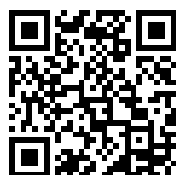

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES.

FIRST DAY.

WEDNESDAY, Dec. 7, 1859.

In accordance with the provisions of law, designating the first Wednesday in December for the assembling of the Legislature of Minnesota, the members elect of the House of Representatives assembled in their Hall, in the Capitol, at 12 o'clock, M., and were called to order by Hon. A. T. CHAMBLIN, Clerk of the House in the last Legislature.

Prayer was offered by Rev. Mr. Chaffee.

A. J. Van Vorhes, member elect from Washington county, was appointed Clerk, *pro tem*.

The following members presented their credentials, and severally took upon themselves the oath of office, administered by the Clerk of the last House of Representatives :

First District.—D. T. Watson, A. J. Van Vorhes, Orange Walker.

Second District.—J. B. Sanborn, Henry Acker, D. A. Robertson, Oscar Stephenson, J. B. Olivier, George Mitsch.

Third District.—H. G. O. Morrison, H. J. Sheafer, Ara Barton, Michael Waldier, Stephen Newell.

Fourth District.—J. P. Abraham, H. E. Mann, A. O. Austin, Irvine Shrewsbury.

Fifth District.—E. H. Leavans, Luke Hulett, Ferris Webster.

Sixth District.—L. H. Garrard, I. C. Stearns, R. H. Knox, L. K. Aaker.

Seventh District.—Jonathan Chadderdon, Peter Shriner, Peter Cleary.

Eighth District.—G. W. Greene, A. J. Olds, A. Ozman, J. S. Sawyer.

Ninth District.—A. H. Trow, A. H. Butler, W. Meighan, C. D. Sherwood, Daniel Dayton, Hiram Walker.

Tenth District.—J. A. Anderson, C. A. Coe, George Temanson.

Eleventh District.—Orlando Stevens, Zenas Thayer, Sheldon Brooks.

Twelfth District.—J. W. Burnham.

Thirteenth district.—T. J. Hunt, Peter Mantor, B. F. Langworthy.

Fourteenth district.—G. K. Cleveland, Allen Shultis, T. W. Purdie.

Fifteenth district.—Amos Coggsell, G. W. Greene, G. T. White, J. I.

Stewart.

Sixteenth district.—Henry Stock, Thos. McDonough.

Seventeenth district.—John Armstrong, F. Rehfeld, W. Pfander.

Eighteenth district.—Peter Wilkins, Matthew Donohue, Hamilton Beatty.

Nineteenth district.—J. S. Letford, F. A. Renz.

Twentieth district.—G. W. Sweet, M. D. Tohman, T. S. Willey.

Twenty-first district.—Peter Roy.

Twenty-second district.—Alex. Kinkad.

Twenty-third district.—D. A. Secombe, G. P. Baldwin.

Twenty-fourth district.—R. M. Johnson.

Twenty-fifth district.—Patrick Fox.

Twenty-sixth district.—

On motion of Mr. Sanborn, the House then proceeded to the election of Speaker.

Mr. Greene, of Steele, nominated Amos Coggsell, of Steele county.

Mr. Sweet nominated D. A. Robertson, of Ramsey county.

On calling the roll the members voted as follows:

FOR MR. COGGSWELL:

Mr. Aaker,	Mr. Hunt,	Mr. Sanborn,
Abraham,	Johnson,	Sawyer,
Acker,	Knox,	Secombe,
Anderson,	Langworthy,	Sherwood,
Austin,	Leavans,	Shrewsbury,
Baldwin,	Letford,	Shultis,
Brooks,	Mann,	Stearns,
Burnham,	Mantor,	Stewart,
Butler,	McDonough,	Stock,
Cleveland,	Meighan,	Temanson,
Coe,	Morrison,	Thayer,
Dayton,	Olds,	Van Vorhes,
Fox,	Ozman,	H. Walker,
Garrard,	Pfander,	Orange Walker,
Green of Olmsted,	Purdie,	Watson,
Greene of Steele,	Renz,	White.
Hulett,		

49

FOR MR. ROBERTSON:

Mr. Armstrong,	Mr. Mitsch,	Mr. Stephenson,
Barton,	Newell,	Sweet,
Beatty,	Olivier,	Tohman,
Chadderdon,	Rehfeld,	Waldier,
Clary,	Roy,	Willey,
Donohue,	Sheafer,	Wilkins,
Kinkad,	Shriner,	

20

Mr. Coggswell voted for D. A. Secombe.

Mr. Robertson voted for G. W. Sweet.

Mr. Stevens voted for J. P. Abraham.

Amos Coggswell received 49 votes.

D. A. Robertson received 20 votes.

D. A. Secombe received 1 vote.

G. W. Sweet received 1 vote.

J. P. Abraham received 1 vote.

Amos Coggswell having received a majority of all the votes cast, was declared duly elected Speaker.

After taking the oath of office, the Speaker took the Chair, and addressed the House as follows:

Representatives:—You have selected me as your Presiding Officer. For this mark of your confidence and respect, I tender you my grateful acknowledgements—not, however, for the reason that it is customary upon occasions like the present to do so, but because I am not insensible of the high honor you have conferred upon me, especially when I take into consideration the many more able and more competent members of this body than myself.

I am no parliamentarian. I have had but little experience in legislative bodies, and I should feel great reluctance in undertaking the duties you have imposed upon me, but for the confidence I entertain in the willing aid and forbearance all the members will extend to me without distinction of party. We are sent here by hard working, honest constituents, who expect much from our efforts and endeavors to promote their welfare, and demand a rigid economy in the expenditure of their money. Let their expectations be fully realized. Again I thank you for your partiality.

On motion of Mr. Greene, of Steele, the House then proceeded to elect a Chief Clerk.

On calling the roll the members voted as follows:

FOR MR. BENSON:

Mr. Aaker,
Abraham,
Acker,
Anderson,
Austin,
Baldwin,
Brooks,
Burnham,
Butler,
Cleveland,
Coe,
Dayton,
Fox,
Garrard,
Greene of Olmsted,
Greene of Steele,
Hulett,
Hunt,

Mr. Johnson,
Knox,
Langworthy,
Leavans,
Letford,
Mann,
Mantor,
McDonough,
Meighan,
Morrison,
Olds,
Ozman,
Plaender,
Pardie,
Renz,
Sanborn,
Sawyer,

Mr. Secombe,
Sherwood,
Shrewsbury,
Shultz,
Stearns,
Stewart,
Stoek,
Stevens,
Temanson,
Thayer,
Van Vorhes,
H. Walker,
Orange Walker,
Watson,
Webster,
White,
Speaker.

FOR MR. GRIFFIN :

Mr. Armstrong,	Mr. Mitsch,	Mr. Stephenson,
Barton,	Newell,	Sweet,
Beatty,	Olivier,	Sheafer,
Chadderdon,	Rehfeld,	Tollman,
Cleary,	Roy,	Waldier,
Donohue,	Robertson,	Willey,
Kinkead,	Shriner,	Wilkins.

21

Jared Benson received 52 votes.

T. J. Griffin received 21 votes.

Jared Benson having received a majority of all the votes cast, was declared duly elected Chief Clerk.

On motion of Mr. Garrard, the House then proceeded to elect an Assistant Clerk.

On calling the roll the members voted as follows :

FOR MR. DORIVAL :

Mr. Aaker,	Mr. Johnson,	Mr. Secombe,
Abraham,	Knox,	Sherwood,
Acker,	Langworthy,	Shrewsbury,
Anderson,	Leavans,	Shultis,
Austin,	Letford,	Stearns,
Baldwin,	Mann,	Stevens,
Brooks,	Mantor,	Stewart,
Burnham,	McDonough,	Stock,
Butler,	Meighan,	Tennanson,
Cleveland,	Morrison,	Thayer,
Coe,	Olds,	Van Vorhes,
Dayton,	Ozman,	H. Walker,
Fox,	Pfaender,	Orange Walker,
Garrard,	Purdie,	Watson,
Greene of Olmsted,	Renz,	Webster,
Greene of Steele,	Sanborn,	White,
Hulett,	Sawyer,	Speaker.
Hunt,		

52

FOR MR. GRANDMEYER :

Mr. Armstrong,	Mr. Mitsch,	Mr. Stephenson,
Barton,	Newell,	Sweet,
Beatty,	Olivier,	Sheafer,
Chadderdon,	Rehfeld,	Tollman,
Cleary,	Roy,	Waldier,
Donohue,	Robertson,	Wilkins,
Kinkead,	Shriner,	Willey.

21

N. E. Dorival received 52 votes.

Charles Grandmeyer received 21 votes.

N. E. Dorival having received a majority of all the votes cast, was declared duly elected Assistant Clerk.

On motion of Mr. Morrison, the House then proceeded to elect an Enrolling Clerk.

On calling the roll the members voted as follows :

FOR MR. KEIFER :

Mr. Aaker,
Abraham,
Acker,
Anderson,
Austin,
Baldwin,
Brooks,
Burnham,
Butler,
Cleveland,
Coe,
Dayton,
Fox,
Garrard,
Greene of Olmsted,
Greene of Steele,
Hulett,
Hunt,

Mr. Johnson,
Knox,
Langworthy,
Leavans,
Letford,
Mann,
Mantor,
McDonough,
Meighan,
Morrison,
Olds,
Ozman,
Pfaender,
Purdie,
Renz,
Sanborn,
Sawyer,

Mr. Secombe,
Sherwood,
Shrewsbury,
Shultis,
Stearns,
Stevens,
Stewart,
Stoek,
Temanson,
Thayer,
Van Vorhes,
H. Walker,
Orange Walker,
Watson,
Webster,
White,
Speaker.

52

FOR MR. PEASLEY :

Mr. Armstrong,
Barton,
Beatty,
Chadderdon,
Cleary,
Donohue,
Kinkead,

Mr. Mitsch,
Newell,
Olivier,
Rehfeld,
Roy,
Robertson,
Shriner,

Mr. Stephenson,
Sweet,
Sheaffer,
Tollman,
Waldier,
Wilkins,
Willey.

21

A. R. Keifer received 52 votes.

George Peasley received 21 votes.

A. R. Keifer having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

On motion of Mr. Burnham, the House then proceeded to elect and Enrolling Clerk.

On calling the roll the members voted as follows :

FOR MR. POTTER :

Mr. Aaker,
Abraham,
Acker,
Anderson,
Austin,
Baldwin,
Brooks,
Burnham,
Butler,
Cleveland,
Coe,
Dayton,
Fox,
Garrard,
Greene of Olmsted,
Greene of Steele,
Hulett,
Hunt,

Mr. Johnson,
Knox,
Langworthy,
Leavans,
Letford,
Mann,
Mantor,
McDonough,
Meighan,
Morrison,
Olds,
Ozman,
Pfaender,
Purdie,
Renz,
Sanborn,
Sawyer,

Mr. Secombe,
Sherwood,
Shrewsbury,
Shultis,
Stearns,
Stevens,
Stewart,
Stoek,
Temanson,
Thayer,
Van Vorhes,
H. Walker,
Orange Walker,
Watson,
Webster,
White,
Speaker.

52

FOR MR. CHATTELION :

Mr. Armstrong,	Mr. Mitsch,	Mr. Stephenson,
Barton,	Newell,	Sweet,
Beatty,	Olivier,	Sheafer,
Chadderdon,	Rehfeld,	Tollman,
Cleary,	Roy,	Waldier,
Donohue,	Robertson,	Willey,
Kinkead,	Shriner,	Wilkins.

21

G. F. Potter received 52 votes.

Henry Chattelion received 21 votes.

G. F. Potter having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

On motion of Mr. McDonough, the House then proceeded to elect a Sergeant-at-Arms.

On calling the roll the members voted as follows :

FOR MR. SHELLEY :

Mr. Aaker,	Mr. Johnson,	Mr. Secombe,
Abraham,	Knox,	Sherwood,
Acker,	Langworthy,	Shrewsbury,
Anderson,	Leavens,	Shultis,
Austin,	Letford,	Stearns,
Baldwin,	Mann,	Stevens,
Brooks,	Mantor,	Stewart,
Burnham,	McDonough,	Stoek,
Butler,	Meighan,	Temanson,
Cleveland,	Morrison,	Thayer,
Coe,	Olds,	Van Vorhes,
Dayton,	Ozman,	H. Walker,
Fox,	Pfaender,	Orange Walker,
Garrard,	Purdie,	Watson,
Greene of Olmsted,	Renz,	Webster,
Greene of Steele,	Sanborn,	White,
Hulett,	Sawyer,	Speaker.
Hunt,		

52

FOR MR. DOYLE :

Mr. Armstrong,	Mr. Mitsch,	Mr. Stephenson,
Barton,	Newell,	Sweet,
Beatty,	Olivier,	Sheafer,
Chadderdon,	Rehfeld,	Tollman,
Cleary,	Roy,	Waldier,
Donohue,	Robertson,	Willey,
Kinkead,	Shriner,	Wilkins,

21

W. H. Shelley received 52 votes.

J. W. Doyle received 21 votes.

W. H. Shelley having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Cleveland, the House then proceeded to elect a Fireman.

On calling the roll the members voted as follows :

FOR MR. MULLEN :

Mr. Aaker,	Mr. Johnson,	Mr. Secombe,
Abraham,	Knox,	Sherwood,
Acker,	Langworthy,	Shrewsbury,
Anderson,	Leavans,	Shultis,
Austin,	Letford,	Stearns,
Baldwin,	Mann,	Stevens,
Brooks,	Mantor,	Stewart,
Burnham,	McDonough,	Stoek,
Butler,	Meighan,	Temanson,
Cleveland,	Morrison,	Thayer,
Coe,	Olds,	Van Vorhes,
Dayton,	Ozman,	H. Walker,
Fox,	Pfaender,	Orange Walker,
Garrard,	Purdie,	Watson,
Greene of Olmsted,	Renz,	Webster,
Greene of Steele,	Sanborn,	White,
Hulett,	Sawyer,	Speaker.
Hunt,		

52

FOR MR. KLINGER :

Mr. Armstrong,	Mr. Mitsch,	Mr. Stephenson,
Barton,	Newell,	Sweet,
Beatty,	Olivier,	Sheafer,
Chadderdon,	Rehfeld,	Tollman,
Cleary,	Roy,	Waldier,
Donohue,	Robertson,	Willey,
Kinkead,	Shriner,	Wilkins

21

Thomas Mullen received 52 votes.

Jacob Klinger received 21 votes.

Thomas Mullen having received a majority of all the votes cast, was declared duly elected Fireman.

The Speaker announced that he had appointed Oscar Webster and Thomas H. Winters Messengers of the House.

The several officers elect of the House, then came forward and took the oath of office, administered by the Speaker.

On motion of Mr. McDonough, Burroughs Abbott, of the 16th District, took upon himself the oath of office, and was admitted to his seat.

Mr. Acker moved that a committee of three be appointed by the Speaker, to inform the Senate that the House was organized, and in readiness for business.

Passed.

As such committee the Speaker appointed Messrs. Acker, Robertson and Coe.

Mr. Greene of Steele, offered the following resolution :

Resolved, That the rules of the House of Representatives of the last Legislature, be adopted as the temporary rules of this House, so far as applicable.

Mr. Stevens moved to amend by striking out rules 22d, 24th, 25th, 32d, 48th and 49th.

Which amendment was adopted.

The resolution was laid on the table.

The following message was received from the Senate :

Mr. Speaker :—I am directed by the Senate to inform the House that the Senate is permanently organized, by the election of the following gentlemen as officers

Secretary—A. B. Webber.

Assistant Secretary—O. P. Whitcomb.

Enrolling Clerk—Chancey Barber.

Engrossing Clerk—E. W. Somers.

Sergeant-at-Arms—Levi Nutting.

Fireman—F. A. Hausner.

A. B. WEBBER, Secretary.

Mr. Sanborn offered the following resolution :

Resolved, That a special committee of five be appointed by the Speaker, to prepare and report permanent rules for the House.

Adopted

As such committee, Messrs. Sanborn, Mantor, Waldier, Secombe and Robertson were appointed.

Mr. Sanborn offered the following resolution :

Resolved, Resolved that Wm. J. Arnold, member elect from Wabashaw county, 12th District, be admitted to a seat in this House upon taking the customary oath, without being required to present his certificate of election.

Adopted.

Mr. Sanborn offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker, to make arrangements with the clergymen who are members of the House, and the clergymen of the city of St. Paul, to officiate as Chaplains of the House of Representatives without recompense.

Adopted.

Mr. Cleveland offered the following resolution :

Resolved, That a committee of two be appointed by the Speaker, in conjunction with a similar committee of the Senate, to inform his Excellency, the Governor, that the two Houses are now organized, and ready to receive any communication from him.

Adopted.

As such committee the Speaker appointed Messrs. Cleveland and Shriner.

Mr. Sanborn offered the following resolution :

Resolved, That the Sergeant-at-Arms be authorized to procure necessary stationery for the use of members of this House.

Mr. Robertson moved to amend, that the amount should not exceed five dollars for each member, for the whole session.

Mr. Hulett moved to amend so that the amount should not exceed two dollars for each member.

Mr. Robertson moved to amend, that the members of this House pay for their own stationery for the session.

The resolution and amendments were laid on the table.

Mr. Acker offered the following resolution :

Resolved, That the House proceed to elect T. M. Newson as Printer to the House.

Laid on the table.

On motion the House adjourned, to meet on Thursday, the 8th, at 11 o'clock, A. M.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

SECOND DAY.

THURSDAY, December 8, 1859.

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

The roll was called, and a quorum found present.

On motion, Messrs. Nettleton, of the 26th District, Mitchel, of the 11th District, Skillman, of the 12th District, and Taylor of the 19th District, presented their credentials and took upon themselves the oath of office, and were admitted to seats.

Mr. Secombe offered the following resolution :

Resolved, That a committee of three be appointed to notify the Secretary of State that the House of Representatives is organized, and that the Hon. Amos Coggsrwell is the Speaker elected and qualified.

Adopted.

Mr. Rehfeld offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker of the House, who shall be ready to receive bids on all the printing business necessary for this House, and shall make arrangements to have the printing done by the lowest bidder.

Laid on the table.

The Speaker presented to the House a communication from Hon. Francis Baasen, Secretary of State, transmitting the returns of votes for State officers, cast at the last election, and received by him.

Mr. Secombe gave notice that on to-morrow, or some future day, he should present the petition of R. E. Jefferson, contesting the seat of Mr. Nettleton, of the Lake Superior district.

Mr. Morrison presented the petition of Messrs. Hayes, Bixler and Caskie, contesting the seats of Messrs. Barton, Newell and Waldier, of Dakota county. To the Honorable the House of Representatives of the State of Minnesota :

The undersigned, your petitioners, respectfully represent to your honorable

body, that at the general election held within and for the State of Minnesota, on Tuesday, the eleventh day of October, A. D. 1859, they, the said petitioners, were duly elected Representatives to the Legislature of the said State of Minnesota, from the county of Dakota, constituting the Third Representative District in said State of Minnesota, each of them having received a majority of the votes legally cast, counted, and returned in and from the several towns in said county at said election for said office.

Your petitioners further say, that the votes for members of the Legislature from said county and district, canvassed by the proper officers of said county, as cast at the said election, were as follows, to wit:

For H. G. O. Morrison,	1069 votes.
" Henry J. Sheaffer,	1057 "
" Michael Waldier,	1042 "
" Stephen Newell,	1026 "
" Ara Barton,	1018 "
" Archibald M. Hayes,	1010 "
" Moses Bixler,	1002 "
" Henry Caskie,	991 "
" John H. Hannigan,	971 "
" John C. Cooper,	969 "

That upon making said official canvass, the Auditor of said county of Dakota gave certificates of election, as members of the Legislature of the State of Minnesota aforesaid, to the above named H. G. O. Morrison, Henry J. Sheaffer, Michael Waldier, Stephen Newell, and Ara Barton, and that by virtue of said certificates, said last named persons have taken and now hold their seats in your honorable body as members thereof.

Your petitioners further say, that in said canvass were included the following votes, as cast for the several candidates first above named, in the town of Burnsville, in said county, to wit:

For H. G. O. Morrison,	25 votes
" Henry J. Sheaffer,	84 "
" Michael Waldier,	84 "
" Stephen Newell,	85 "
" Ara Barton,	84 "
" Archibald M. Hayes,	1 vote.
" Moses Bixler,	1 "
" Henry Caskie,	1 "
" John H. Hannigan,	60 votes.

That no legal or valid election was held at said town of Burnsville, on the said eleventh day of October, 1859; that a pretended election was there held on that day; that at said pretended election no sworn judge or clerk of election officiated; that legal voters, desirous of voting the Republican ticket, were intimidated therefrom by riot, threats and force; that thirty-five men, not voters in said county of Dakota, voted at said pretended election for said Sheaffer, Waldier, Newell and Barton, as did also two females; that said pretended election was broken up in a row; that the poll lists and ballot box were in the course of said riot seized and carried away from the polling place; that the votes cast thereat were never canvassed by more than one judge of election, and were not canvassed nor declared in public, until as late as the twelfth day of October, A. D. 1859.

Your petitioners further say, that no legal or valid return of the votes cast at any real or pretended election, purporting to have been held at said Burnsville, on said 11th day of October, 1859, was made to the canvassing board of said county; that the only paper or document presented to said board,

purporting to be such return, included no certificate that such election was held, that any judge or clerk of election was sworn thereat, or that any votes were cast thereat; that the names appended to the paper presented to them for such return, purporting to be those of the judges and clerks of said election, were all in one and the same handwriting, and that said pretended return was not attested by any person as clerk of said election.

Your petitioners further say, that they have reason to believe, and do believe, that after said ballot-box was so taken as aforesaid, from the place of said pretended election, votes were fraudulently placed therein, and that the pretended vote of said town of Burnsville, should be entirely thrown out and rejected.

Your petitioners further claim that they and said Henry Caskie, are duly elected to, and entitled to seats in your honorable body as members thereof, and that the above named Michael Waldier, Stephen Newell and Ara Barton have never been elected to and are not lawfully entitled to seats in your honorable body.

Wherefore your petitioners pray that said Waldier, Newell, and Barton, be declared by your honorable body, not to be members thereof, and that these, your petitioners, and Henry Caskie aforesaid, may be admitted to seats therein as members thereof, and as in duty bound, will ever pray.

ARCHIBALD M. HAYES,
MOSES BIXLER,

December 7, 1859.

Mr. Morrison offered the following resolution :

Resolved, That the two Houses of the Legislature, (the Senate concurring,) meet in convention in the Hall of the House of Representatives to-morrow morning at ten o'clock, for the purpose of opening and canvassing the returns of election, for the offices of Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, and Members of Congress.

Adopted.

Mr. Sanborn, from the committee to prepare rules for the House, reported.

Mr. Cleveland moved the suspension of the reading of the report and rules, until his Excellency, the Governor, had delivered his message.

Carried.

The following message was then received from the Senate :

Mr. Speaker :—The Senate hereby notify the House that Messrs. Cowan and King are appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait on his Excellency, the Governor, and inform him that both Houses are duly organized, and ready to receive any communication from him.

And that Messrs. Hodges and Stevens are appointed on the part of the Senate a committee, to confer with a similar committee on the part of the House, to fix upon a time for canvassing the votes for State officers.

A. B. WEBBER, Secretary.

Mr. Morrison offered the following resolution :

Resolved, That G. A. Emmell, Esq., of St. Paul, be appointed a commissioner with full authority to compel the attendance of witnesses to take testimony in the contested election case in behalf of Messrs. Hayes, Bixler and Caskie, who claim the seats from Dakota county, now occupied by Messrs. Barton, Waldier and Newell.

Laid on the table.

Mr. Sanborn offered the following resolution :

Resolved, That the Sergeant-at-Arms proceed forthwith to procure as many extra seats as may be needed for the use of the joint convention of the House and Senate.

Adopted.

Mr. Cleveland offered the following resolution :

Resolved, That a committee of two be appointed to invite the Senate to meet the House forthwith in joint convention in the Hall of this House, to receive the message of the Governor, from his Excellency in person.

Adopted.

As such committee the Speaker appointed Messrs. Cleveland and Rehfeld.

Mr. Sanborn offered the following resolution :

Resolved, That a committee of two be appointed, on the part of the House, to act with a similar committee from the Senate, (should they appoint one,) to fix upon a day when the two Houses should meet in joint convention for the election of a United States Senator.

Laid on the table.

Mr. Secombe offered the following resolution :

Resolved, That a committee of two be appointed on the part of the House, to confer with a similar committee on the part of the Senate, as to the time and place of canvassing the returns of the vote of the last election.

Adopted.

As such committee the Speaker appointed Messrs. Secombe and Roy.

Mr. Morrison moved that the House take a recess, for the purpose of meeting the Senate in joint convention.

Carried.

The President, members and officers of the Senate were then announced by the Sergeant at Arms.

JOINT CONVENTION.

In accordance with the joint action of the Senate and House of Representatives of the State of Minnesota, both Houses convened in joint convention, in the Hall of the House, at 12 o'clock, M., this eighth day of December, A. D. 1859, for the purpose of receiving any communication his Excellency, Gov. Sibley, may have to present.

Amos Coggswell, Speaker of the House, aided by Lieut. Gov. Holcombe, presided over the convention.

Mr. Cowan, of the Senate, moved that the Speaker of the House be the President of the convention, and the Secretary of the Senate the Secretary thereof.

Carried.

Mr. Cleveland moved that the previous rules of joint conventions be the rules of this convention.

Carried.

Mr. McLaren, of the Senate, moved that a committee of three be appointed to inform the Governor that the convention is in readiness to receive any communication from him.

Carried.

As such committee the President appointed Messrs. McLaren, Robertson and Barton.

Gov. Sibley, on being introduced to the convention, delivered the following message :

To the Senate and House of Representatives :

The Constitution provides that "the Governor shall communicate by message to each session of the Legislature, such information touching the State and condition of the country as he may deem expedient." I proceed to the discharge of this duty, with as much regard to brevity as is consistent with a full exhibit of the affairs of the State.

When Minnesota entered upon her existence as a sovereign State of the Union, our own country, as well as the nations of Europe, was suffering from the effects of a financial crisis almost unprecedented in severity. The entire fabric of commercial confidence and credit had been shaken to its foundations, if not absolutely destroyed ; and our State, in common with the other portions of the confederacy, was most injuriously affected thereby. Foreign immigration, so essential to the development of our resources, and the enhancement in value of the taxable property of our infant State, was entirely checked—Eastern capitalists ceased to invest their funds among us, operations in real estate were suspended, our lumbermen failed to receive an adequate return for their labor, and our cultivated fields, usually so prolific, seemed for a time to deny to our farmers that abundance of return which they were accustomed to yield. But for the strong and abiding faith of our citizens in the ultimate triumph of Minnesota over all these discouragements, founded upon the knowledge they possessed of the fertility of her soil, the salubrity of her climate, and the advantages of her geographical position, they must have succumbed to such a concurrence of adverse circumstances. It is true that there is still a great scarcity of money in the State, but the pressure is somewhat diminished by the bountiful crops of the past season, which have enabled our agriculturists to sell for transportation to other States, a large amount of their surplus grain, and we have every reason to believe that with us, the crisis is past, and that ere long, our State will resume that onward course to prosperity which has been temporarily interrupted.

The anxiety of the Legislature and of the people, to apply some remedy to the gloomy state of things then existing, and to expedite at the same time the work upon those railroads for which magnificent grants of the public domain had been made by Congress, caused the former by act to propose, and the people at a subsequent election to adopt, by an overwhelming majority of votes, as an amendment to the Constitution, a loan of State credit to the "Land Grant Rail Road Companies" of \$5,000,000. I regret to be obliged to state, that the measure has proved a failure, and has by no means accomplished what was hoped from it, either in providing means for the issue of a

safe currency, or of aiding the companies in the completion of the work upon their roads.

For a full understanding of the subject, it will be requisite for me to detail, with some particularity, the events which have transpired in connection with the issue of the "State Rail Road Bonds" to the companies, and the cause to which their depreciation in value, in my judgment, is attributable.

Soon after the adoption of the "Loan amendment" so called, the railroad companies commenced the work upon their respective lines. Upon the application for State bonds for labor actually performed in compliance with the law, I felt it my duty to place upon record my construction of the language of the amendment, and to exact a strict compliance on the part of the companies with the prescribed requirements, before any of the obligations of the State should be issued to them. I accordingly prepared, after mature deliberation, and placed upon the Executive journal, on the 4th of August, 1858, the conditions upon which the State bonds would be delivered, a copy of which is herewith transmitted, and the companies were respectively informed of their precise tenor.

I believed then, as I still believe, that when the people voted the State aid to these companies, they intended and expected that she would receive in return, the exclusive first mortgage bonds of these companies, to an amount equal to the State bonds received by them, giving a priority of lien upon their entire lands, roads and franchises in favor of the State.

The companies objected to this construction, and upon my refusal to issue the State Bonds to them upon any other terms, a writ of mandamus was applied for to the Supreme Court by the Minnesota Pacific Rail Road Company, to compel me to deliver to them the bonds of the State, without exacting the exclusive first mortgage bonds of the company in return. I desired the Attorney General to attend on the part of the State, and the question was ably and elaborately argued by him before the Supreme Court, but nevertheless, the majority of that tribunal decided that my ruling was erroneous, and that the State by her own act, had placed herself on a like footing with other holders of the first mortgage bonds of the companies, under their deeds of trust, and could not therefore legally require an exclusive priority of lien upon the property of the companies. It was questionable in my mind, whether the Supreme Court possessed jurisdiction in the case, but as it was the tribunal of final resort in the State, I foresaw, that if I disregarded the mandamus directed to me, the Railroad Companies would probably consent to receive the State bonds under my original ruling, but would then apply to the Supreme Court to be released from what it had already decided to be an illegal obligation imposed upon them by the Governor, and, in such a contingency, the interests of the State would have been exposed to new complications, and perhaps new dangers. I therefore submitted to the writ directing the issue of the State Bonds, but the publicity given to the disagreement between the executive and the companies by the proceedings, was the first blow to the market value of the bonds, which, under the original construction were eagerly sought for at par, but after the decision of the Supreme Court, began to be regarded with suspicion. The several companies having received the State Bonds due them, attempted to effect their negotiation in New York City, but were unsuccessful, and at their earnest solicitation, and prompted by a sense of public duty, I visited that city, and spent several weeks in the endeavor to sell the bonds, so that the companies might secure the means to progress with the work upon their roads, the speedy completion of which was so desirable and important to the State herself. I do not doubt that these exertions would have been crowned with success, but for the determined and mischievous efforts of a portion of our own citizens, through the in-

instrumentality of the press and of private letters, to defeat every attempt to sell the bonds and thereby render nugatory and valueless the aid voted by the people of the State, without any distinction of party, to these Railroad Companies. I know of no like instance in the history of the country, where citizens have deliberately combined and industriously striven, to undermine and destroy the credit of their own State. Before the adoption of the Loan Amendment it was legitimate and proper for its opponents to strive to compass its defeat by any fair means, but when it became a part of the settled policy of the State, it was the duty of every good citizen to lend his influence in carrying it out, if possible, to a successful conclusion.

It is to be regretted that these machinations were so far effective, as to prevent the negotiation of the bonds in New York City, and although an arrangement was made by me on the part of the companies, with a leading firm there, which I have every reason to believe would have resulted in the sale of the bonds at a fair price, it did not meet with the assent of some of the companies, who believed they could effect a sale at higher rates, and it was consequently declared null and void. Unfortunately these anticipations have not been realized, and the companies being possessed of little or no means of their own, have depended mainly upon the State aid to enable them to prosecute the work upon their roads. Unable now to raise money upon their bonds, except at ruinous rates, and even to release many of them from hypothecation, all labor on the roads has been suspended, and the companies have not the means to meet their engagements to those to whom they are indebted, nor, with the single exception of the Southern Minnesota Company, to pay the December instalment of semi-annual interest on the State Bonds they have received.

The Act of the Legislature approved August 12th, 1888, required the Railroad Companies to deposit with the Treasurer of the State, sixty days in advance of the date upon which the semi-annual interest on the State Bonds should become due, a sum sufficient to meet the payment of such interest, with the necessary expenses, but upon a thorough examination and consultation with the Attorney General, I became satisfied that the act conflicted with the terms of the Loan Amendment, which only made it incumbent upon the companies to pay the interest on the State Bonds issued to them respectively, as it became due and payable. I have therefore deferred giving the notices of foreclosure contemplated by the law, until three of the companies to wit, "The Minnesota and Pacific Company;" "the Minneapolis and Cedar Valley Company" and the "Transit Company," have actually made default in the payment of the interest on the State Bonds severally issued to them, due on the first of the present month; before addressing such notices to the Trustees of the companies in default. Inasmuch as there is no power conferred upon any of the State officers, to bid in for the State, the property and franchises of such of the Railroad Companies as have failed to make payment of the interest due upon the bonds issued to them, I recommend that an act be passed as soon as practicable, giving authority to the Governor or other State officer, to purchase the property of any such company as may be sold under a foreclosure of the mortgage or trust deed. Such a measure is indispensable to prevent the securities held by the State from passing into the hands of third persons, for an inconsiderable sum, and which might result in future trouble and litigation, and it may be serious loss.

The instruments from the several companies required to be deposited with the Governor, to wit: The transfer of the net profits of the roads for the payment of interest, and of 240 sections of land from each company, have been duly executed, and the latter recorded in the various counties in which the land belonging to the companies lie. I deemed this precaution a proper one.

to avoid any question of title that might otherwise be raised hereafter, had it been omitted. This was not deemed requisite, so far as the Minnesota and Pacific Company was concerned, as the charter of that company provides for the filing of their documents with the Secretary of State.

In the present complex state of the railroad question, a serious and responsible task devolves upon you in connection with it. Such of the companies as have failed to meet their engagements, should be dispossessed, and the important interests entrusted to them, transferred to more responsible hands.

In providing by act for such a transfer, it will be necessary to guard every avenue where advantage may be taken to injure the State, and as no action of the Legislature can be effective, unless the State is the successful bidder when a foreclosure takes place, it is equally certain, that in such an event, you will have full power under a new contract with other parties, to make the conditions of acceptance more fixed and definite than they now are.

It is quite certain that a further issue of bonds now, would not only be unwise on the part of the State, and detrimental to her interests, but would confer no benefit on the parties receiving them.

Up to the present time there have been issued of State Railroad Bonds :

To the Minnesota and Pacific Railroad Company,	\$600,000
" Minneapolis and Cedar Valley "	600,000
" Transit Company,	500,000
" Southern Minnesota Company.	575,000

Making in all, \$2,275,000

And there have been completed of grading, ready for the superstructure, on the roads of the several companies as follows, to wit :

On the line of the Minnesota and Pacific Railroad Company, 62 miles and 3213 feet.

On the Minneapolis and Cedar Valley, 69½ miles.

On the Transit, 50 miles.

On the Southern Minnesota, on main line up the Minnesota Valley, 37½ miles.

On the Root River Branch, 20 miles and 1004 feet.

After the issue of State Railroad Bonds to the respective companies, the Auditor was importuned to receive them as a basis for banking. It was urged upon him that the State officers had no right, under the law, to reject the bonds of our own State, and that a refusal on his part to allow them to be so used, would prevent them from being negotiated abroad.

Notwithstanding the plausibility of such a plea, the Auditor persisted in declining to permit them to be placed as a basis for the issue of currency, until he should be assured that the companies would accede, either in terms or in substance, to the original ruling of the Executive, and thereby restore the bonds to the position in public confidence from which they had been displaced by the decision of the Supreme Court. He conceived that it would be his duty to receive them, if the State should be thus amply secured against loss, and bona fide sales were made, as the State administration was clearly bound, in his opinion, to aid in carrying out the policy indicated by the people, when they voted in favor of a loan of public credit to the Railroad companies, so far as was consistent with the interests of the State.

The Minneapolis and Cedar Valley Company finally filed in the Executive office, a full waiver of all its rights, under the decision of the Supreme Court, and accepting the original terms prescribed by the Governor.

The Southern Minnesota Company so changed and restricted its trust deed, that in lieu of \$3,500,000 proposed of first mortgage bonds in its original

trust deed, only \$2,000,000 should be issued on its entire line of road, including \$1,250,000 to the State.

The Transit Company by its trust deed bound itself to issue only \$1,860,000, of first mortgage bonds including those to the State, until sixty-two miles of its road should be completed and the cars running thereon, and only \$30,000 on each mile of its road as it should be graded and completed in sections of ten miles, after the completion of the sixty-two miles as aforesaid. In addition, these companies formally accepted the ruling of the executive by which only \$625,000 of the State aid was to be applied to the grading of their roads respectively, and the remaining \$625,000 to be delivered only as the roads were completed and the cars running thereon.

The companies last named have also obligated themselves to secure the right of way on their respective lines as soon as possible.

The Minnesota and Pacific Company had also assented substantially to the terms imposed upon the Transit Company, and the supplemental trust deed containing the provisions, was prepared and signed by the officers of the company, but for some cause unknown to me, the instrument was not filed in the executive office, consequently the bonds issued to that company have not been taken as a banking basis by the auditor, while a portion of those delivered to each of the three other companies were received by him at 95 cents, the proof required by the law of bona fide sales of the bonds at that price having been previously placed in his hands. These are the facts connected with the receipt of the Minnesota "State Railroad Bonds" as a basis for the issue of currency under the banking law, and although the result has been unfortunate, had the auditor refused to take the bonds under the circumstances he would have been charged with having cast a direct imputation upon the faith and credit of the State, and with being guilty of an arbitrary and illegal exercise of power. He did not anticipate that a continued warfare would be waged upon the bonds which would depreciate them in value, nor that the banks organized upon them would be subjected to the crushing opposition of the same monied combination.

He felt bound to follow the requirements of the law, and leave the responsibility of the consequences where it justly belonged. There is no good reason why these bonds are not now worth as much as other State stocks, unless indeed, the State intends to repudiate her obligations, a consummation which none but those who have no regard for public honor and good faith, would venture to advocate. The bonds have been issued under the solemn oaths of the Constitution, every prerequisite having been strictly observed, and in case of default in the payment of interest or principal, the State is bound to acquit herself of the liabilities she has voluntarily incurred. I do not propose, nor do I recommend, that the legislature shall provide by law for immediate taxation to meet the payments of interest, for the people of the State are now too poor to submit to the imposition of any such burden.

That fact is evident to all, and the most that can be expected of the State is the recognition of her liability and willingness to pay when she is in a condition to do so. By such an emphatic declaration the State will remain free from repudiation, and place herself right before the nation, and the bondholders themselves will be satisfied to wait until returning prosperity shall give to the State the ability to meet her engagements.

I trust, therefore, that you will decide this grave and important question in such a manner as to demonstrate abroad, that the representatives of the people of Minnesota will not for a moment tolerate repudiation. Better, far better that we be visited by pestilence or famine, for these are the instruments of God, for which we are not responsible, but our own act in violation of public faith and the pledged honor of the State, would sink Minnesota for all time to come, beneath the contempt and indignation of the civilized world.

It is doubtless true, that the amount of \$10,000 loaned by the State to the companies for the grading of each mile of their roads, was greater than the actual cost of such grading, and it is equally well known that many of the present holders have purchased or received the bonds at a much less rate than their par value, and it may well be in view of these facts, that an arrangement can be effected, whereby the State will be entitled to withdraw all of these bonds upon favorable terms, by substituting therefor other obligations of the State of a more specific character, the interest thereon to be made payable at some time in the future, when it may be reasonable to expect that the State will have the means to meet it. If an agreement of this kind can be arrived at with the bondholders, the State will be relieved from the awkward position in which she now finds herself, with reference to these outstanding bonds, and in such an event, the "Loan Amendment" must be swept from existence, and replaced by a new constitutional amendment which shall specify the mode and amount of the new bonds to be issued in lieu of the "State Railroad Bonds."

The Rail Road Companies were required to pay all expenses attendant upon the emergency and issue of the State bonds, and they were called upon for an assessment of six hundred dollars each for that purpose. All this has been paid and appropriated for the objects contemplated, except one hundred dollars still due by the Transit Company which has not been received. The sum is insufficient to cover the expenditure, and I have been compelled to pay some portion of the amount due the State Engineers from the Executive Contingent Fund, for which the companies are justly indebted to the State.

A synopsis of the accounts for the entire amount of the contingent fund, and of the sums received from the Rail Road Companies, is herewith transmitted, vouchers for each item being on file in the Executive office.

The reports of the Auditor and Treasurer will show more particularly the condition of the State Treasury. The total amount of taxes unpaid on the first of the present month was \$149,699.77. Of the appropriations made by the last Legislature, the sum of \$58,689.40 remains undrawn. The amount received during the present year by the Treasurer is \$92,328.49, of which about \$5,000, consists of taxes, due on the old tax list of the Territory. There is an apparent balance in the Treasury of \$1,014.14 made up of bills of depreciated or broken banks.

The report of the Auditor will also contain the details of operations under the general banking law of the State.

The banking system has proved to be worse than useless, and I recommend its entire modification or repeal. Experience has demonstrated most conclusively that the elements essential to a safe and profitable banking business do not yet exist here. No issue of paper money by individuals or corporations will, for the future, be regarded as worthy of the public confidence, until the facilities for exchange far exceed those now afforded. The greater part of the circulating medium finds its way into the hands of the merchants, who must necessarily make use of their means to pay their debts to their eastern creditors, and when this medium is not convertible into exchange, it fails to subserve the great necessities of commerce, and remains a useless drug in the hands of its holders. Paper money is the great curse of the west, and indeed of the entire nation. It has nearly driven gold and silver out of circulation, and it is a serious question how the evil shall be abated. The enormous inflation of the banking system was the origin of the panic and the calamities of 1857. It has been well said that paper currency "will answer in fair weather but flies at the first appearance of a storm. It always fails us when most needed, and the suddenness of its flight is an evidence of its tendency to panic, inherent in its very nature." In our own State we have had abundant ex-

perilence of the insecure character of bank promises to pay. When it is the interest of a combination of capital to crush a banking institution, the power is remorselessly exercised, without regard to the loss that may be entailed upon the community. Such combinations exist in every State, and it should be the object of the Legislature to curb the tremendous power wielded by them, so far as it is possible to do so. I believe that much benefit would accrue by banishing from circulation all bank notes of a less denomination than five dollars. The losses from notes of broken or depreciated banks fall generally upon the farmer or day laborer, who is the least able to bear them. The sums paid them for produce or labor, are ordinarily smaller in amount than that named, and the notes of doubtful banks are too often foisted upon them by unscrupulous men, as they have not the same opportunity enjoyed by other classes of the community for ascertaining the daily fluctuations in this species of currency. If it be objected, that small notes are convenient, it may be answered, that if it was made unlawful to circulate notes of a less sum than I have specified, the vacuum would speedily be filled by the introduction of coin, in the same manner it is now furnished in sums of less than one dollar sufficient for the wants of the community.

Another strong reason in favor of such a prohibition is to be found in the fact, that notes for large amounts will always be scrutinized with more severity and care, than those of a less denomination. Even if some temporary inconvenience should be felt by the public, it would be much more than counterbalanced by the withdrawal of small notes of doubtful character from circulation, and the consequent diminution of the power of individuals or corporations to inflict a loss upon the community by a refusal to receive them at will.

Indeed, it would be a blessing if paper currency could be entirely dispensed with, and specie used instead thereof. The very fact that gold or silver cannot be procured for any bank notes at their par value is proof sufficient that the latter are not regarded as an equivalent. The reason is obvious: no matter how well secured bank notes may be by the deposit of stocks with the State under general laws, such stocks, however intrinsically valuable, are subject to depreciation when a panic like that of 1857 swept through the land, and the holders of notes must suffer proportionate losses. It may not be possible at present, to provide for the total exclusion of bank notes from circulation, but it would be in my judgment, a wise and salutary precaution to place upon your statute books, an act making it a penal offence to circulate or use, as money, any bank notes of a less sum than I have indicated. By so doing, you will have effected much in protecting the public against the extortions and losses to which they are now subjected.

While every means consistent with a just economy should be adopted to lessen the burdens of taxation upon the people, it is highly necessary that the counties should be compelled to provide for a more punctual payment into the State Treasury, of the amounts due by them respectively. It will appear from the report of the Auditor that of the taxes due the State for the year 1855; considerably less than one half has been paid. The consequence is, that warrants upon the Treasury issued by the Auditor, in accordance with appropriations made by the Legislature, have depreciated in value, to the serious loss and inconvenience of those individuals to whom the State is indebted for salaries or other objects. It has been difficult for the last few months, for holders of these warrants to realize even two thirds of their par value, and in making purchases of necessary articles for the State, payable in warrants, an additional charge is made to cover the discount upon them. It is said, and I have no doubt truly, that the Treasurers of some of the counties have taken advantage of this state of things to buy up State warrants at low prices, and transfer them to the Treasurer of the State in payment of taxes due—the

county treasurers themselves realizing a handsome sum from this unjustifiable proceeding.

To meet this evil a still more stringent law should be passed making it penal for a county treasurer or other collecting officer to pay into the State or county treasury any other funds than those actually received by him, the character of which should be specified by law. The Territorial statute still in force requires the taxes to the State to be paid out of the first money collected by the county officers, but this provision is disregarded, and should be enforced by new and stringent enactments. Unless this is done, the State will not have the means to defray her ordinary expenses.

The authorities of Ramsey county have assumed, very unwarrantably, to diminish the assessments upon which a State tax is levied to one half of the amount which was the basis of the county tax. This is an evident attempt to nullify the clause in the Constitution declaring that all taxes shall be uniform and equal throughout the State, and should be promptly checked. The Legislature should make any future action of that kind a misdemeanor, subjecting the offender to proper penalties.

I recommend the passage of an act forbidding State warrants to be received in the payment of taxes. Such a measure would not only put a stop to the illegal traffic now carried on by some of the county officers, but if these warrants were made payable at the Treasury in gold and silver, or their equivalent, they would acquire a positive value, and not be liable to the fluctuations incident to a greater or less demand on the part of tax payers, which now occur.

In my message to the Legislature in June 1858, I urged a revision of the act creating a Township Organization which had received the sanction of my predecessor.

A modification was made in a subsequent act, which remedied many of the defects previously existing; but experience has shown that the system is better adapted to populous and wealthy States, than to a sparsely settled region like Minnesota. The people are now oppressed by a county tax nearly as great as under the old form of county government, to which is superadded a heavy township tax, both of which, together with the assessments for the State, for schools and for roads, make up an annual demand upon the people too heavy to be borne, and from much of which they should be relieved by prompt legislation. The machinery of county government is not only expensive, but useless. A large number of county and township officers receive pay for which they render no corresponding services. I therefore most earnestly recommend that the act establishing Township Organization be repealed, and the former system vesting the county government in three commissioners be reinstated, with the single addition of a county auditor to revise and control the county commissioners and the treasurer, in their expenditures of the public money, and with such restrictions and limitations of the powers of these offices, as in your wisdom, you may deem expedient.

The Treasurer of the county should be made the collector of all taxes therein, and a per centage allowed him in proportion to the amount to be collected. The cost of collection is now far more than it should be.

I am convinced, that it would be wise policy to prohibit the counties from bidding in the lands sold for taxes therein, and also to deprive the county authorities of the power to issue orders as evidence of indebtedness.

The present system is essentially defective, and operates rather as an inducement to delay the payment of taxes than otherwise, while it renders necessary an excessive issue of county orders. If measures were adopted to simplify the whole mode of conducting the affairs of the counties, by abolishing every office not absolutely necessary by restricting the taxation to the

least practicable limit, and by holding the county authorities to the strictest accountability, there would be fewer delinquent tax payers than there now are, as the sum of taxation would be very much lessened.

The State officers are fixed by the constitution and their number can only be diminished by an amendment to that instrument, but the office of District Attorney should be abolished, and the salaries of all State, District and County officers reduced in amount to correspond with the present straitened condition of the State and County Treasuries.

The interest due semi-annually on the State loan of \$250,000, will be payable on the 1st day of January next, and the money is not now in the Treasury to pay the instalment, and protect the credit of the State. I call particular attention to this subject which admits of no delay. I desired the Treasurer of the State, some months since to retain the money he might receive until he had accumulated the sum of \$10,000, requisite to meet the interest on these State Bonds, due 1st proximo. He acquiesced in my suggestion, and had already set aside about \$6,000 for that purpose, but it was found that there existed no special provision of law authorizing him thus to retain it, when holders of State warrants demanded their pay, and therefore upon being threatened with legal proceedings, he felt himself bound to disburse the funds thus reserved in payment of the warrants first presented at the treasury. I suggest for your consideration the propriety of authorizing the retention by the Treasurer of State, of a sum sufficient to enable him to meet these instalments of interest as they become due, from the first money received by him.

Indeed, the Constitution itself requires the passage of such a law.

The reports of the Inspectors and Warden of the State Prison at Stillwater, will be transmitted you at the time prescribed by law. Although the building is not suited for the confinement of a large number of criminals, yet it will answer present requirements, and I do not therefore recommend any present expenditure for the enlargement of the Prison.

An appropriation of \$20,000 having been made by Congress to defray expenses connected with the release of the captives held by Inkpadootah's band of Sioux, I felt it my duty to present the claim of the State for disbursements made in compliance with the act of the Territorial Legislature approved May 15th 1857.

The records of the Executive office furnished no data upon which an estimate could be based, and I had to be governed, in the statement of the sum due the State, by such information as I could obtain. I therefore put in a claim for \$7,000, which I judged would cover the amount expended, or for which the State was responsible. A pro rata allowance of 75 per cent was made upon those accounts which were deemed just, so that the State received \$5,250, of which \$3,000 was paid to the Treasurer of State on the 16th day of August last, by the Superintendent of Indian affairs, and \$2,250 to the holders of a territorial obligation issued by Governor Medary for \$3,500 under the act referred to, which was recalled and cancelled, a new obligation of \$750, being amount of balance due on the previous, and now held by them against the State.

The Reporter of the Supreme Court has addressed to me an official communication, relating to matters connected with his office, which I transmit herewith. It is important that the manner in which future reports shall be prepared and published, and the duties of the Reporter, and the rate of his compensation, should be accurately defined. The mode of distributing the Reports should also be specified by law. There remains a large number of copies on hand, subject to the disposal of the Legislature.

An act of the Legislature passed at its last session, provided for the com-

pilation of the laws now in force in the State; and agreeably to its requirements, a contract was entered into by me, for the publication thereof, after the commissioners appointed for that purpose, had performed the labor assigned them, and it had undergone the revision of the Judges of the Supreme Court. I took the responsibility of limiting the number for the State to 1700, including 100 for the Library, which have been furnished and paid for at \$6 per volume, from the fund appropriated for that object. A strict compliance with the terms of the Territorial law, which specified the mode of distribution of all volumes of statutes thereafter to be enacted and published, and named the classes of officers to whom they were to be delivered, would have demanded an edition of between three and four thousand copies, and involved the State in a great and unnecessary expense. The distribution was, therefore, ordered to be made only to those officials, including one justice of the peace in each township, to the proper discharge of whose duties the compilation was indispensable. Accompanying this message will be found the list of officers to whom one copy has been assigned. Each copy distributed has been conspicuously stamped with the words, "Property of the State, deliver to your successor in office." There still remains in the custody of the Secretary of State, a considerable number of these statutes, to be disposed of as the Legislature may deem expedient.

The salt springs, twelve in number, granted to the State by the act of Congress admitting Minnesota into the Union, with six sections of land adjoining each, making in all seventy-two sections, and ten sections for public buildings, have been selected. It was not known whether salt springs existed within the limits of the State, until after some months of search in an unexplored region, they were discovered, and all the necessary steps to secure the title of the State to them, and to the lands, have been taken, and confirmed by the proper department of the Federal government.

The ten sections for public buildings, were selected within six miles of the line of the Minnesota and Pacific Railroad, from the even sections, and the Commissioner of the General Land Office, in May last, notified me that the choice would not be confirmed, as the double minimum price of \$2.50 attached, but I appealed from this decision to the Secretary of the Interior, and was personally assured by him, when I visited Washington City in September last, that he would overrule the opinion of the Commissioner, and permit the State to hold the lands so selected. These tracts for public buildings are in one body, and being of fine quality, and near the geographical centre of the State, it is believed that no better selection could have been made.

I recommend particular attention on your part to the affairs of the University, which by the constitution is recognized and declared to be a State institution, and authority given the Regents, by act of the Legislature, to issue bonds, to be secured on the lands appropriated by Congress for its support and endowment. A large and costly building has been erected near the Falls of St. Anthony, on land purchased mainly with the proceeds of private subscriptions. The expenditures have exceeded the means within the control of the Board of Regents; but it is manifest that the State is responsible for the acts of its agents, if in accordance with the authority granted them. The building and the lands belong to the State, and no individual has any interest therein, and some mode should be devised to release them from hypothecation, and extricate the institution from the embarrassments with which it is now surrounded.

In a message to the last Legislature, I suggested that the number of Senators be reduced from thirty-seven to twenty-five, and of Representatives from eighty to fifty. I am of opinion that the public interests would be subserved by a still greater diminution, and I therefore recommend that you provide by

law for the reduction of the number of Senators to eighteen, and Representatives to thirty-six.

The embarrassed condition of the State finances, and the impoverished situation of the people, imperatively demand retrenchment, and, I am satisfied that the legislation requisite for the State, may safely be confided to a body composed of the number I have specified, acting under an increased sense of individual responsibility. Such a change would reduce the expenses of a session more than one-half, and I have no doubt, would be highly acceptable to the people of the State.

I submit, also for your consideration, the propriety of a proposition so to amend the constitution, as to limit the regular sessions of the Legislature to sixty days and of called or extra sessions, to thirty days. I believe that such a measure would receive the sanction of the people, and that it would be of much benefit, by ensuring greater industry on the part of the legislators, and more economy in the expenditures of the public funds, while the time indicated would be ample for all purposes connected with ordinary legislation.

One of the most important subjects requiring your attention, is that relating to the disposition of the school lands in accordance with the power conferred upon the Legislature by the Constitution.

One-third of these lands, and those the most valuable, are alone permitted to be exposed for sale within two years after the adoption of that instrument. The experience of other States should teach us, that too many guards cannot be thrown around the school lands. It would be strange indeed, if advantage is not sought to be taken by speculators, of any act that may be passed for the disposal of the school sections, to obtain the title to the most valuable, at rates far beneath their actual worth. I recommend that a State commission of three be authorized to appraise the value of these sections, preparatory to their being sold, and that provision be made whereby none of these lands shall be sold for less than their appraised price.

There is a necessity for the speedy disposal of some of the school sections, for they are now trespassed upon in many of the townships, and the valuable timber destroyed, and apart from this, the interest accruing upon extensive sales, would very much relieve the citizens of the State from the heavy taxation for school purposes which is now imposed upon them. A bill was passed by the last Legislature, which provided for the disposal of all the lands, and I was constrained to return it with my objections, not only on constitutional grounds, but because it was so loosely framed and guarded, that if it had become a law, the most of the proceeds of the lands sold, would have been squandered or inadequately secured. The constitution requires, that the principal for which the school lands may be sold, shall remain "forever inviolate and undiminished," and I earnestly recommend, that in any act that you may pass authorizing a portion of these lands to be sold, you will carefully provide for the security of the fund against any possible contingency. No State in the Union east of the Rocky Mountains, has received so large a grant of lands for common schools as our own, and this munificent donation should be guarded with jealous care.

The laws now in force for the regulation of common schools, require entire revision, and I recommend the adoption of such a system as will ensure uniformity and efficiency on the part of those to whom are entrusted the great interests of popular education.

In connection with this subject, it is proper I should mention that I regard the joint resolution of Congress, approved March 3d, 1859, which gives the right of pre-emption to settlers upon sections 16 and 36 in this State, under certain circumstances, as violative of the rights of the State, vested by the act admitting Minnesota into the Union, and I have addressed an official commu-

nication to the Secretary of the Interior, a copy of which is herewith transmitted, denying the validity of that joint resolution of Congress, and claiming all of the said school sections as the exclusive property of the State. I have been led to take this course by a perusal of the opinion of Attorney General Black, dated Nov. 10th, 1858, in a case involving the same questions, which arose in Arkansas, between the State and a land grant railroad company. The principle is therein distinctly asserted, and other authorities sanction the view taken by the Attorney General, that no action of Congress subsequent to the date of the compact entered into between the United States and a State, by which certain public lands are granted to the latter, can divest the State of its title to such lands, and that the compact takes effect on the day the act of Congress containing it, is approved by the President, which in the case of Minnesota was the 26th of February, 1857.

I am clearly of the opinion, therefore, that the State should not, by any act of her own, acknowledge the binding nature of the joint resolution of Congress referred to, but that she should, if necessary, appeal to the federal courts to protect her in the possession of all the school sections granted by Congress. If that joint resolution of Congress is operative and valid, the State will be compelled to select inferior and perhaps refuse lands, in lieu of the valuable sections in each township, to which she is justly entitled.

Probably the assertion of the rights of the State will eventuate in serious loss to individuals; but the importance of the question is too great to permit such considerations to weigh in the scale, as against the public interest, especially as it would be in the power of the Legislature to provide for any case of peculiar hardship which may occur.

The various tribes of Indians having reservations within the State, are a great source of annoyance to our citizens in the remote counties, as they commit depredations upon property, besides causing alarm by their presence and insolent deportment, in the thinly settled parts of the State. I have caused them to be removed time after time, from some of the counties, upon the complaints of the white settlers, but it is impossible to confine them within the bounds of their own reservations, unless some other line of policy be adopted by the general government, and by the State. A portion of the members of each tribe have assumed the dress and habits of the whites, and deserve encouragement and protection; but the incorrigible idlers and vagabonds among them should either be compelled to follow the example of their more industrious brethren, and remain upon and cultivate their own lands, or application should be made to the general government for their removal further westward, where they may affiliate with the wilder bands of savages, who subsist by the chase, and thus relieve our frontier settlements from the curse of their periodical visits. Col. Cullen, the United States Superintendent of Indian affairs, for this State, has been indefatigable in his exertions to retain the Indians within their own limits, and I take pleasure in acknowledging the promptitude with which he has responded to my repeated applications for his interference.

The clause in the constitution prescribing the conditions upon which civilized Indians may exercise the election franchise, has thus far remained inoperative, in consequence of the failure of the last Legislature to regulate the mode of examination of applicants by the District Courts. I am informed by the Rev. Mr. Riggs, a highly respected missionary among the Dakota or Sioux Indians, that there are individual members of that tribe who are possessed of the requisite qualifications for citizenship, and if so, they and all others similarly qualified, have a constitutional right to ask from the Legislature such facilities as will enable them to present themselves before the proper tribunal for examination, while it would be proper to place around any enact-

ment for that object, every safeguard to prevent abuses. If the State authorities can give encouragement to the red man who is striving to raise himself in the intellectual and political scale, it is surely incumbent on them to do so, promptly and cheerfully, especially as our constitution has thrown over him its broad shield of protection.

I recommend the subject to your special attention.

I transmit herewith a communication from the U. S. Treasury Department in reply to a requisition made by me for a complete set of weights and measures to which the State is entitled under the Joint Resolution of Congress, approved June 14th, 1836.

It will be seen that before these very desirable standards can be made available for the convenience of the public, a proper building must be provided for their reception. If a fire proof structure can be erected at a small expense, I suggest that an appropriation be made for that object. The building might be placed in the Capitol grounds, and one room therein appropriated for the military arms of the State which are now in an exposed condition.

I have not felt justified in ordering an enumeration of those capable of bearing arms in the State, as it would have been attended with every considerable expense, but in lieu thereof, I applied to the U. S. Marshal to furnish the Auditor with a copy of the census taken by him in 1857, so far as it comprises those subject to Military duty in the State, with a view to found therein an application to the war department for the number of arms to which we are entitled upon that basis. A communication has been made by me to the Secretary of War, accompanying the enumeration, and I have no doubt the demand for the arms will be promptly complied with.

Some changes in the militia law are desirable, rendering it more simple and better adapted to our present condition. The Report of the Adjutant General, and that of the Quarter Master General are herewith transmitted. In the re-organization of the volunteer system, under the law passed at the last session of the Legislature, I have received much valuable aid from these very efficient officers.

Much remains to be done to carry into effect the requirements of the law, and to perfect a military organization throughout the State, although considerable progress has been made in that direction.

I am more and more convinced that public policy requires, that the formation of volunteer companies should be promoted and encouraged by every proper means. The main dependence of the State must be upon volunteers whenever any exigency arises, necessitating the employment of force by the authorities of the State, either for the maintenance of order, or to protect her against invasion. The alacrity manifested on a late occasion, which will presently be stated, by the companies ordered to a distant point by the Commander-in-Chief, to suppress threatened resistance to the law, is the best proof that could be given of the reliable character of that species of military force.

In accordance with the act of the Legislature, approved March 10th, 1858, a liberal donation of lands has been made by the citizens of Glencoe, in the county of McLeod, for the Agricultural College at that place, and in my judgment no more judicious location could have been found. Deeds to the State for 320 acres have been filed with the Secretary of State, and it remains for the State to fulfil on her part, so soon as she has the ability to do so, the obligations voluntarily assumed.

The object is of paramount importance to the State, as it has a direct prospective bearing upon the great interests of agriculture.

The preliminary steps for the opening of a State Normal School, under the act of the Legislature, approved August 2d, 1858, have been taken by the citizens of Winona, in conjunction with the Board of Instruction, appointed

by me under the provisions of that act. I transmit herewith, the report of the board, which contains much information and specifies what has thus far been accomplished. In the present condition of the State Treasury, it cannot be expected that much can be done in support of this meritorious institution, which is however deserving of such support and encouragement as can be afforded on the part of the State.

Measures have been adopted to secure the land at or near Faribault, in Rice county, for the Deaf and Dumb Asylum, under the act approved August 11th, 1858.

The office of State Librarian is one of much responsibility, and the incumbent should be made the legal custodian of all books of every kind belonging to the State, including such volumes of laws and other documents as may be published by direction of the Legislature and intended for distribution. Everything practicable has been done by the Librarian to collect the books belonging to the Library, which previous to his appointment had been taken therefrom, and not returned, and a catalogue of the works therein, which was much needed, has been completed.

Important as it is that the Library should be periodically increased, in the present condition of the Treasury, I do not feel justified in recommending an appropriation for that purpose during the present session. A small sum should however, be placed under the control of the Librarian, to enable him to defray the expenses of postage and of express charges on books donated by individuals or societies, which are occasionally sent through that channel.

During my absence in New York City last winter, a man of the name of Reinhart, accused of murder, in Le Sueur county, and awaiting his trial upon that charge, was seized by a mob and put to death, the jail in which he was confined having previously been forced open. Only a few months after this outrage had been committed, an individual by the name of Oscar F. Jackson, who had been tried on a charge of murder by the District Court of Wright county, and acquitted, was also taken into custody by an armed body of men in that county, and deprived of his life by hanging. Determined if possible, to check such exhibitions of mob law, so discreditable to the State, and so alarming to her citizens, I at once offered a reward of \$500 for the apprehension and conviction of the murderers of Jackson. One of the alleged leaders and perpetrators of the deed was recognized by Mrs. Jackson, in the county of Hennepin, and upon her affidavit, was arrested and taken to St. Paul. Being anxious that he should have a fair trial, I ordered him to be transferred to Wright county for examination, and instructed the Attorney General to appear on the part of the State.

While proceeding with the examination, and before it was brought to a close, a band of disguised and armed men numbering more than forty, composed in whole or in part of those who had hung Jackson, broke into the house of the constable having the prisoner in custody, and forcibly released him, uttering at the same time, threats of the most violent character against any and all officials who should again attempt to enforce the law against the execution of Jackson. The attorney general immediately reported to me the facts in person at the capitol, and I decided at once to put forth so much of the power of the State as might be necessary to vindicate the offended majesty of the law. Being satisfied from the official statements made to me, that the authorities of Wright county were either unable or unwilling to enforce the law, I declared the county in a state of insurrection, and despatched a body of police, with three companies of volunteers under the command of Col. Prince, to Wright county for the purpose of overawing any attempt at resistance, it being currently reported that such an attempt would be made.— A few arrests had taken place before I visited Monticello in person, but as

they could not be identified as participators in the outrage, the prisoners were released. Upon receiving the written assurances of the prosecuting attorney of the fourth district, and of the sheriff of the county, that the law should be enforced against those known or suspected to be concerned in the double outrage that had been committed within a limited period, and the criminals having fled to the woods and were not to be found, I ordered the return of the volunteers and police to their homes. The pledges given for the arrest of those connected with the hanging of Jackson and the rescue of the alleged participator, were redeemed by the apprehension of eleven of the number, some of whom were bound over to appear at the next term of the district court of Wright county, and the others discharged for want of evidence. One great object I had in view, was, to demonstrate at this early period of her history, that the State had not only the will but the power to put down all combinations to resist the law. Happily, the object was effected without any effusion of blood, and the mission of the forces ordered into the field was ended when the law was recognized and obeyed. I transmit herewith the correspondence relating to the expedition and those matters immediately connected therewith. The cost of these proceedings is between \$6,000 and \$7,000, about \$4,000 of which has been paid from the executive contingent fund, leaving a balance to be provided for by you of \$1,935.50, for which I recommend an immediate appropriation. Three other volunteer companies who were ordered to hold themselves in readiness to march, deserve to receive some remuneration for the loss of time to which they were subjected, although not ordered into active service. I therefore recommend that the "Dakota Rifles," the "Washington Light Artillery" and the "Saint Paul Light Cavalry," be paid for three days' service at the same rate allowed to those called into service.

The prompt and cheerful response of all these companies to the requisition for their services, and the orderly and soldierly discipline of the officers and privates who were actually in the field, are alike creditable to themselves and to the State.

The returns of the late election for State officers, and for Members of Congress, will be transmitted to the Speaker of the House of Representatives.—In the absence of any law prescribing the mode by which the votes cast for Members of Congress shall be canvassed, I have advised the Secretary of State to make the returns to him to be canvassed at the same time with those for State officers. When the result shall have been declared and certified to me by the officers of the House of Representatives, I will at once issue to the members elect, their certificates under the great seal of the State.

I recommend that an act be passed regulating the election of members of the House of Representatives of the United States, and also that of Lieutenant Governor, Attorney General, and Secretary of State, for which there exists now, no provision of law.

I also suggest for your consideration the propriety of revising the general election laws, and of defining more explicitly the duties of officers entrusted with their execution.

During the late canvass, serious accusations were publicly made against the State officers, that some, if not all of them, had appropriated to their private use, the sums placed at their disposal to defray the necessary expenses of their several offices, or for other objects connected with the government of the State. It devolves upon the House of Representatives to institute a rigid examination into the accounts of each of these officers, and I earnestly recommend the appointment of a committee for that purpose, with power to send for persons and papers. It is due to the honor of the State, as well as to those officers who are innocent, that this course be pursued, and the guilty, if such there be, exposed and punished to the full extent of the law. While I feel it

to be my duty to urge this subject upon your immediate attention, it is equally proper that I should accompany the recommendation with a declaration of my ignorance of any cause for such charges as I have referred to, and of my utter disbelief of their truth.

The act of Congress approved March 3d, 1853, gives the right to Minnesota to make up any deficiency of school sections in fractional townships from any other portion of the unappropriated public lands. It would be the part of wisdom to have these selections made as speedily as practicable.

The Secretary of the Interior very unexpectedly decided that the grant of swamp lands made to the different land States, was not applicable to Minnesota. No time should be lost in soliciting Congress for the passage of an act extending the provisions of the former law to our State, and I recommend that, by joint resolution of the two Houses, the application be made without unnecessary delay.

There is a class of enactments on the statute books of the nature of standing appropriations, which are the occasion of much perplexity and doubt to the State officers in the discharge of their duties. Instances will be found in the Act to establish State Normal Schools; in that with regard to the State Prison, and others of a like character, in which a direct appropriation is made, and yet the sums thus set apart, are not included in any bill making appropriations for the support of the State Government; I recommend legislation on your part to prescribe the duty of the Auditor under such laws. The policy of standing appropriations is very questionable. In my judgment all appropriations should be embraced in a general bill which will show the entire amount of annual State expenditure.

It has been customary in acts of a general character to provide in the concluding section for the repeal of all acts or parts of acts inconsistent therewith, without specifying them. This mode of proceeding has given rise to much confusion and doubt, and I recommended that in future, any act intended to be struck from the Statute book, should be particularly designated in the repealing clause.

By the act of Congress admitting Minnesota into the Union, it is provided that "five per centum of the net proceeds of all sales of public lands lying within said State, which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same shall be paid to said State, for the purpose of making public roads and internal improvements as the Legislature may direct." A considerable amount must be now due under the above act, and I suggest that the requisite steps be taken by you, to secure its payment into the State Treasury at an early day.

The importance of a Homestead Bill to our State is beyond question, and I recommend that by Joint Resolution you instruct your Senators and request your Representatives in Congress to use their utmost efforts to procure the passage of such an act during the present session of that body, extending its provisions to all lands whether surveyed or unsurveyed, such a measure would not only be just in itself, but it would tend incalculably to advance the prosperity of the State.

I suggest also, for your consideration the propriety of an application to Congress for the re-imbusement of the expenses incurred by the State in connection with the Convention, to form a State Constitution. That convention was assembled under the authority of Congress, and the State has a just claim for the sum disbursed by her, in the payment of members and other contingent expenditures.

It is of momentous consequence that the provisions of the reciprocity treaty, between the United States and the British Government, and now confined to

certain States and Provinces, should be extended so as to embrace our State in her commercial intercourse with our northern neighbors. The Red River Settlement, although containing nearly ten thousand souls, and becoming more and more identified with us in interests, is but the germ of the mighty population which, so soon as the country is opened to immigrants, will pour into the great valleys, and the vast and fertile plains within the British Possessions.

Every step taken by us now to cultivate good feeling, and to encourage intimate relations with the people north of our boundary line, will do much to bind them to us hereafter, and as the settlements continue to extend westward towards the Rocky Mountains, the influence in favor of a Pacific railway, through Minnesota, will be constantly increased. Our destiny for the future is very much bound up with that of the colonies north of us, and while it may not be possible, or even desirable, that we should be united with them under the same form of government, still it is evident that their interests and ours are so interwoven and identical, that unrestricted commercial facilities should be sought for by both parties under the sanction of their respective governments.

The impetus which would be given to the prosperity of Minnesota, by the adoption of the northern route for railway communication across the continent, and the commencement of the work on the line, cannot be over estimated. It would at once place us in the front rank of western States, and ensure to us an unprecedented increase in population and wealth. That such a consummation will take place sooner or later, no reasonable man can entertain a doubt.

The comparatively short distance, the abundance of wood and water, and the favorable character of the climate, all point to the Northern route, surveyed by Gov. Stevens, as altogether more practicable and less expensive than the middle or Southern route, both of which have been also surveyed under the directions of the General Government. It is incumbent upon the State, and all her citizens to embrace every opportunity of pressing this subject on all proper occasions on the attention of Congress, and at the same time of enlisting the friendly assistance of those States with whom we are particularly allied in interest in the promotion of this great enterprise.

I suggest for your consideration the propriety of petitioning Congress to appropriate a suitable amount of the public domain for aiding in its construction.

It is to be regretted, that the State has not now at her command a sufficient sum of money to be applied to the encouragement of immigration. Every dollar judiciously applied to that object, would be returned tenfold to the State in a single year. The war taxes which are now bearing so heavily upon many of the European States, will as a natural consequence induce many of their subjects to escape from exactions so overwhelming, and seek their fortunes in the New World.

Unfortunately for us, others of the Western States have systematized a plan of operations, so as to divert the stream of immigration to their own limits. They employ persons abroad, as well as in the United States, and expend annually large sums for that purpose, something should be done by us to counteract these formidable agencies, and with the view to serve practicable results in connection with this subject, I recommend that a joint committee be appointed by the two Houses, for the express object of collecting all the information to be obtained, to assist the Legislature in determining the proper course to be pursued.

Having given you my views, however imperfectly, upon those topics of special or general interest to the State, which I deemed it incumbent on me to present for your consideration. I may be permitted to congratulate you,

that our country has been preserved from foreign war, and that we are justified in the belief that there are no questions at issue between our own and other governments, which are not susceptible of an amicable solution.

An attempt on the part of a few misguided men to instigate a servile insurrection in Virginia has signally failed, and most of these disturbers of the public peace have either miserably perished, or are about to expiate their crimes on the scaffold.

The slavery question has for years been the fruitful source of sectional discord, and will continue to alienate the affections of the two great parts of the union from each other, so long as it can be dragged into the arena of politics. When the principal of non-intervention on the part of Congress with the domestic institutions of the States, or organized Territories, shall be fully established as a part of the public policy, and the same doctrine is made applicable to the several States and Territories, no one being permitted to interfere in any manner with the domestic affairs of another, we may confidently expect to see the bonds of fraternal kindness fully restored between the North and South, and the only element of danger to the integrity of the confederacy, wholly dissipated and removed.

It is the duty of Minnesota, and that of every other State, to promote harmony and good will between the different sections, and to frown upon all endeavors to exasperate one part of our common country against the other. God has given us a noble heritage, and while we enjoy the blessings of perfect freedom, religious as well as civil, we should bear in mind that we shall be held justly responsible for any failure on our part to transmit them unimpaired to our descendants.

In closing this my last annual communication to the Legislature, I assure you that I will during the brief period I shall remain in office, cheerfully co-operate in any measures you may propose for the benefit of the people of the State.

Mr. Robertson offered the following resolution :

Resolved, That the President of this convention be directed to report the message, and accompanying documents, just delivered by his Excellency, the Governor, to the House of Representatives.

Adopted.

Mr. Hall moved the convention adjourn.

Carried.

The House was called to order by the Speaker.

The Speaker presented to the House the message of his Excellency Gov. Sibley, and the accompanying documents.

Mr. Sanborn moved that the message and documents be laid on the table.

Carried.

Mr. Robertson moved that the report of the committee on rules be taken up.

Carried.

Mr. Robertson moved the report be adopted.

Carried.

The following is the report of the committee :

The committee appointed to prepare and report Permanent Rules for the House, have had under consideration the matter submitted to them, and would submit the following report :

I. The Speaker shall take the Chair at the time to which the House stands adjourned, and the House shall then be called to order, and the roll of the members called, and the names of the absentees shall be entered on the journal of the House.

II. Upon the appearance of a quorum, the Journal of the preceding day shall be read by the Clerk, and any mistake therein may be corrected by the House.

III. The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House.

IV. The Speaker shall vote on all questions taken by yeas and nays, (except on appeals from his own decisions,) and in all elections or divisions called for by any member.

V. When the House adjourns, the members shall keep their seats until the Speaker announces the adjournment.

VI. Every member, previous to his speaking, shall rise from his seat, and respectfully address himself to the Speaker.

VII. When two or more members rise at once, the Speaker shall designate the member who is first to speak ; but in all cases the member who shall first arise and address the Chair, shall speak first.

VIII. No person shall speak more than twice on the same question, without leave of the House, nor more than once until every member who chooses to speak shall have spoken.

IX. No motion shall be debated or put, unless the same be seconded ; it shall be stated by the Speaker before debate, and any such motion shall be reduced to writing, if the Speaker or any member desire it.

X. After a motion shall be stated by the Speaker, it shall be deemed to be in possession of the House, but may be withdrawn at any time before amendment or decision ; but all motions, resolutions or amendments, shall be entered on the journal, whether they are withdrawn, rejected or adopted.

XI. When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, for the previous question, to postpone indefinitely, to postpone to a certain day, to commit, or to amend ; which several motions shall have precedence in the order in which they stand arranged : and a call of the House may be had upon a demand of five members.

XII. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken ; that, and the motion to lay on the table, shall be decided without debate.

XIII. The previous question shall be in this form : "Shall the main question be now put ?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee, if any ; upon pending amendments ; and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order ; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

XIV. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

XV. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion, or after the House shall have determined that the main question shall be now put, shall be decided, while being debated, whether on appeal, or otherwise, without debate.

XVI. Every order or resolution to which the concurrence of the Senate shall be necessary, shall be read to the House and be laid upon the table on a day preceding that on which the same be moved.

XVII. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker or by a member in his place.

XVIII. Every member who shall be present before the vote is declared from the Chair, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote.

XIX. When the Speaker is putting the question, no member shall walk out or across the House; nor when a member is speaking, shall any person entertain any private discourse, or pass between him and the Chair.

XX. If the question in debate contains several points, any member may have the same divided.

XXI. A member called to order shall immediately sit down, unless permitted to explain, and the House, if appealed to, shall decide the case; if there be no appeal, the decision of the Chair shall be submitted to. On an appeal, no member shall speak more than once, without leave of the House, except when a member is called to order for offensive language, in which case there shall be no debate.

XXII. Every bill shall be introduced by a motion for leave, or by an order of the House on a report of a committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice. Every notice of a motion for leave to bring in a bill, and every motion for leave to bring in a bill, shall be in writing, and shall contain the title of the bill.

XXIII. Every bill and resolution shall have prefixed thereto the name of the person introducing it, and when ordered by a committee, the name of said committee shall be endorsed thereon.

XXIV. All bills, memorials, and joint resolutions, upon their introduction, shall be read by title, and laid upon the table until printed, unless by a suspension of this rule the House decide otherwise.

XXV. Every bill shall be read on three different days, unless in case of urgency two-thirds of the House shall deem it expedient to dispense with this rule; and no bill shall be passed unless it shall have been read the second and third time at length.

XXVI. No bill shall be committed or amended, unless it has been twice read. No bill or joint resolution shall be declared passed, unless voted for by a majority of all the members elected to the House; no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; no bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith any other bill or resolution pending before the House.

XXVII. In forming a committee of the whole House, the Speaker shall appoint a Chairman to preside.

XXVIII. Bills committed to a committee of the whole House shall be read by the Chairman, and debated by clauses, leaving the preamble to be last considered. All amendments shall be entered on a separate piece of paper, and so reported to the House by the Chairman, standing in his place.

XXIX. All questions, whether in Committee or in the House, shall be put in the order they are moved, except in the case of privileged questions, and in filling up blanks the largest sum and the longest time shall be first put.

XXX. A similar mode of proceeding shall be observed with bills which have originated in and passed the Senate, as with bills originating in the House.

XXXI. No motion for reconsideration shall be in order unless on the same day, or the day following that on which the decision proposed to be considered took place, nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, (except in case of privileged motions,) shall not be renewed on the same day; nor shall any subject be a second time reconsidered on the same day, without unanimous consent.

XXXII. When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

XXXIII. Any member who votes on that side of a question which prevailed, and which required two-thirds of the members present to carry in the affirmative, may be at liberty to move a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

XXXIV. The rules of the House shall be observed in committee of the whole House, so far as may be applicable, except that the yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

XXXV. A motion that the committee rise, shall always be in order, and shall be decided without debate.

XXXVI. The following Standing Committees (to consist of five members each,) shall be appointed at the commencement of the session, unless otherwise ordered:

A Committee of Ways and Means.

- " " State Affairs.
- " " Judiciary.
- " " Internal Improvements.
- " " Commerce.
- " " Elections.
- " " Federal Relations.
- " " Currency.
- " " Public Lands.
- " " Printing.
- " " Agriculture and Manufactures.
- " " Towns and Counties.
- " " Education and Science.
- " " Incorporations.
- " " Rules and Joint Rules.
- " " Retrenchment and Reform.
- " " Capitol and Capitol Lands.
- " " Schools and School Lands.
- " " University and University Lands.
- " " Emigration.
- " " Railroads and Railroad Grants.
- " " Constitution and Constitutional Revision.

XXXVII. And the following committees, to consist of three members each:

A Committee on Military Affairs.

"	"	Supplies and Expenditures.
"	"	State Prison.
"	"	Roads, Bridges, and Navigable Streams.
"	"	State Library.
"	"	Claims.
"	"	Indians and Indian Reservations.
"	"	Mines and Minerals.
"	"	Enrollment.
"	"	Engrossment.

XXXVIII. The committee on Engrossment shall examine all bills after they are engrossed, and report the same to the House, correctly engrossed, before their third reading; and said committee may report at any time.

XXXIX. Select Committees, to whom reference shall be made, shall in all cases, report a state of facts, and their opinion thereon, to the House.

XL. In all cases where a bill, order, resolution or motion, shall be entered on the Journals of the House, the name of the member moving the same shall be entered on the Journals.

XLI. No person shall be admitted within the bar of the House, but the Executive, members of the Senate, the heads of Departments of the State Government, Judges of the Supreme and District Courts, members of Congress, those who have been members of Congress, of the Constitutional Conventions of the State, of the State Legislature, or of the Legislative Council and other persons as the Speaker shall, on application, assign places as Reporters.

XLII. The Speaker shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees, and other proceedings of this House, which are committed to a committee of the whole House, and which are not made the order of the day for any particular day, and to number the same; which list shall be called "the general orders of the day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the House, and the Clerk shall also keep a book showing the situation and progress of bills.

XLIII. On the meeting of the House, after reading the Journal of the preceding day, the order of business of the day shall be as follows:

First. Presentation of petitions;

Second. Reports of the standing committees; reports of the select committees.

Third. The amendments proposed by the Senate to bills from the House of Representatives;

Fourth. Motions, resolutions and notices;

Fifth. Second reading of bills and resolutions from the Senate;

Sixth. Second reading of House bills and resolutions;

Seventh. Third reading of Senate bills and resolutions;

Eighth. Third reading of House bills and resolutions;

Ninth. Unfinished business of the preceding day;

Tenth. Special orders of the day;

Eleventh. General orders of the day.

XLIV. Whenever the report of any committee of Conference contains several modifications or amendments, any member may have the same divided, and the question of concurrence taken separately upon such modification or amendment.

XLV. When the House have arrived at the general orders of the day they shall go into committee of the Whole upon such orders, or a particular order designated by a vote of the House, and no business shall be in order

until the whole are considered or passed, or the committee rise; and unless a particular bill is ordered up the committee of the Whole shall consider, act upon, or pass the general orders according to the order of their reference.

XLVI. The Speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

XLVII. The rules of Parliamentary practice, embraced in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules and orders of the Senate and House of Representatives.

XLVIII. No rule of the House shall be suspended, altered or amended, without the concurrence of two-thirds of the members present.

XLIX. The hour of the daily meeting of the House shall be ten o'clock in the morning, until the House direct otherwise.

Mr. Acker moved to take from the table his resolution for the election of Mr. Newson as Printer for the House.

Carried.

Mr. Morrison moved to lay the resolution on the table.

Carried.

Mr. Robertson offered the following resolution:

Resolved, That the Clerk be instructed to procure two hundred copies of the report of the committee on permanent rules, to be printed for the use of the House.

Lost.

On motion of Mr. Sanborn,

The House adjourned to meet December 9th, at 10½ o'clock, A. M.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

THIRD DAY.

FRIDAY, Dec. 9, 1859.

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

The roll was called, and a quorum found present.

Prayer was offered by Rev. Mr. Nichols.

Mr. Sanborn moved that the reading of the Journal be dispensed with.

Carried.

Mr. Sanborn offered the following resolution:

Resolved, That the vote of the House of yesterday authorizing the Speaker to appoint a committee of two to confer with a committee on the part of the

Senate as to the time and place of having a joint convention of both Houses for the purpose of canvassing the returns of the election for State officers and members of Congress, and all action on the part of the House in pursuance thereof, be reconsidered; and that the Clerk forthwith inform the Senate of said reconsideration.

Adopted.

The following announcement was then made by the Speaker :

To the Hon. the House of Representatives :

I now inform the House that at the hour of ten o'clock and fifteen minutes of this day, I shall proceed in presence of both Houses of the Legislature to canvass such of the returns of the late State election for State officers and members of Congress, as has been transmitted to me by the Secretary of State, pursuant to the provisions of law.

Mr. Sanborn offered the following resolution :

Resolved, That the communication from the Speaker of the House be communicated forthwith by the Clerk of the House to the honorable Senate, and the Senate be invited to repair to the Hall of the House of Representatives at the time designated by the Speaker, to witness the canvass of such returns of the late election for State officers and members of Congress as have been transmitted to the Speaker by the Secretary of State agreeably to the provisions of law.

Adopted.

Mr. Robertson offered the following resolution :

Resolved, That the consideration of the message of his excellency, the Governor of the State, be made the order of the day for Monday next.

Adopted.

Mr. Robertson offered the following resolution :

Resolved, That the members of the House take seats on the right of the House, and the Senate on the left, while in joint convention.

Lost.

Mr. Sanborn moved that the rules be so far suspended as to allow the House to act upon the motions and resolutions offered at the present time.

Carried.

The President, members and officers of the Senate were then announced by the Sergeant-at-Arms.

The Speaker then made the following announcement :

"Here in the presence of both Houses of the Legislature of the State of Minnesota, I, the Speaker of the House of Representatives do now proceed to open and canvass the returns of the election held on the 11th day of October, A. D. 1859, for Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, and two members of Congress."

The Speaker then opened the returns and proceeded with the canvass until one o'clock, P. M., when he announced that further proceedings in the canvass would be suspended until half-past 2 o'clock, P. M.

The Senate then withdrew.

Mr. Robertson moved that the House take a recess till half-past 2 o'clock, P. M.

Carried.

AFTERNOON SESSION.

At half-past 2 o'clock, P. M., the House was called to order by the Speaker.

The officers and members of the Senate were announced by the Sergeant at-Arms.

The Speaker then resumed the canvass.

The canvass having been completed, the Speaker of the House of Representatives arose, and in the presence of both Houses of the Legislature made the following announcement:

Having completed the canvass of the election returns, transmitted to me by the Secretary of State, pursuant to section 2 of article 5 of the Constitution, I now declare the result as follows:

For Governor:

George L. Becker had 17,582 votes.

Alexander Ramsey " 21,335 "

Alexander Ramsey, having received a majority of all the votes cast at said election for the office of Governor, is hereby declared duly elected Governor of the State of Minnesota for the term of two years, commencing on the first day of January, one thousand eight hundred and sixty.

For Lieutenant Governor:

Sylvanus B. Lowry had 17,670 votes.

Ignatius Donnelly " 20,917 "

Ignatius Donnelly, having received a majority of all the votes cast at said election for the office of Lieutenant Governor, is hereby declared duly elected Lieutenant Governor of the State of Minnesota for the term of two years commencing on the first day of January, one thousand eight hundred and sixty.

For Secretary of State:

Francis Baasen had 18,039 votes.

J. H. Baker " 20,732 "

J. H. Baker, having received a majority of all the votes cast at said election for the office of Secretary of State, is hereby declared duly elected Secretary of State of the State of Minnesota, for the term of two years commencing on the first day of January, one thousand eight hundred and sixty.

For State Treasurer:

Sam. B. Abbe had 17,425 votes.

Charles Scheffer " 21,335 "

Charles Scheffer, having received a majority of all the votes cast at said election for the office of State Treasurer, is hereby declared duly elected Treasurer of the State of Minnesota for the term of two years commencing on the first day of January, one thousand eight hundred and sixty.

For Attorney General:

John B. Brisbin had 17,630 votes.

Gordon E. Cole " 21,186 "

Gordon E. Cole, having received a majority of all the votes cast at said election for the office of Attorney General is hereby declared duly elected Attorney General of the State of Minnesota for the term of two years commencing on the first day of January, one thousand eight hundred and sixty.

Representatives to Congress:

Christopher Graham	had 17,417 votes.
Jas. M. Cavanagh	" 17,668 "
William Windom	" 21,016 "
Cyrus Aldrich	" 21,360 "

Cyrus Aldrich and William Windom having each received a majority of all the votes cast at said election, are hereby declared duly elected Representatives to the Thirty-Sixth Congress of the United States from the State of Minnesota.

The result of the canvass having been declared, the Senate withdrew.

Mr. Robertson moved that the House adjourn to meet on Monday, Dec. 12th, at 10 o'clock, A. M.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

FOURTH DAY.

MONDAY, December 12, 1859.

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

Prayer was offered by the Rev. Mr. Fisk.

The roll was then called and the following members found absent:

Messrs. Mann, Ozman, Secombe, Shrewsbury, Tollman and Willey.

The journal of Friday was read and approved.

The Speaker presented to the House the reports of the Treasurer and Auditor.

On motion, the reports were laid upon the table. [For reports, see Appendix.]

The Speaker then announced the following as the standing committees of the House:

Ways and Means.—Messrs. Greene of Steele, Scheffer, Orange Walker, Tollman, and H. Walker.

State Affairs.—Messrs. Morrison, Beatty, Stewart, McDonough, and Waldhier.

Judiciary.—Messrs. Sanborn, Mitchell, Robertson, Sweet, and Mann.

Internal Improvements.—Messrs. Trow, Armstrong, Leavens, Sweet, and Stearns.

Commerce.—Messrs. Arnold, Chadderdon, Aaker, Wilkins, and Johnson.

Elections.—Messrs. Butler, Olivier, Shultz, Wilkins, and Orange Walker.

Federal Relations.—Messrs. Mitchell, Arnold, Cleveland, Beatty, and Fox.

Currency.—Messrs. Secombe, Robertson, Baldwin, Langworthy, and Barton.

Public Lands.—Messrs. Purdie, Shriner, Morrison, Willey, and Renz.

Printing.—Messrs. Van Vorhes, Stephenson, Brooks, Donohue, and McDonough.

Agriculture and Manufactures.—Messrs. Garrard, Cleary, Nettleton, Temanson, and Abbot.

Towns and Counties.—Messrs. Hulett, Mitsch, Rehfeld, Austin, and Hunt.

Education and Science.—Messrs. Watson, Donohue, Willey, Meighan, and Webster.

Incorporations.—Messrs. Mann, Scheffer, Abbot, Tollman, and Taylor.

Rules and Joint Rules.—Messrs. Thayer, Knox, Chadderdon, Burnham, and Kinkead.

Retrenchment and Reform.—Messrs. Acker, Waldhier, Olds, Roy, and Shrewsbury.

Capitol and Capitol Lands.—Messrs. Langworthy, Stephenson, Skillman, Sweet, and Johnson.

Schools and School Lands.—Messrs. Sawyer, Barton, Coe, Cleary, and Dayton.

University and University Lands.—Messrs. Orange Walker, Barton, Garrard, Waldhier, Greene, of Olmsted.

Emigration.—Messrs. Pfander, Mitsch, Renz, Shriner, and Temanson.

Railroads and Railroad Grants.—Messrs. Abraham, Arnold, Morrison, Willey and Hulett.

Constitution and Constitutional Reform.—Messrs. Cleveland, Mitsch, Roy, Hunt, and Sanborn.

Military Affairs.—Messrs. McDonough, Robertson, and Stevens.

Supplies and Expenditures.—Messrs. Mantor, Olivier, and Thayer.

State Prison.—Messrs. Fox, Armstrong, and Baldwin.

Roads, Bridges and Navigable Streams.—Messrs. Anderson, Kinkead, and White.

State Library.—Messrs. Johnson, Nettleton, and H. Walker.

Claims.—Messrs. Stewart, Behfeld, and Sherwood.

Indians and Indian Reservations.—Messrs. Stock, Armstrong, and White.

Mines and Minerals.—Messrs. Ozman, Nettleton, and Webster.

Engrossment.—Messrs. Letford, Olivier, and Knox.

Enrollment.—Messrs. Taylor, Sweet, and Anderson.

Mr. Stephenson presented the following remonstrance of Earle S. Goodrich :

To the Honorable the Senate and House of Representatives of the State of Minnesota :

The undersigned, Earle S. Goodrich, of the City of St. Paul, respectfully represents to your honorable Houses : That, on the tenth day of March, A. D. 1858, the Legislature of the State of Minnesota, with the approval of the Governor of said State, passed an act entitled "an act to provide for the letting of the State printing, binding, and advertising," which act provided "that the printing, binding and advertising for the Senate and House of Represen-

tatives, for the Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, for the School and Banking Departments, and all other printing, binding and advertising for any and every one of the State officers which are now or may hereafter be created, and which may or shall be done under the authority, and at the expense of the State of Minnesota," would thereafter be done by contract covering a period of two year's time, and running from the month of December then next ensuing.

The undersigned therefore claims the right thus guaranteed to him by virtue of the law aforesaid, and of the contract entered into by him with the State in accordance with its provisions, to do and execute the printing thus granted to him by virtue of the law aforesaid, and of the contract entered into by him with the State in accordance with its provisions, "to do and execute all the printing, binding and advertising required to be done for the various State departments, and the Senate and House of Representatives," and which may or shall be done under the authority and at the expense of the State of Minnesota, for and during the whole of said term of two years from and after the 1st day of December, A. D. 1858.

And the undersigned protests his ability and willingness to do and execute said printing, binding and advertising required by law, and by his said contract to be done and performed during the said term with entire fidelity, and with all reasonable despatch.

And the undersigned remonstrates against any action on the part of your honorable bodies, which shall seek to destroy or in any degree impair his legal rights as such contractor with the State of Minnesota, during the term of time limited by the law, and by such contract.

EARLE S. GOODRICH,
Contractor for the Public Printing.

St. Paul, Dec. 8, 1859.

On motion, the remonstrance was referred to the committee on Printing.

Mr. Secombe presented the following petition of R. E. Jefferson, which was read, and on motion, referred to the committee on Elections :

To the Honorable the House of Representatives of the State of Minnesota :

The petition of Robert E. Jefferson, of the county of Saint Louis, in the State of Minnesota, and the Twenty Sixth Legislative District of said State, respectfully represents to your honorable body ;

That he was a candidate for Representative to the Legislature in said Twenty Sixth Legislative District, and was voted for that office, at the election held on the 11th day of October, A. D. 1859, that William Nettleton, was an opposing candidate in said Legislative District for that office, and received a certificate of election ;

And your petitioner further shows to your honorable body, that the said William Nettleton, was not at the date of said election, eligible to said office, he having only resided in said State of Minnesota, since the 11th day of May, A. D., 1859; that prior to that time, he resided in the town of Superior, in the State of Wisconsin ;

And your petitioner further shows, that he received the highest number of legal votes, legally polled in said Legislative District, at the election aforesaid. That the election at Grand Portage, was not held according to law, in that two of the Judges, and one of the clerks of said election at the said precinct of Grand Portage, were not residents and qualified electors of the said District, that Horace Stanton, one of said Judges resided at the time of said election, at Minnesota Point, in the county of Saint Louis; that Hart, another of said Judges only commenced his residence in the State of Minnesota in the

month of August, 1859, and that David A. Currie, was one of the clerks of said election, and resided at the time and still does in the town of Superior, State of Wisconsin; that at least thirty five (35) of the votes cast at Grand Portage, at said election were illegal votes, cast by Indians and non residents of said District, many of whom were mere passers by and stopped to vote, that at the precinct of Fon du Lac, in the county of Saint Louis, the Judges of election of said election were not sworn at the opening of the polls and received votes at said election without having first been sworn as Judges.

That at the said precinct of Fon du Lac, Levi B. Coffee was one of the Judges; that the election was held in the bar room or grocery of his house, and that during the time the polls were opened and the votes being received the said Coffee, attended the bar or grocery and sold and gave liquor to voters; and that there are not to exceed twelve legal voters in the precinct of Fon Du Lac and were not at the time of said election, although there appeared to have been thirty nine (39) votes polled thereat. That both Indians and non residents were permitted to vote and did vote at said election, and that it was by such illegal votes and the allowance thereof in the canvass, that secured to Mr. Nettleton the certificate of election.

Wherefore your Petitioner prays your honorable body, that he may be admitted to the seat now occupied by the said William Nettleton, in your body, and that the certificate of said Nettleton, may be declared null and void.

R. E. JEFFERSON.

STATE OF MINNESOTA, }
Ramsey County. } ss.

Robert E. Jefferson, being duly sworn says, that the facts set forth in the foregoing petition are true according to the best of his knowledge and belief.

R. E. JEFFERSON.

Sworn to and subscribed before me December 9th, 1859.

FRED C. MALBY.

Notary Public.

Ramsey County, Minnesota.

The following message was received from the Senate :

Mr. Speaker—

I am directed to notify the House that Messrs. Stewart, Cowan and Averill are appointed as a special committee on the part of the Senate to act in conjunction with a similar committee on the part of the House to consider a resolution introduced into the Senate to provide for paying the interest on the State loan of two hundred and fifty thousand dollars, due January 1st, 1860.

A. B. WEBBER, Secretary.

The Speaker announced as such committee, Messrs. Garrard, Robertson and Letford.

Mr. Dayton offered the following joint resolution, which was read and laid upon the table :

Whereas, The Republican State Convention of Minnesota, did on the 10th day of September, 1857, by an unanimous vote declare "that in virtue of the following clause of the Constitution of the United States : 'The Congress shall have power to make all needful rules and regulations respecting the Territories,' that it is the duty of Congress to protect the Territory of the United States from the curse of slavery." Therefore, continuing to entertain these views,

Resolved, That we earnestly desire the application of the fundamental principles of the ordinance of 1787, to the territories of the United States, touch-

ing the question of Slavery ; that while we respect the opinion of those who maintain that slavery is, or is not, a local institution, which can, or cannot exist, without legislative sanction, and one which even Congress has no control : yet we maintain that Congress has derived this power direct from the Ordinance of 1787, and the Constitution of the United States ; and that it is its duty to prohibit by law, the introduction or extension of Slavery, within any territory of the United States, now or hereafter to be acquired. Therefore,

Resolved, That our Senators be instructed, and our Representatives requested, to use all honorable means to accomplish the objects set forth in this preamble and resolution, and that copies thereof, duly authenticated, be transmitted to the same.

Mr. Donohue introduced the following resolution :

Resolved, That one thousand copies of the Governor's message be printed in English, and five hundred in German for the use of the members.

Laid on the table.

Mr. Rehfeld offered the following resolution :

Resolved, That one hundred copies of the rules, together with the several standing committees be ordered to be printed for the use of the members of this House.

Referred to the committee on Printing.

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

A bill for an act amending article 7, chapter 8, of the revised statutes more fully defining the duties of County Surveyor.

Mr. Van Vorhes gave notice that on to-morrow, or some future day, he would introduce

A bill for an act to regulate the appraisement of all real estate to be sold under execution or foreclosure of mortgages.

Mr. Sapborn gave notice that on to-morrow, or some subsequent day of the session, he would introduce

A bill for an act to amend section 134, of chapter 59, of the revised statutes.

Also, a bill for an act to authorize and regulate proceedings by garnishment.

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

A bill for an act to provide for the salaries of Governor, Lieutenant Governor, Secretary of State, Treasurer and Attorney General.

Also, a bill for an act to extend the time for the collection of taxes of 1859.

Mr. Cleveland offered the following resolution :

Resolved, That a committee of three be appointed to procure necessary stationery for the use of this House, and to furnish members with what they call for to an amount not exceeding five dollars each for the session ; that said committee shall report at the call of the House, and that said committee consist of Messrs. Stock, Van Vorhes and Mitsch.

Mr. Robertson moved to amend by striking out the names of the committee, and allow the Speaker to appoint the same.

Lost.

Mr. Hulett moved to amend by striking out five and inserting three.

Lost.

Mr. Trow moved a substitute, "that each member be required to furnish his own Stationery.

A motion to lay the substitute on the table was carried.

Mr. Acker raised a point of order, that laying the substitute on the table carried the resolution with it.

The Speaker decided the point well taken.

Mr. Cleveland appealed from the decision of the Speaker.

The decision was sustained.

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

A bill for an act to punish frauds committed upon the ballot box and at elections.

Also,

A bill for an act for the protection of the personal liberties of all persons within the State of Minnesota.

Also,

A bill for an act to repeal our present township law, and substitute in its place a plain, practicable system adapted to our present wants.

Also,

A bill for an act for the reduction of fees and costs of public officers.

Mr. Garrard gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce

A bill for an act to exempt sheep from taxation for five years from the passage of said act.

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

A bill for an act to create a lien in favor of Lumbermen.

Also,

A bill for an act abolishing the office of Prosecuting Attorney.

Also,

A bill for an act providing for the times and manner of electing members of the Senate of the United States from this State.

Also,

A bill for an act providing for the manner in which proposed amendments to the Constitution shall be acted upon by the voters of the State.

Also,

A bill for an act proposing amendments to sections two (2) and three (3) of article six (6) of the Constitution of this State.

Mr. Coe introduced the following resolution :

Resolved, That the Chief Clerk be and is hereby instructed to subscribe for such newspapers printed in Minnesota as the respective members of the House may direct, to the number of five copies daily or their equivalent in weeklies for each member.

A motion was made to lay the resolution on the table, which was lost.

Mr. Acker moved to amend by striking out five and inserting three.

Mr. Trow moved an amendment to the amendment, to strike out the "two."

Mr. Acker accepted the amendment, and the vote being taken upon it, it was lost.

The question then recurring on the adoption of the resolution, it was adopted.

Mr. Secombe introduced his bill providing for the election of United States Senators,

Which was read a first time.

Mr. Secombe moved a suspension of the rules that the bill might be read a second time.

Carried.

Mr. Morrison moved that the bill be referred to the committee on the Judiciary.

Carried.

On motion of Mr. Robertson,

The House resolved itself into a committee of the Whole, Mr. Acker in the chair, for the consideration of the Governor's message.

After some time spent therein, the committee rose, and by their chairman, reported to the House the following resolution, with a recommendation that it be adopted :

Resolved, That so much of the Governor's message as refers to Railroads, be referred to the committee on Railroad Grants ;

That so much of the Governor's message as refers to Currency and Banks, be referred to the committee on Currency ;

That so much of said message as refers to Taxes and Taxation, be referred to the committee of Ways and Means ;

That so much of said message as refers to Township and County Organization, be referred to the committee on Towns and Counties ;

That so much of said message as refers to laws, amendments, and repeals thereof, to the Supreme Court Reports, be referred to the committee on the Judiciary ;

That so much of said message as refers to the State Prison, be referred to the committee on State Prison ;

That so much of said message as refers to Salt Springs, be referred to the committee on Public Lands ;

That so much of said message as relates to Capitol Lands, be referred to the committee on Capitol and Capitol Lands ;

That so much of said message as refers to the University of Minnesota, be referred to the committee on University and University Lands ;

That so much of said message as refers to the Legislature, be referred to the committee on State Affairs ;

That so much of said message as refers to Schools, be referred to the committee on Education and Science ;

That so much of said message as refers to Weights and Measures, be referred to the committee on Federal Relations ;

That so much of said message as refers to Military Affairs, be referred to the committee on Military Affairs ;

That so much of said message as refers to Agriculture, be referred to the committee on Agriculture and Manufactures ;

That so much of said message as relates to the Normal School be referred to the committee on Education and Science ;

That so much of said message as relates to the Reciprocity Treaty be referred to the committee on Commerce ;

That so much of said message as relates to Emigration, be referred to the committee on Emigration ;

That so much of said message as refers to Slavery, be referred to the committee on Federal Relations ;

That so much of said message as refers to the Library, be referred to the committee on State Library ;

That so much of said message as refers to Public Violations of Law, be referred to the committee on State Affairs ;

That so much of said message as relates to Elections and canvassing of votes, be referred to the committee on Elections ;

That so much of said message as relates to Swamp Lands be referred to the committee on Federal Relations.

The report of the committee of the Whole, on referring the Governor's message, was adopted.

Mr. Robertson moved the following additional reference of the Governor's message :

That so much of said message as relates to the Expenditure of the Contingent Fund by State officers, to the committee on State Affairs ;

That so much as relates to the elective franchise of civilized Indians, to the committee on Elections.

Carried.

Mr. Secombe moved a suspension of the rules so as to allow the resolution offered by Mr. Dayton to be taken from the table.

Lost.

Mr. Barton introduced the following resolution :

Resolved, That the Clerk give each member a certificate for five dollar's worth of Stationery for the present session.

A motion was made to lay the resolution on the table.

Lost.

Mr. Hulett moved to amend by striking out \$5, and inserting \$3.

Lost.

The question then recurring upon the resolution of Mr. Barton, it was adopted.

Mr. Orange Walker offered the following resolution :

Resolved, That the Sergeant-at-Arms be directed to furnish the room set apart for the use of the Enrolling and Engrossing Clerks with suitable chairs and desks.

Adopted.

Mr. Robertson moved that the House take a recess till half-past 2 o'clock, P. M.

Carried.

AFTERNOON SESSION.

At half-past 2 o'clock, P. M., the House was called to order by the Speaker.

Mr. Langworthy introduced the following resolution :

Resolved, That each of the officers of this House be allowed the same number of papers as are allowed to each of the members.

Adopted.

Mr. Sweet introduced the following resolution :

Resolved, That so much of the Governor's message as refers to the assessment of Ramsey county, be referred to the committee on State Affairs.

Adopted.

Mr. Stephenson presented the following communication from Earle S. Goodrich :

PIONEER AND DEMOCRAT OFFICE, }
St. Paul, Dec. 12, 1859.

To JARED BENSON, Esq., Chief Clerk of the House of Representatives :

SIR—You are hereby notified that, as contractor with the State of Minnesota for the Public Printing and Advertising, I am prepared to execute the same according to law and the terms of said contract. You are therefore respectfully requested to furnish the manuscript and other copy for such printing, binding, and advertising, as may be required or ordered to be done for the House of Representatives during the present session, to the Pioneer and Democrat printing office, such office being the place designated in said contract where such work and services shall be performed.

Your obedient servant,

EARLE S. GOODRICH,
Contractor.

Mr. Hulett offered the following resolution :

Resolved, That the paper in the form of a notice from Earle S. Goodrich, on the subject of printing be referred to the standing committee on printing, with instructions to report thereon at their earliest convenience.

Adopted.

Mr. Robertson offered the following resolution :

Resolved, That the members of both branches of the Legislature have the use of the Hall of the House on Friday next, at 7 o'clock, for the purpose of forming a Legislative Agricultural club.

Adopted.

Mr. Hulett moved to take from the table the report of the Auditor.

Carried.

The report was ordered to be read.

Pending the reading,

Mr. Langworthy moved that the further reading of the report be suspended.

Carried.

Mr. Sweet offered the following resolution :

Resolved, That the Clerk be authorized to issue certificates to the members of the House for their mileage, to be computed at the rate of three dollars for every twenty miles to and from the Capitol by the nearest post route.

Mr. Hulett moved to amend by striking out the twenty miles, and inserting twenty-five miles.

Lost.

The question then recurring upon the resolution of Mr. Sweet, it was adopted.

Mr. Letford offered the following resolution :

Resolved, That the Clerk be authorized to furnish the officers and members of this House a certificate entitling them to two dollars in postage stamps, which sum shall be deducted from each one applying, out of their appropriation for Stationery.

Laid on the table.

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

A bill for an act to organize a new county by the name of Pierson, or some other name.

On motion, the House adjourned to meet December 13th, 1859.

AMOS OGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FIFTH DAY.

TUESDAY, December 13, 1859.

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

Prayer was offered by the Rev. Mr. Fisk.

The roll was then called and the following members found absent :

Messrs. McDonough, Olivier, Ozman, Schaeffer, Stephenson, Tollman, Watson and Wiley.

The journal of yesterday was read and approved.

The following message was received from the Senate :

Mr. Speaker—

The Senate has passed—

S. F. No. 1, an act to provide for the interest on the loan of \$250,000, due January 1st, 1860.

In which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

Mr. Mantor presented the following petition of the Board of Supervisors of Dodge County, which was referred to the committee on Towns and Counties :

To the Honorable the Senate and House of Representatives of the State of Minnesota.

The Board of Supervisors of the county of Dodge, respectfully represent that a portion of the taxes levied for the year 1857 in the county of Dodge remains unpaid. That through the neglect of the officer whose duty it was to make the proper returns of the tax roll for said year making in the opinion of your memorialist the collection of said unpaid tax and the sale of non-residents lands for taxes that year illegal. Therefore your memorialists respectfully pray your honorable body that an act be granted legalizing the sale of said lands for taxes, and also an act for the collection of such other taxes remaining unpaid for the said year of 1857, and as in duty bound your memorialists will ever pray.

J. Q. A. Vale,
H. W. Hubbard,
E. H. Oouse,
Wm. P. Gibson,
Wm. L. Crang,

B. E. Tronson,
Jas. Capeday,
H. A. Pratt,
Josiah Shaw.
Jno. R. Lambert, Tr. Dodge Co.

John F. Benson,

ATTEST : R. H. MOULTON, Chairman Board Supervisors.
J. P. Dow, Clerk Board Supervisors.

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

A bill for an act to regulate costs in civil actions.

Also,

A bill for an act entitled an act to regulate the foreclosure of mortgages upon real estate.

Also,

A bill for an act to amend section five, article six, of the Constitution.

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

A bill for an act regulating the fees of Register of Deeds.

Mr. Rehfeld offered the following resolution :

Resolved, That the several officers of this House be allowed the same rate of mileage as has been allowed to the members.

Referred to the committee on Retrenchment and Reform.

Mr. Morrison moved that the committee on Elections be authorized and empowered to compel the attendance of witnesses before them, and also the production of papers in all cases before them the present session.

Mr. Robertson moved to amend by adding, "and that notice shall be given thereof to all persons interested as sitting members or contestants."

The amendment was accepted by the mover of the resolution, and the resolution adopted.

Mr. Acker introduced the following resolution :

Resolved, That the committee on the Judiciary be instructed to inquire into

the propriety of abolishing capital punishment within this State, and to report by bill or otherwise.

Adopted.

Mr. Arnold gave notice that on to-morrow or some future day he would introduce

A bill for an act to locate a State road from Minneiska, Wabashaw county, to Beaver, Winona county.

Mr. Langworthy introduced the following resolution :

Resolved, That we adopt the manner of past Legislatures of Minnesota, in case of contested seats in this House.

Referred to the committee on Elections.

Mr. Trow introduced the following resolution :

Resolved, That the Clerk be instructed to deduct from the pay of members of this House an amount equal to the amount received by them in newspapers and stationery.

Laid on the table.

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

A bill for an act for the punishment of bribery in the Legislature of the State of Minnesota.

Mr. McDonough gave notice that he would on to-morrow, or at some future day of the session bring in

A bill for an act to regulate the fees of County Treasurers.

Mr. Sanborn gave notice that on to-morrow, or some subsequent day of the session, he would introduce

A bill for an act relative to organization and government of towns and counties.

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

A bill for an act to amend section 15, chapter 90, of the revised statutes.

Also,

A memorial to the Post Master General, for an increase of mail service on routes Nos. 13,504 and 13,578.

Mr. Morrison gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce

A bill for an act to amend chapter two of the revised statutes.

Mr. Secombe introduced—

A bill for an act abolishing the office of Prosecuting Attorney.

Which was read a first time.

Mr. Sherwood gave notice that he would at an early day ask leave to introduce

A bill for an act to regulate the interest on money.

Mr. Secombe offered the following resolution :

Resolved, That the Judiciary Committee of this House be instructed to in-

quire whether it is in the power of this House to prefer a bill of Impeachment against the Lieutenant Governor of this State, in any case; and if so, whether the public interest and welfare does not demand that a Bill of Impeachment should be preferred against the present incumbent of that office, for a high handed and outrageous usurpation of undelegated power and subversion of the sovereign rights of the people of this State, in refusing to allow an appeal to the Senate of this State from the decision made by him in said Senate acting as President *ex-officio* of that body, on points of order raised in the said body.

Mr. Robertson offered as an amendment;

"And that to enable the Committee to act in an enlightened manner it shall have power to send for persons or papers."

Which amendment was accepted by the mover of the resolution, and as so amended, was adopted.

Mr. Morrison moved that rule 24 be suspended.

Mr. Sawyer offered the following as a substitute:

Resolved, That no bill or memorial introduced into this House shall be printed until after reference to an appropriate committee.

Mr. Sanborn moved as an amendment to the substitute, by adding after the word committee, "and a report made thereon."

Which amendment was accepted by the mover of the substitute.

Mr. Hulett moved an indefinite postponement of the whole matter.

Lost.

The substitute of Mr. Sawyer was also lost.

The question then recurring on the adoption of the resolution of Mr. Morrison, it was adopted.

The joint resolutions of Mr. Dayton on the Slavery question were taken up, and referred to the committee on Federal Relations.

S. E. No. 1, was taken up and had its first reading.

Mr. Sanborn moved that the rules be so far suspended that the bill may be put upon its second and third reading at the present time.

Carried—two-thirds of the members present voting in the affirmative.

The bill was then read a second and third time.

Mr. Morrison moved that the bill be put upon its final passage.

Carried.

And the yeas and nays being called for and ordered, there were yeas 74, nays 1, as follows:

YEAS.

Mr. Aaker,
Abbott,
Abraham,
Aker,
Anderson,
Armstrong,
Arnold,
Austin,
Baldwin,
Barton,
Beatty,
Brooks,
Burnham,

Mr. Butler,
Chadderdon,
Cleary,
Cleveland,
Coe,
Dayton,
Donohue,
Fox,
Garrard,
Greene, of Olmsted
Greene, of Steele
Hulett,
Hunt,

Mr. Johnson,
Kinkead,
Knox,
Langworthy,
Leavens,
Letford,
Mann,
Mantor,
McDonough,
Meighan,
Mitchell,
Mitchell,
Morrison,

Mr. Nettleton,
Newell,
Oden,
Osman,
Phander,
Purdie,
Rehfeld,
Rens,
Robertson,
Roy,
Sanborn,
Sawyer,
Scheffer.

Mr. Secombe, Sherwood, Shrewsbury, Shriner, Shuttle, Skillman,	Mr. Stearns, Stephenson, Stewart, Stock, Sweet, Taylor,	Mr. Temanson, Thayer, Trew, Waldhier, Walker, H.	Mr. Walker, Orange Webster, White, Wilkins, Speaker.
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NATS.

Mr. Willey.

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Mr. Cleveland moved a reconsideration of the vote.

Lost.

On motion, the title of the bill stood as fixed therein.

Mr. Morrison introduced—

A bill for an act to organize the county of Pierson,

Which was read a first time.

Mr. Morrison moved that the rules be so far suspended as to allow the second reading of the bill.

Carried.

And the bill had its second reading, and was referred to the committee on Towns and Counties.

