount of property, raised upon the face of this one? But to say nothing of the injustice of rescinding the charter, where is the power to do it? It has not been reserved to the Territory, nor is there any known law recognizing the right of one party to rescind a contract without the consent or default of the other. If this company fail to comply on their part, it belongs to the judicial tribunals, and not to this Assembly to apply the proper remedy. If an individual member of that company has committed a wrong at Washington or elsewhere, is that a reason why the Territory or Congress should commit a still greater wrong, by annulling its charter and destroying its property? On the other hand, if one of its members should be falsely imprisoned under color of our laws, would that be a sufficient reason why the company should not build the road? And will this Assembly do an act of the greatest injustice, because an individual has perpetrated a fraud?

If so, whose property or liberty is secure? In the acts regarding the Territories of Nebraska and Kansas, no power of disapproval by Congress is reserved. A good principle was established by those acts, to wit: that the people of the Territories possess the right of self-government, a principle for which our colonial ancestors constantly struggled and finally maintained.

Many of our greatest statesmen of the present day have laboured strenuously for the recognition of this right by the general government, and now that it has been recognized, how poorly should we appear to appreciate the position of independence in which it has placed us by asking Congress to veto our laws! What a reproach upon our people! What an insult to their intelligence! What an act of legislative stultification! What an indication of weakness! What evidence of pusillanimous councils! If we have enacted laws that need correction, if we have made contracts that seem to be too favorable to the other contracting parties, let us amend those laws and seek, by an honorable understanding, to obtain a modification of those contracts, but let us never acknowledge the right of Congress to annihilate our enactments; for upon them depend the safety of our persons, the security of our liberties, and the stability of our property. All the rights of property vested under former laws and under the judgments of our courts, based upon those laws may, if we acknowledge the right in this instance, be swept away by one annihilating act of Congress.

Nay, what will become of the hundreds and hundreds of thousand of dollars, belonging to the stockholders of the St. Croix Boom Company, the Mississippi Boom Company, the Rum River Boom Company, the Minneapolis and St. Anthony Bridge Company, the St. Anthony Boom Company, the St. Paul Fire and Marine Insurance Company,

and the property held under numerous Ferry charters, if this or any other Legislature should recognize the principle that Congress has power to disapprove of those charters? Would it not be establishing a most dangerous precedent?

These charters, and the one under consideration must stand or fall upon the same principle. No one will pretend that the charter of this company conflicts with any law of Congress or is repugnant to the Constitution. If it is not, what has Congress to do with it? Does it interfere in any way with the policy of the general government? If not, why should Congress meddle with it? Surely, the only object of that provision in our organic act reserving the right to Congress to disapprove our laws, is to give that body instead of the courts, power to declare such acts void, as are manifestly in conflict with the Constitution or laws, or policy of the general government. It could have no other object. It will be conceded that we cannot ourselves annul the charter. Why not? Because, it is a contract, and rights have vested under it. It would be unjust, nay, dishonest, to destroy those rights. And is there any one prepared to say that Congress may do an act manifestly dishonest? That an arbitrary power resides in the general government to take one man's property and give it to another, or to take private property for any purpose without making just compensation to the owner? If such were the fact, we should have much less reason to be proud of our country and its institutions. True, we have the right to repeal all general laws, and it may be that Congress has power to disapprove them, but when we make a solemn legislative contract relating to a rightful subject of legislation, under which rights have vested, it is submitted that neither this Assembly nor Congress have the power to annul such contract and divest those rights.

This question has been settled by your courts, whose judgments, until reversed, are binding, and which we cannot supersede.

The District Court of Goodhue County, Chief Justice Welch presiding, decided,

*First.* By the act of Congress, approved June 29th, 1854, granting certain lands to the Territory of Minnesota, to aid said Territory in constructing a Railroad, the Territory *eo instanti* upon the passage of the act, acquired an interest and property in the lands granted, which the Territory could grant and convey.

*Second.* By the act of the Legislature of Minnesota incorporating the Minnesota and North Western Railroad Company, the said Company acquired an interest and property in all the lands subsequently granted by Congress to the Territory for the purposes of the Road, which interest became vested in said Company immediately upon the passage of the act of Congress and the organization of the Company.

*Third.* The second section of the act of Congress passed August 4th, 1854, repealing the first mentioned act of Congress, is repugnant not only to the Constitution of the United States, but also to great and fundamental principles which have been recognized from time immemorial wherever the common law prevails.

And that decision has been affirmed by the Superior Court of the Territory. By this we perceive that there is certainty that the grant of land is not lost; that such a calamity is spared us, and that too by the action of this very Company. Shall we relinquish what we have certainly got, for what we may possibly get? After witnessing the defeat of the numerous and meritorious applications to Congress for similar grants, backed by

a strong combination of all the Representatives and Senators from the States to be benefited by them, and after reading the late message of the President on that subject, endorsed as it is by his Cabinet and a powerful party in Congress, as well as by all the Representatives of all the old States, can we reasonably expect that another grant would be made to our feeble Territory, with but a single Delegate in Congress, and he having no vote?

It is now the settled policy of this administration at least, that no more grants shall be made, and it is vain to hope that during the present short session of Congress any will be made. Would it not be folly then to discard the certainty of the future and risk all upon a mere presumption of what Congress may do. As we have seen, the Superior Court has decided that a right to the lands already granted is vested in this Company; and there is no appeal from that decision to this Assembly nor to Congress, and until and unless it be reversed by the Supreme Court of the United States, it is the settled law.

Fear of litigation, then, with this Company growing out of a claim to the right of Way as well as to the lands granted by Congress, would be enough of itself doubtless, to deter any new company from undertaking to build the road. Such a contingency would be deplorable, and would most probably result in having no road at all.

But let us suppose that if we should memorialize Congress to disapprove the charter, and it should do so, and this company should be thereby discouraged and excused also, from building the road, what then would become of the lands granted?

Could the Territory still hold them?

It is believed that if the Company lose the lands, they are lost to the Territory.

As between the United States and the Territory, the latter is but a *quasi* corporation, and took and had no such interest in the lands between the time of the passage of the granting act and its repeal, as precluded their being taken away by the general government. But a grant by the Territory, under a power delegated to it by the United States, is *in fact*, a grant by the United States, and vests a property in the grantee.

It is placed upon the ground that such grant is made for a *consideration*, to wit, an undertaking, by the acceptance of the charter, and an organization under it, to build the road.

In the case of the Territory, however, there was, between the granting act and its repeal, no act of acceptance whatever, on the part of the Territory. It neither surveyed nor located the road, or otherwise incurred any expense in consequence of the grant.—Had it done so, it is possible that this would form a good consideration to uphold the grant, and would at least, amount to an acceptance of it.

But it is said in the Executive Message that extraordinary privileges are granted in this charter to the company, and for that reason the people desire to have it disapproved. Admitting even that this would be a sufficient reason why the contract should be annulled, let us enquire what are those extraordinary privileges? Are there any privileges granted that are not contained in every charter under which railroads have been built or undertaken? His Excellency does not point them out to us, and on comparing this with other charters copies of which are accessible, it will be seen that they are uniformly more liberal to the corporators than this is. By this charter the Company are obliged

to carry the troops and property of the United States free of charge, to transport the mails as often as the Postmaster General may designate, and for such compensation as may be fixed by Congress.

It is obliged to pay into our treasury, semi-annually, 7 per cent. of its net earnings which in a few years must amount to fifty or eighty thousand dollars a year. And again, all its property is subject to territorial, county, town, and city taxes. These requirements are unusual. It is true, the charter of the Illinois Central Railroad requires a payment of 7 per cent. of the gross earnings of the road; but this was to compensate the State for about two millions of dollars, expended upon the road which was transferred to the Company. But the Company is exempted from all but State taxes, and these are never to exceed  $\frac{3}{4}$  of one per cent; and none of its lands are subject to taxation until sold by the Company, and all its other property is exempt therefrom for the period of six years, from the passage of the charter. These privileges are not conferred upon the Min. & N. W. R. R. Co.

Estimating the cost of the road at ten millions of dollars and the annual tax at ten mills to the dollar, they would afford a revenue to the Territory of one hundred thousand dollars annually.

The charter of this Company is almost a literal transcript of the charter of the Illinois Central Railroad Company, except that it imposes conditions which are not contained in the latter, for instance, by the sixteenth section, the charter is to be void and all its property forfeited, unless the company render to the Governor an annual statement under oath, of the amount expended in the construction of the road, the purchase of machinery therefor, and fixtures, the amount of its receipts and expenditures, and unless said road shall be laid with a rail of not less than sixty pounds per yard, and the engines and rolling stock shall be made in all respects equal to those on the best description of roads in the United States, besides the performance of many other conditions which are properly required. This section ought to be amended, so that if at some time, by a delay of the mails or other causality, the annual report should not reach the Executive, or an engine or car should happen to be inferior to that of the best road in the United States, the company would not forfeit its charter and all its property. It is sufficient that by a judgment or decree of the Courts that it may be compelled to do all that is required of it and to respond in damages for any omission to do so. The same security may be thus obtained by the Territory as well without as with a forfeiture.

Although it is said, and it is presumed truly, that the present stockholders are probably worth enough to build the road from their own means, in case of absolute necessity, yet it must be perfectly obvious that at least during the present extraordinary pressure in the money market, monied men will hesitate long before they will commence a work of this magnitude with the prospect before them, that the road, if constructed, must be built wholly from their own resources and without resort to sales of stock or the negotiation of the company's bond. It is therefore highly important to the Territory and to all concerned, that the rights of the company should rest upon a charter and grants which are not only clear in their terms, but are substantially in form and principles similar to charters and grants to other like companies, the stock of which is in market and has a known value there.

Considering the embarrassments occasioned to the company by the act of Congress repealing the granting act, whereby active operations have been delayed for one season, the time limited in which to construct the road and telegraph should be extended.

Indeed as financial affairs are now situated, it would hardly seem prudent for the stockholders to attempt the undertaking in a less time than was originally given to them.

The company should also be permitted to commence operations as well at the point where the road is to cross the Mississippi as at the head of Lake Superior, and thus build each way, if they think their interests would thereby be promoted.

But on the other hand, some additional restrictions should be imposed upon the company.

*First*, They should be held responsible for the acts of their agents whether in the issuing of certificates of stock, or evidences of debt, or in the doing of any other act where public confidence is naturally and necessarily placed in them, by reason of their employment by the company. Such a provision would protect those who might innocently hold certificates of stock issued fraudulently, as in the case of certain certificates issued by Robert Schuyler in the name of the New Haven Railroad Company.

*Second*, The last proviso of the 8th section of the charter, should be made more definite also so that no question may arise hereafter as to the precise time when the 7 per centum of the net earnings of the road shall be paid into the treasury.

Full power should be given to the Legislature or its authorized agents to examine all the books of the company, and also its officers and employees, on oath for the purpose of ascertaining the cost of the road, its annual expenditure and receipts, and in case of false or fraudulent statements being made, the penalty of perjury should attach.

These and other amendments should be added, some of a local nature, having for their object the protection of the community against any encroachments, which the company might in time see fit to make, if no restrictions were placed upon them.

If the amendments are not accepted by the company, they will be forfeited. The extension of time being forfeited by a non-acceptance of the amendments, the charter will be forfeited, and the next Legislative Assembly may take such action upon the subject as to it may seem meet, and as it would take if the charter were to be disapproved by Congress. It cannot be expected that this Legislative Assembly, can, at the present session, enact any other charter, even if that already enacted should be annulled. By the time that intelligence of the action of Congress upon the proposed memorial will be received, this session will have nearly or quite expired; and members could not mature measures founded upon such action.

The suggestion of the Executive is based in part upon the assumption that the charter was the result of hasty and inconsiderate legislation.

Supposing such assumption to be just, this Assembly could not proceed in the matter at so late a day, without falling into a similar error.

But if the Company accepts the amendments, and in good faith goes on with the construction of the great work contemplated by its charter, at the opening of navigation the members of this Assembly will not regret having refrained from the premature and harsh act now suggested.

In either view of the case, therefore, it is most prudent and wise to afford to the Company every reasonable facility and encouragement. Nothing can be lost and much may be gained by leaving the subject apart from the amendments to the next Legislative Assembly. It is therefore respectfully recommended that the charter be amended as above suggested.

A. M. FRIDLEY.



**REPORT**  
**OF THE**  
**COMMITTEE ON INTERNAL IMPROVEMENTS,**

**TO WHICH WAS REFERRED THE**

**PETITION OF CITIZENS OF ST. PAUL AND LITTLE CANADA PRAY-  
ING FOR AN EXTENSION OF TIME TO THE MINNESOTA AND  
NORTH WESTERN RAILROAD COMPANY.**

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That your committee have given to the petitions referred to them the consideration demanded, by the fact that they are signed by 729 of our fellow citizens, residing within a district which at the last election returned 833 votes.

Such unanimity of sentiment among the voters in the most populous part of Minnesota, is strongly indicative of the interest felt in the subject matter of the petitions and appeals, with especial force to the members of the popular branch of the Legislative Assembly.

Your committee recognize among the signers of these petitions, a large number of the pioneers of Minnesota ; men to whose sagacity and enterprise we are indebted for the early settlement of this favored country, and who, by the judicious exercise of their industry and talents, have already contributed greatly to our prosperity as a people. Their mature experience and knowledge of the geography and resources of the Northwest, together with their familiarity with our past Territorial legislation, and the wants and wishes of the people, commend their opinions to our highest respect and most favorable action.

They say first, that—

“The prosperity and welfare of the people of this Territory would be greatly promoted by the construction of a Railroad from Lake Superior, by the way of St. Anthony and St. Paul, to the southern boundary of Iowa, as

contemplated by the act of the 4th of March last, incorporating the Minnesota and North Western Railroad Company."

To this opinion your committee most cordially assent. No argument is necessary to prove that a Railroad, connecting the Valley of the Mississippi with Lake Superior, and penetrating the icy barriers which now interpose between us and the great avenues to the Atlantic seaboard below us, will advance our welfare and prosperity. It is self-evident, and your committee believe that the last Legislative Assembly did right in taking early measures for the procurement of such a road, by the incorporation of the Minnesota and North Western Railroad Company.

The petitioners further say, that—

"They have reason to believe that said Company can and will, with proper encouragement from this Assembly, construct and put in complete operation the said road ; and also the line of telegraph contemplated by the act aforesaid, within a reasonable time."