Mr. Sanborn asked and obtained leave to introduce—

A bill for an act to amend section 124, chapter 59, of the revised statutes.

Which was read a first and second time and referred to the committee on the Judiciary.

Mr. Secombe moved the second reading of the bill for an act abolishing the office of Prosecuting Attorney.

Carried.

And the bill had its second reading.

On motion, the bill was referred to the committee on the Judiciary.

The following report of the Surveyor General of Logs and Lumber of the second district, was presented by the Speaker :

To the Honorable the Senate and House of Representatives of the State of Minnesota :

The undersigned would respectfully report that there has been surveyed in the Second Log district during the year ending November thirtieth, 1859, Twenty-Nine Million, Three hundred and eighty-two thousand four hundred and two (29,382,402.) feet of Logs; and that there has not been any Lumber surveyed during the said time by the Surveyor General of this District.

All of which is respectfully submitted.

MARK T. BERRY,
Surveyor General,
Second District, Minnesota.

St. Anthony, Dec. 12th, 1859.

Mr. Secombe offered the following resolution :

Resolved, That the papers to be procured by the Clerk under the resolution of the House, for the officers and members of the House, be procured in wrappers.

Adopted.

On motion of Mr. Hullett,

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

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

SIXTH DAY.

WEDNESDAY, Dec. 14th, 1859.

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

Prayer was offered by Rev. Mr. Fisk.

The roll was called, and the following found absent :

Messrs. Cleveland, Greene of Steele, Letford, Rehfeld, Stevens and Stephenson.

The journal of yesterday was read and approved.

Mr. Thayer presented the report of the committee on Rules and Joint Rules, as follows :

The Committee on Rules and Joint Rules submit the following report on Joint Rules.

I. The Speaker shall preside at all Conventions of the Houses, and shall call the members to order.

II. He shall preserve order and decorum ; may speak to points of order in preference to other members not heard ; and shall decide questions of order subject to an appeal to the Convention by any member.

III. He shall rise to put a question, but may state in sitting.

IV. Questions shall be distinctly put in this form, to wit : as many as are of the opinion that (as the question may be) say, Aye, and after an affirmative voice is expressed, as many as are of the contrary opinion say, No. If the President doubt or a division be called, the Convention shall decide, those in the affirmative of the question shall first rise, and afterwards those in the negative.

V. In all cases the President shall have the right of voting, and on all questions he shall vote last.

VI. When any member is about to speak or to deliver any matter to the Convention, he shall rise and respectfully address himself to "Mr. President" and shall confine himself to the question under debate, and avoid personality.

VII. 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 is called to order for words spoken in debate, the exceptionable words shall be reduced to writing immediately.

VIII. When two or more members shall rise at once, the President shall name the member who is in order.

IX. No member shall speak more than twice on the same question, without leave of the Convention.

X. Any five members may move a call of the Convention and require absent members to be sent for; but a call of the Convention cannot be made after the voting has commenced; and the call of the Convention being ordered, and the absentees noted, the doors shall be closed and no member permitted to leave the Hall until the report of the Sergeant-at-Arms be received and acted upon, or further proceedings under the call be suspended by a vote of a majority of all the members of the Convention.

XI. It shall be in the power of either House to amend any amendment made by the other, to any bill or resolution.

XII. The committee on enrolled bills in either House, shall act jointly in the examination of all bills and resolutions before the presentation to the Governor, either as a body or by such respective sub committee as each committee may appoint for that purpose.

XIII. Whenever there shall be an election of any officers in the joint Convention, or whenever said Convention advise or consent to a nomination made by the Governor, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives, and shall be announced by the presiding officers of each House to their respective Houses and shall be entered on the Journal of each, and shall be communicated to the Governor by the Secretary of the Senate and Clerk of the House of Representatives.

XIV. In every case of difference between the two Houses upon any subject of legislation if either House shall request a conference and appoint a committee for that purpose and the other House shall also appoint a committee, such committees shall meet at such time and place as shall be agreed upon by the Chairmen and state to each other, verbally or in writing as either may choose, the views of their respective Houses, and confer freely thereon, and they shall be authorized to report to their respective Houses such modifications as they shall think advisable.

XV. It shall be in order for either House to recede from any subject or matters of difference subsisting between the two Houses at any time previous to a conference, whether the papers upon which difference has arisen are before the House or not, receding formally or informally, and that a majority shall govern except in cases when two thirds are required by the Constitution; and the question having been put and lost, shall be again put upon the same day, and a reconsideration thereof shall in all respects be regulated by the Rules of the respective Houses.

XVI. The same bill shall not appropriate the public money or property to more than one local or private purpose, and Bills appropriating moneys for the payment of the officers of the Government shall be confined to that purpose exclusively.

Z. THAYER.
J. CHADDERTON.
J. W. BURNHAM.
ALEX. KINKEAD.
R. H. KNOX.

Committee.

Mr. Morrison moved to amend rule 10, "that the call may be suspended a any time by a majority vote of the convention."

Mr. Sanborn moved to amend the amendment, by inserting 'five members,' instead of any member.

Mr. Secombe offered the following as a substitute:

"By striking out the words 'any member,' and inserting in the place thereof, 'any five members,' and by striking out the words 'two-thirds' and inserting in place thereof the words 'a majority.'"

Adopted.

The Report as amended was then adopted.

Mr. Stearns offered the following resolution :

Resolved, That the Chief Clerk of this House be hereby authorized to procure a sufficient number of blank certificates required to furnish each member of this House with the proper certificates for stationery and mileage.

Adopted.

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

A bill for an act authorizing the Governor to secure to the State the five per cent of the nett proceeds of the sales of public lands within the State.

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

A bill for an act providing for the fining of chattel mortgagors with the town clerks of the several towns in the State.

Mr. Purdie offered the following joint resolution :

Resolved, by the House of Representatives of the State of Minnesota, (the Senate concurring,) That our Senators in Congress be and are hereby instructed, and our Representatives requested to use their votes, influence, and all honorable means in their power to secure the passage of a Homestead bill at the present session of Congress, the provisions of which shall extend to all actual settlers on the public land of the United States.

Resolved, That a copy of the above resolution, duly signed and authenticated, be immediately forwarded to each of our Senators and Representatives in Congress at Washington.

Laid over under the rules.

Mr. Burnham introduced the following resolution :

Resolved, That in all cases the vote on the final passage of any bill, joint resolution, or memorial, shall be taken by yeas and nays, and be recorded in full upon the journal.

Adopted.

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

A bill for an act to repeal chapter 11 of the revised statutes.

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

A bill for an act for the appraisement and sale of school lands.

Also,

A bill for an act for the maintainance and regulation of a system of education.

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

A bill for an act for a charter to navigate the Cannon River from Red Wing to Cannon Falls by steamboat.

Mr. Barton gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce

A bill for an act to amend sections 88, 89 and 95 of chapter 68, of the revised statutes.

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

A bill for an act to encourage the destruction of blackbirds in this State.

Also,

A bill for an act to legalize the survey of the town of New Ulm.

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

A bill for an act to prevent Indians from committing depredations on the white settlements in this State.

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

A bill for an act to provide for a State road from Pigeon River, on Lake Superior, to Pon du Lac, on St. Louis river.

Mr. Arnold gave notice that he would on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill for an act to provide for a change of location of county seats in this State.

Mr. Thayer gave notice that he would on to-morrow, or some future day of the session, ask leave to introduce

A bill for an act for the protection of the rights and improvements of settlers on School lands.

Mr. Hulett offered the following resolution :

Resolved, That the Chief Clerk be authorized and hereby directed to take possession of the maps of this State procured by the last Legislature at the expense of the State, and have the same hung up in this Hall for the use of the members.

Adopted.

Mr. Morrison moved to take up the joint resolutions offered by Mr. Purdie.

Carried.

The resolutions were read, and on motion, were referred to the committee on Federal Relations.

Mr. Hunt offered the following joint resolution :

Be it resolved by the Legislature of the State of Minnesota, That all bills amending, repealing, or in addition to any existing law of the State of Minnesota, shall state in the title of the bill the chapter or chapters, section or sections, to be amended, repealed or added to ; where they are recorded in the Revised Statutes or Session Laws, and also where recorded in the Collated Statutes of the laws of Minnesota.

Laid over under the rules.

Mr. Acker offered the following preamble and joint resolutions :

Whereas, We are upon the eve of a Presidential conflict, the event of which will not only be vital to the harmony, but the integrity of this Republic ; and

Whereas, In accordance with a usage co-eval with the Union and sanctioned by the people, until it has been deemed a fitting custom on behalf of the Legislatures of the several States of this confederacy, from time to time, in the form of Resolutions, to express to their brethren and the world, their sanction or disapprobation, not only of the conduct of our National affairs and those connected therewith, but of the man who shall next succeed to the Chief Magistracy of the nation ; and

Whereas, In these times of partisan conflict which portend evil to the land, we deem it but an act of justice that Minnesota, as a member of this confederacy, speak boldly to her sister States, and to the world, giving her undisguised views of public men, measures and policy ; and

Whereas, We desire to see the Union of these States by peaceful measures preserved from danger or disruption, if practicable, for all time to come, feeling at the same time the most unqualified confidence in the correctness of the principle of the great Republican party, and the justness of the cause in which it is engaged. And deeply impressed with the importance of placing in the Presidential Chair, one whose life and conduct will serve as a guide in the future ; one in whose experience and integrity none need doubt ; one whose name is a tower of strength, and around whom we may rally in the hour of danger, and whose presence at the National Capital in the day of trouble, will be like the shadow of a mighty rock in a weary land. Therefore

Resolved, by the Senate and House of Representatives of the State of Minnesota: That this Legislature has no confidence in that system of Democracy recently patented by the author of a scheme for substituting Territorial for National legislation, in and by the letter of which the people of the Territories are left perfectly free to adopt or reject slavery, yet by the spirit of which slavery is forced upon them, independent of their will, and in opposition to their wishes. Therefore

Resolved, That while we maintain inviolate the right of petition, and the right of the people peaceably to assemble and memorialize Congress upon all rightful subjects of legislation, we repudiate the modern doctrine of "squatter sovereignty," as exemplified in the "Kansas-Nebraska Bill," and the scenes of anarchy, violence, usurpation and blood, which have been its legitimate fruits. Therefore

Resolved, That this Legislature cordially commend Wm. H. Seward to the Freemen of the United States as the National standard bearer of the Republican party, in the approaching "Irrepressible Conflict" for the Presidency.

Laid over under the rules.

Mr. Cleveland gave notice that he would on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill for an act to amend an act entitled an act to provide for sessions of the Legislature, approved August 10th, 1858.

Mr. Sanborn offered the following resolution :

Resolved, That Messrs. Barton, Waldhier and Newell be allowed to appear before the committee on elections of this House by counsel, to contest the claim of Messrs. Hayes, Bixler and Caskey to their seats.

Mr. Morrison moved to refer the resolution to the committee on Elections.

Carried.

Mr. Sanborn asked and obtained leave to introduce—

A bill for an act entitled an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be referred to the committee on the Judiciary.

Carried.

Mr. Olds gave notice that he would on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill for an act to amend an act in relation to juries, passed May 23d, 1857.

Mr. Hunt moved to adjourn.

Lost.

Mr. Hunt moved a suspension of the rules, to take up his resolution in relation to the title of bills.

Carried.

On motion of Mr. Hunt,

The resolution was referred to the committee on the Judiciary.

Mr. Langworthy introduced the following resolution :

Resolved, That a committee of three be appointed by the Speaker to ascertain the number of miles necessarily travelled by each member of this House, to reach the capital.

Adopted.

And Messrs. Langworthy, Tollman and Sherwood were appointed such committee.

Mr. Shrewsbury moved that the House adjourn to meet to-morrow at 10 o'clock, A. M.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTH DAY.

THURSDAY, Dec. 15, 1859.

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

The roll was then called and the following members found absent :

Messrs. Abbott, Acker, Barton, Cleveland, Fox, Greene of Olmsted, Hulett, Hunt, Kinkead, Leavens, Mann, Nettleton, Newell, Ozman, Roy, Sawyer, Scheffer, Skillman, Stevens, Taylor and Thayer.

The journal of yesterday was read and approved.

Mr. Hulett, from the committee on Towns and Counties, made the following report upon the petition of the Supervisors of Dodge county, which was laid upon the table.

The committee on Towns and Counties, to whom was referred the petition of the Supervisors of Dodge county, praying for an act to legalize the sale of lands in said county for unpaid taxes, have had the same under consideration and respectfully report :

That they find that the prayer of the petitioners raises questions of grave legal import. They therefore report the same back to the House, with the recommendation that it be referred to the committee on the Judiciary.

LUKE HULETT,

Ch'n Com. of Towns and Counties.

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

A bill for an act amending the Common School Law of the State of Minnesota.

Mr. Brooks introduced the following resolution :

Resolved, That all the members of this House, who shall be absent two or more days in succession, without express permission of the House, shall not be entitled to pay for the same.

Mr. Van Vorhes moved to lay the resolution on the table.

Carried.

Mr. McDonough gave notice that he would on to-morrow, or at some future day of the session bring in

A bill for an act to amend an act to incorporate the Minnesota River Bridge Company.

Mr. Greene, of Olmsted, gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce

A bill for an act to create a sinking fund, and to provide for the gradual extinguishment of the debt of the Commonwealth.

Mr. Ozman gave notice that on to-morrow or some future day he would introduce

A bill for an act to provide for the collection of taxes by the County Treasurer.

Mr. Secombe moved that this House do agree to meet the Senate in joint Convention in the Hall of this House to-day at 12 o'clock, M., for the purpose of electing a member of the Senate of the United States from this State, to take the place of Hon. James Shields, whose term expired on the 4th day of March, 1859.

Carried.

Mr. Cleveland moved that the House take a recess till half-past eleven o'clock, A. M.

Carried.

At half-past 11 o'clock, A. M., the House was called to order by the Speaker.

Mr. Secombe gave notice that he would at an early day ask leave to introduce

A bill for an act to provide for the election of members of the House of Representatives of the United States from the State of Minnesota.

Mr. Acker moved to take from the table the joint resolutions offered by him yesterday.

Carried.

Mr. Acker moved that the resolutions be referred to the committee on State Affairs.

Carried.

Mr. Sweet introduced—

A bill for an act authorizing the Governor to secure to the State the five per cent of the nett proceeds of the sales of public lands within the State.

Which was read a first time.

Mr. Sweet moved that the rules be so far suspended as to allow the second reading of the bill.

Lost.

Mr. Hunt introduced the following resolution :

Resolved, That no smoking be allowed in the Hall of this House previous to adjournment on each day.

Adopted.

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

A bill for an act to amend the charter of the City of St. Paul.

Mr. Van Vorhes moved to take up the resolution of Mr. Brooks.

Carried.

Mr. Sawyer moved the adoption of the resolution.

Carried.

Mr. Hulet moved to take up the report of the committee on Towns and Counties.

Carried.

Mr. Hulet moved that the report be adopted, and referred to the committee on the Judiciary.

Carried.

Mr. Hunt offered the following resolution :

Resolved, That the Sergeant-at-Arms be authorized to provide for the ventilation of this Hall from the ceiling.

Mr. Robertson offered as an amendment :

"Or in some other efficient manner."

Which amendment was accepted by the mover of the resolution, and as amended, was adopted.

The President, members and officers of the Senate were then announced by the Sergeant-at-Arms.

Mr. Secombe moved that this House do now take a recess for the purpose of going into a joint Convention to elect a United States Senator, in pursuance to a previous order of this House.

Carried.

JOINT CONVENTION.

The Speaker of the House of Representatives, as President, called the joint convention to order at 12 o'clock M., in the Hall of the House of Representatives.

The roll was called, and a majority of the members were present.

Mr. Averill moved that the convention proceed to the election of a United States Senator.

Carried.

Mr. Cowan moved that the convention adjourn until Friday, Dec. 16th, at 12 o'clock M.

Lost.

The convention then proceeded to the election of a United States Senator to represent the State of Minnesota in the Congress of the United States.

Mr. Sanborn nominated the Hon. Morton S. Wilkinson.

Mr. Robertson nominated the Hon. James Shields.

The election then proceeded, with the following result :

Willis A. Gorman had one vote.

James Shields had thirty-three votes.

Morton S. Wilkinson had seventy-nine votes.

Those who voted for James Shields were

Mr. Andrews,	Mr. Pettit,	Mr. Kinkaid,	Mr. Scheffer,
Bryant,	Stevens,	Mitch,	Shriner,
Clark,	Armstrong,	Metcalf,	Stephenson,
Cowan,	Barton,	Newell,	Sweet,
Edgerton,	Beatty,	Olivier,	Tollman,
Hall,	Chadderton,	Rehfeld,	Waldhiser,
Mackubin,	Cleary,	Robertson,	Wilkins,
Nelson,	Donohue,	Rey,	Wiley.
O'Ferrall,			

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Those who voted for Morton S. Wilkinson were :

Mr. Averill,	Mr. Winn,	Mr. Hunt,	Mr. Sherwood,
F. E. Baldwin,	Aaker,	Johnson,	Shrewsbury,
J. F. Baldwin,	Abraham,	Knox,	Shultz,
Bartholomew,	Abbott,	Langworthy,	Skullman,
Blahop,	Acker,	Leavens,	Stearns,
Cook,	Anderson,	Letford,	Stevens,
Evans,	Arnold,	Mann,	Stewart,
Frost,	Austin,	Mantor,	Stock,
Galloway,	Baldwin,	McDonough,	Taylor,
Gluck,	Brooks,	Meighan,	Temanson,
Heston,	Burnham,	Mitchell,	Thayer,
Hodges,	Butler,	Morrison,	Trow,
Kennedy,	Cleveland,	Olds,	Van Vorhes,
King,	Coe,	Ozman,	Walker, Orange
McKusick,	Dayton,	Pfaender,	Walker, H.
McLaren,	Fox,	Purdle,	Watson,
Rogers,	Garrard,	Renz,	Webster,
Stannard,	Greene of Olmsted,	Sanborn,	White,
Stewart,	Greene of Steele,	Sawyer,	President.
Watson,	Hulett,	Secombe,	

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Those who voted for Willis A. Gorman were :

Mr. Robinson,

The President then announced that Morton S. Wilkinson, having received a majority of all the votes cast, is hereby declared duly elected Senator to represent the State of Minnesota in the Congress of the United States for the term of six years, commencing on the 4th day of March, A. D. 1859.

Mr. Secombe moved that when this convention adjourns, it shall adjourn to meet in this Hall at 11 o'clock A. M. of to-morrow, December 16th, for the purpose of electing the Surveyors General of the several lumber districts in this State.

Carried.

Mr. Cook moved that the convention adjourn.

Carried.

The House was then called to order by the Speaker.

Mr. Acker moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

EIGHTH DAY.

FRIDAY, Dec. 16, 1859.

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

The roll was called, and the following found absent :

Messrs. Aaker, Burnham, McDonough, Newell, Ozman, Robertson, Sarborn, Shriner, Stevens and Willey.

The journal of yesterday was read and approved.

Mr. Fox presented the petition of Ballard, Draper & Co., and others, praying that Albert Stimpson, of Stillwater, may be re-elected Surveyor of Logs and Lumber from the first district of Minnesota.

Mr. Van Vorhes moved to refer the petition to a committee of one.

Carried.

Mr. Fox was appointed such committee.

Mr. Fox asked to be excused.

On motion, he was excused.

Mr. Fox moved that Mr. Van Vorhes be appointed, and he was appointed.

The Speaker laid before the House the following communication :

SEN. PASS, Dec. 16, 1859.

HON. AMOS COGSWELL,

Speaker of the House of Representatives.

SIR : A recent trip to the British possessions north of Minnesota, has impressed me so forcibly with the importance of our relations to the Selkirk Settlement, and the district thence westward to the Rocky Mountains, that I have been desirous since my return to convey those impressions to the people of Minnesota. I would respectfully solicit from the Legislature an opportunity to be heard on the same subject. In addition to the principle already named, I propose to discuss the subject of reciprocal trade over the American Continent North and South, and will refer briefly to the Railroad and Emigration questions.

I respectfully ask that the Hall of the House of Representatives may be opened on Saturday night, Dec. 17, (to-morrow,) for the delivery of the discourse.

Very respectfully, your obedient servant,

JAMES W. TAYLOR.

Mr. Acker moved that the request be granted.

Carried.

Mr. Fox presented the petition of the Town Council of Taylor's Falls.

Mr. Sanborn moved that the petition be referred to the committee on Incorporations.

Carried.

Mr. Robertson, from the committee on the Judiciary, presented the majority report of the committee on the matter of the impeachment of the Lieutenant Governor, as follows :

The Committee on Judiciary, to whom was referred the following resolution of inquiry to wit :

Resolved, That the Judiciary Committee of this House be instructed to inquire whether it is in the power of this House to prefer a bill of Impeachment against the Lieutenant Governor of this State, in any case ; and if so, whether the public interest and welfare does not demand that a Bill of Impeachment should be preferred against the present incumbent of that office, for a high handed and outrageous usurpation of undelegated power and subversion of the sovereign rights of the people of this State, in refusing to allow an appeal to the Senate of this State from the decision made by him in said Senate acting as President *ex-officio* of that body, on points of order raised in the said body—

“ And that to enable the Committee to act in an enlightened manner it shall have power to send for persons or papers.”

A majority of your committee have had the same under consideration and now report, that, without giving any opinion upon the parliamentary question involved, that they are satisfied that this House has no supervision or jurisdiction whatsoever over questions of order, arising under the rules of the Senate, or power under the Constitution, or other authority to reprimand, arraign, or impeach the President thereof, on account of his decisions in the adjudication of any rules of that body.

The Senate being a co-ordinate branch of the Legislature, its internal government, including the proceedings of all members and officers thereof, is in no wise subject to the revision of this House.

The Committee further report, that, this House has the power to prefer a bill of Impeachment against the Lieutenant Governor, of the State for corrupt conduct in office, and for crimes and misdemeanors, while acting as Governor of the State; but no such case has been presented to your committee. Your Committee therefore recommend that the further consideration of the resolution be indefinitely postponed, and ask to be discharged from the further consideration of the subject.

JOHN B. SANBORN, Chairman.
D. A. ROBERTSON.
GEO. W. SWEET.
WM. MITCHELL.

Mr. Mann presented a minority report from the committee on the same, as follows :

The minority of the Judiciary Committee having in charge the resolution in reference to the power of this House to impeach the Lieutenant Governor of this State, having examined the said matter, beg leave to report upon the first branch of the said resolution, which instructs them to enquire "whether this House has the power to prefer a Bill of Impeachment against the Lieutenant Governor in any case;" that in the opinion of the Committee this House has that power; and in reference to the remainder of the said resolution, the Committee deeming the matter not within their peculiar province, ask to be excused from making any examination or report, but recommend that that branch of the resolution be referred to a special Committee of three to enquire into the matter and report by Bill of impeachment or otherwise, as the facts which shall appear to them on investigation shall warrant.

H. E. MANN.

Mr. Hulett moved that the majority report be laid upon the table, and that the minority report be first acted upon.

Carried.

Mr. Secombe moved that the minority report be accepted.

Mr. Robertson moved that the minority report be indefinitely postponed.

Mr. Sweet moved to take a recess for the purpose of going into a joint Convention.

Carried.

The President, members, and officers of the Senate were then announced.

JOINT CONVENTION.

The Convention was called to order by the Speaker of the House.

The roll was called, and a quorum found present.

Mr. Kennedy asked to be excused, having paired off with Mr. Stevens.

On motion, he was excused.

Mr. Secombe moved that the officers and rules of the House be the officers and rules of the Convention.

Carried.

Mr. McKusick moved that the Convention proceed to the Surveyor General of Logs in the first district.

Carried.

Mr. Nelson nominated Mr. D. B. Loomis.

Mr. Cruttenden nominated Mr. Stimpson.

Mr. Van Vorhes nominated Mr. Winship.

On the roll being called the following members voted for Mr.

Mr. Mackubin, Nelson.	Mr. Armstrong, Chadderdon,	Mr. Fox, Mitch,	Mr. Re Sel
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The following members voted for D. B. Loomis :

Mr. Andrews,	Mr. Taylor,	Mr. Nettleton,	Mr. Stearns,
Bryant,	Beatty,	Olivier,	Swanwick,
Clark,	Clearly,	Robertson,	Tolson,
Cruttenden,	Donohue,	Roy,	Wickham,
Pettit,	Kinhead,	Shriner,	Winters,

The following members voted for Mr. Winship :

Mr. Averill,	Mr. Abbott,	Mr. Knox,	Mr. Sh
F. E. Baldwin,	Acker,	Langworthy,	Sh
J. F. Baldwin,	Anderson,	Letford,	Shk
Bartholomew,	Arnold,	Mann,	Ste
Bishop,	Austin,	Mantor,	Ste
Cook,	Baldwin,	McDonough,	Ste
Evans,	Barton,	Meighan,	Ste
Frost,	Brooks,	Mitchell,	Te
Galloway,	Burnham,	Morrisen,	Ta
Heaton,	Butler,	Olds,	Th
Hodges,	Cleveland,	Orzman,	Va
McKusick,	Coe,	Pfaender,	Wi
McLaren,	Dayton,	Purdie,	Wi
Norris,	Garrard,	Rens,	Wi
Stewart,	Greene, of Olmsted	Sanborn,	Wi
Watson,	Greene, of Steele,	Sawyer,	Wi
Winn,	Hulett,	Secombe,	Wi
Aaker,	Hunt,	Sherwood,	Fr
Abraham,	Johnson,		

The President then declared the result as follows :

Mr. Stimpson had 8 votes ; D. B. Loomis had 20 votes ; Mr. 74 votes.

Mr. Winship having received a majority of all the votes cast, duly elected.

The Convention then proceeded to the election of a Survey Log for the second district.

Mr. Baldwin nominated Mark T. Berry.

Mr. Olivier nominated Amabel Dufore.

Mr. Barton nominated John Whaley.

Upon calling the roll, the following members voted for Mark

Mr. Averill,	Mr. Abbott,	Mr. Johnson,	Mr. Sh
F. E. Baldwin,	Acker,	Knox,	Shu
Bartholomew,	Anderson,	Langworthy,	Sh
Bishop,	Arnold,	Letford,	Sk
Cook,	Austin,	Mann,	Ste
Evans,	Baldwin,	Mantor,	Ste
Frost,	Brooks,	McDonough,	Ste
Galloway,	Burnham,	Melphan;	St
Heaton,	Chadderdon,	Mitchell,	St
Hodges,	Cleveland,	Morrison,	Te
McKusick,	Coe,	Olds,	Th
McLaren,	Dayton,	Ozman,	W
Stewart,	Fox,	Pfaender,	W

Mr. Watson, Winn, Aaker, Abraham,	Mr. Garrard, Greene, of Olmsted Greene, of Steele Hulett, Hunt,	Mr. Purdie, Renz, Sanborn, Sawyer, Secombe,	Mr. Walker, H. Watson, Webster, White, President.	71
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The following members voted for John Whaley :

Mr. Norris,	Mr. Barton,	Mr. Newell,	Mr. Waldhler,	4
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The following members voted for A. Dufore :

Mr. Andrews, Bryant, Clark, Cruttenden, Mackubin, Nelson, O'Ferrall,	Mr. Pettit, Taylor, Armstrong, Beatty, Cleary, Donohue, Kinkead,	Mr. Mitsch, Nettleton, Olivier, Rehfeld, Robertson, Roy,	Mr. Ehriner, Stephenson, Sweet, Tollman, Wilkins, Willey.	62
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The President of the Convention then declared the result as follows :

John Whaley had 4 votes ; A. Dufore had 26 votes ; Mark T. Berry had 71 votes.

Mark T. Berry having received a majority of all the votes cast, was declared duly elected.

The Convention then proceeded to the election of a Surveyor General of Logs for the third district.

Mr. Averill nominated Abner Tibbits.

Upon the roll being called, the following members voted for Mr. Abner Tibbits .

Mr. Andrews, Averill, F. E. Baldwin, J. F. Baldwin, Bryant, Bartholomew, Bishop, Clark, Cook, Evans, Frost, Galloway, Heaton, Hodges, Mackubin, Pettit, Stewart, Taylor, Watson, Winn,	Mr. Aaker, Abraham, Abbott, Acker, Anderson, Arnold, Austin, Baldwin, Barton, Brooks, Burnham, Butler, Cleveland, Coe, Dayton, Fox, Garrard, Greene, of Olmsted Greene, of Steele, Hulett,	Mr. Hunt, Johnson, Kinkead, Knox, Langworthy, Mann, Mantor, McDonough, Melghan, Mitchell, Morrison, Newell, Olds, Osman, Pfaender, Purdie, Renz, Sanborn, Sawyer, Secombe,	Mr. Sherwood, Shrewsbury, Shultis, Skillman, Stearns, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Waldhler, Walker, Orange Walker, H. Watson, Webster, White, Wilkins, President.	80
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The following members voted for John Smith :

Mr. Cruttenden,	Mr. Rehfeld,	Mr. Roy.	3
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For P. Q. Morrison :

Mr. Olivier.	1
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For John Smith, jr :

Mr. Robertson.	1
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The President then announced the result as follows :

Mr. A. Tibbits had 80 votes ; John Smith, 3 votes ; P. Q. Morrison, 1 vote ; John Smith, jr. 1 vote.

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

The Convention then proceeded to the election of a Survey Logs for the fourth district.

Mr. Sweet nominated Mr. Hanson.

Mr. Baldwin nominated James Fergus.

On the roll being called, the following members voted for Mr

Mr. Averill,	Mr. Acker,	Mr. Kinkad,	Mr. She
F. E. Baldwin,	Anderson,	Knox,	Shr
J. F. Baldwin,	Arnold,	Langworthy,	Shc
Bartholomew,	Austin,	Letford,	Skl
Bishop,	Baldwin,	Mann,	Ste
Cook,	Burnham,	Mantor,	Ste
Cruttendea,	Butler,	McDonough,	Sto
Evans,	Cleveland,	Meighan,	Ta;
Frost,	Coe,	Mitchell,	Tei
Galloway,	Dayton,	Morrison,	Thi
Heaton,	Fox,	Paender,	Wa
Stewart,	Garrard,	Purdie,	Wa
Taylor,	Greene, of Olmsted	Renz,	Wa
Watson,	Greene, of Steele	Sanborn,	We
Winn,	Hulett,	Sawyer,	Wi
Asker,	Hunt,	Secombe,	Pre
Abraham,	Johnson,		

The following members voted for Mr. Hanson :

Mr. Andrews,	Mr. Armstrong,	Mr. Mitsch,	Mr. Ste
Bryant,	Beatty,	Olivier,	Sw
Mackubin,	Chadderdon,	Rehfeld,	Tol
Norris,	Cleary,	Robertson,	Wi
Pettit,	Donohue,	Stevens,	Wil

For Mr. A. Morrison :

Mr. Nettleton.

For Mr. T. B. Thompson :

Mr. Roy.

The President then announced the result as follows :

Mr. Allen Morrison had 1 vote ; Mr. T. B. Thompson had Hanson had 20 votes ; Mr. Fergus had 66 votes.

Mr. Fergus having received a majority of all the votes cast, duly elected.

Mr. Cook moved that the Convention adjourn.

Carried.

The House was then called to order by the Speaker.

The Speaker laid before the House a communication from transmitting a report from the Secretary of State in regard to

Mr. Langworthy moved that the communication be referred to the committee on Claims.

Carried.

The House then resumed the consideration of the reports from the committee on the matter of impeachment of the Lieut. Gove

Mr. Burnham moved to indefinitely postpone the whole matter

And the yeas and nays being called for and ordered, there were yeas 22, as follows :

YEAS.

Mr. Aaker, Arnold, Barnham, Fox, Garrard, Greene, of Steele, Hulet, Johnson, Kinkaid, Letford, Mantor,	Mr. McDonough, Meighan, Mitchell, Morrison, Nettleton, Newell, Olds, Olivier, Pfaender, Purdie,	Mr. Rehfeld, Renz, Robertson, Roy, Sanborn, Sawyer, Schaffer, Shriner, Shultz, Stearns,	Mr. Stephenson, Stewart, Stock, Sweet, Temanson, Tollman, Waldhler, Webster, Willey, Speaker.
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NAYS.

Mr. Abraham, Acker, Anderson, Armstrong, Austin, Barton,	Mr. Beatty, Chadderden, Cleary, Cleveland, Coe,	Mr. Dayton, Donohue, Langworthy, Mann, Mitsch,	Mr. Secombe, Sherwood, Shrewsbury, Taylor, Walker, H.
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So the motion was carried.

Mr. Sanborn, from the Judiciary Committee, to whom was referred the bill for an act to amend section 134 of chapter 59 of the revised statutes, reported as follows :

The standing committee on the Judiciary, to whom was referred the bill for an act to amend section 134 of chapter 59 of the revised statutes, have had the same under consideration, according to order, and have amended the same by adding to the title thereof the following words, to wit : " The same being section 147 of chapter 59, on page 518, of the Public Statutes of Minnesota," and by inserting the same words after the word " statutes," and before the word " of," in the second line of the main body of the bill, and have instructed me to report the same as amended, with the recommendation that it pass. By order.

JOHN B. SANBORN,
Chairman.

Mr. Langworthy moved that the House adjourn.
Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

NINTH DAY.

SATURDAY, December 17, 1859.

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

The roll was called, and the following found absent :

Messrs. Butler, Cleary, Dayton, Hunt, Knox, Mann, Olds, Olivier, San-

born, Stephenson, Stewart, Taylor, Van Vorhes, Watson, Willey.

The Journal of yesterday was read and approved.

Mr. Sweet from the committee on the Judiciary presented a memorial of the Supervisors of Dodge county, as follows :

Your committee having fully and carefully considered the subject memorial, to wit : the illegality of the sale of lands for taxes, and report :

That other states have frequently attempted by special legislation defective and irregular assessment and void or voidable sales taxes, but such laws when tested before higher courts have almost been declared unconstitutional and void.

The Legislature of Illinois on the 18th of February, 1849, enacted all assessments of property for taxes made in the year 1848, and which were not completed within the time required by law, same are hereby declared to be as good, valid, and effectual as if they were made and returned in strict conformity to law."

And again by an act of February 15th, 1851, "that when an township assessor has heretofore failed, or shall hereafter fail to finish his assessments in the time required by law, such failure shall not invalidate such assessment, but the same shall be as legal and valid as if they had been completed in the time required by law."

In the case of Marsh, vs Chestnut, 14 Illinois 223, which was a writ of ejectment to recover the possession of certain lands sold on the 1st of January, 1840, for the taxes of 1839, it was shown that the assessment was void inasmuch as the return was not made in the time prescribed by law. It will be seen that the acts of the Legislature recited above were passed expressly for the purpose of curing such defects in the proceedings.

Treat, C. J. in giving the opinion of the court in that case, says "proceedings prescribed by the revenue laws are of a special and summary character, contrary to the course of the common law." The result may be to deprive a man of his property without any actual knowledge by him of the proceedings against it. It is a sound and inflexible rule of law, that in special proceedings authorized by Statute, by which the estate of a man may be divested and transferred to another, every material provision of the Statute must be complied with. The owner has the right to insist upon the strict performance of all the material requirements; and special proceedings designated for his security, and the non-observance of which may be his prejudice."

And again, referring specially to acts of the Legislature bearing upon this subject, he says :

"Laws of such a character ought not to have a retrospective effect. Under the law in force when the proceedings were had, the purchaser acquired no title to the land. The assessment being invalid, there was no foundation to support the subsequent proceedings. The owner has no defence to any claim of title under them. He had only to point out the defect in the assessment, to destroy the effect of the Sheriff's deed. That he relied on this very defect as a defence to any attempt to carry out the proceedings, and that he therefore declined to redeem from the Sheriff, or take some other effectual course to defeat the claim altogether, are immaterial. The provisions of these Statutes are to retro-act upon the proceedings, and the result is entirely changed. What before was insufficient to pass the title is now competent for the purpose. The objection upon which the owner

relied for protection, is entirely swept away by *ex-post facto* legislation. Legislation of this kind may well be characterized as replete with injustice. It is indeed a serious question whether the Legislature possesses the constitutional power to enact laws of such a character."

In the case of the Thames Manufacturing Company, vs Lathrop, 7 Connecticut 550, after a compulsory payment of the taxes, the legislature passed an act providing that when assessors had heretofore failed to make their returns within the time prescribed, the assessments should not be adjudged void, but the taxes charged thereon might be levied and collected.

The court held, that the selectmen, who issued the warrant for the collection of the taxes, were held liable in trespass for the acts of the collector under the process.

Therefore, your Committee being of the opinion that it is not within the power of the Legislature to legalize proceedings in such cases, which have been consummated would recommend that the prayer of the memorialists be not granted, and the memorialists have leave to withdraw the memorial.

JOHN B. SANBORN, Chairman.

GEO. W. SWEET.

D. A. ROBERTSON.

WM. MITCHELL.

Mr. Hulett moved the report be adopted.

Mr. Sweet moved to amend by having one hundred copies printed.

Withdrawn.

The report was then adopted.

Mr. Sanborn, from the committee on the Judiciary, presented a report in regard to the bill for the abolition of the office of Prosecuting Attorney, as follows :

The standing committee on the Judiciary have had under consideration the bill for an act to abolish the office of Prosecuting Attorney of the several judicial districts of the State of Minnesota, and have instructed me to report the same without amendment, with the recommendation that it pass.

JOHN B. SANBORN, Chairman.

Mr. Morrison moved that the report be laid upon the table.

Carried.

Mr. Sanborn, from the committee on the Judiciary, presented the report of the committee on the joint resolutions offered by Mr. Hunt, as follows :

To the Honorable the House of Representatives of the State of Minnesota :

Your Committee on Judiciary, to whom the annexed proposed joint resolution was referred, having examined the same respectfully report, that, in their opinion the object intended to be accomplished by said resolution, is one that is highly desirable. But that inasmuch as many acts that may be enacted by the Legislature will probably repeal, amend, or nullify, many different and separate portions of our present fragmentary and disconnected Statutes, it might not in such cases be advisable to encumber the title of any bill by the enumeration of so many different statutes or laws. But in such cases it would be preferable to enumerate in the repealing clause or some other section of the act the particular statutes or part of statutes, sections or part of sections proposed to be repealed, amended, or modified. Your Committee have therefore amended the proposed joint resolution, so as to conform

with the views above expressed, and hereto attach a copy thereof as proposed to be amended, and recommend the passage of the same as amended ;

JOHN B. SANBORN, Chairman.

GEO. W. SWEET.

WM. MITCHELL.

D. A. ROBERTSON.

Joint Resolution as proposed to be amended :

Be it Resolved by the Senate and House of Representatives, of the State of Minnesota.

That all bills amending, repealing, or adding to any existing laws of the State of Minnesota, shall state in the repealing clause or some other sections of said bill the chapter or chapters, article or articles, section or sections to be amended, repealed or added to. Also the page or pages, where found in the Public Statutes of the State of Minnesota, and where found in the revised Statutes of A. D. 1851, or the Session Laws.

Mr. Secombe moved that the report be adopted.

Carried.

The resolution was then ordered engrossed, and passed to a third reading.

Mr. Langworthy, from the committee on Mileage, presented a report.

Mr. Stevens moved that the report be referred back to the committee for correction.

Mr. Acker moved that the report be laid upon the table.

Withdrawn.

The question recurring upon the motion to refer the report back to the committee, it was carried.

Mr. Morrison offered the following resolution :

Resolved, That the standing committee on Rules and Joint Rules of this House, and the same committee of the Senate (the Senate concurring) be instructed forthwith to inquire into the subject of so changing the present system of committees of the two Houses as to have all the committees upon general subjects of legislation, and upon which the action of both Houses is required, to be joint standing committees.

Mr. Abraham moved to lay the resolution on the table.

Withdrawn.

Mr. Stearns moved to lay the resolution on the table.

Carried.

Mr. Secombe offered the following resolution :

Resolved, That a select committee of three be appointed by this House to inquire whether it would be practicable and expedient for this Legislature to make a complete revision of the laws of this State ; and if so, what would be the most feasible method of procuring said revision ; and to report the result of their inquiries at their earliest convenience. And

Resolved, That the Senate be requested to appoint a like committee to act in conjunction with the committee of the House.

Mr. Greene moved that the resolution be adopted.

Mr. Robertson moved to lay the resolution on the table.

Lost.

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

And the yeas and nays being called for and ordered, there were yeas 48, nays 23, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Meighan,	Mr. Skillman,
Abbott,	Fox,	Morrison,	Stearns,
Abraham,	Garrard,	Osman,	Stewart,
Acker,	Greene, of Olmsted,	Pfander,	Stock,
Anderson,	Greene of Steele,	Purdie,	Taylor,
Armstrong,	Hunt,	Renz,	Temanson,
Arnold,	Johnson,	Sanborn,	Thayer,
Austin,	Langworthy,	Sawyer,	Trow,
Baldwin,	Leavens,	Secombe,	Walker, H.
Brooks,	Letford,	Sherwood,	Walker, Orange
Burnham,	McDonough,	Shrewsbury,	Speaker.
Cleveland,		Shultis,	

NAYS.

Mr. Beatty,	Mr. Mitsch,	Mr. Roy,	Mr. Tollman,
Chadderdon,	Nettleton,	Scheffer,	Waldier,
Cleary,	Newell,	Shriner,	Webster,
Donohue,	Olivier,	Stevens,	Willey,
Hulett,	Rehfeld,	Stephenson,	Wilkins,
Kinkead,	Robertson,	Sweet,	

So the resolution was adopted.

The Speaker appointed as such committee, Messrs. Secombe, Stephenson and Greene.

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

A bill for an act making an appropriation to encourage emigration into this State, and prescribing the manner of expending the same.

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

A bill for an act to divide the State of Minnesota into Congressional districts, and to provide for the election of members of Congress.

Mr. Hunt offered the following resolution:

Resolved, That the State Librarian be authorized to deliver to each member of this House one copy of the Constitutional Debates.

Adopted.

Mr. Kinkead gave notice that on to-morrow, or some subsequent day of the session, he would introduce

A bill for an act to legalize the location and survey of the State road from St. Cloud to Breckenridge, on the Red River of the North.

Also,

A bill for an act to legalize that portion of the location and survey of the State road from the North Shore of Lake Superior, to Graham's Point, on the Red River of the North, commencing at Sauk Rapids and terminating at Graham's Point.

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

A bill for an act to amend chapter 6, section 38, page 145, of the revised statutes.

Mr. Langworthy offered the following resolution:

Resolved, That each of the members and officers of this House be furnished with a copy of the Constitutional and Supreme Court reports.

Mr. McDonough moved to lay the resolution on the table.

Carried.

Mr. Secombe moved a reconsideration of the vote.

Lost.

Mr. Arnold gave notice that he would on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill for an act to amend an act of the Session Laws, entitled "an act to regulate the traffic in Logs and Lumber.

Mr. Hunt introduced the following resolution :

Resolved, That the committee on Elections be instructed to enquire if section 9, of article 4, of the Constitution of Minnesota, has been violated by any member or members of this House, by the assumption of their respective offices, or the retention of former offices, and to report as soon as may be.

Adopted.

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

A bill for an act regulating the toll of grist mills within this State.

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

A bill for an act amending the charter of Monticello, defining the boundaries of the same.

Mr. Sanborn, from the Judiciary committee, reported—

A bill for an act relating to the Decisions of the Supreme Court.

Which was read a first time.

Mr. Butler introduced the following resolution :

Resolved, That the Clerk be authorized and directed to issue a certificate to the Sergeant-at-Arms, to the amount of fifty dollars, for the purpose of defraying expenses in summoning witnesses in the contested election case of Hayes and others against Barton and others.

Mr. Hulett moved to amend by inserting after the fifty dollars, "or so much as necessary."

Mr. Sweet moved to refer the resolution to the committee on Claims.

Lost.

The vote being taken on the amendment of Mr. Hulett, it was carried.

Mr. McDonough moved to lay the resolution on the table.

Carried.

Mr. Stevens offered the following resolution :

Resolved, That the Clerk of this House be instructed to furnish to each member when called for, the proper certificate for per diem and mileage, in such sums as may be desired, and bearing interest at the rate of seven per cent.

Mr. Robertson moved to amend by striking out "bearing interest at the rate of seven per cent."

Mr. McDonough moved that the resolution be referred to the committee on Retrenchment and Reform.

Lost.

The vote being taken on Mr. Robertson's amendment, it was lost.

Mr. Stevens moved to adjourn.

Lost.

The question then recurring upon the resolution of Mr. Stearns, it was adopted.

Mr. Coe offered the following resolution :

Resolved, That the State Librarian be required to furnish each of the officers of this House a copy of the Constitutional Debates.

Adopted.

Mr. Trow moved to adjourn.

Lost.

Mr. Sweet offered the following resolution :

Resolved, That all bills, resolutions, and memorials, reported upon by the standing committees of the House, with the recommendation that they be passed, shall be printed before the same be read a third time and put upon their passage.

Withdrawn.

Mr. Langworthy moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

TENTH DAY.

MONDAY, Dec. 19, 1859.

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

The roll was called, and the following found absent :

Messrs. Baldwin, Barton, Dayton, Kinkead, Knox, Mann, Morrison, Newell, Olivier, Rehfeld, Renz, Robertson, Roy, Shriner, Stevens, Taylor, Tollman, Van Vorhes, Waldhier, Orange Walker and Wilkins.

The journal of yesterday was read and approved.

Mr. McDonough presented the petition of A. J. Rutan, and others, for an alteration of a State road.

Mr. McDonough moved that the petition be referred to the committee on Roads and Bridges.

Carried.

The committee on Elections made a report upon the contested case of Jefferson against Nettleton, as follows :

The committee of the House of Representatives on Elections, to whom was referred the petition of Robert E. Jefferson, claiming the seat in said body now held by William Nettleton, respectfully report, that the witnesses relied upon by both parties to said contest to sustain their several claims, reside near Lake Superior, and that it will be impossible to arrive at a full knowledge of the facts in the case without the testimony of said witnesses. That to procure their attendance before the committee at the Capitol in St. Paul, would be attended with unnecessary expense to the State, and that both parties and the committee deem it best that a commission should be appointed to proceed to the vicinity where said witnesses reside and take their testimony. In order to carry out this plan, therefore, your committee beg leave to report to the House the following resolution, with the recommendation that it pass :

Resolved, That Luke Marvin be and he hereby is appointed commissioner to proceed to Duluth, and to take the testimony of such witnesses as may appear before him on the part of either party, in the matter of the contesting of the seat of William Nettleton in this body by Robert E. Jefferson, and to return the same to the Committee on Elections with all convenient dispatch.

Provided, however, That said commissioner shall report to the Committee on or before the 7th of January, 1860, all testimony taken by him in said contest, and shall receive for his services the sum of fifty dollars.

A. H. BUTLER,

Chairman of Committee on Elections,

Mr. Sweet moved that the whole matter be laid on the table.

Carried.

Mr. Stephenson presented a joint resolution on the Insurrection at Harper's Ferry, as follows :

Whereas, Public attention has recently been directed to an unprovoked attempt made to disturb the peace and safety of a sister State, and to embroil this confederacy in a sanguinary and servile war, subversive of law, seditious in its character, and *treasonable* in all its tendencies and aspects.

And Whereas, It is eminently fitting for all good citizens, and especially for those in whose wisdom and patriotism State legislation is placed, and whose duty it becomes to support the Constitution of these United States, and of the State whose representatives they are, to express in decided terms their condemnation of all such insurrectionary movements, and to deprecate all sympathy for, or collusion with treasonable men.

Therefore, Resolved by the Legislature of the State of Minnesota, That we recognise the Constitution of the United States as the paramount law of the land, which, to secure the blessings of liberty to ourselves and our posterity, must be maintained with fidelity;—and that every attempt to assail its compromises, evade its requirements, or subvert its character, should be reprobated by every true American.

Resolved, That under the Constitution the citizens of one State can not interfere with the domestic institutions of another State, and that any such interference is an attack upon the peace, safety, and dignity of every State in the Union, and that we denounce with indignation and abhorrence, not only,

the treasonable participants in the recent invasion of the soil of Virginia at Harper's Ferry, but all others who, by sustaining, excusing or palliating the offence, aid and comfort insurrection and sedition.

Resolved, That Minnesota renews to Virginia and to the several States of the Union her assurances of fealty to the Constitution, and her desires to cherish and perpetuate the sentiments of friendship and union inculcated by Washington and his illustrious compatriots, and that she confidently claims in return from every other State, or geographical division, that forbearance and moderation on sectional issues, which shall best maintain and transmit to future ages the priceless inheritance of our glorious confederacy, bequeathed to us by our fathers.

Resolved, That the Governor of Minnesota be requested to transmit a copy of these resolutions, and the preamble thereto, to the Governor of each of the several States.

Laid over under the rules.

Mr. Acker introduced—

A bill for an act to punish frauds and other crimes committed at Elections.

Which was read a first time.

Mr. Secombe introduced a joint resolution proposing amendments to article six of the Constitution of this State, as follows :

Resolved by the Senate and House of Representatives of the State of Minnesota, That the following amendments to article six (6) of the Constitution of this State be proposed to the people of the State for their approval or rejection, viz :

That section two (2), of the said article be amended so as to read as follows :

Sec. 2. The Supreme Court shall consist of a number of justices equal to the number of judicial districts in the State. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases both in law and equity, but there shall be no trial by jury in said Court, and the concurrence of a majority of the justices shall be necessary to constitute a decision of said Court. It shall be the duty of said Court to appoint a reporter of its decisions. There shall be chosen by the qualified electors of the State one clerk of said Court, who shall hold his office for the term of three years and until his successor is duly elected and qualified, and the said Court shall have the power to fill any vacancy in the office of said clerk, until an election can be regularly had to fill such vacancy, which said election shall be had at the first annual election that occurs more than thirty days after the vacancy shall have happened.

That section three (3) of the said article be amended so as to read as follows :

Sec. 3. The judges of the several District Courts of this State shall be the justices of the said Supreme Court, one of whom to be selected by lot in such manner as shall be prescribed by law, shall be chief justice.

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

A bill for an act to amend an act to create a lien in favor of mechanics and others in certain cases.

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

A bill for an act to amend article 3, section 4, chapter 3, page 288, of the revised statutes.

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

A bill for an act against the receiving of State Warrants in payment of taxes.

Also,

A bill for an act against the counties and municipal corporations of the State using orders as evidences of indebtedness.

Also,

A bill for an act to amend the charter of the City of St. Paul.

Also,

A bill for an act to amend section 7, chapter 53, of the revised statutes.

Also,

A bill for an act to amend section 2, of an act passed August 2, 1858, for the organization of the Legislature.

Also,

A bill for an act to repeal sections 7, 8, 9, and 10, of article 2, chapter 8, of the revised statutes.

Mr. Donohue introduced—

A bill for an act to prevent Indians from committing depredations on the white settlements in this State.

Which was read a first time.

Mr. McDonough introduced—

A bill for an act to amend an act to incorporate the Minnesota River Bridges Company.

Which was read a first time.

Mr. Sweet introduced a joint resolution fixing the time for the adjournment of the Legislature.

Which had its first reading.

Mr. Shrewsbury introduced the following preamble and resolution:

Whereas, It has been a time honored custom in legislative bodies, not only in Minnesota, but in all the States, to employ Chaplains; therefore

Resolved, That we will elect some minister of the gospel to officiate during the present session of the Legislature at a reasonable compensation; and that in furtherance of this object, Wednesday, the 21st inst., at the hour of 12 o'clock, M., be made the special order for such election.

Mr. Shrewsbury moved that the resolution be adopted.

Lost.

Mr. Acker introduced—

A bill for an act entitled an act to incorporate the town of Monticuous.

Which was read a first time.

Mr. Arnold introduced—

A bill for an act to locate a State road from Minnecaha, Wabashaw county to Beaver, Winona county.

Which was read a first time.

Mr. Secombe moved that the rules be so far suspended as to allow the second and third reading at this time of the joint resolution in relation to the passage of a Homestead Bill by Congress.

Carried.

The joint resolution was then read a second and third times.

Mr. Mitchell offered the following amendment:

—“that our Senators in Congress be instructed, and our Representatives requested.”

Adopted.

The resolution as amended was put upon its final passage, and

The yeas and nays being called for and ordered, on the motion as amended, there were yeas 57, and nays 00, as follows:

YEAS.

Mr. Aaker,	Mr. Oee,	Mr. McDonough,	Mr. Stearns,
Abraham,	Donohue,	Mcghan,	Stevens,
Abbott,	Fox,	Mitchell,	Stewart,
Acker,	Garrison,	Mitch,	Stock,
Anderson,	Greene of Olmsted,	Oman,	Sweet,
Armstrong,	Greene of Steele,	Pfander,	Tommons,
Arnold,	Hallett,	Purdie,	Thayer,
Austin,	Hunt,	Robertson,	Trow,
Baldwin,	Johnson,	Roy,	Walker, E.
Beatty,	Kinkaid,	Sawyer,	Watson,
Brooks,	Langworthy,	Secombe,	Webster,
Burnham,	Leavens,	Sherwood,	White,
Chadderton,	Leiferd,	Shrewsbury,	Wiley,
Cleary,	Mantor,	Skilman,	Speaker,
Cleveland,			

57

So the resolution was adopted.

Mr. Secombe moved that the title of the resolution be amended as follows:

“Joint resolutions of the Legislature of Minnesota in relation to the passage of a Homestead bill by the Congress of the United States.

Carried.

The bill entitled an act to abolish the office of Prosecuting Attorney, coming up for a third reading,

Mr. Secombe moved to refer the bill to the committee of the Whole.

Carried.

Mr. Sweet moved that the rules be so far suspended as to allow the second and third reading of

A bill for an act authorizing the Governor to secure to the State the five per cent of the nett proceeds of the sales of public lands within the State.

Carried.

And the bill had its second and third readings.

Mr. Secombe moved to refer the bill to the committee on Internal Improvements.

Carried.

The report of the committee on Mileage was then read:

Mr. Sweet moved that the report be amended by striking out 125, and inserting 150 opposite Mr. Donahue's name.

Carried.

Mr. Skillman moved that 160 be stricken out, and 140 inserted opposite his name.

Carried.

The report, as amended, was then adopted.

The following is the report of the committee:

The committee on mileage would beg leave to report the number of miles necessarily traveled by each member, as follows:

NAMES.	MILES.
Aaker.....	120
Abbott.....	140
Abraham.....	20
Anderson.....	320
Armstrong.....	240
Arnold.....	220
Austin.....	50
Baldwin.....	20
Barton.....	80
Beatty.....	150
Brooks.....	240
Burnham.....	230
Butler.....	280
Chadderdon.....	100
Cleary.....	54
Cleveland.....	240
Coe.....	280
Dayton.....	140
Donohue.....	150
Fox.....	100
Garrard.....	144
Greene of Olmsted.....	220
Greene of Steele.....	140
Hulett.....	100
Hunt.....	200
Johnson.....	56
Kinhead.....	400
Knox.....	80
Langworthy.....	250
Leavens.....	100
Letford.....	80
Mann.....	20
Mantor.....	200
McDonough.....	140
Meighan.....	240
Mitchell.....	260
Morrison.....	30
Nettleton.....	400
Newell.....	40
Olds.....	240

NAME.	MIN.
Ozman.....	220
Pfaender.....	220
Purdie.....	230
Réhfeld.....	220
Renz.....	60
Roy.....	260
Sawyer.....	220
Scheffer.....	20
Secombe.....	20
Sherwood.....	186
Shrewsbury.....	68
Shriner.....	80
Shultis.....	270
Skillman.....	140
Stearns.....	120
Stevens.....	260
Stewart.....	160
Stoek.....	230
Sweet.....	160
Taylor.....	120
Temanson.....	320
Thayer.....	300
Tollman.....	180
Trow.....	200
Van Vorhes.....	40
Waldhier.....	60
Walker, H.....	248
Walker, O.....	64
Watson.....	40
Webster.....	80
White.....	160
Wiley.....	200
Wilkins.....	155
Mr. Speaker.....	170

B. F. LANGWORTHY,
M. C. TOLLMAN,
CHAS. D. SHERWOOD,
Committee.

Mr. Robertson offered the following resolution :

Resolved, That the Committee on the Judiciary be requested to make a report at their earliest convenience, showing the rights and liabilities of the State and of the Land Grant Railroad Companies, arising out of the amendment to section 10, article 9, of the constitution of the State, and for the elucidation of said amendment, the report to answer the following questions :

First—What is the precise nature of the consideration, and the legal significance of that word in the aforesaid amendment for the loan of State credit to railroad companies ?

Second—What is the precise nature of the conditions of the acceptance by the company or companies of the loan of State credit ?

Third—Is it necessary for the company or companies to provide the consideration and comply with the conditions, before the obligations of the State shall attach on the bonds issued by the State to such company or companies ?

Fourth—If the foregoing queries be answered in the affirmative, have the

companies, or has any one of them, given the consideration to the State and complied with the conditions provided for in the amendment?

Fifth—And if the last foregoing queries be answered in the negative, to explain specifically whether the State can or cannot, according to a proper judicial construction of the amendment aforesaid, be made liable under any provision of the same, for the payment of Minnesota State Railroad bonds issued to any company which has defaulted, or may default before the completion of four-fifths of the entire length of its road, according to the provisions of the amendment aforesaid.

Mr. Stevens moved that the resolutions be laid upon the table and printed.

Carried.

On motion of Mr. Secombe,

The House resolved itself into a committee of the Whole, Mr. Cleveland in the chair, for the consideration of

A bill for an act to abolish the office of Prosecuting Attorney.

After some time spent therein, the committee rose, and by their chairman, reported the bill back to the House with a recommendation that it pass.

The question being upon the adoption of report of the Committee of the Whole,

It was adopted.

The bill was then read a third time and put upon its final passage,

And the yeas and nays being called for and ordered, there were yeas 54, nays 13, as follows:

YEAS.			
Mr. Aaker,	Mr. Donohue,	Mr. Olds,	Mr. Stearns,
Abbott,	Fox,	Ozmas,	Stevens,
Abraham,	Garrard,	Pfaender,	Stephenson,
Acker,	Greene of Olmsted	Purdie,	Stewart,
Anderson,	Hunt,	Robertson,	Stock,
Arnold,	Johnson,	Roy,	Sweet,
Austin,	Kinkead,	Sanborn,	Taylor,
Baldwin,	Langworthy,	Sawyer,	Thayer,
Beatty,	Letford,	Scheffer,	Trow,
Brooks,	Maan,	Secombe,	Walker, H.
Burnham,	Hantor,	Sherwood,	Watson,
Chadlerdon,	McDonough,	Shrewsbury,	Webster,
Cleary,	Mitchell,	Skillman,	Willey.
Cleveland,	Mitch,		
54			
NAYS.			
Mr. Armstrong,	Mr. Leavens,	Mr. Rehfeld,	Van Vorhes,
" Obe,	Meighan,	Shriner,	White,
Greene, of Steele,	Nettleton,	Temanson,	Speaker.
Hulett,			
13			

Mr. Greene, of Steele, moved to take a recess until half-past two o'clock.

Carried.

AFTERNOON SESSION.

At half-past two o'clock, the House was called to order by the Speaker.

Mr. Van Vorhes offered the following preamble and resolutions:

Whereas, His Excellency, the Governor, in his last annual message, informed this body that the semi-annual interest on the State loan of \$250,000, amounting to \$10,000, will be due and payable on the first day of January next;

And whereas, The Governor informs this body that there is no money in the Treasury with which to meet the approaching indebtedness, and directs the particular attention of the Legislature to the pressing necessity of immediate action on the part of this body, with reference thereto, in order that the faith and credit of the State may be protected;

And whereas, The Governor states that he has had in view the necessity of meeting this indebtedness with promptness, and had there recommended the State Treasurer to set aside \$10,000 of moneys collected, for this purpose;

And whereas, His Excellency states in his message, that the State Treasurer did set aside about \$6,000 to meet the contingency, but that the State Treasurer being threatened with legal proceedings, "felt himself bound to disburse the funds thus reserved;"

And whereas, This Legislature has been compelled to issue interest warrants upon the Treasury in order to meet this indebtedness, and thus protect the credit and reputation of the State;

And whereas, The Governor states that there is now in the State Treasury \$1,014.14 of notes of depreciated or broken banks. Therefore

Resolved, That his Excellency, Governor Sibley, be respectfully requested to communicate to this House at his earliest convenience,

First—The names of parties thus presenting warrants and receiving therefor any portion of the six thousand dollars thus set aside to meet this urgent demand upon the State.

Second—The name of the person or persons who threatened the Treasurer with legal proceedings, in the event that he did not comply with their demand; and

Third—What amount of the \$1,014.14 of "apparent balance in the Treasury," if any, is of the notes of the Bank of Nicollet County, the Bank of Glencoe, the Bank of Rochester, the Bank of Owatonna, and the Chisago County Bank; and what proportion of this sum is of notes of broken banks, and what is the present current value of the entire amount.

Adopted.

Mr. Burnham introduced the following resolution:

Resolved, That the Judiciary committee be instructed to investigate and report at their earliest convenience whether or not this Legislature has power under the Constitution to district the State for the election of members of Congress, or to re-district it for the election of members of the Legislature.

Adopted.

Mr. Greene of Steele, moved that the report of the Auditor be taken up and read.

Carried.

Pending the reading,

Mr. Leavens moved to suspend the further reading of the report.

Lost.

Mr. Leavens moved to adjourn.

Lost.

Mr. Sawyer introduced—

A bill for an act to provide for the regulation and maintenance of common schools.

Which had its first reading.

Mr. Sweet moved to refer the report of the Auditor to the committee on Currency.

Carried.

Mr. Sweet gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce

A bill for an act to prohibit the emigration and settlement of Negroes within this State.

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

A bill for an act specifying property to be exempt from taxation, and from sale for taxes.

Mr. Pfander offered the following resolution :

Resolved, That the Chief Clerk be authorized to issue to the officers of this House, certificates of their *per diem* under the provisions of the resolution passed on Saturday last, in relation to the *per diem* of the members.

Mr. Hulett moved to lay the resolution on the table.

Lost.

Mr. Robertson offered the following substitute :

Resolved, That the Chief Clerk be authorised to issue certificates to the officers of the House, at the rate of three dollars per day each, with the same interest as is allowed the members.

The substitute was adopted.

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

A bill for an act for the relief of the Seventh Day Baptists and others, who observe the seventh day as a Sabbath.

Mr. Hunt moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JAMES BIRSON, Chief Clerk.

ELEVENTH DAY.

TUESDAY, Dec. 20, 1859.

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

Prayer was offered by Rev. Mr. Mattocks.

The roll was then called and the following members found absent :

Messrs. Kinkead, Rehfeld, Robertson, Shultis, Stearns, Stephenson, Taylor and Waldhier.

The journal of yesterday was read and approved.

Mr. Arnold presented the petition of citizens of Wabeshaw to amend an act entitled an act to regulate the traffic in Logs and Lumber.

Mr. Abraham moved to refer the petition to the committee on Internal Improvements.

Carried.

Mr. Stewart presented the report of the committee on Claims, upon the report of the Secretary of State in regard to "official seals," as follows :

Your Committee on Claims, to whom was referred the communication of His Excellency, the Governor, to the Legislature, with accompanying documents, to wit :

The report of the Secretary of State, giving a statement of his action with reference to an act of the Legislature, approved August 11th, 1858, to establish a uniformity of official seals, respectfully beg leave to report that they have had the whole subject matter contained in the said statement under consideration, and upon examination of the several documents relating thereto, find that in conformity with said act, the Secretary of State did, on the 1st day of September, A. D. 1858, make a contract with J. H. Felch, of the City of St. Paul, by the terms of which contract the said Felch was bound to engrave and furnish to the State of Minnesota, such seals as the said law provides for, and that the said Felch, in pursuance of the terms of said contract, did furnish the seals contracted for, which seals have been placed in the hands of the State Auditor.

Your committee would further report,

That according to the official statement of the Secretary of State, as appears per the schedule thereto annexed, a part of said seals have been paid for by the proper county officers, and delivered to them, a part were delivered to different county officers when called for, and a part are yet in the possession of the Auditor of State, subject to the order of the officers properly entitled thereto.

And further, the whole amount claimed by the said J. H. Felch, under said contract, is two thousand and one dollars, (\$2001,) of which amount two hundred and eighty-five dollars have been paid, leaving a balance of one thousand seven hundred and sixteen dollars due the said J. H. Felch.

Your committee would therefore recommend that an act be passed providing for the payment of the balance now due him under said contract.

Signed,

I. I. STEWART,

CHAS. D. SHERWOOD,

Committee of Claims.

December 20, 1859.

Mr. Robertson moved that the report of the committee be adopted.

Lost.

Mr. Sawyer moved that the report be referred to a special committee.

Carried.

The Speaker appointed Messrs. Sawyer, Chadderdon and McDonough such committee.

Mr. Secombe moved that the committee on Printing be instructed to report to-morrow.

Carried.

Mr. Hulett, from the committee on Towns and Counties presented a report on the organising of Pierson county, as follows :

The Committee on Towns and Counties, to whom was referred the bill for organizing Pierson county, have had the same under consideration, and respectfully ask leave to make the following report :

Your committee find, from information derived, as they believe, from reliable sources, that the territory proposed to be included within the said county of Pierson, is without inhabitants, or nearly so, and they are of the opinion that the policy of establishing new counties, and fixing county seats in advance of settlement, is a pernicious one, and ought not to be encouraged. Your committee are also of the opinion that immediate organization of civil government in said county would be incompatible with the interests of the few inhabitants now residing within the limits of the said proposed county. Your committee therefore report the bill back to the House with the recommendation that it do not pass, and ask to be discharged from the further consideration of the subject.

LUKE HULETT,
Chairman.

Mr. Hulett moved that the report of the committee be adopted.

Lost.

Mr. Morrison moved that the report of the committee be laid on the table.

Carried.

Mr. McDonough gave notice that he would on to-morrow, or at some future day of the session bring in

A bill for an act to regulate the compensation and mileage of the officers and members of the Legislature of the State of Minnesota.

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

A bill for an act to prevent abuses in the use of intoxicating drinks.

Mr. Sweet offered the following resolution :

Resolved, That the Clerk be authorised to issue new certificates to the members and officers of the House drawing the same rate of interest as the mileage and *per diem* certificates, which certificates shall be delivered on the return of the Stationery certificates already issued.

Mr. Abraham moved to lay the resolution on the table.

Carried.

Mr. Arnold introduced—

A bill for an act to amend an act, to regulate the traffic in Logs and Lumber.

Which was read a first time.

Mr. Acker introduced—

A bill for an act to amend article 3, section 4, chapter 9, of the revised statutes.

Which was read a first time.

Mr. Morrison moved that rule 24th be suspended, so as to refer all bills on the table not from committees to the appropriate standing committees.

Mr. Abraham moved to lay the motion on the table.

Carried.

Mr. Sawyer moved that three hundred copies of the bill introduced by him in regard to public schools be printed.

Mr. Robertson moved to amend by striking out "three hundred" and inserting "one hundred and fifty."

Which amendment was accepted by the mover.

Mr. Sweet moved to lay the motion upon the table.

Carried.

Mr. Rehfeld introduced—

A bill for an act to create a board of emigration, and for the appointment of an emigrant agent.

Which was read a first time.

Mr. Secombe moved to amend rule 24 by adding the following :

"And when any bill, memorial or joint resolution shall be printed, one hundred and fifty copies shall be the number so ordered printed.

Mr. Morrison moved to amend, so that no bill shall be printed until reported by some standing committee.

Which amendment he afterwards withdrew.

Mr. Secombe's motion was then carried—two-thirds voting in the affirmative.

Mr. Sweet introduced the following resolution :

Resolved, That the committee on Rules be requested to report an amendment to the House rules, so as to provide for the printing of bills, memorials, and joint resolutions reported to the House by the standing committees.

Lost.

Mr. Sawyer introduced—

A memorial to the Post Master General, for an increase of mail service on routes Nos. 13,504 and 13,578.

Which had its first reading.

Mr. McDonough moved to suspend rule 24, so as to allow the bill introduced by him to be read the second time.

Lost.

Mr. Secombe moved to take up the report of the committee on Elections, in the case of Jefferson against Nettleton.

Carried.

Mr. Robertson moved to indefinitely postpone the whole matter. Which he afterwards withdrew.

Mr. Orange Walker moved to recommit the report to the committee on Elections.

Carried.

Mr. Rehfeld asked leave of absence for six or eight days.

Granted.

Mr. Mann moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

TWELFTH DAY.

WEDNESDAY, Dec, 21st, 1839.

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

Prayer was offered by Rev. Mr. Neill.

The roll was called, and the following found absent :

Messrs. Baldwin, Donohue, Hunt, Morrison, Robertson, Sanborn Shriner, Stearns, Stevens, Taylor and Waldhier.

The journal of yesterday was read and approved.

Mr. Butler moved that the report of the committee on Elections in the case of Jefferson against Nettleton, be taken up.

Carried.

Mr. Abraham moved that the report be adopted.

Carried.

Mr. Trow, from the committee on Internal Improvements, presented the report on the bill authorizing the Governor to secure the five per centum of the sale of public lands, as follows :

You committee to whom was referred "an act to secure to the State the five per centum of the sales of public lands," have had the same under consideration, and report it back to the House without amendment, with the recommendation that it be passed.

A. H. TROW, Chairman,

E. N. LEAVENS,

GEO. W. SWEET,

JOHN ARMSTRONG,

Mr. Sweet moved the report be adopted.
Carried.

Mr. Van Vorhes, from the committee on Printing, presented the majority report of the committee in relation to the public printing, which was read, as follows:

The majority of the Standing Committee on Public Printing, to whom was referred the protest and communication of Earle S. Goodrich, claiming to have contracted with the State Auditor to execute the printing, binding and advertising of the Senate and House of Representatives, for the Governor, Secretary of State, &c., under an act entitled "an act to provide for the letting of the State printing, binding and advertising," approved March 10th, 1858, have given the subject as mature deliberation as circumstances would admit, and beg leave to report.

That on the 10th day of March, A. D., 1858, the Legislative Assembly, with the approval of the Governor, enacted a law providing for the printing, binding and advertising of the Senate and House of Representatives; for the Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, for the School and Banking Departments and all other printing, binding and advertising for any and each of the State officers which are now or may hereafter be created, which may or shall be done under the authority and at the expense of the State of Minnesota: that said Act directed the State Auditor to cause notice to be given in one or more newspapers in each Senatorial District, specifying as nearly as practicable the kinds, character and quantity of printing, binding and advertising which would probably be required to be done during the period of two years designated in said notice; that on or before the first Monday of August, 1858, and up to 12 o'clock M. of that day, said Auditor should receive proposals from any person or persons actually engaged in the business of printing, publishing and binding or either, within this State, for the execution of said printing, binding and advertising, or any portion of said printing, binding or advertising so required to be or done; that each of such proposals should be accompanied by a sworn statement of the bidder or bidders, specifying the place where such printing, binding, and advertising, or any portion thereof bid for, would be done, and the facilities possessed by him or them for doing the same, together with the name and circulation of the paper in which the advertising was proposed to be published: that at the expiration of such notice the Auditor was directed to open the proposals and award the printing, binding and advertising to the lowest and best bidder for the whole or any portion of said printing, binding or advertising for the term of two years specified in the notice; and that the bidder or bidders respectively should enclose with their respective bids, a guaranty of such form and amount as should be prescribed, that he or they would enter into a contract according to the terms thereof, and give bond in double the amount of the estimated sum to which the contract so awarded would amount.

From satisfactory evidence in the possession of your Committee, it is manifest that a combination was formed at the instance of Earle S. Goodrich, the protestant, by an agreement in writing, to which he was a party, not only in the first place to secure, by improper means, the passage of the Act of March 10, 1858, but to enable him, by preventing fair competition, to obtain the entire printing, binding and advertising contract, at such rates as he might see proper, to the great detriment and in fraud of the rights of the State.

Fraud vitiates every contract into which it enters: and although your committee or the House may not possess jurisdiction to investigate this question, or declare the contract void because of fraud, both in its inception and

progress, yet your committee feel it to be its duty to lay the facts before the House, that it might take such action as to that body may see best and most advisable.

On or prior to the first day of August, A. D. 1858, the following bids of proposals for the public printing, binding and advertising, accompanied by the requisite statements and guaranty were received by the State Auditor: said proposals being made, under the advertised direction of the Auditor and in compliance with the intention and spirit of the law, for nine separate and distinct classes of work, to wit:

FIRST CLASS.

Per 1000 ems Composition. Per Token.

Mr. Goodrich's proposal,	66 cents.	65 cents.
Mr. Mills' " "	90 " "	\$100
Mr. Haynes' " "	85 " "	90 "
Minnesotian, " "	45 " "	25 "
St. Paul Times, " "	85 " "	65 "
St. Anthony Express, " "	14½ " "	14½ "

SECOND CLASS.

Per 1000 ems Composition. Per Token.

Mr. Goodrich's proposal,	66 cents.	65 cents.
Mr. Mills' " "	80 " "	80 "
Mr. Haynes, " "	90 " "	\$100
Minnesotian, " "	48 " "	30 "
Times, " "	72 " "	85 "
St. Anthony Express, " "	14½ " "	14½ "

THIRD CLASS.

Per 1000 ems Composition. Per Token.

Mr. Goodrich's proposal,	66 cents.	65 cents.
Mr. Mills' " "	85 " "	80 "
Mr. Haynes' " "	75 " "	78 "
Minnesotian, " "	50 " "	30 "
Times, " "	85 " "	90 "
Rochester Democrat, " "	40 " "	40 "
St. Anthony Express, " "	14½ " "	14½ "

FOURTH CLASS.

Per 1000 ems Composition. Per Token.

Mr. Goodrich's proposal,	01 cents,	01 cents.
Mr. Mills' " "	90 " "	80 "
Mr. Haynes' " "	70 " "	95 "
Minnesotian, " "	50 " "	30 "
Times, " "	85 " "	81 "
Rochester Democrat, " "	40 " "	40 "
St. Anthony Express, " "	14½ " "	14½ "

FIFTH CLASS.

Per 1000 ems Composition. Per Token.

Mr. Goodrich's proposal,	66 cents.	65 cents.
Mr. Mills' " "	60 " "	85 "
Mr. Haynes' " "	85 " "	60 "
Minnesotian, " "	50 " "	30 "
Times, " "	85 " "	82 "
St. Anthony Express, " "	14½ " "	14½ "

SIXTH CLASS—BLANKS, CIRCULARS, ETC.

	Per 1000 ems Composition.	Per Token.
Mr. Goodrich's proposal,	66 cents.	15 cents.
Mr. Mills' "	95 "	70 "
Mr. Haynes' "	95 "	98 "
Minnesotian, "	\$100 "	10 "
Times, "	90 "	80 "
St. Anthony Express, "	141 "	20 "

SEVENTH CLASS—COVERING PAMPHLETS AND DOCUMENTS.

	Price per 100 Copies.
Mr. Goodrich's proposal,	\$1.65
Mr. Hoisington's "	1.75
Mr. Mills' "	1.50
Mr. Hewson's, "	1.60
St. Anthony Express, "	80

EIGHTH CLASS—FIRST ITEM—BINDING LAWS, JOURNALS, ETC.

	Price per 100 Copies.
Mr. Goodrich's proposal,	\$ 7.50
Mr. Mills' "	15.00
Mr. Hewson's "	15.00
Mr. Hoisington's "	8.00
St. Anthony Express, "	40.00

SECOND ITEM—BINDING COURT REPORTS, ETC.

	Price per 100 Copies.
Mr. Goodrich's proposal,	\$35.00
Mr. Mills' "	75.00
Mr. Hewson's "	75.00
Mr. Hoisington's "	37.00
St. Anthony Express, "	75.00

THIRD ITEM—BINDING IN SHEEP OR CALF.

	Price per 100 Copies.
Mr. Goodrich's proposal,	\$ 55.00
Mr. Mills' "	100.00
Mr. Hewson's "	100.00
Mr. Hoisington's "	60.00
St. Anthony Express, "	120.00

NINTH CLASS—ADVERTISING.

	Per square—1st. Insertion.	3d Insertion.
Mr. Goodrich's proposal,	25 cents.	
Mr. Coates' "	80 "	40 cents.
Mr. Mills' "	75 "	37½ "
Minnesotian's "	12 "	
Stillwater Messenger's "	24 "	11 "
St. Anthony Express' "	05 "	
Rochester Democrat's "	20 "	15 "
Red Wing Sentinel's "	12½ "	

PRINTING IN OTHER LANGUAGES.

	Composition.	Press Work.	Translating.
Mr. Goodrich's proposal,	66 cents.	65 cts.	\$1.00
Mr. Mills' "	75 "	70 "	75 cts.

The language of the law, as well as the specifications of the Auditor in his advertisement inviting proposals, contemplated a division of the printing, binding and advertising into distinct classes; and the majority of your committee can arrive at no other conclusion than that the law fully contemplated that the Auditor should award the contracts to the lowest responsible bidder for *each separate class* of work. Otherwise, the law would be worse than a failure; for the reason that at the time of the passage of the act, and up to the present time there was and is but one printing establishment in the State, prepared to execute *all* the classes indicated by the Auditor in his published notice, and consequently one office could monopolize the entire work at such prices as the contractor might see proper to dictate. The law says in express terms that the Auditor shall award "the said *contract or contracts* for said "printing, binding, and advertising to the lowest and best bidder or bidders for the whole or any portion," of said work, clearly indicating to the minds of a majority of your committee that the ruling of the Auditor, that because the protestant was the only person who bid on *all* of the nine items, and consequently was the lowest bidder for the *whole* of the work, that therefore he was entitled to the contract for the whole of the nine items, &c., was a construction of the law unwarranted either by the language or spirit of the law, by common sense, or by any principle of justice or fair dealing.

From the beginning to the end of Section One of the Act, the idea is made prominent, by the Auditor, and that a *portion* may be let to one, and a portion to another bidder, as the one may possess facilities over the other, to execute the particular portion of which he bid at a less rate and to better advantage than the other—as the act provides the Auditor shall "award the said contract or contracts for said printing, binding and advertising to the lowest and best bidder or bidders for the whole, or any portion of said printing, binding or advertising" &c.

The Auditor is a ministerial officer, and as such, must be governed in the letting of the contract by the letter of the law. He has no judicial power or discretion. He must obey the law to a letter, and the moment he transcends the power conferred upon him by the law, or departs from its directions, his acts are a nullity. Then, has he in the letting of the contracts for the printing, binding and advertising to Earle S. Goodrich, the protestant, exceeded his just powers, or departed from the directions given to him by the Act? If he has, then his act or acts are merely void, to say nothing of the fraudulent combination formed by the protestant and others to defeat the intention of the law, by preventing a fair competition for the work to be let.

The evidence before your committee satisfies a majority of it, in but four of the items, as classified by the Auditor, viz: the printing of blanks for the State Officers, the binding and the printing in foreign languages, and the printing of the Supreme Court Reports, was the protestant the lowest and best bidder; that in each and every one of the other classes, various bidders bid from ten to over one hundred per cent. lower than he. Yet notwithstanding the positive terms of the law, that the work *shall be awarded to the lowest and best bidder* for the whole or any portion of the same, the whole was contracted by the Auditor to the protestant, at an increased cost to the State, and according to the Auditor's low estimate of the amount required, of seven thousand dollars.

The majority of your committee, therefore, is of the opinion that the contract entered into with the protestant is void and should be so treated by this body.

The question, that one Legislature cannot abridge or restrict the rights or prerogatives of its successors, is so well settled, and has been so long acquiesced in, that your committee does not think it necessary to recur to authorities to

sustain the position. All acts of any Legislature, therefore, which attempt to interfere with the rights or prerogatives of a succeeding Legislature, must be null and void, at least so far as they encroach on those rights or prerogatives.

The Act of March 10, 1858, at least so far as it provides for the printing, binding and advertising of the Senate and House of Representatives is, in the opinion of a majority of the committee, an encroachment upon the rights and prerogatives of the present and future Legislatures, and to that extent, indefensible and void.

The printing of the laws and journals of the Legislature is one of the necessary incidents to that body, and just as essential to the objects and purposes of its creation as any other of its prerogatives, and as much under its control as the keeping of its daily journal.

The power to make laws, implies and carries with it the power to make known and preserve them. This, therefore, becomes a necessary power and one which cannot be restricted or encroached upon.

There can be no question of the position, that the Legislature has the power, either to direct how its acts and proceedings shall be published, or to prohibit their publication altogether. If, then, it has the power to say how it shall be done, or to say it shall not be done at all, can it be possible that there can be any doubt as to its absolute and unqualified control over the whole subject? Certainly, in the minds of the majority of the committee, there cannot be.

The Supreme Court in the case of *Goodrich vs. Moore*, which involves the question as to how far the printing of the debates, journals, &c., incident to the Constitutional Convention, and which is a parallel case with the one under consideration, hold the following language, which is in accordance with the views of a majority of the committee, viz :

"There is no reason to suppose that at the time of the passage of this act, the Legislature had at all in view the assembling of a Constitutional Convention, nor that they assumed the right in any manner to control its proceedings, or interfere with its legitimate functions.

"But even had the Legislature intended and attempted to claim and execute the right of providing a printer for the Constitutional Convention, it would have been an unauthorized and unwarrantable interference with the rights of that body. The admission of such a right in the Legislature, would place the convention under its entire control, leaving it without authority even to elect or appoint its own officers, or adopt measures for the transaction of its legitimate business. It would have less power than a town meeting, and be incompetent to perform the objects for which it convened. It would be absurd to suppose a Constitutional Convention had only such limited authority. It is the highest Legislative assembly recognized in law, invested with the right of enacting or framing the supreme law of the State. It must have plenary power for this, and over all the incidents thereof."

Then, being an incident, and essential to the proper exercise of the legitimate powers of the Legislature, it is one of the rights or prerogatives of the body which cannot be interfered with by any previous Legislature.

In addition to the evidence of fraud heretofore cited, the majority of the committee would further state that they called upon the State Auditor, Hon. W. F. Dunbar, and examined the proposal of Earle S. Goodrich, the protestant, now on file in the Auditor's office—that the Auditor produced various papers which he represented to be and which your committee believed to be, the original proposal of Earle S. Goodrich, upon which the award of the printing, binding and advertising was based. As a condition in that proposal of Earle S. Goodrich for said printing, &c., your committee found the following remarkable stipulation on the part of Mr. Goodrich, as to terms, &c., to wit :

"This bid is made for the *whole* of the printing, binding and advertising specified in said notice, and which may be authorized by law to be done; *with the understanding* that the work will be paid for *in specie*, or *its equivalent in value*; and with the *express condition* that if accepted, it must be as an entirety."

That there was fraud, not only in the inception and passage of the Act of March 10, 1858, under which the protestant claims to execute the printing, &c., of this House, and that there was gross fraud in the award of the contract to the protestant by which the interests of State were outraged, and the rights of individuals wrested from them, there is no room for a single doubt in the minds of a majority of your committee. To their minds, the extract quoted from the proposal of Mr. Goodrich, even if unsupported by other evidence hereinbefore adduced, would be overwhelming and conclusive. To what extent other parties, in an official character, may have been complicated with such fraud, is not within the province of your committee to enquire.

The majority of your Committee are united in the opinion that the best interests of the State require, and that the dignity of this House demands, that other parties than Earle S. Goodrich should be elected, or otherwise authorized to execute all the printing, binding and advertising incident to the House; and that such election or appointment should be made at the earliest practicable moment.

Respectfully submitted,

A. J. VAN VORHES,
THOS. McDONOUGH,
S. BROOKS,

Committee on Printing.

Mr. Stephenson, from the same committee, presented a minority report upon the same subject, which was read, as follows :

The undersigned, a minority of the Committee on Printing, to whom was referred the statement and remonstrance of Earle S. Goodrich, contractor with the State for the public printing, binding and advertising, beg leave to submit the following report :

That they find by reference to the statutes of the State, that, on the 10th day of March, A. D. 1858, an act entitled "An Act to provide for the letting of the State printing, binding and advertising," (which had theretofore passed both Houses of the Legislature by constitutional majorities, and with but a single dissenting vote in either branch,) was approved by the Governor and became a law ;

That the law thus enacted, provides specifically, and in substance, that all printing, binding and advertising, which may or shall be done under the authority, or at the expense of the State of Minnesota, should thereafter be done by contract, covering a term of two years' time, and running from the 12th day of December, 1858 ;

That the said law delegated to, and imposed upon the State Auditor the duty to invite, by public advertisement, and to receive "proposals from any person or persons actually engaged in the business of printing, publishing and binding, or either, within this State, for the execution of the said printing, binding and advertising, or any portion of the same so required to be done ;" said law further providing the manner in which proposals or bids should be made, and that within a certain time the Auditor should open the same, and award the said contract or contracts, to the *lowest* and *best* bidder or bidders, for the *whole* or any portion thereof, for said term of two years ; and that the person or persons whose bids should be accepted, and to whom the contract should be awarded, should enter into contract according to the terms thereof,

and give security in a bond to the people of the State to be conditioned for the faithful performance of the requirements of said contract;

That the State Auditor gave notice by advertisement soliciting proposals for said printing, binding and advertising, according to the requirements of said law; and on the first Monday of August next succeeding the date of said public notice, he opened the several proposals received at his office, and in the exercise of the discretion delegated to him by said law, awarded the contract for said printing, binding and advertising, to Earle S. Goodrich, as the *lowest and best bidder* for the whole amount thereof, for the said term of two years;

That on the 14th day of August, 1858, the said Earle S. Goodrich, in accordance with law, and with the terms of his said bid, did enter into a written contract with the State of Minnesota; by the terms of which contract the State guaranteed to said Goodrich, the sole and exclusive right to do and execute the whole of said printing, binding and advertising specified therein, and in the law authorizing the same to be made; and that the State would pay to said Goodrich therefor, the prices therein named and limited; and the said Goodrich, on his part, covenanted that he would do and execute the whole of said printing, binding and advertising, according to law and the conditions of said contract; and gave security in a bond to the people of the State, as required by the said law, conditioned for the faithful performance of the requirements of such contract; which said bond and contract were deposited in the office of the Secretary of State; copies of which are hereby annexed, marked "B" and "C," and made a part of this report.

Upon all which said state of law and facts, the undersigned submit that, the contract now existing between the State of Minnesota and Earle S. Goodrich—the same being formally drawn and properly executed, in accordance with a valid law then and still in force—is a legal contract; and as such is binding equally upon the State as upon the individual party thereto.

It is objected against the contract under consideration, and against its recognition by the Legislature, that the law under which it was executed is invalid, so far as it seeks to bind or control the action of this body, or either branch thereof. This objection is founded upon the assumption that the control and disposition of the public printing, binding and advertising, is a prerogative of each separate Legislature, or of either branch thereof, which cannot be divested by any law, appointment or contract, not made or entered into, by the direct authority of such Legislature, or of the House for which such service is to be performed.

This objection, to be sustained, involves the necessity, *first*, of attaching to the Legislature an authority paramount to all law; and, *second*, of attaching to this class of labor and service higher and different attributes than belong to any other class of labor and service whatever.

The first proposition is one which the undersigned will not so far insult the good sense of this body as to seriously discuss. That the Legislature of a State enjoys prerogatives superior to, and in conflict with laws enacted by its authority, and in subordination to the constitution, from which it derives all its rights and privileges, and which its members have sworn to support; that the law-making power of the government enjoys an indefensible right to become, at will, the law breaking power; are statements to monstrous for belief, and too ridiculous for argument.

It is equally difficult to understand upon what grounds the second proposition can be sustained; and how any higher and different attributes can be attached to the class of labor and service involved in the contract under discussion, than belongs to any other class of labor and service known to business and to law.

The business of printing and binding, in its ordinary relations, is simply a matter of work and labor, requiring in its pursuit the exercise only of such mechanical skill as is employed in any one of the common avocations of life. It is not understood how its character can be changed by its connection with the Legislature, any more than the builder's trade can be changed by virtue of its employment in the building of a capitol, or other structure for Legislative necessity or convenience. A pursuit which is mechanical in itself, is not changed by the official or non-official character of those who employ it in their affairs. A glance at the legislation of other States, will show the fact that no distinction is elsewhere made between the business of printing and other mechanical pursuits, and that its disposition is no where held to be a legislative prerogative, but, that it is made the subject of a contract, either express or implied, under the operation of statute or constitutional law, and for the terms of time unlimited by the existence of Legislatures or other official bodies.

In Pennsylvania, the public printing has been let by contract, in terms of three years each, from 1844 to the present time. From 1844 to 1856—a period of twelve years—the public printing was thus disposed of under the provisions of a law to be found in Purdon's Digest, page 986, and entitled "An act giving out for a term of years, *all* the public printing and binding of the Commonwealth to the lowest bidder, with ample security for performance." This law was amended in 1856 by an act entitled "An act in relation to public printing," (see Session Laws for 1856, page 262,) the first section of which provides that the Speakers of the two Houses of the Legislative Assembly, shall, at stated periods, "receive proposals for executing the public printing and binding for the term of three years," &c. The second section provides—

"That the person or persons to whom the printing and binding shall be allotted, in pursuance of the first section of this act, shall procure good and sufficient materials for executing the printing of the *laws, journals, reports, bills, resolutions*, and all other *legislative* and executive papers and documents, that may be ordered by the *Legislature, or either branch thereof*, or by the executive, or any of the departments of the government."

In Michigan, by act of 1857, still in force, the public printing is let by contract, in terms of *two years* each, embracing—according to section (217) of chapter 7, page 148, vol. 1. of the Compiled Laws of Michigan—"the printing and binding of the laws, journals and documents, all blanks, papers and printing for the executive departments, and *all other printing ordered by the Legislature*," &c. Under the provisions of the same law the stationery and fuel for the Legislature and State officers is also let by contract, and for the same term of two years.

In Ohio, by act of 1852, (see section 2, chapter 78, page 738, of Swan's Revised Statutes,) still in force, the public printing is let by contract, in terms of *two years* each. The printing in that State is divided into five separate items—each item being bid and contracted for separately. The divisions are made as follows:

1st. "The printing of all bills of the the two Houses of the general assembly, together with such resolutions and other matters as may be ordered by the two Houses, or either of them to be printed in bill form;" 2nd, "The printing of the journals of the Senate and House of Representatives, and of such reports, communications and other documents as enter into and make a part of the journals;" 3rd, "The printing of all reports, communications and other documents, that may be ordered to be printed in pamphlet form, by the general assembly, or either branch thereof, except such as enter into and make a part of the journals, together with the volume of public documents;" 4th, "The printing of the general and local laws, and such joint

resolutions as may be directed by the general assembly to be printed therewith;" 4th, "The printing of all blanks and circulars necessary for the use of the executive officers of the State."

In Wisconsin the public printing has been let by contract since the organization of the State government to the present, and in terms of time varying, under different laws, from *two to four years* each. The law now in force was enacted in 1852, and is printed in the Revised Statutes of that State, beginning on page 84. Sections 1, 2 and 8, of said law reads as follows:

"Sec. 1. The Secretary of State shall, within four weeks after the close of the session of the Legislature for the year 1858, and within four weeks after the close of every second regular session thereafter, advertise for four weeks successively, in four different newspapers, published in different sections of the State, for sealed proposals for doing, at the seat of government, all printing required and authorized by the Legislature, for their use, or for the State, in all the several departments thereof."

"Sec. 2. Said advertisement shall divide the printing required to be done into three classes; the first, to comprise all the printing incident to the business of the two Houses while in session; the second, to comprise the journals and documents of the two Houses, and all laws passed by the Legislature; and the third class, the printing of the several State departments, of all kinds and descriptions whatsoever; all of said classes to be offered in one bid, and to be provided for in one contract."

"Sec. 3. The person to whom said award has been made, and who has given the required bond, shall execute the said printing at the seat of government, for the term of *two years* from the first Monday of January thereafter."

By section 8, of a subsequent law, (page 94, of the same statutes,) it is provided that—

"The contract shall continue for a period of two years from the first day of January next after the same shall have been let, but the Board of Commissioners may extend the time to four years at any time before the contract is entered into, &c."

According to the laws of the States above cited, it will be seen that the public printing is disposed of by express written contract, entered into by and between the State and individual, (as is the case in our own State,) under the authority of statute law. In another class of States the printing is disposed of by implied contract, resulting from the appointment, by the Legislative Assemblies, under the provisions of express statutes, of persons to execute such printing, at fixed prices, running generally for terms of two years each; and thus binding to their recognition and observance, by the simple force of such implied contracts, thus resulting from naked appointments, subsequent Legislatures, which had no voice in making such appointments, or creating such contracts. Of the States belonging to this latter class whose laws are within reach, and whose policy, therefore, may be referred to with certainty, are North Carolina, Tennessee, Kentucky, Georgia and Mississippi. The same course is adopted by all these States, of appointing in joint convention of the general assemblies, and under the provisions of statute law, one or more persons to execute the public printing, for both the Legislative and Executive departments, and for terms of two years in all of said States. In North Carolina, the printing thus disposed of includes, (as see section 1, page 487, Revised Code,) "the printing of the acts of the general assembly, the journals, the bills, and all other documents, and *all other printing of whatsoever kind*, which may be ordered to be done by the general assembly," &c. As to the laws of the other States, and as showing their correspondence with North Carolina, in all respects, see Code of Tennessee,

page 73; Revised Statutes of Kentucky, page 538; Cobb's Digest of the Laws of Georgia, page 1082; and the Code of Mississippi, page 114.

The undersigned do not consider it necessary to take a review of the legislation of all the States, in order to illustrate fully the subject under consideration; nor could they obtain the requisite facilities for such review even if they were so disposed. But they submit that enough has already been cited of such legislation to answer, so far as public custom and legislative precedent can do so, the objection urged against the contract between the State and Mr. Goodrich, that the same is invalid so far as this Legislature is concerned, because of the alleged inherent prerogative which exists in such body to control and dispose of this branch of the public business, without regard to law, or to any contract entered into in pursuance of law.

The undersigned also refer to the legislation of other States, heretofore quoted, for the purpose of answering another point which has been raised, that there is an essential difference in character between such printing as is incident to the business of the two Houses and the general printing, (such as the publication of the volumes of laws and journals, and the printing of the executive departments;) and that, however it may be with the latter, the control of the former cannot be divested from the Houses requiring its execution in the regular course of business, without their express consent.

The laws of other States above cited, it will be seen, make no such distinction between the different kinds of printing, but that in this respect they are enacted upon the same basis with the contract law of Minnesota. In all these States the incidental printing and the general printing are placed upon precisely the same footing, and both are alike disposed of by public contract, either express or implied. And, without enlarging upon this point, it may be safely said, that, in no State of the Union, where there exists any law whatever on the subject, is there any distinction drawn between these two classes of public printing. In every State the incidental printing is disposed of in accordance with, and in subordination to, the statutes of such State, and in no state is it disposed of as a prerogative of the Legislature, or of either branch thereof. In the case of an entire absence of all law, the right of each House to control such printing as was necessary to the prosecution of its business, would not be questioned; but in that case, such right would exist, not by virtue of prerogative, but of necessity. The enactment of law regulating its disposition would do away with this condition of necessity; and after such enactment, such right, if resulting to such Legislature, or to either House thereof, would exist solely by virtue of such law, and not by virtue of any prerogative whatever.

In view of the above, the undersigned submit, that, neither the Legislature, as a body, nor either branch thereof, enjoys any prerogative, paramount to the existing law of the State, or to contracts entered into between the State and individuals in accordance with the provisions of such law, to dispose of any class of the public printing, whether the same be general or incidental in its character.

In this connection, the undersigned desire to consider another claim which has been made in regard to the printing incident to the business of the two Houses, that the same bears such an intimate relation to such Houses, that the persons executing it ought to, and must, in the nature of the case, be considered in the light of officers of such Houses; and so be exclusively subject to their appointment and control. The distinctions recognized and enforced by the Courts between offices and employments, and the placing of this service, in the absence of laws to the contrary, in the category of employments, would, of itself, negative such a claim, and be a sufficient answer to it. But in this State the matter is happily placed by the

constitution and the laws beyond the influence or propriety of argument. In the enumeration of the powers of the Legislature, the constitution, in section 5, of article 4, provides that, "the House of Representatives shall elect its presiding officer, and the Senate and House of Representatives shall elect such other officers as may be provided by law." And sections (24) and (27,) on pages 122 and 123, of the volume of Compiled Laws, which sections were enacted to carry into effect the foregoing clause of the constitution, provide—

"(24.) That after the members elect shall have taken the oath of office or affirmation aforesaid, if there shall be a quorum present, the Senate shall proceed to the election of a secretary and an assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, and a fireman, and the election shall be in the order as above stated in this section, and shall be a *unus voce* vote."

"(27.) So soon as all the members elect present shall have taken the oath or affirmation aforesaid, if there shall be a quorum, they shall proceed to the election of a speaker, chief clerk, an assistant clerk, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, and a fireman, and no additional officer shall be elected or appointed in either branch of the legislature, (except messenger boys,) during the first two weeks of the session, and none after that time, unless upon application of either the chief clerk or sergeant-at-arms, in which they shall state the additional number they deem necessary, and if either branch of the legislature shall pass a resolution that such additional helps are necessary, then such branch passing such resolution, may proceed to the election of such additional clerk or clerks, sergeant or sergeants-at-arms."

It will be seen from the above that neither House possesses the power to elect or appoint a printer, or any other officer or appointee not included within the list authorized by the law providing for its organization.

It is further urged as an additional reason why the Legislature, or the separate branches thereof, should disregard the contract under consideration, and refuse to carry out its obligations on behalf of the State, that the same was unjustly awarded by the officer to whom the duty was assigned by law of making such awards. In regard to this point, the undersigned submit, that no questions have been referred to this Committee by the House, which, in their opinion, makes it incumbent upon them to investigate into either the justice or injustice of such award. In stating this conclusion, the undersigned do not intend to carry the idea that the acts of the State Auditor in this regard may not be made the proper subjects of legislative investigation. But it is clear that this cannot rightfully be done, unless such officer has been formally and specifically charged with corrupt conduct in the performance of his duties. In that case, the proper proceeding would be in the nature of an investigation preliminary to the impeachment of such officer for malversation in office. But even in that case, such investigation, if it should establish the fact of corrupt conduct, could not be made the basis for an attempt on the part of the Legislature, or of either branch thereof, to annul such contract thus unjustly made, or to disregard the obligations which the State assumed in its execution. So long as even an unjust contract is in force, and unannulled by competent authority, its obligations are binding upon the parties thereto, and upon the State the same as upon an individual. And this authority to annul contracts, it is submitted, does not belong to the Legislature, or to either branch thereof. This authority is vested by the constitution and the laws in the judiciary of the State, and in that department of the government exclusively. It does not exist in the legislative department in any complete or modified form. Its exercise, or attempted exercise, would involve a violation of the constitution and a disregard of the laws, which are binding upon mem-

bers not only in respect of their duty as citizens, but also by the added obligations of their official oaths.

The undersigned would be fully justified in declining to investigate the merits of the award of the printing contract, for the reason that the subject has not been brought to the attention of this House by any of the parties who claim to be injured by such award. The parties who can thus claim to be injured, if the award was wrongfully made, are the several competing bidders for the printing contract. No memorial, petition or claim, from any of the parties has been laid before the Committee, nor, to the knowledge of the undersigned, has any such memorial, petition or claim been presented for the consideration of the House. That this has not been done, argues much, in the opinion of the undersigned, for the intelligence of such competing parties, who are doubtless aware that the Legislature is not made by the Constitution and laws a competent tribunal for the investigation and decision of judicial questions.

While, however, the undersigned do not consider that an investigation of the facts connected with the award of the contract under consideration, was imposed upon them by any action of the House, they yet deem it proper to state, that such examination as they have been able to give has failed to reveal any facts which throw any suspicion either upon the integrity of the Auditor or upon the justice of his award: This officer was invested with a large discretion in the performance of the duties imposed upon him by the contract law of 1858, and we have learned no facts which induce us to believe that he exercised such discretion either unjustly or unwisely. The law obliged him to take into account, in determining upon the various bids offered, the place where the work bid for would be performed; the facilities possessed by the various bidders for the execution thereof; and in regard to the advertising, the circulation of the various papers which were offered as mediums for the publication of the laws and other advertisements. The law did not confine the award to the lowest bidder, but gave the Auditor discretion to consult the public interests, by awarding the contract to the lowest and best bidder. The law gave a further discretion in regard to the quantity which should be included in the contract or contracts to be awarded, by authorizing such award to be made either of the whole of the printing, binding and advertising, or any part thereof.

Under these provisions of the law how can it be seriously contended that the Auditor was clothed with ministerial power only in his relation to it? Mr. Bouvier in his Law Dictionary, gives us the following definition of a ministerial office, to wit: "The ministerial offices are those which give the officer no power to judge of the matter to be done, and require him to obey the mandate of a superior." Compare this definition of a ministerial office with the duties devolved upon the Auditor by the statute, in making this award, and how is it possible to regard him as a ministerial officer in that behalf? It cannot be doubted that he was required to take the questions into account which we have enumerated, else why did the statute require sworn statements in regard to the place where the work was to be done, and the facilities for doing it, and the circulation of the paper in which the laws and advertisements were to be published?

There were only two bids received covering all the items to be contracted for, and these were so made as to render it necessary to accept or reject them in whole. Mr. Goodrich's bid was one of them; and much the lowest of the two; and no combination of all the other bids would embrace all the work to be contracted for, and if Mr. Goodrich's bid had not been accepted, a portion of the work would have been unprovided for, as the law furnished no other opportunity to receive bids, or to contract for the work. The law allowed persons to bid for a part or the whole of the work. Mr. Goodrich bid for the

which, as he had a perfect right to do, and for a compensation in cash; as that was the only article the State was authorized to pay under its laws; and in fact the only article individuals are obliged to receive as a compensation for work and labor, of anybody, when no specific kind of pay is mentioned in the contract.

A detached passage of the opinion of the Supreme Court in the case of Goodrich vs. Moore, is cited in the majority report as though it had some bearing in this case. The claim of the plaintiff, in that case, was based upon a right to do the printing under his election as Territorial Printer. The law provided that the Territorial Printer should do "the incidental printing of each House of the Legislative Assembly; to print the Journals and Pamphlet Laws, and all such other Territorial or State Printing as may accrue during the recess of the Legislative Assembly." The Court says the "incidental printing mentioned in the statute under which the plaintiff claims as therein expressed to be incidental printing for each House of the Legislative Assembly of this Territory, and consequently cannot apply to the printing of the proceedings of the Constitutional Convention, or any body claiming to act as such. There is, the Court adds, "a further clause in the section referred to, which require the Territorial Printer to do such other territorial printing as may accrue during the recess of the Legislative Assembly. It is improbable that the Legislature in using this language, intended to include such printing as that named in the complaint, (viz: the printing of the Constitutional Convention.) At the time of the passage of this act, Congress had not authorized the citizens of the Territory to take the initial steps for calling a Constitutional Convention." It will be seen that the court based its decision thus far, in that case, upon the ground—first, that the class of printing in controversy was not specifically provided for in the law; and, second, that the Legislature could not have contemplated it, because the creation of a Constitutional Convention had not been mooted at the time of the passage of the law; and it therefore presented an entirely different case from the one now presented to the House. All printing here contended for by the contractor, is specifically and fully enumerated in the statutes, and therefore unmistakably contemplated by the Legislature when the law was enacted. Then follows the dictum of the court, as cited by a majority of the Committee in their Report; after which the Court decides the case upon the ground, that the "Legislature subsequent to the Constitutional Convention, appropriated \$7,000 for the printing and publication ordered by the Convention, presided over by Hon. Saint A. D. Balcomb. This recognized in express terms the contract made by him (Balcomb) and ratifies the same."

We are unable to perceive how the opinion in that case can effect the question under consideration, while by the uniform precedents of several States, elsewhere cited, where contracts for all the Legislative printing have been made run through a series of years, with unquestioned legality and propriety.

In regard to the allegation contained in the majority report touching a combination entered into by the Contractor to prevent fair bidding for the contract, the undersigned would simply state, that, no evidence having been presented before the Committee tending in the least to substantiate such a charge, its introduction into such report must be regarded as entirely gratuitous, and equally unwarranted and unjust.

The contract thus awarded, within the bounds of the discretion given to the Auditor by the law authorizing such contract to be made, having been entered into in good faith, being executed with legal propriety, and continuing both by law and by its terms, still in force, is a legal contract; and as such, cannot be otherwise regarded than as equally binding upon the State and upon the individual party thereto. The contract is thus binding in a merely legal sense.

In the light of honor its binding force upon the State is immeasurably increased. For while the State, through its laws, places itself in a position of absolute safety, by demanding and receiving securities for the faithful performance by the individual of the conditions of the contract, the individual, on the other hand, has no security except in the good faith of the State as illustrated in the justice of its Representatives. The State is provided with ample remedies to enforce the performance of contracts to which it is a party, or to recover damages for their non-performance; but the individual enjoys no such counter remedy against the State. The State can sue, but cannot be sued. This full possession of legal remedies on the one hand, and the total lack of legal remedies on the other, reduces the individual to a reliance alone upon the honor of the State; and increases thereby the obligations which rest upon its Representatives to render prompt and liberal justice to those who thus place their interests under the irresponsible control of a body before which legal rights cannot be enforced, nor legal wrongs be redressed.

It is upon this ground of the utter lack of any efficient and certain remedy on the part of the individual to compel the State to perform its just and legal obligations, that the constitution of the State throws its protecting shield over the rights of the citizen, by providing in its bill of rights, that "no bill of attainder or ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed." But while the letter of the Constitution thus prohibits the Legislature from passing any law impairing the obligation of contracts, its spirit also prohibits the Legislature, either by non-action or by action lacking the formality of law, from rendering the obligation of contracts entered into by the State, worthless to the individual party thereto. The undersigned will not so far insult this House as to anticipate that the constitution will suffer violation either by the direct or indirect legislation or action of those who hold their seats under its protection, and who have sworn themselves to its faithful support. And that this public wrong and personal injury may not be perpetrated in regard to the matter now under consideration, the undersigned recommend that the obligations assumed by the State in its contract with Earle S. Goodrich for the execution of the public printing, binding and advertising, during the term of two years from the eleventh day of December, A. D. 1858, to and including the eleventh day of December, A. D. 1860, be faithfully observed and carried out on the part of said State, so far as the same rests upon the action of this House.

All of which is respectfully submitted,

OSCAR STEPHENSON,

MATHEW DONOHUE,

Minority Members of the Committee on Printing.

Mr. Secombe offered the following resolution:

Resolved, That the report of the majority of the committee on Printing be adopted, and that Messrs. Newson, Moore, Foster & Co., be and hereby are elected to do the incidental printing of this House, during the present session of the Legislature, the said printing to be done upon a scale of prices to be agreed upon by and between the said persons and the committee of this House on Printing.

Mr. Sweet moved to lay the majority and minority reports with the resolution, on the table for the purpose of printing.

Withdrawn.

Mr. Robertson moved to lay the whole matter on the table.

And the yeas and nays being called for and ordered, there were yeas 20, nays 57, as follows:

YEAS.

Mr. Armstrong,	Mr. Donohue,	Mr. Olivier,	Mr. Stephenson,
Barton,	Kinkad,	Robertson,	Sweet,
Beatty,	Mitch,	Roy,	Tollman,
Chadlerdon,	Nettleton,	Schaffer,	Waldhler,
Cleary,	Newell,	Shriner,	Wilkins,

NAYS.

Mr. Aaker,	Mr. Greene, of Olmsted,	Mr. Morrisen,	Mr. Stewart,
Abraham,	Greene, of Steele,	Olde,	Stock,
Abbott,	Hulet,	Osman,	Taylor,
Acker,	Hunt,	Pfander,	Temanson,
Anderson,	Johnson,	Purdie,	Thayer,
Arnold,	Knox,	Rens,	Trow,
Austin,	Langworthy,	Sanborn,	Van Vorhes,
Brooks,	Leavens,	Sawyer,	Walker, Orange,
Burnham,	Letford,	Secombe,	Walker, H.
Butler,	Mann,	Sherwood,	Watson,
Cleveland,	Mantor,	Shultis,	Webster,
Coe,	McDonough,	Skilman,	White,
Dayton,	Meighan,	Stevens,	Willey,
Fox,	Mitchell,		Speaker.
Garrard,			

57

So the motion was lost.

Mr. Stephenson moved to refer the majority and minority reports, with the resolutions, to the Committee on the Judiciary.

And the yeas and nays being called for and ordered, there were yeas 21, nays 54, as follows:

YEAS.

Mr. Armstrong,	Mr. Kinkad,	Mr. Robertson,	Mr. Sweet,
Barton,	Mitch,	Roy,	Tollman,
Beatty,	Nettleton,	Schaffer,	Waldhler,
Chadlerdon,	Newell,	Shriner,	Wilkins,
Cleary,	Olivier,	Stephenson,	Willey,
Donohue,			

51

NAYS.

Mr. Aaker,	Mr. Greene, of Olmsted,	Mr. Morrisen,	Mr. Stewart,
Abraham,	Greene, of Steele,	Olde,	Stock,
Abbott,	Hulet,	Pfander,	Taylor,
Acker,	Hunt,	Purdie,	Temanson,
Anderson,	Johnson,	Rens,	Thayer,
Arnold,	Knox,	Sanborn,	Trow,
Austin,	Langworthy,	Sawyer,	Van Vorhes,
Brooks,	Leavens,	Secombe,	Walker, Orange,
Burnham,	Letford,	Sherwood,	Walker, H.
Butler,	Mann,	Shrewsbury,	Watson,
Cleveland,	Mantor,	Shultis,	Webster,
Coe,	McDonough,	Skilman,	White,
Dayton,	Meighan,	Stevens,	Speaker,
Garrard,	Mitchell,		

54

So the motion was lost.

Mr. Robertson moved the following substitute:

That the majority and minority reports be referred to a select committee of Messrs. Stevens, Sanborn and Mitchell, with instructions to report their views as lawyers, on the legal questions involved in the two reports.

Mr. Secombe moved the previous question.

Lost.

Mr. Aaker moved to amend the amendment by striking out the names of the committee.

Withdrawn.

Mr. Brooks moved to take a recess until half-past two o'clock, P. M.
Carried.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order.

Mr. Thayer asked for leave of absence.

Granted.

Mr. Letford asked for leave of absence.

Granted.

The question recurring on the substitute of Mr. Robertson,

And the yeas and nays being called for and ordered, there were yeas 16
nays 52, as follows:

YEAS.

Mr. Armstrong, Beatty, Chadderdon, Cleary,	Mr. Donohue, Kinkadee, Mitsch, Newell,	Mr. Robertson, Roy, Scheffer, Shriner,	Mr. Stephenson, Sweet, Tollman, Waldhiser,
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NAYS.

Mr. Aaker, Abbott, Abraham, Acker, Anderson, Arnold, Austin, Brooks, Burnham, Cleveland, Coe, Dayton, Fox,	Mr. Garrard, Greene, of Olmsted, Greene, of Steele, Hulett, Hunt, Johnson, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Weighan,	Mr. Mitchell, Morrison, Osman, Pfaender, Purdie, Rens, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Shults, Skillman,	Mr. Stevens, Stewart, Stock, Taylor, Temanson, Thayer, Trow, Van Vorhes, Walker, H., Watson, Webster, White, Speaker.
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So the substitute was lost.

The question recurring upon the adoption of the resolution offered by Mr. Secombe,

The yeas and nays being called for and ordered, there were yeas 53, nays
17, as follows:

YEAS.

Mr. Aaker, Abbott, Abraham, Acker, Anderson, Arnold, Austin, Brooks, Burnham, Cleveland, Coe, Dayton, Fox, Garrard,	Mr. Greene, of Olmsted, Greene, of Steele, Hulett, Hunt, Johnson, Knox, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Weighan,	Mr. Mitchell, Morrison, Osman, Pfaender, Purdie, Rens, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Shults, Skillman,	Stearns, Stewart, Stock, Taylor, Temanson, Thayer, Trow, Van Vorhes, Walker, H., Watson, Webster, White, Speaker.
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NAYS.

Mr. Armstrong, Beatty, Chadderdon, Cleary, Donohue,	Mr. Kinkadee, Mitsch, Nettleton, Robertson,	Mr. Newell, Roy, Scheffer, Shriner,	Mr. Stephenson, Sweet, Tollman, Waldhiser,
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So the resolution was adopted.

Mr. Morrison moved to reconsider the vote.

Lost.

Mr. Sanborn from the Committee on the Judiciary, reported—

A bill for an act to provide for the amount and taxation of all property in the State, and for levying taxes thereon.

Which had its first reading.

Also,

A bill for an act prescribing the duties of County Auditor.

Which had its first reading.

Also,

A bill for an act to provide for the election, and to define the duties of County Attorneys of this State.

Which had its first reading.

Mr. Secombe moved that all bills, memorials, and joint resolutions which have been introduced in this House, and are now in possession of the House, or any of the committees, be ordered printed for the use of the House, and 500 copies of each report made to this House by any of the officers of the State.

Mr. Hulett moved to amend by striking out 500 and inserting 200.

Withdrawn.

The question recurring upon the adoption of the motion, it was adopted.

Mr. Robertson moved to adjourn until Friday.

Withdrawn.

Mr. Sweet offered the following resolution :

Resolved, That 300 copies of the majority and minority reports of the committee on Printing reported to the House this morning, be printed and laid on the desks of the members.

The yeas and nays being called for and ordered, there were yeas 11 and nays 53, as follows :

YEAS.			
Mr. Armstrong, Chaderton Cleary,	Mr. Donohue, Kinkaid, Mitsch,	Mr. Newell, Robertson, Scheffer,	Mr. Shriner, Sweet,
11			
YEAS.			
Mr. Aaker, Abraham, Abbott, Acker, Anderson, Arnold, Austin, Brooks, Burnham, Cleveland, Coe, Fox, Garrard, Greene of Olmsted,	Mr. Greene of Steele, Hulett, Johnson, Knox, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Morrison,	Mr. Osman, Pfander, Purdie, Rena, Roy, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Skillman, Stevens, Stewart,	Mr. Mock, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhes, Waldhier, Walker, H. Watson, Webster, White, Speaker,
53			

So the resolution was lost.