- Your committee are of the opinion that this view of the character and intentions of the Company chartered by the act of the 4th of March last, is correct and just.

That Company has, from the day of its incorporation until the present time, been active in evincing its good faith towards this Territory ; and has, in the opinion of your committee, furnished a convincing proof of such good faith, as could be reasonably desired ; or as, under the circumstances, it could furnish.

The men who originally composed it accepted the charter, and organized the company in conformity with the provisions and requirements of that charter.

They subscribed one million of dollars to the capital stock. They paid upon such subscription one hundred thousand dollars. A Board of Directors was elected. The other officers required for the proper management of the business, and execution of the functions of the corporation were selected, and placed in the charge of their respective trusts, and, as your committee are assured and believe, preparations were made with a view to the survey and location of the road, when the operations of the Company were interrupted by the repeal of the act granting the lands to the Territory which the Territory had granted to this Company by its charter.

The events which preceded and attended the enactment of that repealing act, and the question concerning its legality have been already detailed to the Assembly, and discussed in various forms, and need not be here particularly referred to.

Suffice it to say, that there is much better reason for believing that the repeal was caused by a meddling and factious interference of some of our

own citizens, fostered and strengthened, as such interference was, by those members of Congress who had opposed the grant, or those who had been defeated in their attempts to obtain grants for their own constituents, than that it was the result of any fraud, real or imaginary.

Your committee are not aware of any credibly attested fact showing that the Minnesota and North Western Railroad Company is in any manner responsible for the repeal of the grant. On the contrary, the Company is a fellow sufferer, under the effects of that repeal, with the people of Minnesota; and it has been compelled to appropriate a portion of the time and means intended for the survey and location of the road, to efforts to save itself and us from the great loss sought to be inflicted upon us, by the act of Congress of August 4th, 1854.

Not discouraged by the harsh and unjust action of Congress, and with the indomitable spirit of perseverance, worthy the conductors of a great enterprise, the Company has asserted its legal rights in our courts, and whilst we have stood appalled by a calamity which we supposed to be as irredeemable as it was disastrous, the validity of the repealing act has been by the Company, challenged and attacked, and its unconstitutionality and its violation of well settled and sacred principles of jurisprudence urged with zeal, ability and success.

And now, having progressed far enough in its opposition to the act repealing the grant to become satisfied of its ability to prosecute to completion the great work contemplated by its charter, the Company only asks the people to make up to it the time it has expended in struggles for their good, by extending the limitation prescribed by the act of the last Legislative Assembly, and for this the petitions referred to your committee pray.

Your committee can not perceive any reasonable objection to compliance with this request. Nothing can be lost, and much may be gained, by such compliance.

Certainly we cannot hope for the construction of the improvements by any other company, within the time prescribed; and it is idle and foolish to expect another grant of lands from the present Congress.

Why then throw away the sole chance left to us for retaining the grant, and obtaining the construction of the road and telegraph?

What advantage are we to acquire by refusing to encourage this Company in its contest with the National Government for the land, and in its efforts to build this Railroad and line of Telegraph?

Suppose that the Company fails, or is discouraged in consequence of our hostility or indifference, where is the benefit secured to Minnesota by such failure or discouragement?

Your committee have looked at this question in every light of which it is

capable, as they believe, and they confess they have been utterly unable to see anything in the position of the parties to the controversy, than the following :

On the one hand the opponents of the M. and N. W. R. R. Co., are eulogizing Congress for repealing the grant and taking away from the Territory that magnificent donation. They are co-operating with the enemies of the Territory, in and out of Congress, in maintaining and insisting upon the validity of that repeal. They are opposing, abusing and doing all within their power to dishearten and defeat the only company from which we have any hope of getting the Railroad and Telegraph. And for what? Can they tell? Certainly not to help Minnesota and her people!

On the other hand, the friends of the M. and N. W. R. R. Co. condemn the act repealing the grant, as unnecessary, unjust, hasty, unconstitutional and illegal, legislation. In our courts and out of our courts—here and at Washington—they deny stoutly the validity of the repeal. They sustain, advocate, assist, and, to their utmost, encourage the Company in their endeavor to hold the land, and to make the priceless improvements specified in its charter. And for what? Why, that the resources of this Territory may be developed in all their varied richness; that this great agricultural region may be settled and cultivated; that the infant cities now feebly standing upon the shores of our lakes and rivers, may prosper, and become the emporiums of commerce and manufactures for which they were designed, and for which, as your committee believe, they are destined; that this great valley, at the head of which we stand, may be opened to the lakes of the North, the markets of the South and East, and have poured into it daily the productions of our possessions on the Pacific, and the treasures of Asia!

With the latter are 729 signers or the petition referred to your committee, and with them, also, are your committee.

Your committee respectfully recommend that the prayer of the petitioners be granted.

J. B. DIXON,  
JOS. ROLETTE.

**HAPPY EXISTENCE**  
OF THE  
**HUMAN RACE,**  
OR THE  
COMMENCEMENT OF THE MILLENIUM.

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A notice of a meeting in the City of London, composed of representatives from all nations, was introduced to the House by Mr. Lemay, as follows :

**THE PERMANENT HAPPY EXISTENCE OF THE HUMAN RACE,  
OR THE COMMENCEMENT OF THE MILLENNIUM IN 1855.**

*All Governments, Religions, Classes, Sects and Parties, in all Countries,* are invited to appoint and send delegates to a meeting to be held in the Metropolis of the British Empire, on Monday, 14th May next, in St. Martin's Hall, to hear explained "Glad Tidings of great Joy to all mankind," which will include the principles and the plain and easy practice by which all Governments may make, with the aid of their respective religions, every one from birth, good, intelligent, wise, united to all, and permanently prosperous and happy.

And, as a preliminary measure, the **TRADES OF THIS METROPOLIS** are invited to elect and send delegates to a meeting to be held in St. Martin's Hall, on Monday, January 1st, 1855, at 7 P. M., to have explained to them, that they may explain to their constituents in London, and to their fellow workmen over Great Britain and Ireland, the course which they will be recommended to adopt at the Great Meeting of Universal Delegates to be held as stated on the 14th May, on which day will be declared a coming change in the condition of the human race, without revolution or violence, to be

effected in peace, with order and wise foresight, and without injury to any one of any class in any country, but with high lasting benefit to all who shall from birth be placed within the new conditions.

Let all who shall attend these two meetings, come in the spirit of pure charity for all men, and with a right good-will to aid and benefit them regardless of their class, creed, country or color.

There will be no deception or secrecy in these proceedings, but the whole will be conducted with "Truth without mystery, mixture of error, or fear of man." And the glory of this elevation of mankind to a new phase in their condition will be alone to the God of the Universe, who evidently worketh all things in regular progress for the ultimate good and happiness of man.

ROBERT OWEN.

London, November 25, 1854.

# CORRESPONDENCE RELATING

TO THE

## POSTAGE OF MEMBERS.

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HALL OF THE HOUSE OF REPRESENTATIVES, }  
St. Paul, Jan. 24, 1855.

*To the Hon. Speaker of the House of Representatives:*

SIR—In accordance with a resolution of the House of Representatives of the 19th inst., relative to the postage of members of this body, I have the honor to lay before the House the following correspondence between the Postmaster at St. Paul and myself.

Respectfully,

Your Obedient Servant,

JAMES C. SHEPLEY,

Chief Clerk H. of R.

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HALL OF THE HOUSE OF REPRESENTATIVES, }  
Minnesota Territory, Jan. 19th, 1855.

*To the Postmaster of St. Paul:*

SIR—The House this day passed the following resolution, viz:

“*Resolved*, That the Chief Clerk of the House be directed to make arrangements with the Post Master in St. Paul for the payment of all postage on letters and papers sent to and from this House, during the present session.”

JAMES C. SHEPLEY,

*Chief Clerk.*

P. O., ST. PAUL, MINN., }  
 Jan. 17, 1855. }

SIR—Your letter of to-day is received, in relation to the postage of the members of the House of Representatives, during the present session.

I will say that the same arrangement will be made with the House as has been made with the Council, to wit: I will give credit for postage of members during the session, on condition that the Secretary of the Territory will pay the bill at the close of the present session.

Respectfully,

WM. H. FORBES, P. M.

By J. C. TERRY, Assistant.

MR. SHEPLEY, Chief Clerk H. of R.

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*COMMUNICATION FROM THE GOVERNOR.*

EXECUTIVE DEPARTMENT, }  
 Minnesota Territory, January 25, 1855. }

SPEAKER H. R. :—I have the honor to inform you that R. S. S. Andros is authorized to deliver messages from the Governor, to the House of Representatives.

Very Respectfully

Your Obedient Servant,

W. A. GORMAN.

OFFICE OF THE TERRITORIAL TREASURER, }  
St. Paul, Dec. 21st, 1854. }

*To the Honorable, the Council and*

*House of Representatives, of Minnesota Territory:*

In obedience to the requirements of the Statutes, I have the honor to report to you the condition of the Financial Department of the Territory, as exhibited by the Books of this Office, for a statistical report of which you are referred to the Schedule hereto annexed:

**CHARLES E. LEONARD,**

**SCHEDULE No. 1,**

*Showing the Dates, Drafts, Amounts and Receipts of the respective Counties, as exhibited by the books of the Territorial Treasurer.*

**RAMSEY COUNTY.**

AMOUNTS DUE.		MONEYS EXPENDED.			
DATES.	DRAFTS.	AMOUNTS.	DATES.	RECEIPTS.	AMOUNTS.
February 1, 1850,	-----	544 39	Feb. 1, 1850	-----	544 39
do 1851,	-----	782 11	do 1851	-----	167 63
do 1852,	-----	1060 82	do 1852	-----	1418 45
		<u>2387 80</u>	Total,	-----	<u>2130 45</u>
		2130 45			
Leaving a balance due,	-----	<u>256 85</u>			

WASHINGTON COUNTY.

February 1, 1850,.....	262 07	Feb. 1, 1850.....	228 90
do 1851,.....	335 17	do 1851.....	835 17
do 1852,.....	343 76	do 1852.....	782 48
do 1853,.....		do 1854.....	<u>1346 55</u>

BENTON COUNTY.

February 1, 1850,.....	26 05	Feb. 1, 1850.....	26 05
do 1851,.....	64 78	do 1851.....	
do 1852,.....	103 17	do 1852.....	100 00
do 1853,.....		do 1854.....	<u>126 05</u>

CHISAGO COUNTY.

February 1, 1852,.....	46 89	Feb. 1, 1852.....	0 00
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WABASHAW COUNTY.

February 1, 1852,.....	16 50	Feb. 1, 1852.....	7 00
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ITASCA COUNTY.

February 1, 1852,.....	8 62	Feb. 1, 1852.....	0 00
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**SCHEDULE No. 1—Concluded.**

AMOUNTS DUE.			MONEYS EXPENDED.		
DATE.	DRAFTS.	AMOUNTS.	DATES.	RECEIPTS	AMOUNTS.
<b>HENNEPIN COUNTY.</b>					
February 1, 1852,			1852		
1853,		43 50	Feb. 1 1855		102 88
<b>DAKOTA COUNTY.</b>					
February 1, 1854,			Feb. 10, '55		52 62

# REPORT

OF THE

## TERRITORIAL TREASURER FOR THE YEAR 1854.

*The accounts for Washington, Hennepin and Benton Counties, are as follows:*

### WASHINGTON COUNTY.

DATE.	RECT'S	WHEN DRAWN.	TO WHOM PAYABLE.	
June 8th, Rec'd from Treasurer of Washington county in Auditor's warrants,	\$ 595 00	Nov. 1, 1852. Dec. 20, 1853, July 9th, 1852.	James McBoal, salary, F. R. Delano, salary, F. K. Bartlett, on acc't Auditor, C. S. Thompson, road contract,	\$75 00 50 00 50 00 105 00
		Nov. 1, 1852.	J. E. McKuick, salary,	50 00
		" "	" "	50 00
In cash June 2d, Rec'd from Treasurer of Washington county Dec. 8th, in Auditor's warrants,	37 48 150 00	" " " " Sept. 7, 1853. Dec. 20, 1853.	F. K. Bartlett, services and station'y J. McBoal, salary, F. Murphy, axe-man on Ter. road, F. R. Delano, salary,	35 00 75 00 30 00 25 00
		" "	" "	25 00
		" "	" "	25 00
		" "	" "	25 00
		June 23, 1853:	" "	25 00
		6, "	" "	25 00
		" 6, "	" "	25 00
		23, "	" "	25 00
		" 23, "	" "	25 00
			Cash balance on hand,	\$37 48

HENNEPIN COUNTY.

DATE.	RECT'S	WHEN DRAWN.	TO WHOM PAYABLE.	
Dec. 11, 1854.	\$	Dec. 30, 1853,	A. Van Voorhes, salary,	\$50 00
Received of Treasurer of Hennepin cnt'y in Auditor's warrants,		Jan. 10, 1854,	Calvin A. Tuttle, salary,	50 00
	100 00			
Received in cash as per above,	2 88			
			Cash balance on hand,	\$2 88

BENTON COUNTY.

July 27, 1854,	\$			
Received of Benton county in cash,	100 00			
Received of G. W. Prescott,	2 62			

AUDITORY WARRANTS COUNTERSIGNED AND TO WHOM.

E. W. Merrill,	salary,	-----	\$ 50 00
Calvin A. Tuttle,	"	-----	50 00
L. A. Babcock,	extra services,	-----	100 00
"	"	-----	150 00
L. Emmett,	"	-----	53 60
"	"	-----	56 59
"	"	-----	36 00
"	salary,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	35 00
"	"	-----	25 00
"	extra services,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	15 00
"	"	-----	10 09
"	"	-----	28 00

J. T. Georgia,	salary,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00

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\$844 19

The above is a true statement of Auditor's warrants by me countersigned since the 20th day of February, 1854.

CHARLES E. LEONARD,  
*Territorial Treasurer.*

ST. PAUL, Dec. 21, 1854.

Whole amount of Auditor's Warrants received for the year 1854, and canceled, commencing February 20th, as per account stated .....	\$845 00
Whole amount of cash received, as per account .....	142 18
Cash paid on Auditor's Warrant drawn in favor of E. W. Merrill's salary ....	30 00
Cash paid on Auditor's Warrant drawn in favor of L. Emmett's salary .....	20 00
Cash ballance on hand .....	92 98

The above Report is a correct statement of Auditor's Warrants received, and cash received and paid out since the 20th of February, 1854.