Mr. Abraham moved to adjourn.

Withdrawn.

Mr. Trow offered the following resolution :

Resolved, With the concurrence of the Senate, That this House adjourn on Friday, the 23d of December, until the 2d of January, 1860. Provided, That the members do not receive their per diem during the time of adjournment.

Laid over under the rules.

Mr. Greene offered the following resolution ,

Resolved, That the special committee to whom was referred the report of the committee on Claims, relating to seals, be requested to inquire and report to this House,

First—Whether or not the said claim is not an exorbitant one.

Second—How many seals have been gratuitously distributed to members of this House, and by whom.

Third—What was the object of such gratuitous distribution ?

Fourth—What effect, if any, has been produced thereby ?

Fifth—Why were not such seals distributed to all members alike.

Adopted.

Mr. Secombe moved that the rules be so far suspended as to allow the resolution offered by Mr. Trow to be taken up.

Carried.

Mr. Robertson moved to indefinitely postpone the resolution.

And the yeas and nays being called for and ordered, there were yeas 47, nays 18, as follows :

YEAS.			
Mr. Abraham,	Mr. Fox,	Mr. Nettleton,	Mr. Stewart,
Acker,	Greene, of Steele	Newell,	Stock,
Anderson,	Hulet,	Olds,	Temanson,
Armstrong,	Hunt,	Owman,	Thayer,
Arnold,	Johnson,	Pfaender,	Van Vorhes,
Beatty,	Klakead,	Purdie,	Waldhler,
Brooks,	Knox,	Robertson,	Walker, H.
Burnham,	McDonough,	Sanborn,	Watson,
Chadlerdon,	McLellan,	Sawyer,	Webster,
Cleary,	Mitchell,	Secombe,	White,
Cleveland,	Mitch,	Skidman,	Speaker.
Coe,	Morrison,	Stevens,	
47			
NAYS.			
Mr. Aaker,	Mr. Langworthy,	Mr. Roy,	Mr. Sweet,
Abbott,	Levens,	Sherwood,	Taylor,
Austin,	Mann,	Shrewsbury,	Tollman,
Dayton,	Mantor,	Spricer,	Trow,
Garrard,	Ross,		
18			

So the motion was carried.

Mr. Abraham moved the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JAMES BROWN, Chief Clerk.

THIRTEENTH DAY.

THURSDAY, Dec. 22, 1859.

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

Prayer was offered by Rev. Mr. Eggleston.

The roll was then called and the following members found absent :

Messrs. Aaker, Baldwin, Barton, Cleveland, Letford, Olds, Rehfeld, Robinson, Roy, Sawyer, Stephenson, Sweet, Thayer and Willey.

The journal of yesterday was read and approved.

The following message was received from the Senate :

Mr. Speaker—

The Senate has passed—

S. F. No. 2, A bill for an act to amend an act entitled an act to regulate the traffic in spirituous liquors.

In which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

The Speaker presented to the House a communication from the Governor in reply to inquiries made of the House, which was read.

Mr. Sanborn presented the petition of citizens of St. Paul for a ferry across the Mississippi river,

Which was read and referred to the committee on Corporations.

Mr. Secombe presented the petition of citizens of St. Anthony, for a ferry across the Mississippi river,

Which was read and referred to the committee on Corporations.

Mr. Mantor presented the bill of Mr. Shields, for sawing wood, which was referred to the committee on Claims.

Mr. Sanborn, from the committee on the Judiciary, introduced—

A bill for an act to provide for county organization and government.

Which was read a first time.

Mr. Mitsch introduced—

A bill for an act to amend an act to create a lien in favor of mechanics and others in certain cases.

Which had its first reading.

Mr. Mitchell introduced—

A bill for an act to regulate costs in civil actions.

Which was read a first time.

Mr. Abraham introduced—

A bill for an act amending the Common School Law of the State of Minnesota.

Which was read a first time.

Mr. Hunt offered the following resolution :

Resolved, That the committee on Printing be instructed to report as soon

as is practicable what arrangements, if any, they may make for printing, and the price agreed upon for the same, as per resolution.

Adopted.

Mr. Stearns gave notice that on to-morrow, or some subsequent day of the session, he would introduce

A bill for an act to amend section 65, chapter 9, of the revised statutes.

Mr. Acker moved to add an additional rule to those already adopted, as follows :

RULE 50. The yeas and nays shall not be ordered, unless demanded by ten members, except upon the final passage of bills.

Mr. Donohue moved to amend by inserting three in the place of ten.

Mr. Abraham moved to amend the amendment by striking out three and inserting five.

Carried.

The question then recurring upon the amendment as amended ;

Mr. Acker moved a division of the question.

Carried.

The question was then stated to be upon striking out the word ten in the original motion.

Carried.

Mr. Stevens moved to fill up the blank with the word five.

Carried.

Mr. Abraham moved to lay the whole matter on the table.

Lost.

Mr. Secombe moved to amend the motion offered by Mr. Acker, by adding,

—"in which case the yeas and nays shall be had without any demand."

Carried.

The question then recurring upon the motion of Mr. Acker, as amended,

And the yeas and nays being called for and ordered, there were yeas 54, nays 12, as follows :

YEAS.

Mr. Aaker,	Mr. Greene, of Steele	Mr. Olds,	Mr. Stock,
Abraham,	Hulet,	Osman,	Skillman,
Acker,	Hunt,	Pfaender,	Taylor,
Anderson,	Johnson,	Purdie,	Temanson,
Arnold,	Knox,	Rens,	Trow,
Austin,	Langworthy,	Sanborn,	Van Vorhes,
Brooks,	Leavens,	Sawyer,	Waldhler,
Burnham,	Mann,	Secombe,	Walker, H.
Butler,	Manor,	Shrewsbury,	Walker, Orange
Cleveland,	McDonough,	Shults,	Watson,
Coe,	Melghan,	Stearns,	Webster,
Dayton,	Mitchell,	Stevens,	White,
Fox,	Mitch,	Stewart,	Speaker.
Garrard,	Morrison,		

54

NAYS.

Mr. Armstrong,	Mr. Cleary,	Mr. Nettleton,	Mr. Ehriner,
Beatty,	Donohue,	Olivier,	Tollman,
Chadbourne,	Hinkhead,	Schaffer,	Wilkins,

12

So the motion was carried.

Mr. Cleveland moved to amend rule 24, by striking out the words "by title" and inserting "at length."

Carried.

Mr. Secombe gave notice that he would at an early day ask leave to introduce

A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State.

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

A bill for an act regulating the mode of administering assignments in trust for the benefit of creditors.

Also,

A bill for an act regulating the fees of certain officers.

Mr. Sanborn offered the following resolution:

Resolved, That the committee on the Judiciary be allowed such sum or sums as may be necessary to procure stationery to be used by said committee, and to pay for copying actually and necessarily done for said committee, and that all warrants so expended shall be certified to be correct by each member of said committee before the Clerk shall issue any order or orders for such amounts.

Adopted.

Mr. Tollman introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure screens to place before the stoves in this House.

Adopted.

Mr. Donohue introduced—

A joint resolution in regard to the naturalization of foreigners.

Which had its first reading.

Mr. Hunt introduced—

A bill for an act providing for the election and prescribing the duties of County Surveyors.

Which had its first reading.

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

A bill for an act providing for the location of a State Prison at Red Wing.

Mr. Shrewsbury introduced—

A bill for an act regulating the sale of intoxicating drinks.

Which was read a first time.

Mr. Sanborn introduced—

A bill for an act to incorporate the St. Paul Commercial College.

Which had its first reading.

Mr. Secombe moved that the bill be rejected.

Withdrawn.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be referred to the committee on Corporations without printing.

Carried.

Mr. Olivier introduced the following resolution :

Resolved, That the sum of twenty-five dollars be appropriated to A. T. Chamblin, Esq., for two days service as Clerk *pro tem* of the Legislature, and for administering the oath to 72 members.

Mr. Secombe moved the resolution be referred to the committee on Retrenchment and Reform.

Carried.

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

A bill for an act to alter the location of the State road from Winnebago to St. Joseph.

Mr. Secombe moved that the Senate be requested to return to this House the joint resolution passed by this House on the subject of making reference in acts to the Collated Laws of the State, for the purpose of reconsidering the said joint resolution.

Carried.

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

A bill for an act in relation to defacing houses of worship and other public buildings.

Mr. Trow moved that a committee of two be appointed to inquire into the means by which the House has been furnished during the present session with fuel, lights and seats, and whether any unauthorized, illegal or exorbitant contract has been entered into by any officers of this House for furnishing the same, and that said committee report to-morrow.

Carried.

Messrs. Trow and Cleveland were appointed such committee.

Mr. Sawyer offered the following resolution :

Resolved, That all members of this House who have received engraved seals or any other property, not having ordered the same, be requested to report the same to the committee to whom was referred the report of the committee on Claims relating to the claim of Mr. Felch for seals ; and that all such seals or any other property that has been received, or shall be received, by members of this House, shall be delivered by such member to the Sergeant-at-Arms, and his receipt be taken therefor ; that the Sergeant-at-Arms may restore such property to the proper owner thereof, on his appearing before the close of the session and filing with said Sergeant-at-Arms his affidavit that he is such owner ; and if no such owner shall appear before the close of this session, such property shall be returned to the person holding a receipt therefor. And any member of this House refusing or neglecting to comply with the conditions of this resolution, shall be guilty of contempt, and punished accordingly. Any person giving or offering such property shall be liable to the pains and

penalties provided in subdivision 4, of section 3, of chapter 4, of the book called the Statutes of Minnesota.

Mr. Acker moved to lay the resolution on the table.

Carried.

Mr. Morrison moved that Messrs. Cleveland, Orange Walker, Robertson, Abraham and Sweet, be a special committee to act in conjunction with a similar committee of the Senate (the Senate concurring) upon Railroads and Railroad bonds, with power to send for persons and papers; and with directions to make as full an investigation of the matter, as the case seems to demand, and report as soon as practicable.

Laid over under the rules.

Messrs. Donohue, Green of Olmsted, Sweet, Renz and Fox asked and obtained leave of absence for six or eight days.

Mr. Secombe asked that Mr. Baldwin, who was sick, should have leave of absence for three or four days.

Granted.

Mr. Morrison moved that a committee of three be appointed on leave of absence.

Carried.

Mr. Tollman moved a reconsideration of the vote.

Carried.

The question then recurring upon the adoption of the motion of Mr. Morrison,

Mr. Johnson moved to lay the motion on the table.

Carried.

Mr. Stevens moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JAMES BENSON, Chief Clerk.

FOURTEENTH DAY.

FRIDAY, Dec. 23, 1859.

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

Prayer was offered by Rev. Mr. Chaffee.

The roll was called, and the following found absent:

Messrs. Baldwin, Barton, Donohue, Greene of Olmsted, Letford, Rehfeld, Rens, Robertson, Roy, Sanborn, Sherwood, Stevens, Sweet, Thayer, Trow and Willey.

The journal of yesterday was read and approved.

Mr. Shriner presented the petition of Mr. Gilley and others, for the altering of a State road in Scott county.

On motion, the petition was referred to the committee on Roads and Bridges and Navigable Streams.

Mr. Taylor asked and obtained leave of absence for a week.

Mr. Tollman asked and obtained leave of absence for a week.

Mr. Acker asked and obtained leave of absence for Mr. Shrewsbury for six or eight days.

Mr. Dayton asked and obtained leave of absence for Mr. Sherwood for eight or ten days.

Mr. Austin asked and obtained leave of absence for six or eight days.

Mr. Shriner asked and obtained leave of absence for eight or ten days.

Mr. Langworthy asked and obtained leave of absence for Mr. Mantor for eight or ten days.

Mr. Chadderdon asked and obtained leave of absence for eight or ten days.

Mr. Orange Walker, from the committee on Elections, presented the report of the majority of the committee in the case of Hayes, Bixler and Caskey, contesting the seats now occupied by Messrs. Waldhier, Newell, and Barton, as follows :

The majority of the Committee on Elections, to which committee was referred the petition of Archibald M. Hayes and Moses Bixler, praying that themselves and Henry Caskey may be admitted to the seats in the House of Representatives of the Legislature of this State, now occupied by Ara Barton, Michael Waldhier and Stephen Newell, beg leave to report as follows :

Your Committee have had the matter referred to them under consideration, have given the parties full opportunity to produce before them all the testimony they had to present, and have examined all the witnesses so brought before them. The oral testimony in the case, they hereto annex, marked "Schedules B, C, D, E, and F." From this testimony, the Committee unanimously agree that the following facts are established :

On the 20th day after the general election held on the 11th day of October last, the canvassing Board of Dakota county, constituting the 3d Representative District, said Board consisting of the Auditor of said county and two Justices of the Peace, called to his assistance, canvassed the returns of the votes cast at that election, from the several towns of said county. The table which is hereto appended, marked "Schedule C," of the votes appearing by these returns to have been then so cast, from the footings of which table the abstract in evidence as made by the Canvassers, (a copy of which is hereto appended, marked "Schedule B,") was prepared, shows that according to the canvass, the following named persons received severally for the office of Representatives to the State Legislature the number of votes hereinbelow set opposite their respective names.

H. G. O. Morrison	1069 votes.
Henry J. Scheffer	1057 "
Michael Waldhier	1042 "
Stephen Newell	1026 "
Ara Barton	1018 "
Archibald M. Hayes	1010 "
Moses Bixler	1002 "
Henry Caskey	991 "
John H. Flanigan	971 "
John C. Couper	969 "

It also appears from the same table, that the Canvassers included in said canvass, as cast for said persons for said office, at the town of Burnsville, the number of votes hereinbelow set opposite their respective names:

H. G. O. Morrison	25 votes.
Henry J. Scheffer	84 "
Michael Waldhier	84 "
Stephen Newell	86 "
Ara Barton	84 "
Archibald M. Hayes	1 "
Moses Bixler	1 "
Henry Caskey	1 "
John H. Flanigan	60 "
John C. Couper	0 "

It also appears in evidence that the only evidence before the Board of Commissioners of the result of the election at said town of Burnsville, was the two documents, copies of which are appended to the evidence herewith reported, and marked respectively, Schedules "D" and "E." The one marked Schedule "D" purports to be a return of the votes cast at that election in said town of Burnsville, and to be signed by Mr. McDonald, Chas. O'Neal and Timothy McNamara, as judges, and by Patrick Lynch and James Connolly, as clerks. It was admitted on the hearing before the Committee, on the part of sitting members, and is evident by inspection, that the names of Chas. O'Neal and Michael McDonald, were not written by themselves, but by James Connolly, one of the clerks. No evidence is in the case explanatory of this fact, although said McDonald, O'Neal and Connolly were introduced as witnesses by the sitting members and examined upon other points arising in the case. No other evidence of the votes cast at said town of Burnsville at said election is before the Committee, except that H. C. Hank testifies that he voted then and there for the contestants and for John C. Couper for Representatives to the State Legislature.

It was claimed before the Committee on the part of the contestants that the return (from said Burnsville) must be entirely rejected and that there was thus no evidence before the canvassers or Committee that the sitting members received any votes at said Burnsville. But the majority of the Committee are not willing to assume the responsibility of rejecting the return as "*prima facie*" evidence. They have however deemed it their duty to examine thoroughly, the alleged fraudulent voting in said town.

In so doing they have been guided mainly by the poll books in evidence, of Glendale in Scott County, and of Burnsville, aforesaid, and by the testimony of John B. Fish, who is a very intelligent and apparently unprejudiced man, an engineer and surveyor by education, with the further facilities for observation and knowledge in the matter afforded by his having his house, store, mills, and town-site located directly on the dividing line between Scott and Dakota counties. The witnesses brought forward by the sitting members

betrayed such utter ignorance of the creation of the line between said counties, that we could give very little weight to their testimony, however honest they might be in giving it.

As the result of this examination the committee unanimously agree that thirteen (13) persons whose names appear on the document hereto appended marked Schedule "E," as having voted at the election in question in Burnsville, are proved to have been residents of Scott County. They farther agree that five other persons whose names appear on said document as voting at Burnsville at said election, appear by said poll list to have voted twice each thereat. A portion of the majority who join in this report are of opinion that the votes of those thus shown guilty of double voting, should be entirely rejected. The others think that only the second vote of each should be thus thrown out. But this question proves by the table and canvass to be not of practical importance, as the deduction of nine illegal votes from those received by Ara Barton would result in the election of Archibald M. Hayes, in his place; and it will require the showing of twenty-five illegal votes cast for Stephen Newell, to elect Moses Bixler in his place.

The majority of your Committee therefore unite in reporting to your honorable body in addition to what they have already submitted, with the recommendation that it pass, the following resolution:

Resolved, That Archibald M. Hayes be and he hereby is declared elected to and a member of this House, and that Ara Barton be, and he hereby is declared not a member of this House.

Your Committee would feel themselves not doing justice to Mr. Barton did they not state explicitly, that they have seen and heard nothing in the course of this examination tending in the slightest degree to implicate Mr. Barton as planning, countenancing, or even knowing of the frauds proved to have been perpetrated at said election in said town of Burnsville.

Respectfully submitted,

ORANGE WALKER.
JNO. B. OLIVIER.
ALLEN SHULTIS,
PETER WILKINS,
Committee on Elections.

SCHEDULE A.

HALL HOUSE OF REPRESENTATIVES,
Dec. 14th, 1859.

Before the Committee on Elections. The petition of Archibald M. Hayes, Moses Bixler, and Henry Caskey, was read by Mr. Nourse, counsel for contestants.

Answer to petition filed by Mr. Gorman, counsel for sitting members.

John C. Moloy sworn. I am Auditor of Dakota county. I have with me, and in my possession, the returns for the different towns of Dakota county, for the election of October 11th, 1859. Also an abstract of votes of Burnsville. The canvass was made by myself and a clerk under my supervision, and that of two justices of the peace, who formed with me the Board of Canvassers. The votes were canvassed twenty days after the election. The figures in the abstract were taken from the table. The election I refer to is that held on the 11th of October, 1859. The certificates given were based on abstracts, and abstracts on the table. The vote on the State ticket was the same. A. M. Hayes is the same person as Archibald M. Hayes. The assessment rolls and poll list of Burnsville, which I have produced, are the

only ones used in making out the canvass for that portion of Dakota county.

I do not know whether the returns and poll lists from Burnsville came together to my office or not. They were not sealed when I got them. I had a clerk in my office. When I went to the office, I found the returns from Burnsville, with others, in a pigeon-hole in my desk. There were no directions on the returns from Burnsville. There was no envelope. I think they were rolled up, one within the other. I do not know whether they were directed to the Register of Deeds, or not. All those directed to the Register of Deeds were opened when I came in. I am sure the returns from Burnsville were not sealed. They were the only papers or evidence used by the Board of Canvassers in making the returns.

Cross-examined by sitting member's Counsel. My office is in the same room as that of the Register of Deeds. All returns directed to the Register of Deeds were opened by him before I received them. I think some of the returns were directed to John Kennedy.

Here the Counsel for the sitting member asked the following question:—Is the Register of Deeds of Dakota the political friend of either the contestants or sitting members? Objected to as immaterial and irrelevant. Objection sustained by the Committee.

I. M. Ray and Thos. Howes were the other members of the Board of Canvassers. They were justices of the peace. One of them was generally called a Republican. Mr. Ray was candidate for Sheriff at that election. A. M. Hayes was present during the canvass. To the best of my knowledge, the votes were fully and fairly canvassed by the Board. Mr. Ray is a Republican; Mr. Howes is called a Democrat, and I am one myself. Mr. Hayes, at the time of the canvass, did object to the using of the returns from Burnsville, on the ground, I believe, that they were not properly made, and that he did not consider them returns.

Charles Harkness sworn. I am Auditor of Scott county. I have been so for about fourteen months. I have with me the returns and poll lists from Glendale, Scott county, for the election held in October last. (Poll-book produced.) This is the book used at the election held in Glendale, county of Scott, State of Minnesota, on the 11th day of October, 1859.

THURSDAY, Dec. 15.

John B. Fish sworn. I live in Dakota county, precinct of Burnsville. I am well acquainted with the town of Burnsville. I have spent most of the time there for the last two years. I am well acquainted with most of the people across the line in Scott county. (The witness recognized the following persons, whose names appear on the Burnsville poll-list as being residents of Scott county): Barney Carr, Martin Quin, Peter Kearney, Pat. McDonald, Michl. Gollaber, Brian Devlin, Pat. McCann, Pat. McCloud, Mat. Roman, James Kearney, Pat. Gilpin, John McCann, John Kearney, William Earley, Dennis McCann, Pat. McLaughlin, Edward Kearney (lives with his father), John Regan, John Glynn, And. Raspberry. My business is in both counties; some of the men work for me. I know and have had dealings with Charles O'Neil, one of the Judges of Election. I have made bargains which required his signature. He was unable to sign his name, but made his mark. It was in June last. I have not heard of his taking lessons in penmanship since.

Cross-examined by sitting member's Counsel.

I examined the poll-list two or three weeks ago, in my store. I was not at the election. I have not examined all the laws relating to the lines between Scott and Dakota counties. I know of one law which begins at the

Minnesota river, opposite the mouth of Credit river. I have never known of any survey of the county line but my own. The lines runs between ranges 12 and 13. I do not know of the lines having been removed. I know of no other line except the one just mentioned. Martin Quinn's house is on my property. I have run the county line for a few miles. Part of my land, the W. 100 acres of the S. E. $\frac{1}{4}$ of sec. 31, T. 27, Range 24. The new Government survey, establishing the meridian line, runs below and south of the before mentioned line. Martin Quinn's house, on my land, is about 1000 feet W. of the East line of this 100 acres, and more than a thousand feet west of the West line of Dakota county. Barney Carr, is a single man. I do not know whether he is the man who voted in Burnsville, as shown by the poll-list. I know a man of that name living in Scott county. Michael Gollaher lives very near the line. I know Edward Kearney: he is a married man. He has a claim two miles east of the west line of Dakota, but he has not lived on his claim this summer. He has boarded with his father and has worked for me. He lives separate from his wife. When I last saw Pat. McDonald, he worked for Martin Quinn, before election. He is a single man. William Carrey, is a single man; he worked for me, and boarded at Martin Quinn's before election. Pat. McCloud lives in Scott county. Pat. McLaughlin lived in Scott county the last I heard of him. I do not know where he lived at the time of election. Mathew Ronan is a single man, and lives at his father's, nearly three-fourths of a mile from the Dakota line. I left about the 20th of September, and returned about the 17th of October. The McCoy's I am acquainted with, lived in Dakota county. I do not know whether Ronan worked at haying for McCoy or Chas. O'Neil about the time of election or not. John Glyn worked for me and boarded at Quinn's. I know Peter Karney; he lives in Scott Co., and is a single man. I do not know whether he had any crop in Dakota Co. or not this year. Thos. Burns lives in Dakota Co. When I went away, Pat Kearney was in my employ, but he was not when I returned. Do not know of a "Dennis McCannon." I know of a Dennis McCann, he lives in Scott Co. I can't say whether he is single or married.

Re-examined for Contestants.

When I last saw Brian Devlin, in Sept., he lived at Burns. Wm. Eavney lived at Quinn's I paid his board.

He worked for me by the year. I should charged with his board all the time I was away. He lost a few days work during my absence. He still boarded at Quinn's. The last place Pat. McLaughlin lived at was his mother's in Scott Co. I know of no change of residence of his. I am an engineer and surveyor.

H. C. Hank, sworn.

I have lived at the house of J. B. Fish since June. I was in it Aug. 14th, when Fish moved in. I was transacting business for him at Burnsville precinct, Dakota Co. I was at the house of one James McKearney, where the voting was done, on the 11th day of October. I went from Mr. Fish's store to the mills, and thence in Charles O'Neil's wagon, with T. M. Peterson, Michael Conolly and James Connolly, and got there at 12 $\frac{1}{2}$. The polls were not opened then. They were opened from $\frac{1}{2}$ to $\frac{3}{4}$ of an hour afterwards. I voted there. I saw one vote polled before I deposited mine. I voted for Caskey, Hayes, Cooper and Bixler, for Representatives to the State Legislature. I knew from the Republican ticket, the Republican candidate. I voted the full Republican ticket. I asked Keenan whether he wouldn't like to see an opposition ticket; he said yes. I then showed him one and read the names. While I was reading, Charles O'Neill, stepped up, snatched the ticket out of my hand, tore it said, "Hank go home or you'll get ficked."

After several remarks, Stephen Newell, one of the candidates, said that I would be hurt if I did not leave. He said so threateningly that I should not distribute any Republican tickets. I left then, not more than ten minutes after. Immediately after arriving at the polls, some one introduced a jug of whisky, of which all partook except myself. A few minutes after, a second, and still later a third time, several of the men drinking each time.

The house Mat. Ronan lives in is in Scott county. John Kearney, lives in Scott county, also Ed. Kearney, Mat. Quinn, James Kearney, William. Kerney, John Regan, Peter Kearney, Pat. McCann, Pat. Ronan. Pat. Glyu, Dennis McCann, John Glyn, Pat McDonald, Pat. McLaughlin. Andrew Larberry is a teacher, I believe he lives in Scott county.

Cross examined.

I did not vote for Stephen Newell. He did not intimate that he, personally, would use violence, but that I should be hurt. I did not show Mr. Newell, a ticket with Mr. Cooper's names scratched off. I did not tell Mr. Newell, at, or after the election, I had voted for him. I did not see any one hindered from voting. I know of one other Republican besides myself in the precinct; he voted the Republican ticket. His name is Michael Connolly. He voted for Mr. Newell, as I understood by hearsay. James McKearney lives in Dakota county. Did not see James Kearney, that day, I was not over an hour at the polls.

Chas. T. Fish, sworn.

I am the son of J. B. Fish. I live at my father's house. on the day of election I went from my father's store, in a wagon, to Mr. Macey's house in Scott county. T'was after dinner. Henry Stewart, John Glynn, Pat Reiley and Pat McLaughlin were in the wagon. Just before, another wagon owned by Mich. Glynn, went to James McKearney's house. I saw it at Macey's, I saw the owner, Mich. Glynn, at Jas. McKearney's that day. The men in the wagon were singing. Glynn was half tight. I saw Pat McDonald. John Glynn and Pat Glynn, vote at McKearney's. Pat McDonald and John Glynn were working for father at the time, and boarded at Martin Quinn's house. Pat Glynn lives toward Shakopee, in Scott county, about 2 miles. When I was at the polls the men were talking in Irish, and I could not understand them. I did not hear anyone solicit votes. One of the women asked me if I had voted yet. I told her no. She then walked up to the polls. I did not vote, but they wanted me to. I saw a young fellow they called O'Hara at Nancey's, do not know how he got there. Saw Stephen Newell, as Mr. Hank calls him, dealing out whiskey free. [Witness here recognized and pointed out Mr. Newell.] That is the man. I don't know where the County line runs. It was dark when I got home after leaving McKearney's. They were about closing the polls when I left, it was not yet sunset.

H. G. O. Morrison sworn I know Michael McDonald, of Burnsville, member of the Board of Supervisors. I met Mr. McDonald in Hastings two days after the election. He told me they had had a row or a fracas at the election at Burnsville. He said he was forced to gather up his papers and go to his house to make up his returns. He gave me no particulars of the fight. He gave me a blank which the post master had made out with the votes set down, which was made the same as the returns.

Just as soon as I got it, I went home to add it to the returns I already had. There was nothing said about the vote he gave any one person.

James B. Fish recalled, examined the map of the county.

The Counsel for sitting members here admitted that the poll list and signatures thereto were all written by one person, Jas. Connolly, except the names of Timothy McNamara and Pat. Lych.

FRIDAY, Dec. 10th, 1858.

Witnesses for the defence called.

Charles O'Neil sworn.

I was one of the Judges of Election in the precinct of Burnsville, in October last. I am acquainted with that township. I have lived there four years, the 10th of May last. There has been some dispute between the citizens of Scott and Dakota counties about the dividing line. I know Barney Carr. At the time of election he lived in Dakota county; he is a married man; I saw him vote on election day. I am acquainted with Michael Gollaher; he lives in Dakota county. I am acquainted with Mathew Ronan; he wrote for Mr. Peterson and Connolly about three weeks before election; he is a single man; he boarded in James Connolly's house; Connolly's house is in Dakota county; could not say whether he boarded at Connolly's or Peterson's immediately before election.

Counsel for J. M. admitted that John Kearney lived in Scott county; Edward Kearney's property lies in Dakota county; I was Road Supervisor of the district; Ed. Kearney *was then* a married man; he worked out his road tax. Martin Quinn lived in Dakota county at and before the election; he worked on a place he rented of James Kearney and boarded with him; he worked there about three weeks before and ten days after the election. Bryan Devlin lived in Dakota county pretty near a month before election; he is a single man; he lived at Thos. Burns' at the time of election; Thos. Burns lived in Dakota county.

James Kearney lived in Dakota county at the time of election; the election was held at James Kearney's; it is the same Kearney that has been spoken of; I never understood him to go by any other name than James Kearney; we always understood that Martin Quinn's house was in Dakota county; I could not say exactly where Mr. Kearney lived at the time of election; sometimes he lived at Quinn's; he worked about half the time for Fish, sometimes for others, and was gone sometimes; he is a single man; I know John Keagan; I think he lives at McGovern's; I saw him come in McGovern's wagon the day of election; I think he works for the McGovern.

Counsel admits that Patrick McCann and Pat. Ronan lived in Scott county. I know Pat. McLaughlan, a single man, to be working in Dakota county making hay, before election.

John Glynn and Pat. Donald lived in Martin Quinn's house; according to my understanding of the line it was in Dakota county; do not know where he lived or worked at the day of election; Hank, Jas. Connolly, Michl. Connolly and Mr. Peterson came to the election with me at Burnsville; we got there between nine and ten in the morning; the polls were not open when I got there; the polls were opened between nine and ten in the forenoon; no one was intimidated from voting; heard no threats made by any one to Mr. Hank; I was there from the time the polls were open till they were closed; the polls closed between five and six I think; I left a little after six as high as I can learn; the ballots were counted before I left; there was no row, riot or fracas on the day of election, while I was there; I *heard* there were some who wanted to vote the State ticket alone; I don't know how many there were.

Cross-examined.

I live a little over two miles from the place I called Kearney's; I was up about daylight; got breakfast about five o'clock; I couldn't say how long after I got up; it might be fifteen minutes; I didn't eat any dinner; I know by my watch it was eight o'clock when I left home; I have a fast team, and drove right there. I might have made some delays on the road. The dividing line between Dakota and Scott counties commences, about the middle of

Credit River; couldn't tell how far up; I always considered the line from what the settlers who lived there before I did, told me; (I lived there four years) and also because they voted in Dakota.

17. John Kearney lives in Scott county; Barney Carr lives in Dakota county; so does Mich. Gollaher; I know it by what folks told me who lived there before I got there; Pat. Ronan's father lives in Scott county; Pat. Ronan lives at his father's except when he goes out to work; we can cut hay after frost, and after the 11th of October; I couldn't say how late Pat. Ronan cut hay; or whether he worked and boarded with Connelly until election; Michael Gollaher, I supposed from what folks told me or showed me of the line, lived in Dakota county; I never run, or saw others run a county line; have no other knowledge of it; James Thomson, County Surveyor, and Mr. Burns showed me about two miles of the line at different times and different portions of it; it was part timber where I saw the line; I traveled these two miles a thousand times alone, and in company with others: do not know where B. Carr's wife lived the day of election; I have been to his place, but his wife was not there at the time; I saw him there last fall; I couldn't see what he was doing; I didn't ask him; I do not know where John Kearney's wife lived at the time; he worked his taxes on the road; this is the only way I know where he lives; Martin Quinn was working crops in Dakota county; the house he claims as his house, was always understood to be in Dakota county.

I know Brian Devlin lived in Dakota county; he lived where he worked. He was working for Thomas Burns. Thomas Burns lives one mile and a half inside of the line I understood to be the Dakota county line.

William Earney lived wherever he worked. At the time of election he worked for Fish. I saw John Regan come in McGovern's wagon, and heard that he was working for him. This is the only way I know where he lived. John Glynn lived at Mart. Quinn's house. I don't know where Pat. McLaughlin lived. I didn't tell Hank anything at the time election only to go home. I am sure I told him so very mildly. I did not drink any. We counted the votes out of the box after election. I am no scholar and can't remember the names. McDonald and the other Judge, McNamara, and the Clerk, counted the votes. No one else was there. It was in Kearney's house, in the only room there is there, we counted the votes. We took in the votes through the window. When we were canvassing the votes we had it shut down. We canvassed between five and six o'clock. The voters didn't want to come in the room. No one was allowed there but the Judges and Clerks. I could not say who sealed the returns. The two Clerks wrote the poll list. Both of them did it. They are Patrick Lynch and James Connelly. I did not write my name. I couldn't say how long after counting, the returns were made. We received the votes in a ballot-box. When we closed the polls at noon, I had charge of the box in the room where we were. Had not any key. Another Judge kept it a while. I disremember his name. There was no fight there. I don't know who took the papers at night. No one took the ballot-box. It was left in the house. I don't know what was done with the ballots or box after we counted. All that I know about the returns is, that the votes were counted between five and six o'clock. I don't know whether they were counted right or not; I couldn't read the names. I know that I stopped on the road going to polls, but couldn't say how long. I was not at the school house.

John McCoy sworn.

I live in Burnsville. I am not acquainted with Barney Carr. I am acquainted with Mich. Gollacher. He is supposed to live in Dakota county. I have lived in Burnsville between six and seven years. I am not much ac-

quainted with the lines between Dakota and Scott county. I was chain bearer in running Charles O'Neil's claim, at least the claim was supposed to be Charley O'Neil's, where he now lives. Martin Quinn's house was always supposed to be in Dakota county. It is part of the same claim held by Fish as the town site of Hamilton. The only means I had of knowing the line is, by a corner stake, and the line between O'Neil's and Kearney's. I suppose it is a section line. I know the county line by them that lived there. Mat. Ronan was cutting hay in Dakota county about October; he is a single man. I know Ed. Kearney; he was working on his claim in Dakota county about the time of election. He worked there pretty much all summer working his crops. Martin Quinn was working in James Kearney's field. I saw him working there some time putting in his crops and taking them out, in the spring and fall. He boarded at James Kearney's. James Kearney lives in Dakota county. The election was held in his home. I do not know where Mr. Quinn lives now. Last time I saw him after the election was some five or six days after in James Kearney's field. Brian Devlin; don't know where he lived at election, before he worked at Thomas Burns'. I don't know where Mich. Gollaher lived at election. He lived at Thomas Burns' Dakota county before the election. James Kearney lives in Dakota county. Sometimes, in the Irish language, he is called McKarney. I do not know where Patrick Glynn, John Glynn, Pat. McDonald or Pat. McLaughlin live. Peter Kearney lives at his brother-in-law's, in Dakota county, tending a crop for himself at Thomas Burns'. Peter Kearney's father lives in Scott county. I was told his father chased him away in the spring, and he came to Thomas Burns' in Dakota county. Sometimes he came up to St. Paul, and when he got back he made his home at Thomas Burns'. I should think Mich. Gollaher's was south of Martin Quinn's house. It is south-west of where I live. I live nearly two miles from the line. I can't tell in what direction from Quinn's house I live.

Cross examined.

I don't know where the county line runs; I have never seen it run. Counsel for sitting members admit that the precinct or town of Glendale is adjoining that of Burnsville.

MONDAY, Dec. 18th, 1859.

Michael McDonald sworn.

I was one of the Judges of Election in Burnsville, on the 11th of October last. I carried the returns from Burnsville to Hastings to the County Auditor's office, as I understand it to be. I gave them to the Auditor's clerk, Fred. Thorman. They were sealed. It was the second morning after the election. The polls at Burnsville were closed I believe at five o'clock. I had no watch but judged it to be that time. The votes were counted immediately after the polls were closed. There was no disturbance at the election, before the polls were closed that I know of. There were some votes cast for State officers and not for county. They were a man by the name of Patrick Glynn, and another Glynn, I disremember his other name. I can't say what was the other men's names. One of the men said he come from Scott county. One of them was a McCann, I think his name was John McCann. That's all I know about it. I do not know where these men lived. They did not say where they resided. I know Barney Carr, he lives somewhere near where the county line is supposed to be, I can't tell in what county. I do not know where the supposed county line is. I live in the south east corner of the town of Burnsville. I know Mich. Gollaher. I don't know what county he lives in. I live south east, as near as I can judge, of Burnsville village, adjoining the town of Lebanon, I live, as I suppose it must be, three miles from the south-west corner. I cannot say whether the township of Burnsville is in

Scott or Dakota. I suppose I live about three and a half miles from the supposed county line. It was two (2) McCann's instead of two Glynn's that voted. There was only one Glynn. I took in the tickets. The men that voted State tickets voted open tickets. There was a row there that day. It begun at the time the returns were half made up, after the votes were counted and declared. I was out of doors; the row begun, and then they came in doors. I ordered out the man who burst in the door. I don't know how many came in after that. There might be seven or eight. Some gathered up the poll books and tickets and went out. As I came out a man struck me. I immediately went to a justice of the peace, and got out two warrants, and had them arrested. The clerk made out the rest of the returns the next morning, and took them to Hastings. There was no disturbance at the election till after the polls were closed and the votes counted.

Cross-examined.

The returns were put in a self sealing envelope, didn't use any wafer or wax. They were directed to the County Auditor. I don't know what the fight commenced about, it commenced outside. I took the ballots home, the ballot box was knocked to pieces and laid there. The man who burst in the room didn't claim to vote.

James Connolly sworn.

I live in the town of Burnsville. It is about three years last May since I came here. I was one of the Clerks of the Election. I helped to make out the returns, part of them at the poll house and in consequence of a row, had to finish them at Mich. McDonald's, the next morning. As near as I can judge, the votes were counted fairly, and at the poll house, and part of the returns made out that evening. The balance was made at Mich. McDonald's the next morning. I think there was four votes cast for State ticket and not county. I am not much acquainted in Burnsville. I don't know who they were. I left the returns at McDonald's, and he took possession of them.

COPY SCHEDULE "B."

State of Minnesota, County of Dakota:

COUNTY AUDITOR'S OFFICE, }
October 31st, 1859. }

We, John C. Maloy, County Auditor, Isaac M. Ray and Thos. Howes, justices of the peace, in and for said county, constituting the Board of Canvassers for said county, to canvass the polls, votes, and returns for the election held in said county, on the 11th day of October, 1859, for the election of State and county officers, and after a careful examination of the returns of the different precincts of the said county, at the Auditor's office, in Hastings, in said county, on the 31st day of October, 1859, do hereby certify the persons hereinafter named received the following votes for the officers hereinafter mentioned.

	Votes.
For Governor,	Alexander Ramsey
"	George L. Becker
For Lt. Governor,	Ignatius Donnelly
"	S. B. Lowry
For Sec. of State,	Francis Baasen
"	J. H. Baker
For Att'y General,	John B. Brisbin
"	Gordon E. Cole
For State Treas.,	Samuel B. Abbe
"	Chas. Scheffer

<i>For Congress,</i>	Jas. M. Cavanaugh	1072
"	Christ. Graham	1073
"	Cyrus Aldrich	1004
"	William Windom	977
<i>For Representatives,</i>	Michael Waldhier	1042
"	Ara Barton	1018
"	H. J. Schaffer	1057
"	John H. Flanigan	971
"	Stephen Newell	1026
"	A. M. Hayes	1010
"	Henry Caskie	991
"	Moses Bixler	1002
"	H. G. O. Morrison	1069
"	John E. Cooper	969
<i>For Register,</i>	John Kennedy	1068
"	George S. Whitman	946
<i>For Treasurer,</i>	Eugene Dean	847
"	James Wescott	1112
<i>For Sheriff,</i>	John Devlin	751
"	Isaac M. Ray	1214
<i>For District Att'y,</i>	R. A. Phelen	1002
"	E. F. Parker	1004
<i>For Probate Judge,</i>	O. T. Hayes	985
"	F. M. Crosby	1038
<i>For Co. Surveyor,</i>	Magner Sampson	1034
"	Joseph F. Bean	989
<i>For Co. Coroner,</i>	Wm. Felton	1079
"	Thomas S. Odell	958
<i>For Road Com'r,</i>	Dominik Conlin	999
"	Patrick Butler	963
"	John Becker	1028
"	Charles H. Carr	1101

In testimony hereof, we, I. M. Ray and Thomas Howes, Justices of the Peace, set our hands and I, John C. Maloy, County Auditor, have hereunto set my hand, and affixed the seal of the county of Dakota.

{ L. S. }

I. M. RAY, J. P.
THOS. HOWES, J. P.
JOHN C. MALOY, Co. Auditor.

COPY OF SCHEDULE "C."

Canvass of Official Returns Polled for State and County Officers for Dakota County, Minnesota, October 11, 1859.

TOWNS.	Governor		Lt. Govr		Sec. State		Att. Gen.		Treasur.		Reps. in Congress.		Members of House of Representatives.											
	Becker,	Ramsey,	Lowry,	Donnelly,	Baasen,	Baker,	Brisbin,	Cole,	Abbe,	Scheffer,	Cavanaugh	Graham,	Aldrich,	Windom,	Waldhler,	Barton,	Scheffer,	Flanigan,	Newell,	Hayes,	Caskie,	Bixler,	Morrison,	Couper,
Hastings.....	195	216	192	210	195	214	191	219	91	218	196	197	214	211	186	192	196	188	195	227	212	211	216	213
Marshall.....	42	18	48	18	48	17	43	17	43	17	41	43	17	14	48	38	43	43	48	11	17	17	17	17
Douglas.....	82	87	84	35	84	35	84	35	34	35	94	84	35	35	1	1	1	1	1	14	14	14	14	14
Green Vale.....	92	81	18	35	99	87	93	91	91	92	94	92	92	92	94	91	91	91	85	35	35	35	35	
Nitanger.....	52	97	53	97	53	97	53	97	53	97	53	53	97	97	52	52	50	50	50	78	78	78	78	
Rosemont.....	50	97	53	97	53	97	53	97	53	97	53	53	97	97	46	46	46	46	50	97	97	97	97	
Liver Grove.....	77	53	53	52	78	50	78	50	78	50	78	78	50	49	74	50	77	55	75	50	48	47	48	
Empire City.....	16	43	16	32	16	32	18	40	18	40	18	18	40	40	16	16	16	16	18	48	48	48	48	
Castle Rock.....	17	43	18	37	19	37	18	37	17	38	18	18	37	37	17	19	18	18	18	49	49	49	49	
Berlin.....	86	69	86	69	86	68	86	68	86	67	86	86	69	69	86	86	86	86	17	48	48	48	48	
West St. Paul.....	104	112	98	106	103	113	98	106	90	126	101	95	127	131	98	94	96	91	93	117	130	117	116	
Vermillion.....	37	6	37	6	37	6	37	6	37	6	37	37	6	37	37	37	37	37	6	39	39	39	39	
Lebanon.....	21	26	21	25	21	26	21	25	21	25	21	21	25	25	21	21	21	21	6	47	47	47	47	
Waterford.....	10	33	11	32	11	32	11	32	11	32	11	11	32	32	10	10	10	10	6	22	22	22	22	
Scioto.....	8	23	10	23	10	22	97	24	218	21	218	218	21	21	218	218	224	214	9	45	42	42	42	
Richmond Randolph.....	44	24	48	19	218	21	218	21	218	21	218	219	20	20	47	46	46	42	217	21	24	24	24	
Memphis.....	49	52	49	52	50	52	50	52	50	52	50	50	52	52	47	46	46	42	217	53	53	53	53	
Lekeville.....	68	8	70	29	70	29	70	29	68	8	70	70	29	29	68	68	68	68	9	27	24	24	24	
Hampson.....	87	2	88	1	88	1	88	1	88	1	88	88	1	1	88	88	88	88	1	28	28	28	28	
Burnsville.....	1056	1007	1036	984	1075	984	1054	1034	1054	1034	1072	1073	1004	977	1042	1048	1057	971	1010	991	1002	1069	963	
Totals.....	1056	1007	1036	984	1075	984	1054	1034	1054	1034	1072	1073	1004	977	1042	1048	1057	971	1010	991	1002	1069	963	

COPY. SCHEDULE "D."

At an election held at the house of James Kearney, in the town of Burnsville, and county of Dakota, on the 11th day of Oct. 1859, the following named candidates received the number of set opposite their names :

<i>For Governor,</i>	George L. Becker.....	87
"	Alexander Ramsey.....	2
<i>For Lt. Governor,</i>	Sylvanus B. Lowry.....	88
"	Ignatius Donnelly.....	1
<i>For Sec. of State,</i>	Francis Baasen.....	88
"	J. H. Baker.....	1
<i>For Atty. General,</i>	John B. Brisbin.....	88
"	Gordon E. Cole.....	1
<i>For State Treasurer,</i>	Samuel B. Abbe.....	88
"	Charles Scheffer.....	1
<i>For Representatives,</i>	James M. Cavanaugh.....	88
"	Christopher Graham.....	88
"	Cyrus Aldrich.....	1
"	William Windom.....	1
<i>For Congress,</i>	Michael Waldhier.....	84
"	Ara Barton.....	84
"	Henry J. Scheffer.....	84
"	John H. Flanigan.....	60
"	Stephen Newell.....	85
"	Archabald M. Hayes.....	1
"	Henry Caskie.....	1
"	Moses Bix'er.....	1
"	H. G. O. Morrison.....	25
"	John C. Couper.....	00
<i>For Sheriff,</i>	John Devlin.....	84
"	Isaac M. Ray.....	1
<i>For Register,</i>	George S. Whitman.....	75
"	John Kennedy.....	10
<i>For Treasurer,</i>	Eugene Dean.....	84
"	James Wescott.....	1
<i>For District Att'y,</i>	R. A. Phelen.....	84
"	Edward F. Parker.....	1
<i>For Probate Judge,</i>	Orin T. Hayes.....	82
"	Francis W. Crosby.....	3
<i>For Co. Surveyor,</i>	Magna Sampson.....	84
"	Joseph Bean.....	1
<i>For Coroner,</i>	William Felter.....	84
"	Thos. Odell.....	1
<i>For Road Com'er,</i>	Dominick Conlin.....	84
"	Patrick Butler.....	84
"	John Becker.....	1
"	Chas. H. Carr.....	1

M. McDONALD,
CHAS. O'NEAL,
McNAMARA,

Judges.

PATRICK LYNCH,
JAS. CONNELLY,
Clerks.

SCHEDULE E.

The following is a list of the names of legal voters at an election held at the house of James Karney, on the 11th of October, 1859 :

James McMillan,	Daniel Byrns,
Patrick Lynch,	James Karney,
Patrick Kennedy,	John Byrns,
H. C. Hawk,	Jeremiah Sweeney,
Barney Car,	Thomas Dillion,
Michael Goliher—61	Dennis Brady,
John Carrol,	William Early,
Patrick Egan—58	Peter Fahy,
Patrick Goliher—52	Terrence McGovern,
Matt. Ronin,	W. C. McMartin,
Daniel Canon,	John Regin,
Patrick McCoy,	James O'Hair,
John Carry—56	William Rice,
Brien McDermid,	James Moloney,
Patrick Keenan,	Timothy Regin,
Timothy McNamary,	Patrick Dugin,
James Connelly,	James Kennedy—71
Michael McDonald,	Thomas O'Hara,
Ch. O'Neal,	Luke Manahan,
Edward Carney—67	Frank Doudle,
Stephen Newell,	Thomas Byrns,
Michael Walsh,	Jerry Dillion,
Henry O'Bryan,	Patrick Hines,
William Walsh,	James Kennedy,
Daniel Sullivan,	James Sherida,
Martin Shea,	Michael Nickelson,
John Henesey,	James Newman,
Thomas O'Hair,	James Walsh,
James Hary,	Thomas Hogin,
Patrick Haskins,	Peter Karney—54
James Connelly,	Patt. McEan,
Bartly Donily,	James McCarthy,
P. M. Paterson,	James Howley,
John McCoy,	James McCarty,
Michail Boach,	Patrick Ronan—51
M. Connelly—32	Patrick Glinn—40
Martin Quinn—3	Diinnis McCann—10
Brien Devlin,	John McGlinn—48
John Day—6	Patrick McDonald—43
MI. Foley,	Patrick McCloud—53
Pa. Foley,	John McCann—42
John Foley,	Pat. Neasey,
MI. Foley,	Pat. McGlouchlin—18
Wm. Byrns—1	Andrew Carbery.
Thomas Downs,	

Whole number of votes cast, 89.

PATRICK LYNCH,
JAS. CONNLY,
Clerks,

ML. McDONALD,
CHARLES O'NEAL,
TIMOTHY McNAMARA,
Judges.

SCHEDULE F.

POLL-BOOK.

No.	Names.	No.	Names.
1	William Byrnes,	36	Michael Allen,
2	James Kellcher,	37	Neil McCaul, senr.,
3	Thomas Condor,	38	Neil McCaul, junr.,
4	Lawrence Conrad,	39	Thomas O'Brien,
5	Mathew Leddy,	40	Patrick Glenn,
6	John Daly,	41	James Jardine,
7	James Kennedy,	42	John McCaune,
8	Patrick H. Byrne,	43	Patrick McDonald,
9	Thomas Cleary,	44	John O'Connor,
10	Dennis McCanne,	45	Thomas Loptes,
11	John Cleary,	46	Mathew Ronayne,
12	Thomas Kennedy,	47	Nicholas Glenn,
13	W. Harrihan,	48	John Glenn,
14	John Harrihan,	49	Thomas Hays,
15	Edmond Harrihan,	50	George Allen, senr.,
16	John Mulkan,	51	Patrick Ronaye,
17	Thomas Nacey,	52	Patrick Gallaher,
18	Patrick McLoughlin,	53	Patrick Riley,
19	John Condon,	54	Peter Carney,
20	John Dorman,	55	Patrick McCloud,
21	J. W. Censerbox,	56	John Carney,
22	Thomas Keane,	57	Michael McCloud,
23	Richard Murphy,	58	Patrick Egan,
24	John Frawley,	59	Patrick Neafsy,
25	George Allen,	60	William Reardon,
26	Thomas Rogers,	61	Michael Gallaher,
27	Charles Wigley,	62	Thomas Gallaher,
28	Alexander Brown,	63	John Keane,
29	John McCaul,	64	E. O. Risley,
30	Mathew Ronayne,	65	James Byrnes,
31	Patrick McCanne,	66	Bernard Logan,
32	Michael Connelly,	67	Edward Carney,
33	William Glynn,	68	John Hammill,
34	Thomas Hill,	69	Michael Shoemaker.
35	Henry Steward,		

STATE OF MINNESOTA, }
County of Scott, } SS.

I hereby certify that the above and foregoing is a true copy of the original Poll list of the General election, returned to the County Auditor's office of said County, from the Town of Glendale, in said County.

CHAS. HARKENS,
Auditor of Scott County.

Shakopee, Dec. 9, 1869

Mr. Butler, from the same committee, presented a minority report on the same subject, as follows :

The undersigned, a minority of the Committee on Elections, to which Committee was referred the petition of Archibald M. Hayes and Moses Bixler, praying that themselves and Henry Caskey may be admitted to the seats now held by Michael Waldhier, Stephen Newell and Ara Barton, respectfully reports that he is unable to agree with the conclusions of the report presented by the majority of that committee, in the matter of the alleged return from Burnsville in the county of Dakota.

The evidence as reported by the majority of the Committee, shows that if the alleged vote of the town of Burnsville, be rejected from the canvass of the votes cast for Representatives to the Legislature in the Third Representative District in this State, (comprising Dakota county) the petitioners and Henry Caskey would be entitled to seats in this body, instead of Michael Waldhier Stephen Newell and Ara Barton. After such rejection, the vote would stand as follows :

For H. G. O. Morrison	1034	votes.
" Archibald M. Hayes.....	1009	"
" Moses Bixler.....	1001	"
" Henry Caskey	990	"
" Henry J. Scheffer.....	973	"
" John C. Conper	969	"
" Michael Waldhier.....	958	"
" Stephen Newell.....	941	"
" Ara Barton.....	934	"
" John H. Flanigan.....	911	"

The undersigned is unable to discover any evidence in the case, establishing the fact that the sitting members received so much as a single vote at the election in question, at the town of Burnsville.

The sitting members, holding the certificates of election from the proper canvassing board, are, of course, *prima facie* entitled to their seats. The burden of proof in commencing the investigation, of course rests upon the contestants—to defeat the right to seats on the part of sitting members, and to establish their own.

They show by the Auditor of Dakota county, one of the Canvassing Board, that no evidence of any election in Burnsville was before that Board, except the papers, copies of which marked respectively schedules "D" and "E," are appended to the report of the majority of this committee.

These are claimed to be a return and poll list from said town of Burnsville. Each purports to be signed by M. McDonald, Charles O'Neal, and Timothy McNamara as Judges, and by Patrick Lynch and James Connolly, as Clerks. I lay no stress on the utter disregard in both papers of every technicality required by law; that they came into the Auditor's hand unsealed; that neither Judges or Clerks, nor either of them appear, nor claimed to have been sworn; that the return has in it no such word as "votes,"—saying only that "at an election held at the house of James Carney, in the town of Burnsville, and county of Dakota, on the 11th day of October, 1858, the following named candidates received the number of set opposite their names;" that the numbers are expressed by figures, instead of being written out in words as required by law; that the alleged return is not *certified* by those signing as Judges, nor *attested* by those signing as Clerks. Except as by these matters may unite with others in evidence to evince deliberate fraud in the matter, the statute clearly compels us to disregard any lack of merely *technical* correctness in the papers.

But the papers themselves, especially when taken in connection with other evidence in the case, bear such unmistakable evidence of fraud, that I cannot see how they can be regarded as any proof whatever, of the votes cast at the Burnsville election.

The names of M. McDonald and Charles O'Neal, signed as judges, and that of James Connolly, signed as one of the clerks, are evidently to the most casual observer written by the same person; and the contestants admit on the hearing before the Committee that they were all written by James Connolly. All three of these persons testified on behalf of the contestants upon other matters arising in the case, but neither of them explained this matter as they might easily have done, were it an honest, *bona fide* transaction. On the contrary, it appears by their testimony, that O'Neal went home from the polling place before the return was made up; that during the making of the return, a drunken brawl took place outside the house; that the rioters broke into the room where the judges and clerks were canvassing the votes and making the returns (excluding all other persons, contrary to the statute) that the judges were attacked by the rioters; that one judge and one clerk seized the ballots (the ballot box being smashed in the row) and also the partly finished returns, and decamped to the house of said judge, where the clerk, James Connolly, finished the returns on the following day instead of on the day of election, as required by law.

The return then comes to us ostensibly signed by three judges, but with two of those signatures admitted substantially to be forgeries.

Waiving for the present, the question, whether a certifying officer could authorize any other person to sign his name as such certifying officer, we come to the question whether any such paper, so tainted with fraud, can properly be taken as evidence by the Committee or the House.

In a court of law, it will not be questioned, an instrument so tainted with fraud on its face would be deemed a nullity. Does not the equitable rule which prevails in such investigations as this, require a similar view to be taken of it?

Especially when we add to this the evidence in this case of grossly fraudulent proceedings throughout the pretended election at Burnsville. The judges and clerks not sworn, the only Republican on the ground driven off by threats, lest he should be a witness of their doings; the distribution *gratis* of whiskey; the one vote sworn by H. C. Hank to have been cast by him for John C. Couper, mysteriously disappearing in the count, and turning up in the returns as cast for Stephen Newell; the migration of voters from Scott to Dakota, and from Dakota to Scott during the day; the invitation to Fish from the *strong minded* widow, to cast a vote, and her going to the window, ballot in hand; the exclusion from the room during the canvass of all but the judges and clerks, (in utter violation of law) the final row and riot in the course of which the ballot box is smashed, one of the judges seized by the hair until relieved by one of the clerks; the seizing of the ballots and papers by a clerk and judge and their hasty retreat to another house; the deferring of making the return to the next day; when, I say, we add to all this to the inherent evidence of fraud presented by the pretended poll lists and returns, the conclusion is irresistible in my mind that said papers constitute no returns, no evidence of any election at Burnsville, of any votes there cast and must be entirely rejected.

But waiving for the purpose of the argument, the question of fraud in the returns, how then stands it? We have in that case a document signed by only one of a board of three. The statutes specially requires the act of at least a majority of any number of persons to whom a *joint authority* is given in order to exercise that authority. Here we have the certificate of only

"Timothy McNamara," out of the *three* professed judges of election at Burnsville, the names of the other two being admitted not to have been signed by them.

I have therefore been driven to the conclusion by the evidence in the case, that said pretended returns should be disregarded and set aside.

The evidence in the case having thus left the sitting members without proof of the votes that may have been cast for them at Burnsville, the burden of proof of course devolved upon them to supply that lack by other evidence of that election and the votes cast thereat. This they have not done. We are left without any proof of such election, and of the votes cast for the sitting members thereat. Deducting the alleged vote of said town from the official canvass, we find the contestants elected over the sitting members, Waldhier, Newell and Barton.

Taking this view of the case, I do not deem it necessary to discuss the fraudulent voting at Burnsville on the day of the election in question, in the matter of which I do not disagree from the views of the majority of the committee.

I therefore beg leave to report the following resolution, with the recommendation that it be adopted by your honorable body :

Resolved. That Archibald M. Hayes, Moses Bixler and Henry Caskey are elected to and entitled to, and they be admitted to seats as members of the House of Representatives of the Legislature of Minnesota, and that Michael Waldhier, Stephen Newell, and Ara Barton are hereby declared not to be members of said House of Representatives.

All of which is respectfully submitted,

A. H. BUTLER.

Mr. Knox moved the reports be laid upon the table and ordered printed.

Mr. Sanborn moved to make the reports the special order of Tuesday next.

Mr. Shrewsbury moved to amend by making the reports the special order of January 2d.

The amendment was accepted.

Mr. Abraham moved to divide the question.

Carried.

The question recurring upon the motion to lay upon the table and print, it was carried.

The question recurring upon the special order,

Mr. Abraham moved to amend by striking out "January 2d," and inserting "Tuesday next."

Carried.

The question then recurring upon the motion as amended, it was carried.

Mr. Stewart, from the committee on Claims, presented a report upon the claim of Howard & Pendergrast, as follows :

The Committee on Claims respectfully beg leave to report that they have had the claim presented by Howard & Pendergrast, under consideration, and present for the consideration of the House, the following statement, to wit :

That they consider the charges of the said Howard & Pendergrast for the

material and services furnished by them under the direction of the Secretary of State, exorbitant, as the prices fixed by them for the several articles named in their bill of items, are much above the retail prices charged for like articles by other firms engaged in like business.

Your committee would further state that the aggregate amount of said claim, as appears by the original bill hereto annexed, and made a part of this report, is \$35¼, from which your committee propose to deduct \$10¼, leaving a balance in favor of said claimants of \$25.

Your committee therefore recommend that the claim of said Howard & Pendergrast be allowed at \$25. Signed,

I. I. STEWART,
CHAS. D. SHERWOOD,
Committee on Claims.

Mr. Abraham moved the report be adopted.

Carried.

Mr. Sanborn, from the committee on the Judiciary, introduced—

A bill for an act to provide for compensation of the members and officers of the Legislature, and the contingent expenses of the Senate and House of Representatives.

Which had its first reading.

Mr. Sanborn moved that the rules be so far suspended as to allow the second and third reading of the bill.

Withdrawn.

Mr. Mantor, from the committee on Supplies and Expenditures, presented a report upon the bill of B. Presley, recommending that the same be paid.

Mr. Acker moved to lay the report on the table.

Carried.

Mr. Cleveland, from the special committee appointed to inquire whether any officers of this House had made any unauthorized, illegal, or extravagant contracts, reported as follows :

Your committee appointed for the purpose of inquiring whether any officer of this House had made any unauthorized, illegal or extravagant contract in furnishing this House with fuel, lights and seats, beg leave to report :

First—That the Sergeant at Arms of this House has made a contract with a responsible and highly respectable party of this city, to deliver fifty cords of seasoned oak wood, four feet in length, for the use of this House and the Senate ; that twenty-five cords of said wood was ordered for the use of the Senate by the request of the Sergeant-at-Arms of the same ; that the said officer of this House agreed to pay for the said wood per cord \$3.50 cash, or \$5.50 in State orders, that being the lowest possible price for which wood of the quality above stated could be procured ; that the said officer has procured the said wood to be sawed, for the sum of fifty-five cents per cord, the usual price paid at the Capitol being one dollar.

Second—That the said officer contracted for 25 chairs, at \$2.00 in cash, or \$3.00 in State orders, part of said chairs being for the use of the Senate, and procured at the request of the Sergeant-at-Arms of said body. That said chairs were contracted for at the lowest market price. That the said officer of this House consulted with the Speaker and various members of this body, as your committee is informed, and was advised to procure whatever was

necessary for the use of this House. Your committee are fully satisfied that your Sergeant-at-Arms has, as to the matters above referred to, acted with prudence, promptitude, and with the strictest regard to his sworn obligations, and your committee take pleasure in expressing their unqualified confidence in the fidelity and business capacity of your Sergeant-at-Arms, relative to all his duties as an officer of this House.

All of which is respectfully submitted,

A. H. TROW,
Chairman.

On motion the report was adopted.

Mr. Secombe introduced—

A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State.

Which was read a first time.

S. F. No. 2, A bill for an act to amend an act entitled an act to regulate the traffic in spirituous liquors.

Had its second reading.

Mr. Secombe gave notice that he would at an early day ask leave to introduce

A bill for an act to regulate elections in this State.

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

A bill for an act to amend the Homestead Law.

Mr. Garrard offered the following resolution :

Resolved, That the Secretary of State be authorized to furnish each of the members and officers of this House with one copy of vol. 1st of the Supreme Court Reports of this State.

Mr. Abraham moved to lay the resolution on the table.

Carried.

Mr. Stearns introduced the following resolution :

Resolved, That the Clerk of this House be instructed to file with the Librarian five printed copies of all bills introduced in this House.

Mr. Robertson offered the following substitute :

Resolved, That the Sergeant-at-Arms of the House of Representatives be required to deposit with the State Librarian three copies of all printed House bills and joint resolutions, to be preserved for binding at the end of the session ; and that the State Librarian be required to keep the bills at all times in the State Library, and one copy of each for the Minnesota Historical Society.

The substitute was accepted by the mover of the original resolution, and adopted.

Mr. Abraham introduced the following resolution :

Resolved, That the Judiciary committee be instructed to inquire whether the State Auditor by his official act, in allowing the removal of the State stocks of Ohio (which were of value) as a basis of banking, and substituting

therefor the State railroad bonds of the State of Minnesota, which were almost valueless, has not subjected himself to impeachment by this House.

Adopted.

Mr. Kinkead gave notice that on to-morrow, or some subsequent day of the session, he would introduce

A bill for an act to authorize the county commissioners of Douglas county to issue county bonds to the amount of fifteen hundred dollars.

Mr. Cleveland introduced—

A bill for an act to regulate the sessions of the Legislature.

Which was read a first time.

H. F. No. 2. A bill for an act to amend section 134, of chapter 59, of the revised statutes, the same being sections 147, of chapter 59, on page 518 of the public statutes of Minnesota,

Was read a second time.

Mr. Secombe moved to refer the bill to the committee of the Whole.

Carried.

H. F. No. 4. A bill for an act to amend article 3, section 4, chapter 9, of the revised statutes, page 230,

Was read a second time.

Mr. Stevens moved to refer the bill to the committee on the Judiciary.

Carried.

H. F. No. 3. A bill for an act authorizing the Governor to secure to the State the five per cent of the nett proceeds of the sales of public lands within the State.

Was read the second time.

Mr. Secombe moved to refer the bill to the committee of the Whole.

Carried.

H. F. No. 6. A bill for an act to create a board of emigration, and for the appointment of an emigrant agent.

Was read the second time and referred to the committee on Emigration.

H. F. No. 7. A bill for an act to amend an act to regulate the traffic in Logs and Lumber.

Was read the second time.

Mr. Arnold moved to refer the bill to the committee on Internal Improvements.

Carried.

H. F. No. 8. A bill for an act to punish frauds and other crimes committed at Elections.

Was read the second time.

Mr. Abbott moved to refer the bill to the committee on Elections.

Carried.

H. F. No. 9. A bill for an act to amend an act to incorporate the town of Moritzzeous,

Was read the second time.

Mr. Taylor moved that the bill be referred to the committee on the Judiciary.

Carried.

H. F. No. 10. A bill for an act to locate a State road from Milleiska, Wabashaw county, to Beaver, Winona county.

Was read a second time.

Mr. Brooks moved to refer the bill to the committee on Roads, Bridges and Navigable Streams.

Carried.

H. F. No. 11. A bill for an act to prevent Indians from committing depredations on the white settlements in this State.

Was read the second time.

H. F. No. 13. A bill for an act to repeal chapter eleven of the revised statutes of Minnesota,

Was read the second time.

Mr. McDonough moved to refer the bill to the committee on Roads, Bridges and Navigable Streams.

Withdrawn.

Mr. Robertson moved that it be referred to the committee on the Judiciary.

Mr. Mitchell moved to amend so as to refer the bill to the committee on Constitution and Constitutional Revision.

Which was accepted by the mover.

Mr. Abbott moved a substitute that the bill be referred to the committee on Corporations.

Carried.

H. F. No. 12. A bill for an act relating to the publication of the decisions of the Supreme Court,

Was read a second time.

On motion, the bill was referred to the committee of the Whole.

H. F. No. 14. A bill for an act to amend an act to incorporate the Minnesota River Bridge Company.

Was read a second time.

On motion, the bill was referred to the committee on Incorporations.

The Joint Resolution offered by Mr. Morrison, in relation to Railroads, was taken up.

Mr. Cleveland moved to strike out the name of Mr. Cleveland and insert that of Mr. Morrison.

Lost.

Mr. Secombe moved that when the House adjourn, it adjourns to meet on Tuesday next, at 10 o'clock.

Carried.

Mr. Taylor asked and obtained leave of absence for six or eight days.

Mr. Abbott asked and obtained leave of absence for eight or ten days.

Mr. Knox asked and obtained leave of absence until the 2d of January.

Mr. Stewart asked and obtained leave of absence for a five or six days.

Mr. Secombe moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abraham, Acker, Anderson, Armstrong, Beatty, Brooks, Burnham, Butler, Cleary, Cleveland, Coe, Dayton, Garrard, Greene of Steele, Hulett, Hunt, Johnson, Kinkead, Langworthy, Leavens, Mann, McDonough, Meighen, Mitsch, Morrison, Nettleton, Newell, Olds, Olivier, Ozman, Pfander, Purdie, Robertson, Sanborn, Sawyer, Scheffer, Secombe, Shultis, Skillman, Stearns, Stevens, Stoek, Temanson, Tollman, Waldhier, H. Walker, Watson, Webster, White, Wilkins and the Speaker.

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

Lost.

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

Carried.

Mr. Secombe moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FIFTEENTH DAY.

TUESDAY, Dec. 27, 1859.

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

Prayer was offered by Rev. Mr. Pope.

The roll was called, and the following found absent :

Messrs. Aaker, Abbott, Abraham, Baldwin, Barton, Beatty, Chadderdon, Donohue, Fox, Greene of Olmsted, Johnson, Kinkead, Letford, Mann, Morrison, Nettleton, Olivier, Rehfeld, Renz, Robertson, Roy, Secombe, Sherwood, Shrewsbury, Shriner, Stewart, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, Waldhier, Watson, Webster and Willey.

The journal of yesterday was read and approved.

Mr. Van Vorhes, from the Committee on Printing, reported a list of prices for the printing for this House, as follows :

The majority of the Standing Committee on Printing, who were directed to agree upon a scale of prices with Messrs. Newson, Moore, Foster & Co., for the incidental printing for this House, report that they have agreed upon the following prices for the several classes of work which will probably be required by the House, to wit :

First—The price per thousand ems for composition of all bills, resolutions, memorials, or other matter that may be ordered to be printed in bill form—sixty-three cents. Press work for the same, per token, 60 cents.

Second—The price per thousand ems for the composition of the Journals of the House, and such reports, communications and other documents as enter into and make part of the Journals, sixty-three cents. The price per token for press work of the same, sixty cents.

Third—The price per thousand ems for composition of all reports, communications, journals, and other documents that may be ordered to be printed by the House, in pamphlet form, together with the volume of public documents, provided such volume be ordered printed, sixty-three cents. The price per token for press work of the same, sixty cents.

Fourth—The price per hundred copies for brochure covering of all pamphlets or documents ordered to be printed and covered, which shall include the collating, folding, stitching, drying and pressing of the same, \$1.65.

The paper for the different classes of the above work to be furnished by the State, or by the parties executing the work at such price as shall hereafter be agreed upon between the parties and the Standing Committee on Printing.

This contract is made with the understanding that payment is to be made in warrants on the Treasury, without reference to their market value. The contract for composition on all the items specified is about 8 per cent, and for the press work 5 per cent. below the cash rates heretofore paid Earle S. Goodrich for the same class of work.

A. J. VAN VORHES,
THOS. McDONOUGH,
S. BROOKS,

Committee on Printing.

December 27, 1859.

Mr. Hulett moved the report be adopted.

Carried.

Mr. Acker, from the Committee on Retrenchment and Reform, presented the report of said committee in regard to the pay of A. T. Chamblin, as Clerk of the House *pro tem*, as follows :

Resolved, That six dollars be allowed the late Chief Clerk for two days services, as set forth in his bill, in organizing this House, and this amount be allowed in the general appropriation bill for that purpose.

Which report was accepted and adopted.

Mr. Butler offered a joint resolution in regard to the appointment of a committee to report joint rules.

Which had its first reading.

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

A bill for the further defining the duties of Register of Deeds in the several counties in the State.

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

A bill for the support and confinement of insane persons or lunatics.

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

A bill for an act amending an act regulating the traffic in spirituous liquors.

Mr. Stearns presented the report of the Committee on Internal Improvements, upon the bill referred to that committee.

The report was adopted.

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

A bill to punish more severely the depredations of Indians in the county of Dakota.

Mr Coggsell, [Mr. Acker in the Chair.] offered the following resolution :

Resolved, That the Committee on Railroads and Railroad Grants be instructed to inquire and report to this House :

First—The name and number of such Land Grant Railroad Companies of this State, as have made default in the payment of the interest due upon their bonds, transferred to this State, and the extent of such default.

Second—Whether the laws now in existence are sufficient to protect the rights and interests of the State in case of the sale of the lands, or of the first mortgage bonds, or a foreclosure of the mortgage, or deed of trust of any defaulting company, and if not, what further legislation is necessary.

Third—Whether any man, or set of men, company or corporation, can be found, who will take the rights, interests, privileges, franchises and securities, acquired by the State, by virtue of the foreclosure of such mortgage, or deed of trust, and the sale of such lands and first mortgage bonds, and guaranty the completion of the said roads, or any part thereof, and if so, what part, and within what time, and what responsibilities, if any, would they assume in regard to the payment of the "Minnesota State Railroad Bonds," now outstanding against the State.

Fourth—Whether any man, or association of men, could be found, who would take the rights, interests, privileges, franchises and securities acquired by the State from the defaulting companies, by virtue of a foreclosure and sale as aforesaid, and insure to the people the completion of said roads, or any part thereof, for a certain bonus to be paid to him or them, by the State, and if so, how large a bonus and when, and where, and how, and under what limitations and restrictions should the same be paid.

Fifth—Whether under any circumstances it would be for the welfare of the people, for the State itself to proceed with the work and complete any part of said roads, and if so, what should those circumstances be, and have they already arisen.

Sixth—Whether it is the duty of the State to pay and meet the interest and principal of all the said "Minnesota State Railroad Bonds," as the same may become due, and if so, are the people able to do it, and what legislation is necessary to effect that object.

Seventh—Whether any steps should be taken by this Legislature, or by the people, whereby the said State Railroad Bonds now outstanding may be given up and cancelled, and new bonds issued for a less amount, and if so, for what amount, and when payable and with what rate of interest.

Eighth—Whether any proposition should be submitted to the people amending the Constitution, in such a manner that persons now holding "Minnesota State Railroad Bonds," could surrender them up to the State, and receive in lieu thereof new bonds to the amount the said State Railroad Bonds actually cost them, and a reasonable rate of interest thereon, to be promptly paid by the State, and if so to report to this House a proposition that will effect that object.

Ninth—Whether in any step that may taken by this Legislature, or by the people, it is possible to secure to merchants, farmers and others, whatever sum or sums of money may be their due for goods, provisions or other means furnished to the contractors and sub-contractors of the different Railroad companies, in order to enable them to proceed with the work on said roads, and for which they (the said merchants, farmers and others) have been unable to get even bonds for their pay, and if so, to report to this House a plan that will effect that object.

Tenth—The names of the different individuals, firms or associations who now hold the said "Minnesota State Railroad Bonds," together with their residence or place of doing business, and the amounts held by each, and their cost to each and every holder, so far as the same can be ascertained.

Mr. Stearns moved that the resolutions be laid on the table and printed.

Carried.

Mr. Greene of Steele gave notice that on to-morrow or some future day he would ask leave to introduce

A bill for an act entitled an act to change the boundaries of the fifth judicial district.

Also,

A bill for an act entitled an act to change the times of holding the terms of the court in the fifth judicial district

Mr. Mitchell introduced—

A bill for an act regulating the mode of administering assignments in trust for the benefit of creditors.

Which had its first reading.

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

A bill authorizing the Clerk of this House to issue warrants on the Treasury of this State, to defray the necessary expenses of this Legislature.

Mr. Sanborn introduced—

A bill for an act to authorize and regulate garnishee proceedings.

Which had its first reading.

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

A bill entitled an act regulating Territorial and State roads, and giving jurisdiction over the same to the board of supervisors of the respective counties, where such roads are located.

Mr. Sanborn, from the committee on the Judiciary, introduced—

A bill for an act to provide for township organization.

Mr. Secombe moved that the rules be so suspended as to allow the bill to be read by its title.

Carried.

And the bill was so read.

S. F. No. 2 A bill for an act to amend an act entitled an act to regulate the traffic in spirituous liquors.

Was read a second time.

H. F. No. 25. Joint Resolution fixing the time for the adjournment of the Legislature.

Was read a second time.

Mr. Secombe moved the joint resolution be referred to the Committee of the Whole.

Carried.

H. F. No. 29, A memorial to the Post Master General for an increase of mail service on routes 13504 and 13578.

Was read the second time.

Mr. Sawyer moved the memorial be referred to the Committee on State Affairs.

Carried.

H. F. No. 28. Joint Resolution on the subject of naturalization.

Was read the second time, and referred to the Committee on Judiciary.

Mr. Mitchell moved that the special order of the day be postponed until to-morrow.

Mr. Robertson moved to amend by postponing it until next Thursday.

The question upon the motion as amended was carried.

Mr. Secombe moved that the House resolve itself into a Committee of the Whole, for the purpose of taking into consideration the bills so referred.

Carried.

Mr. Greene, of Steele, was called to the Chair.

After spending some time in Committee of the Whole, the committee arose, and reported back to the House several bills that had been considered.

Mr. Acker moved to lay the report of the committee on the table.

Carried.

The following message was received from the Senate :

Mr. Speaker—

By order of the Senate I return herewith to the Honorable House of Representatives, H. F. No. 25, a joint resolution in regard to the framing of bills.

Also announce to the House the passage by the Senate of the accompanying concurrent resolution, in regard to printing.

Also, the passage by the Senate of S. F. No. 9, a memorial for the extension of the Reciprocity Treaty.

In which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

On motion the House took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order.

On motion the report of the Committee of the Whole was taken up.

The question was upon the adoption of the report of the Committee of the Whole upon H. F. No. 2.

Mr. Sanborn offered an amendment.

Which was adopted.

Mr. Secombe moved an amendment to the amendment.

Which was lost.

Mr. Meighan moved to lay the whole matter on the table.

Lost.

Mr. Cleveland moved an amendment to the amendment, by inserting the words "so-called," before Public Statutes.

The amendment was accepted.

The question recurring upon the amendment of Mr. Sanborn, as amended,

Mr. Arnold moved to strike out the words "so-called."

And the yeas and nays being called for and ordered, there were yeas 17, nays 27, as follows :

YEAS.

Mr. Anderson,
Armstrong,
Arnold,
Cleary,
Garrard,

Mr. Greene of Steele,
Hulet,
M. Donough,
Mitchell,

Mr. Newell,
Sanborn,
Shultz,
Stephenson,

Mr. Tolman,
Van Vorhes,
Waldhier,
White,

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NAYS.

Mr. Abraham,
Acker,
Austin,
Brooks,
Burnham,
Cleveland,
Oce,

Mr. Dayton,
Hunt,
Knox,
Leavens,
Mantor,
Meighan,
Olds,

Mr. Osman,
Pender,
Purdie,
Sawyer,
Secombe,
Skillman,

Mr. Stearns,
Stevens,
Stock,
Walker, H.
Walker, Orange
Watson,
Speaker.

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So the motion was lost.

The question then recurring upon the amendment of Mr. Sanborn as amended,

It was adopted.

The bill was then ordered engrossed, and passed to a third reading.

H. F. No. 3, was reported back to the House by the Committee of the Whole without amendment, with the recommendation that it pass.

The question recurring upon the report of the committee,

It was adopted.

And the bill ordered engrossed and passed to a third reading.

H. F. No. 12, was reported back to the House from the Committee of the Whole with the following amendment :

By striking out all after the enacting clause, with the recommendation that the same be referred with the amendment, to the Committee on Judiciary.

Mr. Secombe moved to amend as follows :

"With instructions to introduce a bill providing for the publication of the Supreme Court Reports at the expense of the Reporter, and give him the copyright thereof."

Mr. Stearns moved an amendment to the amendment, by striking out the words "at the expense of the reporter," and all thereafter.

Which amendment was lost.

The question recurring upon the amendment offered by Mr. Secombe,
It was carried.

The question recurring upon the report of the committee as amended,
It was carried.

Mr. Secombe moved that the House resolve itself into a Committee of the Whole, to further consider H. F. No. 26.

Carried.

After spending some time, the committee arose, and reported the bill back to the House, with the recommendation that it be referred to the Committee on Constitution and Constitutional amendments.

The report of the committee was adopted.

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

A bill for an act to provide for the compensation of the members and officers of the Legislature.

Mr. Abraham moved the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SIXTEENTH DAY.

WEDNESDAY, Dec. 28th, 1859.

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

Prayer was offered by Rev. Mr. Heyer.

The roll was then called and the following members found absent :

Messrs. Abbott, Baldwin, Chadderdon, Donohue, Fox, Garrard, Green, of Olmsted, Johnson, Kinkad, Letford, Mann, Olivier, Rehfeld, Renz, Robertson, Roy, Sherwood, Shrewsbury, Shriner, Stewart, Sweet, Taylor, Thayer, Trow, Willey and Wilkins.

The journal of yesterday was read and approved.

Mr. Abraham asked and obtained leave of absence for Mr. Mann for six or eight days.

Mr. Mantor, from the committee on Supplies and Expenditures, reported in favor of paying a bill for sawing wood for the House of Representatives.

Mr. Mantor moved that the report be adopted.

Mr. Acker moved to lay the report on the table.

Lost.

The question then recurring upon the adoption of the report, it was carried.

Mr. Morrison, from the committee on State Affairs, reported, upon H. F. No. 27, recommending its passage.

Mr. Sawyer moved the report be adopted.

Carried.

And the memorial ordered engrossed and passed to a third reading.

Mr. McDonough gave notice that he would on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill for an act to protect the rights of finders of wild bees.

Mr. Stearns introduced—

A bill for an act to provide the compensation of the members and officers.

Which was read a first time.

Mr. Stearns moved a suspension of the rules, so as to refer the bill to the committee of Ways and Means.

Carried.

Mr. Olds introduced—

A bill for an act for filing marks, brands and chattel mortgages.

Which had its first reading.

Mr. Sawyer introduced—

A bill for an act for the appraisement and sale of school lands.

Which was read a first time.

Mr. Robertson moved to suspend the rules so as to refer the bill to the committee on Schools and School Lands.

Mr. Secombe moved to amend by adding the words, "with instructions to inquire of the committee if the bill is in conformity with the Constitution."

Which amendment was accepted by the mover, and the motion, as amended, was carried.

The following message was received from the Senate :

Mr. Speaker—

I am instructed to inform the House that the Senate has passed—

S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties.

Also,

S. F. No. 9. A bill for an act to attach the county of Manomin to Anoka for judicial purposes.

A. S. S.
S. F. No. 29. A bill for an act to appropriate money for certain purposes named therein.

In which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

Mr. Knox introduced—

A bill for an act to authorise the issue of warrants upon the Treasurer of this State.

Which had its first reading.

Mr. Knox moved to suspend the rules so as to allow the bill to be referred to the committee on Ways and Means.

Carried.

And the bill was so referred.

Mr. Anderson introduced—

A bill for an act for the benefit of the town of La Crescent.

Which was read a first time.

Mr. Hunt moved to suspend the rules so as to refer the bill to the committee on Incorporations.

Carried.

And the bill was so referred.

Mr. Sanborn, from the committee on the Judiciary, introduced—

A bill for an act fixing and regulating the fees of sheriffs.

Which had its first reading.

Mr. Pfaender introduced—

A bill for an act to encourage the destruction of blackbirds in this State.

Which was read a first time.

Mr. McDonough offered the following resolution:

Resolved, That the Judiciary committee be directed to inquire and report whether in their opinion any alteration in the law is necessary in relation to constable's fees.

Adopted.

Mr. Purdie introduced—

A memorial to the Postmaster General for the establishing of a mail route from Chatfield to Winnebago City.

Which was read a first time.

Mr. Stevens moved to suspend the rules so as not to have the memorial printed.

Carried.

S. F. No. 9. A memorial for the extension of the reciprocity treaty,

Had its first reading.

The concurrent resolution in relation to printing, adopted by the Senate, Dec. 21,

Had its first reading.

S. F. No. 19. A bill for an act to attach the county of Manomin to Anoka for judicial purposes,

Had its first reading.

S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties,

Had its first reading.

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

A bill for an act to locate a State road to connect with another State road.

Also,

A bill for an act for repairing the road leading from Williams' Ferry to the Dodd road.

Also,

A bill for an act for repairing the road from Williams' Ferry to the town of Mendota.

H. F. No. 5. A bill for an act to provide for the regulating and maintenance of common schools.

Was read a second time.

Mr. Morrison moved to refer the bill to the committee on Schools and School Lands.

Carried.

And the bill was so referred.

H. F. No. 15. A bill for an act to provide for the election and to define the duties of county attorney of this State,

Was read a second time.

On motion, the bill was referred to the committee of the Whole.

H. F. No. 37. A joint resolution for a committee on Railroads,

Was read a second time.

On motion, the bill was referred to the committee of the Whole.

H. F. No. 25. Joint resolution fixing the time for the adjournment of the Legislature,

Was read the third time.

Mr. Stevens moved to indefinitely postpone the joint resolution.

Carried.

H. F. No. 28. Joint resolution of the Legislature of the State of Minnesota on the subject of naturalization,

Was read a second time.

Mr. Acker moved to indefinitely postpone the joint resolution.

And the yeas and nays being called for and ordered, there were yeas 22, nays 22, as follows :

YEAS.

Mr. Aaker, Acker, Anderson, Arnold, Austin, Brooks,	Mr. Cleveland, Coe, Dayton, Hulett, Leavens, Pfaender,	Mr. Purdie, Sawyer, Secombe, Stearns, Stevens,	Mr. Stock, Temanson, Walker, Orange Watson, Webster,
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22

NAYS.

Mr. Abraham, Armstrong, Burnham, Cleary, Greene, of Steele Hunt,	Mr. Knox, McDonough, Meighan, Mitch, Nettleton, Newell,	Mr. Olds, Robertson, Sanborn, Shults, Skillman,	Mr. Tollman, Waldhier, Walker, H. Wilkins, Speaker.
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23

So the motion was lost.

Mr. Robertson moved the passage of the resolution.

And the yeas and nays being called for and ordered, there were yeas 24, nays 23, as follows :

YEAS.

Mr. Armstrong, Arnold, Beatty, Burnham, Cleary, Greene, of Steele	Mr. Hunt, Knox, Langworthy, McDonough, Meighan, Mitchell,	Mr. Mitsch, Morrison, Nettleton, Newell, Robertson, Sanborn,	Mr. Shults, Skillman, Tollman, Waldhier, Walker, H. Wilkins,
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24

NAYS.

Mr. Aaker, Abraham, Acker, Anderson, Austin, Brooks,	Mr. Cleveland, Coe, Dayton, Hulett, Leavens, Ozman,	Mr. Pfaender, Purdie, Sawyer, Secombe, Stearns, Stevens,	Mr. Stock, Temanson, Watson, Webster, Speaker.
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23

The resolution, not having received a constitutional majority, was lost.

Mr. McDonough moved to take a recess.

Lost.

Mr. Secombe moved that the House resolve itself into a committee of the Whole to consider such bills as has been referred to said committee.

Mr. Robertson moved that the House adjourn.

And the yeas and nays being called for and ordered, there were yeas 26, nays 23, as follows :

YEAS.

Mr. Aaker, Acker, Anderson, Armstrong, Arnold, Austin, Beatty,	Mr. Brooks, Hulett, Knox, Langworthy, Leavens, McDonough, Mitch,	Mr. Nettleton, Olds, Ozman, Robertson, Scheffer, Shults,	Mr. Skillman, Stearns, Stevens, Tollman, Webster, Wilkins,
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26

NAYS.

Mr. Abraham, Burnham, Cleary, Cleveland, Coe, Dayton,	Mr. Greene, of Steele Hunt, Meighan, Mitchell, Morrison, Newell,	Mr. Pfaender, Purdie, Sawyer, Secombe, Stock, Temanson,	Mr. Waldhier, Walker, H. Walker, Orange Watson, Speaker.
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23

So the motion was carried, and the House adjourned.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTEENTH DAY.

THURSDAY, Dec. 29, 1859.

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

The roll was called, and the following found absent :

Messrs. Abbott, Baldwin, Beatty, Chadderdon, Donohue, Fox, Greene of Olmsted, Johnson, Kinkead, Mann, Olivier, Rehfeld, Renz, Robertson, Roy, Sanborn, Sherwood, Shrewsbury, Shriner, Stewart, Sweet, Taylor, Thayer, Trow, and Willey.

The journal of yesterday was read and approved.

Mr. Burnham presented the petition of Joseph A. Cole and others, for the alteration of State Road.

Which was referred to the Committee on Roads and Bridges.

Mr. Greene, of Steele, from the Committee on Ways and Means, presented the report of said committee on H. F. No. 38, and H. F. No. 41, as follows :

The Committee on Ways and Means, to whom was referred H. F. No. 38, have had the same under consideration, and have unanimously instructed me to report the same back to this House with the recommendation that the same pass, with the exception of the clause relating to interest. Two of the committee were in favor of interest at the rate of 10 per cent. per annum ; two in favor of 7 per cent., and one in favor of no interest. The committee therefore make no recommendation relating to interest.

The committee have also had under consideration H. F. No. 41, and have unanimously instructed me to report the same back to the House with the recommendation that it do not pass.

Mr. Acker moved to refer the report to the Committee of the Whole.

Which motion prevailed.

Mr. Acker introduced—

A bill relating to organization, and defining the duties of township officers.

Mr. Acker moved to suspend the rules so as to allow the bill to be read by its title.

Carried.

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

A bill to regulate and define the business of the several counties of this State.

Mr. Acker offered the following resolution :

Resolved, That the Senate be requested to meet this body in the Hall of House of Representatives, on Monday next, at 12 o'clock, M., to receive the State officers elect, and attend their inauguration. And that the Clerk be requested to inform the Senate of this action on the part of the House.

Carried.

Mr. Van Vorhes gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce

A bill to provide for the early publication of the general laws of the State in the various newspapers of the several counties.

Mr. Tollman introduced—

A bill for an act to alter the location of the Territorial road from Winnebago to St. Joseph, Stearns county.

Which had its first reading.

Mr. Stearns moved to suspend the rules so as to refer the bill to the member from Stearns county.

Which motion prevailed, and the bill was so referred.

Mr. McDonough gave notice that he would on to-morrow, or at some future day of the session bring in

A bill to vacate so much of the St. Paul and Traverse de Sioux Territorial road as lies in Le Sueur county.

Also,

To amend an act approved March 1st, 1856, in relation to Territorial roads.

Mr. Meighan introduced—

A bill for an act further defining the duties of Registers of Deeds in the several counties of this State.

Which had its first reading.

The Committee on the Judiciary introduced—

A bill for an act to amend an act allowing a change of venue in certain cases.

Which had its first reading.

S. F. No. 9. A memorial for the extension of the reciprocity treaty.

Was read the second time.

Mr. Robertson offered the following resolution:

Resolved, That the memorial in regard to the reciprocity treaty be referred to the Committee on Commerce, with instructions to inquire into the expediency of so amending the same, and to memorialise Congress also, in favor of a treaty of free trade between the United States and the Hudson's Bay Territory, north of the boundary of Minnesota.

Adopted.

S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties.

Was read the second time.

And was ordered engrossed and passed to a third reading.

S. F. No. 19. A bill for an act to attach the county of Manomin to Anoka county for Judicial purposes.

Was read a second time.

The concurrent resolution in relation to printing, adopted by the Senate Dec. 21.

Was read the second time.

H. F. No. 19. A bill for an act to create a lien in favor of mechanics and others.

Was read the second time.

Mr. Morrison moved to suspend the rules so as to refer the bill to the committee on the Judiciary.

Carried.

H. F. No. 20. An act regulating costs in civil actions.

Was read the second time.

Mr. Acker moved to refer the bill to the Committee of the Whole.

Carried.

Mr. Acker moved that the House resolve itself into Committee of the Whole, to take into consideration the majority and minority reports of the Committee on Elections, in the Dakota county case.

Carried.

Mr. Acker was called to the Chair.

After spending some time, the committee arose, and asked and obtained leave to sit again.

Mr. Hulett moved that the House take a recess until half-past 2 o'clock, P. M.

Carried.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Acker moved that the House resolve itself into a Committee of the Whole to further consider the reports of the Committee on Elections.

Mr. Acker was called to the Chair.

After spending some time in the consideration of the reports, the committee arose and reported back to the House the minority report with the resolution therein, with the recommendation that it be adopted.

Mr. Knox moved that the report be referred back to the committee.

Mr. Butler moved to amend by referring to a special committee of five.

Which amendment was accepted.

Mr. Stoek moved that the House adjourn.

And the yeas and nays being called for and ordered, there were yeas 23, nays 34, as follows:

YEAS.			
Mr. Aker,	Mr. Cherry,	Mr. Nettleton,	Mr. Stephenson,
Armstrong,	Garrard,	Roberts,	Stork,
Arnold,	Greene, of Steele,	Sanborn,	Tollman,
Barton,	Knox,	Scheffer,	Waldhier,
Beatty,	M'ighan,	Shultis,	Wilkins.
Burnham,	Mitch,	Skillman,	
28			
NAYS.			
Mr. Abraham,	Mr. Hunt,	Mr. Morrison,	Mr. Stearns,
Acker,	Johnson,	Olds,	Stevens,
Anderson,	Levens,	Ozman,	Temanson,
Austin,	Langworthy,	Pfender,	Van Vorhes,
Butler,	Letford,	Purdie,	Walker, Orange
Cleveland,	Mantor,	Sawyer,	Walker, H.
Coe,	McDonough,	Secombe,	Watson,
Dayton,	Mitchell,	Shrewsbury,	White,
Hulett,			Speaker,
34			

So the motion was lost.

Mr. Hulett moved the previous question.

Carried.

Mr. Robertson moved a call of the House.

Which was not ordered.

The question recurring upon the motion of Mr. Knox as amended.

And the yeas and nays being called for and ordered, there were yeas 17, nays 33, as follows :

YEAS.			
Mr. Armstrong,	Mr. Knox,	Mr. Morrison,	Mr. Scheffer,
Beatty,	Lefford,	Mitch,	Skillman,
Cleary,	Meighan,	Nettleton,	Stephenson,
Greene, of Steele,	McDonough,	Robertson,	Tollman,
Hunt,			17
NAYS.			
Mr. Aaker,	Mr. Dayton,	Mr. Olds,	Mr. Stevens,
Abraham,	Garrard,	Ozman,	Stock,
Acker,	Hulett,	Pfaender,	Temanson,
Anderson,	Johnson,	Purdie,	Van Vorhes,
Arnold,	Langworthy,	Sawyer,	Walker, H.
Austin,	Levens,	Secombe,	Watson,
Burnham,	Mantor,	Shrewsbury,	White,
Cleveland,	Mitchell,	Stearns,	Speaker.
Coe,			33

So the motion was lost.

Mr. Robertson moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abraham, Acker, Anderson, Armstrong, Arnold, Austin, Barton, Beatty, Burnham, Butler, Cleary, Cleveland, Coe, Dayton, Garrard, Greene of Steele, Hulett, Hunt, Johnson, Knox, Langworthy, Levens, Letford, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Ozman, Pfaender, Purdie, Robertson, Sawyer, Scheffer, Secombe, Shrewsbury, Shultis, Skillman, Stearns, Stevens, Stephenson, Stock, Temanson, Tollman, Van Vorhes, Waldhier, H. Walker, Orange Walker, Watson, White, Wilkins and the Speaker.

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

Which motion prevailed.

Mr. Secombe moved the previous question.

Which was ordered.

The question recurring on the main question.

And the yeas and nays being called for and ordered, there were yeas 34, nays 20, as follows :

YEAS.			
Mr. Abraham,	Mr. Dayton,	Mr. Mitchell,	Mr. Stearns,
Acker,	Garrard,	Olds,	Stock,
Anderson,	Hunt,	Ozman,	Stevens,
Arnold,	Johnson,	Purdie,	Temanson,
Austin,	Langworthy,	Sawyer,	Van Vorhes,
Burnham,	Levens,	Secombe,	Walker, H.
Butler,	Letford,	Shrewsbury,	Watson,
Cleveland,	Mantor,	Skillman,	White,
Coe,	McDonough,		34

YAYS.

Mr. Aaker,	Mr. Hulett,	Mr. Nettleton,	Mr. Stephenson,
Armstrong,	Knox,	Pfender,	Tollman,
Beatty,	Melghan,	Robertson,	Walker, Orange
Cleary,	Mitch,	Scheffer,	Wilkins,
Greene of Steele,	Morrison,	Shultis,	Speaker, 20

Mr. Secombe moved to reconsider the vote.

Mr. Robertson moved to lay the motion on the table.

Lost.

The question recurring upon the motion to reconsider,

It was lost.

Mr. Abraham moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

EIGHTEENTH DAY.

FRIDAY, Dec. 30, 1859.

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

The roll was then called and the following members found absent:

Messrs. Abbott, Baldwin, Chadderton, Donohue, Fox, Garrard, Green of Olmsted, Hunt, Mann, Rehfeld, Renz, Robertson, Roy, Stephenson, Stewart, Sweet, Taylor, Thayer, Tollman and Trow.

The journal of yesterday was read and approved.

Mr. Secombe moved that Messrs. Hayes and Bixler be allowed to subscribe to the oath of office and take their seats.

Carried.

A. M. Hayes and Moses Bixler then came forward and took and subscribed the oath of office, and took their seats as Representatives from Dakota county.

Mr. Mitchell presented the petition of M. K. Drew, and others, of Winona, as follows:

To the Honorable the Senate and House of Representatives of the State of Minnesota.

The petition of the subscribers, citizens of the City and County of Winona, respectfully petition your honorable body—

1. That you will give us such legislation at your present session, as will reduce the representation of the Legislature for the next session at least one half.

2. That you will abolish the act passed August 18th, 1858, and known as an "act to provide for township organization," and restore the former commissioner system.

3. That you will amend the act regulating the fees of Registers of Deeds, by reducing the rates of recording to at least eight cents per folio.

4. That you will amend an act regulating the fees of the Clerk of the District Court, by reducing the fees for the same at least one-third.

5. That you will amend an act regulating the fees of County Treasurers, by reducing the same at least one-third; and that you will further amend an act regulating the sale of delinquent lands for taxes, so as to give the officer a per centage upon the amount for which said lands are sold.

6. That you will pass an act regulating the number of collectors in each town to one person.

And your petitioners, as in duty bound, will ever pray.

Mr. Mitchell moved that the petition be referred to the committee on Retrenchment and Reform.

Carried.

The Speaker presented a communication from the Governor, transmitting the report of the Warden of the State Prison. [See Appendix.]

Mr. Secombe moved that the report be laid upon the table and ordered printed.

Carried.

Mr. Morrison offered the following resolution:

Resolved, That the Governor and State officers be invited to participate in the ceremonies of inauguration to take place in the Hall of the House of Representatives on Monday next.

Adopted.

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

A bill for an act to provide for the registration of the votes of this State.

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

A bill for an act in relation to costs in all criminal actions in this State.

Mr. Purdie introduced—

A bill for an act to legalize the survey of the town of New Ulm.

Which had its first reading.

Mr. Sanborn asked and obtained leave of absence for Mr. Hayes until next Tuesday.

Mr. Stearns moved that the rules be so far suspended as to allow the bill introduced by Mr. Pfaender to be referred to the members from Brown county.

Carried.

Mr. Van Vorhes introduced—

A bill for an act to provide for the early publication of the laws in the newspapers of the State.

Which had its first reading.

Mr. Stevens moved that the rules be so far suspended as to allow the bill to be referred to the committee on Printing without printing.

Carried.

S. F. No. 29. A bill for an act to appropriate money for certain purposes named therein.

Was read a first time.

Mr. Stearns moved a suspension of the rules, so as to refer the bill to the committee of the Whole without being printed.

Carried.

Mr. Sawyer moved that the rules of the House be so far suspended as to allow Senate File's 6, 15, 16, 17, 18, 19, to go to the appropriate committees without being printed.

Carried.

Mr. Morrison introduced—

A bill for an act to amend the Homestead Law.

Which was read a first time.

Mr. Kinkead introduced—

A bill for an act to amend section 2 of an act entitled an act to locate and establish a State road from St. Cloud to Breckenridge, approved February 8, 1858.

Which had its first reading.

Mr. Stevens moved to suspend the rules so as to allow the bill without printing to be referred to the member from Stearns county.

Carried.

And the bill was so referred.

Mr. Kinkead introduced—

A bill for an act to authorize the county commissioners of Douglas county to issue bonds.

Which was read a first time.

Mr. Abraham moved to suspend the rules so as to refer the bill to the member from that district.

Carried.

And the bill was so referred.

Mr. Knox introduced the following resolution :

Resolved, That this House adjourn on or before two o'clock each day of this session hereafter.

Mr. Stevens moved to lay the resolution on the table.

Carried.

The memorial of Mr. Purdie to the Postmaster General for the establishment of a mail route from Chatfield to Winnebago.

Had its second reading.

Mr. Stevens moved to lay the memorial on the table.

Lost.

Mr. Langworthy offered the following amendment :

"To strike out the words 'High Forest' and insert the words 'Hamilton in Fillmore county.'"

Mr. Purdie moved to suspend the rules so as to refer the memorial and amendments to the committee on Federal relations.

Carried.

The following message was received from the Senate:

Mr. Speaker—

I have to announce to the House the concurrence of the Senate in the adoption of the accompanying joint resolutions herewith returned to the House.

Also,

The passage of H. No. No. 1.

A. B. WEBBER, Secretary.

S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties.

Had its third reading.

Mr. Secombe moved to suspend the rules so as to refer the bill to the committee on the Judiciary.

Carried.

Mr. Stearns moved that the House resolve itself into a Committee of the Whole, for the purpose of taking into consideration the bills so referred.

Carried.

Mr. Sanborn was called to the Chair.

After spending some time in Committee of the Whole, the committee arose, and reported that they had sundry bills under consideration, and asked leave to sit again.

Mr. Abraham moved that the House take a recess until half-past two o'clock.

Carried.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

Mr. Sawyer moved to proceed to the third reading and final passage of H. F. No. 27.

Carried.

H. F. No. 27. A memorial to the Post Master General for an increase of mail service on routes 13504 and 13387.

Was read the third time.

Mr. Stearns moved that the memorial be indefinitely postponed.

Lost.

Mr. Sawyer moved to lay the memorial on the table.

Carried.

Mr. Morrison moved that the House resolve itself into a committee of the Whole, for the purpose of taking into consideration the business before said committee.

Carried.

Mr. Sanborn was called to the chair.

After spending sometime therein, the committee rose and reported progress, and asked leave to sit again.

Leave was granted.

Mr. Robertson moved that when the House adjourn, it adjourns until Monday.

And the yeas and nays being called for and ordered, there were yeas 14, nays 38, as follows:

YEAS.

Mr. Anderson,	Mr. Mitsch,	Mr. Robertson,	Mr. Shultis,
Johnson,	Olivier,	Sanborn,	Stearns,
Leaves,	Pfander,	Secombe,	White,
McDonough,	Purdie,		

NAYS.

Mr. Aaker,	Mr. Cleveland,	Mr. Letford,	Mr. Stevens,
Abraham,	Coe,	Mantor,	Stock,
Armstrong,	Dayton,	Melghan,	Temanson,
Arnold,	Garrard,	Morrison,	Walker, H.
Austin,	Greene, of Steele,	Osds,	Walker, Orange,
Brooks,	Hunt,	Ozman,	Watson,
Burnham,	Hulett,	Sawyer,	Wilkins,
Butler,	Kinkead,	Shrewsbury,	Speaker,
Cleary,	Knox,	Skilman,	

So the motion was lost.

Mr. Leavens asked and obtained leave of absence until Friday.

Mr. Abraham moved that the House adjourn.

Carried. **AMOS COGGSWELL, Speaker.**

Attest: **JARED BENSON, Chief Clerk.**

EIGHTEENTH DAY.

SATURDAY, Dec. 31, 1859.

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

The roll was then called and the following members found absent:

Messrs. Abbott, Baldwin, Beatty, Brooks, Burnham, Chadderdon, Donohue, Fox, Greene of Olmsted, Mann, Morrison, Rehfeld, Renz, Robertson, Roy,

Scheffer, Sherwood, Shriner, Stephenson, Stewart, Sweet, Taylor, Thayer, Tollman, Trow, White and Willey.

The journal of yesterday was read and approved.

Mr. Stoek presented a petition from citizens of Blue Earth and Faribault counties, for an extension of time for the payment of taxes.

Mr. Meighan moved that the petition be referred to the Committee on Ways and Means.

Carried.

Mr. Mitchell, from the Committee on the Judiciary, presented the report of said committee on the resolution referred to said committee on capital punishment, as follows :

Your Committee on Judiciary, in accordance with a resolution of your honorable body, instructing them to inquire into the expediency of abolishing capital punishment in this State, beg leave to submit the following report :

That they have given the subject as much attention as was within their power, which, however, they regret to say, has not been equal to the importance of the subject.

Under our criminal code we have three degrees of murder, and four of manslaughter, constituting a regular graded series of crime, from the lowest degree of manslaughter to murder in the first degree, which last is the only crime punishable by death in our State. And murder in the first degree, by our statutes, is "the killing of a human being without the authority of law, perpetrated with a premeditated design to effect the death of the person killed, or any human being." Therefore, it is only the most cold blooded, wilful and premeditated murder that is punishable with death. But when the unlawful killing is attended by any circumstances of extenuation or doubt as to the degree of guilt such crime falls under the definition of one of the lower degrees of murder, or one of the various degrees of manslaughter. Shall then the death penalty be removed from the crime of wilful and premeditated murder, is practically the question before your committee. And they are unanimously of the opinion that it ought not to be abolished.

First—Because the wilful and premeditated taking of human life is separated by an almost infinite space from every other crime, in the degree of its enormity, and ought to be distinguished from every other crime by a distinctive punishment, which would not be the case if it were punished by imprisonment like other felonies.

Second—That the universal feeling of mankind, in all ages and all places, has been that he who had willfully shed the blood of his fellow, had thereby forfeited his own.

Third—That the death of the murderer is sanctioned by divine authority, promulgated to the common father of the post deluvian world, "*who so sheddeth men's blood, by men shall his blood be shed,*" a mandate, evidently from the time, place and manner of its announcement, intended to be of universal and perpetual authority and force.

Fourth—That the abolition of the death penalty would increase the crime of murder, inasmuch as by destroying the now marked distinction of punishment, we would thereby destroy the distinctive character of the crime, and the taking of life would soon be considered on a level with the unlawful taking of property. And because imprisonment be less severe punishment, would be less efficacious in the prevention of crime, and your committee are of opinion that it is the duty of society to inflict the severest penalty which she has the right to inflict, in order to prevent the crime of murder.

Fifth—Our penal code almost precludes the possibility of an innocent person suffering the death penalty, because when indicted for murder in the first degree, if there be the least doubt or scruple as to the degree of guilt of the accused, the jury can always find him guilty of one of the lower degrees of murder, or one of the various degrees of manslaughter, which are only punishable by imprisonment. And above all stands the pardoning or commuting power of the Governor, to annul or modify the verdict of the jury should they be in any way biased or misled.

Sixth—That inasmuch as our imprisonment system is as yet very imperfect and insecure in this State, your committee are of opinion that the abolition of capital punishment would lead to what is termed "Lynch law," because, were a cold blooded murder committed, the populace feeling that even if convicted, the culprit in all probability would soon escape, and again be at large in society, and thus escape the just merits of his offence, would, under the excitement of the occasion, and a deep feeling of the wrong committed, and the uncertainty of the punishment, speedily take the law into their own hands, and execute speedy vengeance.

For these and various other considerations, which your committee have not the time at present to enumerate, they are of the opinion that it would neither be right or expedient to take away the death penalty from the crime of *premeditated murder*, as at present regulated by statute in our State, sanctioned as that penalty is by the universal consent of all nations, in all ages, and authorized by the Deity himself.

JOHN B. SANBORN,

WM. MITCHELL,

D. A. ROBERTSON.

Committee on Judiciary.

Mr. Acker moved to refer the report to the Committee of the Whole.

Mr. Stearns moved to lay the report on the table.

Lost.

Mr. Hulett moved to indefinitely postpone the report.

And the yeas and nays being called for and ordered, there were yeas 11, nays 42, as follows :

YEAS.

Mr. Acker, Abraham, Anderson,	Mr. Burnham, Cleary, Garrard,	Mr. Hulett, Meighan, Mitch,	Mr. Stevens, Webster,	11
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NAYS.

Mr. Acker, Armstrong, Arnold, Austin, Bixler, Brooks, Butler, Cleveland, One, Dayton, Greene of Steele,	Mr. Hunt, Johnson, Kilhead, Knox, Leavens, Langworthy, Letford, Manor, McDonough, Mitchell, Nuttallton,	Mr. Olds, Olivier, Osman, Pinder, Purdie, Robertson, Sanborn, Sawyer, Secombe, Shrewsbury,	Mr. Shultis, Skilman, Stearns, Stork, Temanson, Van Vries, Walker, H., Walker, Orange, Wilkins, Speaker.	42
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So the motion was lost.

11

The question recurring upon referring the report to the Committee of the whole.

It was carried.

The Committee on the Judiciary presented a report upon an act entitled an act to incorporate the Town of Moritzious as follows :

The Committee on the Judiciary, to whom was referred a bill for an act to amend an act entitled an act to incorporate the town of Moritzious, have had the same under consideration, and report that said bill simply provides for the correction of an error committed by the Enrolling Clerk of the House of Representatives of the Legislature of 1858, as appears by the annexed letter from Gov. Sibley, and they therefore report the bill back to the House, with the recommendation that it pass.

JOHN B. SANBORN, Chairman.
D. A. ROBERTSON.
WM. MITCHELL.

EXECUTIVE OFFICE,
St. PAUL, April 18, 1859. }

I have examined the bill passed by the Legislature of this State at its last session, entitled "an act to incorporate the town of Moritzious," approved August 13th, 1858, and find that the engrossed bill describes the lands within the corporate limits to be "lots numbered two (2) and three (3,) of section twelve, (12,) and the east half of the south-east quarter, and the north-west quarter of the south-east quarter, and lot numbered one (1,) in section eleven (11,) in township numbered one hundred and twenty-one (121,) north of range twenty-five (25,) west, in the county of Wright, in the State of Minnesota." The enrolled bill signed by the Governor, contains the same description of land, with the exception that the east half of the *south-west* quarter is substituted for the east half of the *south-east* quarter; and my belief is that the error was made in transcribing the bill, and that the engrossed bill contains the description intended to be given by the Legislature. The journals of the House do not show that the bill was amended after engrossment.

HENRY H. SIBLEY,
Governor of the State.

I certify the above to be a true copy of the original, taken from the Executive Letter-Book, page 189.

WM. F. WHEELER,
Private Secretary to the Governor.

Mr. Mitchell moved to refer the report to the Committee of the Whole.

Mr. Secombe moved to amend by striking out "of the whole," and inserting "incorporations."

Which amendment was accepted.

The motion as amended was carried.

Mr. Letford presented the report of the Committee on Engrossment, as follows:

The Committee on Engrossment beg leave to report as correctly engrossed:

H. F. No. 2. A bill for an act to amend section 134, of chapter 59, of the revised statutes, the same being sections 147, of chapter 59, on page 518 of the public statutes of Minnesota,

H. F. No. 3. A bill for an act authorizing the Governor to secure to the State the five per cent of the nett proceeds of the sales of public lands within the State.

H. F. No. 7. A bill for an act to amend an act to regulate the traffic in Logs and Lumber.

H. F. No. 27. A memorial to the Post Master General for an increase of mail service on routes 13504 and 13578.

H. F. No. 37. A joint resolution for a committee on Railroads,

J. S. LETFORD,
Chairman.

Adopted.

Mr. Pfander presented the report of the members from Brown county, to whom was referred the bill to legalize the re-survey of the Town of New Ulm, as follows :

The members from Brown county, to whom was referred "a bill for an act to legalize the re-survey of New Ulm," hereby report the same back to the House, with the recommendation that it pass.

JOHN ARMSTRONG,

WM. PFAENDER.

Members of Brown County.

Adopted.

The bill was ordered engrossed and passed to a third reading.

Mr. Sanborn offered the following resolution :

Resolved, That a committee of four be appointed by the Speaker, to make such arrangements for the inauguration ceremonies on Monday next, as they shall deem expedient, and to extend such invitations to officers and private individuals to be present on the occasion as they shall deem proper.

Adopted.

The Speaker appointed as such Committee, Messrs. Sanborn, Robertson, Dayton and Kinkead.

Mr. Sanborn introduced—

A bill for an act to amend section 22, on page 13 of the laws of 1858.

Which was read a first time.

Mr. Meighan introduced—

A bill for an act in relation to costs in all criminal actions in this State.

Which had its first reading.

Mr. Stearns moved that the bill be rejected.

Carried.

H. F. No. 16. A bill for an act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money.

Came up for a second reading.

Mr. Sanborn moved to suspend the rules of the House so that the bill be read by its title.

Carried.

And the bill was so read.

Mr. Sanborn moved that the bill be referred to the Committee of the Whole.

Carried.

H. F. No. 17. A bill for an act prescribing the duties of County Auditor. Was read the second time.

Mr. Garrard moved that the rules be so far suspended as to refer the bill to the Committee of the Whole.

Carried.

H. F. No. 18. A bill for an act amending the Common School Law of the State of Minnesota.

Was taken up for a second reading.

Mr. Abraham moved to suspend the rules so as to dispense with the further reading of the bill.

Carried.

Mr. Abraham moved that the bill be referred to the Committee of the Whole.

Lost.

Mr. Olds moved to refer the bill to the Committee on Schools and School Lands.

Carried.

H. F. No. 22. A bill for an act to prevent abuses in the use of intoxicating drinks.

Was read the second time.

Mr. Cleveland moved that the bill be referred to the Committee of the Whole.

Carried.

H. F. No. 23. A bill for an act providing for the election and prescribing the duties of County Surveyors, and repealing article 7, chapter 8 of revised statutes, and other laws relating to the same, recorded on page 167 and 168, on the Statutes of Minnesota.

Was taken up for a second reading.

Mr. Cleveland moved that the reading of the bill be dispensed with, and the bill be referred to the Committee of the Whole.

Carried.

H. F. No. 29. A bill for an act to provide for compensation of the members and officers of the Legislature, and the contingent expenses of the Senate and House of Representatives.

Was read the second time.

Mr. Sanborn moved that the bill be indefinitely postponed.

Carried.

H. F. No. 30. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State.

Was read a second time, and referred to the Committee on Retrenchment and Reform.

H. F. N. 2. A bill for an act to amend section 134, of chapter 59 of the revised statutes, the same being section 147 of chapter 59, on page 518, of the public statutes.

Was read a third time and put upon its final passage.

And the yeas and nays being called for and ordered, there were yeas 43, nays 3, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Mantor,	Mr. Threwsbury,
Abraham,	Garrard,	Melghan,	Stearns,
Anderson,	Greene, of Steele,	McDonough,	Shults,
Arnold,	Hulett,	Mitchell,	Skillman,
Austin,	Hunt,	Mitsch,	Stock,
Bixler,	Johnson,	Nettleton,	Temanson,
Brooks,	Kinkead,	Olds,	Van Vorhes,
Burnham,	Knox,	Pfaender,	Walker, Orange
Butler,	Langworthy,	Purdie,	Watson,
Cleary,	Leavens,	Sanborn,	Wilkins,
Cleveland,	Letford,	Sawyer,	

48

NAYS.

Mr. Dayton,	Mr. Stevens,	Mr. Walker, H.
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8

So the bill was passed and the title agreed to.

H. F. No. 3. An act to authorize the Governor to secure to the State the five per centum of the sale of public lands.

Was read a third time and put upon its passage.