CHARLES E. LEONARD,  
*Territorial Treasurer.*

ST. PAUL, December 21st, 1854.

In further report I would respectfully call the attention of the Legislature to a repeal of the amendment of section four of article three of chapter eight of the revised statutes.

The effect of said amendment being to place under the control of the county treasurer the management of matters pertaining solely to the office of the Territorial Treasurer, and imposing upon the county treasurer duties which are foreign to his office, and belonging exclusively to that of the Territorial Treasurer.

The practical working of the said amendments completely nullifies and at the same time embarrasses the action of the Territorial Treasurer, and works an injustice to the holders of Auditor's warrants. For example:

It appears by the books of this office that Auditor's warrants issued in 1850 and 1851 still remain unpaid, though often presented for payment, which would not have been the case if the moneys owing to the office of the Territorial Treasurer had been paid over to the said Treasury instead of being discharged by Auditor's warrants through the county Treasurers.

It will be seen therefore, that the Territorial warrants, by such amendment, instead of being paid by the Territorial Treasurer, a duty properly belonging to his office, and none other, are paid by the County Treasurer.

I would respectfully call your attention to the certificate of the Register of Deeds of Washington county, which is herewith submitted, by which it appears that the whole amount of tax assessed in that county for the year 1850, as seen by the records of the

county Commissioners, was \$2,288 60, of which \$228 86 was due to the Territorial revenue. By the books belonging to this office, it appears that the said amount \$228 86 was duly paid, and a balance of \$33 17 still remaining due to the Treasury of the said county of Washington for the year 1850. The original draft therefore as it appears to me being in error, having been drawn by the Treasurer and countersigned by the Auditor for more than was due from that county by \$33 17, I would therefore respectfully recommend that the same be canceled from the books of this office.

CHARLES E. LEONARD,  
Territorial Treasurer.

OFFICE OF REGISTER OF DEEDS OF WASHINGTON COUNTY, }  
Minnesota Territory, December 6, 1854. }

I do hereby certify that the whole amount of Tax assessed in this county, in the year 1850, as it appears by the records of the county Commissioners was \$2,288 60, of which \$2,059 74 was for County revenue, and \$228 86 for Territorial revenue.

In testimony whereof, I have hereunto set the seal of the county.

H. CURLIS,  
Register of Deeds.

EXECUTIVE DEPARTMENT, MIN. TER. }  
February 5, 1855. }

SPEAKER HOUSE OF REPRESENTATIVES:

I have the honor to transmit herewith the 2d Annual Report of the Inspectors of the Territorial Prison.

Very Respectfully,

W. A. GORMAN.

WARDEN'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 1, 1855. }

Gov. W. A. GORMAN:

Sir—I herewith transmit to you the proceedings of the Board of Inspectors of January 1st, as also their report to you for the year ending Dec. 31, 1854.

F. R. DELANO,  
Warden.

INSPECTOR'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 1, 1855. }

SIR:—In accordance to the statute, we transmit to you our Second Annual Report of the affairs of this Prison. During the past season, a large amount of work has been performed upon the Prison, and the grounds belonging thereto, under the appropriation in the hands of the Warden, and expended by H. F. Masterson, Disbursing Agent of the United States. The grading and drainage of the grounds has been completed, as has also been the principal Prison buildings. There is still wanted, to meet the purposes for which this institution is intended, a work-shop, which will answer the present and future wants of the Prison, and in which the convicts may be employed in a more secure manner than at present. We estimate the cost of a suitable shop, to be built of stone, at six thousand dollars, and would recommend that a memorial to Congress praying for an appropriation for that amount and to be applied to that purpose.

We are pleased to say that the general affairs of the Prison and police thereof, under the management of the present warden meets with our entire approval, and that the convicts are well fed and clothed, and carefully watched. It has been with us, in our management thereof, a rule to make this institution a place where the convict may become permanently reformed and fitted again to become a member of society, as well as a place for the punishment of offences against the laws. During the term for which we have acted as Inspectors, and which will expire with the present session of the Legislature, our duties have been attended with more than the ordinary amount of labor, the erection of the proper buildings, and the general carrying on of the works, with regard to their future usefulness leads us to believe that we can point to this Institution of our Territory and future State, as one where the appropriations made therefor have been economically expended, and to as good purpose as at any place within our knowledge.

Hoping that our duties have been performed to the satisfaction of the people of the Territory, we respectfully submit this our report.

J. B. DIXON,  
Chairman of the Board.

To Governor W. A. GORMAN,

INSPECTOR'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 11, 1855. }

Board met.

Present—Messrs. Dixon and Stearns.

The warden of the Prison laid before the Board the amount of bills paid by him during the past six months, which were examined and approved.

On motion of Mr. Stearns,

The Board adjourned to meet the first Monday in April next.

Signed,

J. B. DIXON,  
Chairman.

Attest:

F. R. DELANO, Clerk.

I hereby certify that the above is a correct transcript of the doings of the Board of Inspectors at their meeting, January 1st, 1855.

F. R. DELANO,  
Warden.



**REPORT**  
OF THE  
**WARDEN OF THE TERRITORIAL PRISON.**

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*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

The undersigned respectfully submit the following report of the affairs of the Territorial Prison, for the year ending Dec. 31, 1854:

During the last year the balance of the appropriation on hand Dec. 31, 1853, has been expended upon contracts entered into the spring of 1853; as also a large amount of work been done under the appropriation of Congress, and disbursed by H. F. Matterson, Esq., disbursing agent for the United States Treasury Department. Under these appropriations the grading has been completed, according to the original plans, as has also been the drainage of the grounds.

The Prison buildings are also complete, with the exception of workshop accommodations, to which latter want I would call the particular attention of your honorable body, and suggest the propriety of memorializing Congress for an appropriation of six thousand dollars, with which to erect a stone workshop suitable for the present and future use of this institution.

Two convicts have been received during the past year. None have been discharged. The large amount of emigration from the old States, taken in connection with our criminal code, renders it probable that increased accommodations will be needed at an early day.

It affords me particular pleasure to make honorable mention of the high state of morals and general steady habits of the convicts, at present confined in this institution.

In this connection I would also suggest the propriety of a small appropriation for the increase of the Theological portion of the prison library.

In regard to the fiscal affairs of the prison, I refer you to the annexed statement of receipts and expenditures, marked B.

All of which is most

Respectfully submitted,

F. R. DELANO,

Warden.

WARDEN'S OFFICE, Territorial Prison, Jan. 1, 1855.

## PREAMBLE AND RESOLUTIONS

OFFERED BY MR. WILLIM,

### RESPECTING CHARGES OF BRIBERY OF MEMBERS.

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*Whereas*, Certain of the public newspapers of the City of St. Paul have, during the last eight months and up to the present time, teemed with charges of fraud and corruption respecting the Legislature of this Territory, implicating as well the members of last session as of this.

*And Whereas*, Certain members of the Council in their places upon the floor of the Council have repeated and given currency to such charges,

*And Whereas*, The dignity and honor of this House and the reputation of the people of this Territory require that those charges be thoroughly investigated.

*Be it therefore resolved*, That a Committee of three be elected by this House, to enquire into and report upon all charges, allegations and complaints that may be brought to the notice of said Committee, respecting the offer to, or acceptance by any member of the Legislature, at its present session, of any money, or other valuable thing, with a view to influence the vote of such member, or to influence such member to refrain from voting or attending either House pending the passage of any bill, or the election of any printer or presiding officer or officers of either of said Houses, or whether any member has been so influenced by reason of, or approached by any person with or any promises of reward or preference of any kind, or whether threats have been made to any member, with a view to influence his vote by any executive officer of this Territory.

And said committee are required to report from time to time to this House, and they are at liberty, if they see fit, to set and proceed with such inquiry during the recess of the Legislature and report to this House at the next session thereof.

And said committee shall have power to send for persons and papers, administer oaths to witnesses, and do all other proper acts necessary to elicit the truth in the premises,

EXECUTIVE DEPARTMENT,  
Minnesota Territory, January 26, 1855. }

**SPEAKER H. OF R.**:—I have the honor to transmit, herewith, for your information, a Joint Resolution passed by the Legislative Assembly of the State of Iowa, praying Congress to make an immediate appropriation for the improvement of the Rock Island and Des Moines rapids, of the Mississippi;—and also asking the assistance of the different States and Territories included in the valley of the Mississippi.

I cordially concur in the views expressed by the Iowa Legislature, and think it highly proper that the Legislature of this Territory should take favorable action in the matter.

Very respectfully, your obedient servant,

W. A. GORMAN.

## JOINT RESOLUTION

### ASKING AID OF CONGRESS TO IMPROVE THE ROCK ISLAND AND DESMOINES RAPIDS OF THE MISSISSIPPI.

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*Whereas*, The people of Iowa, of upper Illinois, of Wisconsin, and of Minnesota Territory, yearly suffer immense losses in property, and are put to great costs and charge in their course of travel and commerce, by and in consequence of the obstructions in the Mississippi river, known as the Rock Island and Desmoines Rapids: And whereas, the work done on these rapids for the improvement of navigation through and over the same, during the present year has demonstrated the feasibility and ease with which a channel may be cut through said Rapids of equal depth of the river in other points:

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence with energy, to procure from Congress an immediate appropriation for the continuation of the work on said Rapids, and the improvement of the channel through and over the same.

*Resolved*, That the Governor of this State be requested to forward copies of this joint resolution to our Senators and Representatives in Congress, and to the Senators and Representatives of the several States and Territories included within the valley of the Mississippi, and ask their assistance in procuring the appropriation herein Prayed for.

REUBEN NOBLE, *Speaker of the House.*

MATURIN L. FISHER, *President of the Senate.*

Approved 11th January, 1855.

JAMES W. GRIMES.

DEPARTMENT OF STATE, IOWA CITY, IOWA, }  
January 12th, 1855. }

I certify the foregoing to be a true copy from the original rolls on file in my office.

GEORGE W. McCLEARY, *Sec'y of State.*

EXECUTIVE OFFICE, IOWA CITY, }  
17th January, 1855. }

*To his Excellency the Governor of Minnesota Territory:*

SIR:—I beg leave to call your attention to the foregoing joint resolutions of the General Assembly of the State of Iowa, asking for additional appropriations to improve the Rapids of the Mississippi River. The small appropriation heretofore made to this object has sufficiently demonstrated the feasibility of the improvement, and its importance to the commercial interests of the whole Union is confessed by all. The people of the State of Iowa respectfully solicit your co-operation in this behalf.

I am, very respectfully,

Your bedient servant,

JAMES W. GRIMES.



**REPORT**  
OF THE  
**COMMITTEE ON TERRITORIAL ROADS**

**RESPECTING AN ACT ENTITLED AN ACT TO SECURE TO THE  
OWNERS THEIR PROPERTY IN LOGS, MASTS, SPARS, AND OTHER  
TIMBER.**

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That in their opinion the said bill provides only such securities and safeguards to property as may safely be granted by any Legislative body, and that too, for a class in the community whose capital, enterprise and energy have done more to increase the wealth, encourage emigration, and open the resources of our Territory, than any other save one, and is only equalled, not excelled, by that—the Agricultural interest. And though there are imperfections in the bill, your committee think they can suggest such amendments as will remedy them all, without the necessity of cutting out whole sections, thereby rendering it for all purposes for which it is intended inoperative, and a new incumbrance upon the Statute Book.

The Lumberman's life is one of toil, from the first moment he builds his rude shanty in the forest, the first load of supplies he sends to that camp, and the first blow he strikes, until he finally reaches with his raft, after many long, perilous miles, his market far down the Mississippi. The Lumberman, after expending, not alone his time and strength, but considerable sums of money, for his business requires the investment of a large amount of capital, cannot, like the merchant, pile up his goods in warehouses, or lay them on the shelves, and with doors barred and bolted, rest secured that no intruder can molest, or like the banker, shut up his bags of gold, his bonds or his stipulators, in a safe alike imperious to the thief or fire, but far out of

sight, must trust his own good fortune and the honesty of others, that he ever finds these logs, the only representative of his wealth.

And what day does the lumberman distinguish his own property from that of multitudes of others pursuing the same business, driving their logs on the same waters, and toward the same market? By the rough carving of the woodman's axe either of the initials of the owners names, or some mark of the like nature, barely cut through the bark. This and this alone is from the necessity of the case, the sole means the owner can have to identify his property, and it is at the mercy of any scoundrel, who chooses at the expense of a few moments work, to obliterate all evidence of ownership, and then raft them together and coolly claim them as his own, because forsooth, there is upon them no evidence of their belonging to any one except him who has them in possession.

Evidence of theft in such cases is so hard to be obtained, and so rare must be convictions under any law found to prevent the stealing of timber, it is no more than just that the provisions of any law for that purpose should be very stringent, the penalties severe, and every facility given for the detection of the offender, in order that the slightest good may be effected, and unprincipled men may be deterred from committing depredations upon this kind of property.

Those who are only accustomed to large speculations, may think that it is but a small matter if a log or two be taken now and then worth only one, two or three dollars, and that no Legislature should be burthened with a matter of so small importance, yet to the lumberman it is a matter of great importance if in the course of a season, two or three hundred of his logs are spirited away, for he feels it in his pocket to the tune of dollars and cents.

We might instance cases where men have, this winter, taken logs from the St. Paul Boom, cut out the marks, shoved the marked pieces under the ice, and riving the balance into shingles, sold them in the streets of St. Paul, with no other right than any man has to his neighbor's pocket-book, if he can take it out without the fear of detection.

Your committee therefore feel that it is not asking too much if they trespass upon the time of the House sufficiently long to discuss the different sections of this bill.

The first section provides that if any one shall take the timber of another, without his consent shall be fined \$2,000 for each offence, one half for the benefit of the informer, and one half for the Territory.

The object of this provision is to induce accomplices in guilt to become informers for the sake of the reward. And for the purpose of making the law still more stringent, your committee would recommend that this section be amended by adding after the word "complaint" in the 7th line the words

"and imprisonment in the territorial prison not exceeding twelve months," leaving it at the discretion of the court, in aggravated cases to sentence for a further penalty, though in our opinion it may be doubtful whether the chief object to be gained, that of procuring an informer will not be lost by making the penalty too severe.

SEC. 2d Provides that if any one shall steal any logs or other timber, he shall suffer the penalty provided by Statute for larceny if he has not been convicted under the provisions of the first section providing two, and somewhat different punishments for the same offence. And to render it more strongly operative against the wrong, your committee would recommend that the section be amended by inserting after the word "employment" in the second line, the words "or under the direction."

The third section provides a punishment for any person who shall alter the mark on any log not being the owner thereof, and, as has been before said, the mark on a log is the only true evidence of ownership, therefore your committee think that no man should be allowed, not being the owner of such log, to cut or mutilate it at pleasure; therefore that the following words be stricken out in the second and third lines of said section, "and with the intent to claim the same."

The 4th section provides that the person shall be liable, if he steals logs or other timber to pay the owner twice the value of each stick he wrongfully takes.

SEC. 5. Provides that if any timber is found in the possession of another, with the marks cut out or altered, it shall be presumptive evidence of his guilt.

Your committee do not think this an unjust provision. It could rarely happen that a man could take or have taken into his mill a log, and have it go through the process of "cutting," "scalping" and rolling it upon the carriage, without finding out that it is the property of another, and if an honest man, he would be likely to take such care himself, or give his men such directions, that he would not have all the trouble of running out of his mill logs that he did not own, nor would he except in extraordinary cases, if so unfortunate as to take up his neighbor's logs, have any trouble for proving that it was a mistake. Nor is it often the case that logs, in running down any stream, get the marks cut out. Logs often wear off the mark, or are broken up in driving, but are not cut up; but knaves often cut the marks out of logs to prevent the owner from proving property. Logs are not usually by extraordinary freshets carried into a man's yard in that condition, and if such a case should occur, it is not only possible, but highly probable, that he would be enabled to prove that he had in no way occasioned the mutilation. Moreover it is but more directly asserting a presumption

of law, that the onus falls upon the person in whose possession stolen property is found, to prove that he came honestly by it. Therefore your committee would recommend that this section which was stricken out in the committee of the whole, be reinstated in the bill.

SEC. 6th Provides that any person, by himself or his agent, may enter in a peaceable manner upon any mill, raft, &c., for the purpose of searching for any logs or timber he may have lost; and any person willfully obstructing such search, shall be fined in a sum not less than twenty or more than fifty dollars. Your committee fail to see any injustice in this provision.—Persons going into mills or upon rafts of logs every day, where by strict construction of law, they are but re-passers; but your committee fail to see any particular damage done the owner. Yet under that construction of law the possessor denies the right of the owner to look for himself. He may go on stealing with impunity, only now and then obliged to lose a part of his ill-gotten gain, when he finds a legal search is about to be made, by pushing the log from his raft, in running the slab from his mill that bear upon it the evidence of his guilt, letting it float off with the current, so easy is it near running streams or even in ponds to set wood floating. The victim however, pays justices' fees and officers' fees, becomes not "a wiser," nor probably a "better man," but does have the satisfaction of having made a "legal search."

Your committee think this section should be retained, but to make it perfect, that in the fourth line the words "an action of debt," be stricken out, and instead the words "a civil action" be inserted. And in order to prevent any injustice being done any party, the following words be added: "Provided that in case search be made, and no logs be found belonging to the party making such search, then the party shall be liable for all damages occasioned to the owner of said mill, millbrow, raft of logs or other timber on account of said search to be by him recovered in a civil action."

The remaining sections of the bill we believe to be equally meritorious with the others; yet we would offer such amendments to section 7 as will in our opinion, render its meaning more clear, and trust that none will oppose the reinstating of the section as amended, unless they wish to compel the honest lumberman to drive the logs of the mean and dishonest among his fellows, who would get their logs driven at his expense. How easily this may be done, we trust there are lumbermen enough on the floor of this House to explain, and save your committee the trouble of arguing the point.

Your committee would propose the following amendments to section 7, and would urge that the bill, as amended, should pass.

Amend the fourth line of this section so that it shall read to their "destination or place of manufacture."

In the fifth line, add at the end of the line, after the word owner, the words "or owners."

In the sixth line, after the word or, add the words "his or their."

In the eighth line, the words "if the owner of such logs cannot be ascertained," be stricken.

Change, in the 9th line, the word section to "chapter." Also add the following: "Provided that before proceeding to drive such logs, the owner or owners thereof shall (if he or they can be found within a reasonable time) be duly notified of the intention of the person giving such notice to drive said logs, and if, after such notice to the owner, (if he can be found within a reasonable time,) he neglect to drive said logs, the person giving said notice, or after having made diligent search for the said owner, may proceed to drive said logs to some secure place, in accordance with the provisions of the preceding section."

The section, as amended, will read as follows:

"Sec. 7. Any person whose timber, in any of the waters of this Territory shall be so intermixed with the logs, masts, or spars of another, that the same cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all logs, masts, and spars with which his own are intermixed, toward their destination or place of manufacture, when no special and different provision is made by law for driving such lumber, and shall be entitled to a reasonable compensation from the owner, to be recovered, after demand therefor on the said owner or owners, or his or their agent, if known, in a civil action, and he shall have a prior lien on the same until thirty days after the timber shall have arrived at its place of destination, in order to enable him to attach the said logs, masts and spars in such action, and the same proceedings may be had for the collection of such demand or demands as is provided in chapter 86 of the Revised Statutes of this Territory for the collection of demands against boats and vessels navigating the waters of this Minnesota Territory.



# JOURNAL OF THE EXECUTIVE SESSION.

FRIDAY.

MARCH 2, 1855.

The lobby being cleared, and none but the members and sworn officers of the Council present,

On motion of Mr. Van Etten,

The following message, on executive business, from his Excellency the Governor, was then read, viz:

EXECUTIVE DEPARTMENT, MINNESOTA TERRITORY, }  
February 28th, 1855. }

*To the President of the Council:*

SIR:—I have the honor, to ask the advice and consent of the Council, to the following nominations of Notaries Public, to wit;

L. E. Thompson, Stillwater,	March 8th, 1854.
Robert Fairbanks, Long Prairie,	“ 10th, “
William Lauver, Goodhue county,	“ 10th, “
William L. Ames, Ramsey “	“ 9th, “
Theodore Borup, Ramsey “	“ 10th, “
William B. Gere, Winona, “	“ 18th, “
Charles J. Hennis, Ramsey “	April 21st, “
William P. Murray, Ramsey “	May 9th, “
William Richardson, “ “	“ 9th, “
William Brewster, “ “	“ 9th, “
C. L. Willis, “ “	“ 9th, “
Lewis Branson, Mankato,	“ 9th, “
Freeman C. Taylor, Washington county,	“ 9th, “
Thomas B. Hunt, Saint Paul,	“ 9th, “
F. McCormick, Ramsey county,	“ 31st, “
John Keys, Winona,	August 9th, “
Abraham F. Hary, Houston county,	“ 9th, “
Benjamin H. Randall, Pierce county,	“ 10th, “

George Hezlep, Ramsey county,	Aug. 15th,	"
George W. Farrington, Ramsey county,	" 15th,	"
Wilbur M. Hayward, Ramsey county,	September, 1st,	"
John H. Smith, Brownville,	" 19th,	"
T. H. Smith, Saint Paul,	" 18th,	"
E. M. Patridge, Saint Paul,	" 23d,	"
B. F. Tillston, Fillmore county,	October, 12th,	"
P. P. Humphrey, Kasota,	" 12th,	"
E. M. Tracy, Saint Anthony,	" 12th,	"
O. T. Hayes, Dakota county,	" 13th,	"
J. C. Shepley, Ramsey county,	" 18th,	"
A. C. Dunn, Benton county,	" 20th,	"
A. Gale, Dakota county,	November, 9th,	"
O. H. Kelley, Benton county,	" 9th,	"
Philander Sanford, Goodhue county,	" 20th,	"
L. W. Folsom, Chisago county,	December, 5th,	"
C. D. Gillfillan, Ramsey county,	" 15th,	"
W. H. Tompkins, Ramsey county,	" 15th,	"
J. F. Hoyt, Ramsey county,	" 18th,	"
C. H. Drew, Sibley county,	" 28th,	"
H. A. Lambert, Saint Paul,	January, 4th, 1855.	
R. Fairbanks, Cass county,	" 4th,	"
E. H. Day, St. Anthony,	" 16th,	"
F. M. Crepean, Hennepin county,	" 19th,	"
J. B. Wakefield, Scott county,	" 20th,	"
William B. Dodd, Nicolet county,	" 24th,	"
R. K. Whitesley, Wabashaw county,	" 25th,	"
J. D. Jenkins, Rice county,	" 26th,	"
L. C. Dayton, St. Paul,	February, 7th,	"
O. Mallmross, Ramsey county,	" 7th,	"
G. N. Willis, Fillmore county,	" 8th,	"
Joseph Ford, Goodhue county,	" 18th,	"
A. E. Greenleaf, Scott county,	" 18th,	"
H. L. Edwards, Fillmore county,	" 20th,	"

Very Respectfully,

Your Obedient Servant,

W. A. GORMAN.

Mr. Brown moved,

That the nominations of Notaries Public, by his Excellency, the Governor, be now taken from the table;

Which motion being put,

It was agreed to ;

The question then recurring,

"Will the Council advise and consent to the appointment of L. E. Thompson of Stillwater as Notary Public?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Robert Fairbanks as Notary Public for Long Prairie?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of Wm. Lauver, as Notary Public for Goodhue county?"

The question then recurring,

"Will the Council advise and consent to the appointment of M. L. Ames, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Theodore Borup, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. B. Gere, as Notary Public for Winona county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Chas. J. Henniss, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. P. Murray, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. Richardson, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. Brewster, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. L. Mills, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Lewis Branson, as Notary Public for Mankato?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. C. Taylor, as Notary Public for Washington county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Thomas B. Hawk, as Notary Public for St. Paul?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. McCormick, of Ramsey county, as Notary Public?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Jno. Keyes, as Notary Public for Winona county?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of A. J. Hary, as Notary Public for Houston county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of B. H. Randall, as Notary Public for Pierce county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wilber Hayward, as Notary Public for Ramsey county?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of Geo. Heslep, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Geo. W. Farrington, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of Jno. H. Smith, as Notary Public for Brownsville?"**

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of J. M. Smith, as Notary Public for St. Paul.**

It was decided in the affirmative.

The question recurring,

**"Will the Council advise and consent to the appointment of E. M. Patridge, as Notary Public for St. Paul?"**

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of B. F. Tillotson, as Notary Public for Fillmore county?"**

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of P. P. Humphrey, as Notary Public for Kasota county?"**

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of L. M. Tracy, as Notary Public for St. Anthony?"**

It was decided in the affirmative.

The question recurring,

**"Will the Council advise and consent to the appointment of O. P. Hayes, as Notary Public for Dakota county?"**

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of Alexander Farribault, as Notary Public for Rice county?"**

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of J. C. Shepley, as Notary Public for Ramsey county?"**

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of A. C. Dana, as Notary Public for Benton county?"**

It was decided in the affirmative.

The question then recurring,

**"Will the Council advise and consent to the appointment of Artemas Gale, as Notary Public for Dakota county?"**

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of O. H. Kelley, as Notary Public for Benton county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Philander Sandford, as Notary Public for Goodhue county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of L. W. Folsom, as Notary Public for Chisago county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. D. Gillfillan, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of W. H. Tompkins, as Notary Public for Ramsey county?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. F. Hoyt, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of H. A. Lambert, as Notary Public for St. Paul?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. H. Drew, as Notary Public for Sibley county?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of R. Fairbanks, as Notary Public for Cass county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. M. Cripean, as Notary Public for Hennepin county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. B. Wakefield, as Notary Public for Scott county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. B. Dodd, as Notary Public for Nicollet county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of R. K. Whitely, as Notary Public for Wabashaw county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. D. Jenkins, as Notary Public for Rice county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of S. C. Dayton, as Notary Public for St. Paul?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of E. H. Day, as Notary Public for St. Anthony?"

It was decided in the negative,

The question then recurring,

"Will the Council advise and consent to the appointment of O. Malmross, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of G. N. Willis, as Notary Public for Fillmore county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Joseph Ford, as Notary Public for Goodhue county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of E. A. Greenleaf, as Notary Public for Scott county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of H. L. Edwards, as Notary Public for Fillmore county?"

It was decided in the affirmative.

On motion of Mr. Stearns,  
The Secretary of the Council was instructed to inform his Excellency the Governor,  
of the proceedings of this Executive Session.

On motion of Mr. Van Etten,  
The Executive Session closed.

WM. P. MURRAY,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

## AN ACT,

### AMENDATORY TO AN ACT INCORPORATING THE STILLWATER AND SAINT ANTHONY RAILROAD COMPANY.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota:*

That John McKusick, Elias McKean, Christopher Carli, Isaac Staples, Willim H. Mower, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and assigns, are hereby created a body corporate, by the name of the Stillwater and Saint Anthony Rail Road Company and by that name shall be and are hereby made capable in law to purchase hold and enjoy and retain to them and their successors, lands tenements and hereditaments, so far as may be necessary for the purpose of said railroad, and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and to be sued, implead and to be impleaded, answer and to be answered, defend and to be defended; and also, to make and use a common seal, and the same to alter or renew at their pleasure; and if either of the persons named in this section shall die, refuse or neglect to execute the powers, and discharge the duties hereby created it shall be the duty of the remaining persons herein before named, or a majority of them, to appoint a suitable person, or persons, to fill such vacancy, or vancancies, so often as the same shall occur.

SEC. 2. The said corporation are empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous route whereon to construct a Railroad, and shall cause an estimate to be made of the probable cost thereof, and the said corporation shall be, and they are hereby invested with the right to construct a Railroad with one or more tracks from the City of Stillwater, Washington county, Minnesota Territory, by the most feasible and advantageous route to the Falls of St<sup>l</sup> Anthony, on the Mississippi river.

SEC. 3. The capital stock of said corporation shall be one million of dollars, and shall be divided into shares of one hundred dollars each, and five dollars on each share shall be paid at the time of subscribing.

SEC. 4. The above named persons, or a majority of them, are authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription, which books shall be opened at the city of Stillwater, the city of Saint Paul and at Saint Anthony, and at such other places as they may deem

expedient, by giving thirty days notice in some newspaper printed in the Territory of Minnesota, and in such other places as may be thought advisable, of the time and place or times and places, of opening said books, said books to be kept open thirty days.