And the yeas and nays being called for and ordered, there were yeas 52, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. McDonough,	Mr. Shults,
Abraham,	Dayton,	Melghan,	Skillman,
Acker,	Garrard,	Mitchell,	Stearns,
Anderson,	Greene, of Steele	Mitsch,	Stevens,
Armstrong,	Hulett,	Nettleton,	Stock,
Arnold,	Hunt,	Olds,	Temanson,
Austin,	Johnson,	Ozman,	Van Vorhes,
Bixler,	Kinkead,	Pfaender,	Walker, H.
Brooks,	Knox,	Purdie,	Walker, Orange
Burnham,	Langworthy,	Robertson,	Webster,
Butler,	Leavens,	Sanborn,	Wilkins,
Cleary,	Letford,	Sawyer,	Watson,
Cleveland,	Mantor,	Shrewsbury,	Speaker.

53

So the bill was passed and the title agreed to.

H. F. No. 7. An act to amend an act entitled an act to regulate the traffic in logs and lumber.

Was read a third time and put upon its passage.

And the yeas and nays being called for and ordered, there were yeas 47, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. McDonough,	Mr. Shults,
Abraham,	Dayton,	Melghan,	Stevens,
Anderson,	Garrard,	Mitchell,	Stock,
Armstrong,	Hulett,	Olds,	Temanson,
Arnold,	Hunt,	Ozman,	Van Vorhes,
Austin,	Johnson,	Pfaender,	Walker, H.
Brooks,	Kinkead,	Purdie,	Orange Walker,
Bixler,	Knox,	Sawyer,	Wilkins,
Burnham,	Langworthy,	Sanborn,	Watson,
Butler,	Leavens,	Shrewsbury,	Webster,
Cleary,	Letford,	Skillman,	Speaker.
Coe,	Mantor,	Stearns,	

47

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

H. F. No. 27. A joint resolution on Railroads,

Was read a third time.

Mr. Robertson moved that the resolution, and all others upon the same subject, be made the special order of the day for Tuesday next.

Carried.

Mr. Stearns moved that the House resolve itself into a Committee of the Whole, to take into consideration the bills so referred:

Mr. Shrewsbury moved to take a recess until two o'clock, P. M.

Mr. Langworthy moved to amend by striking out "two" and inserting "half past two."

Which amendment was accepted.

The question then recurring upon the motion as amended,

It was lost.

The question recurring upon the motion of Mr. Stearns,

It was carried.

So the House resolved itself into committee of the Whole.

Mr. McDonough was called to the chair.

After spending some time in the consideration of H. F. No. 38, the committee rose and reported the bill back, with amendments, to the House, and recommended its passage.

Mr. Burnham moved to adjourn.

Lost.

The question recurring upon the amendment to section four of H. F. No. 38,

And the yeas and nays being called for and ordered, there were yeas 29, nays 16, as follows :

YEAS.

Mr. Abraham,	Mr. Garrard,	Mr. Letford,	Mr. Stearns,
Anderson,	Greene, of Steele,	Mantor,	Shuttle,
Arnold,	Hunt,	Olds,	Stevens,
Austin,	Johnson,	Pfander,	Stock,
Bixler,	Knead,	Purdie,	Van Vorhes,
Burnham,	Knox,	Sawyer,	Wilkins,
Cleveland,	Langworthy,	Shrewsbury,	Speaker,
Coe,			

29

NAYS.

Mr. Aaker,	Mr. Pulett,	Mr. Misch,	Mr. Walker, H.
Burder,	McDonough,	Robinson,	Walker, Orange
Cery,	Mighan,	Sanborn,	Watson,
Dayton,	Mitchell,	Temanson,	Webster,

So the amendment was adopted.

The question recurring upon the amendment to section 7.

It was carried.

Mr. Stearns moved to lay the bill as amended, upon the table.

Carried.

Mr. Stevens moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

TWENTIETH DAY.

MONDAY, Jan. 2, 1860.

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

The roll was called, and the following found absent :

Messrs. Abbott, Baldwin, Beatty, Caskey, Chadderdon, Fox, Garrard, Hayes, Hulett, Hunt, Kinkead, Leavens, Mann, Morrison, Olivier, Purdie, Rehfeld, Robertson, Roy, Sanborn, Secombe, Shriner, Shultis, Skillman, Stearns, Stephenson, Stewart, Taylor, Thayer, Tollman, Van Vorhes and Willey.

The journal of the preceding day was read and approved.

Mr. Acker presented the report of the committee upon Retrenchment and Reform, as follows :

The committee upon Retrenchment and Reform having had before them, and having duly considered the various propositions submitted to them as pertaining to their duties, and requiring their action, and keeping in view the peculiar and embarrassed condition of our State and people, and entertaining the conviction that salaries, expenses and taxation should be very materially reduced as an incentive to renewed exertion on the part of our people, and believing that this may be all accomplished without injury to the public service or dealing unjustly with public officers, and to the evident benefit of the people at large. Your committee therefore recommend,

First—That the salary of the Governor be established by an act of the Legislature at one thousand two hundred and fifty dollars per annum ; that of Secretary of State at one thousand dollars per annum, and that the office of Assistant Secretary of State be abolished ; that the Auditor and Treasurer each a salary of eight hundred dollars per annum, and the Attorney General six hundred dollars ; and to abolish the office of Superintendent of the Capitol and transfer his duties to the State Treasurer, without expense to the State. To revise and materially reduce the expenses of our Courts and the fees of public officers, and to provide by law for the payment of jurors in all civil actions, by litigants. To reduce the number to eighteen members of the Senate, and those of the House to forty ; and to divide the State into single Senatorial and Representative districts, as far as practicable. Your committee also recommend the retention of the Supervisor system of township organization, with such modifications and limitations as experience has proved to be necessary.

And your committee further recommend, that the following amendment to the Constitution of this State be submitted to the people thereof at the township elections to be held on the first Monday in April next, viz :

1. To change the Constitution so that the judges may be reduced to five.
2. To abolish the system of grand jurors
3. To limit the sessions of the Legislature to fifty days.

HENRY ACKER,
IRVINE SHREWSBURY.

I agree to all but the two first amendments to the Constitution.

A. J. OLDS.

Mr. Acker moved that the report lie on the table and be printed.

Carried.

Mr. Johnson gave notice that he would on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill for an act to amend an act entitled an act to establish the term of the District Courts of the State.

Also,

A bill for an act to amend sections 16 and 17, chapter 12, of the revised statutes.

Mr. Stearns moved that H. F. No. 38, now lying on the table be printed.

Carried.

H. F. No. 33. Joint resolution in regard to the appointment of a committee to report joint rules for both Houses,

Was read the second time.

And was ordered to be engrossed and passed to a third reading.

H. F. No. 39. A bill for an act for filing marks, brands, and chattel mortgages,

Was read a second time.

Mr. Olds moved to refer the bill to the committee on the Judiciary.

Carried.

Mr. Sweet from the committee on Enrollment presented the following report:

The committee on Enrollment have examined, and report to the House as being correctly enrolled—

H. F. No. 1. A bill for an act to abolish the office of Prosecuting Attorney of the several judicial districts in this State,

And have presented the same to the Governor for his approval and signature.

G. W. SWEET,
J. A. ANDERSON,
Committee.

H. F. No. 43. A bill for an act fixing and regulating the fees of Sheriffs

Was read a second time.

On motion, the bill was ordered engrossed and passed to a third reading.

Mr. Dayton moved that the House take a recess until fifteen minutes before 12, for the purpose of preparing for the inauguration ceremonies.

Carried.

At fifteen minutes before 12 o'clock the House was called to order by the Speaker.

The President, members and officers of the Senate were announced by the Sergeant-at-Arms.

On motion the House took a recess for the purpose of going into joint Convention to conduct the ceremonies of inauguration.

JOINT CONVENTION.

His Excellency Gov. H. H. Sibley, and the Governor elect, Alex. Ramsey, Ignatius Donnelly, Lieutenant Governor elect, Francis Baasen, Secretary of State, and J. H. Baker, Secretary of State elect, G. W. Armstrong, Treasurer, and Charles Scheffer, Treasurer elect, and Gordon E. Cole, Attorney General elect, then entered the Hall.

The oath of office was then administered to each of the officers elect, by Chief Justice Emmett of the Supreme Court.

His Excellency Gov. Ramsey then delivered to the Convention the following inaugural message :

Gentlemen of the Senate and House of Representatives :

The positions of trust with which we have been honored by the suffrages of the people, impose upon us, at this time, responsibilities of unusual moment.

The financial embarrassments of the State and the people ; the universal depreciation of the value of property ; the general stagnation of business ; the expensiveness of our State, county and township governments, and the consequent onerous taxation ; the complication of the State with the Land Grant Railroad Companies ; and the utter derangement of the currency through an unfortunate administration of the existing law relating to banking ; these and other things, present for our action questions of importance and difficulty, such as Legislatures and Executives are seldom called upon to determine. Let us meet them at once, and dispose of them promptly, with singleness of purpose and honest judgment directed to the best interests of the State, and doubt not, that though the necessities of the times require much at our hands, the justice of the people will accept and approve our doings.

Minnesota, during the few months of her existence as a State, has indeed had occasion to try the uses of adversity. That monetary crisis, which scattered ruin through the commercial world in 1857, would, for obvious reasons, be more severe and disastrous in a young frontier State, than elsewhere. Not having yet arrived at that stage when our community was self-sustaining, we were greatly dependent upon the wealth of our immigration, and the money of capitalists from abroad, sent here for profitable investment. Numbers of our adventurous and hopeful people had embarked in magnificent projects, and enterprises of great pith and moment, with scarcely any capital of their own beyond their strong arms and stout hearts. Many of our farmers were still in debt for their farms, their stock, or improvements, and few of them produced more than enough for their own consumption. We imported everything we had occasion to use. A very large proportion of the population was engaged in trade and more or less legitimate speculation. Such, indeed, has been the earlier condition of every State in the thriving West.

Upon such a community the sudden withdrawal of that credit upon which it had relied, the checking of immigration, the prostration of business and as the consequences of a financial revulsion must be more lasting and injurious. Legislation is powerless to cure such evils. The remedy lies in the people ; and in, and for them, beyond the clouds of to-day, there is a future, bright with promise.

Contrast the condition of the State of Minnesota, to-day, with that of the Territory of Minnesota, ten years ago. Then, no thriving towns dotted our fertile prairies, or welcomed the steamboat to their crowded levees ; no steam-

boats daily ploughed our navigable waters; no mills on every stream converted the monarchs of the forest into lumber, or the cereal growth into flour; and the unfurrowed fields smiled with no beautiful harvests. The population of the Territory scarcely reached five thousand, and the total valuation of property was but little over eight hundred thousand dollars.

The present population is probably one hundred and eighty thousand. The assessed value of taxable property for 1858, was over forty millions of dollars. In other words, the population has, on the average doubled every two years, and our wealth has increased even more rapidly. If we look at the business and enterprise of the State, the growth has been no less vigorous. The following statistics are prepared from a township canvas, embracing nearly every district, and are undoubtedly reliable. They show the present extent of our farming interest, which will always be the leading one, and also the fitness and capabilities of our soil and climate for agricultural purposes:

Whole area under cultivation, 1859	464,600 acres.
Number of farms	21,533
Average of tilled land per farm	21½ acres.

PRODUCTS OF 1859.

Bushels of Wheat harvested	3,435,950
“ Corn “	3,476,950
“ Oats “	3,309,480
“ Potatoes, about	3,000,000

EXPORTS OF GRAIN AND PRODUCE FROM THE RIVER TOWNS OF MINNESOTA:

Wheat	372,625 bushels.
Oats	175,500 “
Corn	47,742 “
Potatoes	117,000 “

In addition to the above exports, a great deal of produce of the Southern tier of counties was shipped from ports in Iowa. Cranberries and Ginseng are gathered for exportation, but they hardly pertain to agriculture. Wool already begins to form an article of exportation. Hides form a considerable item, and butter is exported to some extent.

The aggregate value of the total products of wheat, oats, corn and potatoes at the average current prices during the fall, amounts to about four millions of dollars, and the value of the exports, to four hundred thousand dollars. About 3,000,000 of bushels of wheat, harvested last year, are yet within the State. 1,000,000 of bushels are surely sufficient for our home consumption for one year, leaving a surplus still in the State, waiting a market, of 2,000,000 bushels. Calculate the surplus of each other article enumerated above, and estimate the value, and it will appear, that we have an agricultural surplus, the production of the tenth year of our existence, worth probably two million dollars.

The question of providing an outlet to a market, for this and a future greater surplus, will hereafter demand consideration. It is apparent at a glance with what relief we should be sensibly affected, if what we have to sell, could find a cheap and speedy transit to those who have to buy.

The average yield of wheat per acre, for the past year, in this State, was over twenty bushels. This, which is nearly double the average yield in the so called wheat-growing States, indicates either an extraordinary year, or a better adaptation of soil and climate to wheat culture. Probably the season has been unusually productive, but it has long been claimed, by those who have had the opportunity to know, that Minnesota does, in fact, surpass the other Mississippi States, in that particular.

The statistic of manufactures, though less complete, are not less encouraging. The following is a statement of exports of Lumber, Logs, &c., from Minnesota :

	From St. Anthony.	St. Croix Valley.
Sawed Lumber.....	3,000,000 ft.	30,000,000 ft.
Laths	4,100,000 ft.	15,000,000 ft.
Shingles	5,200,000 ft.	1,000,000 ft.
Logs	31,000,000 ft.	40,000,000 ft.
Long Lumber	9,490,993 ft.	
Value of exports at place of shipment :		
33,000,000 feet sawed lumber at \$8 per M		\$264,000
19,000,000 Laths, a \$1.25		23,750
6,200,000 Shingles, a \$2.50		15,500
71,000,000 Logs, a \$4.00		284,000
9,490,993 Long Lumber		99,649
Total		\$686,899

The Surveyor General of the First Lumber District reports as scaled in his District :

Logs.....	65,392,230 ft.
Lumber	9,143 ft.
Logs unsurveyed, (estimated).....	5,000,000 ft.
The Surveyor General of Second District reports :	
Logs.....	29,382,000 ft.

Total\$99,783,373 ft.

The amount scaled in the other districts is not ascertained.

Such was our commencement, and such has been our growth. Iowa, from 1840 to 1850, quadrupled her population : up to 1859, that State had almost quadrupled the population of 1850. Suppose our progress is only as rapid as that of Iowa during the last named period ; then, in 1870 we shall be a State of between 600,000 and 700,000 inhabitants, with an assessed valuation of property amounting to \$200,000,000. Nor is this improbable. If, while we were few in number, with scarcely any capital, our country unknown, its advantages unnoticed, its productiveness of soil and salubrity of climate, at first unsuspected, then unacknowledged, and at length envied, we have accomplished so much as the record of the past exhibits, what may we not reasonably hope to attain before 1870, having now a capital, a population, a name and a history ?

The day cannot be far distant, notwithstanding the errors of the past, and the darkness of the present, when Minnesota, guided by wise and prudent counsels, shall be as prosperous in her affairs, as she is blessed of Heaven in her advantages.

Let the Legislature contribute to that result, by so reducing the scale of expenditures, that taxation shall not eat up the substance of the people ; by so disposing of the question of the State Railroad Bonds, that while on the one hand emigration shall not be driven from our soil, by the dread of an enormous public debt, on the other, the settler from the East or from Europe, seeking a home in the West, shall not shun us for lack of those facilities of communication to be found in other States ; and by adopting such a banking law as shall effectually prevent the issue of currency upon a pledge of stocks without a market value, sufficient in any event to secure the bill-holder, at least, from ultimate loss.

A through revision of all laws whereby the expenses of Town, County or State governments can be reduced, is imperative. It is to be regretted that such a scale of expenditure, for some or all of these governments, was adopted in the midst of the ruin following the revulsion of 1857, and that no change or reform has been attempted for full two years of sacrifices and distress. The necessity for your prompt action is therefore the more pressing. To begin with the lowest, the burden of the Township and County government under the present law, is seriously complained of. It is conceded that the system is well adapted to an older and more populous State, while at present, it imposes an expense for their support too heavy for a sparse population to bear. It occurs to me to suggest, that the system of town government, now beginning to be understood and soon to become necessary need, need not be entirely abandoned. If the voters of the several townships had the power at their town meetings to determine the compensation to be paid their several township officers, except Justices of the Peace and Constables, there could be no just complaint on the part of the town; for, no doubt, as long as towns should be unable to pay their officers, as at present, the worthiest men would freely give their services.

The *per diem* of the present Boards of County Supervisors undoubtedly exceeds that of the former Boards of Commissioners, since the Supervisors are more numerous. But it may not be certain, that the difference is not made up, in the more careful and economical management of the county affairs, for it is notorious that some of the heaviest liabilities with which counties are now embarrassed, were incurred under the old system. Should it be deemed desirable, however, to make any approach to the former system, I would recommend, that while the town government be maintained, with the privileges before suggested, the powers now lodged in the Board of County Supervisors, be vested, as far as judicious, in a Board of three or five Commissioners, and that Counties be districted for their election, in order that the centers of population in Counties may have no disproportionate power in the Board.

The maximum of taxation by Towns, Cities and Counties might well be assigned by the Legislature. Otherwise, extravagance or recklessness on the part of these subordinate bodies politic, might exhaust the means of the people, and thus impair the revenues of the State.

In this connection I further recommend that Towns, Cities and Counties be prohibited by law from issuing bonds, orders or warrants bearing interest, or to an amount exceeding the anticipated revenues of the year.

Some legislation may be advisable, by which the fees of the Jurors in civil actions in the District Courts should be paid by the litigants. Such is the law in several States, Counties bearing only the jury expenses in criminal prosecutions. It would be a relief to the people generally, and I refer it to your consideration.

To determine what reforms are needful, as well as what are possible, in the State Government, it becomes necessary first to know well our present condition; and it is much to be regretted, that the officers of the Executive department, within whose knowledge these matters peculiarly have been, have not given you a concise and convenient statement of the financial state and condition of the country: showing, for example, what had been the total amount of the liabilities incurred for, or on behalf of the State, from January 1st, 1858, to January 1st, 1860, those of December, 1859, being, of course, estimated; and the general description or head of the several expenditures and amount of each; how much, if any, of the total liabilities was on account of indebtedness due before January 1st, 1858; what portion of the whole has been paid, and what is the amount of the portion, if any, still unpaid, and

forming a floating debt against the State, for which you must provide; also showing what moneys have been received into the Treasury, and from what sources. Such an exhibit, while it is necessary to the Legislature, as a basis for its intelligent action, and due to tax-payers, could not have done injustice to any department of the government. You should have, also, in connection with the statement of the financial condition of the State, estimates relating to future financial requirements of the government.

In the absence of such statements and estimates, in the reports already made, I proceed to furnish as full and perfect estimates as the Reports of the Auditor and Treasurer, and my own general knowledge of the affairs of the State, enable me to do at this time.

The Auditor's Report shows appropriations to have been made between January 1st, 1858 and December 1st, 1859, amounting to..... \$416,797 08
 Liabilities made and paid without appropriations..... 5,575 16
 Other expenses have been incurred not included in these appropriations: such are

Interest due Jan. 1, 1860, on 8 per cent. loan.....	\$10,000 00
Balance unpaid, expense of expedition to Wright Co.....	1,935 00
Three day's pay to Military Companies ordered under arms, but not called out, for said expedition (estimated)	1,000 00
Legislative expenses, Dec. 1859, (estimated)	20,000 00
Printing.....	10,000 00
Salary of Reporter Supreme Court, (present rate).....	600 00

Showing a total of indebtedness incurring on or before January 1, 1860, of.....	\$465,907 24
Of this amount, there has been paid within the same time	363,891 69

Leaving a balance of.....	\$102,015 55
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It is probable that a part of the appropriations above referred to, will not be required, and that the floating debt may be estimated at \$80,000.

State Warrants had been issued before Dec. 1st, 1859, for \$33,770.65, but the Treasury had nothing to redeem them except depreciated bank notes.

I make the following estimate of the ordinary expenses of the Government of the past two years:

Salaries.....	\$ 65 600
Contingent Funds.....	19,500
Printing.....	59,627 75
Legislative Expenses.....	133,620 87
Penitentiary.....	5,267
Miscellaneous.....	15,574 23

Total.....	\$299,189 85
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This gives the sum of \$149,594.93 as the average current annual expenses for the past two years.

The Constitution requires that the Legislature shall levy a tax annually sufficient to pay the annual interest of the State debt of \$250,000, and also a tax sufficient to pay the principal within ten years from the final passage of the law authorizing such debt; and specially appropriated the proceeds of such taxes to the payment of such principal and interest. The Legislature, in the law authorizing the debt of \$250,000, approved March 13, 1858, provided for the requisite tax; which was included in the five mill tax of 1858 and 1859,

and directed how the amount appropriated as a sinking fund should be annually invested by the Governor of the State. The amount so appropriated is \$27,777.77, which by law should have been invested in 1859. In fact, only the sum of \$14,325 has been invested in such sinking fund, leaving the State indebted to that fund \$13,452.77.

This investment of \$14,325 is of peculiar interest. The Treasurer's Report states the amount to have been in uncurrent bills of Minnesota banks, and the investment to have been made, by taking from the Auditor's office, the fifteen Minnesota State Railroad Bonds on which the currency had been issued at the rate of ninety-five cents of currency to the dollar of Bonds. It appears, then, that in the midst of universal denunciation of repudiation, no better precaution has been taken to meet the obligations and save the honor of the State, than this investment of one half the required sum, made as an expedient to save the State from the total loss of fourteen thousand dollars of depreciated currency issued by our Bank Department. Your attention should be called by this circumstance, to Section 5 of Chapter III of the General Laws of 1858, which relates to the investment of the sinking fund, with a view to its amendment, if necessary.

To resume the exhibition of the financial condition of the State, which though unpleasant for me to make, is indispensable to any proper action on your part

The Auditor reports receipts for the years 1858 and 1859, as follows :

Sale of 8 per cent. bonds	\$255,125 02
Territorial and State taxes	116,446 92
Sup't of Indian Affairs	5,250 00
H. H. Sibley, Sup. Court Reports sold	12 00
Balance in Treasury, Jan. 1st, 1858	5,009 43

Total \$379,230 85

This amount, excepting the sum (\$14,325) invested in Minnesota 7 per cents., and \$1014.14, depreciated bank paper still in the Treasury, has been expended.

The present indebtedness of the State is—

Upon 8 per cent. bonds	\$250,000
Floating debt	80,000

Total \$330,000

Deduct outstanding debt, due Jan. 1st. 1858, say— 105,000

Increase of State debt in two years..... \$225,000

The resources of the State are—

Delinquent Taxes	\$149,799 67
Balance in Treasury, (depreciated currency)	1,014 14

Total \$150,813 81

Having thus considered the brief financial history and present condition of the State, in the previous exhibits, we come to examine the prospect for the future, with a view to the necessary legislation.

The demands upon the Treasury, for the next and succeeding years, will be much greater, in consequence of the facts just stated. You will observe that unless a rigid comomy be introduced, in the ordinary expenses of the Government, the revenue of the State even at the present rate of taxation, without a great increase in valuation of taxable property, will be entirely inadequate : and that the most pressing question before you is not, as many have thought,

what shall be the Railroad policy of the State, but what can be done, while lessening taxation, to provide means for the necessary purpose of the Government, and to accumulate a fund to prevent the dishonor of our 8 per cent bonds. There surely never will be found any, to advocate in terms the repudiation by Minnesota of any obligation of the State. But it might indeed, be, that extravagant practices, and a State policy that should never take a reckoning, would so burden the community, distress and discourage the people, divert immigration, and depreciate the value of property that however involuntary it might be, virtual repudiation, the inability to discharge obligations when mature, must and would ensue.

To avoid that contingency, the knife of retrenchment already too long withheld, must be applied without delay, and almost without exception, to every expenditure of the public money. It will not be expected of us, that in a single twelve months we shall discharge every indebtedness incurred in the past, and provide for every want of the future, while economising the expenses of the present. We can at most institute a system of retrenchment and encourage a policy of economy, by which if persisted in for a few years, the State shall be disencumbered of her floating debt, and her annual expenses kept within her annual resources, and while the burdens of taxation upon her people shall be materially lightened, her treasury shall yet have something for those great public charities, in behalf of the deaf and dumb, the blind and the insane, which it will be her enlightened policy, at the proper time, to establish and foster.

The present salaries of officers of the Executive Department would not, perhaps, be more than a reasonable and proper compensation for the services required to be rendered, if the State with all her institutions well established, were entirely unburdened with debt; but taking into consideration the inability of the people to pay their requisite taxes at this time. I recommend that certain of these salaries be reduced.

The present Judiciary system is too expensive. The paid salaries by the State, in that connection alone, amount annually to \$25,000. The clerk of the Supreme Court, in addition to a salary of \$1,000, receives fees amounting probably to as much more. The duties of the office are not onerous, and might be well discharged for the fees alone. The Prosecuting Attorneys, drawing \$6,000 from the treasury yearly, can be dispensed with.

According to sound policy the representatives of the people should have the disposal of the public money, and should make specific appropriations, as far as possible, for all necessary objects. It should never become a custom, to leave large sums of money to be expended in the discretion of any officer of the government. I therefore recommend specific appropriations for all purposes which are foreseen to be necessary, and that very small sums, if any, be allowed as contingent funds.

The disbursements of the treasury on account of printing have been, for the last two years, surprisingly great. I trust you will be able very considerably to curtail the expenses of the State in that particular.

It is, however, in the item of legislative expenses that you will find the largest scope for retrenchment. Whatever question there might otherwise be, as to the wisdom of reducing the number of senators and representatives in our Legislature, certainly, while economy is of so vital importance, there can hardly be a difference of opinion concerning it. The only questions are, as to the authority of the Legislature to make any reduction at this session, of which there is but little doubt, and the amount of reduction which may be advisable.

The Constitution (Art. iv, Sec. 2.) provides that "the number of members who shall compose the Senate and House of Representatives shall be pre-

scribed by law," and also (Art. iv, Sec. 23,) specifies the sessions at which the Legislature shall have power to "prescribe the bounds of Congressional, Senatorial and Representative districts; and to apportion anew the senators and representatives among the several districts, according to the provisions of section second of this article." Any change in the number of either the senators or representatives requires, of course, a new apportionment. If therefore, the present number is "prescribed by law," within the meaning of the Constitution, the Legislature cannot apportion anew until the next session after the Federal census for 1860.

The present apportionment is that made by the schedule of the Constitution "for the purposes of the first election." This limitation to the first election implies that another apportionment was expected to be made "by law" for subsequent elections. Such an one has not been prescribed by law. The power has not been exhausted, and clearly remains in the Legislature, to be exercised whenever they see fit.

What, then, shall be the prescribed number of senators and representatives? The present ratio of about two representatives to one senator, seems to render the two branches of the Legislature too nearly of the same character. The House should be, as it theoretically is, the more popular branch; and the more general custom is to provide for three, or even more members of the House, to one of the Senate. In one instance the proportion is as great as about twenty-five to one. But there may be difficulties attending the apportionment upon the ratio of three representatives to one senator which will require the adoption of some other proportion. A Legislature of sixty members, consisting of fifteen Senators and forty-five representatives, would, in my opinion, be sufficiently numerous to be safe, and not too large for the resources of the State, if limited by the Constitution, to sessions of not more than sixty days.

The expenses of the present session cannot, of course, be reduced by any change in the number of senators and representatives of the next Legislature. The only possible mode of immediate retrenchment open to you in that respect, except in the incidental expenses, is in shortening the session, and I doubt not you will, therefore, the more readily direct your energies to that end. You have very much which imperatively demands your attention before any adjournment, and you desire to avoid the evils of hasty legislative action; but the people can better endure a little longer the crude legislation under which, after all, they have lived for years, than that the expenses of the Legislature should not be very materially reduced. While, therefore, there are many things that need revision, or investigation, or legislative provision, I recommend to you, most earnestly, to direct mainly your attention to those great questions of reform which are indeed paramount to all others.

I now present statements, as nearly correct as possible, of other items of ordinary State expenses, taking the average of 1858 and 1859, except where law fixes the annual amount, as in the case of salaries, interest, sinking fund, &c., with the reductions which I recommend to be made by this Legislature.

SALARIES—	Present.	Reduced.
Governor	\$2,500	\$1,500
Treasurer	1,000	1,000
Secretary of State	1,500	1,000
Auditor	1,000	1,000
Attorney General	1,000	800
Librarian	600	600
Superintendent of Public Arms, &c.	600	500
Reporter Supreme Court	300	300
Superintendent of Common Schools	500	
Assistant Auditor	800	
Judges of Supreme Court	6,000	6,000
Judges of District Court	12,000	12,000
Clerk of Supreme Court	1,000	400
Prosecuting attorneys	6,000	
	<u>\$34,800</u>	<u>\$25,100</u>

The above sum of \$34,800 is not the average of disbursements on account of salaries for the past two years, but the estimated amount annually requisite according to existing laws, exclusive of the salaries of officers of the Penitentiary.

CONTINGENT FUNDS—	Average 1858 and 1859.	Estimate, 1860.
Executive	\$5,000	\$1,500
Governor's	500	
Auditor's	1,750*	100
Treasurer's	650	100
Secretaries'	500†	100
Attorney General's	1,000	100
Supreme Court	350	50
Total	<u>\$9,750</u>	<u>\$1,950</u>
Printing	\$29,813 88	\$12,000
Legislative Expenses	66,810 43	44,000
Penitentiary	2,633 50	2,500
Miscellaneous	7,787 12	10,000

RECAPITULATION—		
Salaries	\$34,800	\$25,100
Contingent Funds	9,750	1,950
Printing	29,813 88	12,000
Legislative Expenses	66,810 43	44,000
Penitentiary	2,633 50	2,500
Miscellaneous	7,787 12	10,000
Total	<u>\$151,594 93</u>	<u>\$95,550</u>

The expenses of the next Legislature, if reduced to sixty members, would be, for sixty days, perhaps, \$24,000, making a further saving to the State of \$20,000.

In addition to the above sum, requisite for ordinary expenditures, there are demands upon the Treasury to be met the current year, in consequence of the previously stated liabilities, which make the amount necessary to cancel every debt of the State up to January 1st, 1861, except the 8 per cent. loan, and without regard to the 7 per cent. or State Railroad Bonds, as follows:

*Salary of Assistant Auditor deducted. †Salary of Assistant Secretary not included.

Ordinary Expenses, 1860	\$95,550
Interest on 8 per cent. Loan	20,000
Sinking Fund, 1860	27,777 77
Balance due Fund 1859	13,452 77
Floating Debt	80,000 00
Total	\$236,780 54

The amount of the taxes for 1859 due February 1, 1860, is estimated at \$200,000.

The total amount of delinquent taxes is \$149,799.67. It is probable that the amount of such taxes on the 1st day of January, 1861, will be very much larger. Consequently, there either must remain a floating debt, or the Legislature must contemplate, independent of delinquent taxes, a revenue beyond the amount requisite for the ordinary expenses of the ensuing year and for interest on the State Loan, and for the sinking fund. It would be extremely desirable if possible, that the Treasury of the State should be able to redeem all warrants drawn by the Auditor as soon as presented. It would be simple justice to those in whose favor the warrants should be drawn, and would be also more economical for the State. The Legislature, for instance, would doubtless be better rewarded by a *per diem* of two dollars and a half, if paid in cash, or warrants drawing cash on presentation, than by their present compensation. And the State would, in that instance be the gainer by some four thousand dollars. It would be, therefore, wise to provide for a revenue sufficient for the requirements of the year, and also for the payment of a part, at least, of the floating debt.

There are some sources of revenue within the power of the Legislature, other than the customary property tax, which should, by some means be reduced. A tax or charge upon civil actions, to be collected by the Clerks of the several District Courts, and paid to the County Treasurer for the benefit of the State, would produce a revenue, perhaps of from \$5,000 to \$15,000 annually. This would amount to the payment by the litigants, of the expenses of the terms of Court, other than jurors' fees.

A small charge upon conveyances of real estate, to be collected by the Register of Deeds, and paid in like manner would produce, probably, \$5,000. These charges would not be felt by the community at large, and probably not regarded as burdens by those who should pay them.

A law providing that, of the entire amount received by certain officers, as Sheriffs, Registers of Deeds, County Treasurers, Coroners, Clerks of District Courts, &c., in compensation for their services, whether by way of fees or per centage, fifty per cent. of the excess beyond a certain reasonable sum, should be paid into the Treasury for the benefit of the State, would probably afford \$3,000.

The imposition of a poll tax would be another source of revenue, and by relieving property of a part of the burdens now falling solely upon it, would sooner enable Minnesota to renew her efforts on behalf of those institutions, which so concern the interests, as well as affect the reputation of the State, the Agricultural College, the Normal Schools, the Institution for the Deaf and Dumb, and for the Insane towards the establishment of which the initiatory steps have already been taken; and would also make more tolerable whatever obligations the State may assume in reference to her Internal Improvements. Under ordinary circumstances, I would not suggest the measure, nor at this time as a settled policy, extending beyond the period of our weakness and embarrassment. You, who more intimately know the sentiments of your constituents can best judge, whether, in view of the protection afforded

by Government to persons, as well as to property, and of the common interest of all in the growth and development of the State and of the oppressive taxation already laid upon property for ordinary purposes and for the support of schools, wherein all have an equal interest, and above all, of the stringency of the Treasury, the patriotism, the just State pride of the people may not be trusted to bear, for a time, this measure otherwise unnecessary.

From these several sources it is probable a revenue of from \$50,000 to \$60,000 would be collected, without bearing heavily upon the mass of the people.

Some further revenue may be expected from the five per cent. of the proceeds of the sales of the public lands within the State—which is applicable to purposes of internal improvement; and also, though more in the future, from the grant of swamp lands, which Congress will doubtless be urged by our senators and representatives to make, thus putting us on an equal footing with neighboring States.

The experience of Minnesota in regard to banks of issue has been most unfortunate. The custom of using a paper currency, as well as one of gold and silver, has become so universal with the people, and the policy of authorizing the issue of such currency based upon gold and silver or their equivalents, has been so long pursued by the wealthiest and most prosperous States, that your attention will naturally be less directed to the abstract question of establishing banks of issue, than to the consideration of obligations and privileges of the banks to be established, and the safeguards which the Legislature can throw around the currency to be issued.

It is indeed deplorable, that in the midst of the other distresses of our people, they should have been so largely the losers by currency issued upon inadequate securities. Whether the misfortune was occasioned by a want of the proper rigid enforcement of the provisions of the act relative to banking, or by some defect in the law itself, it is your province, if you deem it it advisable, to enquire and determine. But in my judgment, the distresses of the past have so impaired public confidence in the safety of the law, that no fidelity in its execution, after the most careful revision, can fully restore it, or the currency issued under it, to the public favor. I recommend, therefore, that the present law be repealed, and in its place be enacted that of some one of our neighboring States, which, after years of severest trial, has been found to furnish a currency safe and desirable. The simple enactment may not immediately give us a circulating medium to the extent we may wish, but we may be assured that under a law, identical with that of Wisconsin for example, which has the prestige of success, whatever currency shall from time to time be issued, will be received with confidence.

I now proceed to speak of the complications growing out of the unfortunate Loan Amendment to our State Constitution, adopted on the 15th of April, 1858. I need not go into any elaborate argument to prove to you that the leading idea under which the people of Minnesota voted that Loan of Public Credit, was, that through such endorsement by the State of the Land Grant Railroad Companies, Railroads would most assuredly be built and put in operation, and that, too, speedily—in their building contributing to the revival of prosperity, and their completion securing it. Nor will it be denied, on the part of these Companies, that while they solicited and accepted the loan of the special bonds of the State, they solemnly engaged not only to build the Roads without fail, but to save the State harmless from ever paying a dollar of interest or principal on the bonds. But from present appearances, and I say it with great regret, neither the expectations of the people nor the promises of the Companies are likely to be realized. If it is inquired what the Railroad Companies have thus far done to meet their obligations to the State

and the people of Minnesota, the answer is a most unsatisfactory summary. They have, on all their several lines, graded an aggregate of about 240 miles of road, which they allege is ready for placing the super-structure thereon. Upon the faith of such grading being faithfully executed, which is said to be doubtful, they have drawn about \$2,300,000 of the Special Bonds of the State, entitled "Minnesota State Railroad Bonds." But, for this, they have not completed or put in operation, one mile of Railroad. They have not brought into the State one pound of iron for that purpose. The idea of building and operating Railroads by the present companies is generally abandoned even by themselves, as it is by everybody else. And three of the Land Grant Railroad Companies, to wit, the Minnesota and Pacific, the Minneapolis and Cedar Valley, and the Transit have just defaulted in the payment of interest on their quotas of the State Railroad Bonds. While, also, the people of Minnesota, in debt, overtaxed, suffering losses from a depreciated Railroad currency, are poorer, if anything, than they were before the Railroad Loan Policy to make everything prosperous, was inaugurated. Such is the summary of the results we have reached, from the final working out of the Constitutional Loan Amendment.

And now, the important question arises.—what is to be done, if anything, about those outstanding \$2,300,000 of State Railroad Bonds, upon which no interest seems at present to be guaranteed from any quarter?—And what is to be done about the 240 miles of earth-work and embankments, scattered over the State—which, if unprotected, must speedily crumble again to the level of the prairies under the combined influences of winter's frost and summer's rain—240 miles of grading, which is all we have to show for our two million three hundred thousand dollars of special bonds, delivered to the Land Grant Railroad Companies?

These are, indeed, important questions,—questions which press home to every citizen's breast for an intelligent and correct answer,—and they press, with a heavy weight of responsibility, home upon us, who are the elected guardians of the State, and its servants. We must not shrink from meeting this exigency and overcoming it. We must grapple at once with the public difficulty and not postpone its consideration.

Duty to the destinies of our young State demands this. We have a goodly land around us. A climate that gives mental and physical vigor. What we most need is men to till the one and enjoy the other. Immigration then is the grand solution for our present difficulties. Give us the capital of more men, more people, and we will vivify, infuse the breath of life into, the dead capital of millions of acres now growing only prairie flowers. The more men, the more labor; the more production, the more prosperity; the greater the development of all our resources. Immigration will multiply capital, diffuse wealth, sell our town lots, increase activity in every pursuit and business, strengthen our power as a separate sovereignty, and give us a greater weight and proportion as an integer in our general nationality. Let the tide of immigration once more set in upon us, and even Railroads, as outlets to markets for our products, will be of secondary importance. For many years to come immigration ought to make our best market, consuming whatever surplus flour, meal, wheat, corn, oats, beef, pork, we may raise and have to sell. Then it will be, if not sooner, with our whole country filled with population, our lands generally under cultivation, factories cresting our waterfalls, and steamboats fretting our rivers and streams, that railroads will come naturally, without debt, without taxation, without forced work, through capital, in the ordinary course of trade, seeking here profitable investment. I repeat it, therefore, immigration is the solution for all our present difficulties. How then shall we best induce it—how best persuade the great army of humanity every year

marching westward in such numbers, from dense Europe, and the crowded Eastern States, to come here and camp for life and for generations in Minnesota, peopling its valleys, its prairies, its lakesides, conquering physical nature with the plough, the axe, the scythe and the reaping machine. How, indeed, can it be done?

I will tell you, how it would not be done—how we can defeat that army, drive it away in another direction, to aggrandise, enrich and develop other states or territories, and if we so desire. It is, simply, to do nothing to arrange the complications growing out of the Five Million Loan Amendment. The work of repulsion to immigration will be effectually accomplished by such negative statemanship. The reason is manifest. Emigrants are sensitive to the ideas of debt and taxation. Most men seeking homes in a new country are attracted in the first place, by the cheapness of the land. Their means are generally moderate, and the most rigid economy at the outstart, indispensable. Few rich men emigrate. With those who do, how great taxes they must pay to the State even on their cheap land, in a new country, while still struggling to open up the wilderness for their own and that State's benefit, is a consideration of some moment. To allow Minnesota, therefore, to remain before the world with the reputation of deep financial embarrassments—of staggering under millions of debt and being inflicted with the plague of myriads of tax-gatherers—the whole story exaggerated many fold by vague popular rumors, increased by the interested misrepresentations of agents of rival bidders for immigration—is voluntarily to allow an obstacle to remain in the public highway of our prosperity and future growth and progress. Let this obstacle be removed, and our natural superiority of soil and climate, will give us the preference with the preponderating mass of immigrants. In any case, be assured, it is infinitely better for us to know the worst. Whatever debt or whatever taxation becomes our bitter portion, the truth certainly known, will not be so damaging to our receiving immigration, as will be the present unsettled condition of our Railroad affairs, and the unknown or disputed amount of our obligations to the holders of the State Railroad Bonds.

But it is not only the removal of a hindrance to immigration, which demands that conflicting views of the extent of the State's obligation for the Bonds and her immediate duty in the premises, should be harmonized or at least silenced by the immediate adoption of some settlement as the one permanent policy of Minnesota; but also because it is extremely desirable to remove, as speedily as possible, so vexing a question from our State politics, and not allow it to remain for years, to disturb our elections, perhaps divide our people into Bond and Anti Bond parties, and introduce annually into our legislative halls, an element of discord and possibly of corruption,—all to end just as similar complications in other States have ended: the men who will have gradually engrossed the possession of all the Bonds at the cost of a few cents on the dollar, will knock, year after year, at the door of the legislature for their payment in full; the press will be subsidized; the cry of repudiation will be raised; all the ordinary and extraordinary means of procuring legislation in doubtful cases, will be freely restored to; until finally, the then bondholders will pile up almost fabulous fortunes obtaining a recognition of their disputed paper and its payment at par! It is assuredly true, that the present time now, is of all others, alike for the present bondholders and the people of the State, the very time to settle, arrange, adjust these unfortunate and deplorable Railroad and Loan complications.

And here at this point again recurs the question, what shall be done in settlement of these complications—a question more easy of determination, when we have fully considered what is the nature and limit of the obligation of the State of Minnesota to the holders of the Minnesota Railroad Bonds.

To this inquiry I earnestly invite your attention. It is answered in various ways, just as men differently interpret the Loan Amendment.

The argument by some, in favor of the perfect validity of the Bonds in question, and of the obligation of the State to meet them fully, and and pay them without qualification or reserve, you are probably familiar with, and it needs not that I should here recapitulate them.

But there are others, who, by plausible if not conclusive arguments, maintain, that under all the circumstances, and under the provisions of the Constitutional amendment itself, the State of Minnesota is not in law or equity bound to pay one cent of these Bonds; and the reasons by which they support so extreme—and, if correct, most important a position, should be candidly presented for your judgment respecting their force and cogency. Those who take this position, deny that they are in any sense the advocates of repudiation. They profess to be in favor of paying all the honest indebtedness of the State clearly established to be such. They agree, that it is the duty of every good citizen to guard the reputation and fair name of the State from just impeachment, by meeting to the full all honest demands against her; but they urge, that is no less his duty to scan closely—to enquire well—into the true character of the alleged obligations; and a duty also to her admitted creditors, particularly in an embarrassed condition of her treasury, to ward off and resist the payment of demands of a doubtful and untenable character, which, under various pretences, her assumed creditors may attempt to set up against her. Under this last category, they place the holders of the Minnesota State Railroad Bonds. Not that the Bonds they hold were not regularly acquired; but then, it is contended, they are not State Bonds in the ordinary form and with the ordinary general State obligation for their redemption, but a special class of bonds, issued for a special purpose, upon special conditions, and for a certain consideration. That they are called in the constitution, the special Bonds of the State, their special and restricted character being further indicated by their name of Minnesota State Railroad Bonds. That, as they purport on their face to be issued in pursuance of the provisions of an amendment to the State Constitution to loan the public credit, for the purpose of expediting the construction of lines of Railroads (not merely the grading of Railroads), whoever has acquired them by transfer by endorsement of the President of said Company has done so with full notice on the record, that a fundamental law limited the authority of the State officials who attested them and delivered them to the Companies; that by its closing proviso, it restrained those Companies as to the time when, and the conditions on the fulfillment of which, they might use, transfer or negotiate them; and that it determined the whole special or contingent responsibility of the State under the conditional pledge of its faith and credit, for their redemption; and that, therefore, they bought them under a known risk and cannot claim payment, independent of consideration, as being innocent purchasers.

Still another argument used against the obligation of the State to pay these grading Bonds, turns upon the allegation, that some of the companies have obtained most of them by deceiving the State authorities into delivering them, without every legal pre-requisite for their issue having been observed. That by most of the companies the bonds were improperly drawn, upon imperfect grading, that was, contrary to the amendment, totally unfit and unready for the superstructure, from their being executed in detached portions, instead of connectedly and continuously, with the bridges not built, and the heavy work of the line often omitted. That, also, the right of way has not been acquired from the individual land-owners, through whose property the lines of the several roads are surveyed, and, in part, graded; and that, therefore, the clear mortgage security on the roads, required by the amendment as a pre-re-

quisite to the delivery of the bonds to the companies, has not been honestly and in good faith given to the State in exchange for her bonds. Upon these allegations, it is argued that the letter and spirit of the Constitution, have been alike violated in the issuance of the State Railroad Bonds, and that the State is not bound in law or equity for their redemption.

There is yet another purely legal and technical argument urged by some, which strikes more deeply and broadly at the legal and constitutional existence of the whole Loan Policy in all its ramifications from the beginning to this time, while, at the same time, it is one that could not affect our moral obligation to pay. It is based upon the allegation that the Loan Amendment to the Constitution was submitted for the sanction of the people, through a law passed by a body elected as, and claiming to be, a Legislature of the State, but which, against protest, acted substantially as a Territorial Legislature, under Territorial officers, and that the said law was approved only by the Secretary of the Territory, acting as Governor under the Organic Act. That in addition to this the Loan Amendment to the State Constitution was adopted by the people prior to the admission of our State into the Union, and while the original State Constitution of Minnesota was still under consideration by Congress, pending our application for admission. That we were finally admitted by Congress under our original Constitution, solely, and that the amendment and all proceedings had, or obligations incurred, or bonds issued in pursuance of its provisions, are without force or validity.

I have thus far, given you the arguments rather of others than myself, touching the proper answers to be made to the questions, what is the true limit and nature of the obligation of the State of Minnesota to the holders of her special bonds; and what should be done in settlement of the complications of our State affairs, growing out of their issue and out of the Loan Amendment generally. I will now, however, proceed to give my own views upon all those points, for your consideration, and approval or rejection. I set out with this position, that it is my earnest desire, in whatever suggestion I offer, or recommendations I make, to settle all of these complications in such a way as will best preserve the reputation of our State, by meeting to their fullest obligation her pledges of "faith and credit," whether special or general—in such a way as will not oppress the people, and will oppose the least obstacle to the final completion of our Railroads, in whole or in part.

First, before reviewing the extent of our obligations to the present holders of the special bonds, it may be well to enquire who they probably are, and under what circumstances and at what rates they have probably obtained them.

It is my belief, from all the information I can obtain, that much the greater proportion of the said bonds are still in the possession or control of the Railroad companies, or their immediate representatives, the contractors for the grading: received, at least, by the former at the rate of \$10,000 a mile for such grading, an amount admitted to much exceed its actual cost: while the other and the smaller portion of the bonds, were, undoubtedly, with very few exceptions, received or purchased by their present holders greatly below par value—either in hypothecation or pawn for small advances, and since forfeited; or as gratuities for doubtful services, or liberal salaries for less questionable ones: or, in exchange for depreciated currency bought up at heavy discounts. The whole amount of the special bonds received by the Auditor for banking purposes was \$509,000: of which \$183,000 have been retired; leaving \$326,000 of them still deposited in the Banking Department.

In my opinion, our obligation as a State, to those who hold the special bonds, whether the Railroad companies or others, must in all fairness be measured by a comprehensive view of the whole circumstances under which

they were originally issued; by the conditions of their issue; by the object sought to be obtained by their delivery to the Railroad companies; by the utter disappointment of a confiding people, at the result of their generous loan of public credit which gives them grading instead of Railroads; and by the actual cost of the grading to the companies, and of the bonds to the holders generally, even in second or third hands.

Thus, you will perceive, that I am more disposed to settle this complex matter by an application of the broad rule of equity and fair dealing, as between man and man,—rather than subject the bond-holders to a decision by ourselves, upon those strict principles of the technical law of consideration, which might give them nothing for the obligations they hold. But, in addition to the reasons I before gave, for desiring the settlement of these difficulties now, the very fact that the State cannot be sued, that the laws of the land give no tribunal where her legal obligations can be tested and enforced, makes me the more desirous that she should meet even doubtful obligations in a liberal and equitable spirit, that will commend our action to the approval of all enlightened citizens.

Accordingly, I propose for your enquiry into their practicability the following modes that occur to me, as worthy of consideration in the settlement of this question, each suggesting such equitable arrangement and compromise with both the Railroad companies and the bond-holders as to my mind, meets the case fully and does exact justice to all parties:

1st—Assuming that the Railroad companies will fail, as some of them have failed, to pay the interest on the bonds falling due from time to time, and that thus, under the terms of the contract, the State reacquires the lands, franchises, &c., I suggest that it is yet possible to secure the construction of about 250 miles of Railroads within our State, as well as settle finally this bond question, by granting to parties willing to accept of them, other charters of the most liberal character—the State tendering to such parties, for the construction of every twenty miles of continuous Railroad thoroughly and substantially built, when completed and the cars running thereon, a bonus of ten thousand dollars a mile, in State Bonds bearing a graduated interest of less than 7 per cent. per annum—always upon condition, that in exchange therefor, an equal amount of “Minnesota State Railroad Bonds” shall be returned to the State Treasury for cancellation. The interest on such new bonds, however, to be postponed or so graduated as to accommodate the present embarrassments of the people.

This compromise is one which the bond-holders, who are mostly Railroad men or Railroad contractors, might find desirable on account of the favorable opportunity it offers to invest their special bonds. The lands alone that would be receivable by such a company or companies, is a generous boon, aside from the bonus. They amount in the aggregate to about 6,000,000 acres. At the time they were granted by Congress, it was estimated they would be worth ten dollars an acre as soon as the Railroads were completed. Eight years are yet allowed for their completion, and there is little doubt that Congress would extend the time. For each mile of road constructed the company would be entitled to 3,840 acres, worth twenty thousand dollars at a low estimate. Add to this the ten thousand dollars a mile given in State Bonds, and it would make a bonus equal to thirty thousand dollars a mile for completed Railroads. Could there be presented a more liberal or generous offer to Bondholders? Indeed to any body of men commanding the requisite capital, either in Special Bonds or otherwise, its acceptance would finally prove one of the most profitable investments the present times afford.

2nd.—But as all the Bond holders might not be disposed to invest in the Stock of such new company or companies, it is therefore but just that an independent mode should be provided for taking up and cancelling the bonds on a fair and equitable basis of compensation. Then, on the holders of any "Minnesota State Railroad Bonds" presenting them at the State Treasury for cancellation, other and general bonds of the State would be issued to them at the rate ascertained and fixed by you; with the interest adjusted as to amount and time, to the present embarrassed condition of the people.

Thus, you see, that the plan I present to relieve our complications is apparently a duplicate. It permits us this advantage in settling these affairs; that, if the completion of 250 miles of railroad should not be a sufficient inducement in the estimation of the people for them to guaranty the present issue of Bonds, or the issue of new, of an equivalent amount, as a bonus, there will then be at hand, already on our statute book, another mode of absorbing them and reducing our indebtedness, and so escaping the present difficulties without the necessity of further legislation.

With this view, if these propositions meet your approbation, I urge, in submitting them in the form of amendments to the Constitution for the popular sanction or rejection, (which will be necessary) that they should be so distinctively and separately framed, that the people may adopt both or either, and yet the object desired be attained. If the present or new Railroad companies, under these propositions, should acquire all the bonds of the State as fast as they completed railroads, though our indebtedness would not be lessened in amount, we should yet find ourselves in possession of 250 miles of completed road, with the cars running thereon. If, on the other hand, in consequence of the financial stringency everywhere prevailing, the further prosecution of railroads in this State should be declined at present alike by the companies, the bond-holders and the people; then we should have the compromise contained in the last proposition to fall back upon, under the operation of which the claims on our Treasury, on account of the State Railroad Bonds, will probably be reduced from fifty to seventy-five per cent. of their present face, while the State would, through the forfeitures enforced against the defaulting companies, remain in possession of the graded work on the lines of their roads, and of the liberal donation of lands made by Congress for future use, when more auspicious times will justify capitalists in resuming and completing the construction of railroads in our midst. Should both propositions be adopted, the Bonus Bonds issued to the Railroad companies will be lessened by the amount of Commutation Bonds absorbed in settling with the present "special bond" holders. Touching the acceptance of the second proposition by the holders of the Bonds, I have no doubt they will gladly assent to it. As I before mentioned, they have generally obtained them at a cost much less than their par value, and they will gain instead of losing, by accepting the offer to redeem, upon so fair and equitable a basis of compensation, with par and undisputed bonds, those which are now of little or no practical value to them.

In whatever amendments to the Constitution for the settlement of this matter, you may conclude to submit to a vote of the people, I suggest that a clause be embodied reducing the maximum amount of State debt, that may be incurred for Railroad purposes, from the sum of five millions of dollars, down to that of two millions and a half. However men may disagree about the exact remedy for the past, I believe there is little or no difference of opinion, that the balance of special bonds undrawn of the five million loan of public credit, ought not under any circumstances to be hereafter issued.

In regard, also, to the penalties of foreclosure and forfeiture incurred by

the default of the present Railroad Companies, some legislation to meet the case will be required ; to which I ask your attention.

I now leave with you this important question. In the suggestions or or plans I have offered for its settlement, I have no especial pride of opinion. If you can point out any better way to relieve the people of the State and the State itself from these complications, I shall cheerfully unite with you to give it efficiency. My only desire is to behold them rightly adjusted and settled satisfactorily to all parties, upon principles of justice, equity, and honor. To effect this, will indeed challenge the exercise of the best faculties of us all, of our most acute sagacity, our soundest judgment, our most disinterested patriotism. With our mutual convictions of the importance of the subject, I doubt not our harmonious exertions will succeed in lifting from out of the pathway of our young and growing State, the stumbling block to real progress with which a counterfeit progress has arrested her career. In the first message I ever had the honor to deliver to a Minnesota Legislature, more than ten years ago, I assured them that the famed Philosopher's Stone was nothing more than the talismanic motto—"Pay as you go." And I regret greatly, that when other property of the Territory was turned over to us on our assuming the robes of State, this valuable legacy was not treated with the respect its honest achievements in the past demanded. Had the test of this Philosopher's Stone been applied to the Loan Policy, the power of Plausibility would never have overcome the force of facts and long experience, and we should not now be seeking almost wildly to retrieve that error of the past, by a compromise with the future.

It remains to speak, briefly, of other matters of less transcendent importance. By the terms of the Constitution of the State, one third of all school lands may soon be sold, should the Legislature determine upon effecting such sale. The present depreciation in the value of such property is so great, however, that an immediate sale of the most valuable part of these lands, would be an immense sacrifice of the richest endowment of our State. These school sections, if protected from depredation, until such time as property of that description is again salable, at a fair valuation, will furnish an ample fund for the benefit of common schools ; and of all things, the Legislature should see to it, that the future educational interests of the State be not sacrificed nor impaired.

I invite your immediate attention to the affairs of the State University, and the condition of the lands appropriated to its permanent endowment. The people of the State have too high an appreciation of their obligation to posterity, to be indifferent to the security of this great trust. There should be no delay in adopting such measures as are requisite to preserve whatever interest yet remains to the State in the University lands.

The subject of Agriculture has been elsewhere alluded to. It is often said that though farmers are commonly the most numerous class, and their interests therefore worthy of most consideration from the Legislature yet, in fact, they receive the least. In our own State. legislation, with a view to their interests, could not be considered class legislation, for whatever would be advantageous to the farming community, would be equally so to the State. I shall cordially unite with you in every measure calculated to benefit the State through her agriculture. In connection with the interest justly felt in that behalf, I desire to suggest to your reflection the relations of the Lake Superior region to the rest of the State. It comprises, in Minnesota, the counties of St. Louis, Lake and Superior. It has a climate, considering the latitude, not unfavorable to agriculture. It is a mineral region however, and the mineral lands are not only of magnificent extent, but the ores, both of iron and copper are known to be of singular purity. For over one hundred miles,

this portion of Minnesota feels the wave-beat of the greatest of these inland seas, whose waters annually bear the surplus produce of the teeming West to the world's markets. Safe and commodious harbors indent the coast. A similar country in Wisconsin and British America incloses this Lake, of all which region mining is, and will be the chief pursuit. Like all the mining communities, they are largely consumers, and from the nature of the case they are importers. The question is then, briefly, from what market shall they import; and it may be considered in connection with another, suggested by the present agricultural surplus of the rest of the State—to what market shall we export?

At present the people about Lake Superior buy in Cleveland and other ports of the more Eastern Lakes, and while not a hundred and fifty miles from the two million bushels of surplus wheat of Minnesota, they send four times that distance, to purchase wheat at a higher price than the commodity bears in St. Paul. On the other hand, our wheat in order to find its natural and nearest market at Superior, must enter into competition at Cleveland Chicago and Milwaukee with the crops of Wisconsin, Iowa, Illinois and Ohio, after paying the expenses of transportation to those cities—points four times farther from its destination, than the fields on which it grew.

If we had a direct railroad communication with the Lake, the entire trade of that region in everything we should have to furnish, would be ours. We should, in nearness to that market have the advantage of all other competitors, by at least five hundred miles. Moreover, for others, to send supplies to Superior or Ontonagon, is in some degree to reverse the usual and natural direction of carriage; while to us that country lies upon our most direct route of cheapest transportation to the Atlantic markets. The advantages of a railroad connection with Lake Superior would doubtless be very great to the Minnesota counties on the North shores, but not to be compared with the benefits to the agricultural interests of the entire State.

You will have occasion to consider what, if any, measures can be adopted to secure to our State her fair proportion of immigration, the importance of which to our speedy and complete prosperity, as I have before said, cannot be over-rated. Perhaps, an Emigrant Agency might be serviceable, if the embarrassed circumstances of the State can afford the necessary appropriations. The collection and classification of the statistics of the State, and the intelligent dissemination of the facts thus got together, would greatly promote our interests, and afford the best of arguments in favor of immigration. It would be well at this time to provide for such collection and arrangement of public statistics, if it can be done with inconsiderable cost. Let the officer in charge of the bureau, in lieu of a salary have the exclusive copy right of any compilation from, or publication of such statistics, which he should choose to make. This, with the addition of a small appropriation for stationery and postage requisite for the office, would, I think, be sufficient to effect the desired object.

I call your attention to the Militia System of the State, with a view to securing the greatest efficiency with the greatest economy.

The general election for President and Vice President occurring in November of this year, it will be advisable to provide that our State Election shall be held upon the same day.

I also recommend that for the future, the assembling of the Legislature shall be made more nearly simultaneous with the induction into office of the members of the Executive department.

Your attention should be directed to the necessary legislation for the protection of the settlers from the depredations of roving Indians, and to confine the latter, as much as possible, to their reservations; and also to secure to

such Indians as have accepted the habits and customs of civilization, the privileges granted to them by the Constitution.

In this connection, I urge upon you a careful revision of the laws regulating elections, with a view to prevent, as far as possible, every species of fraud. The elective franchise is justly regarded as the most sacred, as it is the highest privilege of American citizenship. The voice of the majority of the people, fairly expressed through the ballot box, possesses the highest sanction; but when by illegal voting, or other frauds, such as of late are becoming too common a resource of the unscrupulous, the sentiment of an entire people becomes misrepresented, not only are the rights and interests of the people outraged, but a blow is struck at the fundamental principles of our government. I earnestly hope you will discover some means whereby without too great inconvenience to voters and without injustice to any, the returns of every canvassing board shall be a record of only legal votes, actually polled at a legal election by actual legal residents.

The people of the State of Minnesota have, in common with the citizens of other States, a deep interest in the legislation of the General Government.

A railroad to the Pacific from some proper point in the Mississippi valley is already regarded as too important to be longer delayed. It would be most advantageous to the interests of Minnesota, that the question should be determined in favor of the route through her own valleys. While everything indicates that line as the most direct and easy of construction, and the one which promises the cheapest and most convenient transportation, it certainly is to be hoped that mere sectional jealousies will not be permitted to prevent its adoption.

The principle of free homes to actual settlers is one, wise in its humane policy, and beneficial in its undoubted effects. The people of our State have strongly expressed their sentiments upon this question as well as upon the Pacific Railroad, and without doubt, their Senators and Representative too well understand that expression, to hesitate in supporting those measures to the fullest extent. The provisions of a Homestead Bill should include in their operation, the even sections along the lines of the Land Grant Railroads, at least to the extent of reducing the price of such lands to one dollar and a quarter per acre, to settlers complying with the provisions of the law.

The question of a general bankrupt law may probably come before Congress, at its present session. Minnesota has favored the general policy of such legislation by the enactment of an Insolvency law. A wise and safe national law of that character, by which the business man, involved, often without any fault of his, beyond his ability to pay, might be relieved of all his liabilities, upon surrendering all his property for the benefit of his creditors, would greatly tend to encourage debtors to effort, and in the aggregate, increase the energies and the effective exertions of every community. It should not offer inducements to fraud, but lift from the unfortunate a burden forever preventing them from becoming productive, profitable members of civil society. Such an act, could it be allowed to remain in force for a few years, would, no doubt, become as popular and indispensable, as it has long been in England.

It is certainly desirable that there should be some modification of the present scale of duties upon importations, whereby the revenue of the general government should be made equal if possible, to its expenditures; some protection be afforded to American manufactures; the evils of excessive importation, under which we now suffer, be avoided; the perpetual drain of specie from the country, be checked, and a home market furnished to the agricultural interests of the country. These interests in our own State have a common concern with the other States, in the adoption of a policy, which by drawing

a portion of our population to embark in profitable manufactures, should leave freer scope and less competition to the farmers that remain, at the same time that it offers them the advantages of a higher and nearer market. No State in the Union, probably has greater natural adaptations for manufacturing operations, which require great, constant, cheap and convenient power; and we may yet see upon the banks of our swift streams, populous villages the homes of capital and industry, creating new wealth for the State while giving greater value to the products of our fruitful fields.

The question of Slavery is one too deeply affecting the peace of the country, and the strength and welfare of the States where it exists, to be viewed with indifference or irresolution. From being one of the political questions of the country, upon which men might entertain differing opinions, it has come to pass that a certain belief upon that subject, is the sole test of party orthodoxy, the only criterion of capacity for public office.

Not content to leave the institution, where the Constitution, and the administrations of thirteen Presidents, left it, a local institution, entirely within the control of the States where it exists, there have not been wanting a few to advocate intermeddling with it in the States, while, on the other hand, others, more numerous and more dangerous, have been seeking to give it, more and more, a national character, to connect the Government with it actively, and to extend it into the Territories by force of the very Constitution itself. We have seen, to extend slavery, a Territory repeatedly invaded by bands of armed men from a neighboring State, whose course was marked by violence and fraud and every crime; and later, to effect a contrary intent, a few desperate men, taught but too well in that school of violence, attacked the institution in a sovereign State, and have paid the sad penalty of their offending. Depreciating all acts of disorder, and regarding as well the Constitutional rights, as the welfare, harmony and strength of these fraternal States, we cannot assent, either to any interference with slavery in the States, by Congress or the citizens of other States, or to the further extension into free territory of an institution so manifestly fraught with insecurity and weakness.

Minnesota, so lately admitted into the Federal Union, will be second to no State in devotion to everything that makes for the safety, the glory and perpetuity of our Confederation. And while secession and disunion are daily proclaimed by members of both Houses of Congress, simply in the event that a party, other than their own, becomes predominant in the national councils, we should offer our firm resolve and pledge to our older and stronger sister States, that, as far as depends upon us, we can never encourage, threaten nor permit the sundering of those political ties that make of our United States a great, prosperous, powerful nation.

ALEX. RAMSEY.

Saint Paul, January 2, 1860.

Mr. Robertson moved that the Convention adjourn.

Carried.

The House was then called to order by the Speaker.

Mr. Acker moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

TWENTY-FIRST DAY.

TUESDAY, January 3, 1860.

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

The roll was then called and the following members found absent :

Messrs. Beatty, Fox, Kinkad, Leavens, Olivier, Robertson, Roy, Sanborn, Shriner, Stephenson, Stewart, Taylor, Thayer, Van Vorhes and Willey.

The journal of yesterday was read and approved.

The Speaker announced Mr. Hayes in the place of Mr. Barton on the committees on Currency and School and School Lands; and Mr. Bixler in the place of Mr. Waldhier on the committees on State Affairs, Retrenchment and Reform, and University and University Lands.

Mr. Green, of Olmsted, presented a petition of citizens of the counties of Olmsted, Fillmore and Mower, for a State road,

Which was read.

Mr. Greene moved that the petition be referred to a committee of three, one from each county through which the road is to pass.

Carried.

The Speaker appointed as such committee, Messrs. Greene, of Olmsted, Langworthy and Sherwood.

Mr. Mitchell introduced—

A bill for an act to amend an act providing for the election and prescribing the duties of Treasurer of State, passed Aug. 12, 1858.

Which was read a first time.

Mr. Mitchell moved that the rules be suspended so that the bill may not be printed.

Lost.

Mr. Sweet introduced—

A bill for an act to provide for a State road from St. Cloud and Sauk Rapids to Fon du Lac on the St. Louis river.

Which was read a first time.

Mr. Sweet moved that the bill be referred to the committee on Internal Improvements.

Carried.

Mr. Shultis introduced—

A bill for an act to divide the State of Minnesota into two Congressional districts, and to provide for the election of members of Congress.

Which had its first reading.

Mr. Scheffer introduced—

A bill for an act to locate a State road, and also for repairing the road from Williams' Ferry to the Dodd road, and also repairing the road from Williams' Ferry to the town of Mendota.

Which had its first reading.

Mr. Olds moved that the bill be rejected.

Withdrawn.

Mr. Scheffer moved to refer the bill to the committee of Roads and Bridges.

Mr. Skillman moved to amend by referring the bill, and all other bills of the same nature, to a special committee of five.

Which was accepted.

Messrs. Skillman, Sweet, Acker, Pfaender and Coe were appointed such committee.

H. F. No. 34. A bill for an act to authorize and regulate garnishee proceedings.

Was then taken up for a second reading.

Mr. Sanborn moved that the further reading of the bill be dispensed with, and that it be referred to the Committee of the Whole.

Mr. Morrison moved to amend by referring the bill to the Committee on the Judiciary.

Which was accepted.

And the motion as amended was carried.

Mr. Secombe moved to amend rule 25 by striking out the word "second," in the last line, and inserting the word "first" in place thereof.

Carried.

H. F. No. 31. A bill for an act to amend sections 1 and 2, of an act entitled an act to provide for the sessions of the Legislature, approved August 10th, 1857.

Was read the second time.

Mr. Acker moved to refer the bill to the Committee of the Whole.

Carried.

H. F. No. 32. A bill for an act regulating the mode of administering assignments in trust for the benefit of creditors.

Was read a second time.

Mr. Mitchell moved that the bill be referred to the Committee on the Judiciary.

Carried.

H. F. No. 44. A bill for an act to encourage the destruction of black birds in this State.

Was read a second time.

Mr. Pfaender moved that the bill be referred to the Committee on Agriculture and Manufactures.

Carried.

H. F. No. 45. A bill for an act entitled an act allowing a charge of venue in certain cases.

Was read the second time.

And ordered engrossed and passed to a third reading.

H. F. No. 46. An act for further defining the duties of Registers of Deeds of the several counties of the State.

Was read a second time.

Mr. Acker moved that the bill be referred to the Committee of the Whole. Carried.

H. F. No. 51. A bill for an act to amend an act entitled an act for a homestead exemption.

Was read a second time.

Mr. Robertson moved to refer the bill to the Committee of the Whole. Carried.

H. F. No. 55. A bill for an act to amend section 22, on page 18, of laws of 1856.

Was read the second time.

Mr. Secombe moved to refer the bill to the Committee of the Whole. Carried.

The special order of the day was then taken up.

Being the resolutions offered by Messrs. Morrison, Robertson and Coggs-
well, on railroads.

The resolution offered by Mr. Robertson was taken up.

Mr. Secombe moved to lay the resolution upon the table for the purpose of referring the resolution to a special committee on railroads.

Carried.

Mr. Secombe moved to lay the resolution offered by Mr. Coggs-
well upon the table, for the purpose of referring the resolution to a special committee on railroads.

Carried.

The question then was upon the adoption of the joint resolution offered by Mr. Morrison,

Which was lost.

Mr. Acker offered the following resolution :

Resolved, That Messrs. Cleveland, O. Walker, Abraham, Burnham, Nettleton, Greene of Steele and Robertson be, and they are hereby appointed a committee on the part of the House, to meet with a like committee on the part of the Senate, to take into consideration all matters pertaining to our railroads and railroad grants, with power to send for persons and papers.

Adopted.

Mr. Nettleton asked to be excused from serving on the committee.

Which was not granted.

Mr. Morrison moved that the resolutions offered by Mr. Coggs-
well, be referred to the special committee on railroads.

Carried.

Mr. Morrison moved to refer the resolutions of Mr. Robertson to the Committee on the Judiciary.

Carried.

Mr. Secombe offered the following resolution :

Resolved, That a standing committee on the subject of county and town organization be instructed to report a bill on that subject, providing for a town government, giving the exclusive control of all local matters of government, and also providing for a board of county commissioners, to consist of three members, to be elected by townships.

Mr. Hunt offered the following substitute:

Resolved, That the Standing Committee on Towns and Counties be, and they are hereby discharged.

Lost.

Mr. Acker moved to refer the resolution offered by Mr. Secombe to the Committee of the Whole.

Carried.

Mr. Secombe moved that the House resolve itself into Committee of the Whole to take into consideration the resolution just referred.

Mr. Olds moved that the House adjourn.

Lost.

The question recurring upon the motion of Mr. Secombe,

It was carried.

Whereupon the House resolved itself into Committee of the Whole.

Mr. Sanborn in the Chair.

After spending some time in the consideration of the resolution offered by Mr. Secombe, the committee rose, and by their Chairman reported progress and asked leave to sit again.

Mr. Abraham moved that the House take a recess until half-past two o'clock.

Carried.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

Mr. McDonough moved that the House resolve itself into a Committee of the Whole, to take into consideration the resolution offered by Mr. Secombe.

Carried.

Mr. Sanborn in the Chair.

After spending some time therein, the committee rose and reported back the resolution with a recommendation that it do not pass.

Mr. Secombe moved a call of the House.

Which was ordered, and the following members answered to their names:

Messrs. Aaker, Abbott, Abraham, Acker, Anderson, Armstrong, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Chadderdon, Cleary, Cleveland, Cœe, Donohue, Garrard, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Langworthy, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Ozman, Pfaender, Purdie, Renz, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury.

Shriner, Shultis, Skillman, Stearns, Stock, Sweet, Tollman, Van Vorhes, H. Walker, Orange Walker, Watson, Webster, White, Wilkins and the Speaker.

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

Carried.

Mr. Hulett moved that the report of the committee be adopted.

And the yeas and nays being called for and ordered, there were yeas 25, nays 27, as follows :

YEAS.

Mr. Aaker,	Mr. Hunt,	Mr. Olds,	Mr. Shriner,
Abbot,	Hulett,	Pfaender,	Skillman,
Acker,	Langworthy,	Purdie,	Tennison,
Austin,	Leiford,	Rens,	Walker, H.
Baker,	McDonough,	Sherwood,	White,
Brooks,	Meighan,	Shrewsbury,	Speaker,
Greene of Steele,			

NAYS.

Mr. Anderson,	Mr. Hayes,	Mr. Nettleton,	Mr. Stearns,
Abraham,	Johnson,	Osman,	Stock,
Baldwin,	Kinkadee,	Robertson,	Sweet,
Burnham,	Knox,	Roy,	Tollman,
Butler,	Mann,	Sanborn,	Van Vorhes,
Chapman,	Mansor,	Sawyer,	Walker, Orange
Cleary,	Mitchell,	Scheffer,	Webster,
Cleveland,	Mitch,	Secombe,	Wilkins,
Donohue,	Morrison,	Shultis,	Watson,
Garrard,			

So the motion was lost.

Mr. Sweet moved to adjourn.

Lost.

Mr. Stearns moved to amend the resolution offered by Mr. Secombe, by striking out the words three commissioners, and inserting five county commissioners, to be chosen by districts.

Mr. Olds moved to adjourn.

Lost.

Mr. Acker moved to amend the amendment by striking out commissioners and inserting one supervisor for each township.

And the yeas and nays being called for and ordered, there were yeas 22, and nays 29, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Purdie,	Mr. Stearns,
Acker,	Hulett,	Sherwood,	Tennison,
Austin,	Knox,	Shew-bury,	Walker, H.
Baker,	Leiford,	Shriner,	White,
Brooks,	McDonough,	Skillman,	Speaker,
Chadderton,	Meighan,		

NAYS.

Mr. Abraham,	Mr. Hunt,	Mr. Osman,	Mr. Shultis,
Arms'rong,	Johnson,	Olds,	Stock,
Baldwin,	Kinkadee,	Pfaender,	Sweet,
Burnham,	Langworthy,	Rens,	Tollman,
Butler,	Mann,	Robertson,	Van Vorhes,
Cleary,	Mansor,	Roy,	Walker, Orange
Cleveland,	Mitchell,	Sanborn,	Watson,
Donohue,	Mitch,	Sawyer,	Webster,
Garrard,	Morrison,	Scheffer,	Wilkins,
Hayes,	Nettleton,	Secombe,	

So the motion was lost.

The question recurring upon the amendment offered by Mr. Stearns,

And the yeas and nays being called for and ordered, there were yeas 30, nays 31, as follows:

YEAS.

Mr. Acker,	Mr. Garrard,	Mr. Mitchell,	Mr. Sawyer,
Armstrong,	Hayes,	Morrison,	Shrewsbury,
Austin,	Hunt,	Oxman,	Skilman,
Bixler,	Langworthy,	Pfaender,	Stearns,
Burnham,	Leiford,	Purdie,	Walker, H.
Butler,	Mann,	Rehn,	Orange Walker,
Chadlerdon,	Wantor,	Sanborn,	Watson,
Cleveland,	McDonough,		80

NAYS.

Mr. Acker,	Mr. Johnson,	Mr. Roy,	Mr. Temanson,
Abraham,	Kirkhead,	Scheffer,	Tollman,
Baldwin,	Knox,	Secombe,	Van Vorhes,
Brooks,	Meighan,	Sherwood,	Webster,
Cleary,	Misch,	Shriner,	White,
Dunhue,	Nettleton,	Shuttle,	Wilkins,
Greene, of Steele,	Olds,	Steele,	Speaker,
Hulet,	Robertson,	Sweet,	81

So the amendment was lost.

The question recurring upon the resolution of Mr. Secombe,

And the yeas and nays being called for and ordered, there were yeas 28 and nays 34 as follows:

YEAS.

Mr. Abraham,	Mr. Johnson,	Mr. Nettleton,	Mr. Sweet,
Armstrong,	Kirkhead,	Robertson,	Steele,
Baldwin,	Knox,	Roy,	Tollman,
Bixler,	Langworthy,	Sanborn,	Van Vorhes,
Burnham,	Mann,	Scheffer,	Walker Orange,
Cleary,	Mitchell,	Secombe,	Watson,
Garrard,	Mitch,	Shuttle,	Webster,

NAYS.

Mr. Acker,	Mr. Greene, of Steele,	Mr. Olds,	Mr. Skillman,
Annot,	Hayes,	Oxman,	Shriner,
Acker,	Hulet,	Pfaender,	Stearns,
Austin,	Hunt,	Purdie,	Temanson,
Brooks,	Knox,	Rehn,	Walker, H.
Butler,	Leiford,	Sawyer,	White,
Chadlerdon,	Meighan,	Sherwood,	Wilkins,
Cleveland,	McDonough,	Shrewsbury,	Speaker,
Donohue,	Morrison,		84

So the resolution was lost.

Mr. Acker moved to adjourn.

Lost.

Mr. Robertson moved that the vote upon the amendment of Mr. Stearns be reconsidered.

Mr. Acker moved to lay the motion to reconsider on the table.

Lost.

The question recurring upon the motion to reconsider,

It was carried.

Mr. Secombe moved to adjourn.

Lost.

The question recurring upon the amendment of Mr. Stearns,

And the yeas and nays being ordered, there were yeas 36, nays 25, as follows:

YEAS

Mr. Abraham,	Mr. Johnson,	Mr. Merrill,	Mr. Scheffer,
Armstrong,	Kinkad,	Nelson,	Secombe,
Baldwin,	Lea-worth,	Ozma,	Roberts,
Burham,	Letford,	Parle,	Stok,
Butler,	Mann,	Rees,	Taylor,
Cery,	Minter,	Robertson,	Taylor,
Cove and,	M. Donough,	Sawyer,	Van Vorhes,
Gairard,	Mitchell,	Sanborn,	Walker, Orling,
Hayes,	Mitch,	Stearns,	Watson,

YEAS.

Mr. Asker,	Mr. Green, of Steele,	Mr. Pfaender,	Mr. Teman,
Acker,	Hunt,	Roy,	Walker, H.
Austin,	Hunt,	Sherwood,	Webster,
Bixler,	Knox,	Shre-shury,	White,
Brooks,	Melhan,	Skinner,	Wilkins,
Chalderdon,	Olds,	Skilman,	W. S. ker.
Donohue,			

So the amendment of Mr. Stearns to the resolution of Mr. Secombe, was carried.

The question recurring upon the adoption of the resolution as amended, it was carried.

Mr. Stock moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

TWENTY-SECOND DAY.

WEDNESDAY, Jan. 4th, 1859.

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

The roll was called, and the following members found absent:

Messrs. Dayton, Fox, Kinkad, Leavens, Morrison, Rehfeld, Robertson, Sanborn, Scheffer, Secombe, Shriner, Stephenson, Stewart, Taylor, Van Vorhes, and Willey.

The journal of the preceding day was read and approved.

Mr. Mitchell announced that Mr. Caskey, of Dakota county, was present and moved that he take and subscribe to the oath of office and be admitted to his seat.

Carried.

Mr. Caskey then came forward and subscribed and took the oath of office.

Mr. Anderson, from the Committee on Roads and Bridges, presented the report of said committee on H. F. No. 10, and recommended its passage.

The bill was ordered engrossed and passed to a third reading.

Mr. Tollman presented a report from the member from Stearns county, on H. F. Nos. 47 and 48, and recommended their passage.

Adopted.

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

A bill to repeal section 8, of chapter 5, of the revised statutes.

Mr. Donohue offered the following resolution :

Resolved, That two thousand copies of the Governor's message be printed in English, and one thousand copies in German, and also a like number of Governor Sibley's message be printed for the use of the members.

Mr. Abraham moved to refer the resolution to the Committee on Printing.

Lost.

Mr. Cleveland offered the following substitute :

"That the Committee on Public Printing be instructed to inquire what will be the necessary expense of printing 5000 copies of the message of Governor Ramsey, including 500 copies in German, and 500 in Norwegian, and report to-morrow morning."

Mr. Purdie moved to refer the substitute and original resolution to the Committee of the Whole.

Mr. Van Vorhes moved the previous question.

Which was ordered.

The question then recurring upon the substitute offered by Mr. Cleveland,

And the yeas and nays being called for and ordered, there were yeas 33, nays 35, as follows :

YEAS.

Mr. Acker,	Mr. Cleveland;	Mr. Mantor,	Mr. Stearns,
Aubert,	Crocker,	Pfaender,	Temanson,
Abraham,	Hayes,	Sanborn,	Trow,
Anderson,	Huett,	Sawyer,	Van Vorhes,
Arnold,	Knox,	Sequimbe,	Walker, H.
Balwin,	Langworthy,	Sherwood,	Walker, Orange
Burnham,	Letford,	Shrewsbury,	Watson,
Butler,	Mann,	Skilman,	White,
Quakey,			

33

NAYS.

Mr. Acker	Mr. Garrard,	Mr. Nettleton,	Mr. Stock,
Armstrong,	Greene, of Olmsted	Ods,	Sweet,
Austin,	Greene, of Steele	Ozman,	Thayer,
Beatty,	Hunt,	Purdie,	Tollman,
Bixler,	Johnson,	Robertson,	Webster,
Brooks,	M. Donough,	E. J.,	Wilkins,
Chandleron,	Mitchell,	Shultis,	Speker,
Clery,	Morsch,	Stevens,	
Donohue,	Morrison,		

35

So the motion was lost.

The question then was upon the resolution of Mr. Donohue,

And the yeas and nays being called for and ordered, there were yeas 11, nays 58, as follows :

YEAS.

Mr. Anderson,	Mr. Donohue,	Mr. Sanborn,	Mr. Tollman,
Beatty,	Misch,	Shiner,	Wilkins,
Clery,	Robertson,	Sweet,	

11

YAYS.

Mr. Aker,	Mr. Cleveland,	Mr. McDonough,	Mr. Shultz,
Abbott,	Garrard,	Morrison,	Stillman,
Abraham,	Greene of Olmsted	Nettleton,	Stearns,
Acker,	Greene of Steele	Olde,	Steck,
Arastrog,	Hayes,	Oliver,	Temanson,
Arnold,	Hulett,	Ozmas,	Thayer,
Austin,	Hunt,	Pfaender,	Trow,
Baldwin,	Johnson,	Purdie,	Van Vorhes,
Bix er,	Knox,	Renz,	Walker H.
Brooks,	Langworthy,	Roy,	Walker, Orange
Butler,	Letford,	Sawyer,	Watson,
Burham,	Mann,	Secombe,	Webster,
Catley,	Mansbr,	Shewwood,	White,
Chaderton,	Meighan,	Shrewsbury,	Speaker.
Coe,	Mitchell,		

So the resolution was lost.

Mr. Secombe moved that the Chief Clerk be authorized to have printed 1000 copies of Gov. Ramsey's message.

Mr. Aker moved to amend by adding 500 copies in German and 500 in Norwegian.

Mr. Sweet moved to indefinitely postpone the motion and amendment.

Carried.

Mr. Butler presented the report of the Committee on Elections, on H. F. No. 8, recommending its passage.

Mr. Aker moved that the report be referred to the Committee of the Whole.

Carried.

Mr. Secombe offered the following resolution :

Resolved, That the Clerk of this House cause to be printed for the use of the House, 100 copies of a Legislative Manual, containing the rules of this House, the joint rules of the two Houses, the committees of this House, and other matters contained in the Manual prepared for the last Legislature.

Adopted.

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

A bill for an act to provide for the collection of statistics in this State.

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

A bill for an act to give Hugh Jordan the exclusive privilege of using the waters of Lake Lura for milling purposes.

Mr. Stearns offered the following resolution :

Resolved. That on each day when there is business before the House, the House hold its morning session till half-past twelve o'clock, and then take a recess until half past two o'clock, unless otherwise ordered.

Adopted.

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

A bill for an act to amend an act providing for the appointment of Notaries Public, and prescribing their duties, approved July 26, 1858.

Mr. Sanborn presented the report of the Committee on the Judiciary on H. F. No. 32, as follows :

To the Hon. the House of Representatives :

Your Committee on Judiciary, to whom was referred the bill entitled "an act regulating the mode of administering assignments for the benefit of creditors," beg leave to submit the following report : That they have amended said bill so as confer the jurisdiction in such cases to the Probate Court instead of the District Court, and recommend the passage of the bill as so amended.

JOHN B. SANBORN, Chairman.
D. A. ROBERTSON.
WM. MITCHELL.
GEO. W. SWEET.
H. E. MANN,

Mr. Hayes moved that the report be referred to the Committee of the Whole.

Carried.

Mr. Butler offered the following resolution :

Resolved, That the Chief Clerk be authorized to issue to Luke Marvin a certificate of fifty dollars, for services as commissioner in the case of Jefferson against Nettleton.

Adopted.

Mr. Sweet introduced—

A bill to prohibit the emigration and settlement of free negroes within the State.

Which had its first reading.

Mr. Secombe moved to reject the bill.

Mr. Olds moved the previous question.

Carried.

The question was upon the motion to reject the bill,

And the yeas and nays being called for and ordered, there were yeas 57, nays 12, as follows :

YEAS.

Mr. Aaker,	Mr. Cog,	Mr. McWhan,	Mr. Stearns,
Abbott,	Gerrard,	Mitchell,	Shultz,
Abraham,	Greene, of Olmsted	Morrison,	Stock,
Acker,	Greene of Steele,	Osman,	Tennison,
Armstrong,	Hayes,	Olds,	Thayer,
Arnold,	Hulett,	Pfaender,	Trow,
Austin,	Hunt,	Purdie,	Van Vorhes,
Baldwin,	Johnson,	Rens,	Walker, Orange
Bixler,	Knox,	Sanborn,	Walker, H.
Brooks,	Langworthy,	Sawyer,	White,
Burnham,	Letford,	Secombe,	Watson,
Butler,	Mann,	Sherwood,	Webster,
Caskey,	Manter,	Shrewsbury,	Wilkins,
Chadderton	McDonough,	Skillman,	Speaker.
Cleveland,			

57

NAYS.

Mr. Anderson,	Mr. Donohue,	Mr. Olivier,	Mr. Shriner,
Beatty,	Mitch,	Robertson,	Sweet,
Cleary,	Nettleton,	Roy,	Tollman,

12

So the motion was carried.

Mr. Shriner offered the following resolution:

Resolved, That the Chief Clerk furnish to each member of the House, one daily German paper, or its equivalent in weeklies.

Lost.

Mr. Hunt moved that a standing committee of three be appointed to whom all bills shall be referred (previous to their third reading,) who shall inquire 1st. If their provisions conflict with any laws which they do not propose to repeal. 2d. When the laws were approved that they do repeal, and report upon the same at their earliest convenience.

Lost.

The Speaker presented the following communication from his Excellency the Governor:

EXECUTIVE OFFICE,
St. PAUL, January 4, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives:

SIR: I have this day approved and signed,

H. F. No. 1. A bill for an act to abolish the office of Prosecuting Attorney of the several judicial districts in the State of Minnesota,

Very respectfully,

ALEX. RAMSEY,

Mr. Sanborn, from the Committee on the Judiciary, to whom was referred H. F. No. 4., reported that the bill be indefinitely postponed:

Mr. Sawyer moved that the report be adopted.

Carried.

The following message was received from the Senate:

Mr. Speaker—

I am instructed to inform the House that the Senate has passed—

S. F. No. 21. A memorial to the President of the United States in reference to the Light Houses on Superior.

Also,

S. F. No. 27. A bill for an act to attach the county of Todd to the county of Morrison for judicial purposes.

In which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

H. F. No. 24. A joint resolution of the State of Minnesota on the insurrection at Harper's Ferry.

Was read the second time.

Mr. Mitchell moved to refer the joint resolutions to the Committee on Federal Relations.

Mr. Abraham moved to indefinitely postpone the resolution.

Mr. Stearns moved to take a recess until half-past two o'clock.

Carried.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The question recurring upon the motion to indefinitely postpone the resolutions upon the Harper's Ferry insurrection.

It was withdrawn.

The question recurring upon the motion to refer the resolutions to the Committee on Federal Relations.

It was lost.

Mr. Sanborn offered the following amendments to the resolutions:

Amend the first line of the preamble by striking out the words "attempt made to disturb," and insert in the place thereof, the words "disturbance of." And to strike out all after the word "fraud," in the second line and all of the third line, and insert in the place thereof the words "of the Union of these States, by Democratic members of Congress openly avowing on the floor of the National House of Representatives, sentiments of disunion and disloyalty to the constitution, which are treasonable in all their tendencies and aspects."

Also, to strike out the words "insurrectionary movements," in the eighth line, and insert in the place thereof, the words "treasonable sentiments."

Also, to insert after the word character in the 13th line, the words "as to promulgate disunion sentiments."

And also to amend further by striking out all after the 15th line after the word "State," and all the 16th, 17th, 18th, and 19th lines, and insert in the place thereof the words "and any member of Congress who favors such interference, or who avows sentiments of disunion on the floor of either House of Congress, should be, and hereby is denounced with indignation and abhorrence, and that we can never encourage, will never threaten, and can never permit the sundering of those political ties that make of our United States a great, prosperous and powerful nation."

Also, to amend by striking out all of the 20th line after the word Minnesota, and all of the 21st line to the word cherish, and insert in the place thereof the words "while deprecating all acts of disorder, pledges herself to all her sister States, to regard to the fullest extent, as well the constitutional rights, as the welfare, harmony and strength of the States, and to,"

Mr. Donohue moved that the resolution and amendments be postponed, and made the order of the day for to-morrow.

Lost.

Mr. Langworthy moved a call of the House.

Which was ordered, and the following members answered to their names:

Messrs. Aaker, Abbott, Acker, Abraham, Armstrong, Arnold, Austin, Baldwin, Bixler, Burnham, Caskey, Chadderdon, Cleary, Cleveland, Coe, Donohue, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulét, Hunt, Johnson, Kinkead, Langworthy, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Olivier, Pfander, Purdie, Renz, Roy, Sanborn, Scheffer, Secombe, Sherwood, Shrewsbury, Shriber, Shultz, Skillman, Stearns, Stock, Sweet, Temanson, Thayer, Tollman, H. Walker, Orange Walker, Watson, Webster, White, Wilkins and Mr. Speaker.

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

Carried.

Mr. Secombe moved the previous question.

Which was ordered.

The question recurring upon the amendment offered by Mr. Secombe,

And the yeas and nays being called for and ordered, there were yeas 47, nays 14, as follows:

YEAS.			
Mr. Abbott,	Mr. Greene, of Olmsted,	Mr. Melghan,	Mr. Stearns,
Abraham,	Greene of Steele,	Mitchell,	Stock,
Acker,	Hayes,	Morrison,	Tomanson,
Arnold,	Hunt,	Pfaender,	Thayer,
Austin,	Hulett,	Purdie,	Van Vorhes,
Baldwin,	Johnson,	Renz,	Walker, Orange
Bixler,	Knox,	Sanborn,	Walker, H.
Burnham,	Langworthy,	Secombe,	Watson,
Caskey,	Letford,	Sherwood,	Webster,
Cleveland,	Mann,	Shrewsbury,	White,
Coe,	Mantor,	Shultis,	Speaker.
Garrard,	McDonough,	Skillman,	
47			
NAYS.			
Mr. Aaker,	Mr. Donohue,	Mr. Roy,	Mr. Sweet,
Armstrong,	Kinkad,	Scheffer,	Tollman,
Chadderton,	Mitch,	Shriner,	Wilkins,
Cleary,	Olivier,		
14			

So the amendment was not adopted.

The question then recurring upon the passage of the joint resolution as amended,

And the yeas and nays being called for and ordered, there were yeas 50, nays 13, as follows:

YEAS.			
Mr. Abraham,	Mr. Garrard,	Mr. Melghan,	Mr. Stearns,
Abbott,	Greene of Olmsted,	McDonough,	Stock,
Acker,	Greene of Steele,	Morrison,	Tomanson,
Andersen,	Hayes,	Pfaender,	Thayer,
Arnold,	Hulett,	Purdie,	Trow,
Austin,	Hunt,	Renz,	Van Vorhes,
Baldwin,	Johnson,	Sanborn,	Walker, H.
Bixler,	Knox,	Sawyer,	Watson,
Brooks,	Letford,	Secombe,	Webster,
Burnham,	Langworthy,	Sherwood,	White,
Caskey,	Mann,	Shrewsbury,	Speaker,
Cleveland,	Mantor,	Skillman,	
Coe,	Mitchell,		
50			
NAYS.			
Mr. Aaker,	Mr. Cleary,	Mr. Mitchell,	Mr. Scheffer,
Armstrong,	Donohue,	Olds,	Shriner,
Beatty,	Kinkad,	Roy,	Tollman,
Chadderton,			
13			

So the resolutions were passed as amended.

Mr. Secombe moved that any absent members may have an opportunity to record their votes upon the resolutions if they desire it.

Carried.

H. F. No. 48. A bill relating to township organization, and defining the duties of town officers.

Was read the second time.

Mr. Acker moved that the bill be referred to the Committee on Towns and Counties.

Carried.

On motion of Mr. Cleveland,

H. F. No. 38. A bill for an act to provide for the compensation of members and officers.

Was taken up and put upon its final passage.

Mr. Morrison moved that the bill be referred to the Committee of the Whole.

Lost.

Mr. Baldwin moved to strike out all in section 4, after the words mileage and per diem.

And the yeas and nays being ordered, there were yeas 35, nays 26, as follows :

YEAS.			
Mr. Aaker, Abraham, Baldwin, Cleary, Donohue, Garrard, Greene, of Steele, Hayes, Hulet,	Mr. Hunt, Johnson, Kinkead, Langworthy, Letford, Mann, McDonough, Meighan, Mitch,	Mr. Mitchell, Morrison, Olds, Pfaender, Rens, Sanborn, Sawyer, Scheffer, Shriner,	Mr. Sherwood, Skillman, Sweet, Temanson, Trow, Walker, H. Webster, Speaker,
35			
NAYS.			
Mr. Anderson, Armstrong, Arnold, Austin, Beatty, Bixler, Brooks,	Mr. Burnham, Caskey, Chadderdon, Cleveland, Coe, Greene, of Olmsted Knox,	Mr. Mantor, Purdie, Roy, Shrewsbury, Stearns, Stock, Secombe,	Mr. Thayer, Tollman, Van Vorhes, Watson, White,
26			

So the amendment was adopted.

Mr. Morrison moved to strike out all of section seven.

Mr. Hunt moved to amend by adding "which certificate shall draw interest."

And the yeas and nays being called for and ordered, there were yeas 29, nays 32, as follows :

YEAS.			
Mr. Anderson, Arnold, Austin, Beatty, Bixler, Brooks, Burnham, Caskey,	Mr. Chadderdon, Cleveland, Coe, Greene, of Olmsted Hunt, Knox, Kinkead,	Mr. Mantor, Olds, Purdie, Roy, Secombe, Shrewsbury, Skillman,	Mr. Stearns, Stock, Thayer, Tollman, Van Vorhes, Watson, Speaker,
29			
NAYS.			
Mr. Aaker, Abraham, Armstrong, Baldwin, Cleary, Donohue, Garrard, Greene, of Steele	Mr. Hayes, Hulet, Johnson, Langworthy, Letford, Mann, McDonough, Mitchell,	Mr. Morrison, Mitch, Meighan, Pfaender, Rens, Sawyer, Sanborn, Sherwood,	Mr. Scheffer, Shriner, Sweet, Temanson, Trow, Walker, H. Webster, White,
32			

So the amendment of Mr. Hunt was lost.

The question recurring upon the motion of Mr. Morrison,
It was Lost.

Mr. Trow moved to amend section two so as to read, Secretary of the Senate and the Chief Clerk of the House, two dollars extra, and Assistant Secretary and Assistant Clerk, one dollar extra.

Mr. Donohue moved, as a substitute, to amend by striking out all after the word House in the first line and before the word three in the second line of section two.

Mr. Stearns called for the previous question.

Which was ordered.

The question was upon the substitute offered by Mr. Donohue,

And the yeas and nays being called for and ordered, there were yeas 2, nays 50, as follows :

		YEAS.	
Mr. Donohue,	Mr. Sweet,		
		NAYS.	
Mr. Aaker,	Mr. Cleveland,	Mr. Olds,	Mr. Stearns,
Abbott,	Garrard,	Pfaender,	Stock,
Abraham,	Hulett,	Purdie,	Temanson,
Anderson,	Hunt,	Roy,	Thayer,
Armstrong,	Johnson,	Sanborn,	Trow,
Arnold,	Knox,	Sawyer,	Tollman,
Baldwin,	Langworthy,	Secombe,	Van Vorst,
Bixler,	Letford,	Scheffer,	Walker, H.
Brooks,	Mann,	Shrewsbury,	Watson,
Caskey,	Meighan,	Shriner,	Webster,
Chaderton,	Mitchell,	Skidman,	White,
Coe,	McDonough,		Speaker.
Cleary,	Mitch,		

50

So the substitute was lost.

The question then recurring upon the amendment offered by Mr. Trow,
It was lost.

Mr. Secombe moved to amend section 2 so as to read as follows :

Sec. 2. That there shall be allowed to the presiding officer of the House of Representatives, and the Secretary of the Senate, and Chief Clerk of the House, three dollars per day extra during the session of the Legislature.

Carried.

Mr. Sawyer offered the following amendment :

Provided, that the Chief Clerk and Secretary of the Senate shall prepare the journals for publication properly indexed, without further compensation
Which was lost.

Mr. Langworthy moved to adjourn.

Lost.

Mr. Purdie offered the following amendment :

Amend line 3 of section 1 by inserting after the word receive, "two dollars," instead of one dollar and fifty cents.

Lost.

The question then recurring upon the passage of the bill,

And the yeas and nays being ordered there were yeas 28, nays 31, as follows :

YEAS.

Mr. Aaker, Abbott, Abraham, Baldwin, Oskey, Garrard, Greene, of Steele	Mr. Hulett, Knox, Langworthy, Mann, Mantor, McDonough, Meighan,	Mr. Morrison, Mitchell, Pfaender, Rens, Sanborn, Secombe, Skillman,	Mr. Stearns, Van Vorhes, Walker, H. Watson, Webster, White, Speaker,	28
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NAYS.

Mr. Anderson, Armstrong, Beatty, Bixler, Brooks, Burnham, Chadderdon, Cleary,	Mr. Cleveland, Coe, Donohue, Hayes, Hunt, Johnson, Kinkad, Lettford,	Mr. Mitch, Olds, Purdie, Roy, Sawyer, Scheffer, Sherwood, Shrewsbury,	Mr. Stock, Shriner, Sweet, Temanson, Thayer, Tollman, Trow,	81
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So the bill was lost.

Mr. Trow moved to adjourn.

Lost.

Mr. Sanborn moved that the House resolve itself into a Committee of the Whole to take into consideration S. F. No. 29. A bill for an act to appropriate money for certain purposes named therein.

Carried.

Mr. Secombe was called to the Chair.

After spending some time therein the committee rose, and by their Chairman reported the bill back without amendments, and recommended its passage.

Mr. Sanborn moved to suspend the rules as to allow the bill to be read a third time.

Carried.

The bill was then read the third time, and put upon its final passage.

And the yeas and nays being ordered there were yeas 41, nays 17, as follows:

YEAS.

Mr. Aaker, § Abraham, Baldwin, Beatty, Bixler, Brooks, Burnham, Cleary, Donohue, Garrard, Greene, of Steele	Mr. Hayes, Hulett, Johnson, Kinkad, Langworthy, Lettford, Mann, Mantor, McDonough, Meighan,	Mr. Mitchell, Morrison, Olds, Pfaender, Rens, Sanborn, Sawyer, Scheffer, Secombe, Sherwood,	Mr. Shriner, Skillman, Sweet, Temanson, Tollman, Van Vorhes, H. Walker, Watson, Webster, Speaker,	41
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NAYS.

Mr. Abbott, Anderson, Armstrong, Arnold, Oskey,	Mr. Chadderdon, Cleveland, Coe, Hunt,	Mr. Knox, Purdie, Roy, Shrewsbury,	Mr. Stearns, Stock, Trow, Thayer,	17
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So the bill was passed, and the title was agreed to.

Mr. Langworthy moved to adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

TWENTY-THIRD DAY.

THURSDAY, Jan. 5th, 1860.

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

Prayer was offered by the Rev. Mr. Chaffee.

The roll was called, and the following members found absent :

Messrs. Cleary, Cleveland, Dayton, Fox, Hayes, Hulett, Hunt, Leavens, Morrison, Rehfeld, Robertson, Roy, Sanborn, Scheffer, Shukis, Skillman, Stevens and Willey.

The journal of the preceding day was read and approved.

The following communication was received and read :

CITY CLERK'S OFFICE,
City of Hastings, Jan. 2, 1860. }

To the Honorable the Speaker of the House of Representatives.

At a meeting of the Council of the city of Hastings, held on the second day of January, 1860, it was resolved that the Legislature of the State of Minnesota be requested not to change the charter of the city of Hastings until such change be recommended by the City Council of said city of Hastings. And that the Clerk be ordered to forward a certified copy of the resolution to the President of the Senate and Speaker of the House of Representatives of the State of Minnesota.

This is to certify that the foregoing is a correct copy of the resolution on file and of record in this office.

Witness my hand and seal of the city of Hastings.

A. MacKWRACHER, City Clerk.

Mr. Hayes moved that the communication be referred to the Committee on Incorporations.

Carried.

Mr. Trow presented the report from the Committee on Internal Improvements, upon a bill to provide for a State Road from St. Cloud to Fond du Lac, recommending that it be printed and referred to the Committee of the Whole.

Mr. Sweet moved that the report be adopted.

Carried.

Mr. Sawyer, from the Committee on Schools and School Lands, reported upon

H. F. No. 5. A bill for an act to provide for the regulating and maintenance of common schools.

That the committee had amended the same, and recommending that the bill be printed as amended.

Mr. Greene, of Steele, moved to refer the bill to the Committee upon Town and County Government.

Carried.

Mr. Sawyer, from the Committee on Schools and School Lands, reported upon H. F. No. 42.

Mr. Olds moved that the report be adopted.

Carried.

Mr. Greene, of Steele, from the Committee on Ways and Means, reported upon the petition of citizens of Blue Earth and Faribault counties, for an extension of time for the payment of taxes, that the petitioners' prayer be not granted.

Mr. Trow moved that the report be adopted.

Carried.

Mr. Skillman moved that an addition of five be added to the Committee on Towns and Counties, and that the select committee appointed yesterday, to whom was referred the bills on Towns and Counties be that addition.

Carried.

Mr. Garrard offered the following resolution :

Resolved, That the Committee on Printing in the House be authorized to confer with the Printing Committee of the Senate, in relation to printing the Governor's message for both Houses of the Legislature, and to procure two thousand copies of said message in the English, five hundred copies in the German, and five hundred copies in the Norwegian languages, and five hundred copies in the French language.

Mr. Robertson offered the following amendment :

And also for printing 2,000 copies of Gov. Sibley's annual message.

And the yeas and nays being called for and ordered, there were yeas 19, nays 53, as follows :

YEAS.			
Mr. Anderson,	Mr. Donohue,	Mr. Olivier,	Mr. Overhansen,
Armstrong,	Garrard,	Robertson,	Sweet,
Beatty,	Kirkland,	Roy,	Tollman,
Chadlerdon,	Mitch,	Scheffer,	Wilkins,
Osborn,	Notelson,	Shiner,	
19			
NAYS.			
Mr. Aker,	Mr. Greene of Olmsted,	Mr. Melghan,	Mr. Edwards,
Abraham,	Greene, of Steele,	Morrison,	McK,
Abbott,	Hayes,	O'Brien,	Stewart,
Acker,	Hulett,	Oxman,	Taylor,
Arnold,	Hunt,	Pfander,	Thomson,
Austin,	Johnson,	Purdie,	Thayer,
Baldwin,	Knox,	Rens,	Trow,
Bixler,	Letford,	Sawyer,	Van Vels,
Brooks,	Langworthy,	Secombe,	Walker, H.
Burnham,	Mann,	Sherwood,	Walton, Oram,
Butler,	Monitor,	Shewsbury,	Watson,
Caskey,	Mitchell,	Skillman,	Webster,
Cleveland,	McDonough,	Shultz,	White,
Coe,			

So the amendment was lost.

The question recurring upon the adoption of the resolution,

Mr. Secombe moved to amend by adding "and five hundred copies in the Welsh language."

Mr. Sweet moved an amendment to the amendment, by adding "five hundred copies in the Dakota language."

Mr. Cleveland moved the previous question.

Which was ordered.

The question recurring upon the amendment to the amendment of Mr. Sweet,

It was lost.

The question then recurring upon the amendment of Mr. Secombe,

It was lost.

The question then recurring upon the resolution of Mr. Garrard,

And the yeas and nays being called for and ordered, there were yeas 60, nays 13, as follows:

YEAS,

Mr. Asker,	Mr. Coe,	Mr. Morrison,	Mr. Stearns,
Abr-ham,	Donahue,	Newleson,	Stewart,
Armstrong,	Greene, of Olmsted	Oaman,	Sweet,
Arnold,	Garrard,	Olivier,	Shullis,
Anstin,	Hayes,	Pfa-nder,	Taylor,
Andersen,	Hunt,	Purdie,	Templeton,
Baldwin,	Hulett,	Rens,	Thyer,
Baxter,	Johnson,	Robertson,	Tolman,
Brooks,	Knox,	Roy,	Trow,
Beatty,	Kinkhead,	Sawyer,	Van Vorhe,
Burham,	Langworthy,	Sch-fer,	Walker, Orange,
Butler,	Leiford,	Secombe,	Walker, H.
Oaker,	Minn,	Sherwood,	Watson,
Chandlerdon,	McDonough,	Shrewsbury,	White,
Cleveland,	Mitch,	Shullis,	Wilkins,

NAYS.

Mr. Abbott,	Mr. Mantor,	Mr. Olds,	Mr. Stock,
Acker,	Meighan,	Shriner,	Welstat,
Cleary,	Mitchell,	Stephenson,	Speaker,
Greene of Steele,			

So the resolution was adopted.

Mr. Shrewsbury offered the following preamble and resolution:

Whereas, The Democratic members of this House have demonstrated by their action this day, and on other occasions, a desire to prolong the session of the Legislature, by introducing resolutions and motions on the subject of slavery, that cannot have any bearing in a free State, socially or financially.

And whereas, It is the desire of the majority of this House to proceed with the legitimate business of the session. Therefore

Resolved, That this House will not entertain any motions relative to the subject of slavery or the Harper's Ferry tragedy, only by the consent of a majority of the members of this House.

Mr. Mitchell moved to indefinitely postpone the preamble and resolutions.

Carried:

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

A bill authorizing the various collectors and Treasurers of the State of Minnesota, to receive the certificates issued to members of the Legislature for per diem and mileage prior to this date, in payment of State taxes.

Mr. Secombe introduced—

A bill for an act to amend an act providing for the appointment of Notaries Public, and prescribing their duties, approved July 26, 1858.

Which was read a first time.

Mr. McDonough introduced—

A bill for an act to amend an act approved February 23, 1854, and also an act approved March, 1856, in relation to Territorial roads.

Which was read a first time.

Mr. Pfaender introduced—

A joint memorial of the Senate and House of Representatives to the President of the United States.

Which had its first reading.

Mr. Pfaender moved to suspend the rules so as to allow the memorial to be referred to the member from Brown county.

Carried.

And the memorial was so referred.

Mr. Cleveland moved that the Governor's message be now taken up and referred to the appropriate committees.

Carried.

Mr. Secombe rose to a point of order, that the Governor's message was not before the House, and therefore could not be taken up.

The Speaker decided the point not well taken.

Mr. Secombe appealed from the decision of the Chair.

The question was, shall the decision of the Chair be sustained?

Which was carried.

Mr. Sweet moved to postpone the further consideration of the Governor's message until the message be printed and laid upon the members' desks.

Carried.

Mr. Kinkaid introduced—

A bill for an act to tax civil actions in aid of the judicial fund.

Which was read a first time.

S. F. No. 2. A memorial to the President of the United States in reference to the light houses on Lake Superior.

Had its first reading.

S. F. No. 27. A bill for an act to attach the county of Todd to the county of Morrison for judicial purposes.

Had its first reading.

S. F. No. 9. A memorial for the extension of the reciprocity treaty.

Was read a second time.

S. F. No. 19. A bill for an act to attach the county of Manomin to Anoka for judicial purposes.

Was read the second time.

H. F. No. 47. A bill for an act to alter the location of the Territorial road from Winnebago to St. Joseph, Stearns county.

Was read a second time.

And was ordered engrossed and passed to a third reading.

H. F. No. 49. A bill for an act to amend section 2 of an act entitled an act to locate and establish a State road from St. Cloud to Breckenridge, approved February 8, 1858.

Was read the second time.

And ordered engrossed and passed to a third reading.

H. F. No. 58. An act to amend an act entitled an act providing for the election and prescribing the duties of Treasurer of State, passed August 13th, 1858

Was read a second time.

And was referred to the Committee on Ways and Means.

H. F. No. 27. A bill for an act dividing the State into two Congressional districts, and to provide for the election of Members of Congress.

Was read the second time.

And was referred to the Committee on Federal Relations.

Mr. Secombe called up the resolution on the insurrection at Harper's Ferry.

Mr. Sanborn moved to amend the title by striking out all the title, and inserting "joint resolution of the Legislature of Minnesota, relating to the disunion sentiments of present Democratic members of Congress, and the sentiments of the State upon the Union."

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half past two o'clock, P. M., the House was called to order by the Speaker.

The question before the House was on the amendment of Mr. Sanborn to the title of the joint resolution on the insurrection at Harper's Ferry.

Mr. Robertson had the floor.

Mr. Trow rose to a point of order. That the gentleman had spoken once on the subject.

The Speaker decided the point of order not well taken.

Mr. Secombe appealed from the decision of the Speaker.

The question was, Shall the decision of the Speaker be sustained?
Carried.

Mr. Robertson proceeded.

Mr. Secombe rose to a point of order. That the gentleman could not read from any book or paper.

The Speaker decided the point not well taken.

Mr. Secombe appealed.

The question was, Shall the decision of the Chair be sustained?

And the yeas and nays being called for and ordered; there were yeas 24, nays 41, as follows:

YEAS.

Mr. Armstrong,	Mr. Garrard,	Mr. Nettleton,	Mr. Phellis,
Beatty,	Kinkead,	Olms,	Stephenson,
Burnham,	Letford,	Purdie,	Sweet,
Chadlerdon,	Mitsch,	Roberts,	Taylor,
Cleary,	Meighan,	Scheffer,	Wilkins,
Donohue,	Morrison,	Shriner,	White,

NAYS.

Mr. Asker,	Mr. Cleveland,	Mr. Mentor,	Mr. Stearns,
Abbott,	Coe,	Mann,	Shrewsbury,
Abraham,	Greene, of Clinton,	M. Donough,	Skilman,
Acker,	Greene, of Steele,	Mitchell,	Stock,
Anderson,	Hayes,	Osman,	Stewart,
Arnold,	Hallett,	Pfaender,	Temanson,
Austin,	Hunt,	Sanborn,	Thayer,
Baldwin,	Johnson,	Secombe,	Walker,
Bixler,	Knox,	Sherwood,	Webster,
Brooks,	Langworthy,		Watson,
Caskey,			

So the decision of the Chair was not sustained.

Mr. Robertson offered the following amendment to the amendment of Mr. Sanborn:

"And to express in disguised and sinister language, the unbecoming hatred of the Republican members of this Legislature toward the slave holding States of the Union, and thereby to manifest their well known sympathy for John Brown, the Republican martyr, and for William H. Seward, and his 'Irrepressible Conflict'."

Mr. Secombe moved the previous question.

Which was ordered.

And the yeas and nays being called for and ordered, there were yeas 11, nays 53, as follows:

YEAS.

Mr. Armstrong,	Mr. Cleary,	Mr. Mitsch,	Mr. Stephenson,
Beatty,	Donohue,	Robertson,	Sweet,
Chadlerdon,	Kinkead,	Shriner,	

NAYS.

Mr. Asker,	Mr. Garrard,	Mr. Mitchell,	Mr. Stearns,
Abbott,	Greene, of Clinton,	Mantor,	Stock,
Abraham,	Greene, of Steele,	Morrison,	Stewart,
Acker,	Hayes,	Osman,	Taylor,
Anderson,	Hallett,	Pfaender,	Temanson,
Arnold,	Hunt,	Purdie,	Thayer,
Austin,	Johnson,	Sanborn,	Walker,
Baldwin,	Knox,	Secombe,	Oransa Walker,
Bixler,	Langworthy,	Sherwood,	Watson,
Brooks,	Letford,	Shrewsbury,	White,
Burnham,	Mann,	Shultz,	Webster,
Caskey,	McDonough,	Skilman,	Speaker,
Cleveland,	Meighan,		
Coe,			

So the amendment was lost.

The question recurring upon the amendment offered by Mr. Sanborn.

And the yeas and nays being called for and ordered, there were yeas 56, nays 14, as follows:

YEAS.

Mr. Asker,	Mr. Greene, of Olmsted	Mr. Meighan,	Mr. Stearns,
Abraham,	Greene of Steele,	Merrison,	Stock,
Acker,	Hayes,	Osman,	Stewart,
Anderson,	Hallett,	Pfander,	T-manson,
Arnold,	Hunt,	Purdie,	Thayer,
Austin,	Johnson,	Sanborn,	Taylor,
Baldwin,	Knox,	Sawyer,	Walker, Orange
Bixler,	Langworthy,	Secombe,	Walker, H.
Brooks,	Leiford,	Sherwood,	White,
Burnham,	Mann,	Shewbury,	Watson,
Cleveland,	Mantor,	Skilman,	Webster,
Coe,	McDonough,	Snider,	Speaker,
Garrard,	Mitchell,		

NAYS.

Mr. Armstrong,	Mr. Donohue,	Mr. Robertson,	Mr. Shriner,
Beatty,	Kinkaid,	Roy,	Sweet,
Chaderton,	Mitchell,	Stephenson,	Wilkins.
Cleary,	Nettleton,		

So the amendment was adopted.

The question then recurring upon the adoption of the title as amended:

It was carried.

Mr. Secombe moved to amend rule 8, by adding "nor more than five minutes at one time without leave of this House."

Mr. Robertson moved to amend the amendment, "and that no member will be allowed to speak over fifteen minutes on any subject."

And the yeas and nays being called for and ordered, there were yeas 28, nays 38, as follows:

YEAS.

Mr. Asker,	Mr. Donohue,	Mr. Pfander,	Mr. Stearns,
Abraham,	Garrard,	Purdie,	Stephenson,
Armstrong,	Kinkaid,	Robertson,	Stewart,
Beatty,	Mitchell,	Roy,	Sweet,
Burnham,	Morris,	Sanborn,	T-manson,
Chaderton,	Olds,	Shaffer,	Thayer,
Cleary,		Shriner,	Wilkins.