SEC. 5. So soon as one hundred thousand dollars of said stock shall have been subscribed the above named persons, or the same number thereof as shall have given notice above required, shall give like notice for the meeting of the stockholders, to choose directors at some time at least thirty days thereafter, and at some place within said Territory of Minnesota. And if, at such time and place, the holders of one-half or more of said stock subscribed shall attend, either in person or by lawful proxy, they shall proceed to choose from the stockholders, by ballot, nine directors, each share of stock entitling the owner to one vote; and at such election the persons named in the first section of this act, or those appointed by its provisions to fill vacancies which may have occurred or any three of them if no more be present, shall be inspectors of such election and shall certify in writing signed by them or a majority of them what persons are elected directors, and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be directors, to complete the number required and shall certify the same in like manner, and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting five shall form a board competent to transact all business of the company, and thereafter a new election of directors shall be made annually at such time and places as the stockholders at their first meeting shall appoint, and if the stockholders at their first meeting shall fail to appoint the day of such election, then it shall be holden in the succeeding year on the same day of the same month, on which the said first election was holden unless the same shall be on the first day of the week, in which case it shall be holden on the next day succeeding, and if no election be made on the day appointed said company shall not be dissolved, but said election may be made at any time appointed by the by-laws of said company.— The said directors shall elect one of their number President and shall appoint a Secretary, Treasurer, such engineers, and other officers, as they may find necessary; shall fix their compensation, and may require adequate security for the performance of their respective trusts.

SEC. 6. The directors may receive payment to the subscriptions to the capital stock at such time, in such proportion, not exceeding twenty-five per cent at any one installment, under such conditions as they shall deem fit, under the penalty of forfeiture of all previous payments thereon, or otherwise: *Provided*, They shall never require the payment to be made at any place out of the counties through which said road shall pass; and such directors shall, at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner required in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

SEC. 7. The directors of said company shall have power to make, from time to time, all needful rules, regulations and by-laws touching the business of said company, and to determine the number of tracks and railways upon such road, and the width thereof, and the description of carriages, which may be used thereon; to regulate the amount of tolls, and the manner of collecting the same for such transportation, and to fix penalties for

the breach of any such rules, regulations or by-laws, and to direct the mode and condition of transforming the stock of said company; and penalties provided for by the said by-laws may be sued for by any person authorized thereby, in the name of said company, and recover, in a civil action before any court having jurisdiction of the amount, and the said company may erect and maintain station and toll houses, and such other buildings and fixtures as the accommodation of those using said road may require.

SEC. 8. The said company may construct the said Rail Road across any public or private road, highway, stream of water, or water course, if the same shall be necessary; but the said company shall restore such road, highway, stream of water, or water course, to its former state, or in a sufficient manner not to impair its usefulness to the owner, or to the public.

SEC. 9. As soon as the amount of tolls accruing and received from the use of said road, or part thereof, according to the provisions of this act, shall exceed six per cent on the amount of said capital stock paid in, after deducting therefrom the expenses and liabilities of said company, the directors of said company shall make a dividend of such nett profits among the stockholders, in proportion to their respective shares, and no accumulative fund exceeding one per cent of the profits of said company, shall remain undivided for more than six months. The stock, property and effects of this company shall be exempt from taxation under the laws of this Territory until the said road shall be completed and in running order.

SEC. 10. If any person or persons shall wilfully obstruct or in any way spoil, injure or destroy said road or any of its depots, station houses, cars, store houses, buildings, machine shops or other fixtures, or anything belonging or incidental thereto, or any materials to be used in the construction thereof, or any building fixture or carriage erected or constructed for the use and convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in a civil action in any court having jurisdiction of the amount.

SEC. 11. Whenever it shall become necessary in the location or construction of said road to pass through the land of any individual, it shall be the duty of said company to provide for said individual proper wagon ways and all necessary roads and passages across the track of said road Railroad, or otherwise the company shall be liable to such individual in treble the amount of damages occasioned by such neglect.

SEC. 12. Said company shall have power to increase its capital stock two millions of dollars.

SEC. 13. The said company shall have the right to enter upon any lands to survey and lay down said road not exceeding one hundred and thirty feet in width, except where it is necessary to leave room for turn-outs, sites for water, building conduits and tanks, sites for depots and store-houses, machine and other shops, and the extra tracks necessary therefor. And whenever it is necessary to have such lands, they shall have the right to enter upon, take hold and occupy such lands, and also to enter upon any lands adjoining said road, and obtain therefrom sand, gravel, stone and other materials as may be necessary for the construction of said road. And whenever any lands or materials shall be required for the construction of said road, and the same shall not be given or granted to said company, to be paid therefor, shall be ascertained in the man-

ner following, to wit:—Said company shall apply to the Judge of the District Court of the Territory of Minnesota for the appointment of three commissioners, whose duty it shall be at the earliest practicable time after their appointment, to proceed to examine and assess the damages which may be sustained by the several owners or claimants of the lands through which the road of said company is located; and the said commissioners in assessing said damages, shall deduct therefrom the benefit which said lands receive by the construction of said road. It shall be the duty of said company to give thirty days notice of their application for the appointment of said commissioners, in at least one newspaper published in each of the counties through which said road is laid out. And it shall be the duty of said commissioners to cause ten days notice of their meeting to appraise the damages of any lands through which said road may run, to be given to the owner or claimant thereof; and in case said owner or claimant shall be a minor, insane person, or unmarried woman, then such notice shall be given to the guardian committee or husband of such minor, insane person, or unmarried woman. Either party feeling himself aggrieved by the decision of said commissioners may appeal to the district court of the county in which said lands may be situated; and said appeal shall be tried in the same manner as any suit commenced therein, *provided* that said company shall not in any manner be delayed in the construction of their road by any such appeal, but may proceed immediately with such construction, on paying into the office of the clerk of said court the amount of moneys awarded to the owner or owners of such lands, and filing a bond with said clerk to said owner or owners of such land, binding said company to pay such further sum as may be finally awarded against said company. The notice to be given by the commissioners to the owners of lands required for the railroad, shall be in writing, and be delivered to said owner or owners or left at their usual place of residence, if residents of this Territory, or if non-residents then said notice to be given by publishing the same in a newspaper published in the county where said land is situated, for four successive weeks before making said appraisement.

Sec. 14. The said company is hereby authorized to borrow money to be expended in the construction and equipment of their said road and its appendages, and to issue bonds for the payment thereof, in the usual form, such bonds not to exceed in the aggregate, at the period of the completion of said road, three-fourths of the whole amount actually expended on said road and its appendages aforesaid, and may make and execute in the corporate name of said company all necessary mortgages, writings, notes, bonds, or other papers, for any liability that it may incur in the construction or equipment of said road.

Sec. 15. The said company is hereby authorized and empowered to construct their said railroad and its branches in sections as fast as they may obtain the means of so doing, and the franchise of the portions so completed and put in operation shall vest in said company the same as though the whole was completed.

Sec. 16. The said company is authorized and empowered to connect its road with the road of any railroad company or companies in the Territory of Minnesota; or to become part owner or lessee of any railroad in said Territory. And any railroad company in said Territory duly organized under the laws of said Territory may connect its road with the road of this company, and may in like manner with the consent of this

company become part owner or lessee of the road of this company, or any portion thereof situated in this Territory.

SEC. 17. This company shall have power to enter upon and pass over the Railroad of any other company whose railroad connects with that of this company, with their cars and engines; and any other company whose railroad connects with this railroad, shall have like power to enter upon this railroad and pass over the same with their cars and engines; and such reciprocal use of said respective railroads shall be upon terms to be agreed upon by the officers of the respective companies, and in case such terms cannot be agreed upon by said officers, then an application may be made by either party to the Supreme Court of this Territory, whose duty it shall be to fix such terms for the respective parties as the equity of the case may demand.

SEC. 18. The said Stillwater and St. Anthony Railroad Company shall commence and complete their said road within six years from the passage of this act.

SEC. 19. Every conductor, baggage-master, or other agent or servant of the said company, and who shall be engaged in the ticket-office or on the cars on said railroad, shall wear upon his hat or cap a plain badge which shall indicate his office or station, and no conductor or collector shall demand or be entitled to receive any fare or toll from any freight or passenger, or exercise any control or direction in his station, or be authorized or allowed to interfere with any passenger, baggage or freight, without wearing such badge.

SEC. 20. Every locomotive engine on said railroad shall be furnished with a good and sufficient alarm-bell or whistle, which shall be fully sounded at least eighty rods distant from every highway crossing while the engine, either with or without a train of cars, shall be passing over said road; and for every violation of this section, the said company shall forfeit and pay to whomsoever shall prosecute for the same, the sum of one hundred dollars.

SEC. 21. This is hereby declared a public act, and shall be favorably construed in all legal and equitable proceedings for the accomplishment of the objects intended by this act.

SEC. 22. The Legislature may at any time alter or amend,



## GOVERNOR'S MESSAGE.

Mr. SPEAKER:—

I am directed by the Governor to inform the House of Representatives, that Bill number 59, being an Act supplementary to an act entitled "An act to amend the Minnesota and North-Western Railroad Company," has been retained in his possession more than three days, whereby it has become a law under the provisions of the 20th section of the organic act." His reasons therefore will be found in the accompanying

I have the honor to communicate to the House of Representatives that I have retained in my possession, for more than three days

(No 59, H of R,) A bill for an act supplementary to an act entitled "An act to amend the Minnesota and North-Western Railroad Company,

Intending that it should become a law without my signature, for the following reasons:

1st. Your Honorable Body will perceive at a glance that the Act is supplementary to an act amending the Minnesota and North-Western Railroad Company, instead of the *charter* of said company.

I hope Gentlemen that this important omission, as I deem it, was unintentional. There has been already enough Legislation casualties connected with this Minnesota and North Western Railroad Company, without having the mortification of seeing another attempt in Minnesota. The general objects of the bill are substantially in accordance with my previous re-considerations, and in the event of the acceptance of the amendments before me, by the Company, in good faith and with the intention of carrying out and executing the requirements of the act, one of the serious objections entertained by me against the Charter, will be removed.

2d. I deem it idle Legislation, totally void and of no effect, unless the Company shall voluntarily comply with its provisions. There can be no pretence that they are bound by it. I must decline Gentlemen sanctioning by my approval and signature, a legislative enactment which recognizes the former acts of the Company as correct, and which presumes from the past conduct of this Company enough to warrant its voluntary submission to the imposing upon it important and onerous pecuniary obligations.

If the Company choose to deposite money in this Territory to secure the building of the said road, they can do so without this law; if they do not choose to do so, the law would be as powerless as blank paper.

I am of the opinion that in the haste with which the bill passed the Legislature, the

important fact that it must be a mere nullity was lost sight of. No other reason would I assign for this act of intelligent legislators. This Company has been charged with gross fraud in effecting their objects. These charges have been listened to by the people and by the Congress of the United States. Wherever the facts have been known, the charges have been believed.

On account of those charges the House of Representatives of the United States have disapproved the charter of the company by a unanimous vote, and I am inclined to believe that ere this the Senate have concurred with the House in their action. I cannot therefore allow myself to place in the equivocal position of seeming to recognize its existence. Such an act would seem to be in open defiance of the Government of the United States. It would certainly be in opposition to my judgment, and in violation of the dictates of my conscience.

While your Honorable Body are legislating for said Company, the Congress of the United States seem to be Legislating against it.

But the Bill before me has received the sanction of the Legislature, and as it can in no possible contingency which occurs to me work any harm, but if accepted and executed in good faith by the Company, may be beneficial to the Territory or future State of Minnesota, I have concluded to give it such a direction as will meet with your views.

W. A. GORMAN.

# PÉTITIONS PRESENTED,

AND ORDERED

PUBLISHED IN THE APPENDIX TO THE JOURNALS.

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## PETITION FROM THE CITIZENS OF FILLMORE COUNTY, M. T., IN REGARD TO SHAPE OF SAID COUNTY.

*To the Legislature of Minnesota Territory:*

WHEREAS, Dissatisfaction exists among the citizens of Fillmore County, Minnesota Territory, in regard to the shape of said county, and if efforts will be made to obtain various alterations to suit sectional interests, we, the undersigned petitioners, would respectfully ask your honorable body to cut off towns one hundred and five, (105,) and one hundred and six, (106,) in ranges eleven, (11,) twelve, (12,) and thirteen, (13,) from said county, and no more; thinking it to be the true interest and best policy of the citizens not to have their county too small, it being new and sparsely settled:

And we, in duty bound, will pray, &c.

Enoch Winslow,  
S. Countryman,  
David Allens,  
Jos. Picket,  
E. Picket,  
Christ Boyer,  
Heinrich Hoffman,  
Nathan Palmer,  
John Palmer,  
James M King,  
S F Stilson,  
Thomas Watson,

S. T. Bagley,  
H. H. Winslow,  
W. C. Picket,  
Abe Kalder,  
Geo. B. Kalder,  
Carl Boyer,  
Joseph Bisbey,  
Eyebid Palmer,  
Lewis Adams,  
Martin Henderson,  
Jacob Army,  
James Watson,

William B Norman,  
 H C Marsh,  
 B Young,  
 C T Leapham,  
 Wm Marley,  
 John Kizer,  
 J Marsh,  
 G Tank Tyler,  
 R S Blake,  
 William R Elliott,  
 G W McIntire,  
 M St John,  
 R St John,  
 S Benson,  
 Ole Oleson,  
 W H Nelson,  
 John Oleson,  
 John Dickerson,  
 Charles Welkington,  
 Orren West,  
 W H Fitch,  
 Oleg Olison,  
 Joseph Magrallth,  
 Wm. Wattle,  
 G P Babeock,  
 Peter Young,  
 J W Elliott,  
 J S Green,  
 William Minar,  
 William Knox,  
 E B Jones,  
 J D Jenkins,  
 D Whitney,  
 Gilbert Bassett,  
 J P Pulver,  
 C Kimball,  
 R Armstrong,  
 J W West,  
 W Bennett,  
 Robt Wilson,  
 Orney Everson,  
 Nels Wilson,  
 John Ellis,  
 M Kingsbury.