NAYS.

Mr. Anderson,	Mr. Cleveland,	Mr. Mann,	Mr. Stock,
Abbott,	Greene of Olmsted	Mantor,	Skilman,
Acker,	Greene, of Steele	McDonough,	Stearns,
Austin,	Hayes,	Meighan,	Taylor,
Arnold,	Hunt,	Osman,	Walker, Orange
Baldwin,	Hallett,	Sawyer,	Walker, H.
Bixler,	Johnson,	Secombe,	Watson,
Brooks,	Knox,	Sherwood,	Webster,
Butler,	Langworthy,	Shrewsbury,	Speaker,
Caskey,	Leiford,		

So the amendment of Mr. Robertson was lost.

The question recurring upon the motion of Mr. Secombe,

It was carried.

Mr. Stock offered the following resolution:

Resolved, That a Chaplain to this House be elected whose compensation shall be one dollar and fifty cents per diem, the compensation to commence from this date.

Mr. Robertson offered the following amendment:

"And that no John Brown Republican preacher shall be elected as such Chaplain."

Mr. Secombe moved to lay the whole matter on the table.

And the yeas and nays being called for and ordered, there were yeas 30, nays 37, as follows:

YEAS.

Mr. Acker	Mr. Donohue,	Mr. Morrison,	Mr. Sweet,
Abraham,	Greene, of Steele	Ozman,	Taylor,
Armstrong,	Hayes,	Pfander,	Thayer,
Brooks,	Hulett,	Paubor,	H. Walker,
Burnham,	Mahor,	Secombe,	Walker, Orange
Butler,	Meighan,	Shultis,	Watson,
O'Leary,	Mitchell,	Stephenson,	Webster,
Cleveland,			

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NAYS.

Mr. Acker,	Mr. Garrard,	Mr. McDonough,	Mr. Shrinck,
Abbott,	Greene, of Olmsted	Nettleton,	Skidman,
Anderson,	Hunt,	Olds,	Shawbury,
Arnold,	Johnson,	Purdie,	Stearns,
Austin,	Kinkadee,	Robertson,	Stewart,
Baldwin,	Knox,	Roy,	Stock,
Beatty,	Langworthy,	Sawyer,	White,
Bixler,	Lefford,	Scheffer,	Wilkins,
Caskey,	Mann,	Sherwood,	Speaker,
Chadderdon,			

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So the motion to lay on the table was lost.

The question recurring upon the amendment of Mr. Robertson,

It was lost.

Mr. Olds moved to amend by striking out the one dollar and fifty cents per day.

Mr. Sweet offered the following substitute:

That the members voting for the person elected as Chaplain, shall pay such Chaplain out of their own per diem.

Mr. Mann moved the previous question.

Which was ordered.

The question was upon the substitute of Mr. Sweet.

Lost.

The question then was upon the amendment offered by Mr. Olds.

Lost.

The question then recurring upon the original resolution,

And the yeas and nays being called for and ordered, there were yeas 42, nays 24, as follows:

YEAS.

Mr. Acker,	Mr. Cleveland,	Mr. McDonough,	Mr. Sweet,
Abbott,	O'Leary,	Morrison,	Stock,
Abraham,	Greene of Olmsted	Purdie,	Stewart,
Anderson,	Hayes,	Robertson,	Thayer,
Arnold,	Hunt,	Roy,	Walker, Orange
Austin,	Kinkadee,	Sawyer,	Watson,
Baldwin,	Knox,	Sherwood,	Webster,
Bixler,	Langworthy,	Shawbury,	White,
Butler,	Lefford,	Skidman,	Wilkins,
Caskey,	Mann,	Stearns,	Speaker,
Chadderdon,	Mitchell,		

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NAYS.

Mr. Armstrong,	Mr. Garrard,	Mr. Nettleton,	Mr. Secombe,
Beatty,	Hulett,	Olds,	Shrinck,
Brooks,	Johnson,	Ozman,	Stephenson,
Burnham,	Mahor,	Pfander,	Shultis,
Donohue,	Meighan,	Paubor,	Taylor,
Greene of Steele,	Mitchell,	Scheffer,	Walker, H.

24

So the resolution was adopted.

The House then proceeded to the election of a Chaplain.

Mr. Ladgworthy moved to adjourn.

Lost.

Mr. Sweet moved that the House proceed to ballot, and that the highest number of votes shall elect.

Lost.

Mr. Secombe moved to elect *vivo* vote.

Carried.

The following nominations were made:

Mr. Greene, of Olmsted, nominated the Rev. Mr. Fiske.

Mr. Shrewsbury nominated the Rev. Mr. Chaffee.

Mr. Sanborn nominated the Rev. John Mattocks.

FIRST BALLOT.

Mr. Chaffee had.....	18
Mr. Mattocks had.....	19
Mr. Fiske had.....	21
Mr. Eggleston had.....	1
Mr. Neill had.....	1
Mr. Morgan had.....	1
Mr. King had.....	1

Whole number of votes 62. Necessary to a choice 32. No one having that number there was no choice.

SECOND BALLOT.

Mr. Chaffee had.....	22
Mr. Fiske had.....	25
Mr. Mattocks had.....	14
Mr. Neill had.....	1

Whole number of votes 62. Necessary to a choice 32. No one having that number there was no choice.

THIRD BALLOT.

Mr. Chaffee had.....	29
Mr. Fiske had.....	27
Mr. Mattocks had.....	7

Whole number of votes 63. Necessary to a choice 32. No one having that number there was no choice.

FOURTH BALLOT.

Mr. Chaffee had.....	27
Mr. Fiske had.....	24
Mr. Mattocks had.....	12

Whole number of votes 63. Necessary to a choice 32. No one having that number there was no choice.

Mr. Tbayr moved to adjourn.

Lost.

FIFTH BALLOT.

Mr. Chaffee had.....	20
Mr. Fiske had.....	21
Mr. Mattocks had.....	12
Bishop Grace had.....	4
Mr. Riheltdafer had.....	3
Mr. King had.....	3
R. M. S. Pease.....	1

Whole number of votes 64. Necessary to a choice 33. No one having that number, there was no choice.

SIXTH BALLOT.

Mr. Chaffee had....	23
Mr. Fiske had.....	23
Mr. Mattocks had.....	15
H. W. Beecher.....	1

Whole number of votes 62. Necessary to a choice 32. No one having that number, there was no choice.

Mr. Webster moved to adjourn.

Lost.

SEVENTH BALLOT.

Mr. Chaffee had.....	17
Mr. Fiske had.....	18
Mr. Mattocks had.....	27
Parson Brownlow had.....	1

Whole number of votes 63. Necessary to a choice 32. No one having that number, there was no choice.

EIGHTH BALLOT.

Mr. Chaffee had.....	14
Mr. Fiske had.....	13
Mr. Mattocks had.....	34

Whole number of votes 61. Necessary to a choice 32.

Mr. Mattocks having received a majority of all the votes cast, was declared elected Chaplain.

Mr. Nettleton moved to adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

TWENTY-FOURTH DAY.

FRIDAY, Jan. 6, 1860.

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

Prayer was offered by the Chaplain.

The roll was called, and the following members found absent :

Messrs. Armstrong, Cleveland, Fox, Garrard, Holett, Hunt, Leavens, Letford, Olivier, Purdie, Rehfeld, Robertson, Roy, Sanborn, Sautis, and Orange Walker.

Mr. Aaker moved that the reading of the Journal be dispensed with.

Carried.

Mr. Mann, from the Committee on Incorporations, presented a report upon a bill for an act to incorporate the St. Paul Commercial College, as follows :

Your committee to whom was referred a bill for an act to incorporate the St. Paul Commercial College, ask leave to submit the following report :

Your committee have had the said bill under consideration, and are of the opinion that its passage would be a violation of article 10, section 2, of the constitution of the State of Minnesota. Your committee report the said bill back to the House and recommend its rejection.

H. E. MANN,
BURROUGHS ABBOTT,
H. J. SCHEFFER,
M. C. TOLLMAN,
JACKSON TAYLOR,

Committee on Incorporations.

Mr. Olds moved that the report be adopted and the bill rejected.

Carried.

Mr. Mann, from the Committee on Incorporations, reported on the petitions for Ferries across the Mississippi river at St. Paul and St. Anthony, as follows :

Your committee to whom was referred the petition of John Platner, and other resident citizens of the city of St. Paul and West St. Paul, in relation to the right to establish and maintain a ferry across the Mississippi river between certain points therein named, and to whom also was referred the petition of H. W. Weary and others, in relation to granting a charter for a ferry across the Mississippi river, between certain points therein mentioned, would respectfully beg leave to submit the following report :

Your committee have had the said petitions under consideration, and are of the opinion that the granting the prayer of the said petitioners can only be done by forming corporations under special acts for other than municipal purposes, which would be a violation of article ten (10.) section two (2.) of the constitution of the State of Minnesota. Your committee therefore report the said petitions back to the House, with the recommendation that the prayer of the petitioners be not granted.

H. E. MANN,
BURROUGHS ABBOTT,
H. J. SCHEFFER,
M. C. TOLLMAN,
JACKSON TAYLOR.

Committee on Incorporations.

Mr. Scombé moved that the report be adopted.

Carried.

Mr. Mann, from the Committee on Incorporations, reported upon H. F. No. 14, as follows :

Your committee to whom was referred H. F. No. 14, a bill to amend an act entitled an act to incorporate the Minnesota Bridge Company, beg leave to submit the following report :

Your committee have had the matter under consideration, and report the said bill back to the House without amendment and recommend its passage.

H. E. MANN,
BURROUGHS ABBOTT,
H. J. SCHEFFER,
M. C. TOLLMAN,
JACKSON TAYLOR, •
Committee on Incorporations.

Mr. McDonough moved that the report of the committee be adopted and the bill referred to the Committee of the Whole.

Carried.

Mr. Stearns offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker with instructions to introduce a bill for an act to provide for and fix the compensation of officers and members of the Legislature.

Adopted.

Messrs. Stearns, Nettleton and Pfaender were appointed such committee.

Mr. Oids gave notice that on to-morrow, or some subsequent day of the session, he would introduce

A bill providing for the compensation of members and officers of the Legislature of Minnesota.

Mr. Greene, of Olmsted, offered the following resolution :

Resolved, That A. Ozman and A. H. Butler be, and hereby are added to the special committee on Railroads and Railroad Grants.

Adopted.

Mr. Cleary gave notice that he would at an early day ask leave to introduce

A bill to amend the boundary line between Scott and Dakota counties.

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

A bill to provide for the protection of sheep from dogs.

Mr. Trow introduced—

A bill authorizing the various collectors and Treasurers of the State of Minnesota, to receive the certificates issued to members of the Legislature for per diem and mileage prior to this date, in payment of State taxes.

Which was read a first time.

Mr. Sawyer moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

Mr. Beatty introduced—

A bill for an act to regulate millers' tolls for grinding corn and other kind of grain.

Which had its first reading.

Mr. Abraham moved to reject the bill.

Carried.

Mr. Kinkead gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce

A bill to establish the county of Lincoln.

S. F. No. 21. A memorial to the President of the United States in reference to the light houses on Lake Superior.

Was read the second time.

Mr. Sawyer moved to refer the memorial to the Committee of the Whole. Lost.

The memorial was ordered to a third reading.

S. F. No. 27. A bill for an act to attach the county of Todd to the county of Morrison for judicial purposes.

Was read the second time.

A bill for an act to authorize collectors and Treasurers to receive the certificates heretofore issued by the Legislature, for State taxes.

Was read a second time.

Mr. Robertson moved to refer the bill to the special committee just appointed.

Carried.

S. F. No. 9. A memorial for the extension of the reciprocity treaty.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 68, nays 00, as follows :

YEAS.			
Mr. Aaker,	Mr. Donohue,	Mr. Mitsch,	Mr. Stock,
Abbott,	Dayton,	Morrison,	Stephenson,
Abraham,	Garrard,	Nettleton,	Stewart,
Acker,	Greene of Olmsted	Olds,	Stearns,
Anderson,	Greene, of Steele	Ozman,	Stevens,
Austin,	Hunt,	Pfaender,	Sweet,
Arnold,	Hulett,	Purdie,	Temanson,
Balwin,	Johnson,	Rehfeld,	Thayer,
Beatty,	Kinkead,	Renz,	Taylor,
Bixler,	Knox,	Robertson,	Van Vorhes,
Brooks,	Langworthy,	Sawyer,	Walker, Orange
Butler,	Letford,	Sheffer,	Walker, H.
Burnham,	Mann,	Sherwood,	Webster,
Oeskey,	Mantor,	Shrewsbury,	Willey,
Chadlerdon,	McDonough,	Shlimer,	White,
Clary,	Meighan,	Shultis,	Wilkins,
Coe,	Mitchell,	Skillman,	Speaker, 68

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

S. F. No. 19. A bill for an act to attach the county of Manomin to Anoka for judicial purposes.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered there were yeas 67, nays 00, as follows :

YEAS.

Mr. Aker,	Mr. Donohue,	Mr. McDonough,	Mr. Sweet,
Abbott,	Dayton,	Nettleton,	Stephenson,
Acker,	Garrard,	Olds,	Stewart,
Abraham,	Greene, of Olmsted	Pfaender,	Stoek,
Anderson,	Greene, of Steele	Purdie,	Stevens,
Arnold,	Hulett,	Rehfeld,	Taylor,
Austin,	Hunt,	Renz,	Thayer.
Baldwin,	Johnson,	Robertson,	Temanson,
Beatty,	Kinlead,	Sawyer,	Van Vorhes,
Blzier,	Knox,	Scheffer,	H. Walker,
Brooks,	Lanworthy,	Secombe,	Walker, Orange
Burnham,	Letford,	Sherwood,	White,
Butler,	Mann,	Shrewsbury,	Wilkins,
Caskey,	Mantor,	Shriner,	Webster,
Chadlerdon,	Meighan,	Shultis,	Wiley,
Cleary,	Mitchell,	Skilman,	Speaker.
Coe,	Mitsch,	Stearns,	

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So the bill was passed and the title agreed to.

Mr. Sawyer asked and obtained leave to call up

H. F. No. 27, A memorial to the Post Master General for an increase of mail service on routes 13504 and 13587.

Mr. Sawyer moved that the "joint resolution for an increase of mail service on routes 13504 and 13587," be made a substitute for the memorial.

Which was adopted.

Mr. Sawyer moved that the memorial now in the hands of the Clerk be taken as the joint resolution.

Carried.

Mr. Sawyer moved that the joint resolutions be read the third time and put upon their passage.

Which was not entertained.

The joint resolution was ordered engrossed and passed to a third reading.

Mr. Aker moved that the House resolve itself into Committee of the Whole, to take into consideration H. F. No. 8.

Carried.

Mr. McDonough in the Chair.

After spending sometime therein, the committee rose, and by their Chair man reported progress, and asked leave to sit again.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

Mr. Aker moved that the House resolve itself into Committee of the Whole to further consider the business before it.

Carried.

Mr. McDonough in the Chair.

After spending sometime therein, the committee rose, and by the Chairman reported progress, and asked leave to sit again.

Which was objected to by Mr. Cleveland.

The question was, Shall the committee have leave to sit again?

Lost.

Mr. S. Combs moved that the Senate be requested to return to this House, S. F. No. 29, for the purpose of a reconsideration by this House of the vote by which the said bill was passed.

Carried.

Mr. Langworthy moved to adjourn.

Withdrawn.

Mr. Van Vorhes presented the report of the Committee on Printing, in regard to printing the Governor's message, as follows:

The Standing Committee on Printing, to whom was referred a resolution relative to printing the Governor's inaugural message in the English, German, Norwegian and French languages, beg leave to report:

That they have conferred with the Senate committee on the same subject. That they have authorized the incidental printers to the House and Senate to print the specified number of copies in the English, German and Norwegian languages, at the rates agreed upon heretofore for the incidental printing of the House.

Your committee have ascertained that there are no facilities in the city for printing in the French language, and would therefore recommend that the printing of the message in the French language be dispensed with.

A. J. VAN VORHES,
THOS. McDONOUGH,
OSCAR STEPHENSON,
S. BROOKS,
MATTHEW DONOHUE
Committee on Printing.

On motion the report was adopted.

Mr. Lottford moved that the House instruct the Committee on Printing to procure 500 copies of the Governor's message to be printed in the Swedish language for the use of this House.

Mr. Auler moved to refer the motion to the Committee on Printing.

Carried.

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

A bill for an act to amend section 37 of an act entitled an act to organize and discipline the militia and volunteer militia, passed August 12, 1858.

Also,

A bill for an act to authorize the creation of religious corporations sole.

Also,

A bill for an act to suspend for five years an act entitled an act for the establishment of State Normal Schools.

Mr. Langworthy gave notice that he would on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill to amend amend chapter 27, pages 140 and 141 of the revised statutes, on chattel mortgages, by substituting in all the sections the words

Town Clerk, for Register and for Register of Deeds, and the word Town for county.

Mr. Pfander presented the report of the members from Brown county upon H. F. No. 60, recommending its passage.

The report was adopted and the bill ordered to a second reading.

H. F. No. 60. A joint memorial of the Senate and House of Representatives to the President of the United States.

Was read a second time.

Mr. Abbott moved that the House resolve itself into a Committee of the Whole to take into consideration

H. F. No. 14. A bill for an act to amend an act to incorporate the Minnesota River Bridge Company.

Carried.

Mr. Mann in the Chair.

After some time spent therein, the committee rose, and by their chairman, reported the bill back to the House with a recommendation that it pass.

The question was upon the adoption of the report of the Committee of the Whole.

Carried.

The bill was then read a third time and put upon its passage.

Mr. Knox was excused from voting.

And the yeas and nays being ordered, there were yeas 35, nays 18, as follows:

YEAS.

Mr. Anker,	Mr. Barnham,	Mr. Mantor,	Mr. Stearns,
Abbott,	Butler,	Mann,	Stock,
Acker,	Chandler,	McDonough,	Taylor,
Anderson,	Cleveland,	Ols,	Thompson,
Armstrong,	Clary,	Pfander,	Van Vorhis,
Bellwin,	Cox,	Sawyer,	Walker, H.
Baker,	Donahue,	Schaffer,	White,
Brooks,	Longworth,	Seaman,	Wilkins,
Beatty,	Letford,	Skinner,	

35

NAYS.

Mr. Arnold,	M. Johnson,	Mr. Purdie,	Mr. Shultz,
Ciskey,	Knox,	Robertson,	Stuart,
Gerrard,	Moghan,	Roy,	Willey,
Greene of Steele,	Mitchell,	Sarbern,	Speaker.
Hallett,	Mason,		

18

So the bill was lost.

The following message was received from the Senate:

Mr. Speaker—

By request of the House and consent of the Senate, I herewith return to the House.

S. F. No. 29. A bill for an act to appropriate money for certain purposes named therein.

A. B. WEBBER, Secretary.

Mr. Seecombe moved that the rules be so far suspended as to allow the reconsideration of the vote whereby S. F. No. 29 was passed.

Carried.

The question was upon the reconsideration of the vote on the passage of S. F. No. 29.

Carried.

Mr. Secombe offered the following amendment to S. F. No. 29 :

To amend the first section by inserting between the word "appropriated," and the word "for," in said section, the following words, viz : "out of the first money in the Treasury after the special appropriation of December 14, 1859."

Which was adopted.

The amendment was then read the second and third times, and the bill as amended was put upon its passage.

Mr. Langworthy moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Anderson, Armstrong, Beatty, Bixler, Brooks, Burnham, Butler, Chadderdon, Cleary, Cleveland, Coe, Donohue, Garrard, Greene of Steele, Hulett, Johnson, Knox, Langworthy, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Morrison, Olds, Pfaender, Purdie, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Shultis, Skillman, Stearns, Stock, Stewart, Taylor, Temanson, Van Vorhes, H. Walker, Orange Walker, White, Willey, Wilkins and Mr. Speaker.

The Sergeant-at-Arms was ordered to report the absentees in their seats.

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

Lost.

Mr. Secombe moved to reconsider the vote whereby the motion to suspend the call was lost.

Carried.

The question recurring upon the motion to suspend further proceedings under the call,

It was carried.

The question before the House was the passage by the House of S. F. No. 29.

Mr. Morrison moved to reconsider the vote by which the amendment was adopted.

Withdrawn.

Mr. Morrison renewed his motion to reconsider.

Lost.

The question was upon the passage of the bill as amended.

And the yeas and nays being ordered, there were yeas 39, nays 27, as follows :

YEAS.

Mr. Aaker,
Abraham,
Anderson,
Armstrong,
Arnold,
Baldwin,
Bixler,
Beatty,
Burnham,
Butler,

Mr. Cleveland,
Cahoy,
Chadderdon,
Cleary,
Greene, of Olmsted
Greene, of Steele
Hayes,
Johnson,
Langworthy,
Letford,

Mr. Mantor,
Mann,
McDonough,
Olds,
Pfaender,
Purdie,
Rees,
Roy,
Sawyer,

Mr. Shultis,
Secombe,
Skillman,
Stevens,
Stock,
Temanson,
Thayer,
Van Vorhes,
Wilkins,

NAYS.

Mr. Brooks,	Mr. Meighan,	Mr. Stearns,	Mr. Trow,
Coe,	Mitchell,	Scheffer,	Walker, H.
Donohue,	Morrison,	Sherwood,	Orange Walker,
Garrard,	Nettleton,	Stephenson,	White,
Hulett,	Osman,	Stewart,	Willey,
Kinkadee,	Robertson,	Taylor,	Speaker.
Knox,	Sanborn,	Tollman,	

27

So the bill was lost.

Mr. Langworthy moved to adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

TWENTY-FIFTH DAY.

SATURDAY, Jan, 7, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent:

Messrs. Aaker, Anderson, Austin, Beatty, Bixler, Cleveland, Coe, Dayton, Donohue, Fox, Greene of Olmsted, Greene of Steele, Hayes, Langworthy, Leavens, Letford, Morrison, Olivier, Ozman, Pfaender, Rehfeld, Robertson, Sanborn, Sawyer, Scheffer, Shrewsbury, Shultis, Skillman, Stevens, Stewart, Sweet, Taylor, Van Vorhes, Watson and White.

The Journal was read and approved.

The Speaker presented to the House the report of the Hon. Aaron Goodrich, upon the compiling of the laws of the State, as follows:

Hon. Amos Coggsell,

Speaker of the House of Representatives:

Sir:—In obedience to the following

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Moses Sherburne, Aaron Goodrich and William Hollingshead, are hereby appointed Commissioners to compile, arrange and put into chapters, under appropriate heads, the public Acts now in force, including the Revised Statutes and the public Acts and laws passed since the revision of the Statutes, and which may be passed by this Legislature; and said Commissioners shall not enter upon their duties until instructed in reference to the Code of Practice to be adopted by this State.

Sec 2. And be it further enacted, that said Commissioners report the result of their labors as this Legislature may direct.

APPROVED—March thirteenth, eighteen hundred and fifty-eight.

"Joint Resolution of the Senate and House of Representatives, of the State of Minnesota, relative to the duties of the Code Commissioners, and the publication of their report; passed March 18, 1858."

Resolved, By the House of Representatives of the State of Minnesota, (the Senate concurring), that Aaron Goodrich, Moses Sherburne and William Hollinshead, heretofore appointed Commissioners to revise the laws of this State, be and are hereby instructed to enter upon their duties and compile the laws of this State, arranging them under suitable and appropriate chapters, and to prepare a system of pleadings and practice for the several Courts of this State, such system to conform as near as practicable to the present New York Code, and having reference to the brevity and legal intent of the pleadings; that they cause the result of their labors to be printed and laid before the Legislature at the earliest day practicable."

The undersigned entered up in the duties assigned said Commissioner, and had so far progressed, that on the 6th day of July 1858, and responsive to the following resolution, he submitted the following.

REPORT :

[See House Journal for July 7th, 1858. Page 781.]

St. Paul July 6th, 1857.

"To the Honorable the Speaker of the House of Representatives of the State of Minnesota."

SIR,

Responsive to the following :

"HALL OF THE HOUSE OF REPRESENTATIVES,
St. Paul July 2d, 1858. }

Hon. Aaron Goodrich St. Paul Minnesota,

The House of Representatives has passed the following :

Resolved, That the Chief Clerk of this House be required to ascertain of the Commissioners appointed to codify and revise the laws and report a code, at what time they will be able to report to the Legislature ;

I am directed to communicate the above to you, and respectfully request an answer thereto at your earliest convenience.

Respectfully,

A. T. CHAMBLIN,

Chief Clerk H. of R."

The undersigned, heretofore appointed one of the "Commissioners to revise the laws of this State," herewith transmits a copy of his report of a "Code of Pleadings and Practice in civil actions in the Courts of this State." This report passed through the press several days since, and was at the time of the adoption of the above resolution, subject to such action as the Legislature shall be pleased to take thereon.

For such errors and defects as shall be found therein, no one save myself is responsible. For these, a few days left after I resolved upon its production, must be my apology. Such as it is I confide it to the representatives of the people, and with such action as they in their wisdom shall take thereon, I shall be content.

I have labored several weeks upon a digest of the laws of a general character, and hope to complete this branch of the work at as early a period as shall be compatible with the utility and importance of the undertaking.

This you will please communicate to the House over which you preside.

I have the honor to be, very respectfully,

AARON GOODRICH.

He also submitted, on the same day, the result of his labors upon the "Code of Pleading and Practice," from the introduction of which he makes the fol-

lowing extracts, touching the manner in which he discharged this portion of the duty assigned him.

"To the Legislature of the State of Minnesota :

The undersigned one of the Commissioners appointed to "revise the Laws and prepare a system of Pleading and Practice for the several Courts of this State," herewith signifies his dissent from the report of the majority of said Commission.

It has been the earnest desire of the undersigned that this result should have been avoided. He regrets that he had been constrained thus to dissent. This is done with the kindest feelings towards his associates, and has been prompted by a sense of duty to the State and justice to his own opinion — opinions which he has not been able conscientiously to surrender. These have constrained him to prepare this Report. He here alludes to some of the reasons for this dissent. Prominent among these is that of the excessive costs and expenses attendant upon a resort to our Courts. It was the avowed object of the original promulgators of the Code, to "bring Justice to every man's door;" fortunate will be the suitor in our Courts under the proposed system if ruin shall not precede justice. The Code is popular with those who practice under it. So was the Goddess Dianna with the jewellers of Ephesus — "know ye not that by this our craft we beget our wealth." And if the object of legislation be the protection of the Bar, the Code should be adopted with all its attachments, yet under it justice will become a luxury in which none but the opulent can indulge.

It will be cause for regret that our Constitution—like that of the Nation—did not "appeal to and adopt the common Law, to the extent of making it a rule in the pursuit of remedial justice."

The undersigned will not attempt to force his opinions upon the public. He has retained in this report the essential qualities of the Code while attempting to free it from its most oppressive features. He has sought to infuse into it *some* of the principles which in other days guided the Bar and Bench in the pursuit of justice. Neither of these reports came up to his appreciation of *right*. It may yet be too soon to hope for a return to the purer principles and practice of the common Law, yet that day will *surely* come. Its advent will be hailed by the people of Minnesota with demonstrations of joy such as characterized the restoration of the law of their fathers," to the ancient Britons, by the promulgation of *Magna Charta*. This result must be produced by the *wrongs* which such codification ever will entail. Until then we must be content with such minor reforms as the manifest wrongs which are felt demand.

Reference to many objectionable features in our laws may be seen by attention to the notes at the bottom of many pages of this report. He calls attention to the law of evidence, which has done much to bring judicial investigation into disrepute. The tests therein applied are dangerous to the liberty as well as the morals of the State.

Section 28, on page 302 of the Revised Statutes reads thus.

"The answer must contain a denial of all the material facts stated in the complaint, which the defendant believes to be untrue."

Now the denial of "*facts*" upon *oath*, or declaring under that sanction that "*facts*" are "*untrue*," surpasses his comprehension of ethics or logic.

Here he becomes a strict constructionist, and will endeavor to treat this subject according to the injunctions of the Code, "in ordinary and concise language, and in such a manner as to enable a person of common understanding to know what is intended."

Dr. Webster says, (see quarto edition). "Witnesses are introduced into Court to prove a *fact*. *Facts* are stubborn things. To deny a *fact* knowing-

ly is to *lie*." To do this under oath is to commit perjury at common Law ; yet perjury seems to be fast becoming *legalized* under the corrupting influences of the "Code." Can a party be convicted of the crime of perjury, be he guilty, as was Annanias, under a law *requiring* him upon oath to deny "*all the material facts in the case*?"

This is but one of many absurdities incident to the system. For further incidents see Section 203 of Title 9 of this Report and note.

He feels no disposition to dwell upon this subject. To correct some of the evils incident to the Code, he has made many changes, not so many or so radical as he could wish ; yet as many as under the circumstances he has felt at liberty to make.

If he has not labored for the public weal, he has been ignorant of its wants.

Had private considerations controlled his action, he would not have subjected himself to the labor of preparing this dissent—especially in the short period left him after he found it necessary to do so. Upon the subject of costs, see this Report, pages 238 to 243. See also the laws as they stand on the Statutes of this State.

An examination of the history of the legal professions from the earliest period in which history speaks upon this subject, (and it is an ancient one.) down to the present hour, would be curious if not instructive to the student who looks upon the law, not as an arbitrary set of *rules*, but as an elementary *science* the true mission of which is to ameliorate the wrongs which beset man in his business and social relations with his fellows. Previous to the time of Trajan, the Courts of justice upon the banks of the Tiber were pure. The profession had not then become corrupted by Champerty. It is true that Cicero and Cataline became corrupted by *fees* and *presents*—when the avenues of justice were closed to the injured peasant, but open to the lawless Patrician. Then the mob and the Lictor relieved the forum and the people from the scourge of perverted genius.

I will not inveigh against the legal profession. It has in all civilized countries occupied a prominent position, and deservedly so. Its ancient renown was the result of the wisdom and purity of the judicial system ; the recent changes in this has been disastrous, not only to the people, but to the honor of the profession. Yet many believe these changes to be so many improvements. If they be really such they should be kept free from all corrupted influences.

It is believed that all that is essential to the Code will be found in this Report. The Pleadings are not essentially changed ; costs and tax fees are much reduced ; Writs are required to issue from court and returned thereto. In short he has sought to *remove* the Court from the office of the attorney, and *restore* it to the place where Courts used to be held.

Our Courts under the Code have become *ambulatory*. All are expected to know where the seat of justice of the jurisdiction under which he resides is located—yet few are aware of the place whence Writs now issue. They run thus :

JONES	}	To the Defendant.
against		
JONES		

" You are hereby summoned and required to answer the complaint of the complainant in this action, of which a copy is herewith served upon you, and to serve a copy of your answer to the said complaint on the *subscriber at his office*, in St. Paul, within twenty days of the service thereof, exclusive of the day of such service ; and if you fail to answer the said complaint within the time aforesaid, the plaintiff in this action will take judgment against you for the sum of _____dollars, &c.

Every person may issue Writ; every one may execute such Writ; every-body, (not excepting the common felon, under the code,) may testify in Court. The vilest African may, under the sanction of the Code, arrest the most worthy citizen in Minnesota. Verily, personal rights have become cheap. We are not "Roman Citizens."

He believed that the preparation of an index to this Report was not demanded. If it shall become law, it can then be prepared.

He is now engaged upon a Digest of the Laws of a general character, and hopes to complete this branch of the duties assigned said commission at as early a period as shall be compatible with the utility of the work."

This Report of a Code, passed the House without amendment. In the Senate on its final passage, the vote stood for the Code, 17, against it 7. So it was defeated—as the Constitution requires, for the passage of all bills, 19 votes in the Senate.

He has dwelt somewhat at length on this subject, inasmuch as it still remains an open and undetermined question. Some two hundred copies of this Report are now in possession of the late printer to the State, subject to the order of the Legislature.

The enactment of this Code, it is believed would be a *decided improvement* upon the present System, yet it is far from what it should be.

The only action had upon the majority Report was its indefinite postponement without a reading.

He commends to the careful consideration of the Representatives of the people of this State, the following extract from the unanimous opinion of the Supreme Court of the United States, in the case of *Holcombe vs. McCusick* and others. [See 20th vol. Howard's Reports, page 555. December Term, 1857.]

"We have rarely in our experience examined a case, which in its principles is common and readily understood, so *complicated* and *confused* by the *mode of pleadings* which has been pursued, and which it is understood is in conformity with the system adopted in this Territory, (Minnesota.) The pleadings raise many *immaterial* and even *trivial* questions of fact and law, which have nothing to do with the substantial merits of the case, and seem, in practical operation, whatever may be the system in *theory*, to turn the attention of courts and counsel to small matters of serious import, which are undeserving a moment's consideration, overlooking or disregarding the most material and controlling questions involved.

The system is *anomalous*, and involves the *absurd* and *impracticable* experiment of attempting to administer *common law remedies* under *civil law modes* of pleading, and these very much perplexed and complicated by emendations and additions. The case must be dismissed for want of jurisdiction."

This *withering* and *merited* rebuke upon our present Code of Practice, (substantially a reprint of that of N. Y.) needs no comment. Its truth is patent to all who appreciate the system.

How long shall Minnesota remain thus obnoxious to *Judicial degradation*, in order that our people may be plundered at will by a system which *silently steals from the pocket* of the unconscious suitor in the shape of contingent charges—"Tax-fees," and "costs, by way of indemnity" upon "motions" in which parties litigant have no possible interest and by which they are certain to sustain loss?

It is believed by eminent Jurists, that our present system of practice is in *violation* of the Constitution of the United States.

Article 6th of that Constitution reads thus: "In suits at Common Law where the value in controversy exceeds twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-ex-

amined in any Court of the United States, than according to the rules of Common Law."

Mr. Justice Story, in his commentaries upon that instrument, page 604, in speaking of the words "and equity," contained in the Constitution, says: What is to be understood by 'cases in law and equity?' Plainly, cases at Common law as contradistinguished from cases in equity, according to the known distinction in the jurisprudence of England which our ancestors brought with them upon their migration hither, and with which all the American States were familiarly acquainted. Here, then, at least, the Constitution of the United States appeals to, and adopts the Common Law, to the extent of making it a rule in the pursuit of remedial justice in the Courts of the Union, if the remedy must be in law, or in equity, according to the course of proceedings at the common Law."

In that portion of the ordinance of 1787, declared to be a "compact," and to forever remain unalterable, it is declared that "the inhabitants of said Territory shall always be entitled to the writ of habeas corpus * * * and of the judicial proceedings according to the course of common laws." This ordinance was drawn by Messrs. Dane and Jefferson, both of whom were lawyers of very respectable attainments in their day. Of this ordinance Silas Wright said, "It is the proudest monument of the wisdom of its framers, and so long as I possess the power to defend it, not one line of it shall ever be erased." It remains for the Legislature to determine whether these authorities are entitled to its consideration.

It is manifest that the Constitution of the United States has guaranteed to the American people "judicial proceeding according to the course of the common law."

The rules of the Supreme Court for the government of its practice requires that such pleadings and proceeding "shall be governed by the usage of the Courts of England."

Can an Act of the Legislature of this State, if repugnant to the Federal Constitution become "the law of the land?"

Does the Constitution of the United States "appeal to and adopt the Common Law to the extent of making it a rule in the pursuit of remedial Justice?"

Are the people of Minnesota bound by that Constitution?

Has Congress and the Supreme Court, in virtue of that Constitution adopted the Rules of the Common Law?

It is evident that the following extract from the 6th Article of the amendments to the Constitution of the United States: "And no fact tried by a jury shall be otherwise re-examined in any Court of the United States than according to the rules of the Common Law," is in full force, and to the extent indicated by the authorities above cited, binding upon Minnesota. Is it wise to attempt to fasten upon our people a System that is alien to that of the Republic? The Common Law is made *National* by the Federal Constitution.

Will not that system of Pleadings and Practice which governs the affairs of this Nation answer the demands of Minnesota?

It has been truly said that "the Common Law is the result of the wisdom and learning of successive ages; it is the embodiment of the great principles of human rights and remedies, and is adapted to the wants of man in every department of human life. While the Code appears as a set of arbitrary rules, devoid of science or elementary principles."

The attention of the Legislature is called to Chapter 72, of the Revised Statutes of the late Territory of Minnesota, wherein the subject of "Costs" is treated. This it is believed should be repealed—thereby placing Attorneys upon an equality with other professions in so far as the question of Compensation is concerned.

COMPILATION OF THE LAWS.

The undersigned has been engaged for more than twelve months, upon a Compilation of the General Laws of this State; this portion of the duties assigned the Commission having been committed to him in as much as the majority of said Commission on the 7th of July, 1858, reported to the Legislature, that "Upon a careful examination of the General Statute Laws for some weeks, it was determined by all of the Commissioners that a mere compilation at this time, would reflect no credit upon the State or Commissioners, and would be a useless expenditure of money. * * * *

To compile and publish them in their present form, would not, as the Commissioners believe, suit the wishes of the Legislature or the people."

Hence the 1st Section of Chapter 37, of the Laws of 1858, reads thus—

"That on the declination of *all* the Commissioners heretofore appointed to compile and arrange the public Statutes of the late Territory and present State of Minnesota, to proceed with such compilation, the Governor be and is hereby authorized to appoint a suitable person, learned in the law, to make such compilation.

It is believed that the word "all" in the above section was intended to reach the case presented in and by the majority and minority Reports; the former seems to contain a declination—the latter advises the Legislature that the work shall be completed "at as early a period as shall be compatible with the utility of the work."

Thoroughly impressed with the belief that "*a mere compilation would be a useless expenditure of money.*" the undersigned resolved *strictly* to adhere to the injunction of Section 2 of Chapter 37, of the General Laws of 1858, which require "that the quality of paper, and style of printing and binding, together with the *arrangement* thereof, shall be equal in all respects to Swan's Revised Statutes of Ohio, and shall be furnished with proper side-notes and *references* and with full and copious index."

And to this end he has labored, that an Edition of our Laws might be given to the people that would not be "useless." In this he has not thus far succeeded to the extent desired, as the printer to the State declined to print his Edition, or Compilation, and there being now, no Edition, of our laws that approximates, in point of utility or convenience, to Swan's Revision of the laws of Ohio. That work is alphabetically arranged with notes and references. He believes that the value of our Statutes, to those who desire to consult them would have been doubled by a *strict* conformity to the acts authorizing their publication.

In the preface to an edition of our Laws recently published, the following appears:

"It was at first intended to arrange the laws in this collection under heads in alphabetical succession;" this intention was abandoned. The utility of our laws *must*, to a considerable extent, *depend upon the arrangements, notes, and references* that shall be given at the bottom of the page on which shall occur, (as is too often the case,) passages that are in conflict with other enactments, and the Constitution of the United States, or of this State.

In short the present condition of our laws renders an *elaborate* system of annotation and references *absolutely indispensable* to their safe application to the wants of our people; and even *then* in too many cases, the experiment will be attended with disaster, it is possible that the only mode for securing the repeal of many obnoxious laws now in force, in that of NOTES and COMMENTS, by which the evils incident thereto, may be brought to the immediate attention of all who shall chance to see them. If this be so—and such a result shall

follow—then shall he flatter himself that his labors have not been wholly in vain.

The wretched condition of our laws—cumulative, ill-digested and multifarious as they are—must be his apology for the extended character of this report.

All of which is respectfully submitted.

And this you will be pleased to communicate to the House over which you preside.

Very respectfully, Yours, &c.,

AARON GOODRICH.

St. Paul, January 7th, 1860.

Mr. Morrison moved to suspend the reading of the report, and that it be laid upon the table.

Carried.

Mr. Thayer presented the petition of citizens of the city and county of Winona, for a change of the law in regard to fees of county officers.

Mr. Thayer moved that the petition be referred to the Committee on Retrenchment and Reform.

Carried.

And the petition was so referred.

Mr. Stearns, from the special committee appointed, with instructions to report, introduced—

A bill for an act to provide for the compensation of members and officers of the Legislature.

Which was read a first time.

Mr. Stearns moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

The bill was then read the second time.

Mr. Baldwin moved that the bill be laid on the table and ordered printed.

Lost.

Mr. Secombe moved that the bill be referred to the Committee of the Whole.

Carried.

Mr. Abraham moved to reconsider the vote by which the bill for an act to regulate millers' tolls was rejected.

Carried.

Mr. Abraham moved to lay the bill upon the table.

Carried.

Mr. Secombe asked and obtained leave to introduce—

A bill for an act concerning State warrants.

Which was read a first time.

Mr. Morrison moved to suspend the rules so that the bill be read a second time.

Carried.

The bill was then read a second time.

Mr. Secombe moved to refer the bill to the Committee of the Whole.

Carried.

Mr. Sanborn moved a reconsideration of the vote by which S. F. No. 29 was lost.

Which motion prevailed.

Mr. Sanborn moved that the bill be referred to the Committee of the Whole.

Carried.

Mr. Sanborn moved to reconsider the vote by which

H. F. No. 14. A bill for an act to amend an act to incorporate the Minnesota River Bridge Company, was lost.

Mr. Morrison moved to lay the motion upon the table.

Lost.

The question recurring upon the motion of Mr. Sanborn,

It was carried.

The bill was then put upon its passage.

The yeas and nays being ordered, there were yeas 60, nays 8, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Mitchell,	Mr. Stearns,
Abbot,	Cleveland,	Mitch,	Skilman,
Abraham,	C. O.	Nettleton,	Stevens,
Acker,	Donohue,	O'Lea,	Stark,
Anderson,	Garrard,	Pfeander,	Stewart,
Armstrong,	Greene, of Olmsted	Purdie,	Taylor,
Austin,	H. yes,	Rens,	Tennison,
Baldwin,	Hunt,	R. y,	Thayer,
Beatty,	Johnson,	Sanborn,	Trow,
Bixler,	Knox,	Sawyer,	Tolman,
Brooks,	Langworthy,	Secombe,	Walker, H.
Burnham,	LeFord,	Shrewsbury,	White,
Butler,	Mann,	Shrier,	Webster,
Caskey,	Martor,	Shuttle,	Wilkins,
Chadlerden,	McDonough,	Sweet,	Speaker.

60

NAYS.

Mr. Arnold,	Mr. Hulett,	Mr. Melhan,	Mr. Stephenson,
Greene, of Steele,	Kinkead,	Sherwood,	Wiley.

8

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

Mr. Kinkead asked and obtained leave to introduce—

A bill for an act entitled an act to establish the county of Lincoln.

Which had its first reading.

Mr. Abraham moved that the rules be so far suspended as to allow the bill to be referred to the Committee on Towns and Counties.

Carried.

And the bill was so referred.

Mr. Donohue introduced—

A memorial to Congress for an appropriation for the improvement of the rapids of the Minnesota river, near the town of San Francisco.

Which had its first reading.

Mr. Greene, of Olmsted, introduced—

A bill for an act providing for an alteration of a State road.

Mr. Sawyer moved a suspension of the rules so as to allow the bill to be read a second time.

Carried.

And the bill was so read.

Mr. Sweet gave notice that he would on to-morrow, or some subsequent day of the session, ask leave to introduce

A bill to provide for the sale of real estate upon execution, and other judicial proceedings.

Mr. Kinkead introduced—

A bill for an act to legalize that portion of the location and survey of the State road from the North Shore of Lake Superior, to Graham's Point, on the Red River of the North, commencing at Sauk Rapids and terminating at Graham's Point.

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

A bill entitled an act to amend an act entitled an act to regulate corporations for mining, agricultural, mechanical and chemical purposes, passed Aug. 12. 1858.

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

A bill to establish more definitely the north line of the boundary of Meeker county.

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

A bill for an act proposing an amendment to section ten, article nine of the constitution, and providing for the submission of the same to the people.

Mr. Cleveland moved to amend rule fifty of the rules of the House, "that the yeas and nays shall not be ordered unless demanded by one fifth of the members present, except the final passage of bills, in which case the yeas and nays shall be had without demand."

Mr. Secombe moved to amend by striking out "one fifth," and inserting "ten members."

Which was accepted.

Mr. Stewart moved to indefinitely postpone the motion.

Lost.

The question recurring upon the motion of Mr. Cleveland as amended,

And the yeas and nays being called for and ordered, there were yeas 34, nays 35, as follows :

YEAS.			
Mr. Aaker,	Mr. Brooks,	Mr. Knox,	Mr. Stearns,
Abraham,	Butler,	Lea worthy,	She wood,
Abbott,	Oakley,	Mann,	Ek l'man,
Acker,	Cleveland,	Mitchell,	Ho k,
Andersen,	O. e,	M. Donough,	Temanson,
Arnold,	Greene of Olmsted,	Ozmann,	Trow,
Austin,	Haves,	Sawyer,	Walker, Orange
Baldwin,	Hulett,	Secombe,	Webster,
Bixler,	Hunt,		

NAYS.

Mr. Armstrong,	Mr. Kirkhead,	Mr. Rens	Mr. Thayer,
Beatty,	M n or,	Robertson,	Tollman.
Burnham,	Meighan,	Roy,	Van V. rhes,
Chatterton,	Mitch,	Shriner,	Walker, H.
Cleary,	Morrison,	Shultz,	White,
Dunohue,	Nettlet n,	Stewart,	Wilkins,
Garrard,	Old,	Stehenson,	Wiley.
Greene, of Steele,	Pander,	Sweet,	Speaker,
Johnson,	Purdie,	Taylor,	85

So the motion was lost.

Mr. Sawyer moved that the regular order of the day be suspended.

Carried.

Mr. Sawyer moved that the House resolve itself into Committee of the Whole to consider the bills this day so referred.

Carried.

Mr. Morrison in the Chair.

After spending some time therein, the committee rose, and by their Chairman reported back to the House S. F. No. 29, with the recommendation that it pass as amended.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

Mr. Acker moved a call of the House.

Which was ordered.

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

Carried.

Mr. Stearns moved that the House resolve itself into Committee of the Whole to take into consideration the bill so referred.

Carried.

Mr. Sawyer in the Chair.

After spending some time therein, the committee rose, and by their Chairman reported back to the House, H. F. No. 66, with a substitute, and recommended its passage.

Mr. Acker moved that the report of the committee be adopted.

Carried.

The following message was received from the Senate :

Mr. Speaker—

I am instructed to inform the House that the Senate has passed—

S. F. No. 30. A bill for an act regulating the recording of conveyances affecting real estate.

S. F. No. 23. A bill for an act to amend an act entitled an act to establish and define the boundaries of certain counties.

In which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

Mr Sawyer moved that the bill before the House be taken as the engrossed bill.

Carried.

And the bill was read the third time and put upon its passage.

And the yeas and nays being ordered there were yeas 62, nays 4, as follows :

YEAS.			
Mr. Aaker,	Mr. Greene of Olmsted	Mr. Ozman,	Mr. Stock,
Abbott,	Greene, of Steele	Pfaender,	Stewart,
Acker,	Hayes,	Purdie,	Stevens,
Anderson,	Hunt,	Rehfeld,	Sweet,
Armstrong,	Huett,	Renz,	T-manson,
Austin,	Johnson,	Roberts,	Thayer,
Arnold,	Kinkad,	Roy,	Tyler,
Beatty,	Knox,	Sawyer,	Trow,
Brooks,	Letford,	Shaw,	Van Vorhes,
Buller,	Mantor,	Shaw,	Walker Orange
Burham,	McDonough,	Shrewsbury,	Walker, H.
Chadlerdon,	McGhan,	Shuler,	Webster,
Cleary,	Michell,	Shullis,	White,
Cle,	Michell,	Skullman,	Wilkins,
Cleveland,	Nettleton,	Stearns,	Speaker,
Garrard,	Olds,		62

NAYS.			
Mr. Donohue,	Mr. Langworthy,	Mr. Stephenson,	Mr. Willey,
			4

So the bill was passed, and the following title "a bill for an act for the relief of the creditors of the State," was agreed to.

Mr. Sawyer moved to reconsider the vote by which the bill passed.

Lost.

The question was upon concurring in the amendment of the Committee of the Whole on

S. F. No. 29. A bill for an act to appropriate money for certain purposes named therein.

Which prevailed.

Mr. Sanborn moved to amend section one, by striking out the words, "out of the first moneys in the Treasury after the special appropriation of Dec. 14. 1859," as the same occur after the word appropriated, and before the word or, and by inserting in the place thereof, "out of the first money in the Treasury not otherwise appropriated."

Adopted.

The bill was then read a third time and put upon its passage.

And the yeas and nays being ordered, there were yeas 63, nays 3, as follows :

YEAS.			
Mr. Aaker,	Mr. Garrard,	Mr. McDonough,	Mr. Skillman,
Acker,	Greene, of Olmsted	Marrison,	Stearns,
Anderson,	Greene, of Steele	Nettleton,	Stewart,
Armstrong,	Hayes,	Olds,	Stock,
Arnold,	Huett,	Pfaender,	Taylor,
Austin,	Hunt,	Purdie,	Thayer,
Beatty,	Johnson,	Rehfeld,	Temanson,
Brooks,	Kinkad,	Renz,	Trow,
Burham,	Knox,	Roy,	Van Vorhes,
Buller,	Langworthy,	Sanborn,	H. Walker,
Caskey,	Letford,	Sawyer,	Walker, Orange
Chadlerdon,	Mantor,	Shaw,	White,
Cleary,	McGhan,	Shrewsbury,	Wilkins,
Cle,	Michell,	Shuler,	Webster,
Cleveland,	Michell,	Shullis,	Speaker,
Donohue,			61

NAYS.

Mr. Sweet, Mr. Stephenson, Mr. Willey, 8

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

Mr. Acker moved to adjourn.

Withdrawn.

Mr. Stearns introduced—

A bill providing for the compensation of members and officers of the Legislature.

Which was read a first time.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be read the second and third times.

Carried.

Mr. Stearns moved that the bill be read the third time and put upon its passage.

Carried.

And the bill was so read.

And the yeas and nays being ordered, there were yeas 49, nays 11, as follows:

YEAS.

Mr. Anderson,	Mr. Greene of Steele,	Mr. Morrison,	Mr. Stearns,
Armstrong,	Hoyes,	Mitch,	Stock,
Arnold,	Hulett,	N. tileton,	Taylor,
Austin,	Hunt,	Pfander,	Temanson,
Brooks,	Johnson,	Purdie,	Thyer,
Burnham,	Knox,	Rees,	Trow,
Burley,	Largworthy,	Sanborn,	Van Vorhes,
Caskey,	Leiford,	Sawyer,	Walker H.
Chalderdon,	Mantor,	Shewsbury,	Orange Walker,
Cleveland,	McDonough,	Shulls,	White,
Cleary,	Mighan,	Skilman,	Webster,
Coe,	Mitchell,	Stewart,	Speaker.
Garrard,			49

NAYS.

Mr. Beatty,	Mr. Rehfeld,	Mr. Shriner,	Mr. Willey,
Donohue,	Roy,	Stephenson,	Wilkins,
Oids,	Sherwood,	Sweet,	11

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

Mr. Sawyer moved to take from the table H. F. No. 27.

Carried.

And the bill was read a third time.

Mr. Van Vorhes moved to reconsider the vote by which H. F. No. 66 was passed.

Lost.

Mr. Trow moved to adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

TWENTY-SIXTH DAY.

MONDAY, Jan. 9, 1860.

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

Prayer was offered by the Chaplain.

The roll was called, and the following members found absent :

Messrs. Abraham, Baldwin, Bixler, Cleveland, Hulett, Johnson, Mann, Mitsch, Olivier, Ozman, Renz, Robertson, Secombe, Shrewsbury and Stevens.

The Journal of Saturday was read and approved.

Mr. Austin asked and obtained leave of absence for Mr. Shrewsbury for four or five days, on account of sickness in his family.

Mr. Stock, from the committee on Indians and Indian reservations, reported back H. F. No. 11, with sundry amendments, and recommended its passage.

Adopted.

H. F. No. 11. A bill for an act to prevent Indians from committing depredations on the white settlements in this State.

Was read the second time.

Mr. Letford from the Committee on Engrossment, reported as correctly engrossed,

H. F. No. 10. A bill for an act to locate a State road from Minneiska, Wubashaw county, to Beaver, Winona county.

H. F. No. 33. Joint resolution in regard to the appointment of a committee to report joint rules for both Houses,

H. F. No. 43. A bill for an act fixing and regulating the fees of Sheriffs

H. F. No. 45. A bill for an act entitled an act allowing a charge of venue in certain cases.

H. F. No. 47. A bill for an act to alter the location of the Territorial road from Winnebago to St. Joseph, Stearns county.

H. F. No. 49. A bill for an act to amend section 2 of an act entitled an act to locate and establish a State road from St. Cloud to Breckenridge, approved February 8, 1858.

H. F. No. 52.

Mr. Butler, from the Committee on Elections presented the minority report on the case of case of Jefferson vs. Nettleton, as follows :

The Committee on Elections, to whom was referred the petition of Robert E. Jefferson, claiming a seat in the House of Representatives of the State of Minnesota, in the place of William Nettleton, now a member of said House, have had the same under consideration and report as follows :

The testimony of nine witnesses, residing in the district which Mr. Jefferson claims to represent, which was taken by Luke Marvin, Esq., a commissioner duly appointed for that purpose, was laid before your Committee, and is hereto appended, marked Schedule "A." The sitting member and the contestant were both examined before your Committee under oath, and their testimony

so given is hereto appended, marked Schedule "B." Their testimony is very explicit and positive, though in direct conflict each with the other. But as the sitting member is to be presumed to know best his own residence, and the depositions in evidence strongly sustains Mr. Nettleton's claim to a residence of some years in Minnesota, your Committee are unanimously of opinion that Mr. Jefferson has failed to make good his claim to a seat in this body.

Your Committee further report that under the advice of his counsel, that the irregularities and illegal voting complained of in his petition, would not even if admitted change the result of the election. Mr. Jefferson did not introduce any evidence before your Committee in regard to said alleged irregularities and frauds. But believing, as your Committee do, that Mr. Jefferson commenced the contest in the full belief that he was justly entitled to the seat he claimed, that he was advised by his original counsel that his claim was in accordance with law and could be sustained, we see no reason for departing from the usual rule, that in such a contest per diem and mileage should be allowed the contestants up to the time of deciding the contest.

This rule is founded upon the principle that it is for the interest of the whole people that the candidate really elected should hold the office, and that consequently a *bona fide* contestant should not be compelled to carry on the contest at his own charge. Where the contest is frivolous and without apparent reason, of course the contestant should have no such allowance.

Your Committee therefore report the following resolution, with the recommendation that it do pass.

Resolved, That Robert E. Jefferson, petitioner to be admitted to a seat in this body in place of William Nettleton, have leave to withdraw his petition, and that said Jefferson be allowed per diem and mileage at the same rates with members of this House up to this date.

All of which is respectfully submitted.

A. H. BUTLER,
ORANGE WALKER.
Committee on Elections.

SCHEDULE "A."

DULUTH, ST. LOUIS CO., MIN., }
December 27, 1859. }

William Ord, being duly sworn, answered as follows:

I reside at Oneota, St. Louis county, Minnesota; have resided in St. Louis county since the 24 day of March, 1857. I resided in Duluth from March '57 to the 10th of December, 1859. I am an engineer and surveyor by occupation. I am acquainted with William Nettleton, the sitting member of the Minnesota Legislature; have known him since the fall of 1856. I first knew him at Superior, Wisconsin. I came here the spring following, in March. I have seen him here occasionally; he used to come here on the boat sometimes, and probably remained over night sometimes. Could not say positively how long he did remain here during the year 1857. Do not know that his visits were very frequent. During the year 1858 it was nearly the same way. I saw him here occasionally. I think he was in Superior during the fall of 1858. During the winter of 1858 and '59 I think he was not here. I do not remember of seeing him around. During the summer of 1859, I do not, of my own knowledge, know where he was, but think he was in Duluth. During the year 1858 I think that I had good opportunities of knowing whether Mr. Nettleton resided in St. Louis county or not. It has been my impression that Mr. Nettleton's residence has been at Superior, while I have known him. I have reason to believe that Mr. Nettleton has been engaged in lumbering in St. Louis county, Minnesota, but Mr. Culver has been the agent of the company.

Cross-Examined.

I have heard that Mr. Nettleton has a pre-emption claim in St. Louis county, I do know where Mr. Nettleton claimed his residence. I do not know that he ever voted here. I have my opinion that Mr. Nettleton's residence has been at Superior on the grounds of his living there. I do not know that Mr. Nettleton was engaged in any business in Superior during the years 1858 and '59.

Direct Examination.

During the year 1857 I saw Mr. Nettleton at Superior engaged in taking care of horses; it is my impression that those horses were kept for hire. I think it has been customary for persons living in Wisconsin to hold a pre-emption claim in Minnesota.

WM. ORD.

Sworn and subscribed to before me, this 27th day of December, A. D. 1859.

L. MARVIN, Commissioner.

R. H. Barrett, being duly sworn, answered as follows:

I reside in St. Louis county, Min. I have resided here since 1855. I have been acquainted with Mr. Nettleton since that time. He has claimed his residence in St. Louis county since 1856. He was elected to the office of Judge of Probate for St. Louis county in the fall of 1856. I was Register of Deeds for St. Louis county at that time, and I issued his certificate of election as Judge of Probate. He has claimed his residence in St. Louis county since 1856, and has acted as a resident by voting here.

Cross Examined.

During the year of 1858 and '59 I do not know the amount of time that Mr. Nettleton resided in St. Louis county. I resided during that time near the Light House on Minnesota Point.

R. H. BARRETT.

Subscribed and sworn before me, this 27th day of December 1859.

L. MARVIN, Commissioner.

J. B. Culver, being duly sworn, answered as follows:

I reside in St. Louis county, Minnesota; have resided there since the 10th of October, 1856. I have been acquainted with Mr. Nettleton ever since I have resided here. Mr. Nettleton's residence; has been during that time a resident in this county. He claimed his residence here and voted here. He has always acted as a citizen of St. Louis county, Minnesota, ever since I have lived here. I do know of his holding a claim here under the pre-emption law, and his living upon it. I know of his holding office here; he was elected in the fall of 1856 Judge of Probate; he was elected as one of the town council of Duluth in the winter of 1857-1858, elected President, and has acted as such up to the present time. It is customary for the residents of the North Shore to do their business in Superior, Wisconsin. I should think that Wm. Nettleton had not been over to Superior more frequently than other persons,—not as often as I myself during the last (12) twelve months. Wm. Nettleton is an unmarried man and has no family. He has resided with me since last June. It was about the 10th of May. He left here for Ohio about the last boat in 1858; he left and expressed his intention to return and did return on the 10th of May, 1859, on the first boat.

There has never been any doubt in my mind that Wm. Nettleton was not a resident of St. Louis county, Minnesota. He made my house his home during 1859, except some few visits to Superior, which were not prolonged over a few days at a time. He was present in Minnesota at the time he was elected President of the town council of Duluth.

J. B. CULVER.

Subscribed and sworn to before me, this 27th day of December, 1859.

L. MARVIN, Commissioner.

John Whipple, being duly sworn, says:

I resided in St. Louis county, Minnesota. I have resided in St. Louis county since September, 1857. I am receiver of public moneys at the United States land office. I have known Wm. Nettleton since the winter of 1857 and 1858. Wm. Nettleton's residence, since I have been acquainted with him, has been in St. Louis county, Minnesota. He has been a pre-emptor in this county. Wm. Nettleton filed his declaratory statement on the 21st day of September, 1857, as a pre-emptor under the law of 1841, claiming the west half of the south-east quarter, of section twenty-two (22), and the north-east quarter of the north-west quarter, the north-west quarter of the north-east quarter, section twenty-seven (27), township fifty (50), north of range fourteen (14) west, alleging settlement on said land February 10th, 1855. He was the first man that filed his declaratory statement in this office after it was opened.

Mr. Nettleton perfected a claim to a portion of the said land above described. Wm. Nettleton proved up and obtained a certificate of location to all of the above described land, except the north-west quarter of the south-east quarter of section twenty-two (22), Township fifty (50), range fourteen (14), on the 10th day of August, 1858, by showing a continued residence since February 12th, 1855,—should have said 10th day of February, 1855,—and a full compliance with the pre-emption law of 1841. I have considered Mr. Nettleton a *bona fide* resident of St. Louis county, Minnesota, for the last two years.

JOHN WHIPPLE.

Sworn and subscribed before me, this 27th day of December 1859.

L. MARVIN, Commissioner.

William E. Wright, being duly sworn, says:

I reside in Oneota, St. Louis county, Minnesota. I am one of the Supervisors of St. Louis county. I have the poll books of the elections held in Duluth, St. Louis county, for the years 1856, 1857, 1858. Wm. Nettleton's name appears in the poll book used in Duluth in 1856.

[Witness here presents the poll book used at the election held at Duluth in 1856.]

Wm. Nettleton's name appears on the poll lists used in Duluth in the years 1856, 1857, and 1858, as having voted. It does not appear that in either of these poll lists that Wm. Nettleton was sworn. A portion of the returns of 1856 show that Robert E. Jefferson acted as judge at such election.

W. E. WRIGHT.

Subscribed and sworn to before me, this 27th day of December A. D 1859

L. MARVIN, Commissioner.

Henry T. Holcomb, being duly sworn, deposes and says:

I reside in Superior, Wisconsin. Have resided there since May 1855. I have known William Nettleton since May, 1855. During the time I have known him I have never known him to claim citizenship in Wisconsin. Since I have known him, he has always claimed his residence in St. Louis county, Minnesota. I do not know of his serving on any juries in Wisconsin. I know of his being empanelled on a grand jury; in 1856 or 1857 I was foreman of the grand jury of Douglas county; Mr. Nettleton was empanelled on that grand jury and declined to serve, stating to the Court, Judge Fuller presiding, that he was a resident of Minnesota; the Judge excused him on that account.

I do not know of Mr. Nettleton's having horses to hire in Superior in 1856, 1857. I know that Geo. E. Nettleton had, but do not that William Nettle-

ton had any interest in them. I do not know particularly of William Nettleton having anything to do with the business.

HENRY T. HOLCOMBE, Superior, Wis.

Subscribed and sworn to before me this 27th day of December, 1859.

L. MARVIN, Commissioner.

James D. Ray being duly sworn, deposes and says:

I reside in Superior, Wisconsin. Have resided there since July, 1855. I am Sheriff of Douglas county. I have been acquainted with William Nettleton since I have resided in Superior. His residence, I have understood, was in St. Louis county, Minnesota. I have never known him to do or perform any acts by which William Nettleton might have been considered a citizen of Wisconsin, during that time.

I think Mr. Nettleton owned during the winter 1856 a part of a team taken from the saw mill at Duluth, which completed a team by taking over that horse. I do not know of William Nettleton keeping horses to hire during 1856, 1859. I know that Geo. E. Nettleton was the horse man. I do not know that William Nettleton kept teams to hire. I always settled my bill for teaming, which amounted to several hundred dollars, with Geo. E. Nettleton.

Re-direct Examination.

During the past eighteen months William Nettleton has not been engaged in the horse, or any other business, in Superior, Wisconsin.

J. D. RAY.

Subscribed and sworn to before me, this 27th day of December, 1859.

L. MARVIN, Commissioner.

Elias C. Martin, being duly sworn deposes and says:

I reside in St. Louis county, Minnesota. Have been here since about the 15th of June, 1856. I am government surveyor. I surveyed township fifty (50), range (14). I think it was in December, 1856 when the survey was completed. I was engaged with Mr. Bust. I understood that William Nettleton was at that time claiming land in that township, as a pre-emptor. I saw improvements said to be his. I have always considered Wm. Nettleton to be a resident of St. Louis county, Minnesota.

E. C. MARTIN.

Subscribed and sworn to before me, this 27th day of December, 1859.

L. MARVIN, Commissioner.

E. H. Bly, being duly sworn, deposes and says:

I reside in Douglas county, Wisconsin. Have done so for three or four years. Am acquainted with Wm. Nettleton, the sitting member for this district in the House of Representatives. Have known him about three years. He has been engaged in the lumbering business since I have known him. I cannot say where he has resided since I have known him. I cannot say where he resided in 1856 or 1857. In 1858 I think he resided about two months in Superior in all. He stopped with me while in Superior. In 1858 he was in Minnesota, while not in Superior, until September when he went below. I think he went to Ohio on leaving this country. He returned in the forepart of June, 1859. I know of no business in which he was engaged in Superior. On his return from below he stopped first at Duluth for a day or two, he then came to Superior and stayed there for about a week. I think he never stopped in Superior more than two or three days at a time, and frequently would only be over long enough to take one meal. He has not, I think been engaged in the lumbering business in Duluth for the past year. On his leaving in 1858 he told me he should return on the first boat in the spring, and he did so return. I am not able to state precisely how long he

stayed in Superior during the year 1859, but think about four or five weeks.

Cross-Examined.

I have known of Mr. Nettleton's holding a claim in Minnesota, under the pre-emption law, for the last two years. I have considered his residence to be in Minnesota for the last two years. He has not kept his baggage at my house, nor have I considered him a regular boarder at my house for the last two years. I know of his boarding at no other house in Superior during that time. J. S. Watrous also boards with me when in Superior, he is register of the land office in Minnesota, and has stopped with me a longer time during the last year than Mr. Nettleton.

Direct Examination resumed.

I do not know whether Mr. Nettleton has resided on, or cultivated his claim during the last two years. He stated to me in the spring of 1859 that he was going to improve his claim.

Sworn to before me, this 27th day of December, 1859.

L. MARVIN, Commissioner.

I hereby certify that the above evidence was taken before me, as commissioner appointed by the House of Representatives, Dec. 21st. 1859, "to take the testimony of such witnesses as may appear before him on the part of either party, in the matter of the contesting of the seat of William Nettleton," in the House of Representatives. I further certify that the above testimony was taken in Duluth, St. Louis county, Minnesota, on the 27th day of December, 1859, and that the above was all the testimony taken under said commission.

L. MARVIN, Commissioner.

SCHEDULE "B."

Before Committee on Elections.

JANUARY 4, 1860, P. M.

Depositions read on part of contestant.

Wm. Nettleton sworn.

I am sitting member. I stopped in Superior, Wisconsin in winter of 1854. Then I became a resident on the other side of the river,—St. Louis county, Minnesota, on town 50, range 14 west, on a claim that I subsequently entered. I went there in the fall of 1854. Built a shanty and cleared some timber land. Moved into the shanty. Had in shanty, bed, table, chairs and stove. Slept there between that and spring, perhaps twenty, perhaps thirty nights. I can't say how many I think likely I did as many as thirty. Sometimes I staid at Duluth, only a quarter of a mile distant. Sometimes I staid some nights in that time at Superior. I think not so much as on the claim. A half breed named Peter Gardin and his wife lived in the shanty at that time. I furnished the provisions and hired and paid them for cooking. He helped me build the shanty. I hired him by the month to help me build the shanty and clear the land. I never built any other building on that claim. I think there was snow on the land, but it was not as late as 1855, when I begun this shanty. I did this before the ratification of the treaty by which the United States acquired the land from the Indians. I dated my declaration of intention to pre-empt from February, 1855. I think I spent a quarter part of my time on that claim, from the time I built the shanty to opening of navigation 1855. My business that winter was chopping and clearing land on that claim. The following summer I was building a mill and working on that claim. I am not certain that I built the mill before 1856. My business in the summer of 1855 was cleaning up the land, getting in crops and taking care of them. Peter Gardin and his wife left that shanty

in summer of 1855. After they left I got my meals and slept there until I proved up on that claim in winter of 1857-8. I think I slept in that shanty half the nights from the time Gardin and wife left until I proved up. I received from the land officers my certificate of pre-emption immediately upon proving up in winter of 1857-8. During that time I kept my trunk and clothes in that shanty. I think I spent a quarter of that time in Superior, Wisconsin.

Mr. Jefferson, at that time, had a house down in Duluth, a mile or a mile and a half from mine. Since that time he has lived nearer. His new house is not over a half a mile from mine. Going down to the point from my shanty, I would pass by his house. Going down or up the Lake or back into country, I would not.

After pre-empting that land, I have slept most of the time at Mr. Culver's, in Duluth. Culver moved there from Superior in 1855, I think. Not sure as he did before 1856.

I spent the winter of 1858-9 in Ohio. During that time I left stove, table and chairs in shanty. I left for Ohio in September or October, 1858. Had not changed my residence then. Went on a visit with intent to return in first boat, did so and stopped at Duluth. Since I returned last spring, I have slept the greater part of the nights in Minnesota. My business the last summer was electioneering in Minnesota and Wisconsin. Made my head quarters at land office where they had plenty of whiskey, and was called one of the land office clique. Boarded at Culver's. Had no team in Superior. While living in this shanty, I did most of my washing myself. I should think likely I removed the bedding from that shanty soon after I pre-empted. Part of it was stolen, part I removed. Don't think I have slept there regularly since I pre-empted. When I have done so I took my blankets with me.

Robert E. Jefferson sworn.

In the winter of 1854-5 I went to the Lake. Mr. Nettleton then boarded (spring of 1855) in Superior, Wisconsin. He was then hauling wood from Steel's, in Superior, to the docks. He then was residing at Mr. Hall's,—from February to May—perhaps June—1855. Then I knew him boarding in Superior, Wisconsin, at his brother George's. I resided in Superior to February, (I think) 1856,—late in winter any way. I then went over on to Minnesota Point to live. Mr. Nettleton continued living in Superior. I was aware that he had a claim in Minnesota, but knew at some time he did not reside on it. The claim was within a half a mile of my house. I was frequently on it. The shanty was not habitable. Never saw him on the claim, but always saw him when I was at Superior. In summer of 1856, Mr. Nettleton was in company with Mr. Dean in clothing business at Superior. In 1857, he had a team with which he did teaming in Superior.

The shanty was of logs, probably 12x14. In 1856 it had a window. In latter part of that fall this was knocked out, and has never been replaced. The house was invariably locked with a padlock when I would go by. Mr. Nettleton could not have lived there without my knowing it. He was in Superior up to the time of leaving for Ohio in 1858. Took steamer from Superior to land office to pre-empt. He never has resided on the Minnesota side of the river since I went to the lake, until his return from Ohio last summer.

Never saw sitting member in the clothing store. Saw the advertisement in paper "Nettleton & Dean." Saw notice of dissolution in paper signed Wm. Nettleton and Dennis Dean.

I have voted at Duluth. Saw sitting member vote there. Objected to more claim-holders voting there, and was overruled by the other judges. It

is customary for men married and single, living in Superior, Wisconsin, to prove up on claims in Minnesota. I can mention a dozen such.

Mr. Shultis presented the majority report from the Committee on Elections in the case of Jefferson vs. Nettleton, as follows :

The majority of the Committee on Elections, to whom was referred the petition of Robert E. Jefferson, claiming a seat in the House of Representatives in the place of William Nettleton, now a member of said House, having had the same under consideration, report as follows :

That they concur in the first section of the report as submitted by A. H. Butler, chairman of said committee, and are therefore of the opinion that Mr. Jefferson has failed to make good his claim to a seat in this House.

Your committee would further report, that Mr. Jefferson did not attempt to prove that irregularities or frauds were committed at said election, as set forth in his petition, and that having utterly failed to make good his case, having failed to introduce any testimony bearing upon the points in issue, we see no reason to believe that he entered upon the contest in good faith. And believing as we do, that in case per diem and mileage should be allowed him, it would but encourage others to enter into contests that are frivolous and without good cause. Therefore, your committee would report the following resolution, with the recommendation that it pass :

Resolved, That in the matter of the contested election case, wherein Robert E. Jefferson is contestant, and William Nettleton sitting member, the usual rule be departed from, and that the said Jefferson be not allowed per diem and mileage, as is done in the case of a bona fide contestant.

All of which is respectfully submitted.

ALLEN SHULTIS,
PETER WILKINS,
JOHN B. OLIVIER,
Committee on Elections.

Mr. Brooks moved that the majority report be adopted.

Carried.

Mr. Greene, of Steele, moved to reconsider the vote by which the majority report was adopted.

Lost.

Mr. Stearns, from the special committee to whom was referred H. F. No. 63, reported that further action thereon be indefinitely postponed.

Carried.

Mr. Sawyer presented a report from the committee to whom was referred the claim of J. H. Felch, for seals, as follows :

Your committee to whom was referred the report of the committee on claims, in reference to the claim of J. H. Felch, for official seals, beg leave to report that they have given the matter such attention as it seemed to demand, and with the following results :

The contract under which the seals were furnished, was made on the first day of September, 1858. The correspondence in reference thereunto commenced in June previous, particularly urging the establishment of a business for engraving in the city of Saint Paul, and setting forth State patronage as an inducement thereunto.

Mr. Felch was at that time established in a flourishing business at Columbus, in the State of Ohio, and enjoyed the patronage of that State, which he was unwilling to leave, except under rare inducements.

After the commencement of this correspondence, a bill was introduced and passed the Legislature, the effect of which was to destroy all the official seals in the State, and to require the Secretary of State to contract for a new supply, of a new and different design.

By referring to the Journals it will appear that the bill was introduced in the Senate by Mr. Hall, of Ramsey county, on the 30th day of July, 1858, and went through its first and second reading under a suspension of the rules. It was passed upon in committee of the whole, on the third day of August, together with fourteen other bills, at a single session, and was in no other committee in either House. It passed the Senate August 6th, having been before that body but three days, besides the time it was in the hands of the Engrossing Clerk. And that too, was in the last days of the session, when in the pressure of business it could not have received much attention. It was in the House also but three days.

Mr. Felch was informed of the favorable turn things had taken, and that he could have the contract, on condition that it should be executed in Saint Paul. He says he could have done the work cheaper in Ohio, besides the expense of removing to Minnesota, with his family, and the value of an established and lucrative business, which was sacrificed in removing. All of which considerations were taken into account in accepting the terms of the contract and fixing the compensation thereof.

The result of the whole matter is, Saint Paul enjoys the convenience of an excellent engraver, and the State of Minnesota has seals to sell, with corresponding demands upon the Treasury, of the sum of one thousand, seven hundred and sixteen dollars, with a tax of probably an equal amount upon the Notaries Public in the State.

It does not appear, however, that Mr. Felch was a party to the ill advised action of the State, any further than to fix the terms on which he could afford to leave his business in Ohio, remove to Minnesota and perform the labor required. And in this view of the matter, your committee are of opinion that the compensation was little enough.

The contract seems to have been performed according to its terms in every particular, the seals being well executed and of excellent quality.

Your committee would therefore unite with the Committee on Claims, in recommending the passage of an act providing for the payment of the amount due on the contract.

And further, that all bills exhibiting extraordinary devotion to the interests of the State, and supported by an unusual outside pressure of local influence, be hereafter at least, carefully scrutinized.

All of which is respectfully submitted.

J. S. SAWYER,
THOS. M. DONOUGH,
J. CHADDERDON,
Special Committee.

Mr. Acker moved that the report be adopted.

Carried.

• Mr. Stewart offered the following resolution :

Resolved, That the copy of the State Auditor's report, as furnished us by the House printers, be rejected, on account of its many errors, and the report be ordered printed as it comes from the said State Auditor.

Mr. Stewart moved that the resolution be referred to the Committee on Printing.

Carried.

Mr. Mantor offered the following resolution :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of the passage of a law by which the defendant in an action founded upon trespass at common law, committed by the defendant, may be imprisoned in the common jail, in case he has no property liable to execution. And also of so amending the exemption law of this State, that a much less amount of property shall be exempt from execution, in cases growing out of personal costs.

Lost.

Mr. Stearns gave notice that he would at an early day ask leave to introduce

A bill for an act to prevent breaches of the peace.

Also,

A bill for an act to punish any interference with the serving of civil or criminal processes.

Also,

A bill for an act to amend section 19, of an act passed Aug. 12, 1859, and found on page 131 of the so-called public statutes of Minnesota.

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

A bill to prevent the destruction of animals by use and sale of strychnine, in certain counties of this State.

Mr. Stephenson offered the following resolution :

Resolved, That the name of the member calling for the yeas and nays be entered upon the Journal.

Carried.

Mr. Sanborn asked and obtained leave to introduce—

A bill for an act to suspend for five years an act entitled an act for the establishment of State Normal Schools.

Which was read the first time.

Mr. Sanborn asked and obtained leave to introduce—

A bill for an act to amend section 37 of an act entitled an act to organize and discipline the militia and volunteer militia, passed August 12, 1858.

Which was read a first time.

Mr. Sanborn asked and obtained leave to introduce—

A bill for an act to authorize the creation of religious corporations sale.

Which was read a first time.

Mr. Coggswell, Mr. Acker in the Chair, asked and obtained leave to introduce—

A bill for an act proposing an amendment to section ten, article nine of the constitution, and providing for the submission of the same to the people.

Which was read a first time.

Mr. Greene, of Steele, introduced—

A bill for an act to change the boundaries of the fifth judicial district.

Which had its first reading.

Mr. Greene, of Steele, introduced—

A bill for an act to change the time of holding the terms of the district court in the fifth judicial district.

Which had its first reading.

Mr. Arnold offered the following preamble and resolution :

Whereas, The Governor, in his message, recommends the passage of a banking law, now in force in some one of the older States. Therefore

Resolved, That the Committee on Currency be instructed to procure printed one hundred and fifty copies of the banking law, with all amendments now in force, of the State of Wisconsin, for the use of the members of this House.

Lost.

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

A bill for the repeal of section sixteen of a certain act therein described.

S. F. No. 23. A bill for an act to amend an act entitled an act to establish and define the boundaries of certain counties.

Had its first reading.

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

A bill for an election registry law.

S. F. No. 30. A bill for an act to amend section six of an act entitled an act regulating the recording of conveyances affecting real estate.

Had its first reading.

H. F. No. 61. A bill for an act to amend an act providing for the appointment of Notaries Public, and prescribing their duties, approved July 26, 1858.

Was read a second time.

H. F. No. 60. A bill for an act to amend an act approved Feb. 23, 1854 and also an act approved, March, 1856, in relation to Territorial roads.

Was read a second time.

H. F. No. 59. A bill for an act to tax civil actions in aid of the judicial fund.

Was read the second time.

H. F. No. 42. A bill for an act to provide for the appraisal and sale of school lands.

Was read a second time.

Mr. Sawyer moved to refer the bill to the Committee of the Whole.

Carried.

H. F. No. 35. A bill for an act to provide for township organization.

Was read the second time.

Mr. Sanborn moved that the bill be referred to the Committee of the Whole.

Carried.

S. F. No. 21. A memorial to the President of the United States in reference to a light house on Lake Superior.

Had its third reading and was put upon its passage.

The memorial was passed and the title agreed to.

S. F. No. 27. A bill to attach the county of Todd to the county of Morrison for judicial purposes.

Was read a third time and put upon its passage.

The yeas and nays being ordered, there were yeas 73, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Mitchell,	Mr. Stearns,
Abbott,	Donohue,	Mei han,	Shults,
Abraham,	Fox,	Misch,	Sweet,
Acker,	Garrard,	Morris,	Skilman,
Anderson,	Greene, of Olmsted,	Nettleton,	Stephenson,
Armstrong,	Greene, of Steele,	Olms,	Stock,
Austin,	Hayes,	Ozman,	Stewart,
Arnold,	Hunt,	Pfaender,	Taylor,
Baldwin,	Hulett,	Purdie,	Temanson,
Beatty,	Johnson,	Rehfeld,	Thayer,
Bixler,	Knox,	Renz,	Trow,
Brooks,	Kinthead,	Robertson,	Van Vorhes,
Burnham,	Langworthy,	Roy,	Walker, H.
Butler,	Leiford,	Sawyer,	Walker, Orange
Caskey,	Leavens,	Scheffer,	Watson,
Chalderdon,	Mann,	Sherwood,	White,
Cleary,	Mantor,	Shriner,	Webster,
Cleveland,	McDonough,		Wilkins,
Coe,			73

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

H. F. No. 70. A bill for an act providing for an alteration of the State road running from La Crosse to Mankato.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 67, nays 3, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Mann,	Mr. Stearns,
Abbott,	Coe,	Nettleton,	Stephenson,
Acker,	Donohue,	Olms,	Stock,
Abraham,	Dayton,	Ozman,	Sweet,
Anderson,	Garrard,	Pfaender,	Taylor,
Armstrong,	Greene, of Olmsted,	Purdie,	Temanson,
Arnold,	Hayes,	Rehfeld,	Thayer,
Austin,	Hulett,	Renz,	Trow,
Baldwin,	Hunt,	Robertson,	Van Vorhes,
Bixler,	Johnson,	Roy,	Walker, H.
Brooks,	Kinthead,	Sawyer,	Orange Walker,
Burnham,	Knox,	Scheffer,	White,
Butler,	Langworthy,	Sherwood,	Webster,
Beatty,	Leiford,	Shriner,	Watson,
Caskey,	Leavens,	Shults,	Willey,
Chalderdon,	Mantor,	Skillman,	Wilkins,
Cleveland,	Morrison,	Stewart,	
			67

NAYS.

Mr. Dayton,	Mr. Mitchell,	Mr. Sanborn,	3
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So the bill passed, and the title as amended was agreed to.

H. F. No. 6. A memorial to the President of the United States, of the Senate and House of Representatives of the State of Minnesota.

Had its third reading and was put upon its passage.

The memorial was passed and the title agreed to.

Mr. Morrison offered the following resolution :

Resolved, That the Standing Committees on the Judiciary, Currency, Towns and Counties, Schools and School Lands, University and University Lands, be directed to act in concert with similar committees on the part of the Senate, the Senate Committees concurring.

Lost.

Mr. Robertson offered the following preamble and resolutions :

Whereas, Minnesota is and of right ought to be a commonwealth of free white men ; and

Whereas, It is the first duty of every government to care for and protect its own people, in preference to naturally uncongenial or hostile races ; and

Whereas, From well known causes, the universal expulsion of free negroes and mulattoes from the Slave States, has commenced in earnest, those of the Mississippi Valley being now engaged in perfecting more thorough measures for that purpose than have ever before existed ; and

Whereas, The States of Illinois and Indiana have laws and regulations to discourage the immigration of free negroes and mulattoes thereto, thus peculiarly exposing the Mississippi States of Iowa, Wisconsin, and Minnesota to the influx of increasing numbers of that class of people, thereby making the prompt and efficient protection of our own citizens from this " impending crisis," of the North, an important duty, the performance of which this Legislature ought not to shirk or evade.

Because 1st. The white people of Minnesota cannot live on a basis of political or social equality with negroes and mulattoes, without violating the laws of nature and producing conflict, degradation and ruin ; and

Because 2d. It has been demonstrated by the experience of all the northern States of this Union, that free negroes when brought into competition with the white race, must, as a general rule, soon sink into a miserable condition of pauperism and crime, from which all the efforts of our most sincere philanthropists cannot save them, so that the presence of such population in our midst, would not be much if any less tolerable to thrifty citizens than that of roving bands of vagabond Indians ; and

Because 3d. In consequence of the convenient and easy transit of expelled negroes and mulattoes from the South to our river towns and settlements, they will probably soon begin to flock thereto in large numbers, which would not only expose our citizens to grievous annoyances, but also impose heavy expenses upon our counties and municipalities, which ought to be spared for the support of the infirm and indigent of our own race and State ; and

Because 4th. Such an influx of negroes and mulattoes will increase the competition of our own laboring poor, which, while it will for a time injure dependent white men, must end in the destruction of the negro and mulatto, thereby at first inflicting serious injury upon a class of citizens entitled to our fullest protection from all such degrading rivalry. Therefore

Resolved, That the Judiciary Committee be instructed to report, without delay, a bill to this House, which shall contain effective provisions to prevent the immigration of all negroes and mulattoes except such as give ample security for their good behavior, and that they will not become a public charge as paupers ; and also to provide for the registration of negroes and mulattoes now living in the State, and permitting them and their children to remain without becoming subject to the conditions imposed upon those of their race, who may come into the State after the passage of the proposed act.

Mr. Baldwin moved that the resolution be indefinitely postponed.

Mr. Robertson called for the yeas and nays.

Which were ordered, and there were yeas 59, nays 13, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. McDonough,	Mr. Skillman,
Abbott,	Dayton,	Meighan,	Stearns,
Abraham,	Fox,	Manor,	Stock,
Anderson,	Garrard,	Mitchell,	Stewart,
Acker,	Greene of Olmsted,	Morrison,	Taylor,
Armstrong,	Greene of Steele,	Olds,	Temanson,
Arnold,	H. yes,	Ozman,	Thyer,
Austin,	Hunt,	Pfender,	Trow,
Baldwin,	Hulett,	Purdie,	Walker H.
Baker,	Johnson,	Renz,	Walker, Orange
Brooks,	Knox,	Roy,	Watson,
Bunham,	Langworthy,	Sanborn,	Webster,
Butler,	Letford,	Sawyer,	White,
Caskey,	Leavens,	Secombe,	Speaker,
Coe,	Mann,	Sherwood,	

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NAYS.

Mr. Besty,	Mr. Kinkead,	Mr. Rehfeld,	Mr. Sweet,
Claderton,	Mitch,	Schaffer,	Wiley,
Clary,	Netleton,	Shiner,	Wilkins,
Donohue,	Robertson,	Stehenson,	

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So the resolution was indefinitely postponed.

Mr. Sanborn offered the following resolution:

Resolved, That the committee of five to whom was referred H. F. No. 21, A bill for an act to provide for county organization and government, be discharged from further duties as such committee, and that said bill be referred to the Committee of the Whole.

A kept.

Mr. Sanborn moved to suspend the operation of rule 28th. while in Committee of the Whole on H. F. Nos. 21 and 35.

Lost.

Mr. Sanborn moved that the House resolve itself into Committee of the Whole, to take into consideration H. F. Nos. 21 and 35.

Withdrawn.

Mr. Sanborn moved to reconsider the vote by which the motion to suspend the 28th rule was lost.

Carried.

The question recurring upon the suspension of the rule,

It was carried.

Mr. Sanborn moved that the Sergeant-at Arms be excused from further duties until to-morrow at 10 o'clock.

Carried

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

Mr. Knox offered the following resolution:

Resolved, That the free use of this Hall be granted to B. A. Froiseth, Esq., to deliver an address to the citizens of the State, upon the policy of emigration to the State of Minnesota.

Adopted.

Mr. Acker moved to take up

H. F. No. 8. A bill for an act to punish frauds and other crimes committed at Elections.

The bill was taken up and read the third time.

The following message was received from the Senate :

Mr. Speaker—

I have to announce that the Senate has concurred in the amendments of the House to

S. F. No. 29. A bill for an act to appropriate money for certain purposes named therein.

A. B. WEBBER, Secretary.

Mr. Acker moved to lay the bill upon the table.

Carried.

Mr. Burnham moved that the House resolve itself into a Committee of the Whole, to take into consideration such business as may be before it.

Carried.

Mr. Cleveland in the Chair.

After spending some time therein the Committee rose, and by their Chairman reported back H. F. No. 41 to the House, and recommended that the report of the Committee on Ways and Means be adopted, that said bill do not pass.

Also, H. F. No. 20, with a recommendation that it be referred to the Judiciary Committee with instructions to report a bill abolishing statutory costs in civil actions.

The question was, Shall the report of the Committee of the Whole be concurred in on H. F. No. 41 ?

Which was carried.

The question was upon concurring in the report of the Committee of the Whole on H. F. No. 20.

Which was carried.

Mr. Sweet moved that the House resolve itself into Committee of the Whole to take into consideration S. F. No. 2.

Carried.

Mr. Sweet in the Chair.

After spending some time therein the Committee rose, and by their Chairman reported back S. F. No. 2, and recommended that the bill be laid upon the table.

Also, H. F. No. 22, with the recommendation that it be laid upon the table.

The question was, Shall the report of the Committee of the Whole be concurred in ?

Carried.

Mr. Abraham moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

TWENTY-SEVENTH DAY.

TUESDAY, Jan. 10, 1860.

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

Prayer was offered by the Chaplain.

The roll was called, and the following members found absent :

Messrs. Aaker, Beatty, Butler, Cuskey, Cleary, Fox, Hulett, Kinhead, Knox, Letford, Mantor, Olivier, Rehfeld, Robertson, Sanborn, Shrewsbury, Stephenson, Taylor, Temanson, Tollman, Van Vorhes, Orange Walker.

The Journal was read and approved.

Mr. Secombe presented a memorial of the Board of Supervisors of the county of Hennepin for leave to lease school lands in that county.

Which was referred to the Committee on Schools and School Lands.

Also,

For act authorizing the Register of Hennepin county to transcribe their records in Ramsey county.

Mr. Secombe moved to refer that part of the memorial of the Supervisors of Hennepin county, which relates to the transcribing the records of a part of Ramsey county, to the Judiciary Committee with instructions to enquire and report whether any action is necessary.

Carried.

The Speaker presented a memorial from the Lake Superior Agricultural Society, as follows :

OFFICE LAKE SUPERIOR AGRICULTURAL SOCIETY, }
December 26th, 1859. }

To the Honorable the House of Representatives of the State of Minnesota :

The undersigned, Secretary of the Lake Superior Agricultural Society, respectfully presents the following memorial, requesting State aid in behalf of the Society.

The Lake Superior Agricultural Society was organized July 18, 1859, and has for its object the settlement and development of the entire west end of Lake Superior. The "North Shore" of Minnesota, in particular, receives our particular attention. Situated, as we are, at the terminus of ocean navigation, the extensive collection of agricultural productions from this region in the rooms of the Society, present to the view of the traveler or emigrant the varied resources of the "North Shore," and will certainly greatly aid in its development.

The settlers of the "North Shore" are mostly unable to accomplish much, and a society so lately organized can aid them but little, therefore, under these circumstances, and particularly as we represent to the numerous travelers from all parts of the world on landing here, the agricultural and mineral resources of Minnesota, we request aid from the State to the amount of two hundred dollars, pledging ourselves that the entire amount shall be expended only for the benefit of the pre-emptors along the "North Shore."

And we will ever pray, etc.

JAMES S. RITCHIE, Sec. and Tres. pro. tem.
Lake Superior Agricultural Society.

Mr. Sweet moved that the memorial be referred to the Committee on Agriculture and Manufactures.

Carried.

Mr. Garrard, from the Committee on Agriculture, presented the report of said Committee on

H. F. No. 44. A bill for an act to encourage the destruction of black birds in this State.

Withdrawn.

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

A bill to amend the city charter of the city of St. Anthony.

Mr. Stearns introduced—

A bill for an act to punish any interference with the serving of civil or criminal proceedings.

Which had its first reading.

Mr. Stearns introduced—

A bill for an act to prevent breaches of the peace.

Which had its first reading.

Mr. Secombe moved that the bill be referred to the Committee on Military Affairs.

Lost.

Mr. Johnson introduced—

A bill for an act entitled an act to establish the terms of the District Court of the State of Minnesota

Which had its first reading.

S. F. No. 23. A bill for an act to amend an act entitled an act to establish and define the boundaries of certain counties.

Was read a second time.

S. F. No. 30. A bill for an act regulating the recording of conveyances affecting real estate.

Was read the second time.

And was referred to the Committee of the Whole.

H. F. No. 10. A bill for an act to locate a State road from Minneiska, Wabashaw county, to Beaver, Winona county.

Had its third reading and was put upon its final passage.

And the yeas and nays being ordered there were yeas 53, nays 12, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Nettleton,	Mr. Stock,
Abraham,	Donohue,	Osds,	Stewart,
Acker,	Fox,	Ozman,	Sweet,
Anderson,	Garrard,	Purdie,	Taylor,
Armstrong,	Greene of Olmsted	Rehfeld,	Tammanson,
Arnold,	Greene, of Steele	Roberts,	Thayer,
Beatty,	Hajes,	Key,	Trow,
Bixler,	Hunt,	Scheffer,	Watson,
Brooks,	Kinkadee,	Sherwood,	Webster,
Burnham,	Knox,	Shiner,	White,
Caskey,	Langworthy,	Stearns,	Wheeler,
Chandler,	Mann,	Stevens,	Wilkins,
Cleary,	Meighan,	Stephenson,	Speaker,
Cleveland,			

NAYS.

Mr. Austin, Baldwin, Dayton,	Mr. Johnson, Letford, Mitchell,	Mr. Morrison, Pfander, Renz,	Mr. Sawyer, Shultz, Walker, H.	19
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So the bill was passed and the title agreed to.

H. F. No. 33. Joint resolution in regard to the appointment of a committee to report joint rules for both Houses.

Had its third reading and was put upon its final passage, and was lost.

H. F. No. 43. A bill for an act fixing and regulating the fees of Sheriffs

Had its third reading.

Mr. Acker moved that the bill be referred to the Committee of the Whole. Carried.

H. F. No. 45. A bill for an act entitled an act allowing a charge of venue in certain cases.

Mr. Johnson moved to refer the bill to the Committee of the Whole.

Carried.

H. F. No. 49. A bill for an act to amend section 2 of an act entitled an act to locate and establish a State road from St. Cloud to Breckenridge, approved February 8, 1858.

Had its third reading and was put upon its final passage.

And the yeas and nays being ordered, there were yeas 55, nays 6, as follows :

YEAS.

Mr. Acker, Abbott, Abraham, Acker, Anderson, Armstrong, Austin, Baldwin, Beatty, Baker, Brooks, Burham, Ciske, Chaderton,	Mr. Cleary, Cleveland, Coe, Donohue, Fox, Garrard, Greene, of Omaha, Greene, of Steele, Hayes, Hunt, Kinkaid, Knox, Lanworthy, Leavens,	Mr. Letford, Mann, M'chell, Mitchell, Nestleton, Purdie, Rehfeld, Renz, Ry, Sanborn, Scheffer, Secombe, Shultz, Searns,	Mr. Stewart, Stock, Sweet, Taylor, Thayer, Temanson, Trow, Watson, Webster, White, Willey, Wilkins, Speaker.	55
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NAYS.

Mr. Dayton, Johnson,	Mr. Sawyer, Sherwood,	Mr. Shriner,	Mr. B. Walker,
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So the bill was passed, and the title was agreed to.

H. F. No. 49. A bill for an act to authorize the relocation of the Territorial road from Winnebago to St. Joseph, in Stearns county.

Had its third reading and was put upon its final passage.

And the yeas and nays being ordered, there were yeas 9, nays 46, as follows :

YEAS.

Mr. Acker, Abraham, Beatty,	Mr. Chaderton, Cleary,	Mr. Donohue, Fox,	Mr. Mitchell, Rehfeld,
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NAYS.

Mr. Arnold,	Mr. Johnson,	Mr. Sanborn,	Mr. Sweet,
Austin,	Kirkhead,	Sawyer,	Taylor,
Bixler,	Knox,	Scheffer,	Temanson,
Bracke,	Langworthy,	Secombe,	Thayer,
Burnham,	Leavens,	Sherwood,	Trow,
Coe,	Letford,	Shriner,	Watson,
Dayton,	Melghan,	Shuttie,	Webster,
Garrard,	Nettleton,	Stearns,	White,
Greene, of Olmsted	Olds,	Stevens,	Willey,
Greene of Steele,	Osman,	Stewart,	Wilkins,
Hayes,	Renz,	Stock,	Speaker.
Hunt,	Roy,		

48

So the bill was lost.

H. F. No. 52. A bill for an act to legalize the re-survey of the town of New Ulm.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 52, nays 7, as follows:

YEAS.

Mr. Anker.	Mr. Cleveland,	Mr. Mitsch,	Mr. Stock,
Abbott,	Coe,	Osman,	Sweet,
Abraham,	Dayton,	Prandlar,	Taylor,
Acker,	Donohue,	Purdie,	Temanson,
Anderson,	Fox,	Rehfeld,	Thayer,
Armstrong,	Garrard,	Renz,	Trow,
Arnold,	Greene, of Olmsted	Roy,	Walker, H.
Bixler,	Hayes,	Sanborn,	Watson,
Bentley,	Kirkhead,	Sawyer,	Webster,
Burnham,	Knox,	Scheffer,	White,
Cailey,	Langworthy,	Secombe,	Wilkins,
Chamderdon,	Letford,	Stearns,	Willey.
Clardy,	McDonough,	Stewart,	Speaker

53

NAYS.

Mr. Greene, of Steele,	Mr. Leavens,	Mr. Sherwood,	Mr. Shuttie,
Johnson,	Melghan,	Shriner,	

7

So the bill was passed and its title agreed to.

Mr. Sweet moved to reconsider the vote by which H. F. No. 49 was lost.

Carried.

Mr. Olds moved that the bill be laid upon the table.

Carried.

Mr. Sawyer moved that H. F. No. 42 be recommitted to the Committee on Schools and School Lands.

Not entertained.

Mr. Sawyer moved to reconsider the vote by which H. F. No. 42 was referred to the Committee of the Whole.

Carried.

Mr. Sawyer moved that H. F. No. 42 be referred to the Committee on Schools and School Lands.

Carried.

Mr. Secombe moved that the House go into Committee of the Whole, to take into consideration such business as may come before them.

Carried.

Mr. Hayes in the chair.

After some time spent therein, the Committee rose and by their Chainman

reported back to the House H. F. No. 43, and recommended that it be referred to the Committee on Retrenchment and Reform.

The question was on concurring in the report of the Committee of the Whole.

Carried.

Mr. Sweet moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

TWENTY-EIGHTH DAY.

WEDNESDAY, Jan, 11, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Cleveland, Hulett, Hunt, Robertson, Sanborn, Shrewsbury, Taylor, White and Willey.

The Journal was read and approved.

Mr. Baldwin presented the petition of citizens of St. Anthony, for a State road from St. Anthony to St. John's City.

Mr. Secombe moved to refer the petition to the Committee on Roads and Bridges.

Carried.

Mr. Morrison presented a petition of citizens of Dakota county, in regard to school districts.

Which was referred to the Committee on Schools and School Lands.

Mr. Sweet presented the petition of citizens of the town of Monticello, praying that the act incorporating the town of Moritzious may be repealed.

Mr. Sweet moved that the petition be referred to the Committee on Incorporations.

Carried.

Mr. Acker, from the Committee on Retrenchment and Reform, reported upon H. F. No. 30, that the same be referred to the Committee of the Whole

Which report was adopted.

Mr. Stearns introduced—

A bill for an act to amend section 19 of an act providing for the election, and prescribing the duties of Treasurer of State, passed August 12, 1858.

Which had its first reading.

Mr. Stearns moved that the rules be so far suspended that the bill may be read a second time and referred to the Committee of the Whole.

Carried.

And the bill was read the second time and referred to the Committee of the Whole.

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

A bill for an act to amend an act relating to proceedings in justice's court.

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

A bill in relation to interest and usury.

Mr. Meighan offered the following resolution :

Resolved, That the Committee on Retrenchment and Reform be hereby instructed to report to this House at their earliest convenience, by bill, establishing the fees to be hereafter allowed to the following described officers of this State, to wit : Clerks of District Courts, Registers of Deeds, Sheriffs, Judges of Probate, Justices of the Peace and Constables.

Adopted.

Mr. Kinkead offered the following resolution :

Resolved, That the Secretary of State be requested to furnish the members of the House with copies of the Supreme Court Reports, for the use of the members during the session, to be returned to the Secretary of State at the close of the session.

Mr. Acker moved to lay the resolution upon the table.

Lost.

The question recurring upon the resolution offered by Mr. Kinkead,

Mr. Acker called for the yeas and nays.

Which were ordered, and there were yeas 17, nays 52, as follows :

YEAS.

Mr. Beatty,
Brooks,
Chadlerdon,
Coe,
Greene of Olmsted

Mr. Kinkead,
Misch,
Nettiston,
Olivier,

Mr. Osman,
Robeison,
Phiner,
Stephenson,

Mr. Sweet,
Thayer,
Tollman,
Van Vorhes,

17

NAYS.

Mr. Acker,
Abbott,
Abraham,
Acker,
Anderson,
Armstrong,
Arnold,
Austin,
Baldwin,
Bixler,
Burnham,
Butler,
Caskey,

Mr. Cleveland,
Dayton,
Donohue,
Fox,
Garrard,
Greene, of Steele
Hayes,
Johnson,
Knox,
Langworthy,
Lavens,
Leford,
Mann,

Mr. Mitchell,
McDonough,
Mantor,
Morrison,
Meighan,
Olds,
Purdie,
Pfeander,
Rehfeld,
Renz,
Shults,
Sawyer,
Secombe,

Mr. Stock,
Stearns,
Stevens,
Skillman,
Tomanson,
Trow,
Walker, Orange
Walker, H.
Watson,
Webster,
White,
Wilkins,
Speaker,

52

So the resolution was lost.

H. F. No. 68. A memorial to Congress for an appropriation for the improvement of the rapids of the Minnesota river, near the town of San Francisco.

Was read a second time.

Mr. Secombe moved that the bill be referred to the Committee of the Whole.

Carried.

H. F. No. 69. A bill for an act to legalize that portion of the location and survey of the State road from the North Shore of Lake Superior, to Graham's Point, on the Red River of the North, commencing at Sauk Rapids and terminating at Graham's Point.

Was read the second time.

And was referred to the Committee on Roads and Bridges.

H. F. No. 72. An act proposing an amendment to section 10, article 9, of the Constitution, and providing for the submission of the same to the people.

Was read the second time.

And was referred to the Committee of the Whole.

Mr. Secombe moved that the House resolve itself into Committee of the Whole to take into consideration H. F. No. 30.

Mr. Stearns moved to amend by striking out "H. F. No. 30," and inserting "such business as may come before them."

Carried.

The question recurring on the motion as amended,

It was carried.

Mr. McDonough in the Chair.

After spending some time therein the committee rose, and by their Chairman reported on H. F. No. 81, and recommended its passage.

Also, H. F. No. 68, and recommended its passage.

Also, H. F. No. 23, and recommended that it be referred to the Committee on State Affairs.

Also, H. F. No. 31, and recommended that the bill be passed.

Also, H. F. No. 51, and recommended that it be referred to the Committee on the Judiciary.

Also, H. F. No. 55, and recommended that it be passed.

The following message was received from the Senate :

Mr. Speaker :

I have the honor to announce to the Hon. House, the passage by the Senate of the following bills, viz :

S. F. No. 44. A bill for an act concerning contempts.

Also,

S. F. No. 45. A bill for an act to provide against corrupt legislation.

Also,

S. F. No. 42. A memorial to Congress for a mail route in Fillmore and Mower counties.

To which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

The question was upon concurring in the report of the Committee of the Whole on H. F. No. 23.

Carried.

The question then was upon concurring in the report of the Committee of the Whole, on H. F. No. 31.

Mr. Cleveland moved that the report of the committee and the bill be laid upon the table.

Carried.

The question then was upon concurring in the report of the Committee of the Whole on H. F. No. 51.

Carried.

The question then was upon concurring in the report of the Committee of the Whole upon H. F. No. 55.

Carried.

The bill was ordered engrossed and passed to a third reading.

The question then was upon concurring in the report of the Committee of the Whole on H. F. No. 68.

Carried.

Mr. Donohue moved that the rules be so far suspended as to allow the bill to be read a third time.

Carried.

And the bill was so read and put upon its passage.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The question before the House was the passage of H. F. No. 68,

And the yeas and nays being ordered, there were yeas 48, nays 2, as follows :

YEAS.			
Mr. Asker,	Mr. Caskey,	Mr. Letford,	Mr. Stewart,
Abbott,	Cleveland,	Mann,	Shultis,
Abraham,	Ooe,	Mantor,	Stevens,
Acker,	Donohue,	McDonough,	Stock,
Anderson,	Dayton,	Mitch,	Temanson,
Armstrong,	Fox,	Nettleton,	Trow,
Austin,	Greene, of Olmsted	Pfaender,	Van Vorhes,
Baldwin,	Greene, of Steele	Purdie,	Walker, Orange
Beatty,	Hulett,	Renz,	H. Walker,
Bixler,	Johnson,	Sawyer,	Watson,
Brooks,	Lansworthy,	Sherwood,	White,
Butler,	Leavens,	Shriner,	Wilkins,

NAYS.

Mr. Burnham,

Mr. Speaker.

2

So the bill was passed and the title agreed to.

The question was upon concurring in the report of the Committee of the Whole on H. F. No. 81.

Carried.

And the bill was ordered engrossed and passed to a third reading.

The Speaker presented to the House a memorial from Mr. John Wilson, for the Transit Railroad Company, as follows :

To the Honorable the Senate and House of Representatives of the State of Minnesota.

The undersigned respectfully represents, that having been employed for that purpose, he has, for several months past, been endeavoring so to arrange the business of the Transit Railroad Company of this State, as to secure the immediate construction of so much of said road as lies between Winona and Rochester, a distance of fifty miles, with suitable cars for travel and transportation, and the necessary amount of engines for drawing the same ; and for completing, as soon thereafter as possible, the portion of said road between Rochester and St. Peter, or New Ulm. For this purpose he visited the East and had frequent and full consultation with those who, he has reason to believe, are able to furnish the means to effect this object.

The very first difficulty presented in negotiating for such means, was the fact that \$500,000 of the State Railroad Bonds had been issued to the Transit Company, and had passed beyond their control ; that six months interest was about due on those bonds, amounting to \$17,500, towards the payment of which the company could not raise one dollar ; that the State had a prior lien on the lands, franchises, &c., of said company, to secure the payment of the principal and interest of said bonds, with power to sell the whole, on failure of said company to pay said interest, then about due. That besides the risk of such sale, the State held a mortgage on the first two hundred and forty sections of land coming to the company, the proceeds of which had to be paid into the treasury ; and also, held \$500,000 of the first mortgage bonds of the company, which might be put in market, and must be received for any lands of the company. This condition of things would compel capitalists, who would undertake the construction of the road, to pay down \$17,500 for interest which has accrued, and the same sum every six months thereafter ; and to pay over to the State Treasury the proceeds of the first 240 sections, or 153,600 acres, enuring to the company, thus depriving such capitalists of every resource of refunding the principal, or paying the interest on the money invested by them in the construction and equipment of said road, and compelling them to pay \$35,000 per annum, on the penalty of having the road, lands and franchises of the company sold out by the State under the Deed of Trust, and thus losing all the money they have invested in it.

It would be useless labor to give the causes that led to the depreciation of the State Bonds. It is sufficient to say, as known to you all, that these bonds have no marketable value. Five hundred thousand dollars of those bonds were transferred by your Governor to the Transit Company, in strict conformity with the conditions and stipulations specified in the amendment to section ten, article nine of the State Constitution, the greater part of which were paid over to the contractors for labor bestowed upon the road, and the bonds thus paid over were used by those contractors, at ruinous sacrifices, to raise money, all of which has been expended on that road.

Those \$500,000 of bonds are now outstanding ; and as they were issued in strict conformity with the amendment to the constitution, for the amount of work done at the time they are, principal and interest, binding and valid against the State credit thus loaned. I am aware that a suggestion has been made, that those bonds, under the last condition of the amendment to the Constitution, are not binding against the State unless the road is finished in the proportions and at the times specified in that condition. That suggestion, aside from every other consideration, can have but little force, in view of the

fact that five instalments of the interest on these bonds, amounting to \$87,500, fall due before the first date mentioned in that condition. The idea, however, of lending the credit of the State on which to raise money, and declaring it not to be the credit of the State unless the roads are finished, but throwing the onus and loss on the bond holders, if the contractors fail in completing their contract, though those bond holders advanced their money for that purpose, and have not the slightest control over the contractors, will hardly be urged, in view of the fact that the State took from those companies all the securities deemed sufficient by the amendment to the constitution, for the payment of the principal and interest of those bonds. If that security is not sufficient, the laches is on the part of the State, and not the bond holders, and of course the latter cannot be held liable for such laches.

Under the Deed of Trust above mentioned, the State, after due notice, and in view of the existing default of the company, can sell out the road, with its lands, franchises, &c.; but it is more than doubtful in view of the present condition of the money market, and of the road and State bonds, whether even a nominal sum would be realized by such sale; and the securities being thus disposed of, the State, after applying the amount thus raised, whether great or small, would of course be bound for the remainder of the State bonds and the interest accruing thereon. The State would thus be burdened with a heavy debt without having received anything therefor; and, as shown by the Governor's message, without the means of paying the interest thereon, unless the taxes be increased beyond the utmost means of the people to pay. It is true, the Legislature might authorize the Governor to buy in for the State the defaulting road, with its lands and franchises, at an established minimum; but in that case, under the Deed of Trust, the State would have to divide the proceeds among the holders of the first mortgage bonds of the company, and as the State has less than a moiety of those bonds, her portion of the proceeds would be in the same proportion; or, if she would refuse to make such a division, those first mortgage bonds which are outstanding would be valid liens upon the lands of the company. On either of these bases, the State would remain largely in debt, and no portion of the road would be completed or cars running thereon. The contractors would be ruined and the company broken up, which would not, of course, be any inducement to others to encounter similar liabilities. The suggestion has been made that as the amount of work done would not probably exceed in value one-fifth of the amount of State Railroad bonds issued, those bonds should be called in at twenty cents on the dollar, and new bonds of the State at large issued for that per centage; and that new bonds, also of the State at large, be issued to new companies for four-fifths of the present amount issued. I will not repeat the argument given in the former part of this communication to show that the State is bound for the whole of the outstanding bonds, in view of the fact that those bonds were issued for the precise amount of work specified in the amendment to the constitution; and that the holders of those bonds are not responsible for the unfortunate bargain made by the State, or for any laches on the part of the State, the company or contractors; but I will remark that such arrangement, if practicable, would be unjust in the extreme to the holders of those, as some of them, I am informed, have been passed off at par, some at 70 or 75 cents on the dollar, and others at 40 to 50 cents on the dollar. If those bonds could be obtained at such price, which is wholly impracticable even for cash, it would be a great wrong thus arbitrarily to wrest from the bondholders, at far less than they paid for them, these evidences of the State's obligation. But the worst feature in the case, and the one that would be most fatal to the present and future prosperity of the State, and to the building of the road, is the doctrine of partial repudiation therein contained. I

am aware that the people, the Legislature and the State will not listen to a proposal for repudiation, and, therefore, the suggestors of this plan endeavor to clothe it with the garb of equity, based upon certain expressions or requirements in the loan measure.

But clothe it as we may, it is virtual, practical repudiation of four-fifths of the State obligations, and if such repudiation could be sanctioned, under the very clear and express terms of the existing contract, the English language, in my judgment, could not make one clearer or more binding. Hence the holders of the present Bonds, and the capitalists to whom the new Bonds would be offered, would be unwilling to receive these new bonds, lest a similar construction by a future Legislature, might repudiate four-fifths or the whole of them also. Of one fact there cannot be the shadow of a doubt; and that is, that if the capitalists who have invested in the present Bonds, are virtually held responsible for the acts or laches of the State company or contractors, no monied men will be found to invest in the new Bonds, where a similar liability may be attached or claimed hereafter, with thousands of objects for the profitable investment of their money, capitalists will not consent, for all the gain that will flow from the transaction, to engineer and superintend the construction of our road, and be responsible for the honesty and good faith of Railroad Companies, and contractors, as condition to the purchase of State Bonds.

Having thus considered all the suggestions I have heard, and the objections to them, I beg leave to submit the propositions, which, after long and full consultation with parties East, are the best I could obtain; and which, in fact, are about fair to all parties. I will premise, however, by stating that to obtain these conditions, the sacrifices will not all be on the part of the State nor the advantages all on the side of the company or contractors: as all will have to agree to sacrifices of about equal character, to secure the construction and equipment of the Road, the object desired, I presume, alike by the State, the people, the company and the contractor.

The propositions I submit are as follows, to wit:

First—That the Governor be authorized to suspend for sixty days, the enforcement of the Deed of Trust given to the State, to secure the payment of the State Railroad Bonds, loaned to the company to enable our officers formally to accept the terms and condition hereinafter mentioned; and if they shall so accept within that time, still further to suspend the enforcement of that Deed of Trust, to enable the company to go on with due diligence in the construction and equipments of that Road: the question of time, and the due portion of diligence required, to be wholly at the discretion of the Governor.

Second—That the company shall proceed as soon as the season will permit, to complete the grading between Winona and Rochester, a distance of fifty miles: to lay down the ties of good and suitable quality, at proper intervals, and to place thereon rails of the Erie Railroad pattern of New York, weighing not less than fifty-six pounds to the linear yard the whole securely fastened to the ties by suitable chains and spikes, with the necessary switches and turn-outs; with sufficient number of freight and passenger cars, and engines to draw the same, and to do all the business for the country through which the Road passes; the whole distance between Winona and Rochester to be finished and equipped, as herein required, with due diligence, and within such reasonable time as shall be entirely satisfactory to the Governor. The Road shall also pay to the State as required by law three per cent. per annum of its gross earnings.

Third—In consideration of the completion and equipment of the road, as herein specified, the Governor shall release to the company all the securities held by the State, to insure the payment of the principal and interest of the

State Railroad Bonds loaned to said company; and shall donate to said company one hundred and twenty-five thousand dollars of said State Railroad bonds, in addition to the \$500,000 of those bonds heretofore loaned to said company, the State guarantying the principal and providing for the payment of the interest of all said bonds for the next four, six, eight or ten years, by issuing State Railroad Interest Bonds therefor, which bonds shall bear interest at six per cent. per annum till paid; the company at the same time releasing all claim or right to any further loan or donation of State Railroad Bonds.

Fourth—In accepting the terms and conditions herein specified, the company shall also file a conditional release to the State, of the road bed, and all the lands, franchises, &c., of said company, and all the securities held by the State, to take effect and be in full force, without sale or any legal action thereon; on failure of said company to build and equip said road as herein provided. And in case the company should not accept the provisions of this act, within the sixty days specified, the Governor shall proceed at once to close out the interest of said road, under the deed of Trust aforesaid, in accordance with such rules and regulations, and with such authority as shall be deemed expedient and proper by the Legislature.

The first section is indispensably necessary to relieve the Trustees and the Governor, from the immediate discharge of the obligations devolved on them by the Deed of Trust—Gov. Sibley having given notice to the Trustees to proceed, under the deed of Trust aforesaid; and they are now preparing to do so.

By this plan the company will have to build and equip those fifty miles of road; and make their own negotiations for the recovery or purchase of the State Bonds heretofore loaned them, which they can get on much better terms than the State or any other company. They will also have to pay the State three per cent. of the gross earnings of the road each and every year the same shall be in operation. The land grant will be preserved, which without constructing the road as required in the act of Congress making the donation, will be forfeited, without the slightest hope of a renewal. There will be no necessity for any present increase of taxes to meet those obligations, as the interest on the outstanding bonds can be funded, till such period as the increase of revenue from the enhanced value of the lands along the line of the road, caused by operating it, with three per cent. of the gross earnings, required to be paid to the State, will far more than pay such interest bonds, and will more than refund the principal before it becomes due in my opinion.

In acquiescing in the foregoing propositions, which were the best that could be obtained from those who would in my opinion, aid us in procuring the means to do this work, it was on the basis that they were about fair for all parties under the circumstances. It will be borne in mind, that when this matter came under my charge, the evils had all occurred, and it was in the precise position in which it now stands.

It was evident that the State, the company or the contractors had not the money to build and equip this Road. The Bonds of the State were outstanding, and for those bonds and the interest on them, the State was responsible. To let matters remain as they were, was destructive to all parties; and to proceed under the Deed of Trust, was but little if any better. The object then was to make the best for all parties, out of matters as they then stood. The only course that seemed open for that purpose, was to have the Road built and equipped as soon as practicable—that the contractors might realize from it some portion at least of the money already invested in it, the settlers have proper facilities for transporting to market the products of their farms, and the State receive the three per cent. of the gross earnings of the Road, and the additional

revenue which would flow into the Treasury from the taxes on the enhanced value given to the lands, by the operations of the Road. The capitalists who would furnish the money, could repay themselves from the proceeds of the lands, and this was their own calculation. They required, however, that the contractors should relinquish their existing contract, and take another on a cash basis, at a rate very much below their original contract; and invest in stock at a heavy discount, the proceeds received under the original contract. All this has been done under my advice, and if the propositions now submitted receive the favorable action of the Legislature, I have every reason to believe that the Road will be in full operation during the current year. I have been influenced solely by the desire to do the very best for all parties under the circumstances, and respectfully submit these propositions, hoping they will meet your favorable consideration.

Very respectfully, your ob't servant.

JOHN WILSON,
for Transit R. R. Co.

January 11th, 1860.

The following message was received from the Senate:

Mr. Speaker:

I have to announce to the House the passage by the Senate of—

H. F. No. 7. An act to amend an act entitled an act to regulate the traffic in logs and lumber.

With several amendments, in which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

Mr. Abraham moved that the memorial be referred to the special committee on railroads.

Carried.

Mr. Hulett from the Committee on Towns and Counties, reported—

A bill relating to township organization and defining the duties of town officers.

Which had its first reading.

Mr. Abraham moved to reconsider the vote by which the bill for an act regulating millers' tolls for grinding corn and other grain, was lost.

Carried.

And the bill was referred to the Committee on Agriculture and Manufactures.

Mr. Morrison moved that the joint special committee on railroads be directed to cause to be printed the memorial of the Hon. John Wilson, and any other communication made to them by any person for the Transit Company.

Mr. Trow moved to amend by adding "at the expense of the Transit Railroad Company."

Mr. Baldwin moved that the resolution and amendment be laid upon the table.

Carried.

Mr. Abraham moved that when the House adjourn, it adjourn to meet at 9 o'clock to-morrow morning.

Carried.

Mr. Cleveland moved that S. F. No. 44 be taken from the table and read its first time.

Carried.

And the bill had its first reading.

Mr. Cleveland moved to suspend the rules so as to allow the bill to be read a second time.

Carried.

And the bill had its second reading.

Mr. Cleveland moved to further suspend the rules so as to allow the third reading of

S. F. No. 44. A bill for an act to punish contempts.

Carried.

And the bill was read a third time and put upon its passage.

The yeas and nays being ordered, there were yeas 53, nays 9, as follows :

YEAS.

Mr. Asker,	Mr. Cleveland,	Mr. Mann,	Mr. Stearns,
Abbott,	C. e.	Mantor,	Skilman,
Abraham,	Dayton,	McDonough,	Stock,
Anderson,	Fox,	Melham,	Stewart,
Armstrong,	Garrard,	Morrison,	Taylor,
Austin,	Greene, of Steele,	Olde,	Temanson,
Arnold,	Hayes,	Pfaender,	Trow,
Baldwin,	Hunt,	Rens,	Van Vorhes,
Bixler,	Johnson,	Sawyer,	Walker, H.
Brooks,	Knox,	Secombe,	Walker, Orange
Burnham,	Langworthy,	Sherrwood,	Watson,
Butler,	Le'ford,	Shriver,	White,
Caskey,	Leavens,	Shults,	Speaker.
Chadderdon,			53

NAYS.

Mr. Beatty,	Mr. Purdie,	Mr. Stephenson,	Mr. Tol'man,
Hulett,	Roy,	Sweet,	Wilkins,
Klukead,			9

So the bill was passed and its title agreed to.

S. F. No. 45. A bill for an act to provide against corrupt legislation.

Had its first reading.

Mr. Langworthy moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON; Chief Clerk.

TWENTY-NINTH DAY.

THURSDAY, January 12, 1860.

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

The roll was called and the following members found absent :

Messrs. Acker, Beatty, Cleary, Donohue, Garrard, Greene, of Olmsted, Letford, Mann, Mitchell, Nettleton, Olivier, Ozmun, Rehfeld, Robertson, Roy, Sanborn, Sawyer, Scheffer, Shrewsbury, Shriner, Skillman, Stephenson, Stoek, Sweet Taylor and Tollman.

The journal was read and approved.

Mr. McDonough asked and obtained leave of absence for six or eight days.

Mr. Stearns asked and obtained leave of absence for six or eight days.

Mr. Knox asked and obtained leave of absence for six or eight days.

Mr. Stevens moved that no more members have leave of absence unless a good excuse be given.

Carried.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 62, H. F. No. 70, H. F. No. 59, H. F. No. 14, H. F. No. 31, H. F. No. 55, H. F. No. 11, H. F. No. 61, H. F. No. 60, H. F. No. 81.

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

A bill to establish the common law practice in the courts of this State, and to appeal the present code.

Mr. Cleveland gave notice that on to-morrow or some future day he would introduce—

A memorial for a mail route from La Crosse, in the State of Wisconsin, to Winnebago City, in the State of Minnesota, by way of Brownsville, Sheldon, Dedham, Preston, Carimona, Forestville, Spring Valley, Frankfort, Austin, Sumner, Albert Lea and Walnut Lake.

S. F. No. 42. A memorial for a mail route in Fillmore and Mower counties.

Had its first reading.

Mr. Stearns moved that the memorial be laid upon the table without being printed.

Carried.

Mr. Butler presented the claim of Mr. Rothpletz for services as clerk of Committee on Elections, in the Dakota county contested election case.

Which was referred to the Committee on Claims.

S. F. No. 45. An act to provide against corrupt legislation.

Was read a second time.

H. F. No. 75. An act to change the boundaries of the fifth judicial district.

Had its second reading, and was ordered engrossed and passed to a third reading.

H. F. No. 70. A bill for an act to suspend an act entitled an act for the establishment of State Normal School.

Was read a second time.

Mr. Secombe moved it be referred to the Committee of the Whole.

Carried.

H. F. No. 11. A bill for an act to prevent Indians from committing depredations on the white settlers within the State of Minnesota.

Had its third reading.

Mr. Fox moved that the bill be referred to a special committee of five.

Carried.

And Messrs. Fox, McDonough, Skinner, Pfaender and Armstrong were appointed such committee.

H. F. No. 55. A bill for an act to amend section 22, on page 13, of laws of 1856.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 62, nays 2, as follows:

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Olivier,	Mr. Stearns,
Abbot,	Fox,	Osman,	Taylor,
Abraham,	Garrard,	Pfaender,	Temanson,
Anderson,	Greene, of Olmsted	Pardie,	Thayer,
Armstrong,	H. yes,	Rehfeld,	Tollman,
Arnold,	Hunt,	Rens,	Trow,
Austin,	Johnson,	Roy,	Van Vorhes,
Beatty,	Knox,	Sanborn,	Walker, H.
Brooks,	Langworthy,	Sawyer,	Orange Walker,
Burnham,	Leiford,	Secombe,	White,
Butler,	Leavens,	Sherwood,	Webster,
Caskey,	Mann,	Sbriner,	Watson,
Chandlerdon,	McDonough,	Skilman,	Willey,
Cleary,	Mcghan,	Stevens,	Wilkins,
Cleveland,	Mitchell,	Stewart,	Speaker.
Coe,	Merrison,		

62.

NAYS.

Mr. Greene, of Steele, Mr. Kinkaid,

2

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

H. F. No. 59. A bill for an act to tax civil actions in aid of the judicial fund.

Had its third reading.

Mr. Fox moved that the bill be indefinitely postponed.

Lost.

The question recurring upon the passage of the bill.

Mr. Abraham moved that the bill be referred to the Committee on Judiciary.

Mr. Cogswell moved to amend by adding, with instructions to report a bill to this House similar to the one now under consideration, but taxing only such actions as may be commenced, in the courts of this State, by non-residents.

Mr. Mitchell moved to amend so that the bill be referred to the Committee upon Ways and Means.

Which amendment was accepted by the mover.

The question recurring upon the amendment offered by Mr. Coggsell.

Mr. Cleveland offered the following substitute :

That the Committee on Ways and Means be further instructed to include in the reported bill, a provision that parties appealing from the judgment of a justices' court, when said judgment does not exceed the sum of \$25, and the said judgment shall be affirmed in the court above, the party so appealing shall pay all costs to the county of the appeal in the court.

Lost.

The question then recurring upon the amendment offered by Mr. Coggsell.

It was lost.

The question then recurring upon the reference of the bill to the Committee on Ways and Means.

It was carried.

The following message was received from the Senate :

Mr. Speaker :

The Senate have passed the following bill :

S. F. No. 18. A bill for an act to amend an act to provide for the government of the State Prison of the State of Minnesota.

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

A. B. WEBBER, Secretary of the Senate.

Mr. Sweet moved that the House adjourn.

Mr. Secombe called for the yeas and nays.

Which were ordered, and there were yeas 35, nays 28, as follows :

YEAS.

Mr. Anderson,	Mr. Fox,	Mr. Mantor,	Mr. Stevens,
Armstrong,	Hayes,	Mitch,	Sweet,
Bentley,	Hunt,	Morrison,	Thayer,
Brooks,	Johnson,	Ozman,	Tollman,
Edwinham,	Kinkaid,	Pfeender,	Trow,
Quadderdon,	Knox,	Renz,	White,
Cleveland,	Langworthy,	Roy,	Wilkins,
Coe,	Leavens,	Sawyer,	Speaker.
Dayton,	Mann,	Skullman,	

25

NAYS.

Mr. Aaker,	Mr. Butler,	Mr. Mitchell,	Mr. Stearns,
Abbott,	Butler,	Olde,	Stewart,
Abraham,	Oskey,	Furdie,	Temanson,
Acker,	Greene of Olmsted,	Sanborn,	Walker, H.
Arnold,	Greene of Steele,	Secombe,	Walker, Orange
Austin,	Lefford,	Sherwood,	Wakren,
Baldwin,	Melghan,	Shultz,	Webster,

28

So the House adjourned.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

THIRTIETH DAY.

FRIDAY, JAN. 13, 1860.

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

Prayer was offered by the Chaplain.

The roll was called, and the following members found absent:

Messrs. Beatty, Caskey, Cleveland, Donohue, Garrard, Hayes, Hauf, Johnson, Kinkad, Knox, Letford, Mantor, McDonough, Nettleton, Olds, Olivier, Purdie, Rehfeld, Robertson, Sanborn, Shrewsbury, Shultz, Skillman, Stephenson, Stewart, Sweet, Taylor, Trow, Orange Walker, Webster, White and Willey.

The Journal was read and approved.

Mr. Sweet presented the petition of Mr. McMahon and others for a State road.

Which was read.

Mr. Sweet moved that the petition be referred to the Committee on Internal Improvements.

Carried.

Mr. Green, of Steele, presented the petition of the citizens of Steele county for the passage of—

H. F. No. 2. A bill for an act to amend section 134, of chapter 59, of the revised statutes, the same being sections 147, of chapter 59, on page 518, of the public statutes of Minnesota.

Mr. Green moved to lay the petition upon the table.

Carried.

Mr. Acker, from the Committee on Retrenchment and Reform, reported a substitute for—

H. F. No. 43. A bill for an act fixing and regulating the fees of Sheriffs

And recommended its passage.

On motion of Mr. Acker,

The substitute and bill was laid on the table and ordered printed.

Mr. Mitchell, from the Committee on Judiciary, reported upon the duties of the Supreme Court Reporter, compensation, &c, as follows:

The Committee would report that they have fully and carefully investigated the subject of this reference, and have found the following facts:

We find that the first volume of Reports containing reports of all cases decided by the Supreme Court of the late Territory, and published in 1858, cost the Territory over five thousand dollars, as follows:

An appropriation to the Reporter in 1856 of.....\$600.

" " " " 1858 of..... 600.

" " " " for printing volume 1st, 1858 of..... 3,500.

The Reporter at the same time drawing a regular salary of.... 300.

We find further that the Constitution makes it the duty of the Supreme

Court, to appoint a reporter of its decisions, and that the present Reporter was appointed by said Court on the 3d day of January, 1858. That he has since that time, reported and published the decisions of the Court for the November special term, and December term, 1858, and that an edition of about four hundred and fifty volumes thereof is in the hands of the Public Printer. We have examined a copy of this second volume, and as far as your committee can judge, the reporter has faithfully discharged the duties of his office, and that he has received no compensation for his services; but on the contrary has advanced some money for clerk hire, and assistance in preparing the volume for publication, and we believe the sum of one thousand dollars should be paid the reporter for his services in reporting and publishing the same. We recommend an appropriation of that sum, in the general appropriation bill of the session.

We have reported a bill relating to the duties of the Reporter, in which we have given him the copyright of each volume published by him; but we do not think there will be sufficient demand for the reports for several years to come, to enable the reporter to realize enough from sales of the books, to pay the expenses of publication. We provide therefore, that the State purchase one hundred volumes of each edition, at \$4, per volume, and in addition, a salary of eight hundred dollars per annum; making the total expense to the State of \$1200 per year, and obliging the reporter to pay for the printing and binding.

The publication of the reports of the Supreme Court is one of the necessary expenses of a State Government; and until the reports obtain a circulation abroad and the demand will make the copyright an object, the State must necessarily contribute to the expense of their publication. While we are most anxious to retrench expenses, and save all needless expenditure, we think a fair and adequate provision should be made, to ensure the publication of the decisions of the court of last resort, in such a manner as to entitle them to such credit as they may deserve, both at home and abroad.

We therefore recommend the payment of the Reporter for past services as herein suggested, and the passage of the bill herewith reported.

JOHN B. SANBORN, Chairman

D. A. ROBERTSON.

WM. MITCHELL.

GEO. W. SWEET.

H. E. MANN,

Mr. Sanborn, from the Committee on Judiciary, reported—

A bill for an act regulating the duties of Supreme Court Reporter.

Which had its first reading.

The amendments proposed by the Senate on—

H. F. No. 7. An act to amend an act entitled an act to regulate the traffic in logs and lumber.

Were read, and the question was upon concurring in said amendments.

And the yeas and nays being ordered, there were yeas 59, nays 1, as follows:

YEAS.

Mr. Asker,	Mr. Chadderton,	Mr. Mantor,	Mr. Stevens,
Abbott,	Cleary,	McGinnis,	Stewart,
Abraham,	Goe,	Mitchell,	Sweet,
Acker,	Dayton,	Mitchell,	Thayer,
Anderson,	Donohue,	Mr. Wilson,	Tollman,
Armstrong,	Fox,	Ossman,	Trow,
Arnold,	Garrard,	Pfander,	Van Vorhes,
Austin,	Greene, of Olmsted	Purdie,	Walker, H.
Bailew,	Greene, of Steele,	Ross,	Walker, Orange
Baker,	Hayes,	Roy,	Watson,
Bass,	Hulett,	Sandor,	Webster,
Bendy,	Hunt,	Sawyer,	White,
Borham,	Kirkland,	See mbe,	Williams,
Burke,	Letford,	Sherwood,	Speaker
Cadley,	Mann,	Shriner,	

NAYS.

Mr. Johnson,

So the amendments were concurred in.

Mr. Morrison offered the following resolution:

Resolved, That so much of the Governor's message, as relates to town and county government, be referred to the standing Committee on Towns and Counties.

That so much as relates to railroads and the Lake Superior region, be referred to the joint special Committee on Railroads and Railroad Bonds.

That so much as relates to banks and banking, be referred to the standing Committee on Currency.

That so much as relates to retrenchment in the State government, be referred to the standing Committee on Retrenchment and Reform.

That so much as relates to the judiciary system, be referred to the standing Committee on the Judiciary.

That so much as relates to the agricultural and manufacturing interests and products of the State, be referred to the standing Committee on Agriculture and Manufactures.

That so much as relates to districting the State for senators and representatives at the present session, be referred to the standing Committee on Constitution and Constitutional Revision.

That so much as relates to the militia system, be referred to the standing Committee on Military Affairs.

That so much as relates to the subject of holding our State election at the same time as the Presidential election, and to frauds at elections, be referred to the standing Committee on Elections.

That so much as relates to the time of the assembling of the Legislature, be referred to the standing Committee on State Affairs.

That so much as relates to depredations of Indians, be referred to the standing Committee on Indians and Indian Reservations.

That so much as relates to the Pacific railroad, a general bankrupt law, a protective tariff, and the slavery question, be referred to the standing Committee on Federal Relations.

That so much as relates to taxation, other than the customary property tax, be referred to the standing Committee on Ways and Means.

That so much as relates to the affairs of the State University, be referred to the standing Committee on University and University Lands.

That so much as relates to school lands, be referred to the standing Committee on Schools and School Lands.

That so much as relates to the subject of emigration, be referred to the standing Committee on Emigration.

Adopted.

Mr. Secombe offered the following resolution:
Resolved, That hereafter, during the session, this House will meet on Saturdays at 9 o'clock A. M. and adjourn at 12 M.

Mr. Wilkins moved to amend by adding, every morning at 9 o'clock.

Mr. Hunt offered the following substitute:

"Meet at 9 and adjourn at 1 o'clock."

Mr. Scheffer moved to lay the substitute on the table.

Carried.

Mr. Secombe offered the following:

Resolved, That on Saturdays this House will adjourn at 12 o'clock M.
 Lost.

Mr. Baldwin introduced—

A bill for an act to establish the county of Monroe.
 Which had its first reading.

Mr. Mann gave notice that on to-morrow or some future day he will ask leave to introduce the following bills:

A bill for an act authorizing the attachment of, and levy of execution on incumbered personal property.

A bill for an act proposing amendments to sections two and five of article six, of the Constitution of the State of Minnesota.

A bill for an act to regulate foreign insurance companies doing business in this State.

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

A bill entitled an act giving right of action against fraudulent debtors on demands not due.

S. F. No. 18. A bill for an act entitled an act to provide for the government of the State Prison of the State of Minnesota.

Had its first reading.

Mr. Cleveland introduced—

A memorial for a mail route from La Crosse, in the State of Wisconsin, to Winnebago City, in the State of Minnesota.

Which had its first reading.

H. F. No. 79. A bill for an act to prevent breaches of the peace.

Had its second reading, and was ordered engrossed and past to a third reading.

H. F. No. 74. An act to change the time of holding the terms of the District Court, in the fifth judicial district.

Had its second reading, and was ordered engrossed and passed to a third reading.

H. F. No. 77. A bill for an act to authorize the creation of religious corporation sales.

Was read the second time.

And was referred to the Committee of the Whole.

H. F. No. 76. A bill for an act to amend section 37 of an act to organize and discipline the militia and volunteer militia, passed Aug. 12th, 1858.

Was read a second time.

And was referred to the Committee of the Whole.

H. F. No. 61. A bill for an act to amend an act approved Feb. 22d, 1854; also, an act approved March, 1856, in relation to Territorial roads.

Had its third reading.

Mr. Green, of Steele, moved that the bill be laid upon the table.

Carried.

H. F. No. 62. A bill for an act to amend an act providing for the appointment of Notaries Public, and prescribing their duties, approved July 26, 1858.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 13, nays 49, as follows:

YEAS.			
Mr. Abraham, Acker, Baldwin, Bixler,	Mr. Dayton, Hayes, Mann,	Mr. Sanborn, Secombe, Sherwood,	Mr. Sweet, Temanson, Walker, Orange, 13
NAYS.			
Mr. Aaker, Abbott, Armstrong, Arnold, Beatty, Brooks, Burnham, Chadderdon, Cleary, Cleveland, Coe, Donohue, Fox,	Mr. Garrard, Greene, of Olmsted, Greene of Steele, Hulett, Hunt, Johnson, Kinkadee, Langworthy, Leavens, Leford, Mantor, Meighan,	Mr. Mitchell, Mitchell, Morrison, Oxman, Pfaender, Purle, Rehfeld, Renz, Robertson, Roy, Sawyer, Shriner,	Mr. Shultz, Stevens, Stewart, Stock, Taylor, Trow, Van Vorhes, Walker, H., Watson, Webster, White, Wilkins, 49

So the bill was lost.

H. F. No. 81. A bill for an act to amend section 19 of an act providing for the election and prescribing the duties of State Treasurer, passed August 12, 1858.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 54, nays 4, as follows:

YEAS.			
Mr. Aaker, Abbott, Anderson, Armstrong, Arnold, Baldwin, Beatty, Brooks, Burnham, Cuskey, Chadderdon, Cleary, Cleveland, Coe,	Mr. Dayton, Fox, Garrard, Greene of Olmsted, Greene, of Steele, Hulett, Hunt, Kinkadee, Langworthy, Leavens, Leford, Mann, Mantor, Meighan,	Mr. Mitchell, Morrison, Oxman, Purdie, Pfaender, Rehfeld, Renz, Robertson, Roy, Sanborn, Sawyer, Secombe, Sherwood,	Mr. Shriner, Shultz, Stevens, Stewart, Thayer, Trow, Van Vorhes, Walker, Orange, Walker, H., Watson, Webster, Wilkins, Speaker, 54
NAYS.			
Mr. Acker,	Mr. Bixler,	Mr. Johnson,	Mr. Mitchell,

So the bill was passed and the title agreed to.

Mr. Acker moved to take up H. F. No. 8.

Carried.

Mr. Secombe moved that leave of absence be granted to Mr. Coe.

Carried.

Mr. Webster asked and obtained leave of absence for a few days.

The Speaker then presented the following communication from his Excellency the Governor :

To the Senate and House of Representatives :

I received from my predecessor in the executive office, and receipted to him for, a large number of blank Minnesota State Railroad Bonds. These were issuable to the several railroad companies, under the constitutional amendment, as follows : Seven hundred to the Southern Minnesota company ; four hundred and seventy-five to the Minnesota and Pacific company ; seven hundred and seventy-five to the Transit Railroad company ; and six hundred and seventy-four to the Minneapolis and Cedar Valley company.

They occupy, altogether, considerable space. Indeed, the State has not in any department, a vault or safe that will contain them.

It is important that they should not fall into improper hands, for though there may be little danger of the issuance, by forgery, of the Bonds themselves, yet, as the coupons all bear the printed fac-simile of the signature of the late Treasurer of State, and require no other writing than the insertion of figures to denote the number of the bond, much of evil might result from the loss from proper custody of any of them.

It is highly improbable that any further issue of this class of State Bonds will ever be required, and if so, the plates from which these were printed are yet in existence, and other blanks could easily be obtained.

For these reasons, in order to prevent the possibility of the surreptitious utterance of these bonds, or of the coupons attached, I suggest to the Legislature to authorize, by joint resolution, their destruction, and to appoint a committee of each House to be witnesses of the same.

ALEX. RAMSEY.

EXECUTIVE OFFICE,
ST. PAUL, January 13, 1860.

Mr. Greene, of Steele, moved that the communication of the Governor be referred to the Committee on State Affairs.

Carried.

Mr. Secombe moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Robertson in the Chair.

After spending some time therein the committee rose, and by their Chair, man reported progress, and asked leave to sit again.

The following message was received from the Senate :

Mr. Speaker :

The Senate have passed the following House joint resolution, with amendments :

Resolved, That the Senate do advise and concur in the following resolution :

(Sine die)

H. F. No. 82. Joint resolutions in relation to the passage of a Homestead Bill by the Congress of the United States:

To which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

The House then took a recess until half-past two o'clock.

—
AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Cleveland offered the following resolution:

Resolved, That the Clerk of this House be ordered to issue warrants in payment for services rendered to the concurrent Committee on Railroads and Railroad Grants, by Mr. J. B. Carter, in copying trust deeds and accompanying documents in the office of the Secretary of State, when such services are certified to by the Chairman of said Committee.

Adopted.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to announce to the House, the passage by the Senate of S. F. No. 69. Joint resolution in relation to the destruction of certain railroad bonds.

A. B. WEBBER, Secretary of the Senate.

S. F. No. 69. Joint resolution in relation to the destruction of certain railroad bonds.

Had its first reading.

Mr. Sanborn moved that the rules be so far suspended as to allow the second and third reaning of the joint resolution.

Carried.

And the joint resolution was then read the second and third times and put upon its passage.

And was passed and the title agreed to.

Mr. Donohue offered the following resolution:

Resolved, That this House meet at 9 o'clock A. M. and adjourn at 2 o'clock P. M. each day during the session, except Saturdays, on which days the House adjourn at 12 o'clock M.

Mr. Aaker moved that the resolution be laid on the table.

Carried.

The Speaker appointed the following committee agreeable to the joint resolution just passed: Messrs. Stevens, Chadderton, Acker and Orange Walker.

Mr. Sanborn introduced—

A bill for an act to regulate elections in this State.

Which had its first reading.

Mr. Secombe moved that the House resolve itself into Committee of the Whole, to take into consideration such business as may come before it.

Carried.

Mr. Green, of Steele, in the chair.

After some time spent therein, the Committee rose, and by their Chairmen, reported progress, and asked leave to sit again.

Mr. Acker moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

THIRTY-FIRST DAY.

SATURDAY, Jan. 14, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Anderson, Caskey, Coe, Garrard, Halett, Kinkead, Knox, Letford, McDonough, Mitsch, Olds, Olivier, Robertson, Roy, Sanborn, Shriner, Shultis, Skillman, Stearns, Stevens, Stewart, Taylor, Thayer, Van Vorhes, Watson, Webster and Willey.

The Journal of yesterday was read and approved.

Mr. Purdie presented the petition of citizens of Freeborn county, for raising the water in Freeborn lake.

Mr. Purdie moved that that the petition be referred to the Committee on Agriculture and Manufactures.

Carried.

The amendments proposed by the Senate to H. F. No. 12, were then read.

The question was upon concurring in the amendments.

Carried.

Mr. Acker introduced—

A bill for an act for the protection of persons claimed as fugitive slaves.

Which had its first reading.

Mr. Sweet moved that the bill be rejected.

Mr. Acker called for the yeas and nays.

Which were ordered, and there were yeas 21, nays 40, as follows :

YEAS.			
Mr. Arnold,	Mr. Fox,	Mr. Roy,	Mr. Tollman,
Beatty,	Kinkead,	Sanborn,	Walker, Orange
Bix or,	Mitchell,	Scheffer,	Willey.
Quaddarson,	Mitsch,	Stephenson,	Wilkins,
Oleary,	Nettleton,	Sweet,	Speaker.
Donohue,			

21

NAYS.

Mr. Asker,	Mr. Dayton,	Mr. Mantor,	Mr. Stevens,
Abbott,	Greene of Olmsted	Morrison,	Shultz,
Abraham,	Hayes,	Ozman,	Shrewsbury,
Acker,	Hunt,	Pfaender,	Stock,
Anderson,	Hulett,	Purite,	Temanson,
Baldwin,	Johnson,	Rehfeld,	Trow,
Brooks,	Langworthy,	Rens,	Van Vorhes,
Burnham,	Leavens,	Sawyer,	Walker, H.
Butler,	Mann,	Secombe,	Walton,
Cleveland,	Meighan,	Sherwood,	White.

40

So the motion was lost.

Mr. Hayes offered the following resolution :

Resolved, That the Committee on the Judiciary be instructed to report a bill to this House establishing the common law practice, with such modifications as may be deemed advisable, and repealing the so-called code of practice.

Mr. Sanborn called for the yeas and nays.

Which were ordered, and there were yeas 47, nays 14, as follows :

YEAS.

Mr. Abbott,	Mr. Dayton,	Mr. Mitchell,	Mr. Stock,
Abraham,	Dunobue,	Mitch,	Tollman,
Anderson,	Fox,	Morrison,	Trow,
Armstrong,	Gerrard,	Nettleton,	Van Vorhes,
Arnold,	Greene, of Olmsted	Ozman,	Walker, H.
Beatty,	Hayes,	Pfaender,	Orange Walker,
Brooks,	Hunt,	Rehfeld,	White,
Burnham,	Kinkad,	Rens,	Watson,
Butler,	Langworthy,	Boy,	Willey,
Bixler,	Leavens,	Sanborn,	Wilkins,
Chandleron,	Mantor,	Sherwood,	Speaker.
Clary,	Meighan,	Stephenson,	

47

NAYS.

Mr. Asker,	Mr. Johnson,	Mr. Shultz,	Mr. Stevens,
Baldwin,	Mann,	Scheffer,	Sweet,
Cleveland,	Purdie,	Secombe,	Temanson,
Hulett,	Sawyer,		

14

So the resolution was adopted.

Mr. Fox introduced—

A bill to establish the common law practice in the State of Minnesota, and to repeal the code now in force.

Which was read a first time.

Mr. Sweet moved to suspend the rules so as to allow the bill to be referred to the Committee on the Judiciary.

Carried.

Mr. Purdie offered the following resolution :

Resolved, That all standing, select and special committees be required to report upon all bills, memorials, petitions, &c., referred to them by the House, either for or against the same, as soon as practicable after such reference is made.

Adopted.

Mr. Pfaender introduced—

A bill for an act to amend an act entitled an act to regulate the traffic in spirituous liquors, passed August 12, 1858, as appears on page 340 of the so-called statutes of Minnesota.

Which was read a first time.

Mr. Morrison introduced—

A bill for an act regulating interest on contracts and judgments, and in relation to usury.

Which was read a first time.

Mr. Cleveland introduced—

A bill for an act to extend the time for the collection of taxes of 1859.

Which was read the first time.

Mr. Donohue moved that the bill be rejected.

Lost.

Mr. Roy introduced—

A bill to prohibit the sale and use of strychnine as a means of destroying animals.

Which had its first reading.

Mr. Acker moved to suspend the rules so as to refer the bill to the members from the counties named in the bill.

Carried.

And the bill was so referred.

Mr. Meighan moved that the rules be so far suspended as to allow the bill introduced by Mr. Cleveland to be referred to the Committee on Ways and Means.

Carried.

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

A bill to provide for the collection of delinquent taxes on real estate.

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

A bill to organize the county of Renville, and for other purposes.

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

A bill regulating the rate of interest on money in this State.

Mr. Johnson offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to report a bill on elections, or so amend the bill on that subject already introduced, as to compel the registration of the names of all electors prior to the opening of the polls on election day.

Mr. Sanborn called for the yeas and nays.

Which were ordered, and there were yeas 26, nays 34, as follows:

YEAS.

Mr. Abraham,
Anderson,
Baldwin,
Bixler,
Brooks,
Butler,
Dayton,

Mr. Fox,
Hayes,
Hunt,
Johnson,
Laniworthy,
Levens,
Melghan,

Mr. Oxman,
Purdie,
Secombe,
Sherwood,
Shewsbury,
Stevens,

Mr. Stock,
Trow,
Van Vorhes,
H. Walker,
Watson,
White,

NAYS.

Mr. Aaker,
Acker,
Armstrong,
Arnold,
Beatty,
Burnham,
Chadlerston,
Cleary,
Cleveland,

Mr. Donohue,
Garrard,
Hulett,
Kinkad,
Mann,
Mitchell,
Mitsch,
Morrison,
Nettleton,

Mr. Pfander,
Rehfeld,
Rens,
Robertson,
Rry,
Sanborn,
Scheffer,
Shultz,

Mr. Sawyer,
Stephenson,
Sweet,
Temanson,
Walker, Orange,
Willey,
Wilkins,
Speaker.

So the resolution was lost.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Hon. House the passage by the Senate of H. F. No. 3. A bill for an act authorizing the Governor to secure to the State the five per cent of the nett proceeds of the sales of public lands.

With amendments, in which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

Mr. Sweet offered the following resolution :

Resolved, That the Secretary of State be and is hereby authorized to deliver to each of the members of the standing committee on the judiciary, a copy of the Supreme Court reports.

Mr. Acker moved that the resolution be indefinitely postponed.

Carried.

Mr. Orange Walker offered the following resolution :

Resolved, That the printers to this House be directed to deliver to the Sergeant-at-Arms, all documents ordered printed by this House, and that the Sergeant-at-Arms be directed to see to the distribution of the same in equal numbers to the members and officers entitled to receive the same.

Mr. Sweet offered the following amendment :

Strike out the words "Sergeant-at-Arms," and insert the words "Messengers, in the order in which they are sent to the printers."

Carried.

The question recurring upon the resolution as amended,

It was carried.

Mr. Van Vorbes offered the following resolution :

Resolved, That H. F. No. 35, introduced by the Judiciary Committee be made the order of the day for next Monday, at 11 o'clock, A. M.

Adopted.

Mr. Butler presented the bills for witness' fees in the Dakota county contested election case.

Mr. Butler moved that the bills be referred to the Committee on Claims.

Carried.

Mr. Rehfeld offered the following resolution :

Resolved, That the Printers of this House be ordered to send to the members those copies of the Governor's message in German and Norwegian languages, as ordered by resolution of Jan. 5th, at their earliest convenience.

Adopted.

Mr. Shrewsbury moved for leave of absence for Mr. Austin.

Which was granted.

S. F. No. 18 had its second reading, and was ordered to a third reading.

Mr. Shrewsbury moved that the House adjourn.

Lost.

Mr. Kinkadee moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Acker in the Chair.

After spending some time the committee rose, and by their Chairman reported back to the House, H. F. No. 30, without recommendation.

Mr. Mann moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker

Attest : JARED BENSON, Chief Clerk.

THIRTY-SECOND DAY.

MONDAY, Jan. 16. 1860.

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

Prayer was offered by the Chaplain.

The roll was called, and the following members found absent :

Messrs. Abraham, Austin, Beatty, Bixler, Caskey, Coe, Dayton, Knox, Letford, Mann, McDonough, Olds, Robertson, Sanborn, Secombe, Shriner, Skillman, Stearns, Stewart, Taylor, Thayer, Tollman and Webster.

The Journal was read and approved.

Mr. Butler presented the petition of citizens of Carrollton, in Fillmore county, for a division of the town.

Mr. Trow presented a remonstrance of citizens upon the same subject.

Mr. Mantor moved that the petition and remonstrance be referred to the delegation from that county without reading.

Carried.

Mr. Mantor presented the report of the Committee on Supplies and Expenditures, upon the bill of W. H. Shelley, in the contested election case in Dakota county, recommending that the same be paid.

Adopted.

Mr. Stevens, from the special committee on the destruction of railroad bonds, made a report as follows :

To the Honorable the House of Representatives of the State of Minnesota:

Your committee appointed under a joint resolution of both Houses, to receive the unissued State Railroad Bonds of Gov. Ramsey, and destroy the same, would respectfully report:

That in conjunction with the committee on the part of the Senate, they called on the His Excellency, the Governor, on yesterday, who delivered the joint committee, the following described blank bonds:

775 bonds of the Transit Railroad Company.

674 for Minneapolis and Cedar Valley Railroad Company.

475 for Minnesota and Pacific Railroad Company.

700 for Southern Minnesota Railroad Company.

Amounting in the whole to 2,624 bonds of one thousand dollars each, nominally to two million, six hundred and twenty-four thousand dollars, for which the joint committee gave his Excellency their certificate.

The Governor, in the presence of all the committee, cancelled and destroyed all of said bonds, and all the coupons thereunto attached.

ORLANDO STEVENS,

Chairman.

Mr. Kinkead, from the special committee to whom was referred H. F. No. 50, reported, and recommended that it be passed.

And the bill was ordered to a second reading.

The amendment proposed to H. F. No. 3, by the Senate was read,

And the question being on the concurrence of the House to the amendment of the Senate,

The yeas and nays being ordered, there were yeas 51, nays 4, as follows:

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Olivier,	Mr. Stephenson,
Abbott,	Garrard,	Ozman,	Strek,
Acker,	Greene, of Ohmsted	Pfaender,	Sweet,
Armstrong,	Hayes,	Pehfeld,	Temanson,
Arnold,	Kinkead,	Rees,	Trew,
Baldwin,	Langworthy,	Robertson,	Van Vorhes,
Betty,	Leaves,	Rry,	Walker, H.
Burnham,	Mantor,	Sanborn,	Walker, Orange
Butler,	Melhan,	Scheffer,	Watson,
Chadderdon,	Mitsch,	Sawyer,	Willie,
Ceary,	Mitchell,	Shrewsbury,	Wilkins,
Cleveland,	Morrison,	Shults,	Speaker.
Donohue,	Nettleton,	Stevens,	

58

NAYS.

Mr. Greene, of Steele,	Mr. Hunt,	Mr. Johnson,	Mr. Purdie,	4
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So the amendment was concurred in.

Mr. Mitchell introduced—

A bill for an act giving right of action against fraudulent debtors on demands not due.

Which had its first reading.

Mr. Acker introduced—

A bill for an act to fix, establish and regulate the fees of Judges of Probate.

Which had its first reading.

Mr. Acker introduced—

A bill for an act to prescribe, fix and regulate fees of the district and supreme court clerks.

Which had its first reading.

Mr. Acker introduced—

A bill for an act to establish and regulate the fees of justices of the peace.

Which had its first reading.

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

A bill prescribing how real estate should be attached on any writ or process in this State.

Mr. Trow introduced—

A bill for an act to regulate the fees of Registers of Deeds.

Which had its first reading.

Mr. Sawyer moved that the rules be so far suspended that the House take up the special order of the day—

H. F. No. 35. A bill for an act to provide for township organization.

Mr. Acker moved that H. F. No. 83 be also considered.

Carried.

Mr. Sanborn moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Sweet in the Chair.

After spending some time therein the committee rose, and by their Chairman reported back to the House, H. F. No. 35, with progress, and asked leave to sit again.

Mr. Baldwin moved that the rules be so far suspended as to refer H. F. No. 84 to the Committee on Towns and Counties.

Carried.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

A message from the Governor was announced, when S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and delivered the following messages from his Excellency the Governor :

EXECUTIVE DEPARTMENT,
ST. PAUL, JAN. 16, 1860. }

HON. AMOS COGGSWELL,

Speaker of the House of Representatives:

SIR: I have this day approved and signed,

A bill for an act to amend an act to regulate the traffic in logs and Lumber.

Very respectfully,

ALEX. RAMSEY,

EXECUTIVE DEPARTMENT. }
St. Paul, Jan. 16, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have this day approved and signed :

A joint resolution of the Legislature of the State of Minnesota, in relation to the passage of the Homestead bill by the Congress of the United States.
Respectfully,

ALEX. RAMSEY.

Mr. Sanborn offered the following resolution :

Resolved, That at the hour of 5 o'clock, P. M., on each day, the House take a recess until 7 o'clock, and at that hour meet and hold an evening session, for the transaction of business, until otherwise ordered by the House.

Carried.

Mr. Mitchell moved that the House resolve itself into Committee of the Whole to further consider H. F. No. 35.

Mr. Sweet in the Chair.

After spending some time therein the committee rose, and by the Chairman reported progress and asked leave to sit again.

Mr. Sweet moved that the House adjourn.

Mr. Sanborn called for the yeas and nays.

Which were ordered, and there were yeas 23, nays 25, as follows :

YEAS.

Jr. Aaker,	Mr. Chadderdon,	Mr. Sherwood,	Mr. Tollman,
Abbott,	Hunt,	Stevens,	Trow,
Abraham,	Langworthy,	Sweet,	Van Vorhes,
Ar old,	Mann,	Stock,	White,
Brooks,	Mantor,	Taylor,	Speaker
Cleary,	Sec mbe,	Temanson,	

23

NAYS.

Mr. Aker,	Mr. Greene, of Olmsted,	Mr. Morrison,	Mr. Sawyer,
Anderson,	Greene, of Steele,	Osman,	Phreewabury,
Bixie,	Hulett,	Prauder,	Shultis,
Burnham,	Johnson,	Purdie,	Walter, H.
Buter,	Meighan,	Renz,	Watson,
Cleveland,	Mitchell,	Sanbor,	Wilkins,
Garrard,			

25

So the motion to adjourn was lost.

Mr. Sweet moved a call of the House.

Which was ordered.

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

Carried.

Mr. Stevens moved that the House adjourn.

Mr. Secombe rose to a point of order, that no proceedings had been had under the call.

The Speaker decided the point of order not well taken.

On the motion to adjourn,

Mr. Sanborn called for the yeas and nays.

Which were ordered, and there were yeas 24, nays 22, as follows :

YEAS.

Mr. Aaker,
Abraham,
Arnold,
Brooks,
Butler,
Chalderdon,

Mr. Cleary,
Mann,
Mannor,
Pfander,
Purdie,
Renz,

Mr. Stevens,
Sherwood,
Stock,
Sweet,
Temanson,
Taylor,

Mr. Tollman,
Trow,
Van Vorhes,
White,
Wilkins,
Speaker.

24

NAYS.

Mr. Acker,
Anderson,
Burnham,
Bixler,
Cleveland,
Garrard,

Mr. Greene, of Olmsted,
Greene, of Steele,
Hulett,
Hunt,
Johnson,
Meighan,

Mr. Mitchell,
Morrison,
Osman,
Sanborn,
Sawyer,

Mr. Secombe,
Shrewsbury,
Shutts,
Walker, H.
Watson,

23

So the House adjourned.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

THIRTY-THIRD DAY.

TUESDAY, January 17th, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Austin, Baldwin, Burnham, Coe, Fox, Greene, of Olmsted, Greene, of Steele, Hunt, Knox, Leavens, Mann, McDonough, Olds, Olivier, Ozman, Rehfeld, Robertson, Sanborn, Shriner, Skillman, Stearns, Stephenson, Thayer, Webster and Willey.

The journal was read and approved.

Mr. Morrison presented the petition of the County Supervisors of the county of McLeod, for a change of county lines.

Also,

The petition of Louis Harrington and thirty-eight others in aid of the same.

Mr. Morrison moved that the petition be referred to the Committee on Towns and Counties.

Mr. Donohue moved to amend, by referring the petition to the members from Carver, Renville and McLeod counties.

Which was accepted.

And the motion, as amended, was carried.

Mr. Cleary presented a memorial for a change of boundary lines between the counties of Scott and Dakota.

Mr. Morrison moved that the memorial be referred to the members from Scott and Dakota counties, the Senate concurring.

Carried.

Mr. Walker, of Fillmore, presented the petition of citizens of Fillmore county for an alteration of a State road.

Mr. Acker moved that the petition be referred to the Committee on Roads and Bridges.

Carried.

Mr. Hulett presented the report of the Committee on Towns and Counties on H. F. No. 84, and reported a substitute.

The report was adopted, and the substitute read the first time.

Mr. Hulett moved that the rules be suspended so as to allow the bill to be read the second and third times, and put upon its passage.

Lost.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read the second time, and referred to the Committee of the Whole.

Carried.

The bill was then read the second time and referred to the Committee of the Whole.

Mr. Stewart, from the Committee on claims, reported on the bill of Ed. Shields, and recommended that it be paid.

Which was adopted.

Mr. Garrard, presented the report of the Committee on Agriculture, to whom was referred the memorial of the Lake Superior Agricultural Society, as follows :

The Committee on Agriculture, to whom was referred the memorial of Jas. S. Ritchie, Secretary of the Lake Superior Agricultural Society, asking pecuniary aid for said Society, report,

That while appreciating the benefits to accrue to the State from an efficient organization as shown in the memorial, they deem such appropriation at this time inexpedient. They therefore recommend that the prayer be not granted.

L. H. GARRARD,
BURROUGHS ABBOTT,
GEORGE TEMANSON,
PETER CLEARY.

Committee.

Adopted.

Mr. Cleveland from the Committee on Constitution and Constitutional Revision, to whom was referred H. F. No. 26, made a report as follows :

Your Committee, to whom was referred H. F. No. 26. A joint resolution proposing amendments to article sixth of the Constitution of this State, have had the same under consideration and respectfully ask leave to report.

First.—That in the opinion of the Committee the judiciary system of this State, as at present organized, imposes a burden upon the tax-payers thereof, utterly inconsistent with their present embarrassed and impoverished condition.

Second.—Your Committee are further of the opinion, that by an equal distribution of official labor among the present District Judges of this State,

they, the said District Judges, could, in addition to present duties, discharge fully and successfully the duties now imposed by the law upon the Judges of the Supreme Court of this State.

Third.—That the system of organizing the Courts of this State, proposed in the said joint resolution, has been successfully adopted and carried out in other States of the Union.

Therefore, your Committee report the said joint resolution back to the House, and recommended its passage.

G. K. CLEVELAND, Chairman,
T. J. HUNT,
GEORGE MITSCH,
P. ROY.

Mr. Secombe moved that the report and bill be laid upon the table.

Carried.

Mr. Anderson, from the the Committee on enrollment, reported as correctly enrolled

H. F. No. 3. An act to authorize the Governor to secure to the State the five per centum of the sale of public lands.

And joint resolution on the passage of a homestead bill.

And that they have presented the same to his Excellency the Governor for approval and signature.

Mr. Nettleton offered the following resolution :

Resolved, That the members of this House be allowed one dollar and fifty cents for each and every evening session of the Legislature they may attend.

Mr. Shrewsbury moved that the resolution be indefinitely postponed.

Carried.

Mr. Orange Walker offered the following resolution :

Resolved, That the standing Committee on University and University Lands, be authorized and directed to act in conjunction with a similar committee on the part of the Senate,—the Senate concurring—and that said joint committee have power to send for persons and papers.

Adopted.

Mr. Acker introduced the following resolution :

Resolved, That the Judiciary Committee be and they are hereby requested to inquire into the expediency of a bill to provide

First.—That any public officer who is charged by law with the collection, safe keeping, or disbursement of the public money, and shall misapply or misappropriate the same, shall be deemed to be guilty of a felony and be punished by fine and imprisonment in the State prison.

Second.—That any lawyer or agent who shall collect or receive any money for their clients or principals, and shall neglect or refuse to pay over such money, when demanded of them, shall also be deemed to be guilty of a felony and be punished accordingly.

Third.—That if any person within this State shall receive money, or other property, in a fiduciary capacity, and shall neglect or refuse to account for the same, when requested so to do, shall be declared to be guilty as above stated, and punished in the same manner.

Adopted.

Mr. Mantor, from the Committee on Supplies and Expenditures, reported upon the bill of Dr. Green.

Which report was adopted.

Mr. Acker introduced—

A bill for an act to establish the fees of constables, and for other purposes.
Which had its first reading.

Mr. Secombe introduced—

A bill for an act to provide for completing a common road between the
Upper Mississippi river and Lake Superior.

Which was read a first time.

Mr. Secombe moved that the rules be so far suspended as to allow the bill
to be read a second time, and referred to the Committee on Roads, Bridges
and Navigable Streams.

Carried.

And the bill was read a second time and referred to the Committee on
Roads, Bridges and Navigable streams.

Mr. Sherwood introduced—

A bill for an act regulating the rate of interest on money, goods and things
in action.

Which had its first reading.

Mr. Arnold moved that the rules be so far suspended as to allow the bill
to be referred to the Committee on the Judiciary.

Withdrawn.

Mr. Morrison moved that this bill and all others upon the same subject, be
referred to a committee of five.

Mr. Secombe moved to amend, by referring the bill to the Supreme Court
of the State.

Lost.

The question recurring upon the motion made by Mr. Morrison,
It was carried.

The Speaker appointed as such committee, Messrs. Morrison, Arnold, Toll-
man, Stoek and Langworthy.

Mr. Morrison moved that one more be added to the committee.

Carried.

The Speaker appointed as such additional member, Mr. Sherwood.

H. F. No. 50

Was read a second time.

Mr. Sanborn moved to refer the bill to the Committee of the Whole.

Carried.

H. F. No. 85

Was read the second time.

Mr. Secombe moved that the bill be referred to the Committee of the
Whole.

Carried.

S F. No. 18

Had its third reading.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Hon. House the passage by the Senate of H. F. No. 81. A bill for an act to amend section 19 of an act providing for the election and prescribing the duties of State Treasurer, passed August 12, 1858.

Without amendment, and herewith return the same.

A. B. WEBBER, Secretary.

Mr. Secombe moved that the bill be referred to the Committee of the Whole.

Carried.

Mr. Sawyer moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Sweet in the Chair.

After spending some time therein the committee rose, and by their Chairman reported upon H. F. No. 30, and recommended that it be referred to a joint special committee, consisting of twenty members of the House and ten members of the Senate.

The question was upon concurring in the report of the Committee.

Mr. Secombe called for the yeas and nays.

Which were ordered, and there were yeas 28, nays 32, as follows :

YEAS.

Mr. Baker,	Mr. Kinkaid,	Mr. Phander,	Mr. Stevens,
Beatty,	Mantor,	Furdie,	Stewart,
Burnham,	Mitsch,	Robertson,	Stock,
Chadderton,	Morrison,	Roy,	Sweet,
Cleary,	Nestleton,	Sapburn,	Temanson,
Cleveland,	Olivier,	Schoder,	Wetsee,
Garrard,	Osman,	Shultz,	White,

NAYS.

Mr. Abbott,	Mr. Dayton,	Mr. McPhan,	Mr. Tollman,
Abraham,	Crowne at State,	McPhan,	Taylor,
Acker,	Hayes,	Ross,	Trow,
Anderson,	Hunt,	Sawyer,	Van Vorhes,
Bixler,	Hunt,	Secombe,	H Walker,
Brooks,	Johnson,	Sherwood,	Willey,
Butler,	Lan. werthy,	Shrewsbury,	Wilkins,
Caskey,	Letford,	Stephenson,	Speaker,

So the motion to concur in the report of the Committee of Whole was lost.

Mr. Secombe moved that the bill be laid on the table.

Carried.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Butler moved that H. F. No. 30 be taken from the table.

Carried.

Mr. Butler moved that the bill be referred to a special committee of five, with instructions to report the number of Senators, not to exceed nineteen, and the number of Representatives from forty-one to forty-five.

Mr. Secombe moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Acker, Anderson, Arnold, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Cleary, Dayton, Garrard, Greene of Steele, Hayes, Hulett, Johnson, Kinkead, Langworthy, Letford, Mann, Mantor, Meighan, Mitchell, Mitsch, Morrison, Pfaender, Purdie, Renz, Roy, Sanborn, Sawyer, Secombe, Sherwood, Shultis, Stewart, Sweet, Taylor, Temanson, Tollman, H. Walker, Watson, White, Willey, Wilkins and the Speaker.

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

Lost.

Mr. Shultis moved that the House adjourn.

Mr. Secombe rose to a point of order, that the motion to adjourn was out of order.

Which was sustained.

Mr. Morrison appealed from the decision of the Chair.

The question was, Shall the decision of the Chair be the decision of the House?

Carried.

Mr. Acker moved that the vote by which the motion to dispense with further proceedings was lost, be reconsidered.

Lost.

The Sergeant-at-Arms reported several members in their seats.

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

Mr. Greene, of Olmsted, called for the yeas and nays.

Which were ordered, and there were yeas 35, nays 22, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Meighan,	Mr. Shultis,
Abbott,	Dayton,	Mitchell,	Stehenson,
Abraham,	Garrard,	Morrison,	Stewart,
Acker,	Greene, of Olmsted	Pfaender,	Van Vorst,
Bixler,	Greene of Steele,	Purdie,	Walker, H.
Brooks,	Hayes,	Renz,	Walker, Orange,
Burnham,	Hulett,	Sanborn,	Watson,
Butler,	Hunt,	Sawyer,	Willey.
Caskey,	Letford,	Sherwood,	

25

NAYS.

Mr. Anderson,	Mr. Kinkead,	Mr. Roy,	Mr. Temanson,
Arnold,	Langworthy,	Secombe,	Tollman,
Beatty,	Mann,	Shrewsbury	White,
Chadlerdon,	Mantor,	Sweet,	Wilkins,
Donohue,	Mitsch,	Taylor,	Speaker.
Johnson,	Nettleton,		

22

So further proceedings under the call were dispensed with.

Mr. Morrison moved to amend the motion offered by Mr. Butler as follows:

That the bill be referred to a joint committee, consisting of one from every

judicial district on the part of the House, and a committee of three on the part of the Senate, with instructions to report thereon at the earliest possible day.

Mr. Secombe moved to lay the motion and amendment on the table.

Lost.

The question was upon the amendment offered by Mr. Morrison.

Lost.

Mr. Secombe moved to amend by striking out "forty-five," and inserting "from forty-five to sixty."

Mr. Johnson moved as a substitute to refer to a special committee of five, with instructions to report as soon as practicable.

Mr. Secombe moved the previous question.

The question was, shall the main question be now put?

Carried.

The question was upon the substitute offered by Mr. Johnson.

Carried.

The question was upon the adoption of the substitute.

Which was carried.

Mr. Secombe moved that the House resolve into Committee of the Whole, to take into consideration H. F. No. 84.

Carried.

Mr. Secombe in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 84, and recommended that it be engrossed for a third reading.

The question was, Shall the report of the Committee be adopted?

Carried.

Mr. Hulett moved to suspend the rules so as to allow the bill to be read a third time and put upon its passage.

Carried.

The bill was then read a third time and put upon its passage.

And the yeas and nays being ordered, there were yeas 51, nays 7, as follows:

YEAS.			
Mr. Aaker,	Mr. Dayton,	Mr. Metghan,	Mr. Shrewsbury,
Abbott,	Donohue,	Mitchell,	Sweet,
Abraham,	Garrard,	Mittch,	Taylor,
Acker,	Greene of Olmsted,	Morrison,	Temanson,
Anderson,	Greene, of Steele,	Purdie,	Tollman,
Arnold,	Hayes,	Pfaender,	Van Vorhes,
Brooks,	Hulett,	Rahfeld,	Walker, Orange
Burnham,	Hunt,	Rens,	Walker, H.
Butler,	Johnson,	Robertson,	Watson,
Caskey,	Kinkad,	Roy,	White,
Chadgerden,	Langworthy,	Sanborn,	Wilkins,
Cleary,	Letford,	Sawyer,	Speaker,
Cleveland,	Mantor,	Sherwood,	
NAYS.			
Mr. Mann,	Mr. Secombe,	Mr. Stephenson,	Mr. Willey,
Nettleton,	Shriner,	Stewart,	

So the bill was passed and the title agreed to.

Mr. Robertson moved to reconsider the vote by which the bill was passed.
Withdrawn.

Mr. Hulett moved to reconsider the vote by which H. F. No. 84 was passed.

Mr. Robertson moved to lay the motion on the table.
Carried.

Mr. Sawyer moved that the House resolve itself into Committee of the Whole, to take into consideration such business as may come before it.

Carried.

Mr. Cleveland in the chair.

After spending some time therein the Committee rose, and by their Chairman reported, that H. F. No. 35 be laid upon the table.

Also,

H. F. 45, and recommended that it be indefinitely postponed.

The question was, Shall the report of the Committee of the Whole be concurred in on H. F. No. 45?

Mr. Cleveland moved that the question be indefinitely postponed.

Carried.

The question was, Shall the report of the Committee of the Whole on H. F. No. 35 be concurred in?

Mr. Mitchell called for the yeas and nays.

Which were ordered, and there were yeas 37, nays 19, as follows:

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Letford,	Mr. Shriner,
Acker,	Cleveland,	Melghan,	Shultis,
Anderson,	Dayton,	Morrison,	Temanson,
Arnold,	Donohue,	Nettleton,	Tollman,
Bixler,	Greene, of Steele	Purdie,	Trow,
Brooks,	Hulett,	Rehfeld,	Walker, H.
Burnham,	Hunt,	Renz,	Watson,
Butler,	Kinkaid,	Sercombe,	White,
Caskey,	Langworthy,	Sherwood,	Speaker.
Chadlerdon,			

37

NAYS.

Mr. Abbott,	Mr. Mantor,	Mr. Roy,	Mr. Taylor.
Garrard,	Mitchell,	Sawyer,	Van Vorhes,
Greene of Olmsied	Mitsch,	Sanborn,	Walker, Orange
Johnson,	Pfaender,	Shrewsbury,	Wilkins,
Mann,	Robertson,	Sweet,	

19

So the report of the committee of the whole was reported in.

Mr. Sawyer moved that the House take a recess until 7 o'clock.

Mr. Sanborn called for the yeas and nays.

Which were ordered, and there were yeas 32, nays 28, as follows:

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Renz,	Mr. Temanson,
Abbott,	Garrard,	Sanborn,	Trow,
Acker,	Hayes,	Sawyer,	Van Vorhes,
Bixler,	Hulett,	Sherwood,	Walker, H.
Burnham,	Hunt,	Shrewsbury,	Walker, Orange
Butler,	Melghan,	Shultis,	Watson,
Caskey,	Morrison,	Stock,	Wilkins,
Cleveland,	Pfaender,	Taylor,	Speaker

32

NAYS.

Mr. Abraham,	Mr. Greene, of Steele,	Mr. Mitchell,	Mr. Stevens,
Anderson,	Johnson,	Mitch,	Shriner,
Arnold,	Kinkead,	Nettleton,	Stephenson,
Brooks,	Langworthy,	Rehfeld,	Stewart,
Chadderdon,	Letford,	Robertson,	Sweet,
Cleary,	Mann,	Roy,	Tollman,
Donohue,	Mantor,	Secombe,	White,

29

So the motion to take a recess was carried.

EVENING SESSION.

At 7 o'clock the House was called to order by the Speaker.

Mr. Acker moved that the House resolve itself into Committee of the Whole to take into consideration H. F. 83.

Carried.

Mr. Abbott in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported progress, and asked leave to sit again.

Mr. Butler moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

THIRTY-FOURTH DAY.

WEDNESDAY, January 18th, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Coe, Hulett, Kinkead, Knox, Leavens, McDonough, Olds, Robertson, Seabolt, Skillman, Stearns, Stewart, Taylor, Orange Walker, Webster and Willey.

The journal was read, corrected and approved.

The following members were appointed by the Chair the special committee on H. F. No. 30 : Messrs. Johnson, Butler, Secombe, Kinkead and Shultz.

Mr. Sawyer presented the petition of A. Nelson and thirty-two others, for a re-location of a State road.

Which was referred to the Committee on Roads, Bridges and Navigable Streams.

Mr. Pfaender, from the Committee on Emigration, presented a report and substitute for H. F. No. 6.

To the Honorable the House of Representatives of the State of Minnesota:

The standing Committee on Emigration, to whom was referred

H. F. No. 6. A bill for an act to create a board of emigration, and for the appointment of an emigrant agent,

Beg leave to report. That they have had the same under consideration, and find, that in view of the great importance of directing emigration to our young State, the bill should be so amended as to render the measure more effective.

Your committee is of the opinion, that the distribution of pamphlets in Europe and the Eastern States, setting forth the advantages which our State offers to emigrants, would undoubtedly secure to Minnesota a large share of European emigration, and the establishment of agencies at New York and Chicago would be necessary to complete the system of directing such emigration to our State.

Your Committee would therefore respectfully submit a substitute for the original bill, with the recommendation that it pass.

W. PFAENDER,
GEO. MITSOH,
F. A. RENZ,
G. TEMANSON,
PETER SHRINER,
Committee on Emigration.

Which substitute had its first reading.

Mr. Mantor moved that the report of the Committee on Supplies and Expenditures be taken from the table.

Carried.

The report was adopted.

Mr. Garrard presented the report of the Committee on Agriculture, to whom was referred H. F. No. 44, recommended its passage as amended by the Committee.

The report was adopted.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed

H. F. No.'s 73, 68, 78 and 74.

Mr. Fox, from the special committee of five, to whom was referred H. F. No. 11, reported a substitute.

Which was adopted.

Mr. Donohue, from the special committee to whom was referred the petition of the McLeod county Board of Supervisors, and of citizens of said county, reported against the prayer of the petitioners.

Mr. Morrison moved to refer the report to the Committee on Towns and Counties.

Carried.

Mr. Mann introduced—

A bill for an act to regulate insurance companies not incorporated by the State of Minnesota.

Which had its first reading.

Mr. Stevens moved that the bill be referred to the Committee on Judiciary.
Carried.

Mr. Baldwin introduced—

A bill for an act to amend an act entitled an act to incorporate the city of St. Anthony.

Mr. Maun moved that the bill be referred to the members from Hennepin east, without being printed.

Carried.

Mr. Rehfeld introduced—

A bill for an act to amend an act relating to proceedings by attachment in justice's courts.

Which had its first reading.

Mr. Stock introduced—

A bill for an act regulating the rate of interest on money, goods and things in action.

Which had its first reading.

Mr. Acker moved to suspend the rules so as to refer the bill to the special committee appointed yesterday.

Carried.

Mr. Van Vorhes offered the following resolution :

Resolved, That there be provided by the general appropriation bill the sum of four hundred dollars, for the payment of the members of company "C," Washington Light Artillery, Minnesota Volunteer Militia, for services rendered in the "Wright county war," from the 6th to the 14th day of August, 1859, inclusive, said services being rendered by order of Brigadier General Wagner and Governor Sibley, Commander-in-chief of the Military forces of the State, and being at the rate of two dollars per day, for eight days services of twenty-five officers and privates.

Mr. Van Vorhes moved that the resolution be referred to the Committee on Military Affairs.

Carried.

Mr. Sweet offered the following resolution :

Resolved, That the special committee to whom was referred H. F. No. 30, be instructed to report to the House a bill dividing the State into single senatorial and representative districts, to be apportioned equally throughout the different sections of the State, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

Mr. Secombe moved that the resolution be laid upon the table.

Carried.

Mr. Mann introduced—

A bill for an act proposing amendments to sections two and three of article six, of the Constitution of the State of Minnesota.

Which had its first reading.

Mr. Mitchell moved that the bill be rejected.

Lost.

H. F. No. 68. A memorial to Congress for an appropriation for the im-

provement of the rapids of the Minnesota river, near the town of San Francisco.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 61, nays 4, as follows :

YEAS.			
Mr. Aaker,	Mr. Cleveland,	Mr. Melghan,	Mr. Shriner,
Abbott,	Dayton,	Mitch,	Shutis,
Abraham,	Donohue,	Morrison,	Stevens,
Acker,	Fox,	Olivier,	Stewart,
Anderson,	Garrard,	Osman,	Stock,
Armstrong,	Greene, of Olmsted	Pfaender,	Sweet,
Arnold,	Greene, of Steele,	Purdie,	Taylor,
Austin,	Hayes,	Rehfeld,	Thayer,
Baldwin,	Hulett,	Robertson,	Tollman,
Beatty,	Hunt,	Roy,	Trow,
Bixler,	Johnson,	Sanborn,	Van Vorhes,
Brooks,	Kinkad,	Sawyer,	Walker, H.
Butler,	Langworthy,	Secombe,	Walker, Orange
Caskey,	Leiford,	Sherwood,	Watson,
Chadderdon,	Mantor,	Shrewsbury,	Wilkins,
Cleary,			61

NAYS.			
Mr. Mitchell,	Mr. Nettleton,	Mr. Stephenson,	Mr. Speaker.
			4

So the memorial was passed and its title agreed to.

H. F. No. 73.

Was read a third time and put upon its passage.

Mr. Cleveland moved that the bill be referred to the Committee on the Judiciary.

Lost.

The question was upon the passage of the bill.

And the yeas and nays being ordered, there were yeas 39, nays 18, as follows :

YEAS.			
Mr. Aaker,	Mr. Chadderdon,	Mr. Morrison,	Mr. Stock,
Acker,	Cleary,	Olivier,	Taylor,
Anderson,	Fox,	Purdie,	Thayer,
Arnold,	Garrard,	Roy,	Trow,
Austin,	Greene, of Steele,	Sanborn,	Van Vorhes,
Baldwin,	Hayes,	Sawyer,	Walker, H.
Brooks,	Hunt,	Shriner,	Watson,
Burnham,	Johnson,	Shutis,	White,
Butler,	Langworthy,	Stevens,	Speaker.
Caskey,	Mitchell,	Stewart,	39

NAYS.			
Mr. Abbott,	Mr. Hulett,	Mr. Mitch,	Mr. Stephenson,
Armstrong,	Kinkad,	Pfaender,	Sherwood,
Beatty,	Leiford,	Rehfeld,	Wiley,
Cleveland,	Mann,	Secombe,	Wilkins,
Donohue,	Melghan,		18

So the bill was lost.

Mr. Secombe moved to reconsider the vote by which the bill was lost.

Carried.

Mr. Secombe moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Abraham, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Dayton, Donohue, Fox, Garrard, Greene of

Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Langworthy, Letford, Mann, Mantor, Meighan, Mitchell, Mitsch, Morrison, Olivier, Ozmun, Pfaender, Purdie, Rehfeld, Robertson, Roy, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Stevens, Stephenson, Stewart, Stock, Sweet, Taylor, Thayer, Tollman, Trow, Van Vorhes, H. Walker, Watson, White, Willey, Wilkins and Mr. Speaker.

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

Lost.

The Sergeant-at-Arms reported Orange Walker in his seat.

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

Carried.

The question was upon the passage of

H. F. No. 73. An act to change the boundaries of the fifth judicial district.

And the yeas and nays being ordered, there were yeas 44, nays 24, as follows :

YEAS.

Mr. Aaker,	Mr. Caskey,	Mr. Langworthy,	Mr. Stevens,
Abraham,	Chadderdon,	Mantor,	Stewart,
Aker,	Cleary,	Mitchell,	Taylor,
Anderson,	Dayton,	Morrison,	Thayer,
Arnold,	Fox,	Purdie,	Van Vorhes,
Austin,	Garrard,	Sanborn,	Walker, H.
Baldwin,	Greene of Olmsted,	Sawyer,	Orange Walker,
Bixler,	Greene of Steele,	Secombe,	Watson,
Brooks,	Hayes,	Shrewsbury,	White,
Burnfield,	Hunt,	Shriner,	Willey,
Butler,	Johnson,	Shultis,	Speaker. 44

NAYS.

Mr. Abbott,	Mr. Kinkead,	Mr. Ozman,	Mr. Stephenson,
Armstrong,	Letford,	Pfaender,	Stock,
Beatty,	Mann,	Rehfeld,	Sweet,
Cleveland,	Meighan,	Robertson,	Tollman,
Donohue,	Mitsch,	Roy,	Trow,
Hulett,	Olivier,	Sherwood,	Wilkins. 24

So the bill was passed.

Mr. Morrison moved to amend the title so as to read third, fifth and sixth judicial districts.

Carried.

The title, as amended, was agreed to.

Mr. Beatty asked and obtained leave of absence for six or eight days.

H. F. No. 74. An act to change the time of holding the terms of the District Court, in the fifth judicial district.

Was read a third time.

Mr. Secombe moved that the bill be laid upon the table.

Carried.]

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Sweet introduced—

A bill for an act to abolish capital punishment in certain cases.

Which had its first reading.

Mr. Sweet moved to suspend the rules so far as to allow the bill to be read a second time.

Withdrawn.

H. F. No. 78. A bill for an act to amend an act entitled an act to establish the terms of the district court of the State of Minnesota.

Had its third reading.

Mr. Secombe moved that the bill be laid on the table.

Carried.

Mr. Mitchell moved to take from the table the motion by which the vote to reconsider the vote on H. F. No. 84 was laid upon the table.

Mr. Secombe rose to a point of order, that a motion that has been laid upon the table cannot be taken up.

The point was not sustained.

The question was upon the reconsideration of the vote by which H. F. No. 84 was passed.

Carried.

Mr. Secombe asked and obtained leave to introduce—

A bill for an act to change the boundaries of the counties of Mille Lac and Benton.

Which had its first reading.

Also,

A bill for an act to remove the county seat of Mille Lac county.

Which had its first reading.

Mr. Van Vorhes introduced—

A bill for an act requiring the proper registrations of all interments in public cemeteries.

Which had its first reading.

Mr. Sanborn asked and obtained leave to introduce—

A bill for an act to amend sections 9 and 10, of chapter 116, on page 780, of the so-called statutes.

Which had its first reading.

Mr. Acker moved that the House resolve itself into Committee of the Whole to take into consideration H. F. No. 83.

Mr. Morrison moved an amendment, that it is the sense of this House to retain the town collector as part of the township system.

Mr. Secombe called for the yeas and nays.

Which were ordered, and there were yeas 35, nays 31, as follows :

YEAS.

Mr. Aaker,
Acker,
Armstrong,
Austin,
Baldwin,
Bixler,
Brooks,
Burnham,
Butler,

Mr. Caskey,
Chadlerdon,
Cleary,
Dayton,
Donohue,
Greene of Steele,
Hayes,
Hulett,
Hunt,

Mr. Letford,
Meighan,
Morrison,
Pfaender,
Purdie,
Rehfeld,
Secombe,
Sherwood,
Shriner,

Mr. Shultis,
Stevens,
Stock,
Thayer,
Trow,
Watson,
White,
Speaker.

35

NAYS.

Mr. Abbott,
Abraham,
Anderson,
Arnold,
Cleveland,
Fox,
Garrard,
Greene, of Olmsted

Mr. Johnson,
Kinkad,
Langworthy,
Mann,
Mantor,
Mitchell,
Nettleton,

Mr. Osman,
Robertson,
Roy,
Sanborn,
Sawyer,
Shrewsbury,
Stephenson,
Stewart,

Mr. Sweet,
Taylor,
Tollman,
Van Vorhes,
Orange Walker,
Willey,
Wilkins,

31

So the amendment was carried.

The question recurring upon the motion of Mr. Acker,
It was carried.

So the House resolved itself into a committee of the Whole,

Mr. Hayes in the Chair.

After spending some time therein the Committee rose, and by their Chair-
man, reported progress, and asked leave to sit again.

Mr. Acker moved that the House take a recess until 7 o'clock.

Withdrawn.

Mr. Van Vorhes offered the following resolution :

Resolved, That the Committee on Printing procure from J. H. Felch a sufficient number of diagrams of the House, just published by him, to bind up in the edition of the manual ordered by the House.

Adopted.

Mr. Langworthy moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

THIRTY-FIFTH DAY.

THURSDAY, January 19th, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Beatty, Coe, Hulett, Knox, McDonough, Olds, Ozmun, Robertson, Sanborn, Skillman, Stearns, Stevens and Van Vorhes.

The journal was read and approved.

The Speaker presented a communication from his Excellency the Governor, as follows :

To the House of Representatives :

I herewith transmit for the use of the Legislature, copies of the correspondence between this department and Mr. Elijah M. Haines, of Chicago, Illinois in relation to an infringement of his copy right in certain books alleged to have been committed in the publication of certain notes and forms in connection with the Township organization law as the same appears published by State authority.

Accompanying the correspondence is evidence of Mr. Haines' copyright, and also a copy of the book from which he claims certain matter to have been unwarrantably and piratically appropriated.

I recommend the Legislature to enquire into the justice of this claim which seriously involves the fair fame of the State, and if it be found established, to offer such indemnity as, under the circumstances, shall seem equitable.

ALEX. RAMSEY.

Executive Office, Saint Paul, Jan. 18th 1860.

ELIJAH M. HAINES, TO GOV. RAMSEY.—[COPY]

CHICAGO, ILL., January 3d, 1860.

SIR: Some time in the month of November, 1858, my attention was called to a pamphlet copy of the Township Organization Act of your State with notes and forms added thereto, purporting to be ordered printed and distributed by the Legislature. On examination of the book, I found that the notes and forms to be a mere reprint of the notes and forms prepared by myself and added to the Township Organization Laws of the State of Illinois, with *precisely the same peculiar arrangement*; all of which were secured to me by the copyright laws of the United States. First in 1855, and again with additional matter in 1857. I at once notified his Excellency, Gov. Sibley, your predecessor, of the fact, and asked for suitable indemnity on the part of the State of Minnesota for their piracy of my copyright, and protested against further use or appropriation of my property. I was informed by his Excellency in return, that my claim would in due time receive proper attention from the constituted authorities of the State, but as the Legislature of your State has not since convened, until the present session I presume that no action has been had in the premises. I have therefore thought proper to address you on the subject, and respectfully ask that you will adopt such measures or recommend such action by the Legislature as that suitable indemnity or compensation may be allowed me for this unauthorized appropriation of my property.

I would also state further, that I have recently had occasion to examine the lately published compilation of the statutes of Minnesota, by state authority, wherein also appears, added to the Township act, the same notes and forms, with like arrangement, as contained in the pamphlet edition to which I have alluded; and this has been done, notwithstanding my protest as before set forth, against further use or appropriation of the matter in question. This last act, I cannot but look upon, as a wilful defiance of the rights of a citizen, secured to him by the laws of the land, and that from a source, too, from whence it should least be expected.

My claim for damages, will be based upon the use and appropriation of the matter in question in both the pamphlet edition of the Township Act, and the general statutes, and the amount will be regulated by the number of copies published by the State authority; that being in the knowledge only of your authorities. I will in the first instance submit the question of amount to their sense of justice and right, as may be drawn from the circumstances and the extent of publication. I would further suggest that according to the copyright laws, every book distributed to, and in the hands of, officers throughout the State, or remaining under control, or at the disposal of the State, containing the copyright matter in question, are forfeited to me and are virtually my property. The amount paid for these books by the State will therefore furnish further date in determining the amount which should be allowed.

I send you herewith, a copy of the correspondence between myself and Governor Sibley, to which I have alluded. I enclose also a certificate from the proper authority of my copyright, a copy of my book having been forwarded to Governor Sibley at the time of our correspondence, which I presume you have before you; these together, will doubtless furnish satisfactory evidence of the truth of what I allege, and are sufficient in law to establish my rights in the premises.

Very Respectfully, your ob't Servant.

ELIJAH M. HAINES.

His Excellency, ALEX. RAMSEY, St. Paul, Minn.

FROM GOV. SIBLEY, TO MR. HAINES.

STATE OF MINNESOTA—EXECUTIVE OFFICE. }

St. Paul, November 23d, 1858. }

ELIJAH M. HAINES Esq., Chicago Ill.

SIR,

Your communication of 15th inst. has been received, and will be submitted to the Attorney General, with a view to obtain the necessary information, with regard to the alleged infringement by the State of your copyright, in the preparation by him of the notes and forms appended to the township organization law of this State. Until his reply is received, I can but state, that our young commonwealth will not willingly do injustice to any one and that any legal or equitable claim you may have in the premises will receive proper attention from her constituted authorities.

The two pamphlets referred to in your letter have also reached me.

Very respectfully your obt. servant,

HENRY H. SIBLEY.

FROM MR. HAINES TO GOV. RAMSEY.

CHICAGO, Ill., January 20th, 1860.

SIR,

Your letter acknowledging the receipt of my communication in relation to the matter of my claim concerning the infringement of my copyright of Township laws, is at hand.

I have thought that in as much as I cannot be present in person to make and listen to propositions, that might be offered from both parties, that there might be difficulty in coming at anything definite on the part of your Legislature. I therefore have drawn and sent enclosed a proposition which I would be glad if your Legislature would adopt, if they are unwilling to do more, either as a resolution or Act, which would be satisfactory to me, and hope it might prove equally satisfactory on the part of yourself and your Legislature. Will you be pleased to give the matter what attention you consistently can, in my absence, that it may be amicably adjusted, and closed as speedily as may be convenient.

This arrangement will give ample time to adjust the matter, and afford more full opportunity for enquiry.

Very respectfully your obt. servant,

E. M. HAINES.

His Excellency ALEX. RAMSEY.

CERTIFICATE OF COPY RIGHT TAKEN BY ELIJAH M. HAINES.

United States of America—Northern District of Illinois, To wit :

CLERK'S OFFICE OF THE DISTRICT COURT
OF THE UNITED STATES FOR SAID DISTRICT. }

Be it remembered that on the 10th day of April A.D. 1855, Elijah M. Haines of said district hath deposited in this office the title of a book as follows :

"A compilation of all the general laws of the State of Illinois relative to Township organization, to which are added numerous practical forms, and notes with reference to decisions of the older States, on questions upon like Statutes, with a copious index. By Elijah M. Haines, Counsellor at law," the right whereof he claims as proprietor in conformity with an act of Congress entitled an act to amend the several acts respecting copy rights.

Signed

Wm. H. BRADLEY

Clerk.

United States of America—Northern District of Illinois, To wit :

CLERK'S OFFICE OF THE DISTRICT COURT
OF THE UNITED STATES FOR SAID DISTRICT. }

Be it remembered that on the 18th day of July, A. D. 1857, Elijah M. Haines of said District hath deposited in this office the title of a work, as follows, to wit :

"A compilation of all the general laws of the State of Illinois relative to organization, to which are added numerous practical forms and notes, with reference to decisions of the older States on questions upon like statutes. Revised edition, embracing the amendatory acts down to 1857 inclusive, with a copious index. Fifteenth thousand. By Elijah M. Haines, counsellor at law Chicago, published by Keen and Lee, No 148 Lake Street. Philadelphia, Charles Desilver, No 714 Chesnut Street, 1857.

The right whereof he claims as proprietor in conformity with an act of Congress entitled an act to amend the several acts respecting Copy Right.

Wm. H. BRADLEY,

Clerk.

Northern District of Illinois, SS.

I William H. Bradley, Clerk of the District Court of the United States for the Northern District of Illinois do hereby certify the foregoing copies to be true and correct transcripts from the Copy Right Record of this court of two certain entrees made therein in the matter of Copy Rights, by Elijah M. Haines as the same remain of record in my office. I further certify that in

accordance with the statute, the books referred to in the aforesaid entries were filed in my office.

[L.S.]

In testimony whereof I have hereunto set my hand and affixed the seal of said District Court, at my office in Chicago in said Northern District of Illinois, this fourth day of January in the year of our Lord, one thousand eight hundred and sixty, and of our Independence the eighty-fourth year.

Wm. H. BRADLEY,
Clerk.

Mr. Secombe moved that the communication be referred to the Committee on Claims, with instructions to deliver the "so-called" statutes to E. M. Haines.

Carried.

Mr. Mitchell presented the report of the Committee on the Judiciary on S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties,

And recommended that the first section be stricken out, and recommended its passage.

The report was adopted.

And the bill was ordered to a third reading.

Mr. Mitchell presented the report of the Committee on Judiciary to whom was referred—

A bill for an act to provide for the time and manner of electing members of the United States Senate,

Reported amendments to the bill and recommended its passage.

Adopted.

Also, upon

H. F. No. 56. A bill for an act to locate a State road, and also for repairing the road from Williams Ferry to the Dodd road, and also the repairing the road from Williams' Ferry to the town of Mendota.

And recommended that it be indefinitely postponed.

The report was adopted.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 81. A bill for an act to amend section 19 of an act providing for the election and prescribing the duties of State Treasurer, passed August 12, 1858.

And that they had presented the same to his Excellency the Governor, for his approval and signature.

Mr. Johnson, from the special committee on—

H. F. No. 30. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State,

Reported amendments, and recommended that the bill be ordered to a third reading.

Mr. Secombe moved to lay the bill and report on the table.

Carried.

Mr. Stephenson offered the following resolution :

Resolved, That the claims of the St. Paul Cavalry company and the Dakota Rifles, for services rendered in the Wright county insurrection, be referred to the Committee on Military Affairs, with instructions to report a bill making an appropriation to defray the unpaid claims of the several volunteer companies, in accordance with the recommendation of Gov. Sibley.

Mr. Secombe called for a division of the question.

Which was had.

The question was upon the reference to the Committee.

Carried.

The question then was upon the instruction to the Committee to pay the claim as recommended.

Lost.

Mr. Nettleton gave notice that he would on to-morrow ask leave to introduce

A bill for the relief of the proprietors and occupants of the town of Portland, in St. Louis county.

Mr. Sweet asked and obtained leave to introduce—

A bill for an act additional to an act additional to 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, approved March 3d, 1855.

Which had its first reading.

Mr. Meighan moved that the rules be so far suspended as to allow S. F. No. 42 to be taken from the table.

Carried.

The bill was read a second time, and ordered engrossed and passed to a third reading.

H. F. No. 93. A bill for an act regulating the fees of Register of Deeds. Had its second reading.

Mr. Trow moved that the bill be referred to the Committee of the Whole. Carried.

H. F. No. 111. A bill for an act to regulate elections in this State. Had its second reading.

Mr. Morrison moved that the bill be laid upon the table.

Carried.

S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties.

Was read a third time and put upon its passage.

And the yeas and nays being ordered, there were yeas 50, nays 4, as follows :

YEAS.			
Mr. Aaker,	Mr. Cleveland,	Mr. Morrison,	Mr. Stewart,
Abraham,	Dayton,	Olivier,	Taylor,
Anderson,	Donohue,	Osman,	Temanson,
Armstrong,	Fox,	Plaender,	Thayer,
Arnold,	Garrard,	Purdie,	Tollman,
Austin,	Greene, of Steele,	Renz,	Trow,
Baldwin,	Hulett,	Roy,	Van Vorhes,
Bixler,	Johnson,	Sawyer,	Walker, H.
Brooks,	Leavens,	Sherwood,	Watson,
Burnham,	Letford,	Shriner,	White,
Butler,	Meighan,	Shutts,	Wilkins,
Chadderdon,	Mitchell,	Stevens,	Speaker,
Cleary,	Mitsch,		

NAYS.			
Mr. Kinkad,	Mr. Scheffer,	Mr. Sweet,	Mr. Willey.

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

Mr. Morrison moved to take from the table,

H. F. No. 74. An act to change the time of holding the terms of the District Court in the fifth Judicial District.

Carried.

And the bill was taken up and read the third time.

The following messages were received from the Senate:

Mr. Speaker:

The Senate have passed the following House Bills:

H. F. No. 14. A bill for an act to amend an act to incorporate the Minnesota River Bridge Company.

H. F. No. 27. Joint Resolution for an increase of mail service on routes No. 13,504 and 13,578.

H. F. No. 49. A bill for an act to amend section 2 of an act entitled an act to locate and establish a State Road from St. Cloud to Breckinrige, approved February 8th, 1860.

H. F. No. 52. A bill for an act to legalize the re-survey of the town of New Ulm.

H. F. No. 60. A memorial of the Senate and House of Representatives of the State of Minnesota, to the President of the United States.

Also,

H. F. No. 70. A bill for an act providing for an alteration of the State road running from La Crosse to Mankato, with amendments.

To which the concurrence of the House is requested.

All of which are herewith returned to the House of Representatives.

A. B. WEBBER, Secretary.

Mr. Speaker: I have to announce to the Honorable House the passage by the Senate of the following bills:

S. F. No. 52. A bill for an act to amend an act entitled an act to establish the terms of the district courts of the State of Minnesota, passed August 12th, A. D. 1858.

S. F. No. 54. Joint resolution authorizing the printing of all trust deeds, mortgages, contracts and agreements executed by the different railroad companies in this State, to the State of Minnesota.

S. F. No. 55. A memorial for the occupation of Fort Abercrombie.

S. F. No. 50. A bill for an act to authorize the formation of companies for the recovery of stolen horses, cattle, sheep and the apprehension of the thieves, and to insure against the loss of the same by being stolen.

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

A. B. WEBBER, Secretary of the Senate.

The question was upon the passage of,

H. F. No. 74. An act to change the time of holding the terms of the District Court in the fifth Judicial District.

And the yeas and nays being ordered, there were yeas 51, nays 00, as follows :

YEAS.			
Mr. Aaker,	Mr. Dayton,	Mr. Pfander.	Mr. Sweet,
Abbott,	Donohue,	Purdie,	Taylor,
Acker,	Fox,	Rens,	Temanson,
Anderson,	Garrard,	Roy,	Tollman,
Armstrong,	Greene, of Steele	Sanborn,	Thayer,
Austin,	Johnson,	Sawyer,	Trow,
Brooks,	Letford,	Sherwood,	Van Vorhes,
Bixler,	Mieghan,	Shrewsbury,	Walker, H.
Butler,	Mitchell,	Shriner,	Watson,
Oaskey,	Morrison,	Shields,	White,
Chadderdon,	Nettleton,	Stevens,	Wilkins,
Cleary,	Olivier,	Stewart,	Speaker,
Cleveland,	Osman,	Stock,	51

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

Mr. Stewart moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. VanVorhes in the Chair.

After some time spent therein the Committee rose, and through their Chairman reported back to the House, H. F. No. 83 with amendments, and asked the concurrence of the House in the same.

The House then took a recess until half-past two o'clock.

Afternoon Session.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

The question was upon concurring in the report of the Committee of the Whole on H. F. No. 83.

Mr. Acker called for the yeas and nays upon the question of concurring in the report of the committee upon article 10 of section 3, striking out Fown Superintendent of Schools.

Which were ordered, and there were yeas 35, nays 31, as follows :

YEAS.			
Mr. Abraham,	Greene of Olmsted	Mr. Olivier,	Mr. Scheffer,
Anderson,	Johnson,	Osman,	Stephenson,
Arnold,	Mantor,	Pfander,	Stewart,
Armstrong,	McDenough,	Rehfeld,	Stock,
Burnham,	Mieghan,	Robertson,	Taylor,
Cleary,	Mitchell,	Rens,	Van Vorhes,
Cleveland,	Mitchell,	Roy,	Walker, Orange,
Fox,	Morrison,	Sanborn,	White,
Garrard,	Nettleton,	Sawyer,	35

YAYS.

Mr. Aaker,	Mr. Chadderdon,	Mr. Langworthy	Mr. Sweet,
Acker,	Dayton,	Letford,	Temanson,
Austin,	Donohue,	Purdie,	Tollman,
Baldwin,	Greene, of Steele,	Secombe,	Thayer.
Bixler,	Hayes,	Sherwood,	H. Walker,
Brooks,	Hulett,	Shrewsbury.	Watson,
Bulter,	Hunt,	Shults,	Speaker.
Caskey,	Kinkad,	Stevens,	

81

So the amendment was concurred in.

The question was upon concurring in the amendments to section 2, of article 8, which was not concurred in.

Mr. Secombe offered an additional section,
Which was adopted.

Mr. Acker moved to lay the bill on the table.

Carried.

Mr. Acker moved that,

H. F. No. 114. An act fixing and regulating the fees of Sheriff, and to impose certain penalties thereto.

Be taken taken up and referred to the Committee of the Whole.

Lost.

Mr. Morrison moved to take from the table,

H. F. No 30. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State,

And the report of the Special committee thereon.

Carried.

Mr. Secombe moved that the proposed amendments be taken up separately.

Carried.

Mr. Morrison moved that the bill be laid upon the table and ordered printed.

Lost.

Mr. Sweet moved that the bill be referred back to the committee with instructions to report on Saturday.

Lost.

The question was upon concurring in the amendments of the Special Committee on,

H. F. No. 30. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State,

The first amendment to the first section was concurred in.

The second amendment to the first section was concurred in.

On the amendment to the second section,

Mr. Van Vorhes called for the yeas and nays.

Which were ordered, and there were yeas 20, nays 45, as follows :

YEAS.			
Mr. Armstrong, Brooks, Chadderdon, Cleary, Donohue,	Mr. Kinkead, Mitcheh, Nettleton, Olivier, Pfaender,	Mr. Rahfeld, Robertson, Roy, Scheffer, Shriner,	Mr. Shults, Stephenson, Sweet, Tollman, Wilkins,
20			
NAYS.			
Mr Aaker, Abbott, Abraham, Acker, Anderson, Austin, Baldwin, Blixier, Butler, Burnham, Casky, Cleveland,	Mr. Dayton, Fox, Garrard, Greene of Olmsted Greene, of Steele, Hayes, Hunt, Johnson, Langworthy, Letford, Mann,	Mr. Mantor, McDonough, Mitchell, Morrison, Rens, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Stewart,	Mr. Stock, Taylor, Temanson, Thayer, Trow, Van Vorhes, Walker, Orange, Walker, H. Watson, White, Speaker.
45			

So the amendment was not concurred in.

The first amendment to the second section was lost.

The second amendment to the second section was concurred in.

The question was upon concurring in the third amendment to section second.

Mr Greene of Steele, moved to strike out the amendment.

Lost.

Mr. Mitchell moved to amend the first section by striking out 61 members, and inserting 42 members.

Mr. Trow moved to amend section first by striking out the word sixty in the second line and inserting the words forty-one, thus taking one from each Representative District.

Withdrawn.

Mr. Butler offered the following substitute :

To amend by making the number of Representatives one less in each district recommended by the committee, thereby making the number of Senators ninteteeen, and the number of Representatives forty-two.

Which was accepted.

Mr. Mitchell called for the yeas and nays,

Which were ordered, and there were yeas 49, nays 22, as follows :

YEAS.			
Mr. Abraham, Aaker, Baldwin, Blixier, Brooks, Butler, Chadderdon, Cleary, Dayton, Donohue, Fox, Garrard, Greene, of Olmsted	Mr. Greene of Steele, Hulet, Johnson, Langworthy, Leavens, Letford, Mantor, Melghan, Mitchell, Mitcheh, Morrison, Olivier,	Mr. Ozman, Pfaender, Rens, Robertson, Sanborn, Scheffer, Sawyer, Sherwood, Stevens, Stewart, Stephenson, Sweet,	Mr. Stock, Taylor, Thayer, Tollman, Trow, Van Vorhes, Walker, H. Walker, Orange, Watson, Willey, White, Wilkins,
49			

NAYS.

Mr. Aaker,	Mr. Caskey,	Mr. McDonough,	Mr. Shrewsbury
Anderson,	Cleveland,	Nettleton,	Shultis,
Armstrong,	Hayes,	Purdie,	Shriner,
Arnold,	Hunt,	Roy,	Temanson,
Austin,	Kinkead,	Secombe,	Speaker,
Burnham,	Mann,		

So the substitute was adopted.

Mr. Robertson moved to amend by striking out nineteen, and inserting fifteen.

Mr. Robertson called for the yeas and nays.

Which were ordered, and there were yeas 35, nays 37, as follows:

YEAS.

Mr. Acker,	Mr. Langworthy,	Mr. Robertson,	Mr. Sweet,
Armstrong,	Mantor,	Sanborn,	Taylor,
Caskey,	McDonough,	Scheffer,	Thayer,
Chadlerdon,	Mitsch,	Sherwood,	Tollman,
Cleary,	Nettleton,	Shriner,	White,
Donohue,	Olivier,	Shultis,	Willey,
Garrard,	Pfaender,	Stevens,	Wilkins,
Hunt,	Purdie,	Stephenson,	Speaker
Kinkead,	Renz,	Stewart,	

35

NAYS.

Mr. Aaker,	Mr. Butler,	Mr. Leavens,	Mr. Secombe,
Abbott,	Cleveland,	Letford,	Shrewsbury,
Abraham,	Dayton,	Mann,	Stoek,
Anderson,	Fox,	Meighan,	Temanson,
Arnold,	Greene, of Olmsted	Mitchell,	Trow,
Austin,	Greene, of Steele	Morrison,	Van Vorhes,
Baldwin,	Hayes,	Ozman,	Walker, H.
Bixler,	Hulett,	Roy,	Walker, Orange
Brooks,	Johnson,	Sawyer,	Watson,
Burnham,			

37

So the amendment was lost.

Mr. Sweet offered the following amendment:

That line seven of section two be amended by inserting before the word Stearns, the word Benton, and striking out the same word in the twelfth line of the same section.

Lost.

Mr. Wilkins asked and obtained leave of absence for eight days.

Mr. Secombe moved that the bill be ordered engrossed for a third reading.

Mr. Robertson called for the yeas and nays.

Which were ordered, and there were yeas 48, nays 23, as follows:

YEAS.

Mr. Aaker,	Mr. Garrard,	Mr. Mitsch,	Mr. Stephenson,
Abbott,	Greene, of Olmsted	Meighan,	Stewart,
Abraham,	Greene, of Steele,	Mitchell,	Stoek,
Acker,	Hayes,	Morrison,	Taylor,
Austin,	Hulett,	Ozman,	Temanson,
Baldwin,	Hunt,	Renz,	Thayer,
Bixler,	Johnson,	Sanborn,	Trow,
Brooks,	Langworthy,	Sawyer,	Walker, H.
Butler,	Leavens,	Secombe,	Walker, Orange,
Cleveland,	Letford,	Sherwood,	Watson,
Dayton,	McDonough,	Shrewsbury,	Van Vorhes,
Fox,	Mantor,	Stevens,	Speaker,

48

NAME.

Mr. Anderson,
Armstrong,
Burnham,
Cahoy,
Chaddeon,
Cleary,

Mr. Donohue,
Kinkaid,
Mann,
Nettleton,
Olivier,
Purdie,

Mr. Robertson,
Roy,
Scheffer,
Shriner,
Shulke,

Mr. Sweet,
Tollman,
White,
Willey,
Wilkins,

25

So the bill was ordered to a third reading.

Mr. Langworthy moved that the House adjourn.

Carried.

AMOS CCGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

THIRTY-SIXTH DAY.

FRIDAY, Jan. 20, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent:

Messrs. Arnold, Beatty, Cleaveland, Coe, Fox, Greene of Steele, Knox, Mann, Morrison, Olds, Rehfeld, Robertson, Roy, Sanborn, Sherwood, Skillman, Stearns, Orange Walker, Watson, Webster and Wilkins.

The Journal was read and approved.

Mr. McDonough presented a petition of the citizens of Okamam, to vacate a part of the town site of said town.

Which was referred to the Committee on Incorporations.

Mr. Mantor, presented the report of the Committee on Supplies and Expenditures, upon the bill of W. M. Stages, recommending that it be paid.

Adopted.

Mr. Sanborn presented a report of the Committee on Judiciary, recommending the passage of the same, upon

H. F. No. 104. A bill for an act to regulate Insurance Companies not incorporated in this State.

Adopted.

And the bill was ordered to a third reading.

The amendment proposed by the Senate to,

H. F. No. 70. A bill for an act to suspend an act entitled an act for an establishment of a State Normal School.

Was read.

The question was upon concurring:

Upon the vote being taken, there were yeas 55, nays 60, as follows:

YEAS.

Mr. Abbott,	Mr. Donohue,	Mr. Nettleton,	Mr. Shultz,
Abbott,	Fox,	Olivier,	Stephenson,
Acker,	Garrard,	Olman,	Stock,
Anderson,	Gibson of Olmsted,	Reamond,	Sweet,
Armstrong,	Hayes,	Purdie,	Taylor,
Austin,	Hunt,	Rehfeld,	Temanson,
Baldwin,	Johnson,	Rox,	Thayer,
Baker,	Kinkaid,	Reh,	Tollman,
Brooks,	Langworthy,	Rehman,	Tow,
Butler,	Levens,	Sawyer,	Walker, H.
Coakley,	Mander,	Schaefer,	Orange Walker,
Chaderton,	McDonough,	Secombe,	Watson,
Cleary,	Mitchell,	Shrewsbury,	Speaker.
Cleveland,	Mitch,	Shriner,	

So the amendment was concurred in.

Mr. Garrard presented a report of the the Committee on Agriculture upon the petition of E. H. Taylor and others as follows:

The committee to whom was referred a memorial of E. H. Taylor and others to grant Abram Allen, of Freeborn county, the right to dam the outlets of Freeborn Lake for milling purposes, report,

That the object is laudable and if attained will be of great service to the people of that vicinity. A majority, if not all the owners of the property to be submerged have given written consent thereto, without claim for damage.

But in the view of the Committee section 2, of of article 10, of the Constitution contravenes the wish of the memorialists.

Your Committee therefore recommend the prayer be not granted.

LEVI H. GARRARD,
BURROUGHS ABBOT,
G. TEMANSON,
PETER CLEARY,
WM. NETTLETON.

The report was adopted.

Mr. McDonough gave notice that on to-morrow or some future day he will ask leave to introduce

A bill for an act to amend chapter sixty-one of the General Laws of 1858.

S. F. No. 50. A bill for an act to authorize the formation of companies for the recovery of stolen horses, cattle and sheep, and the apprehension of the thieves, and to insure against the loss of the same by being stolen.

Was read a first time.

S. F. No. 52. An act to amend an act entitled an act to establish the terms of the District Court of the State of Minnesota, passed August 12th, 1858.

Was read the first time.

S. F. No. 54. A joint resolution authorizing the printing of all the trust deeds, mortgage contracts and agreements executed by the different R. R. companies in this State, to the State of Minnesota.

Was read a first time.

H. F. No. 55. A memorial for the occupation of Fort Abercrombie.

Was read a first time.

Mr. Cleveland moved that the memorial be referred to the Committee on Indians and Indian Reservations.

Carried.

H. F. No. 6. A bill for an act to create a Board of Emigration and for the appointment of an Emigrant Agent.

Was read a second time and was referred to the Committee of the Whole.

H. F. No. 20. An act regulating costs in civil actions.

Was read a second time, and was referred to the Committee of the Whole.

H. F. No. 86. A memorial for a mail route from La Crosse, in the State of Wisconsin, to Winnebago city in the State of Minnesota.

Was read a second time, and referred to the Committee on the Whole.

H. F. No. 104. A bill for an act regulating Insurance Companies not incorporated in the State of Minnesota.

Was read a second time and referred to the Committee of the Whole.

Mr. Sanborn moved to suspend the rules so as to allow the bill to be read a third time and put upon its passage.

Carried.

The bill was then read a third time and put upon its passage.

Upon the vote being taken there were yeas 59, nays 2, as follows.

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Mitchell,	Mr. Shriner,
Abbot,	Donchue,	Mitch,	Stewart,
Abraham,	Fox,	Morrison,	Steele,
Acker,	Garrard,	Olivier,	Sweet,
Andersen,	Greene of Steele,	Oaman,	Taylor,
Armstrong,	Hayes,	Purdie,	Temanson,
Austin,	Hunt,	Rehfeld,	Thayer,
Baldwin,	Johnson,	Rens,	Tollman,
Bixler,	Minkhead,	Robertson,	Trow,
Burnham,	Langworthy,	Roy,	Orange Walker,
Butler,	Lefford,	Sanborn,	Watson,
Oskey,	Letford,	Sawyer,	White,
Chadlerdon,	Mantor,	Sheaffer,	Wiley,
Cleary,	McDonough,	Sherwood,	Speaker,
Cleveland,	Meighan,	Shrewsbury,	

59

NAYS.

Mr. Stevens,

Mr. H. Walker,

2

So the bill was passed and the title agreed to.

The following message was received from the Senate:

Mr. Speaker—

I have to announce to the Hon. House the concurrence of the Senate in the House amendments to

S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties.

And that the Senate have adopted an additional amendment thereto.

To which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

S. F. No. 42. A memorial to Congress for a mail route in Fillmore and Mower counties.

Was read the third time and put upon its final passage.

And upon the vote being taken the memorial was passed and its title agreed to.

Mr. Stewart presented the report of the Committee on Claims, on the bill of F. J. Rothpletz, recommending that the same be paid.

Adopted.

Mr. Shrewsbury moved that the House resolve itself into Committee of the Whole to take into consideration

H. F. No. 22. A bill for an act to prevent abuses in the use of intoxicating drinks.

And such other business as may come before it.

Carried.

Mr. McDonough in the chair.

After spending some time therein the Committee rose, and by their Chairman, reported H. F. No. 22. back to the House with amendments and recommendation that it be passed.

Mr. Secombe moved that the House adjourn until half-past two o'clock.

Lost.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The question was upon concurring in the report of the Committee of the Whole, upon

H. F. No. 22. A bill for an act to prevent abuses in the use of intoxicating drinks.

Carried.

Mr. Stewart moved an amendment to section seven,

Which was adopted.

Mr. Shrewsbury offered an additional amendment by adding sections eight and nine.

Which was adopted.

The question was upon engrossing the bill and ordering it to a third reading.

Lost.

Mr. Garrard moved that the bill be indefinitely postponed.

Mr. Acker called for the yeas and nays.

Which were ordered.

Mr. Garrard withdrew his motion to to indefinitely postpone the bill.

Mr. Greene of Steele moved that the bill be referred to the Committee on Judiciary.

Mr. Greene of Olmsted moved the previous question.

The question was, Shall the main question be now put?

Carried.

The question recurring upon the motion to refer the bill.

It was carried.

Mr. Letford from the Committee on Engrossment reported as correctly Engrossed—

H. F. No. 30. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State,

Mr. Secombe moved that the bill be read the third time and put upon its passage.

Carried.

H. F. No. 30. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State,

Was read a third time and put upon its passage.

Upon the vote being taken there were yeas 50, nays 18, as follows:

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Mantor,	Mr. Shrewsbury,
Abbott,	Fox,	McDonough,	Stevens,
Abraham,	Garrard,	Meighan,	Stewart.
Acker,	Greene of Olmsted	Mitchell,	Stock.
Anderson,	Greene, of Steele,	Morrison,	Taylor,
Austin,	Hayes,	Olivier,	Temanson,
Baldwin,	Hulett,	Osman,	Thayer,
Bixler,	Hunt,	Rens,	Trow,
Brooks,	Johnson,	Sanborn,	Van Vorhes,
Butler,	Langworthy,	Sawyer,	Walker, Orange,
Caskey,	Leavens,	Secombe,	Walker, H.
Cleveland,	Letford,	Sherwood,	Watson,
Dayton,	Mann,		50

NAYS.

Mr. Armstrong,	Mr. Nettleton,	Mr. Robertson,	Mr. Stephenson,
Chadderdon,	Pfaender,	Scheffer,	Sweet,
Cleary,	Purdie,	Shriner,	White,
Kinkaid,	Rehfeld,	Shults,	Speaker.
Mitch,	Roy,		18

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

Mr. Donohue moved to reconsider the vote by which the bill was passed.
Lost.

Mr. Secombe moved that the House resolve itself into Committee of the Whole to take into consideration

H. F. No. 111. A bill for an act to regulate elections in this State.

Carried.

Mr. Morrison in the Chair.

After some time spent therein the Committee rose, and through their Chairman reported progress, and asked leave to sit again. No objection being made leave, was granted.

Mr. Stevens moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

THIRTY-SEVENTH DAY.

SATURDAY, Jan. 21, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Arnold, Beatty, Brooks, Caskey, Chadderdon, Coe, Donohue, Greene, of Steele, Hulett, Knox, Mann, Morrison, Olds, Purdie, Robertson, Sanborn, Skillman, Stearns, Sweet, Tollman, Van Vorhes and Wilkins.

The Journal was read and approved.

The Private Secretary of the Governor, appeared and delivered the following message :

EXECUTIVE DEPARTMENT,
ST. PAUL, Jan. 19, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives:

Sir: I have this day approved and signed,

A bill entitled an act to authorize the Governor to secure to the State the five per centum of the proceeds of the sales of Public Lands.

Very respectfully,

ALEX. RAMSEY.

Mr. Letford presented a petition from the citizens of the Town of Clearwater Wright county for a division of their town.

Mr. Cleveland moved that the petition be referred to the members from Carver and Wright counties.

Carried.

Mr. Hulett from the Committee on Towns and Counties reported a bill for county organization.

Adopted.

H. F. No. 115. A bill for county organization.

Was read the first time.

The amendment proposed by the Senate to,

S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties,

Was read and the question was upon concurring.

Mr. Sanborn offered the following amendment to the Senate amendment: by striking out the word unorganized counties and insert organized counties, and by striking out such foreign, and adding at the end of the amendment the word conveyance of land in such unorganized counties.

Adopted.

The question was upon concurring in the amendments as amended.

Upon the vote being taken there were yeas 57, nays 00, as follows :

YEAS.			
Mr. Aaker,	Mr. Donohue,	Mr. Mitchell,	Mr. Shriner,
Abbott,	Fox,	Mitch,	Shultis,
Abraham,	Garrard,	Morrison,	Skillman,
Acker,	Greene of Olmsted,	McDonough,	Stevens,
Andersen,	Greene of Steele,	Nettleton,	Temanson,
Armstrong,	Hayes,	Olivier,	Thayer,
Austin,	Hulett,	Pfaender,	Trow,
Baldwin,	Hunt,	Rehfeld,	Van Vorhes,
Bixler,	Johnson,	Rens,	Walker, H.
Brooks,	Kinhead,	Sanborn,	Orange Walker,
Burnham,	Langworthy,	Sawyer,	Webster,
Caskey,	Letford,	Scheffer,	White,
Cleary,	Meighan,	Sherwood,	Wiley,
Cleveland,	Mantor,	Shrewsbury,	Speaker.
Dayton,			

57

So the amendment was concurred in.

Mr. Nettleton introduced—

A bill for the relief of occupants of the town of Portland.

Which had its first reading.

Mr. Hunt offered the following resolution :

Resolved, That the reporter for this House for the *Pioneer and Democrat* who holds his position only by the sufferance of this House, be requested hereafter to report the speeches of members as they are delivered or the substance thereof, instead of distortions and attempted burlesques and misrepresentations, as appears in the report of yesterday's proceedings ; and that if his former abuse of the privileges extended to him are continued, the House will take such measures as may be necessary for the protection of its members.

Mr. Stevens moved to amend by inserting "also the reporter of the *Minnesotian* and *Times*."

Mr. Hayes moved that the resolution and amendment be indefinitely postponed.

Mr. Kinhead moved the previous question.

The question was, Shall the main question be now put ?

Carried.

The question was upon the indefinite postponement of the resolution and amendment.

Carried.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of the following bills :

S. F. No. 40. A bill for an act providing for the government and regulation of the University of Minnesota.

Herewith submitted.

Also, the passage by the House, of—

H. F. No. 67. An act to provide for the compensation of members and officers.

With amendments, to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Scheffer offered the following resolution :

Resolved, That the editors of the *Pioneer and Democrat*, and the *Minnesotian* and *Times* have a right to publish just what they please about the proceedings in the House of Representatives of Minnesota.

Not entertained.

S. F. No. 50. A bill for an act to authorize the formation of companies for the recovery of stolen horses, cattle, sheep and the apprehension of the thieves, and to insure against the loss of the same by being stolen.

Had its second reading, and was ordered to a third reading.

S. F. No. 52. A bill for an act to amend an act entitled an act to establish the terms of the district courts of the State of Minnesota, passed August 12th, A. D. 1858.

Was read a second time and was referred to the Committee of the Whole.

S. F. No. 54. Joint resolution authorizing the printing of all trust deeds, mortgages, contracts and agreements executed by the different railroad companies in this State, to the State of Minnesota.

Had its second reading, and was ordered to a third reading.

H. F. No. 11. A bill for an act to prevent Indian tribes from committing depredations on white settlements in the State of Minnesota.

Was read a second time, and was referred to the Committee of the Whole.

H. F. No. 89. A bill for an act regulating interest on contracts and judgments, and in relation to usury.

Had its second reading, and was referred to the special committee.

H. F. No. 90. A bill for an act to amend an act entitled an act to regulate the traffic in spirituous liquors, passed Aug. 12, 1858, as appears on page 340, of the so called statutes of Minnesota.

Was read a second time, and referred to the Committee of the Whole.

H. F. No. 95. A bill for an act to prescribe, fix, and regulate the fees of the district and supreme court clerks.

Was read a second time and referred to the Committee of the Whole.

H. F. No. 96. A bill for an act to prescribe, fix and regulate the fees of justice of the peace.

Was read a second time and referred to the committee of the Whole.

H. F. No. 97. A bill for an act giving right of action against fraudulent debtors upon demands not due.

Was read the second time and referred to the committee of the Whole.

Mr. Acker moved that the House resolve itself into a committee of the Whole, to take into consideration such business as may come before it.

Carried.

Mr. Morrison in the chair.

After spending some time therein the Committee rose, and by their Chairman, reported progress, and asked leave to sit again.

Mr. Cleveland moved that the House adjourn.

Lost.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

Mr. McDonough moved a call of the House.

Which was ordered, and the following members answered to their names:

Messrs. Aaker, Abbott, Abraham, Acker, Anderson, Armstrong, Austin, Bixler, Brooks, Butler, Caskey, Cleary, Donohue, Fox, Greene of Steele, Greene of Olmsted, Hayes, Hulett, Levens, Leford, Mantor, McDonough, Meighan, Mitchell, Shrewsbury, Stock, Sweet, Thayer, Webster, White, Speaker.

And the Sergeant-at-Arms was directed to report the absentees in their seats.

The Sergeant-at-Arms reported Messrs. Sanborn and Orange Walker in their seats.

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

Carried.

Mr. Acker moved that the House resolve itself into a Committee of the Whole to take in consideration such business as may come before it.

Carried.

Mr. McDonough in the chair.

After spending some time therein the Committee rose, and by their Chairman reported back to the House, H. F. No. 20 and recommended its passage.

Also,

H. F. No. 96 and reported the same back to the House with amendments and recommended its passage.

Also,

H. F. No. 11 and recommended that it be referred back to the House with a recommendation that it be referred to the Committee on the Judiciary

The question was upon concurring in the report of the Committee on,

H. F. No. 20. An act relating to costs in civil actions.]

Adopted.

The bill was ordered engrossed and passed to a third reading.

The question was upon concurring in the report of the Committee on]

H. F. No. 11. A bill for an act to prevent Indians from committing depredations on the white settlers within the State of Minnesota.

Adopted.

And the bill was ordered engrossed.

The question was upon concurring in the report of the Committee on

H. F. No. 86. A memorial for a mail route from La Crosse in the State of Wisconsin, to Winnebago City in the State of Minnesota.

Report adopted, and the bill was ordered engrossed.

The question was upon concurring in the report of the Committee on H. F. No. 96. A bill for an act to establish, fix, and regulate the fees of Justices of the Peace.

Report adopted, and the bill ordered engrossed.

Mr. Cleveland moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

THIRTY-EIGHTH DAY.

MONDAY, Jan. 23, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Baldwin, Beatty, Bixler, Chadderdon, Mann, Rehfeld, Robertson, Scheffer, Secombe, Stevens, Stephenson, Taylor, Tollman, Watson, Willey and Wilkins.

The journal was read and approved.

Mr. Shrewsbury presented a petition from the citizens of Hennepin county for an alteration of the Minneapolis and Glencoe Territorial road.

Which was referred to the committee on Roads, Bridges and Navigable Streams.

Mr. Ozmun presented the petition of citizens of the city of Rochester, Olmsted county, for a more equitable apportionment of Aldermen in that city.

Mr. Sweet moved that the petition be referred to the members from Olmsted county.

Carried.

A message from the Governor was announced, when S. P. Jennison, Esq., the Private Secretary of Governor, appeared and delivered the following message from his Excellency, the Governor :

EXECUTIVE DEPARTMENT,
St. Paul, Jan. 21, 1860.

Hon. AMOS COGGSWELL,
Speaker of the House of Representatives :

SIR : I have this day approved and signed :

An act to amend section nineteen of an act providing for the election and prescribing the duties of Treasurer of State.

Respectfully,

ALEX. RAMSEY.

Mr. Mantor, from the committee on Supplies and Expenditures, presented a report upon the bill of Combs & Bro., for Stationery, recommending that the same be paid.

Adopted.

Mr. Hayes introduced—

A bill for an act to provide for the attachment of real estate.

Which had its first reading.

Mr. McDonough introduced—

A bill for an act to amend an act entitled an act to regulate the foreclosure of real estate, approved July 29, 1858.

Which was read the first time.

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

A bill for an act to amend an act to provide for the location of county seats in the counties of this State, approved March 18, 1858.

S. F. No. 40. A bill providing for the government and regulation of the University of Minnesota.

Was read a first time.

Mr. Morrison moved that the rules be so far suspended, as not to have the bill just read printed.

Carried.

H. F. No. 92. A bill for an act for the protection of the rights and liberties of persons claimed as fugitive slaves.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 94. A bill for an act to fix, establish, and regulate the fees of Judges of Probate.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 99. A bill for an act to establish the fees of constables in this State, and for other purposes

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 101. A bill for an act proposing amendments to sections two and five, of article six, of the Constitution of Minnesota.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 105. A bill for an act to amend an act relating to proceedings by attachment in justice's court.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 106. A bill for an act requiring the proper registration of all interments in public cemeteries.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 107. A bill for an act to change the boundaries of Mille Lac and Benton counties.

Had its second reading.

Mr. Sweet moved an amendment,

Which was adopted.

Mr. Sweet moved to suspend the rules, so as to allow the bill to be read a third time and put upon its passage.

Carried.

H. F. No. 107. A bill for an act to change the boundaries of the counties of Mille Lac and Benton.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 55, nays 0, as follows.

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Morrison,	Mr. Skillman,
Anderson,	Greene of Olmsted,	Olds,	Stearns,
Armstrong,	Hulett,	Olivier,	Stewart,
Austin,	Hayes,	Osman,	Stock,
Baldwin,	Hunt,	Pfaender,	Temanson,
Brooks,	Johnson,	Furdie,	Thayer,
Burnham,	Kinkad,	Behfeld,	Trow,
Caskey,	Knox,	Rens,	Van Vorhes,
Cleary,	Leavens,	Sanborn,	Walker Orange,
Cleveland,	Letford,	Sawyer,	Walker, H.
Coe,	McDonough,	Scheffer,	Webster,
Dayton,	Malghan,	Shrewsbury,	White,
Donchue,	Mitchell,	Shriner,	Speaker.
Garrard,	Mitch,	Shultis,	

55

So the bill was passed and its title agreed to.

H. F. No. 108. A bill for an act to remove the county seat of Mille Lac county.

Had its second reading.

Mr. Morrison moved to suspend the rules as to allow the bill to be read a third time and put upon its passage.

Carried.