G D Leighton,  
 U D Graves,  
 Randel Demaray,  
 Charles McCalister,  
 G. Elliott Calkins,  
 After Hoag,  
 R C Blake,  
 Charles Smiley,  
 Emry Steward,  
 D G Cellogg,  
 Charles Brown,  
 J Armstrong,  
 John Dyres,  
 J Wilson,  
 Orry Nelson,  
 Andrew Thompson,  
 A Tolerson,  
 Wm Chalfant,  
 D L Hitchcock,  
 John M West,  
 Htto Evanson,  
 Sundar Jerganson,  
 Samuel Hull,  
 Robert M Foster,  
 William McNeir,  
 Wm Kennedy,  
 J Stannard,  
 David Dickerson,  
 Sam Carly,  
 A Donald,  
 Robert Wyfir,  
 A W Purdy,  
 Mat Hard,  
 James Wright,  
 J T White,  
 John Kizer,  
 C Hoag,  
 M Miner,  
 T G Pond,  
 Saml Boardman,  
 Nels Kermootron,  
 Oleson Wilson,  
 D Griggaby,  
 113 others.

PETITION FOR A TERRITORIAL ROAD FROM SAINT PAUL TO  
ELLIOTA, M. T.

*To the Honorable the Legislative Assembly, of the Territory of Minnesota:*

We, the undersigned, inhabitants of Minnesota, pray your honorable body to pass an act laying out a Territorial Road from St. Paul, running south to Cannon River to township number one hundred and twelve, (112,) range nineteen, (19,) crossing the Hastings and Farribault Road, at near the crossing of Cannon River, thence running a south east course crossing near the forks of the Lumbro, thence to Elliota on the most direct and feasible route.

And your petitioners will ever pray, &c.

Wm S Allison,  
Levi Heitzell,  
Barth, Moulton,  
J R Lyford,  
S M Tillson,  
C R Knight,  
G W Smith,  
Ebenezer Twichell,  
David Hone,  
James Shearer,  
G W Campbell,  
A A Twichill,  
G Moulton,  
James C Kemp, Esq,  
David H Marrill,  
Wm B Dible,  
E H Whitaker,  
N Leavitt,  
R Morrill,  
W Maxwell,  
Wm White,  
C Truax,  
John C. Foster,  
Edwin A Hone,  
John O Henry,  
P McDonald,

Z Lewis,  
James Canida,  
Michael Reid,  
Henry Hetherington,  
Luther Teviltiell,  
David Barker,  
Abraham Travas,  
Michael McCrory,  
Emery Burgess,  
Joseph Orlog,  
John McNeff,  
William Heckat,  
David Moss,  
Joseph W Fish,  
A Stevens,  
James S. Davis,  
J Hetherington,  
Wm Fulton,  
C Chuncy,  
John Tomkins,  
Micheal Henry,  
T P Catlind,  
S W Mallson,  
J C Hyatt,  
Silas Baldwin,  
68 others,

PETITION FROM WILLIAM H. TINKER.

*To the Honorable the Legislative Assembly of the Territory of Minnesota:*

The petition of the undersigned respectfully represents to your Honorable body, that on the 31st day of January, A. D. 1850, he took and adopted a female child by the name of Ann Elizabeth White, then about nine months of age, whose mother had recently deceased; that said Ann Elizabeth White has since that time, lived with and been supported by your petitioner.

Your petitioner would further represent that he is anxious to have the name of the said child changed from that of Ann Elizabeth White to that of Ann Elizabeth Tinker; and also that she may be made his legal heir and representative.

Your petitioner, therefore, prays your honorable body to pass an act changing the name of the said Ann Elizabeth White to that of Ann Elizabeth Tinker, and also making her his legal heir. And your petitioner will ever pray.

WILLIAM H. TINKER.

PETITION FOR THE SEPARATION OF ST. ANTHONY CITY FROM THE CITY OF ST. ANTHONY.

*To the Honorable Council and*

*House of Representatives of the Territory of Minnesota:*

*Whereas*, Your honorable body, by a special act, has dignified the unassuming village of Saint Anthony into the magnitude and importance of a city, and have therein incorporated a tract of land, comprising 200 acres, which was surveyed and laid off into a town in 1848, recorded in 1849, and known the world over as St. Anthony City, **PAR EXCELLENCE:**

*And whereas*, Said St. Anthony City proper, being near the "head of navigation," being situated higher and on better ground, being nearer HEAVEN, and further removed from sin than the village of St. Anthony, which has assumed its title; being also in another school district and in another road district, and its inhabitants being entirely able (in their own opinion) to govern their own affairs—we do therefore respectfully represent:

That the annexation and taxation, without our consent and representation, is contrary

to the fundamental principles of our republican government. It was this, gentleman, which raised the muss commonly known as the American Revolution, commencing with the proprietor of a strong decoction of tea prepared with salt water instead of fresh, and ending with the fall of Yorktown and the evacuation of the Britishers from our free and virgin soil. We, in short, declare it to be unconstitutional, unjust, and oppressive in the extreme.

And we do further represent that we, your petitioners, are perfectly happy as we are and able to take care of ourselves to our own satisfaction, and that we have no desire and are not in the least ambitious, to be a part or parcel of the city of St. Anthony, but wish to remain alone in our glory, and to be known distinctly as St. Anthony City.

We, your petitioners, do therefore most humbly pray your honorable body to set off and apart from the recently incorporated City of St. Anthony so much of section 25 thereof as lies east of the Mississippi river, comprising 200 acres, and known as St. Anthony City.

And your petitioners will ever pray, as in duty bound, so long as pen and ink will last.

W. A. Cheever,  
Lyman Palmer,  
H. B. Dow,  
John Stadden,  
Geo. W. Brown,  
Wm. Carrett,  
Michael Fagen,  
James Hudson,  
Samuel Weaver,  
George Osborn,  
Robert Wyman,  
George W. Goodrich,  
Frank Smith,  
Anson Bradbury,  
Anson Richards,  
Hezekiah Dow.

**PETITION TO LOCATE THE COUNTY SEAT OF HENNEPIN  
COUNTY AT MINNEAPOLIS, IN SAID COUNTY.**

*To the Honorable the Legislative Assembly of the Territory of Minnesota:*

Your petitioners, citizens and voters of Hennepin County, respectfully represent, that at an early day the county seat of Hennepin county was temporally located near the Falls of St. Anthony, and last winter was confirmed against the wishes of a very large majority vote of said county; since the location of the county seat, the town of Minneapolis has been laid out, and such location proves not only to be without the town entry but not in a central position, or conforming to the streets, lots or blocks. Believing that there is not scarcely a dissenting voice to the location being at Minneapolis, we earnestly and respectfully request that the Legislature pass some law authorizing the legal voters at the next general election to vote for some point, lot or block in said town, on which to erect the public buildings, as not a dollar expense has yet been gone to towards erecting the same, for such we ever pray.

George Parks,  
Daniel Bracken,  
John Tappan,  
Asa Fletcher,  
C W Christmas,  
William H Yarnor,  
D P Lyppard  
D R Farnham,  
James G McKeachie,  
B I Brown,  
Leonard Baker,  
Wyman Baker,  
E C Shepherd,  
Moses Fish,  
John Beden,  
W H Landerdale,  
Zillespia,  
John Prewbeon,  
H Armstrong,  
D H Smith,  
G N Wales,  
I S Wales,  
Isaac Wales,

C Amidon,  
Erastus Jordon,  
I W Dekay,  
Edward Sweeney, jr.,  
John Sweeney,  
James F Cropp,  
John Collins,  
S Stevens,  
G F Wolheather,  
Charles Bemis,  
George A Savony,  
Charles Blanch,  
W H Ham,  
Campbell Beall,  
John R Webb,  
I P Plummer,  
L R Palmer,  
Rufus Farnham, jr.,  
C M Gillaspic,  
J W Davis,  
J S Row,  
W E Hanscom,  
J Longfellow,

Arthur Wright,  
 W W Wales,  
 A Huff,  
 Ezra Hanscom,  
 Andrew McKecknia,  
 William Andrews,  
 L I B Andrews,  
 A O Angell,  
 H S Thompson,  
 Henry F Thompson,  
 Josiah Dutton,  
 A R Lincoln,  
 E M Eranshorn,  
 B B Church,  
 A J Larrabee,  
 I L Penny,  
 L P Warren,  
 J S Malbar,  
 D R Malbor,  
 Nathaniel Rogers,  
 Michael S Hervy,  
 George Bouker,  
 L B Whitmore,  
 Stephen R Sweet,  
 Caleb Lewis,  
 P O Howe,  
 George Doty,  
 Justin Cochran,  
 O E Garrison,  
 R P Stinson,  
 Jonathan Clay,  
 B A Freeman,  
 S M Freeman,  
 Samuel Dodd,  
 A W Day,  
 George R Day,  
 Reuben Miller,  
 James Shaver, jr.,  
 Samuel Bartow,  
 William S Chowen,  
 Joseph H Chowen,  
 G W Chowen,  
 W H Chapman,  
 William H Evans,

Ephraim Whitney,  
 Sylvanus Jackins,  
 Norman Jenkins,  
 Jesse G Ward,  
 Charles H Ward,  
 E F Thompson,  
 Richard Jaques,  
 Winter Jaques,  
 Thomas I Kirkwood,  
 Leonard Wagner,  
 Elijah Austin,  
 Daniel Bradhu,  
 O Han Kegan,  
 John Garety,  
 S Jones,  
 Timothy Hab,  
 Penu Buscan,  
 Louis Curlia,  
 S Gates,  
 Lewis McDanal,  
 D W Carpenter,  
 S S Butler,  
 Daniel Scott,  
 G W Harrington,  
 Wilson Harvey,  
 Norman Ward,  
 Samuel Hiddlen,  
 S T Wyman,  
 H Cudwell,  
 Jasper M Caswell,  
 F N Fletting,  
 Henry McDonald,  
 S M Duncan,  
 John S Harrington,  
 Horace Webster,  
 W B Harrington,  
 Charles S Wright,  
 George Mapes,  
 S P Strunk,  
 I Wright,  
 Sidney Spofford,  
 W H Ferguson,  
 George M Powers,  
 L Thompson,

Asaph W Williams,  
 John Chambers,  
 Joel Howe,  
 William Griswold,  
 John Sharb,  
 D Galsina,  
 E Phinney,  
 James Chambers,

E Snell,  
 E Hyatt,  
 C S Bardwell,  
 John T Case,  
 George G Galsina,  
 R B McGrath,  
 Platt Soper,  
 Robert Chambers,

### PETITION FOR A FERRY ACROSS THE ST. CROIX RIVER.

*To the Honorable the Legislative Assembly of the Territory of Minnesota:*

Your petitioners citizens of Chisago county, Minnesota, and of Polk county, Wisconsin, respectfully represent, that the travelling public demands a Ferry, and do recommend that Carmi P. Garlick have the right to establish and maintain a ferry across the St. Croix River, in Section nine, Town thirty-five, North, Range nineteen, West, in the Town of Amador, for the term of fifteen years, with the usual rates of ferrage and privileges granted by your honorable body to chartered ferries.

And your petitioners will ever pray.

W H C Folsom,  
 John Dobney,  
 Henry H Newbery,  
 L B Smith,  
 J D Ludden,  
 Geo Field,  
 Charles L Fox,  
 Ansell Smith,  
 N C D Taylor,  
 Levi W Folsom,  
 William Amery,  
 Thomas Lacey,  
 Aaron M Chase,  
 W. O. Mahoney,

Walter Carran,  
 James T Hunt,  
 Truman E Foster,  
 Ben S Wall,  
 F W Abbott,  
 S Ellison,  
 Darill T Bayley,  
 Samuel B Dresser,  
 Franklin S Eddy,  
 E A Wilcox,  
 Richard Arnold,  
 James M Lovejoy,  
 Leander Lovejoy,  
 E B Whitaker.

## PETITION FOR A TERRITORIAL ROAD:

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

Your petitioners, citizens of Goodhue, Wabashaw and Rice counties, would respectfully ask your honorable body to authorize the establishment or location of a Territorial Road from Red Wing, in Goodhue county, by the way of Oronoco, in Wabashaw, to Manterville, in Rice county; from thence, as near south as a practicable route can be run, to the Iowa line. The wants of the community imperiously demand roads of some kind, and the difficulty in ascertaining the precise location of county lines, in the absence of United States surveys, prevents the action of the proper county officers in the establishment of county roads.

And your petitioners will ever pray, &c.

L P Hicks,

J Armour Moore,

William M'Vay,

Ezra Odell,

Robt. H Whitelary,

H C Burbank,

L P Royce,

J F Litchfield,

J L Wright,

Nicolas Miller,

William Tesch,

Thomas McCormick,

George Kelley,

E S Collins,

Leonard B Hodges,

S W Bicknell,

William Kilroy,

Wm W Sweeney,

H C Hoffman,

S A Bevans,

W R Culbertson,

H L Bevans,

V Goldsmith,

David Finch,

Phillip Storkel,

Albert Olson,

J Middaugh,

Nicolas Hauer,

Peter W McManus,

E M Wilson,

Robert Fulton,

N W Paier,

R Fovost,

B C St Cyr,

Isaac Earll,

S H Haines,

R M'Lagan,

W C Picket,

William Nott,

John M'Gregg,

J C Farwell,

Heenan Quinn,

James Holiston,

William S Probert,

Thomas J Smith,

P Sandford,

W S Grow,

John Day,

P Vandenberg,

Theodore Hyatt,

C C Van Du Berge,

Benjamin King,

Jacob Bennett,

E Donison,

W B Bevans,  
 Jacob Bennett,  
 John Shegel,  
 N V Bennett,  
 Anthony Whitte,  
 C P Holten,  
 A J Hill,  
 J T B Van Houten,  
 C Johnson,  
 C C Graham,  
 B C Snyder,

John Stenus,  
 J C Wetherby & Co, Red Wing,  
 Swan Jacobson,  
 John U Drum,  
 James Wordon,  
 A B Foster,  
 Virgil Barnes,  
 L J Bennett,  
 Robert McCorkell,  
 Stephen A Hart.

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**PETITION FOR CONSTRUCTING A SLUICE OR SLUICES  
 NEAR THE FALLS OF ST. ANTHONY.**

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

Your petitioners, citizens of Minnesota, respectfully represent that the interest of lumbermen would be promoted by the construction of a sluice or sluices, over the Falls of St. Anthony, in the Mississippi river, on the west side of said river, we therefore would humbly ask, that your honorable body would pass an act granting to E. P. Russell and such others, as may become associated with him for that purpose, the privilege of constructing and maintaining a sluice or sluices, over the said Falls, along the west shore of said river, and your petitioners are in duty bound will every pray.