H. F. No. 108. A bill for an act to remove the county seat of Mille Lac county.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 57, nays, 4, as follows :

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. McDonough,	Mr. Scheffer,
Abbott,	Donohue,	Malghan,	Shriner,
Abraham,	Fox,	Mitchell,	Shultis,
Anderson,	Garrard,	Mitch,	Skillman,
Acker,	Greene of Steele,	Morrison,	Stearns,
Armstrong,	Hunt,	Nettleton,	Stewart,
Austin,	Hayes,	Olds,	Sweet,
Baldwin,	Hulett,	Olivier,	Temanson,
Brooks,	Johnson,	Osman,	Thayer,
Burnham,	Kinkad,	Pfaender,	Trow,
Butler,	Knox,	Furdie,	Van Vorhes,
Cleary,	Leavens,	Roy,	Walker, H.
Cleveland,	Letford,	Sanborn,	Webster,
Coe,	Mantor,	Sawyer,	Speaker.
Caskey,			

40

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NAYS.

Mr. Rehfeld, Mr. Renz, Mr. Sherwood, Mr. White,

So the bill was passed and its title agreed to.

H. F. No. 109. A bill for an act to abolish capital punishment in certain cases.

Had its second reading and was referred to the Committee of the Whole.
S. F. No. 50. A bill for an act to authorize the formation of companies for the recovery of stolen horses, cattle and sheep, and the apprehension of the thieves, and to insure against the loss of the same by being stolen.

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 46, nays 12, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Ozman,	Mr. Stearns,
Abbott,	Fox,	Pfander,	Stock,
Acker,	Greene of Olmsted,	Rehfeld,	Sweet,
Anderson,	Hayes,	Robertson,	Tennison,
Armstrong,	Hulet,	Roy,	Thayer,
Austin,	Hunt,	Sanborn,	Trew,
Baldwin,	Knox,	Sawyer,	Van Vorhes,
Brooks,	Langworthy,	Sherwood,	Walker H.
Butler,	Leavens,	Shrawsbury,	Webster,
Oakey,	Mantor,	Shriner,	White,
Cleary,	Mitchell,	Shultis,	Speaker,
Cleveland,	Mitch,		

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NAYS.

Mr. Butnham,	Mr. Johnson,	Mr. Mieshaen,	Mr. Stewart,
Garrard,	Leford,	Olds,	Skillman,
Greene, of Steele	McDonough,	Purdie,	Stephenson,

12

So the bill was passed and the title agreed to.

The following message was received from the Senate:

Mr. Speaker—

I have to announce to the Hon. House the passage by the Senate of
S. F. No. 39. A bill for an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, silver or other ores or minerals, and for other purposes.

Also,

S. F. No. 7. A bill for an act providing for the discharge of one or more joint debtors without impairing the rights of the creditor as to the other debtors.

Also,

That the Senate did not concur in the House amendments to
S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties.

And herewith transmit the same for the action of the House.

A. B. WEBBER, Secretary.

S. F. No. 54. Joint resolution authorizing the printing of all trust deeds, mortgages, contracts, and agreements executed by the different railroad companies in this State, to the State of Minnesota.

Had its third reading and was put upon its passage.

Mr. Sweet offered an amendment.

Withdrawn.

The question was upon the passage of the joint resolution,
Which was lost.

Mr. McDonough moved that the House take up

H. F. No. 61. A bill for an act to amend an act approved Feb. 23d 1854; also, an act approved March, 1856, in relation to Territorial roads.

Carried.

And the bill was taken up and put upon its passage.

Mr. McDonough moved that the bill be laid upon the table.

Carried.

Mr. Kinkead moved that the House resolve itself into a Committee of the Whole to take in consideration

H. F. No. 50. A bill for an act to authorize the County Commissioners of Douglas county to issue bonds.

And such other business as may come before it.

Carried.

Mr. Morrison in the Chair.

After spending some time therein the Committee rose, and by their Chairman reported back to the House, H. F. No. 50 and recommended its passage.

Also,

H. F. No. 94 and recommended that it be passed as amended.

The question was upon concurring in the report of the Committee of the Whole on

H. F. No. 94. A bill for an act to fix, establish and regulate the fees of Judges of Probate.

Carried.

The question was upon concurring in the report of the Committee of the Whole on

H. F. No. 50. A bill for an act to authorize the County Commissioners County of Douglas county to issue bonds.

Carried.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Secombe moved that the House resolve itself into Committee of the Whole to further consider

H. F. No. 111. A bill for an act to regulate elections in this State.

Carried.

Mr. Secombe in the chair.

After spending some time therein the Committee rose and through their Chairman reported, H. F. No. 111 back to the House with amendments, and recommended that it be referred to a special committee.

Also,

S. F. No. 30 with amendments and recommended that it be passed.

Also,

H. F. No. 15 with amendments and recommended that it be passed.

Also,

H. F. No. 62½ with amendments.

The question was upon concurring in the report of the Committee upon S. F. No. 30 An act to amend section sixth of an act entitled an act regulating the recording of conveyance of real estate.

Which was concurred in.

The question was upon concurring in the report of the Committee upon H. F. No. 15. A bill for an act to provide for the election and to define the duties of the County Attorney in this State.

Which was concurred in.

The question was upon concurring in the report of the Committee upon H. F. No. 62½ An act to provide for a State road from Saint Cloud and Sauk Rapids, to Fon du Lac on the St. Louis River.

Which was concurred in.

Mr. Morrison moved that the special committee to whom was referred H. F. No. 111 consist of three.

Carried.

The Speaker appointed as such committee Messrs. Becombe, Tollman and Pfaender.

Mr. Armstrong moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

THIRTY-NINTH DAY.

TUESDAY, January 24, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Caskey, Cleveland, Coc, Fox, Garrard, Hunt, Kinkad, Mitsch, Morrison, Olds, Olivier, Rehfeld, Robertson, Sanborn, Shultis, Stearns Thayer, Van Vorhes and Wilkins.

The Journal was read and approved.

Mr. Walker presented the petition of the Board of Supervisors of the County of Washington, for the reduction of the fees of county officers.

Which was referred to the Committee on Retrenchment and Reform.

Mr. Butler presented a petition for the relocation of the State road from Chatfield to Farmers Grove.

Which was referred to the members from Fillmore county.

Mr. Greene of Olmsted presented the petition of the citizens of Fillmore county, for the relocation of a State road.

Mr. Greene of Olmsted moved that the petition be referred to a special committee of three.

Carried.

The Speaker appointed as such committee, Messrs. Greene of Olmsted, Sherwood and Trow.

Mr. Shultis presented the petition of citizens of Martin county for a relocation of a State road.

Which was referred to a special committee of three.

The Speaker appointed as such committee Messrs. Shultis, Purdie and Stock.

Mr. Mantor from the Committee on Supplies and Expenditures, presented a communication from Dr. A. Miller, of Stillwater, asking that his bill for medical services in the State Prison may be paid.

Mr. Mantor moved that the communication be referred to the Committee on Ways and Means.

Carried.

Mr. McDonough, from the Committee on Military Affairs, reported upon that part of the Governor's message in regard to the unpaid expenses of the Wright county war, as follows:

Your committee to whom was referred that portion of Gov. Sibley's message in relation to the Wright county expedition beg leave to report:

Your committee has examined the claim of persons on file in the Executive Office and find by such examination the sum of \$1994.35 still due and unpaid to different persons for services rendered the State in such expedition; your committee would recommend that the sum of \$1994.35 be allowed in the general appropriation bill for the purpose of paying each person his claim as it appears on file in the Executive Office, and your committee would farther recommend that the sum of \$600 or so much thereof as is necessary, be appropriated to pay the three companies of volunteers who were ordered to hold themselves in readiness, viz:

The Dakota Rifles, the Washington Light Artillery and the St. Paul Light Cavalry—to be paid for as many days services as the Governor shall deem just and proper.

All of which is respectfully submitted.

THOMAS McDONOUGH,
D. A. ROBERTSON.

Committee.

The report was referred to the Committee of the Whole.

Mr. Mantor moved that the vote by which the report upon the bill of Combs and Bro. was adopted be reconsidered.

Carried.

And the bill was referred back to the Committee on Supplies and Expenditures.

Mr. Sanborn presented the report of the Committee of the Judiciary upon H. F. No. 39. A bill for an act for filing marks, brands, and chattel mortgages,

With a substitute.

The report was adopted and the bill read a third time.

Mr. Anderson from the Committee on Enrollment reported as correctly enrolled

H. F. No. 14. A bill for an act to amend an act to incorporate the Minnesota River Bridge Company.

Also,

H. F. No. 27. Joint Resolution for an increase of mail service on routes No. 13,504 and 13,578.

Also,

H. F. No. 49. A bill for an act to amend section 2 of an act entitled an act to locate and establish a State Road from St. Cloud to Breckenridge, approved February 8th, 1860.

Also,

H. F. No. 52. A bill for an act to legalize the re-survey of the town of New Ulm.

Also,

H. F. No. 60. A memorial of the Senate and House of Representatives of the State of Minnesota, to the President of the United States.

Also,

H. F. No. 70. A bill for an act to suspend an act entitled an act for an establishment of a State Normal School.

And that they have presented the same to his Excellency the Governor, for his approval and signature.

Mr. Sanborn from the Committee on Judiciary reported upon

H. F. No. 51. A bill for an act to amend an act entitled an act for a homestead exemption.

As follows :

Your Committee upon Judiciary to whom was referred, H. F. No. 51, report that the object of said bill is to amend section nine of our exemption law which provides that nothing in said act, shall exempt any property "from execution or attachment for clerks, laborers or mechanics wages," on the supposed ground that the same is contrary to section twelve, article one, of the constitution. But your committee are of opinion that said exemption in our law is in no way in conflict with the constitution. And further that section nine of said act is a salutary provision and ought not to be repealed.

And your committee would further report that said proposed act in its present form would not accomplish even the purpose intended by the author. They therefore recommend that the same be indefinitely postponed.

JOHN B. SANBORN, Chairman.
(except as to constitutional points.)

WM. MITCHELL,
GEO. W. SWEET.

The report was adopted.

The following message was received from the Senate :

Mr. Speaker :

I have to announce the passage by the Senate of the following resolution, to wit :

Resolved, That the House be requested to furnish the Senate with the report of the Board of Directors of the State Normal School, or a copy thereof.

A. B. WEBBER, Secretary.

Mr. Secombe asked leave to introduce—

A bill for an act prescribing the manner in which laws changing county lines or for removing county seats shall be submitted to the electors of the counties to be affected thereby, and the result thereof ascertained.

Which was read a first time.

Mr. Bixler introduced—

A bill for an act relative to free schools in the city of West St. Paul.

Which had its first reading.

Mr. Bixler introduced—

A bill for an act to reduce the law incorporating the city of West St Paul, in the county of Dakota, State of Minnesota, and the act amending thereof into one act, and to amend the same.

Which had its first reading.

Mr. Sanborn moved to suspend the rules so as to allow the bill to be referred to the Committee on Incorporations without printing.

Carried.

Mr. Abraham introduced—

A bill for an act to amend an act entitled an act to incorporate the Little Falls Manufacturing Company.

Which had its first reading.

Mr. Acker introduced—

A bill for an act for the payment of the claim of John H. Felch.

Which had its first reading.

Mr. Greene of Steele moved that the bill introduced by Mr. Secombe be indefinitely postponed.

Withdrawn.

Mr. Sweet renewed the motion.

The question was upon indefinitely postponing the bill.

The motion was carried and the bill indefinitely postponed.

Mr. Acker moved that the rules be so far suspended as to allow the bill introduced by Mr. Acker to be read a second and third time and be put upon its passage.

Carried.

The bill was then read the second and third time and put upon its passage.

And the yeas and nays being ordered, there were yeas 50, nays 14, as follows :

YEAS.

Mr. Asker,	Mr. Dayton,	Mr. Morrison,	Mr. Stearns,
Abraham,	Fox,	Olds,	Stewart,
Acker,	Garrard,	Pfaender,	Stock,
Anderson,	Greene, of Steele	Renz,	Taylor,
Armstrong,	Hayes,	Robertson,	Temmons,
Arnold,	Hulett,	Roy,	Thayer,
Austin,	Klohead,	Sanborn,	Van Vorhes,
Bixler,	Knox,	Sawyer,	Walker, H.
Burnham,	Langworthy,	Scheffer,	Walker, Orange
Caskey,	Leavens,	Secombe,	Watson,
Cleary,	Mann,	Shriner,	Webster,
Cleveland,	McDonough,	Skilman,	White,
Coe,	Mitsch,		

50

NAYS.

Mr. Abbott,	Mr. Melphan,	Mr. Purdie,	Mr. Sweet,
Baldwin,	Mitchell,	Shultis,	Tollman,
Donohue,	Nettleton,	Stephenson,	Willey,
Johnson,	Orman,		

14

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

Mr. Langworthy introduced—

A bill for an act changing the name of the county of Toombs.

Mr. Secombe moved that the bill be referred to the member from the county of Toombs.

Mr. Robertson moved that the bill be indefinitely postponed.

Carried.

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

A bill for the destruction of wolves in this State.

Mr. Pfaender offered the following resolution:

Resolved, That from and after this day no bills authorizing the laying out or alteration of any State roads, shall be received by this House.

Adopted.

Mr. Cleveland presented a communication from citizens of Marshall county, State of Iowa, in aid of the petition of Mr. Thomas for indemnification for losses sustained in the Inkpaduta foray at Spirit Lake.

Referred to the Committee on Claims.

Mr. Roy gave notice that on to-morrow, or some future day, he would introduce—

A bill for an act, to provide for the issuing of licenses to hawkers and pedlars.

Mr. Fox offered the following resolution:

Resolved, That Aaron Goodrich, James Smith and Lorenzo Allis be appointed commissioners, to act in conjunction with the Judiciary Committee, to report rules of practice for the government of the courts of this State, conformable to the common law practice and pleadings, and that the said commissioners and Committee be requested to report to this House within eight days.

Adopted.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of—

H. F. No. 68. A memorial to Congress for an appropriation for the improvement of the rapids of the Minnesota river, near the town of San Francisco.

Herewith returned to the House.

Also, the passage by the Senate of—

S. F. No. 57. A bill for an act to provide for the publication of statistics.

To which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Morrison, from the special committee to whom the usury bill was referred, reported a substitute which was adopted, and the substitute had its first reading.

Mr. Morrison moved that the rules be so far suspended as to allow the bill to be read a second time without printing.

Carried.

The substitute—

A bill for an act to regulate the interest on money, goods and things in action.

Was read the second time.

Mr. Acker moved that the bill be referred to the Committee of the Whole.

Lost.

Mr. Sanborn offered an amendment to strike out in the first section all after the word "annum," in the fourth line of the same.

Lost.

Mr. Sweet moved to amend section third by striking out the words "from the time when the said interest shall have been paid," and insert, "after the maturity of the contract."

Lost.

Mr. Sanborn moved to amend by adding, "and shall be the measure of damages after the maturity of the note or contract."

Lost.

Mr. Acker moved to amend by striking out the word "ten" and insert the word "twelve."

Lost.

Mr. Dayton asked and obtained leave of absence for Messrs. Mantor and Butler for eight or ten days.

Mr. Acker moved that the bill be read a third time and put upon its passage.

Carried.

The bill was read a third time and put upon its passage.

Upon the vote being taken there were yeas 49, nays 12, as follows:

YEAS.

Mr. Aaker,	Mr. Greene of Olmsted	Mr. Ozman,	Mr. Stewart.
Abraham,	Greene, of Steele,	Pfander,	Stock,
Acker,	Hallett,	Pardie,	Sweet,
Anderson,	Hunt,	Robertson,	Taylor,
Arnold,	Levens,	Roy,	Temanson,
Bixler,	McDonough,	Sanborn,	Thayer,
Casky,	Mitchell,	Scheffer,	Tollman,
Chadlerdon,	Mitch,	Secombe,	Van Vorhes,
Cleveland,	Morrison,	Shrewsbury,	Walker, Orange,
Coe,	Nettieton,	Shultis,	Watson,
Dayton,	Olds,	Skilman,	Webster,
Fox,	Olivier,	Stearns,	White,
			Speaker. 49

NAYS.

Mr. Armstrong,	Mr. Baldwin,	Mr. Donohue,	Mr. Meighan,
Abbott,	Brooks,	Johnson,	Renz,
Austin,	Cleary,	Mann,	Willey, 12

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

A Message from the Governor was announced, when S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following messages from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }
St. Paul, Jan. 21, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives:

SIR: I have approved and signed bills and a joint resolution entitled as follows:

An act to legalize the re-survey of the town of New Ulm.

An act to amend section 2 of an act entitled, an act to locate and establish a State road from St. Cloud to Breckinridge, approved February 8, 1858.

An act to amend an act entitled, an act to incorporate the Minnesota River Bridge Company.

Joint Resolution for an increase of mail service on routes No. 13,504 and No. 13,578.

Respectfully,

ALEX. RAMSEY.

EXECUTIVE DEPARTMENT, }
ST. PAUL, Jan. 25, 1860. }

To the House of Representatives:

I herewith return, for further examination by the Legislature, a Memorial to the President of the United States concerning the Sioux Reservation.

Matters of mere style and questions of grammar are, indeed, not usually of the greatest importance, but the form of expression in this Memorial seems to have escaped the customary attention of the Legislature, who could not otherwise have said, "That said tract of land is of no value to said Indian tribes, for any purpose, than for pilfering from the civilized inhabitants."

As the Memorial is addressed to the President of the United States, I have no doubt the members of the Legislature would wish to reconsider their action, lest the subject of the request might be prejudiced in the mind of the President by the language in which it is urged.

Very respectfully,

ALEX. RAMSEY.

EXECUTIVE DEPARTMENT.
St. PAUL, Jan. 24, 1890. }

To the Honorable the House of Representatives of the State of Minnesota :

I return herewith a bill entitled, " An act providing for an alteration of the State road running from Chatfield, in Fillmore county, to Austin, in Mower county."

The first section is as follows :

" That D. L. Bonner, Edson Owens, and _____ are hereby appointed commissioners to re-locate, survey and establish a portion of the State road running from La Crosse to Mankato, as follows : commencing in the county of Fillmore, at the house of Edson Owens, thence running in a northeasterly direction through the counties of Fillmore, Mower, and Olmsted, to intersect the said State road on the land of G. A. Knapp, east of Buck's creek, and vacate all that portion of the said road now lying between the two aforesaid points."

The State road described in the title and that mentioned in the first section are so entirely different that I am forced to believe the Legislature, through inadvertance, overlooked the discrepancy. And how could the proposed road, by pursuing a " northeasterly direction," run from Chatfield through the counties of Olmsted and Mower to Austin, or indeed reach Mower county at all ?

I am reluctant, by returning this bill, to cause the Legislature to consume time so late in the session which should be given to far more important matters, but my desire is, that whatever enactments are to go upon the statute book shall be, as far as possible, clear and unmistakable.

Respectfully,

ALEX. RAMSEY.

Mr. Acker moved that the House reconsider the votes by which H. F. Nos. 60 and 70, returned by the Governor, were passed.

Carried.

Mr. Purdie moved that H. F. No. 60 be referred to the Committee on Federal Relations.

Carried.

Mr. Greene of Olmsted moved that H. F. No. 70 be referred to the Committee to whom it was before referred.

Carried.

Mr. Mann presented the petition of Chas. Galpin and others for an alteration of State road, which was referred to the Committee on Roads and Bridges.

S. F. No. 7. A bill for an act providing for the discharge of one or more joint debtors, without impairing the rights of the creditors as to the other debtors.

Had its first reading.

S. F. No. 12. A bill for an act to provide for the recording of conveyances in unorganized counties,

In which the Senate did not concur in the amendment of the House, was taken up.

Mr. Olds moved that the bill be laid upon the table.

Carried.

S. F. No. 39. A bill for an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, silver or other ores or minerals, and for other purposes.

Had its first reading.

S. F. No. 57. A bill for an act to provide for the collection of statistics.

Had its first reading.

Mr. Fox moved that the bill be referred to the Committee on Emigration.

Carried.

S. F. No. 40. A bill providing for the government and regulation of the University of Minnesota.

Had its second reading, and was referred to the Committee of the Whole.

Mr. Baldwin moved to reconsider the vote by which H. F. No. 62½ was postponed.

Carried.

And the bill was referred to the Committee on Roads, Bridges, and Navigable Streams.

Mr. Acker moved to take from the table

H. F. No. 88. A bill for an act relating to township organization, and defining the duties of town officers.

Carried.

The question was upon the engrossing of the bill and ordering it to a third reading.

Carried.

Mr. Greene of Steele moved the reconsideration of the vote by which H. F. No. 123 was passed, for the purpose of amending the title.

Carried.

Mr. Greene of Steele offered a substitute for the title of the bill.

Which was adopted.

Mr. Burnham asked and obtained leave of absence for 6 or 8 days.

Mr. Olds moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FORTIETH DAY.

WEDNESDAY, January 25th, 1860.

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

Prayer was offered by the Chaplain.

The roll was called, and the following members found absent :

Messrs. Abbott, Beatty, Burnham, Butler, Fox, Greene of Steele, Hunt, Kinkead, Mantor, Olivier, Rehfeld, Renz, Robertson, Sherwood, Taylor, Van Vorhes, H. Walker and Wilkins.

The Journal was read and approved.

Mr. Langworthy introduced—

A bill for an to authorize the Treasurer to receive the certificates issued by this Legislature to members for the per diem and mileage in payment of taxes.

Which had its first reading.

Mr. Langworthy moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill was read a second time.

Mr. Roy introduced—

A bill for an act to provide for the issuing of licences to hawkers and peddlers.

Which had its first reading.

Mr. Morrison offered the following resolution :

Resolved, That the pay for members and officers of this House shall be as follows : The Speaker and Chief Clerk, shall be entitled to six dollars per day during the session, and all the other members and officers three dollars each per day except the Messengers who shall have one dollar and fifty cents per day.

Mr. Greene of Olmsted introduced—

A bill as a substitute for H. F. No. 71.

Which had its first reading.

Mr. Greene of Olmsted moved that the rules be so far suspended as to allow the bill to be read a second and third times and put upon its passage.

Carried.

The bill had its third reading and was put upon its final passage.

And the yeas and nays being ordered, there were yeas 54, nays 2, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Morrison,	Mr. Shriver,
Abraham,	Donohue,	Olds,	Skillman,
Acker,	Fox,	Ozman,	Stearns,
Anderson,	Garrard,	Pfaender,	Stock,
Armstrong,	Greene of Olmsted,	Purdie,	Stewart,
Arnold,	Hayes,	Renz,	Temanson,
Austin,	Hulett,	Sanborn,	Thayer,
Baldwin,	Knox,	Sawyer,	Trow,
Bixler,	Langworthy,	Scheffer,	Orange Walker,
Brooks,	Leavens,	Sherwood,	Watson,
Chadderdon,	Letford,	Shrewsbury,	Webster,
Oskey,	Mann,	Secombe,	White,
Oleary,	McDonough,	Shultz,	Speaker.
Cleveland,	Meighan,		

54

NAYS.

Mr. Johnson, Mr. Stephenson,

2

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

Mr. McDonough introduced—

A bill for an act to provide for the vacation and alteration of State roads within the State of Minnesota.

Which had its first reading.

Mr. Meighan introduced a bill for an act for the relief of securities on official bonds.

Which was read the first time.

Mr. Sweet offered the following resolution:

Resolved, That the Chief Clerk of the House be directed to request of the Senate the return of S. F. No. 50 to this House.

Adopted.

Mr. Skillman gave notice that on to-morrow, or some future day, he would ask for leave to introduce a bill in relation to chattel mortgages.

S. F. No. 7. A bill for an act for the discharge of one or more joint debtors without impairing the right of creditors as to the other debtors.

Had its second reading, and was referred to the committee of the Whole.

S. F. No. 39. A bill for an act to authorize the formation of corporations for mining, smelting, or manufacturing, iron, copper, or silver ore, or other minerals, and for other purposes.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 112. A bill for an act additional to an act additional to 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, approved March 3d, 1855.

Had its second reading, and was ordered engrossed.

H. F. No. 115. A bill for an act for a county organization.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 15. A bill for an act to provide for the election and to define the duties of county attorney.

Had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 58, nays none, as follows:

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Pfander,	Mr. Stephenson,
Abraham,	Fox,	Purdie,	Stock,
Anderson,	Garrard,	Renz,	Stewart,
Acker,	Hunt,	Sanborn,	Sweet,
Armstrong,	Hayes,	Sawyer,	Taylor,
Arnold,	Hulett,	Scheffer,	Temanson,
Austin,	Johnson,	Secombe,	Thayer,
Baldwin,	Leavens,	Sherwood,	Trow,
Brooks,	Letford,	Shrewsbury,	Walker Orange,
Bixler,	Mann,	Shriner,	Watson,
Caskey,	McDonough,	Shultis,	Webster,
Cleary,	Mitchell,	Skilman,	White,
Chadderdon,	Mitch,	Stearns,	Wiley,
Cleveland,	Morrison,	Stevens,	Speaker.
Coe,	Olds,		

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

H. F. No. 20. An act regulating costs in civil actions.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 45, nays 21, as follows.

YEAS.

Mr. Aaker,	Mr. Hulett,	Mr. Olds,	Mr. Skilman,
Abraham,	Hunt,	Ozman,	Stewart,
Acker,	Knox,	Pfander,	Stock,
Austin,	Langworthy,	Purdie,	Taylor,
Baldwin,	Leavens,	Renz,	Temanson,
Bixler,	Letford,	Sawyer,	Thayer,
Caskey,	McDonough,	Secombe,	Trow,
Coe,	Meighan,	Sherwood,	Watson,
Dayton,	Mitchell,	Shrewsbury,	Webster,
Garrard,	Mitch,	Shultis,	White,
Greene of Steele,	Morrison,	Stearns,	Speaker.
Greene of Olmsted,			

NAYS.

Mr. Anderson,	Mr. Fox,	Mr. Nettleton,	Mr. Stephenson,
Armstrong,	Hayes,	Rehfeld,	Sweet,
Arnold,	Johnson,	Roy,	Tollman,
Chadderdon,	Kinkead,	Sanborn,	Walker Orange,
Cleary,	Mann,	Shriner,	Wiley.
Cleveland,			

So the bill was passed and its title agreed to.

H. F. No. 39. A bill for filing marks, brands, and chattel mortgages.

Had its third reading, and was put upon its passage.

Upon the vote being taken there were yeas 49, nays 15, as follows:

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Mitch,	Mr. Skilman,
Abraham,	Fox,	Olds,	Stearns,
Acker,	Garrard,	Ozman,	Stock,
Anderson,	Greene of Olmsted,	Pfander,	Taylor,
Armstrong,	Hulett,	Purdie,	Temanson,
Arnold,	Knox,	Rehfeld,	Thayer,
Austin,	Langworthy,	Renz,	Trow,
Baldwin,	Leavens,	Roy,	Walker Orange,
Brooks,	Letford,	Sawyer,	Watson,
Caskey,	McDonough,	Sherwood,	Webster,
Cleary,	Meighan,	Shrewsbury,	White,
Cleveland,	Mitchell,	Shultis,	Speaker.
Coe,			

NAYS.

Mr. Chadderdon,	Mr. Johnson,	Mr. Sanborn,	Mr. Stewart,
Greene of Steele,	Kinkead,	Secombe,	Sweet,
Hayes,	Mann,	Shriner,	Tollman,
Hunt,	Morrison,	Stephenson,	

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

The following message was received from the Senate:

Mr. Speaker:

I have to announce to the Honorable House the passage by the Senate of H. F. No. 10. A bill for an act to locate a State road from Minneiska, Wabashaw county, to Beaver, Winona county.

With amendments, to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

H. F. No. 44. A bill for an act to encourage the destruction of black birds in this State.

Was read a third time, and put upon its final passage.

And the yeas and nays being ordered, there were yeas 43, nays 24, as follows:

YEAS.

Mr. Abraham,	Mr. Cleveland,	Mr. Mitsch,	Mr. Stephenson,
Abbott,	Coe,	Morrison,	Stewart,
Acker,	Donohue,	Olds,	Stock,
Anderson,	Garrard,	Pfander,	Sweet,
Armstrong,	Kinkead,	Purdie,	Taylor,
Arnold,	Knox,	Rehfeld,	Temanson,
Bixler,	Langworthy,	Rens,	Thayer,
Brooks,	Leavens,	Sawyer,	White,
Oaskey,	Letford,	Secombe,	Wiley.
Chadderdon,	McDonough,	Shriner,	Speaker.
Oleary,	Mitchell,	Shultis,	

43

NAYS.

Mr. Aaker,	Mr. Greene, of Steele,	Mr. Melghan,	Skillman,
Austin,	Hayes,	Ozman,	Stearns,
Baldwin,	Hulett,	Roy,	Trow,
Dayton,	Hunt,	Sanborn,	Walker, Orange,
Fox,	Johnson,	Sherwood,	Watson,
Greene, of Olmsted	Mann,	Shrewsbury,	Webster,

24

So the bill was passed and its title agreed to.

H. F. No. 50. A bill for an act to authorize the county commissioners of Douglas county to issue bonds.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 44, nays 22, as follows:

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Rehfeld,	Mr. Stock,
Abbott,	Garrard,	Rens,	Sweet,
Abraham,	Hulett,	Roy,	Taylor,
Acker,	Hunt,	Sanborn,	Temanson,
Arnold,	Kinkead,	Sawyer,	Thayer,
Austin,	Knox,	Scheffer,	Tollman,
Bixler,	Langworthy,	Secombe,	Walker Orange,
Brooks,	Leavens,	Shrewsbury,	Watson,
Oaskey,	McDonough,	Shultis,	Webster,
Coe,	Morrison,	Stearns,	White,
Donohue,	Pfander,	Stewart,	Speaker,

44

NAYS.

Mr. Anderson,	Mr. Dayton,	Mr. Mitsch,	Mr. Shriner,
Armstrong,	Greene of Steele,	Mitchell,	Sherwood,
Baldwin,	Hayes,	Olds,	Skillman,
Chadderdon,	Johnson,	Ozman,	Trow,
Oleary,	Letford,	Purdie,	Wiley.
Cleveland,	Melghan,		

22

So the bill was passed and the title agreed to.

H. F. No. 86. A memorial for a mail route from La Crosse, in the State of Wisconsin, to Winnebago city in the State of Minnesota.

Had its third reading.

The memorial was passed, and the title was agreed to.

H. F. No. 94. An act to fix, establish and regulating the fees of Probate Judge.

Had its third reading and was put upon its passage.

And the yeas and nays being ordered, there were yeas 44, nays 19, as follows :

YEAS.

Mr. Aaker,	Mr. Chadderdon,	Mr. McDonough,	Mr. Sherwood,
Abbott,	Oleary,	Meighan,	Shrewsbury
Abraham,	Ooe,	Mitsch,	Shriner,
Acker,	Fox,	Morrison,	Shultis,
Anderson,	Greene, of Olmsted	Olds,	Temanson,
Armstrong,	Greene of Steele,	Ozman,	Thayer,
Arnold,	Hulett,	Pfaender,	Trow,
Austin,	Knox,	Purdie,	Walker, Orange,
Bixler,	Langworthy,	Rehfeld,	Watson,
Brooks,	Letford,	Renz,	Webster,
Caskey,	Mann,	Sawyer,	Speaker 44

NAYS.

Mr. Baldwin,	Mr. Hunt,	Mr. Sanborn,	Mr. Tollman,
Dayton,	Johnson,	Stearns,	Van Vorhes,
Donohue,	Kinkad,	Stephenson,	White,
Garrard,	Leavens,	Stewart,	Willey,
Hayes,	Mitchell,	Taylor,	19

So the bill was passed and its title agreed to.

H. F. No. 96. A bill for an act to establish, fix, and regulate the fees of Justices of the Peace.

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 43, nays, 18, as follows :

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Meighan,	Mr. Shrewsbury,
Abbott,	Fox,	Mitchell,	Shultis,
Acker,	Garrard,	Mitsch,	Stearns,
Anderson,	Greene of Olmsted,	Morrison,	Temanson,
Austin,	Greene, of Steele	Olds,	Thayer,
Bixler,	Hulett,	Ozman,	Trow,
Brooks,	Hunt,	Pfaender,	Watson,
Caskey,	Knox,	Purdie,	Webster,
Chadderdon,	Langworthy,	Renz,	White,
Oleary,	Letford,	Sawyer,	Speaker,
Ooe,	McDonough,	Sherwood,	43

NAYS.

Mr. Armstrong,	Mr. Johnson,	Mr. Sanborn,	Mr. Tollman,
Arnold,	Kinkad,	Stephenson,	Van Vorhes,
Baldwin,	Leavens,	Stewart,	Walker, Orange,
Donohue,	Rehfeld,	Taylor,	Willey.
Hayes,	Roy,		18

So the bill was passed and the title agreed to.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Acker moved that the House resolve itself into a committee of the Whole, to take into consideration such business as may come before it.

Carried.

Mr. McDonough in the chair.

After spending some time therein the Committee rose and through their Chairman reported back to the House,

H. F. No. 95, with a recommendation that it be passed.

Also,

H. F. No. 93, and recommended that it be passed.

Also,

H. F. No. 85, with a recommendation that it pass.

The question was upon concurring in the report of the Committee.

Mr. Acker moved that H. F. Nos. 95 and 93 be referred to a special committee of three.

Carried.

The question was upon concurring in the report of the Committee upon

H. F. No. 85. A bill for an act regulating the duties of Supreme Court reporter.

Mr. Secombe moved to amend the report of the Committee by striking out \$600 and inserting \$400.

Mr. Secombe called for the yeas and nays.

Which were ordered, and there were yeas 42, nays 23, as follows :

YEAS.

Mr. Aaker.	Mr. Fox,	Mr. Morrison,	Mr. Shultis,
Abbott,	Greene, of Olmsted	Oxman,	Skillman,
Abraham,	Greene of Steele,	Pfaender,	Stewart,
Acker,	Hayes,	Purdie,	Taylor.
Austin,	Hulett,	Renz,	Temanson
Baldwin,	Hunt,	Sanborn,	Tollman,
Bixler,	Leavens,	Secombe,	Trow,
Oakey,	Letford,	Sherwood,	Walker Orange,
Cleveland,	McDonough,	Shrewsbury,	Watson,
Ooc,	Meighan,	Shriner,	Webster,
Dayton,	Mitsch,		42

NAYS.

Mr. Anderson,	Mr. Garrard,	Mr. Olds,	Mr. Stock,
Armstrong,	Johnson,	Robertson,	Sweet,
Arnold,	Kinkad,	Roy,	Van Vorhes,
Chadlerdon,	Knox,	Sawyer,	White,
Cleary,	Mann,	Stearns,	Speaker,
Donohue,	Mitchell,	Stephenson,	23

So the amendment was adopted.

The question was upon concurring in the report of the Committee of the Whole, as amended.

And the report was concurred in.

Mr. Sweet moved to reconsider the vote by which S. F. No. 50 was passed.

Carried.

Mr. Cleveland moved that the bill be laid upon the table.

Lost.

Mr. Kinkad moved that the bill be referred to the Committee on the Judiciary.

Carried.

Mr. Acker moved that the Committee of the Whole dispense with further consideration of H. F. 114.

Carried.

And the bill was referred to the special committee to whom was referred H. F. Nos. 93 and 95.

Mr. Knox moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FORTY-FIRST DAY.

THURSDAY, January 25th, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Burnham, Butler, Donohue, Greene of Steele, Mantor, Olivier, Robertson, Sanborn, Secombe, Stearns, Stephenson, Thayer, H. Walker, and Wilkins.

The journal was read and approved.

The Speaker presented the petition of citizens of Winona county for change of a State road.

Which was referred to the Committee on Roads and Bridges.

Mr. Hulett presented the report of the Committee on Towns and Counties upon the petition of Lewis Harrington and others, as follows :

To the Honorable the House of Representatives of the State of Minnesota :

The Committee on Towns and Counties to whom was referred the petition of Lewis Harrington and others, legal voters of the county of McLeod, praying that townships No. 114, 115, 116, and 117, of range 31 west, be attached to the county of McLeod ; and to whom was also referred the Resolution of the Board of Supervisors of McLeod county, and likewise the report of the special committee on the same subject, have had the same under consideration, and respectfully ask leave to make the following report :

Your Committee have not been able to ascertain that the inhabitants

residing upon the abovenamed sections desire to be annexed to McLeod county, or that there exists, at present, any necessity or expediency to justify such action on the part of the Legislature.

Your Committee, therefore, concur in the report of the special committee on the subject, and recommend that the prayer of the petitioners be not granted.

L. HULETT,
A. O. AUSTIN,
F. REHFELD,
GEO. MITSCH,

Committee.

The report was adopted.

Mr. Hulett presented the report of the Committee on Towns and Counties upon the bill establishing the county of Lincoln, amending the bill and recommending its passage.

Adopted.

Mr. Skillman presented the petition of John E. Hide and others for the changing of the name of Willis Arthur Rogers.

Which was referred to the member who introduced it.

Mr. Kinkead presented the report of the special committee to whom was referred

H. F. 87. For an act entitled an act to prohibit the sale or use of strychnine as a means of capturing and destroying animals.

Reported amendments and recommended its passage.

Adopted.

The amendment proposed by the Senate to

H. F. No. 10. A bill for an act to locate a State road from Minneiska to Beaver.

Was read, and the question was upon concurring in the amendment.

Mr. Brooks moved that the bill and amendment be laid upon the table.

Carried.

The amendments proposed by the Senate to

H. F. No. 67. An act to provide for the compensation of members and officers.

Were read, and the question was upon concurring.

Mr. Mitchell moved that the bill and amendment be laid upon the table.

Carried.

Mr. Hunt offered the following resolution :

Resolved, That when this House adjourns, that it adjourn to meet at 9 o'clock A.M. instead of 10 o'clock as heretofore.

Lost.

Mr. Letford introduced—

A bill for an act to confer probate powers upon district judges in certain cases.

Which was read a first time.

Mr. Arnold offered the following resolution :

Resolved, the Senate concurring, That the two Houses meet in joint convention, in the hall of the House of Representatives, on Saturday, Jan. 28, at 12 o'clock M. for the purpose of electing a Surveyor General of Logs and Lumber in the Fifth District, in conformity to the amended act to regulate the traffic in Logs and Lumber, approved January 14, 1860.

Mr. Secombe moved that the rules be so far suspended as to allow the consideration of the resolution at this time.

Carried.

The question recurring upon the adoption of the resolution

It was carried.

Mr. Leavens introduced—

A bill for an act to legalize certain taxes and tax sales for the benefit of school district No. 1 in the town of Faribault.

Which had its first reading.

Mr. Purdie introduced—

A bill for the relief of Seventh Day Baptists.

Which had its first reading.

Mr. Morrison moved to suspend the rules, so as to allow the bill to be read a second time.

Carried.

And the bill had its second reading.

Mr. Scheffer introduced—

A bill for an act to amend an act entitled an act relating to prairie fires.

Which had its first reading.

H. F. No. 110. An act to amend sections 9 and 10, of chapter 116, on page 780 of the so called Statutes.

Had its second reading.

Mr. Sanborn moved to suspend the rules so as to allow the bill to be read a third time.

Carried.

The bill was then read a third time and put upon its passage.

Mr. Acker moved that the bill be referred to the Committee of the Whole.

Carried.

H. F. No. 113. A bill for an act to provide for the time and manner of electing members of the Senate of the United States from the State of Minnesota.

Had its second reading, and was ordered engrossed.

H. F. No. 116. A bill for the relief of the occupants of the town of Portland.

Had its second reading and was ordered engrossed.

H. F. No. 117. A bill for an act to amend an act entitled an act to regulate the foreclosure of real estate, approved July 29th, 1858.

Was read a second time and was referred to the Committee of the Whole.

H. F. No. 119. A bill for a school charter of West St. Paul.

Was read a second time, and referred to the Committee of the Whole.

H. F. No. 120. A bill for an act to amend an act entitled an act to incorporate the Little Falls Manufacturing Company.

Was read a second time and referred to the committee of the Whole.

H. F. No. 65. A bill for an act entitled an act to establish the county of Lincoln.

Had its second reading, and was ordered engrossed.

H. F. No. 87. A bill for an act entitled an act to prohibit the sale or use of strychnine as a means of capturing and destroying animals.

Was read a second time and referred to the Committee of the Whole.

Mr. Brooks asked and obtained leave of absence for Mr. Thayer for six or eight days.

Mr. Letford from the Committee on Engrossment reported as correctly Engrossed—

H. F. No. 83.

H. F. No. 83. A bill for an act providing for township organization.

Had its third reading.

The question was upon the passage of the bill.

Mr. Acker moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abraham, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Garrard, Greene, of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Langworthy, Letford, Mann, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olds, Ozmun, Pfaender, Purdie, Rehfeld, Renz, Robertson, Roy, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stevens, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhes, H. Walker, Orange Walker, Watson, Webster, White, Willey, Wilkins and the Speaker.

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

Carried.

The question was upon the passage of the bill.

Mr. Secombe moved an amendment, which was read and adopted, and the amendment read a second and third times.

The question was upon the passage of the bill, as amended.

Mr. Sanborn offered the following resolution :

Resolved, That H. F. No. 83 and H. F. No. 35, 16, 21, 17, also a bill relating to the duties of county treasurer, and the bill relating to county organization, reported by Committee on Towns and Counties, be referred to a special committee of five.

Lost.

Mr. Secombe moved the previous question.

The question was, Shall the main question be now put?

Which was carried.

The question was upon the passage of the bill.

And the yeas and nays being ordered, there were yeas 31, nays 37, as follows :

YEAS.

Mr. Aaker,	Mr. Chadderdon,	Mr. Leavens,	Mr. Shultis,
Abraham,	Cleveland,	Letford,	Skilman,
Acker,	Dayton,	Meighan,	Stock,
Austin,	Greene, of Olmsted	Morrison,	Trow,
Baldwin,	Greene, of Steele,	Olds,	Watson,
Bixler,	Hayes,	Oxmun,	Webster,
Brooke,	Hulett,	Purdie,	White,
Caskey,	Hunt,	Sherwood,	

81

NAYS.

Mr. Anderson,	Mr. Knox,	Mr. Robertson,	Mr. Stewart,
Armstrong,	Langworthy	Roy,	Sweet,
Arnold,	Mann,	Sanborn,	Taylor,
Cleary,	McDonough,	Sawyer,	Temanson,
Coe,	Mitchell,	Secombe,	Tollman,
Donohue,	Mitch,	Shrewsbury.	Van Vorhes,
Fox,	Pfaender,	Shriner,	Walker, Orange,
Garrard,	Rehfeld,	Stearns,	Willey,
Johnson,	Renz,	Stephenson,	Speaker.
Kinkead,			

37

So the bill was lost.

Mr. Secombe moved that the vote by which the bill was lost be reconsidered.

Mr. Acker called for the yeas and nays, which were ordered.

Which call was withdrawn.

The question was upon the reconsideration of the vote.

Carried.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker. The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Hon. House the passage by the Senate of the following bills :

H. F. No. 107. A bill for an act to change the boundaries of the counties of Mille Lac and Benton.

Also,

H. F. No. 108. A bill for an act to remove the county seat of Mille Lac county.

Also,

H. F. No. 73. An act to change the boundaries of the third, fifth and sixth judicial districts, with amendments.

Also,

S. F. No. 28. A bill for an act to provide for the re-survey and location of a portion of the State road from Cannon Falls to the Iowa line.

Also,

S. F. No. 16. A bill for an act for the better apportionment of judicial expenses.

Also,

S. F. No. 60. A bill for an act for the protection of telegraph companies.
Also,

S. F. No. 67. A bill for an act to attach the county of Isanti to the county of Anoka, and the counties of Lake, Carlton, Buchanan and Itasca to St. Louis county for judicial purposes.

Also,

S. F. No. 77. A bill for an act to provide for the opening and alteration of State Roads.

Also,

S. F. No. 79. A bill for an act changing the boundary lines of Sherburne county.

Also,

S. F. No. 95. A bill for an act to vacate certain streets and a lot in the town of Albert Lea.

All of which are respectfully submitted for the action of the House.

A. B. WEBBER, Secretary of the Senate.

The question recurring upon the passage of

H. F. No. 88. A bill for an act relating to township organization, and defining the duties of town officers.

Mr. Sanborn offered the following resolution :

Resolved, That H. F. Nos. 16, 17, 21, 35, 48, 83, 108, and a bill for an act to define the duties of county treasurer, and S. F. No. 32, be referred to a special committee of six, composed of Greene, of Steele, Sweet, Brooks, Stewart, Hunt and Kinkad, with instructions to report upon the same, or any of them, at as early a day as possible.

Mr. Secombe called for the yeas and nays, which were ordered, and

Upon the vote being taken there were yeas 15, nays 46, as follows:

YEAS.			
Mr. Armstrong, Arnold, Fox, Mitsch,	Mr. Pfander, Sanborn, Sawyer, Scheffer,	Mr. Stewart, Shrewsbury, Shriner, Taylor,	Mr. Tollman, Van Vorhes, Walker, Orange, 15
NAYS.			
Mr. Aaker, Abraham, Acker, Anderson, Baldwin, Bixler, Brooks, Caskey, Chadderdon, Cleary, Cleveland, Coe,	Mr. Dayton, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkad, Knox, Langworthy, Leavens,	Mr. Letford, McDonough, Melghan, Mitchell, Morrison, Nettleton, Olds, Pardie, Roy, Secombe, Sherwood,	Mr. Shultz, Skillman, Stearns, Steele, Sweet, Temanson, Trow, Watson, Webster, White, Speaker. 46

So the resolution was lost.

Mr. Shrewsbury asked and obtained leave of absence for Mr. Austin, for or five days.

Mr. Secombe moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abraham, Acker, Anderson, Armstrong, Arnold Baldwin, Bixler, Brooks, Caskey, Chadderdon, Cleary, Cleveland, Coe, Dayton, Fox, Garrard, Greene of Steele, Greene of Olmsted, Hayes, Hulett, Hunt, John son, Kinkad, Knox, Langworthy, Leavens, Letford, Mann, McDonough,

Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Pfaender, Purdie, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Tollman, Trow, Van Vorhes, Orange Walker, Watson, Webster, White and Speaker.

The Sergeant-at-Arms was ordered to report the absentees in their seats.

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

Carried.

The question recurring on the passage of the bill.

Upon the vote being taken there were yeas 42, nays, 22, as follows :

YEAS.			
Mr. Aaker,	Mr. Dayton,	Mr. Meighan,	Mr. Skillman,
Abraham,	Garrard,	Mitchell,	Stearns,
Acker,	Greene, of Olmsted	Morrison,	Stock,
Anderson,	Greene, of Steele	Olds,	Shultis,
Baldwin,	Hayes,	Osman,	Temanson,
Brooks,	Hulett,	Pfaender,	Trow,
Bixler,	Hunt,	Purdie,	Watson,
Oakey,	Langworthy,	Sawyer,	Webster,
Ohadderdon,	Leavens,	Sherwood,	White,
Oleaveland,	Letford,	Secombe,	Speaker.
Ooe,	McDonough,		

42

NAYS.			
Mr. Armstrong,	Mr. Knox,	Mr. Sanborn;	Mr. Sweet,
Arnold,	Mann,	Scheffer,	Taylor,
Cleary,	Mitsch,	Shrewsbury,	Tollman,
Fox,	Nettleson,	Shriner,	Van Vorhes,
Johnson,	Robertson,	Stephenson,	Walker, Orange
Kinkad,	Roy,	Stewart,	Willey.

24

So the bill was passed.

Mr. Robertson moved to amend the title so that it would read :

A bill increasing the taxes of the people of the State.

Lost.

The title of the bill was agreed to.

Mr. Coe, presented a petition of the citizens of La Crescent for a repeal of their city charter.

Mr. Coe introduced—

A bill for an act to repeal a certain act incorporating the town of La Crescent.

Also certain other acts amendatory thereto.

Which was read a first time.

Mr. Secombe moved to suspend the rules as to allow the bill to be read a second time.

Carried.

And the bill was read a second time and ordered engrossed and passed to a third reading.

The amendment offered by the Senate to

H. F. 63. A bill for an act authorizing collectors and treasurers to receive certificates heretofore issued by this Legislature for State taxes.

Was read.

The question was upon concurring in the amendment.

Mr. Secombe moved that the bill be laid on the table.

Carried.

The Speaker announced as the special committee to whom was referred H. F. No. 93, 95 and 115, Messrs. Acker, Chadderton and Watson.

Mr. Hayes moved that the House resolve itself into Committee of the Whole to take into consideration

H. F. No. 115. A bill for an act for a county organization.

Lost.

Mr. Kinkead moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FORTY-SECOND DAY.

FRIDAY, January 27, 1869.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abraham, Austin, Beatty, Butler, Mann, Manter, Mitsch, Rohfeld, Robertson, Sanborn, Stevens, Thayer, Van Vorhes, H. Walker, O. Walker, and Wilkins.

The Journal was read and approved.

Mr. Purdie presented a petition from the citizens of Freeborn county for the establishment of a State road.

Which was referred to the Committee on Roads, Bridges, and Navigable Streams.

Mr. Langworthy presented the petition of Robert Lyle and others for a location of a State road.

Which was referred to the Committee on Roads, Bridges and Navigable Streams.

Mr. Mitchell presented the report of the Committee on Federal Relations, upon H. F. No. 60, proposing amendments and recommending its passage.

Which was adopted.

Mr. Mitchell moved that the rules be so far suspended as to allow H. F. No. 60 to be read a third time and put upon its passage.

Carried.

H. F. No. 60. A memorial of the Senate and House of Representatives of the State of Minnesota, to the President of the United States.

Had its third reading and was put upon its final passage.

Upon the vote being taken the memorial was passed.

Mr. Stewart, from the Committee on Claims, to whom was referred the bills of witnesses in the Dakota county contested election case, reported that the same be paid as allowed by the Committee.

Also, the bill of the Red Wing Republicans for papers furnished the last Legislature.

Also, the bill of J. D. Rich, for chairs for the Representatives hall.

Also, the bill of Van Vorhes & Easton, for papers furnished the last Legislature.

Also, the bill of A. J. Van Vorhes, for papers furnished the last Legislature.

Adopted.

Mr. Shultis, from the special committee to whom was referred the bill for an act to re-locate a State road, reported a substitute, with a recommendation that it be passed.

Mr. Morrison moved that the bill and report be laid upon the table.

Carried.

Mr. Morrison offered the following resolution:

Resolved, That the morning session hereafter commence at 9 o'clock, until otherwise ordered.

Mr. Aaker called for the yeas and nays, which were ordered, and upon the vote being taken there were yeas 51, nays 9, as follows:

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Metcalf,	Mr. Skillman,
Abbott,	Fox,	Mitchell,	Stearns,
Abraham,	Garrard,	Morrison,	Stock,
Aaker,	Greene of Olmsted,	Oliver,	Sweet,
Anderson,	Greene of Steele,	Ozma,	Taylor,
Armstrong,	Hayes,	Pender,	Temanson,
Baldwin,	Hulet,	Furdie,	Tollman,
Bixler,	Hunt,	Boy,	Trow,
Brooks,	Johnson,	Sawyer,	Watson,
Chadley,	Knob,	Scoombe,	Webster,
Cleary,	Langworthy,	Sherwood,	White,
Cleveland,	Letford,	Shrewsbury,	Speaker.
Coe,	McDonough,	Shultz,	

51

NAYS.

Mr. Arnold,	Mr. Kinkead,	Mr. Olivier,	Stephenson,
Chaderton,	Levens,	Rehfeld,	Willey,
Donohue,			

9

So the resolution was adopted.

Mr. Rehfeld offered the following resolution:

Resolved, That the Committee on Printing be instructed to report to this House, at their earliest convenience, in what condition those copies of the

Governor's Message are now, which were ordered to be printed in German, Swedish, and Norwegian languages.

Withdrawn.

Mr. Aakar offered the following resolution :

Resolved, That the Committee on Printing be requested to ascertain the reason why the Governor's Message, which is now translated and ready, in the Norwegian, German, and Swedish languages, is not delivered and distributed among the members of the Legislature.

Adopted.

Mr. Donohue offered the following resolution :

Resolved, That any member who is absent at the calling of the roll at the regular hour of meeting of this House, shall not be entitled to his per diem, unless in case of sickness.

Mr. Abbott moved that the resolution be laid upon the table.

Mr. Donohue called for the yeas and nays, which were ordered, and upon the vote being taken there were yeas 38, nays 23, as follows :

YEAS.			
Mr. Aaker,	Mr. Garrard,	Mr. Olivier,	Mr. Shrewsbury;
Abbott,	Greene of Steele,	Ozman,	Shultz,
Abraham,	Hayes,	Pfaender,	Skillman,
Baldwin,	Hunt,	Purdie,	Stearns,
Bixler,	Knox,	Rehfeld,	Taylor.
Caskey,	Leavens,	Sanborn,	Temanson,
Chadlerdon,	Letford,	Sawyer,	Tollman,
Cleary,	Mitchell,	Scheffer,	White,
Cleveland,	Mitch,	Secombe,	Speaker.
Dayton,	Olds,		
NAYS.			
Mr. Anderson,	Mr. Hulett,	Mr. Morrison,	Mr. Sweet,
Armstrong,	Johnson,	Roy,	Trow,
Brooks,	Kinkead,	Sherwood,	Watson,
Ooe,	Langworthy,	Shriner,	Webster,
Donohue,	McDonough,	Stephenson,	Willey.
Greene of Olmsted,	Meighan,	Stoek,	

So the resolution was laid upon the table.

Mr. Hunt introduced—

A bill for an act to provide for the laying out, altering, discontinuing, working and repairing roads and bridges.

Which had its first reading.

Mr. Stearns moved that the bill be referred to the Committee of the Whole.

Carried.

Mr. Stearns asked and obtained leave of absence for Mr. Garrard, for 6 or 8 days.

S. F. No. 16. A bill for an act for the better apportionment of judicial expenses.

Was read the first time.

S. F. No. 28.. A bill for an act to provide for the re-survey and location of a portion of a State Road from Cannon Falls to the Iowa State line.

Was read the first time.

S. F. No. 60. A bill for the protection of telegraph companies.

Was read the first time.

S. F. No. 67. A bill for an act to attach the county of Isanti to the county of Anoka, and the counties of Lake, Carlton, Buchanan and Itasca, to St. Louis county for judicial purposes.

Was read the first time.

S. F. No. 77. A bill for an act to provide for the opening and alteration of State Roads.

Was read the first time.

S. F. No. 79. A bill for an act changing the boundary lines of Sherburne county.

Was read the first time.

S. F. No. 95. A bill for an act to vacate certain streets and a lot in the town of Albert Lea.

Was read the first time.

Mr. Morrison moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it

Mr. Sawyer in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported progress, and asked leave to sit again.

Leave was granted.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P.M., the House was called to order by the Speaker.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of the following Senate files, to wit :

S. F. No. 59. A bill for an act to provide for the publication of the laws of the State.

Also,

S. F. No. 70. A bill for an act to amend sections 12, 13 and 14 of chapter 31 of the revised statutes, page 371 of the compiled statutes.

Also,

S. F. No. 78. A bill for an act to amend Section 91 on page 363 of the revised statutes of 1852, and on page 568 of the compiled statutes.

Also,

S. F. No. 84. A bill for an act to change the name of Hamilton McAlpine, and constituting him heir at law to J. S. and E. C. Archibald.

Also,

S. F. No. 92. A bill for an act in addition to an act entitled an act concerning land grant railroads, passed August 12th, 1858.

Also,

S. F. No. 104. A bill for an act for the relief of School district number one in the County of Scott.

Also,
S. F. No. 107. A bill for an act to authorize the town of St. Cloud to levy a tax.

All of which are herewith transmitted.

To which the concurrence of the House is requested.

A. B. WEBBER, Secretary.

Mr. McDonough moved that the House resolve itself into a Committee of the Whole to take in consideration

H. F. No. 115. A bill for county organization.

Carried.

Mr. Sawyer in the Chair.

After spending some time therein the Committee rose, and by their Chairman reported back to the House, H. F. No. 115 with amendments and recommended that it be engrossed and passed to a third reading.

The question was upon concurring in the report of the Committee of the Whole.

Mr. Secombe moved that the question of concurrence be divided into two parts, the first amendment be the first part, and all other amendments the second part.

Carried.

The question was upon concurring in the first amendment.

Mr. Cleveland moved that the report be laid upon the table.

Carried.

Mr. Temanson asked and obtained leave of absence for six or eight days.

Mr. Baldwin moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

FORTY-THIRD DAY.

SATURDAY, Jan, 28, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Austin, Baldwin Beatty, Burnham, Butler, Cleveland, Donohue, Fox, Garrard, Greene, of Steele, Hayes, Kinkead, Mantor, Mitsch, Nettleton,

Olivier, Ranz, Robertson, Roy, Sanborn, Shriner, Shultz, Stevens, Stephenson, Sweet, Taylor, Temanson, Thayer, Tollman, H. Walker, Orange Walker, White and Willey.

The Journal was read and approved.

Mr. Shrewsbury presented the petition of citizens of the townships of Chanhassen and Excelsior for a division of school districts.

Which was read and referred to the Committee on Towns and Counties.

Mr. Letford, from the Committee on Engraving, reported as correctly engrossed

H. F. No. 65. A bill for an act entitled an act to establish the county of Lincoln.

H. F. No. 128. A bill for an act entitled an act for the relief of the seventh day Baptists, and others within the State who observe the seventh day as a Sabbath.

H. F. No. 116. A bill for the relief of the occupants of the town of Portland.

H. F. No. 132. A bill for an act to repeal a certain act incorporating the town of La Crescent, also certain other acts amendatory thereto.

Mr. Secombe moved that the Clerk be directed to request the Senate to return to this House

S. F. No. 30 An act to amend section sixth of an act entitled an act regulating the recording of conveyance of real estate.

Carried.

Mr. Morrison offered the following resolution :

Resolved, That all bills, memorials or petitions, introduced after the 10th day of February next, unless the same come from the Senate or a committee of this House, shall at once be referred to the next Legislature.

Mr. Secombe moved that the resolution be laid upon the table.

Carried.

Mr. Johnson asked and obtained leave to introduce—

A bill for an act prescribing the duties of State Librarian, and regulating the State library.

Which had its first reading.

Mr. Johnson moved that the rules be so far suspended as to allow the bill to be read a second time, and referred to the Committee on State Library.

Carried.

And the bill was read a second time and so referred.

Mr. Skillman introduced—

A bill for an act to change the name of Willis Arthur Rogers to Willis A. Lunt, and to make said Willis Arthur Rogers the heir at law of O. S. Lunt, in the town of Manassas.

Which had its first reading.

Mr. Morrison moved to suspend the rules so as to allow the bill to be read a second time, and referred to the Committee on Judiciary.

Carried.

And the bill was read a second time and so referred.

S. F. No. 59. A bill for an act to provide for the publication of the general laws of the State.

Was read the first time.

S. F. No. 70. A bill for an act to amend sections 12, 13 and 14, of chapters 31 of the revised statutes, page 371 of the compiled statutes.

Had its first reading.

Mr. Greene, of Steele moved that the rules be so far suspended as to allow the bill to be read a second and third time and put upon its passage.

Carried.

And the bill was read a second and third time and was put upon its passage.

Upon the vote being taken, there were yeas 56, nays 1, as follows:

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Morrison,	Mr. Shuttle,
Abbott,	Fox,	Nettleton,	Skillman,
Abraham,	Greene of Olmsted,	Olds,	Stearns,
Anderson,	Greene, of Steele,	Olivier,	Stock,
Acker,	Hulett,	Ozman,	Sweet,
Armstrong,	Hunt,	Pfaender,	Taylor,
Arnold,	Johnson,	Purdie,	Tellman,
Baldwin,	Knox,	Rehfeld,	Van Vorhes,
Brooks,	Langworthy,	Roy,	Watson,
Caskey,	Leavens,	Sanborn,	Webster,
Cleary,	Letford,	Sawyer,	White,
Chadderdon,	McDonough,	Scheffer,	Wiley,
Cleveland,	Meighan,	Sherwood,	Wilkins,
Ooc,	Mitchell,	Shrewsbury,	Speaker. 56

NAYS.

Mr. Kinkad,

1

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

S. F. No. 78. A bill for an act to amend section 91 on page 363 of the revised statutes of 1852, and on page 568 of the compiled statutes.

Had its first reading.

S. F. No. 84. A bill for an act changing the name of Hamilton McAlpine, and constituting him heir-at-law of J. S. and U. E. Archibald.

Had its first reading.

S. F. No. 92. A bill for an act in addition to an act entitled an act concerning land grant railroads.

Had its first reading.

S. F. No. 104. A bill for an act for the relief of school district No. 1 in the county of Scott.

Had its first reading.

Mr. Greene, of Steele, moved that the bill be referred to the members from the county of Scott.

Carried.

S. F. No. 107. A bill for an act to authorize the town of St. Cloud to levy a tax.

Had its first reading.

Mr. Sweet moved to suspend the rules so as to allow the bill to be read a second time.

Carried.

And the bill was read a second time.

Mr. Tollman moved that the rules be so far suspended as to allow the bill to be read a third time and put upon its passage.

Carried.

And the bill was read a third time and put upon its passage.

Upon the vote being taken there were yeas 52, nays, 4, as follows :

YEAS.

Mr. Asker,	Mr. Fox,	Mr. Ozman,	Mr. Skillman,
Abbott,	Greene of Olmsted	Pfeander,	Stearns,
Abraham,	Greene, of Steele	Purdie,	Stewart,
Acker,	Hunt,	Rehfeld,	Stock,
Anderson,	Kinkaid,	Roy,	Sweet,
Arnold,	Knox,	Sanborn,	Taylor,
Bixler,	Langworthy,	Sawyer,	Tollman,
Brooks,	Leavens,	Scheffer,	Van Vorhes,
Caskey,	McDonough,	Secombe,	Watson,
Chadderdon,	Mitchell,	Sherwood,	Webster,
Cleveland,	Mitch,	Shrewsbury,	Willey,
Coe,	Olds,	Shriner,	Wilkins,
Dayton,	Olivier,	Shultis,	Speaker,

52

NAYS.

Mr. Armstrong,	Mr. Hulett,	Mr. Melghan,	Mr. Morrison,
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4

So the bill was passed and the title agreed to.

Mr. Cleveland introduced—

A bill for an act to amend an act to regulate corporations for manufacturing mining, agriculture, mechanical and chemical purposes, passed August 12th, 1858.

Which was read a first time.

Mr. Secombe asked and obtained leave of absence for Monday next.

S. F. No. 95. A bill for an act to vacate certain streets and a lot in town of Albert Lea.

Had its second reading.

S. F. No. 16. A bill for an act for the better apportionment of judicial expenses.

Was read the second time.

S. F. No. 77. A bill for an act to provide for the opening and alteration of State roads.

Was read the second time.

S. F. No. 67. A bill for an act to attach the county of Isanti to the county of Anoka, and the counties of Lake, Carlton, Buchanan and Itasca to St. Louis county for judicial purposes.

Was read the second time.

S. F. No. 60. A bill for an act for the protection of telegraph companies.

Was read the second time.

S. F. No. 28. A bill for an act to provide for the re-survey and location of a portion of the State road from Cannon Falls to the Iowa line.

Was read the second time.

H. F. No. 124. A bill for an act to provide for the vacation and alteration of State roads within the State of Minnesota.

Was read the second time and referred to the Committee on Towns and counties.

H. F. No. 126. A bill for an act to provide for the issuing of licenses to hawkers and pedlers.

Was read the second time, and referred to the Committee of the Whole.

H. F. No. 125. A bill for an act for the relief of securities on official bonds.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 118. A bill for an act to provide for the attachment of real estate.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 131. A bill for an act to confer Probate Court powers upon district judges in certain cases.

Had its second reading, and was referred to the Committee on the Judiciary.

H. F. No. 130. A bill for an act to amend an act entitled an act relating to prairie fires.

Had its second reading.

H. F. No. 60. A memorial to the President of the United States.

Was read the third time and put upon its final passage.

Upon the vote being taken the memorial was passed, and the title agreed to.

H. F. No. 65. A bill for an act entitled an act to establish the county of Lincoln.

Was read a third time, and put upon its final passage.

And the yeas and nays being ordered, there were yeas 55, nays 2, as follows :

YEAS.			
Mr. Aaker,	Mr. Coe,	Mr. Morrison,	Mr. Shults,
Abbot,	Dayton,	Nettleton,	Shriner,
Abraham,	Donchue,	Olds,	Skillman,
Acker,	Fox,	Olivier,	Stearns,
Anderson,	Greene, of Steele,	Pfaender,	Stewart,
Armstrong,	Hulett,	Purdie,	Stock,
Arnold,	Hunt,	Rehfeld,	Sweet,
Baldwin,	Kinkad,	Roy,	Taylor,
Bixler,	Langworthy,	Sanborn,	Trow,
Brooks,	Letford,	Sawyer,	Van Vorhes,
Caskey,	McDonough,	Scheffer,	Webster,
Chadlerdon,	Meighan,	Secombe,	Willey,
Cleary,	Mitchell,	Sherwood,	Wilkins,
Cleveland,	Mitch,	Shrewsbury,	

NAYS.

Mr. Greene of Olmsted Mr. Stephenson,

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

H. F. No. 16. A bill for an act for the relief of the citizens of Portland.

Had its third reading and was put upon its passage.

Mr. Secombe moved that the bill be referred to the Committee on the Judiciary.

Carried.

H. F. No. 128. A bill for an act for the relief of the seventh day Baptists and others.

Had its third reading.

Mr. Acker moved that the bill be referred to the Committee of the Whole.

Mr. Purdie moved to amend by referring the bill to a select committee of three.

Which amendment was accepted.

The motion, as amended, was lost.

The question was upon the passage of the bill.

Mr. Stearns moved that the bill be indefinitely postponed.

Mr. Secombe called for the yeas and nays.

Which were ordered, and there were yeas 34, nays 33, as follows :

YEAS.

Mr. Abraham,	Mr. Hunt,	Mr. Roy,	Mr. Stephenson,
Arnold,	Kinkaid,	Sanborn,	Stewart,
Baldwin,	Langworthy,	Sawyer,	Stock,
Bixler,	Leavens,	Scheffer,	Sweet,
Caskey,	Mitch,	Shriner,	Tollman,
Chadderdon,	Olds,	Skillman,	Van Vorhes,
Cleary,	Olivier,	Stearns,	Willey,
Donohue,	Rehfeld,	Stevens,	Wilkins,
Fox,	Robertson,		

34

NAYS.

Mr. Aaker,	Mr. Greene, of Olmsted,	Mr. Mitchell,	Mr. Shultis,
Abbott,	Greene of Steele,	Morrison,	Shrewsbury
Acker,	Hulett,	Nettleton,	Taylor,
Anderson,	Johnson,	Ozman,	Temanson,
Armstrong,	Knox,	Pfaender,	Trow,
Brooks,	Letford,	Purdie,	Watson,
Cleveland,	McDonough,	Secombe,	Webster,
Coe,	Meighan,	Sherwood,	Speaker
Dayton,			

33

So the bill was indefinitely postponed.

H. F. No. 132. A bill for an act to repeal a certain act incorporating the town of La Crescent, also certain other acts amendatory thereto.

Had its third reading.

Mr. Secombe moved that the bill be referred to the delegation from Houston county.

Carried.

Mr. Stearns moved that the House take a recess for fifteen minutes.

Lost.

Mr. Secombe moved to take up

H. F. No. 115. A bill for county organization.

And the report of the Committee of the Whole.

Carried.

The question was upon concurring in the first amendment.

Mr. Fox moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Abraham, Acker, Anderson, Armstrong, Arnold, Baldwin, Bixler, Brooks, Caskey, Chadderdon, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Greene, of Olmsted, Greene of Steele, Hulett, Hunt,

Johnson, Kinkad, Knox, Langworthy, Leavens, Letford, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olivier, Ozmun, Pfaender, Purdie, Rehfeld, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stevens, Stephenson, Stewart, Stock, Sweet, Taylor, Tollman, Trow, Van Vorhes, Watson, Webster, Willey, Wilkins and the Speaker.

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

Carried.

The question recurring upon concurring in the report of the Committee of the Whole upon the first amendment.

Mr. Secombe called for the yeas and nays, which were ordered, and upon the vote being taken there were yeas 25, nays 39, as follows :

YEAS.			
Mr. Abbott, Baldwin, Bixler, Brooks, Donohue, Fox, Johnson,	Mr. Langworthy, Mitchell, Mitsch, Nettleton, Olivier, Rehfeld,	Mr. Robertson, Roy, Sanborn, Scheffer, Stephenson, Stewart,	Mr. Stock, Taylor, Van Vorhes, Watson, Willey, Wilkins,
			25
NAYS.			
Mr. Aaker, Abraham, Acker, Anderson, Armstrong, Arnold, Oskey, Chadderdon, Cleary, Cleveland,	Mr. Ooe, Dayton, Greene of Olmsted, Greene of Steele, Hulett, Hunt, Kinkad, Knox, Leavens, Letford,	Mr. McDonough, Meighan, Morrison, Ozman, Pfaender, Purdie, Sawyer, Secombe, Sherwood, Shrewsbury;	Mr. Shultis, Skillman, Stearns, Stevens, Sweet, Tollman, Trow, Webster, Speaker.
			39

So the report was not concurred in.

The question was upon concurring in the second part of the report.

Which was concurred in.

Mr. Morrison offered an amendment.

Mr. Stock offered an amendment.

Which was not adopted.

Mr. Stewart offered a substitute for the amendment offered by Mr. Morrison.

Mr. Sanborn moved an amendment to the substitute.

The question was upon the the amendment offered to the substitute.

Mr. Robertson called for the yeas and nays.

Which were ordered, and there were yeas 35, nays 30, as follows :

YEAS.			
r. Abbott, Acker, Anderson, Baldwin, Bixler, Brooks, Cleveland, Donohue, Fox.	Mr. Greene, of Steele, Hunt, Johnson, Knox, Langworthy, Letford, Mitsch, Olds, Olivier,	Mr. Rehfeld, Robertson, Sanborn, Scheffer, Shriner, Stearns, Stephenson, Stewart, Stock,	Mr. Sweet, Taylor, Tollman, Van Vorhes, Watson, Webster, Willey, Wilkins,
			35

NAYS.

Mr. Aaker, Abraham, Armstrong, Arnold, Casky, Chadlerdon, Cleary, Coe, Oos,	Mr. Dayton, Greene, of Olmsted Hulett, Kinkad, Leavens, Meighan, McDonough, Mitchell,	Mr. Morrison, Nettleton, Ozman, Pfaender, Purdie, Roy, Sawyer,	Mr. Secombe, 48 Sherwood, Shrewsbury, Shultis, Skillman, Trow, Speaker.
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80

So the amendment was carried.

The question was upon substituting the substitute offered by Mr. Stewart for the motion of Mr. Morrison.

Mr. Robertson called for the yeas and nays.

Which were ordered, upon the vote being taken there were yeas 29, nays 33, as follows :

YEAS.

Mr. Anderson, Abbott, Abraham, Cleary, Donohue, Fox, Greene of Steele, Hunt,	Mr. Johnson, Knox, Langworthy, Mitach, Olds, Olivier, Rehfeld,	Mr. Robertson, Sanborn, Scheffer, Shriner, Skillman, Stearns, Stephens,	Mr. Stock, Stewart, Taylor, Van Vorhes, Watson, Willey, Wilkins.
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29

NAYS.

Mr. Aaker, Acker, Armstrong, Bixler, Brooks, Casky, Coe, Cleveland, Dayton,	Mr. Greene, of Olmsted Hulett, Kinkad, Leford, McDonough, Meighan, Mitchell, Morrison,	Mr. Nettleton, Ozman, Pfaender, Purdie, Roy, Sawyer, Secombe, Sherwood,	Mr. Shrewsbury, Shultis, Sweet, Tollman, Trow, Walker, Orange, Webster, Speaker,
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33

So the substitute was lost.

Mr. Van Vorhes moved that the House take a recess for thirty minutes, for the purpose of going into joint convention for the purpose of electing a surveyor general of logs and lumber, for the 5th district.

Carried.

The President members and officers of the Senate were then introduced by the Sergeant-at-Arms.

JOINT CONVENTION.

The Convention was called to order at 12 o'clock by the President.

The roll being called the following members were found absent :

Messrs. Adams, Clark, Cowan, Edgerton, Evans, Gluck, Heaton, Kennedy, McKusick, McLaren, Nelson, Norris, Robinson and Stewart of the Senate.

Messrs. Austin, Beatty, Burnham, Butler, Garrard, Mann, Mantor, Renz, Stevens, Temanson, Thayer, H. Walker and Orange Walker of the House.

The Convention then proceeded to an election of surveyor of logs and lumber for the 5th district.

Mr. Arnold nominated D. W. Wellman.

Mr. Robertson nominated Chas. Webb.

Upon the vote being taken D. W. Wellman had 59 votes.

Chas. Webb had 21 votes.

John Smith had 2 votes.

D. W. Wellman having received a majority of all the votes cast was declared duly elected surveyor general of logs and lumber for the 5th district.

Mr. Morrison moved that the convention adjourn.

Carried.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock, P. M., the House was called to order by the Speaker.

The question was upon the amendment offered by Mr. Morrison to the report of the Committee of the Whole upon

H. F. No. 115. A bill for an act for a county organization.

Which was adopted.

Mr. Sweet moved an amendment.

Adopted.

The question was upon ordering the bill engrossed and passed to a third reading.

Carried.

Mr. Acker asked and obtained leave of absence for six days.

Mr. Stearns offered the following resolution:

Resolved, That the Clerk of the House be directed to procure the publication of 1,000 copies of the special Senate committees report on the subject of a railroad connection between the Mississippi and Lake Superior, provided that the same can be procured at the cost of press work and paper.

Mr. Fox moved that the resolution be laid on the table.

Mr. Sweet moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

FORTY-FOURTH DAY.

MONDAY, January 30th, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Aaker, Abbott, Abraham, Baldwin, Bixler, Burnham, Butler, Caskey, Garrard, Hayes, Kinkead, Knox, Mann, Mantor, Morrison, Olivier, Renz, Robertson, Sanborn, Scheffer, Secombe, Stevens, Stephenson, Sweet, Taylor, Temanson, Thayer, Tollman, and H. Walker.

The journal was read and approved.

Mr. Pfeander presented the petition of citizens of Brown county for the formation of a new county.

Mr. Rehfeld moved that the petition be referred to the Committee on Towns and Counties.

Carried.

Mr. Sherwood presented the remonstrance of citizens of Fillmore county against the relocation of the State road from Chatfield to Preston, in said county.

Which was referred to the Fillmore county delegation.

Mr. Van Vorhes presented the report of the Committee on Printing in regard to the printing of the Governor's message.

Adopted.

Also,

A report upon H. F. No. 53 by a majority of the Committee, as follows :

To the Honorable the House of Representatives :

The standing committee on printing to whom was referred House File No. 53. "A bill for an act to provide for the early publication of the laws in the newspapers of the State," have had the same under consideration, and beg leave to report :

The committee have so far modified the bill as to make it optionary with the Register of Deeds, Auditor, and District Attorney of the several counties to determine what laws, if any, shall be published in such counties wherein newspapers are printed ; together with an additional provision that when more than two newspapers are so published in any county of the State, the said officers shall designate papers representing different political parties in which the laws shall be so published ; and with these amendments your committee would earnestly recommend the passage of the bill.

The State should spare no pains in enlightening her citizens on the subject of the laws by which they are governed, in order to secure a reverence for, and an observance of, the laws of the commonwealth ; and in no other way can this object be secured so readily and so economically as through the medium proposed by the bill. In the ordinary course of publication of the laws, (many of which take effect from the time of their passage,) they cannot reach the hands of any of our citizens for many months after their passage, and even then, they only find their way to the libraries of members of the bar and a few public officers. The people have not and cannot have access to them.

But through the medium proposed by the bill, the laws will find access to all. Most every dwelling, office, or place of business within the State; and this, too almost simultaneous with their enactment, and at a cost that will not be burdensome to a single citizen of the State.

The plan proposed by the bill has been adopted by many of our sister States, with the most satisfactory results. So popular has the system become in many of the States, that it is now looked upon by the people as a necessity. Seldom have any laws given more general satisfaction, than Statutes similar to the one proposed by this bill; and your committee believe that similar benefits and satisfaction would result to our people from the passage of this bill. We therefore earnestly recommend its passage.

A. J. VAN VORHES.
THOS. McDONOUGH.
S. BROOKS.

Jan. 25, 1860.

Mr. Donohue presented the minority report of the Committee upon H. F.

No. 53, as follows:

To the Honorable the House of Representatives of the State of Minnesota:

The undersigned a minority of the standing committee on printing to whom was referred House File No. 53. "A bill for an act to provide for the early publication of the laws in the newspapers of the State," regret that public policy and the interests of the commonwealth forbid their concurrence in the majority report of the committee. The bill as amended and recommended by the majority committee to be enacted as the law of the State is inconsistent in its provisions, indefinite in its construction, neither specifying when the laws shall first be published, nor the length of time they shall continue to be published, and it designs moreover lodging in the hands of certain county officers a wide discretionary power subversive of the very best interests of good government. The people of the State ask to be relieved of taxation, they already groan under burdens too grievous to be borne; the bill seeks to fasten upon the respective counties of the State an additional tax of several hundred dollars for which they receive no *quid pro quo*, except the publication of laws, the knowledge of which in detail, as gained from county newspapers, would neither "enlighten," nor benefit them, and in the opinion of your committee an ignorance of which would not lessen the reverence of the people for the majesty of law.

Again the country newspapers cannot publish the laws at the price fixed in the bill it being a well known fact that county orders on an average are not worth more than sixty cents on the dollar, and they would under this state of affairs be required to do the printing at about 36 cents (in cash) per 1000 ems a price that would not remunerate them for their labor and materials.

The bill introduced by the majority committee proposes that the laws shall be published in two newspapers in each county not of the same political party.

Your committee have in vain tried to simmer down the cauldron of American politics at the present day so as to arrive if possible at two parties which would come within the provisions of the bill. And your committee being aware that there exists only one national party (the Democratic party) and the fact that the present abolition Legislature have decided that sympathy with John Brown is treason and all the Republican Journals within the State having sympathized with John Brown are therefore deprived of the privilege of publishing the laws according to the provisions of the bills.

Besides, the undersigned are firmly convinced that no law has been passed by the present Legislature that will remain more than one year on our statute books and therefore do not require the serious consideration of the people of this State and in the opinion of your committee a publication of the public

acts of the present Legislature at the expense of the hard working yeomanry of our young State would be adding insult to injury.

Should any laws be passed involving the public weal there would be some propriety in passing a bill for publishing the same but the undersigned have no hope that any such laws will be passed. We can not let this opportunity pass of entering our protest against the action of this Legislature in consuming farther the time and money of the people at the rate of five hundred dollars per day however strictly it may be in accordance with the Republican views of retrenchment and reform. We therefore recommend that the bill be rejected.

M. DONOHUE.

OSCAR STEPHENSON.

Jan. 28, 1860.

Com. on Printing.

Mr. Van Vorhes moved that 500 copies of the minority report be printed.

Mr. Donohue moved to amend by printing 500 copies of the majority report.

Mr. Acker moved to lay both reports upon the table without being printed
Which motion prevailed.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed

H. F. No. 85. A bill for an act regulating the duties of Supreme Court reporter.

Mr. Hulett, from the Committee on Towns and Counties to whom was referred the petition of Wm. C. Phillips and others, reported as follows :

To the Honorable the House of Representatives of the State of Minnesota :

The Committee on Towns and Counties to whom was referred the petition of Wm. Phillips, and others, of the town of Chanhassen, in the county of Carver, and of Chas. B. Sheldon and others, of the town of Excelsior, in the county of Hennepin, praying that sections one, two, three, four, five and six of the town of Chanhassen aforesaid, be set off to the town of Excelsior aforesaid, have had the same under consideration and have given it the attention which its merits seem to require, and ask leave to make the following report :

Your Committee upon investigating the subject find that the county of Carver has less than 400 square miles of territory, and that to detach the sections above named, and annex them to the county of Hennepin, in accordance with the prayer of the petitioners, would, in their opinion, violate the latter clause of section one of article eleven of the Constitution, which reads as follows : "Counties now established may be enlarged, but not reduced below 400 square miles."

Your Committee, therefore, under the existing circumstances, are of the opinion that it is not in the power of the Legislature to grant the relief prayed for by the aforesaid petitioners.

Your Committee therefore recommend that the prayer of the petitioners be not granted, and that the committee be discharged from the further consideration of the subject.

L. HULETT,
T. J. HUNT,
F. REHFELD,
GEO. MITSCH.

The report was adopted.

Mr. Morrison, from the special committee consisting of the members from Dakota and Scott counties, to whom was referred the petition for a change of lines between said counties, reported in favor of such change, and introduced a bill in accordance therewith.

Report adopted.

And the bill had its first reading.

Mr. Olds moved that the vote whereby

H. F. No. 128. A bill for an act entitled an act for the relief of the seventh day Baptists, and others within the State who observe the seventh day as a Sabbath,

Was indefinitely postponed, be reconsidered.

Mr. Sweet moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Abbott, Acker, Anderson, Armstrong, Arnold, Bixler, Brooks, Chadderdon, Cleary, Dayton, Donohue, Fox, Greene of Olmsted, Greene of Steele, Hulett, Hunt, Johnson, Kinkad, Knox, Langworthy, Leavens, Letford, McDonough, Meighan, Mitsch, Morrison, Nettleton, Olds, Ozmun, Pfaender, Purdie, Rehfeld, Roy, Sawyer, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stevens, Stephenson, Stewart, Stock, Sweet, Taylor, Trow, Van Vorhes, Orange Walker, Watson, Webster, White, Willey, Wilkins and Speaker.

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

Carried.

The question recurring upon the motion to reconsider.

Mr. Greene, of Olmsted, called for the yeas and nays, which were ordered, and upon the vote being taken there were yeas 32, nays 25, as follows :

YEAS.

Mr. Abbott,	Mr. Fox,	Mr. Meighan,	Mr. Stephenson,
Acker,	Greene of Olmsted,	Olds,	Stewart,
Armstrong,	Greene of Steele,	Ozman,	Trow,
Brooks,	Hulett,	Pfaender,	Van Vorhes,
Chadderdon,	Johnson,	Purdie,	Watson,
Cleary,	Leavens,	Sherwood,	Webster,
Ooe,	Letford,	Shriner,	White,
Dayton,	McDonough,	Shultis,	Speaker. 32

NAYS.

Mr. Arnold,	Mr. Langworthy,	Mr. Roy,	Mr. Stock,
Anderson,	Mitchell,	Sawyer,	Sweet,
Bixler,	Mitch,	Shrewsbury,	Taylor,
Donohue,	Morrison,	Skillman,	Walker, Orange,
Hunt,	Nettleton,	Stearns,	Willey,
Kinkad,	Rehfeld,	Stevens,	Wilkins. 25
Knox,			

So the motion to reconsider was carried.

The question was upon the passage of the bill.

Mr. Purdie moved that the bill be referred to a special committee of three.

Carried.

The Speaker appointed as such committee Messrs. Purdie, Armstrong and Knox.

Mr. Purdie offered the following resolution :

Resolved, That Oscar Webster senior messenger of this House be allowed fifty cents per diem extra pay for the session.

Mr. Stevens moved to amend by adding both messengers.

Mr. Ooe moved to lay the resolution and amendment upon the table.

S. F. No. 59. A bill for an act to provide for the publication of the general laws of the State,

Was read a second time and referred to the committee of the Whole.

S. F. No. 78. A bill for an act to amend section 91, on page 363, of the revised statutes of 1852, and on page 568 of the public statutes.

Had its second reading and was ordered to a third reading.

S. F. No. 84. A bill for an act changing the name of Hamilton McAlpine, and constituting him heir-at-law of J. S. and C. E. Archibald,

Had its second reading and was ordered to a third reading.

S. F. No. 92. A bill for an act in addition to an act entitled an act concerning land grant railroads, passed August 12th, 1858.

Had its second reading, and was referred to the special committee on railroad and railroad bonds.

S. F. No. 28. A bill for an act to provide for the re-survey and location of a portion of a State Road from Cannon Falls to the Iowa State line.

Had its third reading.

Mr. Sawyer moved to lay the bill on the table.

Carried.

S. F. No. 60. A bill for the protection of telegraph companies.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 45, nays 1, as follows :

YEAS.

Mr. Abbott,	Mr. Greene of Olmsted,	Mr. Mitchell,	Mr. Shultis,
Anderson,	Hulett,	Mitch,	Stearns,
Acker,	Hunt,	Morrison.	Stock,
Armstrong,	Johnson,	Olds,	Sweet,
Arnold,	Kinkad,	Orsman,	Van Vorhes,
Baldwin,	Knox,	Pfaender,	Walker Orange,
Brooks,	Langworthy,	Purdie,	Watson,
Cleary,	Leavens,	Roy,	Webster,
Chadlerdon,	Letford,	Sawyer,	White,
Ooe,	McDonough,	Sherwood,	Willey,
Dayton,	Meighan,	Shriner,	Wilkins,
Fox,			

45

NAYS.

Mr. Shrewsbury,

1

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

S. F. No. 67. A bill for an act to attach the county of Isanti to the county of Anoka, and the counties of Lake, Carleton, Buchanan and Itasca, to St. Louis county for judicial purposes.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 44, nays 00, as follows :

YEAS.			
Mr. Armstrong,	Mr. Fox,	Mr. Meighan,	Mr. Sweet,
Abbott,	Hulett,	Morrison,	Stock,
Acker,	Hunt,	Oxman,	Shults,
Arnold,	Johnson,	Pfeander,	Stewart,
Baldwin,	Kinkead,	Purdie,	Trow,
Brooks,	Langworthy,	Rehfeld,	Van Vorhes,
Bixler,	Leavens,	Roy,	Walker, Orange
Chadderdon,	Letford,	Sawyer,	Watson,
Coe,	McDonough,	Sherwood,	Webster,
Cleary,	Mitch,	Shrewsbury,	White,
Dayton,	Mitchell,	Shriner,	Wilkins, 44

So the bill was passed and its title agreed to.

S. F. No. 77. A bill for an act to provide for the opening and alteration of State Roads.

Was read the third time.

Mr. Meighan moved that the bill be laid upon the table.

S. F. No. 79. A bill for an act changing the boundary lines of Sherburne county.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 42, nays, 22, as follows :

YEAS.			
Mr. Abbott,	Mr. Johnson,	Mr. Pfeander,	Mr. Stewart,
Acker,	Kinkead,	Purdie,	Stock,
Anderson,	Knox,	Rehfeld,	Sweet,
Armstrong,	Langworthy,	Roy,	Taylor,
Baldwin,	Leavens,	Sawyer,	Trow,
Bixler,	Letford,	Sherwood,	Van Vorhes,
Brooks,	McDonough,	Shrewsbury,	Walker Orange,
Chadderdon,	Mitchell,	Shriner,	Watson,
Cleary,	Meighan,	Shults,	Webster,
Dayton,	Morrison,	Stearns,	Wilkins, 43
Hunt,	Oxman,		

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

S. F. No. 95. A bill for an act to vacate certain streets and a lot in town of Albert Lea.

Had its third reading.

Mr. Morrison moved that the bill be laid upon the table.

Carried.

Mr. Brooks moved that

H. F. No. 10. A bill for an act to locate a State road from Minneiska to Beaver,

Be taken from the table.

The question was upon concurring in the amendments proposed by the Senate.

Upon the vote being taken the amendments were not concurred in.

Mr. Hunt moved that the House resolve itself into a committee of the Whole, to take into consideration H. F. No. 132, and such other business as may come before it.

Carried.

Mr. Sawyer in the Chair.

After spending some time therein the Committee rose, and by their Chairman reported progress, and asked leave to sit again.

Leave was granted.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Hon. House the passage by the Senate of
H. F. No. 15. A bill for an act to provide for the election and to define
the duties of county attorneys in this State.

Also,

H. F. No. 104. A bill for an act regulating Insurance Companies not
Incorporated in the State of Minnesota,
Which are herewith returned.

Also, the passage by the Senate of

S. F. No. 85. A bill for an act to amend an act entitled an act to in-
corporate the city of Red Wing, approved March 4, 1857.

Also,

S. F. 102. A bill for an act to survey and relocate the State line road in
the town of York, Fillmore county.

Herewith submitted and to which the concurrence of the House is respect-
fully requested.

A. B. WEBBER, Secretary.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. McDonough introduced—

A bill for an act to provide for the location of county seats in this State.

Which had its first reading.

Mr. Scheffer moved that the bill be referred to the Committee on the
Judiciary without printing.

Mr. Acker introduced—

A bill for an act to elect a printer or printers, and to regulate the public
printing.

Which was read a first time.

The following message was received from the Senate :

Mr. Speaker :

I herewith, by order of the Senate, return to the House,

S. F. No. 30. A bill for an act to amend section six of an act entitled an
act regulating the recording of conveyances affecting real estate.

A. B. WEBBER, Secretary of the Senate.

Mr. Langworthy introduced—

A bill for an act to regulate ferries.

Which had its first reading.

Mr. Langworthy introduced—

A bill for an act relating to a county road in Mower county.

Which had its first reading.

Mr. McDonough offered the following resolution :

Resolved, That five hundred copies of the Journal of the House of Representatives be printed for the use of the House.

Lost.

Mr. Stearns moved that the House resolve itself into a Committee of the Whole to take in consideration H. F. No. 133, and such other business as may come before it.

Carried.

Mr. Sawyer in the chair.

After spending some time therein the Committee rose, and by their Chairman, reported back H. F. No. 133, with amendments, and recommended that the amendments be concurred in.

Mr. Sweet offered an amendment.

Which was adopted.

The question recurring upon concurring in the report of the Committee of the Whole, as amended.

It was concurred in.

And the bill ordered to a second reading.

Mr. Greene, of Steele, from the special committee on railroads, reported back to the House

S. F. No. 92. A bill for an act in addition to an act entitled an act concerning land grant railroads, passed August 12, 1858,

With a recommendation that it be passed.

Mr. Mitchell moved that the bill be referred to the Committee of the Whole.

Carried.

Mr. Donohue offered a joint resolution fixing the time for the adjournment of the Legislature.

Which was read a first time.

Mr. Scheffer moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

FORTY-FIFTH DAY.

TUESDAY, January 31, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Austin, Baldwin, Beatty, Burnham, Butler, Caskey, Cleary, Garrard, Greene of Olmsted, Johnson, Knox, Mann, Mantor, Nettleton, Olivier, Ozman, Pfaender, Rehfeld, Renz, Robertson, Sanborn, Sawyer, Secombe, Shriner, Shultis, Skillman, Stephenson, Stewart, Temarson, Thayer, Tollman, Trow, H. Walker and Willey.

The Journal of yesterday was read and approved.

Mr. Cleveland, presented the petition of citizens of Faribault for the right of using the water of Lake Laura, for mill purposes.

Which was referred to the Committee on Agriculture and Manufactures.

Mr. Taylor from the Committee on Enrollment reported as correctly enrolled

H. F. No. 68. A memorial to Congress for an appropriation for the improvement of the rapids of the Minnesota river, near the town of San Francisco.

Also,

H. F. No. 107. A bill for an act to change the boundaries of the counties of Mille Lac and Benton.

Also,

H. F. No. 108. A bill for an act to remove the county seat of Mille Lac county.

And that they have presented the same to his Excellency the Governor, for his approval and signature.

S. F. No. 85. A bill for an act to amend an act] entitled an act to incorporate the city of Red Wing.

Had its first reading.

S. F. No. 102. A bill for an act to survey and re-locate the State line road in the town of York, Fillmore county.

Had its first reading.

Mr. Morrison offered the following resolution :

Resolved, That this bill and all other bills in relation to alteration or location of State roads by the Legislature be laid upon the table.

Adopted.

Mr. Van Vorhes offered the following resolution :

Resolved, That the joint special committee on railroad affairs be directed to report to morrow morning, and that if it be necessary in order to have a report prepared by that time, the members of the committee be excused from attending the sittings of their respective Houses until such report is submitted.

Mr. Abraham moved that the resolution be laid upon the table.

Carried.

Mr. Letford introduced—

A bill for an act to change the boundaries of the counties of Carver and Hennepin.

Which was read the first time, and was referred to the delegation from Carver and Hennepin counties.

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

A bill to amend sections 25, of article 4, of the Constitution, and for the submission of the same to the people for their approval or rejection.

Also,

A bill to change the county line between Carver and Sibley counties.

H. F. No. 134. A bill for an act to amend an act to regulate corporations for manufacturing mining, agriculture, mechanical and chemical purposes, passed August 12th, 1858.

Had its second reading, and was ordered engrossed.

H. F. No. 137. A bill for an act to change the boundary lines between Scott and Dakota counties.

Was read the second time and was ordered engrossed.

S. F. No. 78. A bill for an act to amend Section 91 on page 363 of the revised statutes of 1852, and on page 568 of the compiled statutes.

Had its third reading.

Mr. Morrison moved that the bill be referred to the Committee on the Judiciary.

Carried.

S. F. No. 84. A bill for an act to change the name of Hamilton McAlpine, and constituting him heir at law to J. S. and E. G. Archibald.

Had its third reading.

Mr. Morrison moved that the bill be indefinitely postponed.

Lost.

The question recurring on the passage of the bill.

And the yeas and nays being ordered, there were yeas 34, nays 17, as follows:

YEAS.

Mr. Anderson,	Mr. Coe,	Mr. Pfander,	Mr. Stock,
Abbott,	Dayton,	Purdie,	Taylor,
Abraham,	Fox,	Sawyer,	Trow,
Acker,	Knox,	Shrewsbury,	Van Vorhes,
Armstrong,	Langworthy,	Shults,	Walker, Orange,
Arnold,	Leavens,	Skullman,	Walson,
Brooks,	Mitchell,	Stearns,	White,
Chadderdon,	Nettleton,	Stewart,	Speaker,
Clary,	Olde,		

84

NAYS.

Mr. Baldwin,	Mr. Hayes,	Mr. McElghan,	Mr. Ehriner,
Bixler,	Hulst,	Mortimer,	Stephenson,
Cleaveland,	Kinkad,	Roy,	Sweet,
Donohue,	Letford,	Sherwood,	Tollman,
Greene of Steele,			

17

So the bill was lost.

Mr. Cleveland moved that the vote by which the bill was lost be reconsidered.

Carried.

The question was upon the passage of the bill.

Mr. Cleveland moved to lay the bill upon the table.

Carried.

Mr. Van Vorhes moved to take from the table,

H. F. No. 53. A bill for an act to provide the early publication of the laws in the newspapers of the State.

Carried.

Mr. Van Vorhes moved that the bill be ordered printed.

Carried.

Mr. Langworthy moved to take from the table H. F. No. 127, and put the same upon its passage.

Carried.

H. F. No. 127. A bill for an act authorizing Treasurers to receive the certificates issued by this Legislature for the per diem and mileage in payment for taxes.

Was read the third time and put upon its final passage.

And the yeas and nays being ordered, there were yeas 57, nays 00, as follows :

YEAS.			
Mr. Abbott,	Mr. Fox,	Mr. Mitsch,	Mr. Shults,
Abraham,	Greene, of Steele,	Morrison,	Skillman,
Acker,	Hayes,	Nettleton,	Stearns,
Anderson,	Hulett,	Olds,	Stephenson,
Armstrong,	Hunt,	Ozman,	Stewart,
Arnold,	Kinkead,	Pfaender,	Stock,
Baldwin,	Knox,	Purdie,	Taylor,
Bixler,	Langworthy,	Roy,	Tollman,
Brooks,	Leavens,	Sanborn,	Trow,
Chadderdon,	Letford,	Sawyer,	Van Vorhes,
Cleary,	Mann,	Scheffer,	Webster,
Cleveland,	McDonough,	Sherwood,	White,
Coe,	Meighan,	Shrewsbury,	Wilkins,
Dayton,	Mitchell,	Shriner,	Speaker.
Donchue,			57

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

Mr. Kinkead moved that the House resolve itself into Committee of the Whole to take into consideration S. F. No. 39, and such other business as may come before it.

Carried.

Mr. Dayton in the chair.

After spending some time therein the Committee rose and through their Chairman reported back

S. F. No. 39, and recommended that it be referred to the Committee on Incorporations.

Also,

H. F. No. 60, and recommended that the further consideration be postponed.

Also,

S. F. No. 92, and recommended that it be passed.

Also,

H. F. No. 117, and recommended that it be passed.

Also,

H. F. No. 125, and recommended that it be passed.

Also,

H. F. No. 109, with amendments, and recommended that it be passed.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House that the Senate do not recede from their amendments to H. F. No. 10, a bill for an act to locate a State road from Minneka to Beaver ; and furthermore that the Senate has appointed a committee, consisting of Messrs. Averill, King, and Norris, to confer with a similar committee on the part of the House in relation to the disagreement upon said file, herewith returned to the House.

A. B. WEBBER, Secretary.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The question recurring upon concurring in the report of the Committee of the Whole upon H. F. No. 109

Mr. Secombe called for a division of the question,

Which was carried.

The question was first upon concurring in that part of the amendments by striking out "woman and girl" and inserting "person."

Which was concurred in.

The question then was upon the recommendation of the report to have the bill ordered engrossed.

Mr. Baldwin called for the yeas and nays, which were ordered, and upon the vote being taken there were yeas 22, nays 33, as follows :

YEAS.

Acker,	Mr. Coe,	Mr. Pfander,	Mr. Stock,
Armstrong,	Dayton,	Rehfeld,	Sweet,
Arnold,	Fox,	Rens,	Van Vorhes,
Bixler,	Johnson,	Secombe,	Watson,
Brooks,	Mann,	Shrewsbury,	White,
Cleveland,	Osman,		

22

NAYS.

Mr. Abbott,	Mr. Hulett,	Mr. Mitch,	Mr. Stearns,
Abraham,	Hunt,	Olds,	Stephenson,
Anderson,	Kinkaid,	Sanborn,	Taylor,
Baldwin,	Langworthy,	Sawyer,	Tollman,
Chaderton,	Leavens,	Sherwood,	Trow,
Donohue,	Letford,	Shiner,	Wiley,
Greene of Olmsted,	Mr. McDonough,	Shultis,	Wilkins,
Greene of Steele,	Melghan,	Skillman,	Speaker.
Hayes,			

33

The following message was received from the Senate :

Mr. Speaker :

I have to announce the passage by the Senate of the following Senate files :
S. F. No. 58. A bill for an act to provide for the location of a State road from High Forest to Freeborn.

S. F. No. 103. A memorial to the Postmaster General for increase of mail service.

S. F. No. 105. A bill for an act fixing the rate of interest.

Herewith submitted, and to which the concurrence of the House is requested.

Also, the passage by the Senate of,

H. F. No. 86. A memorial for a mail route from La Crosse in the State of Wisconsin, to Shelbyville, in the State of Minnesota.

H. F. No. 123. An act to appropriate money to pay certain arrearages for 1858.

With amendments, which are herewith returned, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 125.

Which was concurred in.

The question was upon concurring in the report of the Committee upon H. F. No. 117.

Which was concurred in.

The question was upon concurring in the report of the Committee upon S. F. No. 39.

Which was concurred in.

The question was upon concurring in the report of the Committee upon S. F. No. 92.

Mr. Stephenson moved that the report be laid upon the table.

Which motion did not prevail.

The question recurring upon concurring in the report of the Committee upon S. F. No. 92,

Mr. Morrison moved an amendment.

Adopted.

The question recurring upon concurring in the report of the Committee as amended,

Mr. Sweet offered the following resolution :

Resolved, That S. F. No. 92 be referred to a special committee of three, who are instructed to ascertain and report as soon as possible the amount of outstanding first mortgage bonds issued by the several Land Grant Railroad Companies respectively.

Which was adopted.

Mr. Morrison moved that the House resolve itself into a Committee of the Whole to take into consideration such business as may come before it.

Carried.

After some time spent therein, the Committee rose, and by their Chairman, reported back to the House,

H. F. No. 79, and recommended that it be passed.

Also,

H. F. No. 80, with amendments, and recommended that it be passed.

The question was upon concurring in the report of the committee upon H. F. No. 79,

Which was concurred in.

The question was upon concurring in the report of the Committee upon H. F. No. 80.

Which was concurred in.

Mr. Kinkead moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FORTY-SIXTH DAY.

WEDNESDAY, Feb. 1, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Aaker, Abraham, Beatty, Burnham, Butler, Cleary, Cleveland, Donobue, Fox, Garrard, Hayes, Hulett, Johnson, Kinkead, Knox, Letford, Mann, Mantor, Nettleton, Olds, Robertson, Roy, Sanborn, Scheffer, Sherwood, Shriner, Stevens, Stephenson, Taylor, Temanson, Thayer, Tollman, Van Vorhes, H. Walker, Willey and Wilkins.

The journal was read and approved.

Mr. Fox, from the Committee on State Prison, submitted the following report :

To the Honorable the House of Representatives :

Your Committee on State Prison did, in obedience to a resolution of the Senate directing their Committee in conjunction with your Committee, proceed to Stillwater and examined the State Prison, for the purpose of ascertaining what would be wanted in and about that institution to make it a safe and proper place for the security of convicts for the coming year, and would respectfully report.

That on examination of the premises we are of the opinion that some repairs are absolutely necessary, and would recommend that a reasonable appropriation be made for the repairs and protection of work hereinafter mentioned.

The wall of the prison court, near the north-east corner, is divided by two breaks, extending from top to bottom. Some thirty feet of this wall should be taken down and rebuilt.

The cause of the wall leaning and breaking on the north side is from the effect of a brook, which runs so near the wall on the outside as to make the ground soft about the foundation. There should be a large quantity of stone filled in between the brook and the wall so as to prevent any further washing away of the earth near the wall.

The cells open out into a hall containing a stove used for warming the cells. This hall has been partly plastered and left in an unfinished and rough condition. This should be finished, as it would take much less fuel to keep the cells warm and give to the building a finished appearance.

The street passing in front of the prison should be raised some three or four feet, for the purpose of making it dry and passable during times of high water. As it now is, the high water from the Lake so softens the ground as to make the street almost impassable at certain times of high water.

The workshops were leased to J. B. Stephens for a term of five years from the first of May, A. D. 1859, and it becomes necessary for the lessee in carrying on his business to have more or less lumber and other materials about the yard, thus giving abundant means to the convict to scale the walls whenever an opportunity occurs.

Your Committee would recommend that to provide against escapes in this way, there should be a strict guard kept both day and night. That this is absolutely necessary we believe there remains no doubt, as it is certain that most of the escapes from that prison have occurred for the want of a strict and efficient guard.

Mr. Stephens, the lessee of the workshops, complained to your Committee, saying that he was paying too much for the convict labor, and asks through your Committee to be relieved by the Legislature. We think this relief should be given, and the price of convict labor reduced from seventy-five to fifty cents per day.

We are confident that the employer cannot realize any profit from their labor at the price now fixed, and further, that it is a much higher price than is fixed by other States for convict labor.

Your Committee found only five convicts at the prison. They were all at work and apparently in good health. There are accommodations for some seventeen or twenty more prisoners.

In conclusion, your Committee would say, that they see no reason why said prison, with the repairs and protection before mentioned, together with the proper attention of the warden, inspectors and guards, will not be a safe and sufficient prison for the State for the coming year, and therefore would recommend that an express appropriation of five hundred dollars be made for repairs to the State Prison, in addition to the three thousand dollars which is the estimated current expenses for the coming year, made by the ex-warden, H. N. Setzer, in his report, which we believe can be reduced five hundred dollars if the guards are not increased. Nevertheless, we are of the opinion that the guard should be increased, for as we before stated, the principal cause of the escapes has been from a want of a sufficient number of guards, and as the amount of two hundred dollars now allowed by law is not adequate for that purpose, we would recommend that a further sum of three or four hundred dollars be appropriated for that purpose.

Your Committee would call your attention to the fact that the State have no title to the ground on which the prison stands. The ground was sold by John McKusick and C. Carli, and they severally made and delivered a warrantee deed to the Territory, now State of Minnesota, and that said deed has

not been put on record, and said deed is either lost or stolen and cannot be found, and your Committee are further informed that a duplicate deed has been demanded of the aforesaid McKusick and Carli, and that McKusick is willing to comply with the request, but the aforesaid Carli has and does refuse to comply; and therefore your Committee would recommend that a suit be instituted against the party, and a title be obtained without delay, and that the Attorney General be instructed, by resolution or otherwise, to take the legal steps in the matter.

All of which is respectfully submitted.

PATRICK FOX,
JOHN ARMSTRONG,
GEO. P. BALDWIN,
Committee on State Prison.

Mr. Stewart, from the Committee on claims, reported upon the claim of Eugene Bernard for services in translating the Governor's message for the years 1854-5 and 1855-6, as follows:

Your Committee on Claims, to whom was referred the above claim of Eugene Bernard, with accompanying documents, would respectfully beg leave to report:

That they have given the subject matter therein set forth that amount of attention which the circumstances of the case seemed to demand, and would recommend that the amount claimed for services rendered by the said Eugene Bernard, in translating the message of Gov. Gorman into German and French for 1855-6 be not allowed; and that the amount of two hundred dollars claimed for services rendered in translating the Governor's message from English into German for the year 1854-5 be allowed.

J. J. STEWART,
CHAS D. SHERWOOD,
F. REHFELD,

Committee on Claims.

Adopted.

Also,

The report of the same Committee upon the bill of John Bell, capitol keeper, recommending that the same be paid.

Adopted.

Mr. Hulett, from the Committee on Towns and Counties, reported upon H. F. No. 124, as follows:

The Committee on Towns and Counties, to whom was referred H. F. No. 124, it being a bill for an act to provide for the vacation and alteration of State roads within the State of Minnesota, have had the same under consideration and ask leave to make the following report:

Your Committee are of the opinion that the object of the bill will be effected, as far as may be expedient or desirable, either by the general road bill now before the House, or the bill on the same subject from the Senate.

Your Committee therefore report the bill back to the House, with the recommendation that it be indefinitely postponed.

L. HULETT,
T. J. HUNT,
F. REHFELD,
GEO. MITCHELL,

Adopted.

Mr. Pfander, from the Committee on Emigration, reported upon S. F. No. 51, as follows:

To the Honorable the House of Representatives of the State of Minnesota :

Your committee, to whom was referred S. F. No. 57, a bill for an act to provide for the collection of statistics, beg leave to report—That they have carefully examined the same, and deem the measure one of great importance, and well adapted to aid in spreading correct information in regard to Minnesota and her natural resources, thereby counterbalancing the systematic misrepresentations which are frequently used to divert emigration from our State.

Taking into consideration the great convenience for reference in numerous cases, and the small appropriation necessary to carry out the objects of the bill, your committee recommend the passage of the same.

By order of the Committee on Emigration.

W. PFAENDER, Chairman.

Adopted.

Mr. Secombe, from the special committee to whom was referred H. F. No. 111, reported, for a majority of the committee, sundry amendments to the bill, and recommended its passage.

Mr. Tolman, from the same committee, presented a minority report upon the same bill, as follows :

Minority report of the special committee to whom was referred H. F. No. 111.

The undersigned, the minority of said committee, would beg leave to report—That in his opinion the bill as first introduced into the House, providing for a registration of the voters of the cities and incorporated towns, was in the main unobjectional, and would prevent the illegal voting so much complained of in the cities ; and the undersigned, the minority of your committee, will below enumerate the towns and cities in which, in his opinion, a registry law would be beneficial in its operation, viz. : Winona, Hastings, St. Peter, Mankato, Shakopee, Mendota, West St. Paul, St. Paul, Stillwater, St. Anthony, and Minneapolis.

In the opinion of the minority of your committee a general registry law, like that proposed in the bill, while it would fail of accomplishing the ends for which it was introduced, would also prove a great inconvenience and hardship to the citizens in a State as sparsely settled as our own, especially in the frontier counties, where many of the settlers reside 15 or 20 miles from the place of voting, which would require at least one day additional to the time they are now required to spend in order to exercise the right of suffrage, and the time thus spent will be at the season of the year when the farmer can least afford it, as his whole time is required in harvesting his crops and preparing for winter ; and further the minority of your committee believes that the effect of such a law would be to disfranchise a large number of the honest yeomanry of the State, and place the elections more in the hands of the people in the cities and large towns, and further be attended with a heavy expense of time and money, which, in the present financial condition of the country, the people are unable to bear.

In view of the above the undersigned, the minority of your committee, would respectfully recommend that the present bill be so far amended as to apply to the towns and cities abovementioned.

All of which is respectfully submitted,

M. C. TOLMAN,

Minority of Special Committee on H. F. No. 111.

Laid on the table.

Mr. Acker moved that the majority report be adopted, and the bill as amended printed.

Carried.

The amendments proposed by the Senate to S. F. No. 10, in which the House had nonconcurrent, were read.

Mr. Stearns moved that a committee of three be appointed by the chair to confer with the committee appointed by the Senate upon the disagreements.

Carried.

The Speaker appointed as such committee Messrs. Stearns, Brooks, and Skillman.

The amendments proposed by the Senate to H. F. No. 123 were read.

The question was upon concurring.

The yeas and nays being ordered, there were yeas 42, nays 2, as follows:

YEAS.

Mr. Abbott,	Mr. Dayton,	Mr. Nettleton,	Mr. Skillman,
Acker,	Donohue,	Olivier,	Stearns,
Anderson,	Greene of Olmsted,	Pfaender,	Stewart,
Armstrong,	Hayes,	Rehfeld,	Stock,
Arnold,	Hulett,	Renx,	Taylor,
Baldwin,	Johnson,	Sawyer,	Trow,
Bixler,	Kinkaid,	Secombe,	Van Vorhes,
Burnham,	Knox,	Shrewsbury,	Watson,
Caskey,	Langworthy,	Sherwood,	White,
Chadlerdon,	Leavens,	Shultz,	Wilkins,
Coe,	Morrison.		

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NAYS.

Mr. Melghan,	Mr. Sweet,	
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2

So the amendment was concurred in.

Mr. Acker introduced—

A bill for an act to commute the sentence of Mrs. Anna Bilanski to imprisonment for life in the States prison.

Which had its first reading.

Mr. Stearns moved to suspend the rules so as to allow the bill to be read a second time.

Carried.

And the bill was read a second time.

Mr. Secombe introduced—

A bill for an act in relation to proposed amendments to the Constitution of this State.

Which had its first reading.

S. F. No. 85. A bill for an act to amend an act to incorporate the city of Red Wing, approved March 4, 1857.

Was read the second time.

H. F. No. 53. A bill for an act to provide the early publication of laws in the newspapers of the State.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 140. A bill for an act relating to Ferries in the State of Minnesota.

Had its second reading, and was referred to the committee of the Whole.

H. F. No. 139. A bill for act in relating to county roads in the County of Mower.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 138. A bill for an act to elect a printer or printers and to regulate the public printing.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 137. A bill for an act to change the township line between Scott and Dakota counties.

Was read the second time, and referred to the Committee of the Whole.

S. F. No. 57. A bill for an act to provide for the collection of statistics.

Was read a second time and referred to the Committee of the Whole.

S. F. No. 58. A bill for an act to provide for the location of a State road from High Forest to Freeborn.

Was read the first time.

S. F. No. 103. A memorial to the Post Master General for an increase of mail service.

Was read the first time.

S. F. No. 105. A bill for an act to fix the rate of interest.

Had its first reading.

H. F. No. 85. A bill for an act regulating the duties of Supreme Court reporter.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 42, nays, 10, as follows :

YEAS.

Mr. Abbott,	Mr. Donohue,	Mr. Ozman,	Mr. Sweet,
Abraham,	Hulett,	Olds,	Taylor,
Anderson,	Kinkaid,	Sanborn,	Tollman,
Arnold,	Knox,	Secombe,	Van Vorhes,
Baldwin,	Langworthy,	Sawyer,	Walker Orange,
Bixler,	Leavens,	Sherwood,	Watson,
Brooks,	Leford,	Shrewsbury,	Webster,
Burnham,	McDonough,	Skillman,	White,
Caskey,	Meighan,	Stearns,	Wilkins,
Coe,	Mann,	Stewart,	Speaker.
Dayton,	Mitch,		

43

NAYS.

Mr. Acker,	Mr. Hunt,	Mr. Pfeander,	Mr. Shultz,
Armstrong,	Johnson,	Rehfeld,	Willey.
Chadlerdon,	Olivier,	Rens,	

11

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

H. F. No. 112. A bill for an act additional to an act additional to 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, approved March 3d, 1855.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 56, nays 00, as follows:

YEAS.

Mr. Anderson,	Mr. Fox,	Mr. Nettleton,	Mr. Stock,
Abbott,	Hayes,	Olds,	Stearns,
Abraham,	Hulett,	Olivier,	Stewart,
Acker,	Hunt,	Ozman,	Sweet,
Armstrong,	Johnson,	Pfaender,	Taylor,
Arnold,	Kinkead,	Purdie,	Tollman,
Bixler,	Knox,	Rehfeld,	Van Vorhes,
Brooks,	Langworthy,	Renz,	Walker, Orange,
Burnham,	Letford,	Sanborn,	Watson,
Caskey,	Mann,	Sawyer,	Webster,
Chadderdon,	McDonough,	Sherwood,	White,
Cleary,	Mitsch,	Shrewsbury,	Willey,
Dayton,	Melghan,	Shultis,	Wilkins,
Donohue,	Morrison,	Skillman,	Speaker, 56

So the bill was passed and its title agreed to.

S. F. No. 30 was taken up.

Mr Secombe moved that the recommendation of the Committee of the Whole be concurred in.

Carried.

S. F. No. 30. A bill for an act to amend section 6, of an act entitled an act regulating the recording of conveyances affecting real estate.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 55, nays 00, as follows :

YEAS.