Dated February 1855.

Orin B Day,  
 W G Le Duc,  
 J J Noah,  
 Edward Murphy,  
 M L Olds,  
 G N Propper,  
 J M Marshall,  
 A D Foster,  
 J R Foster,  
 T H Skinner,  
 T W Pierce,

Geo E Hay,  
 A Thompson,  
 Levi Brown,  
 Z E B Nash,  
 E H Connor,  
 G A Nash,  
 Julius Hueb,  
 S K Lane,  
 A Allen,  
 G F Brott,  
 Wm Creighton,

Wm Hanson,  
 F R E Cornell,  
 W A Hotchkiss,  
 Charles Wilcox,  
 F Sampson,  
 John W Mouch,  
 E L Hall,  
 R A Smith,  
 J F Brown,  
 J P Wilson,  
 John H Stevens,  
 J M Jarrett,  
 James Fergus,

S P Creighton,  
 S M McManus,  
 Henry Chambers,  
 O Curtis,  
 D M Coolbaugh,  
 Isaac W Hook,  
 E Jordan,  
 E B Gifford,  
 G Wohlheter,  
 Thomas French,  
 John Farewell,  
 L D Parker,  
 C Ainslie,

ST. PAUL, M. T., January 29th, 1856.

*To the Honorable, the President and Members of the Council:*

GENTLEMEN:—I herewith present to you a bill, requesting your consideration of the same, and, if deemed expedient, its passage by your honorable body, asking for an extension of my ferry charter; for which, in brief, I assign my reasons:

Asking for this extension of time is to give me some additional security of ultimate remuneration in the event that I add steam power to the ferry, this coming spring. So far, the books, and, if need be, my affidavit, will convince you that the ferry has been a draw-back at least the interest on the amount of the cost of the present boat.

The public travel now demands something more expeditious than horse-power, and it is my wish and intention not to be behind the spirit and progress of the times.

The ferry pays both license and tax, and has no particular exclusive privileges.

With every sentiment of respect, I am yours, &c.,

H. K. GOODHUE.

PETITION TO REMONSTRATE AGAINST THE PASSAGE IN THAT BODY OF A MEMORIAL DESIGNATED "A MEMORIAL TO THE PRESIDENT OF THE UNITED STATES RELATIVE TO THE HALF-BREED LAND."

*To the Honorable the Legislative Assembly of Minnesota Territory:*

We, your petitioners, would respectfully petition your Honorable body not to pass, or cause to be sent by your order the above named memorial, to the President of the United States, for reasons hereinafter set forth.

The law which that memorial is intended to hasten into execution is manifestly unjust, not granting to the settler upon the said tract of land, any protection. Most, if not all, the claims occupied by the actual settlers have once been purchased of the Half-Breeds, or mixed bloods of the Dakota, or Sioux nation of Indians, by the settler, in expectation that government would at least provide for the protection of this class of lands.

There have been made valuable improvements upon many parts of this tract of land.

These improvements have been made in good faith by the settler for his future home.

The law gives to the Half-Breeds, or mixed blood, the privilege of laying his certificate, as certified, upon these improvements; thus selecting the most choice portion of this reservation, notwithstanding he may have relinquished to the settler his right to the same; it farther permits him to lay his certificate "upon any other unoccupied lands subject to pre-emption or private sale, or upon any other unsurveyed lands, not reserved by government, upon which they have respectively made improvements." This appears to us to give to the Half-Breeds, or mixed blood, an undue partiality.

For these reasons your petitioners would remonstrate against the passage of said memorial until the law providing for the purchase of said tract or reservation, be so amended as to give protection to the actual settler upon the said lands, or reservation. And as in duty bound, your petitioners will ever pray.

Lake Pepin, Feb. 13, 1855.

Wm. Conway,  
John Lofferty,  
Wm. Caswell,  
John Caswell,  
F. Fingrey,  
Daniel Sanders,  
Thos. N. Lee, Jun.,  
Abner Dwelle,  
W. Minor,  
J. H. Tomlinson,  
Jas. B. Smith,  
George Jenkins,  
Wm. A. Minor,

E. Bennett,  
C. J. Post,  
John Droper,  
W. Murphy,  
J. D. Thompson,  
George Post,  
C. C. Jasper,  
L. Lewis,  
G. W. Bullard,  
Moses Rely,  
R. N. Phillips,  
T. H. Epley,  
Jacob Boody,

PETITION FROM THE CITIZENS OF WASHINGTON COUNTY IN REGARD TO A RAILROAD FROM LAKE SUPERIOR.

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

The undersigned citizens of Washington county, Minnesota, respectfully represent:

That in their opinion, the prosperity and welfare of the people of this Territory would be greatly promoted by the construction of a railroad from Lake Superior to the southern boundary of Iowa, as contemplated by the act of the 4th of March last, incorporating the The Minnesota and North Western Railroad company.

That they have reason to believe said company can and will, with proper encouragement from your Honorable body, construct and put in complete operation, the said road, and also the line of telegraph contemplated by the act aforesaid, within a reasonable time.

That in view of the delay in the commencement of operations upon said road, occasioned by the 2nd section of the act of Congress of the 4th of August last, repealing the act of the 29th of July last, granting certain lands for the purpose of said road, the time limited by the act of incorporation for the construction thereof, ought, in justice, to be extended at least from eight to twelve months.

And with the view to satisfy said company that the people of this Territory desire to encourage them to construct said road, we respectfully request your Honorable Assembly to grant a reasonable extension of time to said company within which to complete said Railroad and Telegraph, and to aid them in such other proper manner as to you may seem meet.

J K Reiner,  
 Francois Regester,  
 Hiram Berkey,  
 Ira S Parker,  
 Anthony Gerweise,  
 Cornelius Lyman,  
 Matthias Welshouse,  
 Chevler M Wallace,  
 Charles B Carafel,  
 J D Sudden,  
 Orange Walker,  
 Francis O Hamel,  
 Niles Welander,  
 James M Blair,  
 Samuel Leybold,  
 John Coor,  
 N H Johnson,  
 G J McNeal,

Nicholas Hebenstreit,  
 Andrew Luid,  
 G J Buckley,  
 Siver Anderson,  
 James Merritt,  
 M P Greenleaf,  
 O W Hackey,  
 Lumor Erenxon,  
 James M Hall,  
 Lewis Walker,  
 W Moller,  
 Moses Oleik,  
 Adam Lithgrew,  
 S P Clark,  
 Charles Walen,  
 John Debuy,  
 C D Lyman,

PETITION FROM THE CITIZENS OF TAYLOR'S FALLS IN REGARD  
TO A RAILROAD FROM LAKE SUPERIOR.

*To the Hon. Legislative Assembly of the Territory of Minnesota:*

The undersigned citizens of Taylor's Falls respectfully represent:

That in their opinion, the prosperity and welfare of the people of this Territory would be greatly promoted by the construction of a Railroad from Lake Superior to the Southern boundary of Iowa, as contemplated by the act of the 4th of March last, incorporating the Minnesota and North Western Railroad Company.

That they have reason to believe that the said Company can and will, with proper encouragement from your Honorable body, construct and put in complete operation, the said road, and also the line of Telegraph contemplated by the act aforesaid, within a reasonable time.

That in view of the delay in the commencement of operations upon said road, occasioned by the 21 section of the act of Congress of the 4th of August last, repealing the act of the 20th of June last, granting certain lands for the purpose of said road, the time limited by the act of incorporation for the construction thereof, ought in justice to be extended at least from eight to twelve months.

And with the view to satisfy said Company that the people of this Territory desire to encourage them to construct said road, we respectfully request your Honorable Assembly to grant a reasonable extension of time to said Company within which to complete said Railroad and Telegraph, and to aid them in such other proper manner as to you may deem meet.

JANUARY, 1855.

W H C Folsom,  
L K Stadnard,  
F W Abbott,  
William Wood,  
James H Tuller,  
James H Russell,  
Harris Edick,  
L B Smith,  
John S Wiley,  
W G Mahony,  
S B Drer,  
Richard Arnold,  
James M Feagoy,  
Edward Wilcox,  
Alanson Platt,

Bald D Pettis,  
Elloger Murphy,  
Charles K Shelley,  
T T Prentice,  
Peter Campbell,  
John Sellers,  
W W Folsom,  
Antoine Lapoint,  
E K Whippler,  
David Lanoy,  
Ambrose G Lory,  
Lorens O Lowden,  
Aexie Roberge,  
William Amery,

PETITION FOR A JUDICIAL COUNTY FROM INHABITANTS OF  
WABASHAW.

*To the Honorable the Legislative Assembly of the Territory of Minnesota:*

The memorial of the inhabitants of the county Wabashaw would respectfully represent—

That by an act passed March 5th, 1853, entitled an act to organize certain counties, and for other purposes, published in the session laws at page 32, chapter 11, the county of Wabashaw was deprived of about seven miles of territory, which your memorialists deem the county was justly entitled to, making it one of the smallest counties in the whole territory, with the loss of one of its most flourishing settlements in favor of the county of Goodhue, which became thereby twice if not three times as large as the county of Wabashaw. Your memorialist would therefore pray your honorable body that the upper boundary of Wabashaw be extended to Sandy Point, seven miles above its present upper boundary on Lake Pepin, which will restore more equality amongst the counties on the west side of the Mississippi.

They would also respectfully represent that although the poll lists of the county does not show the requisite number of voters to entitle it to a judicial organization, yet it is nevertheless a fact that there are in the county now, although reduced to a mere fraction compared with the counties above and below us, nearly twice the number of legal voters required by law to entitle it to a judicial organization; numbers of our voters are absent on lumber rafts about election time, but much the larger number, inhabiting the upper portion of the county, does not attend elections, hoping as your memorialists believe, to disorganize the county organization, which by act of the Legislature of last year, they were authorized to do.

The county is now fully organized with all its officers properly qualified, in accordance with the requisitions of the law, and it has sufficient population to entitle it to a judicial organization. Your memorialists therefore, pray your honorable body that Wabashaw county be made a judicial county with all the rights and privileges of other counties, and that you forthwith assign it to one of the judicial districts established by law on the west side of the Mississippi river.

All of which is respectfully submitted.

Luther Groer,  
Alexis Bailey,  
Hugh Pugh,  
Joseph Campigney,  
Joseph Loulkey,  
W C Read,  
John McKee,

Reuben Grigsley,  
Thomas Flynn,  
Jacob Bush,  
Patrick Hunt,  
John Walker,  
Thomas Roberts,  
Peter Larivier,

Amos Wheeler,  
 Oscar Keistner,  
 Simon Laplan,  
 Dr. Hartkoff,  
 Augustus Rock,  
 E M Wildes,  
 Joseph Rouque,  
 Alexis R Bailey,  
 B T Hird,  
 Jeremiah Campbell,  
 David Campbell,  
 John Hitt,  
 P Harrell,  
 Augustus Rock,  
 Ira W Baker,  
 Phil Stone,  
 J. C Davis,  
 William Campbell,  
 Baptiste Lafrance,  
 J S Smith,  
 Charles Beapy,  
 John Campbell,

Louis Remer,  
 William O Mahony,  
 A B Smith,  
 Isaac M. Cole,  
 Oliver Craft,  
 Duncan McKenzie,  
 Louis Martell,  
 Joseph Mousett,  
 Thomas Robinson,  
 Michael Larivene,  
 Louis Carvon,  
 John McKenzie,  
 Henry Amerland,  
 Herman Amerland,  
 B Eggenberger,  
 Charles Kaestner,  
 Peter Canant,  
 Louis Roque,  
 James Mulligan,  
 Isaac M Cole, jr.,  
 James O'Neale,  
 George Campbell.

PETITION FOR THE APPOINTMENT OF COMMISSIONERS TO LAY  
OUT AND SURVEY A ROAD.

*To the Honorable the Legislative Assembly of the Territory of Minnesota:*

Your petitioners, citizens of the counties of Wabashaw and Fillmore, in said Territory, would respectfully ask your Honorable body to pass a law authorizing the appointment of Commissioners to lay out and survey a road starting from Wabashaw, at the termination of the Fort Snelling and Wabashaw road, and running by the way of Chatfield and Richland Prairie, to the State line of Iowa, to intersect the Iowa State road running through Decorah to said line, near the line between ranges eight and nine; for the establishment of which your petitioners are in duty bound, and will ever pray.

Dated January 22, 1855.

Wm. Parkhurst,  
B. F. Filltosod,  
Knud Knidnan,  
Phineas Gates,  
Benjamin Fuller,  
Justus Leatherland,  
C. B. Leach,  
John J. Semler,  
Elijah Austin,  
David Wisel,  
S R Borham,  
W. T. Bly,  
H L Edmunds,  
H. J. Wellner,  
T S Freeman,  
Edmund Bell,  
Ostin Peterson,  
Jonas Edmunds,  
M. H. Onstine,  
E Clackmore,  
D. H. Emnost,  
F Benedict,  
C. C. Onstine,  
J R Jones,  
Harvey Bell.

Geo. R. Miller,  
Wm Shimer,  
Ethen P. Eddy,  
Levi Heaton,  
Wm. Ramsay,  
J. K. Freeman,  
L. L. Streator,  
E. A. Freeman,  
Michael Ongtine,  
Wm B Gere,  
John Plomteaux,  
H Burke,  
Henry Onstine,  
H L Edwards,  
B. Cleason,  
Jacob Vought,  
S T Wichson,  
T. J. Earnes,  
John Vail,  
Wm Loomis,  
Hiram Edmunds,  
Von D Van Doren,  
Milton Sherburn,  
K Peterson.

PETITION FOR A DIVORCE.

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

Your Petitioner, George H. Fletcher, respectfully represents to your Honorable body, that he is a resident of the Territory of Minnesota, and has been for four years and upwards, that he was married to his present wife Jane Fletcher upwards of six years ago, in Kendall county in the State of Illinois; that about three years ago she lived in this Territory about two months with your petitioner, after which she returned to the State of Illinois, where she continued to live until the fall of 1853, when she came again to this Territory and remained until about the middle of May last past, at which time, against the wishes of your petitioner she returned to the State of Illinois, where she has, since lived, as your petitioner is informed. That during her residence in this Territory in the fall of 1853 and the winter following, she lived a part of the time with your petitioner in Minneapolis, and a part of the time boarded at the St. Charles Hotel in St. Anthony. That while she was thus boarding at the said Hotel, your petitioner was necessarily absent, excepting on Sundays, engaged in his business pursuits and during such absence, as your petitioner has since learned and believes to be true, she was in the habit, alone in her private room, of receiving and entertaining men of reputed licentious character, at improper and unseasonable hours, and of accepting from them at different times various little presents unbeknown to your petitioner at the time. That this conduct on her part, continued so long as to become the occasion of much public talk, which coming to the knowledge of your petitioner he desired and requested her to leave and commence housekeeping with him in Minneapolis, with which request, she at that time refused to comply under various pretences, but afterwards did leave, because, as your petitioner has learned, the proprietor refused longer to board her on account of such her conduct. Your petitioner further represents that in April last, a short time before she left for Illinois, he was necessarily absent from home much of the time; that he returned one night unexpectedly to his wife, and after they had retired to bed, he was called up about midnight by a rapping upon the door of his house, when upon opening it, he recognized a person known to your petitioner as a man of a licentious reputation, with whom his said wife had theretofore, been on terms of improper intimacy, as your petitioner has since learned; that said person appeared at the time much embarrassed upon meeting your petitioner, and stated, after some hesitation, as an excuse for calling at that unseasonable hour, that he had a difficulty about a claim of his, that some folks were jumping it, and he wanted to get some help to put them off till the next day; that your petitioner believes such pretence to have been false, as he ascertained that the said individual had no claim whatever as he alleged, neither had he any difficulty of the kind, nor did he make any further efforts to procure assistance as your petitioner could learn; that soon after this occurrence happened, the said Jane Fletcher left and vol-

unfairly deserted and abandoned the house of your petitioner, and has since continued absent in Illinois where she now is; that your petitioner is informed and believes that she is living in a state of prostitution and adulterous intercourse with a few men of commonly reputed licentious habits and practices. Whereupon your petitioner respectfully asks that your Honorable body may enact a law granting him a full divorce from his said wife, and restoring him to the rights and privileges of an unmarried man.

GEORGE H. FLETCHER.

COUNTY OF HENNEPIN } ss

George H. Fletcher the petitioner named in the foregoing petition being duly sworn, deposes and said that he heard the same read, and that the same is true according to his best knowledge, information and belief.

GEORGE H. FLETCHER.

Subscribed and sworn before me this }  
ninth day of January, 1855. }

J. N. BARBER, Justice of the Peace.

### PETITION FOR A FERRY ACROSS LAKE ST. CROIX.

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

The petition of the undersigned citizens of the county of Washington in said Territory respectfully represent that a ferry is much needed over Lake St. Croix, between the city of Stillwater in said county and a point opposite thereto on the east side or shore of said Lake St. Croix. That a great amount of supplies and a large number of teams and passengers daily and hourly requiring to pass over Lake St. Croix aforesaid, and that between said points at all seasons of the year are unable to do so, except during a portion of the winter season on the ice, which in the early winter and spring is unsafe and extremely hazardous to the lives and property of those crossing.

That for want of a ferry at said point it is necessary for teams and passengers to go from three to ten miles out of their direct route to obtain a crossing. That the expense and trouble of maintaining a ferry is so great as to prevent its erection without first obtaining a right to remuneration and legal protection to the person or persons erecting and maintaining the same.

That the necessity for a ferry at said point is daily increasing, and your petitioners further represent that Mr. Isaac Staples of Stillwater, is abundantly able and capable of

erecting and maintaining such ferry in a manner which will ensure the prompt and safe passage of teams, horses, passengers and property across said Lake, and is ready and willing to erect and maintain the same. Your petitioners therefore pray your honorable bodies to grant to said Isaac Staples and others, a charter to erect and maintain a ——— ferry over Lake St. Croix, aforesaid between and from the foot of Myrtle street in the city of Stillwater aforesaid, and a point opposite thereto on the east side or shore of said Lake St. Croix, for the term of ——— years. And your petitioners will ever pray, &c.

Samuel Burkleo,  
James Rutherford,  
W. Holcombe,  
J. J. Robertson,  
S. J. R. McMillan,  
James McPhail,  
J. D. Trumble,  
Henry N. Setser,  
Robert Simpson,  
H. K. McKinstry,  
A. D. Heaton,  
Oliver Parsons,  
S. Nelson,  
Gold T. Curtis.

William H. Mower,  
Louis Hosper,  
T. M. Fullerton,  
Daniel McClarn,  
John Shasby,  
John Fisher,  
Isaac Gray,  
Thomas J. Yorks,  
William McKusick,  
M. Min Wight,  
J. H. Sawyer,  
Harvey Wilson,  
John S. Proctor,

#### PETITION FOR A FERRY CHARTER TO WM. H. OLIVER.

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

The undersigned would respectfully petition, that Wm. H. Oliver may have a charter for a ferry across Lake St. Croix, from a point where the south line of lot number three, in section number twenty-six, in town number twenty-nine north, of range number twenty west, intersects waters of said lake, on the west shore of the same, to the opposite in the town of Hudson.

H. R. McKinstry,  
R. B. Johnson,  
S. S. Denton,  
Albert Harris,  
John McKusick,

S. R. Fuller,  
Wm. McKusick,  
John Fisher,  
E. D. Farmer,  
D. B. Loomis,

Hayn Byrme,  
 L E Thompson,  
 Oliver Parsons,  
 Jno S Praetor,  
 J McChoud,  
 E C Mowbaun,  
 J J Larsing,  
 Phillip Miller,  
 O Carlie,  
 Wm B Ulken,  
 S Partridge,  
 Wm Whiteside,  
 John Foley,  
 George Harris,  
 William Horr,  
 Elam Greeley,  
 Mahlon Black,

John Leach,  
 S M Ronell,  
 T M Fullerton,  
 J H Sawyer,  
 Jacob Fisher,  
 A C Foster,  
 H M Curtis,  
 Thomas J Yorks,  
 Harvey Wilson,  
 A D Heatorn,  
 Henry McLane,  
 Jesse Taylor,  
 John Oliver,  
 Geo Battlea,  
 E Perry Sloan,  
 Samuel Beutleo,  
 R McDonald.

---

**PETITION FROM THE INHABITANTS OF THE COUNTY OF SCOTT TO  
 LOCATE A PORTION OF A TERRITORIAL ROAD IN SAID  
 COUNTY.**

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

Your petitioners, inhabitants of the county of Scott, would respectfully represent: Whereas a Territorial road has been surveyed from St. Paul to Big Woods and Traverse des Sioux, on the east side of the Minnesota river, according to an act, approved February twenty-third, A. D. 1874 And whereas, that portion of said road, as surveyed by the commissioners appointed by said act, from Credit river to Shakopee, is indirect and inconvenient, and whereas there has been last fall and summer, a county road viewed and surveyed from Credit river to Shakopee, on the most direct and practicable route and most convenient to the settlers.

Your petitioners would therefore ask your Honorable body that, that portion of said Territorial road be located on said county road as viewed and surveyed by John O'Fallon, county surveyor, and David Kinghorn and

Amos Boveeg viewers, and your petitioners, as in duty bound, will ever pray

David Kinghorn,  
 Hugh Elkin,  
 Robert Irvin,  
 Wm. Phillips,  
 Henry Litstor,  
 Wm. Scott,  
 Mathew I eddy,  
 John O. Smith,  
 Michael Remlenan,  
 J. B. Reynolds,  
 L. Isenhour,  
 Fredrick Furgins,  
 Daniel M. Stover,  
 John Berry,

James Bivill,  
 James Jartone,  
 Robert Kennedy,  
 Joseph Niehoff,  
 David Ruttie,  
 John Konze,  
 Augustus Mose,  
 Geo. Kinghorn,  
 G. W. Burn,  
 C. Harkens,  
 Bernart Gottfeld,  
 S. M. Gates,  
 Franz Albasiteo,  
 James Berry.

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### PETITION FOR A TERRITORIAL ROAD.

*To the Honorable, the Legislative Assembly of the Territory of Minnesota:*

We, the undersigned citizens of Houston county and vicinity, respectfully represent to your Honorable Body—

That the public good requires the laying out of a Territorial road from Taylor's Landing, in township 104, in range 4, through High Forest, to a point on the St. Peter's river, at or near the South Bend, agreeably to the bill herewith annexed.

HOUSTON COUNTY, Dec. 28, 1854.

P Lee,  
 Joel Bryan,  
 Philander La,  
 Harvey Gillitt,  
 Samuel W Spaulding,  
 Thomas Kenyon,  
 Charles Williams,  
 O P Gates,  
 Spafford Williams,

William Gillitt,  
 Annas Gleason,  
 F N Goodrich,  
 Joseph Cooper,  
 William Lemona,  
 his  
 Thomas de Byley,  
 mark  
 John Campbell,

C B Sinclair,  
 John Hoiften,  
 C J Johnson,  
 Isaac Thompson,  
 A B Cloce,  
 Thomas Halvorsen,  
 John Moore,  
 James Lane,  
 Patrick Finn,  
 Martin Shannon,  
 William F Johnson,  
 William Miller,  
 George Janson,  
 J St. Clair,  
 Simon Doyle,  
 James Manly,  
 Henry Dührén,  
 Henry Wetson,  
 B D. Gradwin,  
 Thomas Y. Tinnaga,  
 Nathan Vance,  
 Walter Botes,

T J Clark,  
 Byron Morrison,  
 William Lemon, jr.,  
 Charles Lemon,  
 T E Grover,  
 Fallor Olsten,  
 William Buons,  
 Edwin Hint,  
 F M Rubler,  
 James K Froeh,  
 William Hood,  
 C G Harscom,  
 Thomas McCaulay,  
 E Marshall,  
 Eugene Rigley,  
 E. K. Guile,  
 T Riley,  
 A Blackington,  
 Charles Hurd,  
 C K Kogus,  
 Y V Herriek.

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PETITION IN REGARD TO A RAILROAD FROM LAKE SUPERIOR TO  
THE SOUTHERN BOUNDARY OF IOWA.

*To the Hon. the Legislative Assembly of the Territory of Minnesota:*

The undersigned citizens of Dakota county, respectfully represent:

That in their opinion the prosperity and welfare of the people of this Territory would be greatly promoted by the construction of a Railroad from Lake Superior to the Southern boundary of Iowa, as contemplated by the act of the 4th of March last, incorporating the Minnesota and North Western Railroad Company.

That they have reason to believe that said Company can and will, with proper encouragement from your Honorable body, construct and put in complete operation the said road, and also the line of Telegraph contemplated by the act aforesaid, within a reasonable time.

That in view of the delay in the commencement of operations upon said road, occasioned by the 2d section of the act of Congress of the 4th of August last, repealing the act of the 29th of June last, granting certain lands for the purpose of said road, the time limited by the act of incorporation, for the construction thereof, ought, in justice, to be extended at least from eight to twelve months.

And with a view to satisfy said Company that the people of this Territory desire to encourage them to construct said road, we respectfully request your Honorable Assembly to grant a reasonable extension of time to said Company within which to complete said Railroad and line of Telegraph, and to aid them in such other proper manner as to you may seem meet.

JANUARY, 1855.

D W C Duwell,  
 J K Bruce,  
 James Bruce,  
 A Barrett,  
 Bernard Curanagh,  
 John Kerans,  
 Patrick T Quigly,  
 James Grant,  
 Morris Flinn,  
 Joseph W. Annally,  
 Bartholomew Pleg,  
 Louis Letown;  
 Louis Leevertz,  
 F D Lemay,  
 J B Tuberg,  
 A K McLeod,  
 D Rice,  
 Alfred Vaillant,  
 Deg Leduque,  
 Peter Tuary,  
 Krau,  
 Cor Tweeny,  
 F Lamy,  
 A Deherren,  
 M Leherren,  
 C Spendan,  
 Charles Legans,  
 Peter Ryan,  
 John Churchill.

Roger Buria,  
 P McCrung,  
 John Russell,  
 L Paintz,  
 James Wescott,  
 Wells L Wescott,  
 L Martin,  
 Jos M Truman,  
 Samuel C Staple,  
 Edward Moran,  
 James Sweeney,  
 J Frystadt,  
 Warren Wachburg,  
 Daniel Waselburgh,  
 Francis Castorier,  
 Edw Centegart,  
 John Mahon,  
 Pad Walsh,  
 John Justice,  
 Francis Lebreo,  
 Edward Lebreo,  
 John Conly,  
 John Mahon,  
 Wm Agayear,  
 J Shipion,  
 W Leary,  
 Michael Callahan,  
 Wm Ragan,

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\* REQUEST \*

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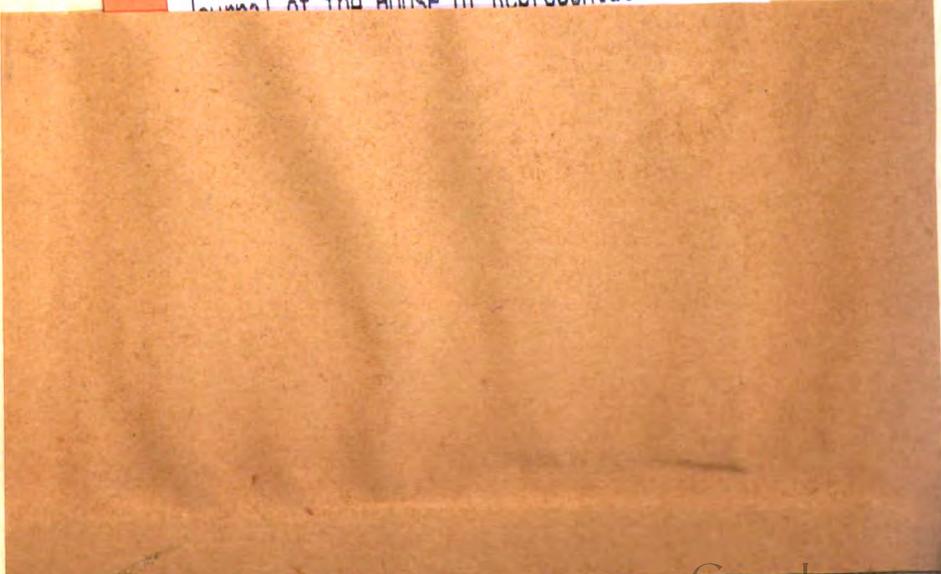
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