Mr. Abbott,	Mr. Greene of Olmsted,	Mr. Melghan,	Mr. Shultis,
Acker,	Hayes,	Nettleton,	Skillman,
Abraham,	Hulett,	Olivier,	Stearns,
Anderson,	Hunt,	Olds,	Stewart,
Armstrong,	Kinkead,	Ozman,	Sweet,
Arnold,	Knox,	Pfaender,	Taylor,
Baldwin,	Johnson,	Purdie,	Tollman,
Bixler,	Langworthy,	Rehfeld,	Trow,
Brooks,	Leavent,	Renz,	Van Vorhes,
Burnham,	Letford,	Sanborn,	Walker, Orange,
Caskey,	McDonough,	Sawyer,	Watson,
Chadderdon,	Mann,	Secombe,	Webster,
Cleary,	Mitsch,	Sherwood,	White,
Donohue,	Morrison,	Shrewsbury,	Wilkins.
Fox,			57

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

Mr. Donohue offered the following resolution :

Resolved, That all petitions, memorials or bills introduced after the 10th of February inst. Unless the same come from the Senate or a committee of this House shall at once be referred to the next Legislature.

Lost.

The joint resolution upon adjournment of the Legislature was taken up.

Mr. Kinkead moved that the joint resolution be indefinitely postponed.

Carried.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Hon. House the passage by the Senate of

S. F. No. 36. A bill for an act fixing the salaries of State officers.

Also,

S. F. No. 56. A bill for an act to amend certain chapters and sections of the public statutes relating to probate courts.

Herewith submitted and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Hunt offered the following joint resolution :

Resolved, The Senate concurring, that this Legislature adjourn on the 21st inst.

Which was read a first time.

Mr. Speaker (Mr. Acker in the chair) offered the following resolution.

Resolved, That the act entitled an act proposing an amendment to section ten article nine of the Constitution and providing for the submission of the same to people, approved March 9, 1858. is in the opinion of this House a part and portion of the Constitution of this State, and binding upon us and the people of this State as much as any other portion of the Constitution adopted and voted for by the legal voters of Minnesota on the 13th day of October A. D. 1858.

Mr. Mann moved that the resolution be laid on the table.

Mr. Speaker called for the yeas and nays.

Which were ordered, and there were yeas 34, nays 33, as follows :

YEAS.

Mr. Abraham,	Cleary,	Mr. Mitch,	Mr. Stephenson,
Abbott,	Dayton,	Olds,	Stock,
Anderson,	Fox,	Pfaender,	Sweet,
Armstrong,	Hayes,	Renz,	Stearns,
Arnold,	Hallett,	Sawyer,	Trow,
Baldwin,	Knox,	Secombe,	Taylor,
Bixler,	Langworthy,	Sherwood,	Watson,
Brooks,	Mann,	Shrewsbury	Webster,
Oakey,	McDonough,		

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NAYS.

Mr. Acker,	Mr. Kinkead,	Mr. Purdie,	Mr. Van Vorhes,
Burnham,	Leavens,	Rehfeld,	Walker, Orange,
Chadderdon,	Melghan,	Sanborn,	White,
Ooc,	Morrison,	Stewart,	Willey,
Donohue,	Nettleton,	Shultis,	Wilkins,
Hunt,	Olivier,	Skillman,	Speaker
Johnson,	Osman,	Tollman,	

37

So the resolution was laid on the table.

Mr. Sanborn, from the Committee on the Judiciary, to whom was referred H. F. No. 116, reported that the committee had made sundry amendments to the bill, and recommended that it be passed.

Adopted.

Also,

The same report upon H. F. Nos. 130 and 136.

Adopted.

Mr. Donohue offered the following preamble and resolution :

Whereas, the message of Governor Sibley delivered to the Legislature has not been published, through partisan motives, contrary to common courtesy, common usage, and the respect due to the Chief Executive of the State, and a refusal of the Legislature to print the same, being unparalleled in the history of any State in the Union; and

Whereas, by an almost unanimous vote of both parties the message of Governor Ramsey was ordered printed in the different languages, and for the first time during the session in which the interests of the people of the State were involved in the complicated difficulties of the Railroad question in the debate of yesterday, the Republicans quoted Governor Sibley's message, concurred therein, and on it based their argument; therefore,

Resolved, That for the enlightenment of the Legislature on the railroad question, and other matters of general interest contained therein, that 1,000 copies of Governor Sibley's message be printed in English and 500 in German, for the use of the members of this House.

Mr. Van Vorhes moved that the preamble and resolution be indefinitely postponed.

Carried.

Mr. Stephenson offered the following preamble and resolution :

Whereas, the speedy settlement, in some form or other, of the complicated railroad interests of the State is of the greatest importance, therefore,

Resolved, That the special committee on railroads be requested to report the result of their deliberations to this House without further delay.

Adopted.

Mr. Kinkead moved that the House resolve itself into a committee of the Whole, to take into consideration H. F. No. 126, and such other business as may come before it.

Carried.

Mr. Ozman in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported back H. F. No. 126, and recommended that it be passed.

Also,

H. F. No. 46, and recommended that it be passed.

Also,

S. F. No. 57, and recommended that it be passed.

The question was upon concurring in the report of the Committee.

Which was concurred in.

A. B. WEBBER, Secretary.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Secombe moved that H. F. No. 115 be taken up and read a third time, and put upon its passage.

Carried.

H. F. No. 115. A bill for an act to provide for county organization and government.

Had its third reading, and was put upon its passage.

Upon the vote being taken there were yeas 56, nays 2, as follows :

YEAS.

Mr. Abraham,
Acker,
Anderson,
Armstrong,
Arnold,
Baldwin,
Brooks,
Burnham,
Caekey,
Chadderdon,
Cleary,
Cleveland,
Coe,
Dayton,

Mr. Fox,
Garrard,
Greene of Steele,
Hayes,
Hulett,
Hunt,
Kirkhead,
Knox,
Langworthy,
Levens,
Letford,
Mann,
McDonough,
Meighan,

Mr. Mitsch,
Morrison,
Nettleton,
Olivier,
Osman,
Pfaender,
Purdie,
Rens,
Robertson,
Roy,
Sawyer,
Secombe,
Sherwood,
Shrewsbury,

Shultis,
Skillman,
Stearns,
Stewart,
Stock,
Sweet,
Tollman,
Trow,
Van Vorhes,
Walker, Orange,
Watson,
Webster,
White,
Speaker.

56

NAYS.

Mr. Abbott,

Mr. Donohue,

3

So the bill was passed and its title agreed to.

The Speaker appointed as the committee to whom was referred S. F. No. 92, Messrs. Sweet, Sanborn, and Secombe.

A Message from the Governor was announced, when S. P. Jennison, Esq., the Private Secretary of the Governor, appeared in the Hall and presented the following:

EXECUTIVE DEPARTMENT,
St. Paul, Feb. 1, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives:

SIR: I have approved and signed bills and a memorial, entitled as follows:

A bill for an act to change the boundaries of Mille Lac and Benton counties.

A bill for an act to remove the county seat of Mille Lac county.

A memorial to Congress for an appropriation for the improvement of the rapids of the Minnesota river, near the town of San Francisco.

Respectfully,

ALEX. RAMSEY.

S. F. No. 57. A bill for an act to provide for the collection and publication of statistics.

Was read the third time and put upon its final passage.

And the yeas and nays being ordered, there were yeas 55, nays 2, as follows:

YEAS.

Mr. Abbott,
Abraham,
Acker,
Armstrong,
Arnold,
Burnham,
Caekey,
Chadderdon,
Cleary,
Cleveland,
Coe,
Dayton,

Mr. Donohue,
Garrard,
Greene of Olmsted,
Greene of Steele,
Hunt,
Johnson,
Kirkhead,
Knox,
Levens,
Mann,
McDonough,
Morrison,

Mr. Nettleton,
Olds,
Olivier,
Osman,
Pfaender,
Purdie,
Renz,
Robertson,
Roy,
Secombe,
Skillman,
Stearns,

Mr. Stephenson,
Stewart,
Stock,
Sweet,
Taylor,
Tollman,
Van Vorhes,
Walker Orange,
Webster,
White,
Wilkins,
Speaker.

48

NAYS.

Mr. Baldwin,
Baskin,
Fox,
Hulett,

Langworthy,
Letford,
Meighan,

Sawyer,
Sherwood,
Shrewsbury,

Shultis,
Trow,
Watson,

18

So the bill was passed and its title agreed to.

Mr. Speaker (Mr. Acker in the chair) called up the resolution offered by him in the morning.

Mr. Secombe moved the following substitute :

Resolved, That the Constitution of this State is constitutional, as we understand it.

Mr. Speaker called for the yeas and nays.

Upon the vote being taken there were yeas 39, nays 22, as follows :

YEAS.			
Mr. Abbott,	Mr. Fox,	Mr. Morrison,	Mr. Stearns,
Abraham,	Garrard,	Olds,	Stephenson,
Acker,	Hulet,	Pfaender,	Stock,
Anderson,	Kinkad,	Renz,	Sweet,
Arnold,	Knox,	Sawyer,	Taylor,
Baldwin,	Langworthy,	Secombe,	Temanson,
Brooks,	Letford,	Sherwood,	Trow,
Caskey,	Mann,	Shrewsbury,	Van Vorhes,
Coe,	McDonough,	Skilman,	Watson,
Dayton,	Mitsch,		Webster, 39
NAYS.			
Mr. Burnham,	Mr. Johnson,	Mr. Purdie,	Mr. Tollman,
Chadardson,	Leavens,	Robertson,	Walker, Orange,
Cleveland,	Melghan,	Roy,	White,
Donohue,	Nettleton,	Shultis,	Wilkins,
Greene of Steele,	Olivier,	Stewart,	Speaker. 22
Hunt,	Oxman,		

So the substitute was adopted.

Mr. Secombe moved that the resolution and substitute be indefinitely postponed.

Mr. Robertson called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 35, nays 30, as follows :

YEAS.			
Mr. Abbott,	Mr. Garrard,	Mr. Mitsch,	Mr. Skilman,
Abraham,	Greene of Olmsted,	Morrison,	Stearns,
Acker,	Hayes,	Olds,	Stephenson,
Arnold,	Hulet,	Pfaender,	Stock,
Baldwin,	Knox,	Renz,	Trow,
Caskey,	Langworthy,	Sawyer,	Van Vorhes,
Cleveland,	Letford,	Secombe,	Watson,
Dayton,	Mann,	Sherwood,	Webster, 35
Fox,	McDonough,	Shrewsbury,	
NAYS.			
Mr. Anderson,	Mr. Hunt,	Mr. Oxman,	Mr. Sweet,
Armstrong,	Johnson,	Purdie,	Taylor,
Brooks,	Kinkad,	Rehfeld,	Tollman,
Burnham,	Leavens,	Robertson,	Walker Orange,
Chadardson,	Melghan,	Roy,	White,
Coe,	Nettleton,	Shultis,	Wilkins,
Donohue,	Olivier,	Stewart,	Speaker. 29
Greene of Steele,			

So the substitute and resolution was indefinitely postponed.

Mr. Morrison moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Mann in the chair.

After spending some time therein, the Committee rose and through their Chairman reported back to the House

S. F. No. 53, and recommended that it be indefinitely postponed.

Also,

H. F. No. 120 and recommended that it be referred to the Committee on Incorporations.

The question was upon concurring in the report of the Committee of the Whole.

Mr. Acker moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker. 7

Attest : JARED BENSON, Chief Clerk.

FORTY-SEVENTH DAY.

WEDNESDAY, Feb. 2, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Aaker, Abraham, Beatty, Bixler, Burnham, Butler, Donohue, Garrard, Knox, Mantor, Olivier, Plaender, Rehfeld, Robertson, Sanborn, Scheffer, Shriner, Stevens, Stewart, Taylor, Temanson, Thayer, H. Walker, Watson and Mr. Speaker.

The journal was read and approved.

Mr. Sherwood presented the petition of citizens of the town of Spring Valley, praying that a portion of the town of Sumner may be annexed to their town.

Which was referred to the delegation from Fillmore county.

Mr. Bixler presented the petition from the citizens of West St. Paul praying that their charter may be repealed.

Which was referred to the Committee on Incorporations.

Mr. Johnson presented the petition of J. F. Clark and others, of the town of Anoka, for the protection of the town of Anoka from the sale of liquor.

Which was referred to the member from Anoka county.

Mr. Cleveland presented the petition of citizens of Sherman and Mapleton, in Blue Earth county, for a change in a State road.

Which was referred to the Committee on Roads, Bridges and Navigable Streams.

Mr. Hulett, from the committee on Towns and Counties, reported upon the petition of James Nash and other, as follows :

The Committee on Towns and Counties, to whom was referred the petition of James Nash and others, residents of town No. 27 of range 23, in Dakota county, praying to be organized into a separate town, have had the same under consideration and ask leave to make the following report :

Your Committee are of the opinion that the object of the petitioners could be as well, if not better, attained by making application to the county board of Dakota county.

Your Committee have no evidence that such application has been made or relief denied, and believing that business of a local nature can be best accomplished by the local authority, unless shown to be a case of peculiar hardship, they deem it expedient and proper to discourage such applications to the Legislature, and would accordingly remit the petitions back to the county board of Dakota county.

Your Committee therefore recommend, that the request of the said petitioners be not granted, and the Committee ask to be discharged from the further consideration of the subject.

L. HULETT,
T. J. HUNT,
GEO. MITSCH,
F. REHFELD.
Committee.

Adopted.

Also,

Upon H. F. No. 121, as follows :

To the Honorable the House of Representatives of the State of Minnesota :

The Committee on Towns and Counties, to whom was referred H. F. No. 121, the same being a bill for an act to reduce the law incorporating the city of West St. Paul, in the county of Dakota and State of Minnesota, and the act amendatory thereof, into one act, and to amend the same, have had the same under consideration, and ask leave to report.

Your Committee have formed the opinion from the facts that have come before them in regard to the population, wealth, and condition of West Saint Paul, that the bill under consideration would, if enacted into a law, provide a system of government much too elaborate and expensive for the present wants and necessities of said city.

Your committee further believe, from the facts developed in the investigation of this subject, that a majority of the inhabitants of West Saint Paul do not desire that this bill should be enacted into a law, but on the contrary, that they are opposed to it, and regard such enactment incompatible with their best interests.

Your Committee therefore report the bill back to the House and recommend that the same be postponed indefinitely.

L. HULETT,
T. J. HUNT,
F. REHFELD,
GEO. MITSCH.
Committee.

Laid on the table.

Mr. Letford, from the special committee upon the petition of H. L. Gordon made the following report, and introduced a bill for an act to establish the town of Delhi, in the county of Wright.

Which report was adopted, and the bill was ordered to a third reading.

The committee to whom was referred the petition of H. I. Gordon, J. D. Wheelock and others, would beg leave to report as follows :

1st. That your petitioners are legal voters residing in the town of Clearwater, in the county of Wright, and that said town of Clearwater is composed of township No. 143, part of township 122, north of range 37 west, all of township 121, north of range 27 west, and the southeast part of township 121, north of range 28 west.

2d. That the village of Clearwater is situated near the northern boundary of said town, being the place at which elections and town meetings are held, compelling the voters of other portions of the town to travel in some instances eighteen miles in going to and from elections or special town meetings. Your committee would further state, that a majority of the voters of said town reside in or near the village of Clearwater, and for some local cause are unwilling to grant your petitioners what we believe they are justly entitled to, they not being duly represented in the county board; and your committee, knowing of no other means whereby the prayers of your petitioners can be granted, would respectfully ask your concurrence to the following bill.

J. S. LETFORD,

F. A. RENZ,

Committee.

Mr. Secombe offered the following resolution :

Resolved, That the select committee of this House, to whom was referred S. F. No. 92, with instructions, be empowered to send for persons and papers and to compel the attendance of witnesses.

Adopted.

Mr. Mitchell introduced—

A bill for an act to repeal section four of an act passed March 3, 1858, entitled an act allowing a change of venue in certain cases, the same being subdivision seven of section seven of chapter fifty-three of the so-called public statutes.

Which had its first reading.

Also,

A bill for an act changing the eastern boundary of Monongalia county and for other purposes.

Which had its first reading.

Mr. Sweet moved to suspend the rules so as to allow the bill to be read a second time and referred to the member from that district.

Carried.

And the bill was read a second time and so referred.

Mr. Sanborn introduced—

A bill for an act to authorize the county of Ramsey to issue bonds.

Which had its first reading.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be read a second time and referred to the delegation from Ramsey county.

Carried.

And the bill was read a second time and so referred.

S. F. No. 36. A bill for an act to fix the salary of State officers.

Had its first reading.

S. F. No. 56. A bill for an act to amend certain chapters and sections of the public statutes relating to Probate Courts.

Was read the first time.

S. F. No. 58. A bill for an act to provide for the location of a State road from High Forest, in Olmsted county, to Freeborn, in Freeborn county.

Had its second reading, and was ordered to a third reading.

S. F. No. 103. A memorial to the Postmaster General for increase of mail service.

Had its second reading, and was ordered to a third reading.

S. F. No. 105. A bill for an act fixing the rate of interest.

Had its third reading, and was referred to the committee of the Whole.

S. F. No. 85. A bill for an act to amend an act entitled an act to incorporate the City of Red Wing, approved March 4, 1857.

Was read the third time and put upon its final passage.

And the yeas and nays being ordered, there were yeas 50, nays 3, as follows:

YEAS.			
Mr. Abraham,	Mr. Coe,	Mr. Purdie,	Mr. Sweet,
Acker,	Donchue,	Rehfeld,	Stewart.
Anderson,	Fox,	Renz,	Stock,
Armstrong,	Garrard,	Sanborn,	Taylor,
Arnold,	Greene of Olmsted,	Sawyer,	Tollman,
Austin,	Hulett,	Secombe,	Van Vorst,
Beatty,	Hunt,	Sherwood,	Orange Walker,
Baldwin,	Knox,	Shrewsbury,	Watson,
Bixler,	Langworthy,	Shults,	Webster,
Brooke,	Letford,	Skullman,	White,
Caskey,	McDonough,	Stearns,	Wilkins,
Chadderdon,	Mitchell,	Stevens,	Speaker.
Cleary,	Pfaender,		50
NAYS.			
Mr. Johnson,	Mr. Kinkhead,	Mr. Roy,	8

So the bill was passed and its title agreed to.

H. F. No. 136. A bill for an act to change the name of Willis Arthur Rogers, to Willis Arthur Lout, and to make said Willis Arthur Rogers, the heir at law of A. S. Lout and wife.

Was read a third time and put upon its passage.

Upon the vote being taken there were yeas 53, nays, 4, as follows:

YEAS.			
Mr. Abraham	Mr. Donohue,	Mr. Morrison.	Mr. Skillman,
Anderson,	Garrard,	Nettleton,	Stearns,
Arnold,	Greene of Olmsted,	Olds,	Stewart,
Austin,	Greene of Steele	Purdie,	Stock,
Baldwin,	Hunt,	Pfaender,	Shults,
Bixler,	Kinkhead,	Rehfeld,	Sweet,
Beatty,	Knox,	Renz,	Taylor,
Brooke,	Langworthy,	Sanborn,	Trow,
Caskey,	Letford,	Sawyer,	Walker Orange,
Chadderdon,	Mann,	Scheffer,	Watson,
Coe,	McDonough,	Secombe,	Webster,
Cleveland,	Mitchell,	Shrewsbury,	Wilkins,
Cleary,	Mitch,	Sherwood,	Speaker,
Dayton,			53
NAYS.			
Mr. Hayes,	Mr. Hulett,	Mr. Melghan,	Mr. Roy,

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

H. F. No. 116. A bill for an act for the relief of occupants of the town of Portland.

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 46, nays 3, as follows :

YEAS.

Mr. Anderson,	Mr. Garrard,	Mr. Purdie,	Mr. Stock,
Abraham,	Hayes,	Rehfeld,	Stearns,
Acker,	Hulet,	Rens,	Stewart,
Austin,	Johnson,	Roy,	Stephenson,
Arnold,	Langworthy,	Sanborn,	Trow,
Beatty,	McDonough,	Sawyer,	Van Vorhes,
Bixler,	Meighan,	Scheffer,	Walker, Orange,
Cleary,	Morrison,	Sherwood,	Watson,
Cleaveland,	Mitchell,	Shrewsbury,	Webster,
Coe,	Nettleton,	Shultis,	Wilkins,
Dayton,	Olds,	Skillman,	Speaker,
Fox,	Pfaender,	Secombe,	

47

NAYS

Mr. Sweet,	Mr. Taylor.	Mr. Tollman,	3
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So the bill was passed and its title agreed to.

H. F. No 131. A bill for an act to confer jurisdiction in certain cases upon probate courts of counties other than the county in which the testator or intestate died.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 47, nays 2, as follows :

YEAS.

Mr. Abraham,	Mr. Hayes,	Mr. Pfaender,	Mr. Stearns,
Anderson,	Hulet,	Purdie,	Stewart,
Armstrong,	Hunt,	Rehfeld,	Stock,
Arnold,	Knox,	Rens,	Taylor,
Austin,	Johnson,	Sanborn,	Tollman,
Bixler,	Langworthy,	Sawyer,	Trow,
Brooks,	Letford,	Scheffer,	Van Vorhes,
Chadderdon,	McDonough,	Secombe,	Watson,
Cleary,	Meighan,	Sherwood,	Webster,
Coe,	Mitchell,	Shrewsbury,	White,
Dayton,	Mitch,	Shultis,	Wilkins.
Garrard,	Olds,	Skillman,	

47

NAYS.

Mr. Roy,	Mr. Speaker,	2
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So the bill was passed, and the title was agreed to.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No 120.

Carried.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 35.

Mr. Sweet moved that the bill and report be referred to a special committee of three.

Withdrawn.

Mr. Fox moved to refer the bill to the Committee on Retrenchment and Reform.

Carried.

Mr. Secombe moved to take from the table

H. F. No. 73. An act to change the boundaries of the third, fifth and sixth judicial districts, with amendments.

Carried.

The question was upon concurring in the amendments proposed by the Senate.

Mr. Secombe moved an amendment.

Which was adopted.

The question was upon concurring in the amendment proposed by the Senate as amended by the House.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 48, nays 6, as follows :

YEAS.

Mr. Abraham,	Mr. Cleary,	Mr. Mann,	Mr. Stearns,
Acker,	Dayton,	McDonough,	Shrewsbury,
Anderson,	Donohue,	Mitch,	Shultz,
Arnold,	Fox,	Meighan,	Skillman,
Armstrong,	Garrard,	Morrison,	Stevens,
Austin,	Hayes,	Olds,	Sweet,
Baldwin,	Hulett,	Pfaender,	Tollman,
Bixler,	Johnson,	Renz,	Van Vorhes,
Brooks,	Kinkead,	Sanborn,	Walker, Orange,
Caskey,	Knox,	Scheffer,	Watson,
Coe,	Langworthy,	Sherwood,	Wilkins,
Chadderdon,	Letford,	Secombe,	Webster, 48

NAYS.

Mr. Greene of Steele,	Mr. Nettleton,	Mr. Rehfeld,	Stewart,
Hunt,	Purdie,	Roy,	Speaker. 9
Leavens,			

So the amendment was concurred in, and the title as amended was agreed to.

Mr. Hulett moved that the Clerk be requested to return to the Senate S. F. No. 105 as requested by the Senate.

Carried.

Mr. Kinkead moved that the Senate be requested to return to the House H. F. No. 60.

Carried.

The Speaker transmitted the following communication from McDonald, Graham & Co.

To the Honorable the House of Representatives of the State of Minnesota :

Understanding that propositions have been made and are to be entertained by your honorable body to transfer the so called Land Grant Railroads to Selah Chamberlain or some one else, the undersigned, creditors of the Minneapolis and Cedar Valley Railroads Company, beg leave to submit the following facts for your consideration, in the hope that no transfer or arrangement in regard to said road will be made whereby the undersigned and others, just creditors of said Railroad Company, will be defrauded of their just claims, as seems to be the design of those endeavoring to effect an arrangement with your honorable body in regard to said roads.

The undersigned took a contract from the Minneapolis and Cedar Valley Railroad Company, for the grading of 23 miles of the heaviest work on the line of said road, and were to be paid in Minnesota State Railroad Bonds at par, or cash at five per cent. less, at the option of said Company.

That under said contract the undersigned went on, and out of their own private means advanced money, and performed work on said road up to 1st of July, 1859, to the amount of over \$112,000, besides \$2,000 in cash, advanced by them to said Railroad Company, and that they have been paid on account thereof about \$5,000 in cash and 96 Minnesota State Railroad Bonds of \$1,000 each, and no other or greater sum. That about the 1st of July, 1859, said Railroad Company became embarrassed, and unable to meet its liabilities, or make payments as it had agreed with its various contractors, and that all the contractors on the line of said road were thereby forced to suspend work under their contracts.

That Gov. Sibley and General Shields, two of the Directors of said Company, and who were regarded as having a controlling influence in the management of its affairs, being very desirous that the undersigned should go on and complete the grading of the 23 miles covered by their contract, represented and positively assured the undersigned that if they would continue the prosecution of the grading under their said contract to completion they, the said Sibley and Shields, would see that bonds were set apart and expressly held for the payment of the amount then due them, as well as what would become due for work thereafter to be done; and that upon the faith of said representations and assurances the undersigned did go on and complete the entire grading of the whole 23 miles, according to the requirements of their said contract, and that they were the only contractors who did perform any work on said road after the 1st of July, 1859.

That the actual cost of the whole work done by them was \$136,739, and that nothing has been paid them on account thereof except the cash and 96 bonds before mentioned, which were for work done before the 1st of July, 1859.

That in order to raise money to prosecute said work as aforesaid, the undersigned pledged thirty of the bonds which had been paid them to raise the sum of \$8,000, expecting to get the means from the Company to redeem the same as soon as their job would be completed, but that by reason of the failure of the Company to pay them, said thirty bonds have been sold by the pledgee thereof at a sacrifice and loss to the undersigned of \$22,000. That they have obtained judgment in the District Court of Ramsey county against said Company for the balance due them on account of said work, viz. \$37,531.91—which judgment is wholly unsatisfied.

The undersigned further state that while they were prosecuting said work at the request and on the faith of the assurances of being paid as aforesaid, the Directors of said Company entered into an arrangement with certain persons not then known as Directors of said Company, of whom Benjamin Pringle of New York appeared to be the principal, and who by said arrangement acquired a controlling influence in said Company. That the said Pringle was introduced and recommended to the Directors of said Company by Selah Chamberlain, as a suitable and proper person to whom to entrust the control and management of the affairs thereof.

And the undersigned have reason to believe, and do believe and charge, that the said Selah Chamberlain was the real man in interest in getting the control and management of the affairs of said Company out of the hands of the former Directors, and that the said Pringle was but the instrument in his hands for that purpose, and that the evident design was to get the undersigned and others to expend as much money and perform as much labor as possible on said road, by holding out the hope of payment, but with no real design of paying one cent therefor, as is clearly evidenced by subsequent events, and then, by some arrangement with your honorable body, to become the owner of said road, freed from all debts and liabilities, thereby securing to himself

the benefit of the money and labor expended by the undersigned and others upon said road. To support this charge the undersigned submit the following facts from among the many items to the same effect that are daily coming to light.

First. That said Pringle, immediately upon taking charge of the affairs of said Company, bought up the stock of J. W. North, James Shields, Judge Vaughn and others, with the design of getting the control of a majority of the stock of said Company, and that in payment of the stock of J. W. North he fraudulently used six of the State Bonds belonging to the Company; and that, upon thus obtaining the control of a majority of the stock, a new Board of Directors was elected, viz. Benjamin Pringle, President; Joseph Chamberlain of Cleveland, Ohio, brother of Selah Chamberlain, W. B. Chate, managing agent of Selah Chamberlain, W. A. Prentiss and Albert Caldwell, persons recommended by Selah Chamberlain, together with two of the old Directors; and that thereafter everything in connection with the affairs of said Company seems to have been managed in accordance with the wishes, if not directions, of said Selah Chamberlain.

Second. That said Pringle has seldom been in the State of Minnesota since his connection with said road, and when here seems to have been intent only upon getting possession of the State Bonds of the Company, and carrying the same away, without appropriating the same in payment of the liabilities of the Company. That said Company had 55 State Bonds deposited with Messrs. Borup & Oakes, at St. Paul, as collateral security for about \$8,000, and that said Pringle settled with said Borup & Oakes, and lifted said bonds, and carried the same out of this State, and has never rendered any account thereof, so far as the undersigned are informed or are able to ascertain.

Third. That said Company held the contract of R. M. S. Pease for the return of 43 State Bonds to said Company, which had been sold or loaned to said Pease, and that when the undersigned attempted to garnishee said Pease on account thereof, they were informed that said Pringle had assigned and transferred said contract to one James Ludington of Milwaukee, in payment of a bogus claim held by him against the Southern Minnesota Railroad Company, and the undersigned believe that an attempt of the kind has been made thus to transfer said contract by said Pringle, but that it is wholly fraudulent, and designed for the purpose of placing the same beyond the reach of the creditors of said Company.

Fourth. That said Pringle has totally disregarded the interest of said Company, by allowing a large amount of its bonds received from the State, which had been hypothecated by said Company, to be sold for from 14 to 20 per cent. at public sale, without any effort to save the Company from loss in the matter.

Fifth. That in the month of September last, after the undersigned had completed their work upon said road and got the final estimate thereof, said Pringle came to St. Paul, and was informed by the undersigned that their work was finished and estimates made out by the engineer, and was asked if the bonds were ready to be delivered over to them in payment thereof, pursuant to their contract, and the aforesaid understanding and assurance; and that he replied that the bonds would be forthcoming. That on the same or the next day thereafter, that said Selah Chamberlain arrived at St. Paul, and after an interview between the said Chamberlain and the said Pringle had taken place, the undersigned again called upon him, said Pringle, who seemed to have undergone an entire change of feeling from the proceeding day, in regard to paying the undersigned, and then held out no hope or assurance that the undersigned would be paid at all, but on the contrary, plainly told the undersigned that there was no hope or chance of being paid; and that ever since that time no

hope or assurance has been held out to the undersigned, that it was the intention or even *desire* to pay them by the said Pringle, but on the contrary, every effort has been made to defeat and frustrate them in any attempts to collect or secure their said demand.

Sixth. That fifty-three of the State Bonds belonging to said company were received by the Sheriff of Ramsey county, within the last two weeks upon garnishee proceeding, to be sold upon an execution against said company of \$8000. That the undersigned, thinking that some security might be obtained thereby, had given out that they were ready to pay off said execution and take said bonds, and that they wished to know when the same were to be sold, in order that they might be present and bid on the same, and that they kept a careful watch in the papers, and at the Court House door, where by law notice of sale by sheriff's are required to be posted, in order that they might know when said bonds were to be offered for sale. That no notice of the sale of said bonds appeared in any of the papers, nor was any notice that said bonds were to be sold, posted up at the door of the Court House and permitted to remain, and notwithstanding all the precaution of the undersigned to ascertain when said bonds would be sold, in order that they might be present and bid on the same, they were unable to get information upon the subject until Saturday the 28th inst., when they ascertained from the Sheriff that said bonds had that day been sold by him for about \$8000, being the amount of the executions on which they were sold. And the undersigned now understand that said bonds have gone into the hands, and are now held by said Pringle or Selah Chamberlain, and they believe that said sale was fraudulently managed by said Pringle, to prevent the undersigned and others from knowing when said sale was to take place, and that in fact no one did know when said bonds were to be sold except the parties in interest in said executions and said Pringle, and that the design was to enable said Pringle to get said bonds, by paying the amount of said executions, and thereby defraud the undersigned and other creditors of their just claims against said company. That two or three days before the alleged sale of said bonds by the Sheriff, the party in interest in said execution, was enquired of as to when said bonds should be sold, and in reply said they would not be sold until some time in February, which was evidently designed to lead the undersigned and others astray in regard to the matter.

Seventh. That the said Pringle and the said Selah Chamberlain now are, and for some time past have been, in the city of St. Paul acting in concert, and with a perfect understanding in regard to the affairs of said railroad company, and that the said Selah Chamberlain said to the undersigned, that if he got said road, through or by any arrangement with the Legislature, the undersigned would be cut out of their claim.

Considering, therefore, the amount of labor which has been performed by the undersigned upon said road, and the circumstances under which the same was performed, and the losses to which they have been subjected by the bad faith of the managers of said company, and in view of the fact that whoever succeeds to the ownership of said road, acquires the benefit of all the money and labor expended by the undersigned on the road, we would humbly beseech that no arrangement be made with any one for the transfer of said road, without provision being made for the payment of the said claim of your petitioners, as well as of all other just claims against said company.

MACDONALD, GRAHAM & Co.

St. Paul, January 31st, 1860.

Mr. Hulett moved to refer the communication to a committee of three.

Mr. Secombe moved to amend by referring the communication to a joint

special committee, to be composed of Ex-Governor Sibley, Gen. Shields, Selah Chamberlain, Benj. Pringle, John W. North, Selah Chamberlain's brother, Rev. R. M. S. Pease, and such other persons as they may associate with themselves—with authority to send for persons and papers and to settle the whole matter.

Which was not entertained.

Mr. Secombe moved to amend as follows :

With instructions to inquire into the alleged fraudulent transactions mentioned in the said communication, and report whether the same are true ; and if so, then what punishment ought to be inflicted upon those guilty of the said fraudulent transactions.

Mr. Sanborn moved that the communication be laid upon the table.

Mr. Stevens moved to amend by adding, "and be printed."

Withdrawn.

The question recurring upon the motion to lay upon the table.

Lost.

The question recurring upon the amendment offered by Mr. Secombe, Mr. Mann moved to amend by striking out all after the word "true."

Carried.

The question recurring upon the amendment as amended,
It was carried.

The question was upon the motion of Mr. Hulett as amended.

Mr. Secombe moved as a substitute "that the memorialists have leave to withdraw their memorial."

Withdrawn.

Mr. Meighan moved an amendment—

"Provided, that there shall be no expense of such inquiry charged to or paid by the State."

Lost.

Mr. Acker moved that the whole matter be indefinitely postponed.

Lost.

Mr. Secombe moved that the committee have power to send for persons and papers, and compel the attendance of witnesses.

Carried.

Mr. Trow moved the previous question.

The question was shall the main question be now put.

Carried.

The question was upon the motion made by Mr. Hulett as amended.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 43, nays 19, as follows :

YEAS.

Mr. Armstrong,	Mr. Hulett,	Mr. Morrison,	Mr. Stock,
Austin,	Hunt,	Pfaender,	Sweet,
Bentley,	Kinkaid,	Purdie,	Tollman,
Bixler,	Knox,	Rehfeld,	Trow,
Brooks,	Leavens,	Sawyer,	Van Vorhes,
Caakey,	Letford,	Scheffer,	Walker Orange,
Cleary,	Mann,	Secombe,	Watson,
Donohue,	McDonough,	Sherwood,	White,
Fox,	Melghan,	Shrewsbury;	Wilkins,
Greene of Olmsted,	Mitchell.	Stearns,	Speaker.
Hayes,	Mitch,	Stevens,	48

NAYS.

Mr. Abraham,	Mr. Burnham,	Mr. Johnson,	Mr. Shultz,
Acker,	Coe,	Olds,	Skullman,
Anderson,	Dayton,	Renz,	Stewart,
Arnold,	Garrard,	Roy,	Taylor.
Baldwin,	Greene of Steele,	Sanborn,	19

So the motion was carried.

The Speaker appointed as such committee Messrs. Hulett, Hayes, and Stock.

Mr. Hunt offered the following resolution :

Resolved, That the committee just appointed be instructed to consider all claims and charges made against any of the Land Grant Railroad Companies or their officers, by any person or persons.

Adopted.

Mr. Tollman moved to add Messrs. Secombe and Sweet to the committee.

Carried.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

H. F. No. 60. A memorial to the President of the United States.

Also,

H. F. No. 70. A bill for an act providing for an alteration of the State road from La Crosse to Mankato.

Also,

S. F. No. 72. A bill for an act to locate certain roads in Mower county.

Herewith submitted, and to which the concurrence of the House is requested.

I also return to the House

S. F. No. 105. A bill for an act fixing the rate of interest.

I am also requested to announce to the House that Messrs. Cowen, McLaren, and Cook, are appointed on the part of the Senate to act with a similar committee on the part of the House, in the examination of the Treasurer's accounts, and the securities deposited in the Auditor's Office by banking associations and individual banks, together with the books and papers therein relating to the business of banking, as required by law.

A. B. WEBBER, Secretary.

Mr. Stearns, from the committee of conference upon

H. F. No. 10. A bill for an act to locate a State road from Minneka to Beaver,

Reported, and the report was adopted.

The House then took a recess until half-past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Acker moved that

H. F. No. 92. An act for the protection of the rights and liberties of persons claimed as fugitive slaves,

Be made the special order for Tuesday next.

Carried.

Mr. Acker moved that the House resolve itself into a committee of the Whole, to take into consideration H. F. No. 138, and such other business as may come before it.

Mr. Acker in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 138, and recommended that it be referred to the Committee on Printing.

Also,

H. F. No. 106, with a recommendation that it be passed.

Also,

H. F. No. 32, with the recommendation that it be referred to the Committee on the Judiciary.

Also,

S. F. No. 18, and recommended that it be referred to the Committee on State Affairs.

Also,

H. F. No. 75, and recommended that it be passed as amended.

Also,

S. F. No. 45, and recommended that it be passed.

Also,

H. F. No. 79, with the recommendation that it be passed.

Also,

H. F. No. 77, with the recommendation that it be referred to the Judiciary Committee.

H. F. No. 105, with the recommendation that it be passed.

Also,

S. F. No. 110, with the recommendation that it be passed.

Also,

H. F. No. 139, with the recommendation that it be passed.

Also,

S. F. No. 140, with the recommendation that it be indefinitely postponed.

Also,

S. F. No. 7, with the recommendation that it be referred to the committee on Judiciary.

Also,

S. F. No. 16, with the recommendation that it be passed.

Also,

H. F. No. 118, with the recommendation that it be passed as amended.

Also,

H. F. No. 90, with the recommendation that it be referred to the Judiciary Committee.

The question was upon concurring in the report of the committee upon H. F. No. 138.

Mr. Sweet offered the following resolution as a substitute for the recommendation of the report of the committee of the whole :

Resolved, That this bill be referred to the Committee on Printing, with instructions to report a bill authorizing the Governor of the State, the State Treasurer, and the State Auditor, to act as commissioners, and advertise for and receive proposals to perform all State printing, the same to be awarded to the lowest bidder.

Upon which he called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 22, nays 31, as follows :

YEAS.

Mr. Anderson, Armstrong, Casky, Cleary, Hunt, Johnson,	Mr. Kinkaid, Letford, Meighan, Mitchell, Morrison,	Mr. Pfeander, Rens, Roy, Scheffer, Stock,	Mr. Sweet, Taylor, Tollman, Wilkins, Speaker
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22

NAYS.

Mr. Abraham, Austin, Baldwin, Bixler, Burnham, Chadlerdon, Cleveland, Coe,	Mr. Dayton, Fox, Garrard, Greene of Steele, Hayes, Hulet, Knox, Langworthy,	Mr. Leavens, McDonough, Olds, Purdie, Robertson, Sawyer, Secombe, Sherwood,	Mr. Shultis, Skillman, Stearns, Stephenson, Stewart, Walker, Orange, White,
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31

So the substitute was lost.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 138.

Which was concurred in.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 110.

Mr. Mitchell offered an amendment,

Which was adopted.

The question recurring upon concurring in the report of the Committee of the Whole, as amended upon H. F. No. No. 110,

Mr. Mitchell called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 29, nays 25, as follows:

YEAS.

Mr. Abraham, Austin, Baldwin, Cleary, Garrard, Greene of Steele, Hayes, Hunt,	Mr. Kinkaid, Langworthy, McDonough, Meighan, Mitchell, Mitsch, Robertson,	Mr. Sanborn, Sawyer, Scheffer, Sherwood, Shultis, Skillman, Stearns,	Mr. Stephenson, Taylor, Tollman, Trow, Walker, Orange, Wilkins, Speaker.
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NAYS.

Mr. Anderson,	Mr. Coe,	Mr. Letford,	Mr. Roy,
Armstrong,	Dayton,	Morrison,	Secombe,
Bixler,	Fox,	Olds,	Stewart,
Brooks,	Hallett,	Pfaender,	Stock,
Caskey,	Johnson,	Purdie,	Sweet,
Chadlerdon,	Knox,	Renz,	White,
Cleveland,			

25

So the report of the Committee was concurred in.

The question then was upon concurring in the balance of the report of the Committee of the Whole.

Which was concurred in.

Mr. Kinkead moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FORTY-EIGHTH DAY.

FRIDAY, Feb. 3, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Aaker, Abbott, Beatty, Butler, Caskey, Garrard, Hunt, Kinkead, Mann, Mantor, Nettleton, Olivier, Purdie, Renz, Robertson, Sanborn, Scheffer, Shriner, Stevens, Stephenson, Temanson, Thayer, Van Vorhes, H. Walker, Watson, Webster, Willey, and Wilkins.

The journal was read and approved.

Mr. Sweet asked and obtained leave of absence for Mr. Shriner.

Mr. Austin asked and obtained leave of absence for Mr. Shrewsbury.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed

H. F. No. 125. A bill for an act for the relief of securities on official bonds.

H. F. 46. An act to further define the duties of Register of Deeds of the several counties of this State.

H. F. No. 137. A bill for an act to change the boundary lines between Scott and Dakota counties.

H. F. No. 142. An act to commute the sentence of Mrs. Anna Bilanski to imprisonment for life in the State Prison.

H. F. No. 143. A bill for an act in relation to proposed amendments to the Constitution of this State.

H. F. No. 126. A bill for an act to provide for the issuing of licenses to hawkers and pedlars.

H. F. No. 130. A bill for an act to amend an act passed June 23, 1858, entitled an act relating to prairie fires.

H. F. No. 113. A bill for an act to provide for the time and manner of electing members of the Senate of the United States from the State of Minnesota.

H. F. No. 117. A bill for an act to amend an act entitled an act to regulate the foreclosure of real estate, approved July 29th, 1858.

H. F. No. 79. A bill for an act to prevent breaches of the peace.

H. F. No. 80. A bill for an act to punish any interference with the serving of civil or criminal proceedings.

Mr. Cleveland, from the special committee on Railroads and Railroad Grants, presented the following report :

The Concurrent Committee, to whom were referred the general subjects of Railroads, Railroad Grants, and Minnesota Railroad Bonds, beg leave to report as follows :

The history of Minnesota's five million loan of credit is familiar to all. The magnificent grant of lands by Congress to aid in the construction of Railroads, was given by Minnesota to the Land Grant Railroad Companies, with faith that these companies would provide the capital necessary to complete the roads. Minnesota asked nothing in return but the common benefit to be derived from the improvement.

The sequel demonstrated that the companies had no cash capital at command, and scarcely credit sufficient to insure a prompt location of their lines of road. As a consequence the people at large were bitterly disappointed. In this condition of things an amendment to the constitution was asked of the people by these companies.

They urged that their delays and weakness were owing to the embarrassment of the times ; that their perplexities were but temporary, and that the aid of the State, as proposed by the amendment, was all that was required to start the roads and insure their prompt completion. "This assistance should be but a loan of credit, inflicting no burden upon the people, but serving simply as an endorsement of the enterprise by the State, which they would fully secure and indemnify against all loss and all liability of loss. In short, the companies said to the people—' Lend us the credit of the State to the amount of five millions of dollars, and we will complete your roads within the times you require, without any tax upon you, and will secure and indemnify the State against the payment of any portion of the loan.'"

This proposition was embodied in the " Railroad Loan Amendment," to the Constitution, and formed a bargain between the companies and the people who voted for it, upon this understanding ; that is to say, upon the condition that the roads should be built according to the terms of the contract therein set down.

The Committee do not propose to go at length into an examination of the legal construction of the amendment. This question has been fully discussed

by the public press of the State. It has been brought to the attention of the Legislature in the message of his Excellency the Governor. The purpose and object of the amendment seem too plain to be controverted, namely—that the bonds were issued for the sole purpose of having completed Railroads. And it was upon this consideration to be received by the State, that the bonds were issued to the companies.

Have these companies fulfilled the terms of their contract made with the State? The answer to this interrogatory is found in the history and present condition of these railroad companies. They have not proceeded according to the spirit of the amendment to insure the construction of the Land Grant Railroads. So far as your committee can discover, the companies since the passage of the loan amendment, have not furnished one dollar of capital to aid in carrying on their gigantic enterprise. They have sold and hypothecated large portions of their bonds at a ruinous discount. They have paid extravagant salaries to incompetent or inefficient officers. With the exception of about fifty miles of well built superstructure—incomplete, fragmentary and disjointed portions of grading, costing on the average less than \$3,000 per mile—are all that these companies can show in return for the munificent issue of bonds made to them by the State.

The State is immeasurably worse off to-day than if the Land Grant still remained in the State, and not a foot of ground broken. What has been done could have been more speedily done by the State itself, and at far less expense than the sum of its present issue of bonds. The bonds issued to the companies have been, to a great extent, misapplied.

Will the issue of the balance of the bonds insure the completion of the roads by these defaulting, bankrupt companies? The State has already issued to them bonds to the amount of \$2,275,000, and behold the result! The credit of the State has been temporarily embarrassed, and the people have got no completed Railroads.

The bare mention of the idea embodied in the interrogatory, shows it to be chimerical to the last degree. The three companies which have defaulted are without means or credit. Not a bond should have been issued to the companies unless they had the means and knew how they could complete the roads. It was not contemplated that they should construct a few miles of unfinished road-beds which the elements would soon obliterate. A poor return this for first, the liberal grant of lands donated by Congress, and, second, of \$5,000,000 of bonds to be issued by the State. 'To expend the bonds without finishing the roads, at least in part, was a gross perversion of the object and purpose of the loan. In addition to this, provision has not been made nor secured to the State, to pay the interest or principal of the bonds. Within the spirit of the amendment, where are the nett profits of constructed roads, which were to be transferred to the State as security? By reason of having constructed a portion of their roads, what lands, by the sale of which the interest on the State bonds was to be provided for, are the companies entitled to sell? What are the first mortgage bonds on mere road beds worth, as indemnity to the State?

All the companies except one have defaulted in the payment of the interest on the State bonds. Owing to the broken pledges of these companies, the bonds stand this day dishonored and worthless. Instead of hundreds of miles of completed railroads, they have given us, here and there, a few miles of imbankments and graded road-beds, through lands, which they have rarely paid for, and which are utterly worthless to the State, except to serve as melancholy monuments of the overthrow of moneyless Railroad projectors, and of the ruin of a too confiding people. The great misfortune of the five million loan policy was its utter impracticability. In the first place the loan was a great

deal too large to be borne by the people of a State in its infancy, and at a time, when a financial revulsion had paralyzed the energy of the West. Again, the management fell into the hands of men without the business capacity or financial ability to accomplish their undertaking. Is it then to be wondered at that the roads are abandoned, the companies bankrupt, and that those who trusted them for merchandise, produce and labor implore in vain for payment? What more could be expected of companies, whose treasuries are empty, and whose unadjusted liabilities amount to hundreds of thousands of dollars? To expect from them the completion of their roads is both vain and visionary.

The great question therefore is, not so much what have been the errors of the past, as what shall be the policy of the future. In fixing that policy, two important questions demand solution. First how shall the State secure herself against further loss, by reason of her unfortunate business relations with these insolvent companies; and second, how shall the State dispose, equitably, of her alleged obligations known as special State Railroad bonds, and at the same time, secure the early completion of her railroads?

In answer to the first interrogatory, your committee recommend the speedy passage of a law authorizing the Governor by himself, or by his duly appointed agent, to bid in and secure all the estate, right, title and interest of the Land Grant Companies, which have defaulted in the payment of the interest on the Minnesota State Railroad Bonds, issued to them, respectively, in and to the lands, road-beds, with the grading thereon, appurtenances and franchises of the said defaulting Land Grant Railroad companies, when sold by the trustees of said companies in the manner required by law.

Touching the second important proposition above stated, your committee would earnestly recommend such equitable arrangement and settlement with the holders of the special Railroad Bonds as should fully satisfy this class of creditors, and which at the same time, will not defeat nor jeopardize the prompt completion of the roads. To effect this equitable adjustment, will require an amendment to the Constitution which your committee recommend shall be submitted to the people at an early day. They further recommend, that the terms of this amendment shall finally fix the amount at which the State will retire these Special Bonds, by giving therefor new and general bonds of the State—the interest on such new bonds to begin at such times as the same can be paid without hardship to this class of creditors, or oppression to the people. With respect to the percentage to be paid in the new bonds proposed to be issued to the holders of the special bonds, your committee knew no rule of settlement more wise and just than to allow the cost of the work that has been done upon the roads. Moreover, as the State will, doubtless, sell out the companies and take possession of their graded road-beds, it seems but just that the fair cost of this work should be paid for by the State. This, undoubtedly, is the true and just rule by which to fix the value of the old and the amount of the new bonds issued for this purpose. From the most reliable information, your committee have been able to obtain, the cash cost of this work, including grading, bridging, and other proper and legitimate expenses incurred upon the roads will not exceed \$2,500 per mile. Ten thousand dollars per mile have been delivered to these companies in State Bonds. This rule of estimate fixes twenty-five cents on the dollar, or one fourth of the bonds issued as the percentage to be paid by the State, and which will fully cancel all claims in law or equity that the holders of the special bonds can properly set up against the State. But although such settlement would doubtless cancel every obligation of the State to the holders of the special bonds, your committee would earnestly recommend that the remaining seventy-five per centum should be paid to the parties surrendering the special bonds in paid up stock of the company, receiving the bonus here-

after proposed. Again they would earnestly recommend, with a view of insuring the prompt building of the railroads and to give such assistance to this great enterprise as will insure its success, and still keep the debt of the State within its present limits of bonds outstanding, that from time to time as portions of said road are actually completed and the cars running thereon, and like amounts of the special bonds above referred to delivered to the Governor and canceled, new bonds shall be issued as an absolute gift or bonus to the company or companies actually completing the portions of road as above proposed.

With a view of carrying out the suggestions of this report, your committee would beg leave to submit a Bill proposing an Amendment to the Constitution for submission to the people and which will, if adopted, in the opinion of your committee, mainly settle the complex question growing out of the five million loan policy, and insure the prompt completion of the Railroads.

In submitting the policy of the proposed amendment, the signers of this report recommend its adoption for the reason that it is the only feasible plan which suggested itself to their minds to settle our present railroad complications. They however hold themselves ready and eager to embrace and heartily support any wiser plan than the one here proposed, for the protection of the people from taxation, the prompt completion of the roads and the speedy enhancement of the material prosperity of the State. Again we say, show us a better plan and we will promptly abandon it.

Your committee, by resolution, called upon the President and Secretaries of the several Railroad Companies of this State for a sworn statement of the amount of first mortgage Bonds, issued by such companies, and now outstanding, to whom issued, when issued, and for what amount negotiated, and also for a full and perfect statement, "under oath," of the condition and transactions of their respective companies.

The President of the Minnesota and Pacific Railroad Company responded promptly to the call of your committee.

None others have yet done so.

Statements from officers and engineers of said companies have been received by your committee, and are herewith submitted, also statements of the claims of various parties against the Minneapolis and Cedar Valley Railroad Company, which are herewith submitted and recommended to your consideration.

All of which is respectfully submitted.

[Signed.]

J. H. STEWART, Ch. Sec. Com.

G. K. CLEVELAND, Ch. H. Com.

GEO. W. GRBENE,

ORANGE WALKER,

ABM. OZMAN,

JOHN W. BURNHAM.

St. Paul, Feb. 3d, 1860.

A.

With a view to exhibiting some of the benefits to result to the people of Minnesota from the adoption of the policy recommended by your committee, the following carefully prepared estimates are submitted for your consideration :

Estimated proportion of surplus which would be transported by the proposed railroad based on the agricultural products of 1859.

Counties and Proportion of Surplus.	Wheat, bush.	Corn, bush.	Oats, bush.
Shurburne, one half.....	15,700	11,000	17,000
Wright, one quarter.....	12,500	22,000	16,000
Hennepin, one quarter.....	20,000	43,000	37,500
Ramsey, one quarter.....	5,000	5,500	7,500
Washington, one eighth.....	6,500	7,500	10,000
Dakota, one quarter.....	25,000	40,000	27,500
Scott, one fifth.....	13,000	19,500	15,000
Carver, one eighth.....	3,000	5,500	6,000
Le Sueur, one fifth.....	5,000	6,000	11,000
Rice, all.....	150,000	120,000	150,000
Goodhue, one quarter.....	25,000	12,000	12,500
Waseca, all.....	18,000	50,000	37,500
Steele, all.....	28,000	99,500	59,500
Dodge, all.....	80,000	75,000	70,000
Olmsted, all.....	130,000	34,000	100,000
Wabashaw, one fifth.....	14,000	17,500	9,500
Faribault, one half.....	3,800	12,000	5,000
Freeborn, all.....	45,000	11,000	32,500
Mower, all.....	44,000	12,000	33,000
Fillmore, three-fourths.....	157,500	37,500	130,000
Winona, one-fourth.....	25,000	22,500	17,500
Houston, one-fourth.....	25,000	20,500	22,000

Totals..... 841,500 618,000 810,500

The surplus is assumed at one half the total product, which is believed to be a very low estimate. Gov. Ramsey in his inaugural message estimates the wheat surplus at two-thirds the entire crop. Of the counties included in the preceding table, a number rest on or near navigable waters, and it may be claimed by some that they will reap no benefits in reduced cost of transportation, yet when we consider the uncertainty of navigation in the autumn, and the long winters in which they will be compelled to look to railroads as their only means of export and import, the fractional parts of the surplus allotted to railroad lines are certainly quite small.

If we select from the table the counties of Rice, Steele, Dodge and Olmsted, and consider the benefits to each in the saving of transportation, the results are most surprising.

RICE COUNTY.—The mean distance the surplus of this county is moved to the Mississippi river, is 38 miles. Proposed line of railroad, 8 miles—difference 30 miles. To transport a load of fifty bushels of wheat or corn 30 miles, will occupy at least two and half days (average,) and will cost \$6, or 12 cents per bushel.

Deduct 3 cents per bushel for discount, cost of transportation by rail, leaving 9 cents saving in cost of transportation on wheat and corn, and say 6 cents on Oats.

150,000 bushels	Wheat at 9 cents,.....	\$13,500
120,000 "	Corn at 9 cents,.....	10,800
150,000 "	Oats at 6 cents,.....	9,000

Total,.....\$33,300

STEELE COUNTY.—Difference in distance to be transported, 45 miles—equal to a saving of 10½ cents per bushel on wheat and corn, and 7 cents on oats.

80,000 bushels wheat at $10\frac{1}{2}$ cents,.....	\$8,400
70,000 " oats at 7 cents,.....	4,900
75,000 " corn at $10\frac{1}{2}$ cents,.....	7,875
Total	\$20,175
SUMMARY. —Rice county,.....	\$33,300
Steele county,.....	21,385
Dodge county,.....	21,175
Olmsted county,	20,760
Total ,.....	\$96,750

We have here four interior counties with an area only equal to 2000 square miles, which would have saved on the cost of transportation of three items of surplus for the year 1859, a sum equal to more than one-half the interest on the \$2,500,000 at 7 per cent., and when there is added to this other items of export and import, including live stock, lumber, merchandise and manufactured articles, the value of this line of improvement to the farmer can hardly be over-estimated.

In order to exhibit concisely the benefits to be derived from the saving of transportation of the three articles of export embraced in the table, your committee would submit the following as the result of their examination :

841,500 bushels Wheat at 7c.....	\$58,905
618,000 " Corn at 8c.....	43,260
810,500 " Oats at 5c.....	40,525

Total saving on surplus of 1859.....\$142,790

Suppose the surplus to increase for three years at the rate of 10 per cent. per annum only, we have saved in transportation

In 1860.....	\$157,069
In 1861.....	172,775
In 1862.....	190,125

Equal to \$15,000 more than the interest on \$2,500,000 which amount the debt cannot reach before 1863. Under the impulse given to all branches of agriculture, by the completion and opening of the proposed line of road, your committee estimate that the surplus would increase from 1862 to 1865, at the rate of 25 per cent per annum, giving as the saving in cost of transportation on their articles of surplus

In 1863.....	\$237,565
In 1864.....	296,956
In 1865.....	371,195

or \$70,000 more than twice the interest on a debt of \$2,500,000 on three articles of export.

It is hardly necessary for your committee to say that while all districts must be measurably benefitted by any work of internal improvement, those lying adjacent will be most increased in population and taxable wealth, and consequently will be compelled to assume burdens proportioned to the benefits received. As a means of winter communication the commanding importance of the proposed work of improvement will be recognized and admitted by all residents along its immediate line, but your committee cannot refrain inviting your attention to some facts which refer to its bearings upon remoter districts upon the completion of the first proposed line of road from La Crescent, via Rochester, Owatonna, Faribault and Northfield, to St. Paul and thence via St. Anthony to Anoka, the entire eastern slope of the Minnesota Valley and that of the Blue earth will lie within an extreme average distance of less than

forty miles from its line. According to the returns of the last election, the counties of Le Sueur, Nicollet, Blue Earth and Faribault, have an aggregate population of 3,727 voters. The average cost per passenger from either of these counties to La Crosse, during the winter months, including loss of time, is not less than \$14. With a line of Railroad touching Owatonna and Faribault, the mean wagon transportation is reduced from 150 to 40 miles, and the cost per passenger from \$14 to \$7—or one-half.

In the State of New York the travel by Railroad, is equal to 725 miles per annum for every voter, or nearly five times the distance from the Minnesota Valley to La Crosse. If we estimate the travel between the four above named counties and La Crosse at two-fifths of the average in New York, which is only equal to eleven passengers per diem each way from these counties for 156 days of winter, the actual saving in cash upon the cost of passenger transportation, is \$24,000—or \$6.50 for every voter during the six winter months. These facts will apply with equal force to the Valley of the St. Croix, the Upper Mississippi and Upper Minnesota, and in a great degree to the towns and counties bordering on the Mississippi river between St. Paul and Wabashaw.

In fact, there is hardly a county in the State but will reap either direct or incidental benefits from a system of Railroad such as is proposed.

B.

Your Committee would add some facts in relation to the cost and other characteristics of Railroads in the United States, which may be instructive and serve to aid in the discussion of this subject.

There are now in operation in the United States about 26,500 miles of Railway, which have cost about \$950,000,000.

In the Northwestern States Ohio has 3,000 miles in operation, Indiana, 1,300; Michigan, 1,100; Illinois, 3,000; Wisconsin, 900; Iowa, 400; Minnesota, none.

The average cost per mile in the Northwestern States, is as follows:

Ohio, \$38,000 per mile; Indiana, 23,400 per mile, Michigan, \$30,300; Illinois, \$33,000; Wisconsin, \$25,500; Iowa, \$33,000.

Indiana, on account of the great plains composing her surface, presents the least obstacles to Railroad construction of any of the Northwestern States.

The cost of Railroad in Minnesota, owing to the diversified features of its topography, will exceed that of Indiana, and may be fixed at \$24,000 to \$25,000 as the lowest limit.

The following characteristics of the Railroad system of New York, are compiled from the report of the Railroad Commissioners of that State for the year ending, September 30th, 1855.

The capital invested is equal to \$40 to each inhabitant, or \$215 to each voter. [This would give to Minnesota, with a population of 200,000, four hundred and eighty miles of completed Railroad, at a cost of \$25, per mile.]

One-fourteenth of the population are engaged in Railroad pursuits.

The travel on the roads of New York, per year, is equal to 725 miles for every voter, and 135 miles for every man, woman and child in the State. Forty thousand persons travel every day, and twenty daily move over every mile of road.

The length of road in operation, including double tracks, is 3,187 miles, in constructing which there has been subscribed and paid in to the capital stock \$70,941,930, or \$22,300 per mile.

The amount of first mortgage bonds issued is \$19,476,418, or a little upward of \$6,000 per mile.

The remainder of the cost has been raised from the issue of second and third mortgage and other kind of bonds.

Average cost per mile of all the railroads in the State is \$50.792.

These roads employ 735 locomotive engines and 11,063 cars of all kinds.

The average cost per mile of some of these roads of Western New York, where the surface is quite as favorable for railroad construction as that of Minnesota, is as follows :

Buffalo, Corning and New York Railroad,	\$25,000
Rochester and Genesee Valley do	30,000
Canandaigua and Elmira do	25,970
Chemung do	25,862
Canandaigua and Niagara Falls do	34,855
Niagara Falls and Lake Ontario do	29,941
Buffalo and New York City do	36,776
Buffalo and State Line do	35,075

The average cost per mile of the various items in the construction of the eight last mentioned roads, are as follows :

Graduation and Masonry,	\$ 9,700
Bridging,	973
Superstruction, including iron,	9,950
Passenger and freight stations, buildings, fixtures,	645
Engine and car houses, machine shops and fixtures,	340
Land, land damages and fences,	5,000
Locomotive engines, fixtures and snow plows,	1,367
Passenger and Baggage cars,	400
Freight and other cars,	1,260
Engineering and Agencies,	1,500
Other items, including interest and discount,	500

Average total cost per mile,..... \$31,635

The total cost of these roads is \$15,000,000, and their nett earnings in 1855 amounted to \$575,000, or less than four per cent. on the cost.

Mr. Nettleton, from the same committee, reported as follows :

The undersigned, from the Committee on Railroads and Railroad Bonds, have carefully considered these subjects in all their bearings, and beg leave to report :

That the first and most important object, in our estimation, is to secure the honor and credit of the State. The companies to which the State credit has been loaned, have defaulted in the payment of the principal and interest of those bonds for which the faith and credit of the State were pledged. We will enter into no argument on the *law* of the case, though many suggestions have been made on that point. It is sufficient that they were issued by the State, and were taken under that endorsement. The State is of course liable, the companies having failed to make provisions for paying the interest. There is no doubt that the grading has all been done for which those bonds were issued. But it is reasonable to suppose that it will be materially damaged by the frosts of winter and rains of summer, if not secured. Many of our citizens have unliquidated claims against those companies, for which they will receive nothing, unless these companies go on with their operations. The experience of other States has satisfied us, that though we are not now able to do so, we must finally pay the interest, and at maturity the principal of those bonds.

In this condition, a plan was submitted, which seems the best that can be obtained or adopted under existing circumstances. This plan, in substance is, that each company shall finish and equip fifty miles of its road within twelve months—and that when this is done, that the State shall relinquish to

each of said companies all the securities held by the State, and to insure the payment of the principal and interest of the State railroad bonds heretofore loaned them, and donated to each of those companies four hundred and twenty-five thousand dollars of the State bonds at large, to be delivered to those companies only when a like amount of those State Railroad Bonds with all the unpaid coupons thereto belonging, shall be returned to the Governor for cancellation; the payment of the principal and interest of those bonds to be amply secured; and that so much of each of those roads shall be finished and equipped within two years, as will furnish continuous lines of travel and transportation from La Crescent and Winona through the interior of the State to Minneapolis, and from Stillwater via St. Paul to St. Cloud, and along the Minnesota Valley from St. Paul to Belle Plaine. When each road has its respective portion of this through route completed, the State shall make it a further donation of bonds, to a sum amounting in all to the amount of State Railroad Bonds heretofore issued to each company, retaining however sufficient to redeem all the outstanding State Railroad Bonds, with all unpaid coupons thereto belonging, heretofore loaned to each of those companies.

The companies to relinquish all claim to any further loan or donation from the State, and as evidence of their good faith in the matter to file a conditional relinquishment of all the securities held by the State, and all the lands, franchises and property, owned by such company, to revert to the State without sale or any legal action, on the failure of the company to build and equip fifty miles of road above mentioned.

As this plan seemed fair under the circumstances would secure to the State and the people the construction and equipment of fifty miles of each of said roads before anything would be asked of the State, and would when finished and equipped, amount to three hundred and forty-six miles of road, with an additional grant when thus finished, and not otherwise, of an amount of State bonds equal to the amount of State Railroad bonds returned to the State. It would also secure to each company the benefit of the labor and expense already bestowed on its road, give a reasonable probability to our citizens of obtaining pay for the labor, material, merchandize, &c., furnished those companies; increase vastly the taxable capital of the State, and above all secure to the citizens cheap and rapid means of transporting their products to market, and in moving from place to place to transact their business. It also extends as far as practicable, at the present time, the advantages of this system of railroads to most of the thickly settled portions of the State, with a reasonable probability of their further extension at an early day, without aid from the State.

Other suggestions were presented, but of such character that they would not be entertained, as they were deemed injurious to the dignity, honor and credit of the State; unjust to most of the companies; destructive to the interests of such of our citizens as have claims against those companies; regardless of the rights of the great mass of our citizens, which were to be sacrificed to the interest or caprice of a few, and building up in our young and rising State a huge monopoly, which, sooner or later, like the boa constrictor, would entwine around us its deadly folds, and wring from us our very heart's blood, to nourish and sustain similar monopolies outside of our State.

The head and front of these propositions were, that the State should act in bad faith with the federal government, by retaining the lands granted for certain lines of roads, and leaving off the most important parts of those roads, and points specifically mentioned in the grant; next, that she should act in bad faith towards the holders of her bonds, discriminating among them, making some preferred creditors, ignoring three-fourths of the rights of others, or compelling them to take seventy-five per cent. of those claims in the stock

of a company in which the State herself could hold no stocks, in view of the constitutional provision that "she shall never be a party in carrying on such works, &c.," and reducing her to the position of the most contemptible repudiation, the basest dishonesty of stock jobbing, and open violation of her own Constitution. It is further proposed to swallow up and absorb all the other roads, taking from the contractors the labor on which they had spent their money and time, without equivalent of any kind to them, and thus rendering all hopes vain of our citizens ever recovering from those companies their just dues. Many of the densely settled points of our State, and points specifically designated in the land grant, were ignored and entirely omitted. Thousands of our citizens have settled at those points in the full and reasonable expectation that they would in time have railroad facilities. Buildings have been erected—property has changed hands at high prices—business and commerce have sprung up and are flourishing; all indulging in the pleasing hope that the good day was not far off. And can we coolly thus sacrifice our fellow-citizens? Can we stand by calmly counting our gains, and witness their destruction, while their anathemas ring in our ears as the authors of their calamities? Never. We all are all Minnesotians—we are all embarked in the same ship of State, and we must sink or swim together; at least our hands shall never pluck from our fellow-citizens the stay on which they lean.

The features of this proposition as a monopoly in the hands of one company or one man, are especially obnoxious. Years must elapse before there can be any competition with it, and, in the meantime, the people and the commerce and business of the State must be at the mercy and will of the monopoly. Such are always dangerous to the peace and liberty of the people, and should be carefully avoided.

Wishing to do even-handed justice to all our citizens, and with an earnest desire to advance the best interests of the State, we have added a section to include a road to Lake Superior. It is self-evident that it would cost little or no more to carry freight or passengers from a point on Lake Superior to New York, than it would to carry them from Milwaukee to New York. Of course, then, every passenger across the State of Wisconsin has to pay a tribute to that State or the railroad companies in it, of seven dollars; and for every ton of merchandize, coal, &c., imported by that road, and of produce exported by it, they have to pay four dollars. It is not only thus paid out in addition to all commissions for business done in an adjoining State, but it is paid out of this State; and in proportion as our neighbors grow richer on our means, our people grow poorer.

If this road was finished, a great part of our travel and transportation would pass that way; our great internal sea, the greatest in the world, would soon be crowded with sail vessels and steamers, and a great commercial emporium would soon be built up there in our own borders. The vessels that carry off our produce and resources would bring back freight at a low rate, and our people would have all the benefits of the difference. It is true that we should have to pay for traveling that road; but if it exceeded the average freight by the river from La Crosse—which is very doubtful—our people would have the benefit of it, as it would all be kept in our own State and among our own people. Knowing that these sentiments will find a warm and ready response in the hearts of the Legislature and of the people of the State, we beg leave to submit an amendment to carry out these views, and respectfully suggest that such action may be had on it as will enable the people to pass on it an early day.

E. L. KING,
WM. NETTLETON.

Mr. Morrison moved to divide the question.

Carried.

The question was upon laying the reports upon the table.

Lost.

And the reading of the report proceeded with.

Mr. Secombe moved that the further reading of the report be dispensed with.

Carried.

Mr. Morrison moved that the reports and accompanying bill be printed.

Which motion prevailed.

Mr. Hulett from the Committee on Towns and Counties, reported

A bill for the establishment of the County of Watonwan.

Which had its first reading.

Mr. Knox introduced—

A bill for an act to amend chapter first of section first of the so-called statutes.

Which had its first reading.

Mr. Knox moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading and was referred to the Committee on Internal Improvements.

Mr. Mann introduced—

A bill for an act for the relief of the Plymouth Congregational Church Society of Minneapolis.

Which had its first reading.

Mr. Mann moved to suspend the rules so as to allow the bill to be read a second time.

Carried.

And the bill was read a second time and referred to the Committee on Incorporations.

S. F. No. 72. A bill for an act to relocate certain roads in Mower county.

Had its first reading.

S. F. No. 36. An act fixing the salaries of the State officers,

Had its second reading, and was referred to the committee of the Whole.

S. F. No. 56. An act entitled an act to amend certain chapters and sections of the public statutes, relating to probate courts.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 111. A bill for an act to regulate elections in this State.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 143. A bill for an act in relation to proposed amendments to the Constitution of this State.

Was read a second time and referred to the Committee of the Whole.

S. F. No. 58. A bill for an act to provide for the location of a State road from High Forest to Freeborn.

Was read a third time and put upon its passage.

Upon the vote being taken there were yeas 41, nays, 14, as follows :

YEAS.

Mr. Acker,	Mr. Hulett,	Mr. Rehfeld,	Mr. Sweet,
Anderson,	Hunt,	Renz,	Stewart,
Austin,	Knox,	Roy,	Stoek,
Baldwin,	Langworthy,	Sanborn,	Taylor,
Bixler,	Leavens,	Secombe,	Trow,
Brooks,	Mitchell,	Sawyer,	Van Vorhes,
Caskey,	Mitch,	Sherwood,	Webster,
Cleveland,	Ozman,	Shultz,	White,
Coe,	Pfaender,	Skullman,	Wilkins,
Greene, of Olmsted	Purdie,	Stearns,	Speaker.
Hayes,			

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NAYS.

Mr. Armstrong,	Mr. Dayton,	Mr. Kinkad,	Mr. Morrison,
Burnham,	Fox,	McDonough,	Olds,
Chadderdon,	Greene, of Steele,	Meighan,	Walker Orange.
Clarry,	Johnson,		

14

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

S. F. No. 103. A memorial to the Postmaster General for an increase of mail service.

Had its third reading, and was passed, and the title agreed to.

H. F. No. 46. A bill for an act further defining the duties of register of deeds in the several counties of this State.

Had its third reading and was referred to the Committee on Judiciary.

H. F. No. 79. A bill for an act to prevent breaches of the peace.

Was read the third time.

Mr. Baldwin moved it be referred to the Committee on Judiciary.

Lost.

The question recurring upon the passage of the bill.

And upon the vote being taken there were yeas 34, nays 23, as follows :

YEAS.

Mr. Anderson,	Mr. Dayton,	Mr. McDonough,	Mr. Stoek,
Acker,	Fox,	Olds,	Sweet,
Arnold,	Greene of Olmsted	Purdie,	Taylor,
Burnham,	Greene of Steele,	Sawyer,	Tollman,
Bixler,	Hayes,	Sherwood,	Trow,
Brooks,	Hulett,	Skullman,	Webster,
Caskey,	Hunt,	Stearns,	Wilkins,
Clarry,	Knox,	Stewart,	White,
Cleveland,	Langworthy,		

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NAYS

Mr. Armstrong,	Mr. Johnson,	Mr. Mitach,	Mr. Sanborn,
Austin,	Kinkad,	Nettleton,	Shultz,
Baldwin,	Leavens,	Pfaender,	Secombe,
Chadderdon,	Leavens,	Rehfeld,	Walker, Orange,
Coe,	Mitchell,	Renz,	Speaker,
Donohue,	Morrison,	Roy,	

23

So the bill was lost.

Mr. Walker moved to reconsider the vote by which the bill was lost.

Carried.

The question recurring upon the passage of the bill, and the vote being taken, there were yeas 38, nays, 23, as follows :

YEAS.

Mr. Abbott,	Mr. Cleveland,	Mr. Langworthy,	Mr. Stillman,
Acker,	Coe,	Mann,	Stearns,
Anderson,	Dayton,	McDonough,	Stewart,
Arnold,	Fox,	McNahan,	Stock,
Beatty,	Garrard,	Olds,	Trow,
Bixler,	Greene of Olmsted,	Purdie,	Walker Orange,
Brooks,	Greene of Steele,	Sanborn,	Webster,
Burnham,	Hayes,	Sawyer,	White,
Caskey,	Hulet,	Sherwood,	Wilkins,
Clary,	Knox,		

NAYS.

Mr. Armstrong,	Mr. Kinkadee,	Mr. Nettleton,	Mr. Seecombe,
Austin,	Leavens,	Pfander,	Stephenson,
Baldwin,	Letford,	Rehfeld,	Sweet,
Chadlerdon,	Mitchell,	Rent,	Tollman,
Donohue,	Mitch,	Roy,	Speaker,
Johnson,	Morrison,	Schuler,	

So the bill was lost.

H. F. No. 113. A bill for an act to provide for the time and manner of electing members of the Senate of the United States from the State of Minnesota.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 55, nays 1, as follows:

YEAS.

Mr. Abbott,	Mr. Dayton,	Mr. McNahan,	Mr. Seecombe,
Acker,	Donohue,	Mitchell,	Sherwood,
Anderson,	Fox,	Mitch,	Shultz,
Armstrong,	Garrard,	Morrison,	Stillman,
Arnold,	Greene of Olmsted,	Nettleton,	Stearns,
Austin,	Hayes,	Olds,	Stock,
Baldwin,	Johnson,	Orman,	Sweet,
Beatty,	Kinkadee,	Pfander,	Tollman,
Brooks,	Knox,	Purdie,	Trow,
Burnham,	Langworthy,	Rehfeld,	Walker, Orange,
Caskey,	Leavens,	Rent,	Webster,
Chadlerdon,	Letford,	Roy,	White,
Clary,	Mann,	Sanborn,	Wilkins,
Coe,	McDonough,	Sawyer,	

NAYS.

Mr. Speaker.

So the bill was passed and its title agreed to.

H. F. No. 117. A bill for an act to amend an act entitled an act to regulate the foreclosure of real estate, approved July 29th, 1886.

Had its third reading.

Mr. Seecombe moved a call of the House.

Which was ordered, and the following members answered to their names:

Messrs. Abbott, Abraham, Acker, Anderson, Armstrong, Arnold—

Mr. Speaker (Mr. Acker in the chair) moved that further proceedings under the call be dispensed with.

Carried.

The question recurring upon the passage of the bill,

Mr. McDonough moved to refer the bill to a special committee of three, with instructions to amend the bill so as to give the mortgagor and judgment debtor two years' redemption instead of three, and such other relief as the other provisions of the bill seem to contemplate, and report by Monday morning next.

Mr. Secombe moved to add to the instructions that the committee add to the bill a provision that the same shall not apply to any contract entered into previously to the passage of this act.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 14, nays 51, as follows:

YEAS.			
Mr. Austin,	Mr. Coe,	Mr. Leavens,	Mr. Roy,
Baldwin,	Dayton,	Melham,	Secombe,
Brooks,	Hayes,	Mitchell,	Willey.
Chadderdon,	Johnson,		
NAYS.			
Mr. Abbott,	Mr. Fox,	Mr. Ozman,	Mr. Stephenson,
Abraham,	Garrard,	Pfeander,	Stewart,
Acker,	Greene of Olmsted,	Purdie,	Stock,
Anderson,	Greene of Steels,	Rehfeld,	Sweet,
Armstrong,	Hulett,	Renk,	Taylor,
Arnold,	Hunt,	Robertson,	Tollman,
Beatty,	Knox,	Sanborn,	Van Vorhes,
Bixler,	Langworthy,	Scheffer,	Walker Orange,
Burnham,	Letford,	Sherwood,	Webster,
Caskey,	McDonough,	Shuttle,	White,
Cleveland,	Mitch,	Skillman,	Wilkins,
Cleary,	Nettleton,	Stearns,	Speaker,
Donohue,	Olds,	Stevens,	

So the amendment was lost.

Mr. McDonough withdrew his motion.

The question was upon the passage of the bill.

Mr. Robertson moved to amend—

Provided, that the judgment debtor should pay the interest annually at the expiration of each year.

Mr. Speaker moved as a substitute—

To refer the bill to Mr. McDonough, with instructions to strike out the words "three years" and insert "two years," and report the same to the House immediately.

Mr. Secombe moved to amend by striking out "two" and inserting "four."

Mr. Stevens moved the previous question.

The question was, Shall the main question be now put?

Carried.

The question was upon the amendment offered by Mr. Secombe, to strike out "two" and insert "four."

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 8, nays 57, as follows:

YEAS.			
Mr. Armstrong,	Mr. Chadderdon,	Mr. Langworthy,	Mr. Mitchell,
Baldwin,	Coe,	Melham,	Secombe,
Brooks,	Dayton,		
Chadderdon,	Johnson,		
NAYS.			
Mr. Abbott,	Mr. Garrard,	Mr. Ozman,	Mr. Stephenson,
Abraham,	Greene of Olmsted,	Pfeander,	Stewart,
Acker,	Hayes,	Purdie,	Stock,
Anderson,	Hulett,	Rehfeld,	Sweet,
Austin,	Hunt,	Renk,	Taylor,
Beatty,	Johnson,	Robertson,	Tollman,
Bixler,	Knox,	Sanborn,	Van Vorhes,
Brooks,	Langworthy,	Scheffer,	Walker Orange,
Burnham,	Letford,	Sherwood,	Webster,
Caskey,	McDonough,	Shuttle,	White,
Cleary,	Mitch,	Skillman,	Wilkins,
Cleveland,	Morrison,	Stearns,	Speaker,
Donohue,	Nettleton,	Stevens,	
Fox,			

So the amendment was lost.

The question recurring upon the substitute offered by Mr. Speaker.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 22, nays 42, as follows:

YEAS.

Mr. Abbott,
Acker,
Brooks,
Casky,
Cleveland,
Garrard,

Mr. Hunt,
Langworthy,
Littford,
Mitchell,
Olds,
Purdie,

Mr. Rehfeld,
Sawyer,
Scheffer,
Skillman,

Mr. Stearns,
Stock,
White,
Willey,
Speaker

22

NAYS.

Mr. Abraham,
Armstrong,
Austin,
Baldwin,
Beatty,
Bixler,
Burnham,
Cleary,
Dayton,
Donohue,
Fox,

Mr. Greene of Olmsted,
Greene of Steele,
Hayes,
Hulet,
Johnson,
Knex,
Leavens,
Mann,
McDonough,
Meighan,
Mitchell,

Mr. Morrison,
Nettleton,
Oman,
Purdie,
Robertson,
Sanborn,
Secombe,
Sherwood,
Stearns,
Stevens,

Mr. Stephenson,
Stewart,
Sweet,
Taylor,
Tollman,
Trow,
Van Velsor,
Walker, Orange,
Webster,
Wilkins,

So the substitute was lost.

The question was upon the amendment offered by Mr. Robertson.

Mr. Meighan called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 49, nays 18, as follows:

YEAS.

Mr. Abraham,
Anderson,
Armstrong,
Baldwin,
Beatty,
Burnham,
Chadardson,
Cleary,
Cleveland,
Dayton,
Donohue,
Garrard,
Greene of Olmsted,

Mr. Greene of Steele,
Hayes,
Hulet,
Hunt,
Johnson,
Knex,
Littford,
Mitchell,
Morrison,
Nettleton,
Oman,
Purdie,

Mr. Rehfeld,
Robertson,
Sanborn,
Sawyer,
Scheffer,
Secombe,
Sherwood,
Stearns,
Stevens,

Mr. Stewart,
Stock,
Sweet,
Taylor,
Tollman,
Trow,
Van Velsor,
Walker, Orange,
Webster,
Wilkins,

Mr. Abbott,
Acker,
Austin,
Bixler,
Brooks,

Mr. Casky,
Coe,
Fox,
Langworthy,
Leavens,

Mr. Mann,
McDonough,
Meighan,
Mitchell,

Mr. Olin,
Purdie,
Roy,
Webster,

So the amendment was carried.

The question recurring upon the passage of the bill as amended, and upon the vote being taken there were yeas 46, nays 21, as follows:

YEAS.

Mr. Abbott,
Acker,
Armstrong,
Beatty,
Bixler,
Burnham,
Casky,
Cleary,
Cleveland,
Donohue,
Fox,

Mr. Casky,
Coe,
Fox,
Langworthy,
Leavens,
Littford,
Mitchell,
Morrison,
Nettleton,
Olds,

Mr. Oman,
Purdie,
Robertson,
Scheffer,
Secombe,
Sherwood,
Stearns,
Stevens,
Stephenson,

Mr. Stewart,
Stock,
Taylor,
Tollman,
Van Velsor,
Walker, Orange,
Webster,
White,
Wilkins,
Speaker.

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YEAS.

Mr. Abraham,	Mr. Dayton,	Mr. Mass,	Mr. Sanborn,
Austin,	Hayes,	McGhan,	Sawyer,
Baldwin,	Johnson,	McNeill,	Scombe,
Brooks,	Leaven,	Phander,	Trow,
Chadgarden,	Letford,	Roy,	Wiley,
Coe,			

21

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

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

At half past two o'clock the House was called to order by the Speaker.

H. F. No. 80. A bill for an act to punish any interference with the serving of civil or criminal proceedings.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 45, nays 90, as follows:

YEAS.

Mr. Abraham,	Mr. Chadgarden,	Mr. McGhan,	Mr. Schneider,
Abbott,	Cleary,	Mitchell,	Scombe,
Anderson,	Coe,	Rocketon,	Shaw,
Armstrong,	Dayton,	Olde,	Shultz,
Acker,	Greene of Olmsted,	Oswan,	Sullivan,
Austin,	Greene of Steele,	Phander,	Stevens,
Baldwin,	Hallett,	Purdie,	Stearns,
Beatty,	Hunt,	Rehrd,	Stock,
Bixler,	Johnson,	Rens,	Taylor,
Brooks,	Leaven,	Roy,	Trow,
Burham,	McDonough,	Sawyer,	Speaker,
Caskey,			

45

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

The following message was received from the Senate:

Mr. Speaker—

At the request of the House and by order of the Senate I herewith return to the House

H. F. No. 50. A bill for an act to authorize the county commissioners of Douglas county to issue bonds.

I also announce the passage by the Senate of

H. F. No. 74. An act to change the time of holding the terms of the district court of the fifth judicial district, with amendments.

And that the Senate have concurred in the House amendments to

H. F. No. 73. An act to change the boundaries of the third, fifth and sixth judicial districts.

All of which are herewith submitted, and to which the concurrence of the House is respectfully requested.

A. R. WEBBER, Secretary.

H. F. No. 125. A bill for an act for the relief of securities on official bonds.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 41, nays 2, as follows:

YEAS.

Mr. Abraham, Acker, Anderson, Armstrong, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Caskey,	Mr. Chadderdon, Cleary, Coe, Dayton, Donohue, Fox, Greene of Steele, Hulett, Hunt, Johnson, Knox,	Mr. Leavens, Letford, Mann, McDonough, Meighan, Mitchell, Nettleton, Olds, Ozman, Pfaender, Purdie,	Mr. Rehfeld, Benz, Secombe, Sherwood, Shultis, Skillman, Stearns, Stock, Trow, Webster, White,
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44

NAYS

Mr. Hayes, Kinkead,	Mr. Mitchell, Roy,	Mr. Sawyer, Speaker,
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6

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

H. F. No. 126. A bill for an act to provide for the issuing of licenses to hawkers and pedlars.

Had its third reading.

Mr. Donohue moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Abraham, Acker, Anderson, Armstrong, Austin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Leavens, Letford, McDonough, Meighan, Mitchell, Mitsch, Nettleton, Olds, Ozmun, Pfaender, Purdie, Rehfeld, Benz, Roy, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shultis, Skillman, Stearns, Stevens, Stewart, Stock, Sweet, Taylor, Tollman, Trow, Webster, White, Wilkins and Speaker.

The Sergeant-at-Arms reported in their seats, Messrs. Orange Walker and Scheffer.

Mr. Greene of Olmsted moved that further proceedings under the call be dispensed with.

Lost.

Mr. Secombe moved that the vote by which the House refused to suspend further proceeding under the call be reconsidered.

The question was upon dispensing with further proceedings under the call. Carried.

The question recurring on the passage of the bill.

Upon the vote being taken there were yeas 40, nays, 22, as follows :

YEAS.

Mr. Abraham, Acker, Anderson, Austin, Bixler, Caskey, Dayton, Donohue, Greene of Olmsted, Greene of Steele,	Mr. Hulett, Hayes, Hunt, Kinkead, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton,	Mr. Ozman, Pfaender, Roy, Rehfeld, Sanborn, Sawyer, Scheffer, Sherwood, Skillman, Stewart,	Mr. Stock, Sweet, Tollman, Trow, Van Vorhes, Walker Orange, Webster, White, Wilkins, Speaker.
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40

NAYS.

Mr. Abbott,	Mr. Chadderdon,	Mr. Johnson,	Mr. Benz,
Armstrong,	Cleary,	Knox,	Secombe,
Baldwin,	Cleveland,	Letford,	Shultz,
Beatty,	Coe,	Mann,	Stearns,
Brooks,	Fox,	Olds,	Stevens,
Burnham,			

24

So the bill was lost.

H. F. No. 130. A bill for an act to amend an act passed June 23, 1858, entitled an act relating to prairie fires.

Had its third reading and was put upon its final passage.

And upon the vote being taken there were yeas 55, nays 3, as follows:

YEAS.

Mr. Armstrong,	Mr. Dayton,	Mr. Mitch,	Mr. Shultz,
— Abbott,	Fox,	Mitchell,	Skilman,
Abraham,	Greene, of Steele,	Morrison,	Stearns,
Anderson,	Hulett,	Osman,	Stevens,
Bixler,	Hunt,	Pfaender,	Stewart,
Baldwin,	Johnson,	Purdie,	Stock,
Beatty,	Kinkad,	Rehfeld,	Tow,
Bixler,	Knox,	Renz,	Van Vorhes,
Brooks,	Langworthy,	Roy,	Walker, Orange,
Oskey,	Leavens,	Sanborn,	Webster,
Chadderdon,	Letford,	Sawyer,	White,
Cleary,	Mann,	Scheffer,	Wilkins,
Cleveland,	McDonough,	Secombe,	Speaker,
Coe,	Meighan,	Sherwood,	

55

NAYS.

Mr.. Burnham,	Mr. Hayes,	Mr. Nettleton,
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3

So the bill was passed and its title agreed to.

H. F. No. 134. A bill for an act to amend an act to regulate corporations, for manufacturing mining, agriculture, mechanical and chemical purposes, passed August 12th, 1858.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 55, nays 2, as follows:

YEAS.

Mr. Abbott,	Mr. Greene of Olmsted,	Mr. Morrison,	Mr. Stearns,
Abraham,	Greene of Steele	Osman,	Stevens,
Acker,	Hayes,	Pfaender,	Stewart,
Anderson,	Hulett,	Purdie,	Stock,
Beatty,	Hunt,	Rehfeld,	Taylor,
Bixler,	Johnson,	Renz,	Tollman,
Brooks,	Kinkad,	Roy,	Tow,
Oskey,	Knox,	Sanborn,	Van Vorhes,
Chadderdon,	Langworthy,	Scheffer,	Walker, Orange,
Cleary,	Leavens,	Secombe,	Webster,
Cleveland,	Letford,	Sherwood,	White,
Coe,	Mann,	Shultz,	Wilkins,
Dayton,	McDonough,	Skilman,	Speaker,
Fox,	Mitch,	Sawyer,	

55

NAYS.

Mr. Meighan,	Mr. Nettleton,
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2

So the bill was passed and its title agreed to.

H. F. No. 137. A bill for an act to change the boundary lines between Scott and Dakota counties.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 59, nays 00, as follows:

YEAS.

Mr. Abbott,	Mr. Coe,	Mr. Melghan,	Mr. Sherwood,
Abraham,	Dayton,	Mitchell,	Shultz,
Acker,	Fox,	Mitch,	Skullman,
Anderson,	Greene of Steele,	Morrison,	Stearns,
Armstrong,	Hayes,	Nettleton,	Stewart,
Austin,	Hallett,	Osman,	Stock,
Baldwin,	Hunt,	Pfander,	Taylor,
Beatty,	Johnson,	Purdie,	Trow,
Bisler,	Kinkad,	Rehfeld,	Van Vorhes,
Brooks,	Knox,	Renz,	Walker, Orange,
Burnham,	Langworthy,	Roy,	Webster,
Casky,	Leavasa,	Saahora,	White,
Chadardson,	Letford,	Sawyer,	Wilkins,
Cleary,	Mann,	Scheffer,	Speaker,
Cleveland,	McDonough,	Secombe,	59

So the bill was passed and its title agreed to.

H. R. No. 142. An act to commute the sentence of Mrs. Anna Bilanski to imprisonment for life in the State Prison.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 35, nays 28, as follows:

YEAS.

Mr. Abbott,	Mr. Dayton,	Mr. McDonough,	Mr. Secombe,
Armstrong,	Fox,	Morrison,	Stearns,
Baldwin,	Hallett,	Olds,	Stewart,
Beatty,	Hunt,	Osman,	Stock,
Bisler,	Johnson,	Pfander,	Sweet,
Casky,	Knox,	Purdie,	Van Vorhes,
Chadardson,	Langworthy,	Rehfeld,	Webster,
Cleveland,	Leavasa,	Renz,	White,
Coe,	Mann,	Scheffer,	85

NAYS.

Mr. Abraham,	Mr. Greene of Olmsted,	Mr. Mitch,	Mr. Skillman,
Acker,	Greene of Steele,	Nettleton,	Taylor,
Anderson,	Hayes,	Roy,	Tollman,
Austin,	Kinkad,	Sanborn,	Trow,
Brooks,	Letford,	Sawyer,	Walker, Orange,
Burnham,	Melghan,	Sherwood,	Wilkins,
Cleary,	Mitchell,	Shultz,	Speaker.
			28

So the bill was lost.

Mr. Acker moved to reconsider the vote by which the bill was lost.

Mr. Acker moved to lay the motion upon the table.

Carried.

Mr. Sanborn presented the following memorial of Ferdinand Becker and others:

To the Legislature of the State of Minnesota:

Your memorialists would respectfully represent that they are the holders of a large amount of the circulating notes of the Exchange Bank of Glencoe, which are secured by a deposit of State railroad bonds with the Auditor.

That as your memorialists are informed and believe, L. G. Graham and — McDonald are the real owners of said Bank, and represented by Daniel Graham (junior brother of said L. G. Graham), as President thereof. That said L. G. Graham and McDonald are or have been contractors on the Minneapolis and Cedar Valley Railroad, and that while the work by them contracted to be done was in progress, the said L. G. Graham and McDonald, as your memorialists are informed and believe, did, through said Daniel Graham, deposit with said Auditor State railroad bonds, and did receive from said Auditor, through said Daniel Graham, acting for and under them as

President of said Bank, its circulating notes, and did place the same in circulation in payment for work done and other valuable considerations.

That the said Bank did subsequently, through its officers, (of whom said Daniel Graham, as your memorialists are informed and believe, was the "supple instrument" in the hands of said L. G. Graham and McDonald,) refuse to redeem its said circulating notes, and that in consequence of such continued refusal said notes are valueless, or nearly so, and that many innocent persons, laborers and others, have been wronged and defrauded by such failure and refusal.

That the amount of said circulating notes which have been thus palmed off by said L. G. Graham and McDonald upon an unsuspecting people is very great, and that the loss suffered by the innocent holders of said notes is almost commensurate with the amount thereof, and that all hope of their redemption by said Bank, or by its supposed owners as aforesaid, is forever gone.

That your memorialists are informed that said L. G. Graham and McDonald have applied to the Hon. Legislature, representing that there is now a large amount of money or State railroad bonds due them from said Minneapolis and Cedar Valley Railroad Company, for work done under their said contract, and asking relief at the hands of the State.

In consideration of all which your memorialists would respectfully but urgently request that out of such relief, if any be granted to said Graham and McDonald, a sum may be first set apart and deposited with the Auditor of State, to be divided *pro rata* among the present holders of said circulating notes, and those persons who have returned the same to the Auditor for cancellation, sufficient to pay the losses sustained by the holders of such notes as were outstanding at the time when said Bank suspended payment, and that the residue, if any, of such relief be then paid to said Graham and McDonald.

And your memorialists will ever pray, etc.

Ferdinand Becker,	A. L. Larpenteur,	C. W. Wolley & Co.,
William Coulter,	O. A. Morgan,	B. Presley,
Charles Coulter,	Henry W. Ciosk,	Ferdinand Knauff,
S. S. Eaton,	A. T. Chamblin,	P. Berkey,
Fuller Thompson,	J. B. Murray,	John Nicols,
Charles H. Oakes,	A. H. Cathcart,	

Mr. Stewart moved that the memorial be referred to the special railroad committee appointed yesterday.

Which motion prevailed.

Mr. Morrison presented the following memorial from S. Chamberlain and B. Pringle.

To the Honorable the Senate and House of Representatives of the State of Minnesota,

The contents of a memorial which was submitted to your honorable bodies yesterday, signed by Messrs. McDonald, Graham & Co., would seem so irrelevant to the business of legislation that I am constrained to believe they were dictated by a design to prejudice certain propositions which it is well known I have submitted with reference to the railroad system of Minnesota.

In this view, and under apprehension that an opportunity to vindicate myself before your committee may not be possible until mischief has happened, I hope it will not be regarded obtrusive in me to submit at once what I intend shall be a distinct and square denial of all the charges, direct or by innuendo, embodied in the memorial referred to.

So far as relates to the business connection of Messrs. McDonald, Graham & Co. with the Minneapolis and Cedar Valley Railroad Company, and the

indebtedness existing in their favor against the Company, the undersigned is entirely ignorant and cannot speak.

The general burthen of the communication seems to be to charge upon the undersigned complicity with the affairs of the said Company, and participation in certain alleged misdoings towards the creditors of the Company in general and the memorialists in particular.

It is stated in general terms that Judge Pringle was recommended and endorsed to the former board of directors by the undersigned. This is true; and it is proper and just to all parties to say, that Ex-Governor Sibley, Gen. Shields, and others connected with the direction of the Cedar Valley Road, repeatedly solicited and urged the undersigned to become connected with the said road, and that, in obedience to such solicitations, he went, in company with Judge Pringle, to Mendota, to attend a meeting of the directors of said Company; that being informed of the condition of its affairs he declined all connection with the said Company; and that, in answer to inquiries from members of the said boards he did state (what he now reiterates) that Judge Pringle was a gentleman of worth, experience and standing.

From the occasion referred to down to the present moment the undersigned has had no connection, near or remote, express or implied, with the affairs or business of the said Company, and is entirely ignorant thereof, and equally ignorant of the relations of the said Pringle therewith, except by hearsay of him, made the said charges were proffered. It is therefore entirely without foundation and gratuitous (to use no plainer terms) in the said McDonald, Graham & Co. to state that the undersigned had any interest in or connection with the change in the direction of the said Company, as well as the intendo that it was or is thy desire in anywise, through the said Pringle, or through any means by indirection, to become the ultimate beneficiary of the labor done and expense incurred by Messrs. McDonald, Graham & Co.

With reference to the first specification of the communication referred to the undersigned disclaims any knowledge of the purchase of stock charged, and expressly denies that Joseph Chamberlain, Wm. B. Shute, Wm. A. Prentiss, or Albert Caldwell, or any other person was elected into the board of directors of the said Company at his instance, or upon his suggestion, and states that he was ignorant that such persons composed the said board until after such election, and then became informed casually by hearsay. The management of the said Company has always been independent of the undersigned, and in no instance has he been cognizant of the policy or conduct of the said Company.

Of the charges contained in the second specification the undersigned is ignorant, except by hearsay of Judge Pringle, to whose statement he begs to refer.

Of the third charge the undersigned can speak with definition from personal knowledge. The "bogus claim" of James Luddington was not settled in the manner indicated. Mr. Luddington had a claim against the Southern Minnesota Railroad Company, upon which an action was commenced in the United States District Court for the District of Minnesota by Lorenzo Allis, Esq.; of this city. This claim was settled by the undersigned with his private means. It is therefore certain that the memorialists must be mistaken in alleging that the contract with B. M. S. Pease was illegitimately diverted in the manner stated.

The undersigned denies that he ever conversed with Judge Pringle upon the subject referred to under the fifth head of the memorial, and reiterates what he has before stated, that he has always been and now is completely aloof from the management of the affairs of the said Company.

Of the judicial proceedings recited in the sixth specification of the memo-

rial the undersigned was and is entirely incognizant. The statement that the sale referred to was made for his benefit, or with his knowledge, and that the bonds sold as stated are held or controlled by him is sheer fiction, to use the mildest term.

It is untrue that the undersigned and the said Pringle are acting in concert about the affairs of the Cedar Valley Railroad Company, and also untrue that he ever stated to the said memorialists, or either of them, that he expected action by the present Legislature which would defeat their claim.

In conclusion, the undersigned hopes it is not improper to state that he courts the strictest investigation of his connection with the railroad enterprises of the State. This investigation is the more especially coveted, inasmuch as the vague, but not unexpected, because threatened, charges contained in the memorial will thereby receive an explicit and sweeping refutation.

Very respectfully submitted,

S. CHAMBERLAIN.

Feb. 3, 1860.

A Statement in regard to the charges contained in the memorial presented to the Legislature of the State of Minnesota, on the second day of February, signed by Messrs McDonald, Graham & Co.

The subscriber states that in the month of July last, after a considerable negotiation with directors of the Minneapolis and Cedar Valley Railroad Company, he was induced to purchase stock in that Company, and on the resignation of a director he was elected in his place, and on the resignation of Gen. Shields of the office of President, the subscriber was elected in his stead. That he purchased the stock held by Judge Vaughn. He also purchased of J. W. North the stock held by him and by his brother-in-law, Mr. Loomis, together with debts due from said Company to said North and Loomis, amounting to about four thousand dollars. That said North had had in his hands six Minnesota State Railroad Bonds belonging to said Company; which the subscriber understood had been prior to that time hypothecated by said North. The interest of said Company in these six bonds was assigned to said North, and the subscriber was to account to the Company for the same.

The subscriber further states, that he does not know and does not believe that Selah Chamberlain has or ever had any interest in said Company; that he was solicited to take an interest, but declined to do so.

That at the time the subscriber became interested in the Company there were and for some time previous had been in the hands of Messrs. Borup & Oakes fifty-five State Bonds, which the Company had hypothecated with them for money borrowed at three per cent. per month. That the firm of Borup & Oakes became very urgent that the money for which said bonds had been hypothecated should be paid. That in the month of September last said firm took the said bonds to Milwaukee and sold them for the amount of their debt against said Company, being about nine thousand five hundred dollars. That at the time the subscriber became interested as aforesaid, said Company held a contract with E. M. S. Pease & Co. for the delivery of forty-three State bonds to said Company. That the subscriber borrowed five thousand dollars in money in the name of said Company, and hypothecated as security for the payment thereof the said contract; that said money was forwarded to Gov. Sibley, and by him paid out to the engineers of said Company, on account of debts owing by said Company to said engineers. That a large amount, and he believes all of the State bonds belonging to said Company, except as herein stated, had been and were hypothecated by said Company before the subscriber became interested therein; which bonds the subscriber hoped to be able to redeem, but could not from the means of the Company raise money for that

purpose, and consequently many of said bonds have been sold to pay the debts for which they were pledged.

That on his first looking into the affairs of said Company the subscriber advised the then directors that all work on the road of said Company ought to stop, as in his judgment the Company was not in a condition to proceed. The directors subsequently informed him that notice had been given to all contractors to stop work, and that all had stopped except McDonald, Graham & Co., who, they stated, preferred to go on, as but a few days would suffice to complete their job.

That prior to the time when the subscriber became interested in said Company, the board of directors authorized Gov. Sibley to hold one hundred and twenty-five State bonds to pay on debts of the Company, one hundred of which bonds were then in his hands. Subsequently said Sibley paid out a portion of said bonds to the creditors as he had authority from the board of directors to do, but on his being served with legal process, which rendered it unsafe to pay out any more, he refrained from parting with them, until a decision of the Supreme Court made it necessary to surrender to the Sheriff the remaining bonds in his hands, fifty-three in number.

The subscriber arrived in St. Paul last week, and shortly afterwards called on the Counsel of the Company to ascertain the condition of the proceedings in reference to said bonds placed in the hands of said Sibley. Said Counsel informed the subscriber that the said fifty three bonds had been delivered up to the Sheriff, and that he then held them under executions in his hands. The subscriber inquired when they were to be sold, and said Counsel replied that he was not informed, but presumed that he should be. The subscriber heard nothing further on the subject until Sunday, 29th ult., when a rumor came to him that said fifty-three bonds had been sold the day previous. On Monday following, the subscriber saw the Counsel for the party owning the judgments on which the executions in the hands of the Sheriff had been issued, and then learned that the bonds had been sold by the Sheriff, and bid off by the owner of the judgments for the amount due thereon. On conversing further, and on the subscriber expressing the desire that said bonds might, on paying the amount of the debts, go to other creditors of the Company, said Counsel said that if the creditors of the Company would pay the amount of the judgments and the costs and expenses, they might have the bonds. On the evening of the same day the subscriber communicated the substance of the conversation to said McDonald & Graham, one of whom replied that they were prepared to do that. The subscriber states that he had no knowledge that said sale was to take place prior to the time above stated, and that he had never had, prior to said time, any conversation with the purchaser of said bonds, or with any person giving him any intimation that said sale was to take place, and the subscriber never had any agreement or understanding with the purchaser of said bonds, or any one else, that he was to have any interest therein, and that he has no interest therein. The subscriber has no knowledge as to whether the said sale by the said Sheriff was regular or irregular.

The subscriber further states that immediately after his arriving at St. Paul, on one occasion one of the firm of McDonald, Graham & Co. spoke to the subscriber respecting receiving bonds on their work, and he, supposing that there were sufficient bonds in the hands of said Sibley, replied that he presumed they could have them. Subsequently he learned that the list of debts in the hands of Gov. Sibley did not cover the whole amount claimed by said McDonald, Graham & Co., and he probably so informed them, but he denies that he had any understanding or even conversation with said Chamberlain respecting it.

The subscriber is informed by the Counsel of the Company that every

facility has been tendered to the said McDonald, Graham & Co. to enable them to participate in the assets of the Company in the hands of Gov. Sibley. That to this end, and to enable the said parties to proceed on an even footing with prior attaching creditors, a case was made, by stipulation with their Counsel, heard in the District Court without notice, and carried by consent to the Supreme Court, without delay or formality.

B. PRINGLE.

St. Paul, Feb. 3, 1860.

Mr. Morrison moved that the memorial be printed.

Lost.

Mr. Stewart moved that the memorial be referred to the special committee appointed yesterday,

Carried.

Mr. Cleveland offered the following resolution :

Resolved, That all papers upon the table relating to the claims of any parties against railroad companies be referred to the special Investigating Committee upon claims against said companies, and that the remainder of the official railroad documents be transmitted by the Chief Clerk of the House to the Secretary of the Senate to be printed.

Which was adopted.

Mr. Cleveland presented a communication from Thos. E. Benett, as follows:

Winona, January 31st, 1860.

Hon. E. L. KING,

Dear Sir : Having learned that your Committee of Railroads were making inquiry concerning the price paid by outside parties for the State Railroad Bonds, I take the liberty to write to you in reference to what price the firm with whom I am associated and other parties, within my knowledge have paid for those bonds. Soon after they were issued, our firm relying upon the faith of the State and the progress of the work so satisfactorily pushed forward on the Transit Road, and while Governor Sibley was negotiating for the sale of the bonds in New York, and after our present Auditor had received them as a basis for banking at 95 cents on the dollar, took nine of those bonds in payment of many debts at 95 cents on the dollar, and for the greater share of it released mortgages and judgments which we considered good, fully believing that as the 8 per cent bonds were par in New York, we could by taking these 7 per cent bonds realize our money without much loss, sooner than it could be made out of real estate. Again our townsman, Mr. Ducl, told me that he had held twelve of them for which he had sold goods at fair prices, he also taking them upon the faith and credit of the State.

Mr. Mallory and Mr. Shaw have one or two each which cost them nearly the face in money, or materials and labor that went into the building of the Transit Road. There are other parties who hold them under like circumstances. I am pretty correctly informed that the owners of the Winona County Bank hold thirty-three for which their paper is out at a rate nearly par for their bonds. It is true that some of these bonds got into hands of persons who gave little or no value received for them, being used to buy up enemies to the road &c. But the number is small in comparison to those held by persons who have given not only bona fide but most liberal consideration for them. Now is it honest on the part of the Legislature to entertain a proposition to scale all of those bonds in the hands of outsiders at any low rate and thus scale thousands of dollars out of the pockets of citizens of our State—of men who have been here several years and not only invested money but

in many instances used that money in improving and enhancing the interests of the communities in which they lived. Indeed I believe that if any bonds ought to be scaled it should be those in the hands of the various railroad companies, for the expenses of grading the roads bear no comparison to the actual money invested in these bonds by the outside bondholders. It may be said that we took these bonds at our peril knowing that the State expected the companies to pay the interest. Now when they were offered me I looked at that point and reasoned thus—here are bonds issued to the Railroad Companies by our State, the coupons were signed by a State Officer, the State agreed to pay the interest, they were in all respects similar to the Missouri Bonds issued for like purposes which were then selling in New York, from 80 to 85 cents on the dollar. The Railways in Missouri had not promptly met the interest—that State had paid it for them in some cases, and had I not good reason to believe that Minnesota would preserve its faith, inviolate as Missouri, and in like manner attend to the payment of the interest in case the railways failed to pay while incomplete. Again before I took any of them the State Officers had examined the grading of our Railroad by men appointed and paid for that purpose and pronounced it satisfactory, thus taking away before I purchased any bonds, the possibility of the State ever making the excuse of the work not being done according to law, as any part of the reason why it should not live up to its contract.

Under this view of the case can your committee sanction the passage of an act which will cause the State to repudiate its own obligation down to 20 or 25 cents on the dollar without even a pretext for so doing other than because the companies who agreed to do so and so by the State have failed to live up to their contract, therefore we the State of Minnesota repudiate 75 cents on the dollar of our debts and take it mostly out of our citizens. If the State pleads poverty and has not the money to pay this interest we will give her a year or two interest on the asking for it, but what have we outside bondholders done to be defrauded out of 75 cents on the dollar of these bonds. I hope and believe that you will look upon this matter in the light of justice and use your influence against any such scaly propositions.

Gov. Ramsey's proposition to pay outside bondholders what they paid for the bonds acknowledges that it is the only way to save the State from the stain of repudiation and common sense dictates that such is the only just way of dealing in this matter. Now you and your committee may say this is the opinion of a poor bondholder who is afraid of loss on his bonds by the action of the Legislature, and so it is, but if the State faith is worth anything, if as a business man I could judge the value of commercial paper, am I too blame for having such a high opinion of our State obligations as to be willing to take her bonds at the same rate our State Officers were suffering bank notes to be issued upon them? Would it be considered that I had any lack of business shrewdness if I should to-day buy a Wisconsin State Bond at the rate the Comptroller of Wisconsin is taking them for banking purposes, and are not our State Railroad bonds similar in all respects? But there is another point to consider, suppose you scale us bondholder as proposed in the bills now before you, and other good bonds are given to other and new railroad companies, would not a printed history of the manner you have treated us bondholders make other men loath to touch your new obligations for fear of a like treatment. It seems to me that this bond matter needs careful handling else you may get the State into a worse fix than she is now. "Honesty is the best policy" in the long run for States as well as individuals, and fair equitable dealing among persons high in authority is apt to set good examples before persons of low degree. I didn't intend a sermon, but really I have a pecuniary interest in this matter, and have the right as a citizen and heavy

tax payer to appeal to the law makers for justice and expect that good faith will be kept. Your committee has probably received all sorts of communications and when the matter is before them if agreeable to you, I would like this paper laid before them, because it will give them some knowledge how a few of the bonds issued to the Transit Road have been disposed of, and expresses the views without doubt of a number of citizens of this State who are in the aggregate holding nearly \$100,000 of State Bonds as innocent purchasers for a consideration, alas! too valuable! and who have some right to be heard in this matter as well as the great railroad financiers.

Looking with considerable interest to the result of Legislative action upon this question.

I am respectfully yours.

THOS. E. BENNETT.

Which was referred to the special committee appointed yesterday.

Mr. Sanborn moved to take from the table

H. F. No. 111. A bill for an act to regulate elections in this State.

Carried.

Mr. Secombe offered an amendment, which was concurred in.

Mr. Sanborn moved an amendment, which was concurred in.

Mr. Cleveland moved an amendment.

Which was concurred in.

Mr. Cleveland moved that the bill before the House be taken as the engrossed bill, and put upon its third reading.

Withdrawn.

Mr. Sweet moved to substitute the original bill for the bill now before the House.

Lost.

H. F. No. 111. A bill for an act to regulate elections in this State.

Was read the second time.

Mr. Robertson moved—

That the bill be recommitted to a select committee of one, with instructions to strike out so much thereof as relates to the registry of voters, and report the bill back to-morrow morning.

Mr. Robertson called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 31, nays 24, as follows:

YEAS.

Mr. Abraham,	Mr. Donohue,	Mr. Mitchell,	Mr. Shultz,
Anderson,	Fox,	Mitch,	Skidman,
Armstrong,	Greene of Steele,	Nettleton,	Stewart,
Beatty,	Knox,	Purdie,	Taylor,
Brooks,	Langworthy,	Robertson,	Tollman,
Burnham,	Letford,	Roy,	White,
Caskey,	McDonough,	Scheffer,	Wilkins,
Chaderton,	Meighan,	Secombe,	

31

NAYS.

Mr. Abbott,	Mr. Coo,	Mr. Mann,	Mr. Stearns,
Acker,	Dayton,	Morrison,	Stock,
Austin,	Hayes,	Fraender,	Trow,
Baldwin,	Hulet,	Sanborn,	Van Vorhes,
Bixler,	Hunt,	Sawyer,	Walker, Orange,
Cleveland,	Johnson,	Sherwood,	Webster,

25

So the motion prevailed.

Mr. Robertson moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

FORTY-NINTH DAY.

SATURDAY, February 4, 1860:

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent:

Messrs. Aaker, Arnold, Beatty, Butler, Cleveland, Dayton, Fox, Garrard, Greene of Olmsted, Hunt, Johnson, Kinkead, Knox, Mann, Mantor, McDonough, Mitchell, Morrison, Nettleton, Olivier, Ozman, Robertson, Sanborn, Sawyer, Shrewsbury, Shriner, Shultis, Stephenson, Temanson, Thayer, Van Vorhes, H. Walker, Orange Walker, Watson, White, Willey, and Wilkins.

The journal was read and approved.

Mr. Speaker appointed Mr. Sanborn as the special committee to whom was referred H. F. No. 111.

Mr. Pfaender presented a petition for the relief of Alfred Wolfe.

Which was referred to the Committee on Claims.

Mr. Mann presented the report of the Committee on Incorporations upon H. F. No. 9, as follows:

Majority report of Committee on Incorporations.

The undersigned, your Committee, to whom was referred House File No. 9, and also the petition of Z. M. Brown and others in relation to the towns of Monticello, Lower Monticello, and Moritzsious, beg leave respectfully to submit the following report:

H. F. No. 9 is a bill for an act to amend an act to incorporate the town of Moritzsious.

And the petition of Z. M. Brown and others prays that the same act may be repealed.

The only question in the opinion of your committee is, Ought the said act to be repealed?—for it is evident to your committee that if the act be not repealed its objects and intentions cannot be carried out without the proposed amendment, which amendment is only the correction of a clerical error, made

at some time before its passage, while under the consideration of the Legislature.

But there are many reasons why, in the opinion of your committee, the said act ought to be repealed.

The act incorporating the town of Moritzzeous created a new town, by that name, out of the territory included within the corporate limits of Monticello and Lower Monticello, contrary to the express wish of the people residing within the limits of said town—a large number of whom are now petitioning this Legislature for the repeal of said act.

Your committee are of the opinion that the object of all municipal incorporations is, or should be, to allow the people residing therein to establish and maintain municipal laws and regulations in accordance with their own wishes, subject to the law of the land.

The act incorporating the town of Moritzzeous violated this fundamental principle by repealing laws establishing a town government, with which the people affected thereby are and always have been satisfied, whose officers were elected by themselves, and established instead a government to which they were opposed, administered by officers not chosen by themselves, or even residents of the town.

Your committee can see in the incorporation of the town of Moritzzeous none of the objects attained for which such corporations should be formed. It was not a corporation formed for municipal purposes, but a corporation formed at the instance of a private citizen, entirely for his own benefit, for the purpose of influencing the determination of a dispute in regard to the entry of the lands upon which said town is situated, and is directly in conflict with the spirit, if not the letter, of sec. 4, art. 11, of the Constitution.

There appears to have been a controversy in regard to the entry of the lands intended to have been included within the corporate limits of the town of Moritzzeous, between Moritzzeous Weisberger upon the one hand, who has been endeavoring to enter the same through Judge Sherburne, as trustee, and other parties seeking to enter the same lands through the corporate authorities of Monticello and Lower Monticello, as trustees. That controversy has been carried on by both parties, under the advice and with the assistance of able counsel, and has been decided twice by the local land officer in favor of the entry by the corporate authorities of Monticello and Lower Monticello, and on appeal the decision of the land officer has been affirmed at Washington.

In the decision of the Commissioner of the General Land Office he says, "the application of Judge Sherburne to enter the town of Moritzzeous has, in my opinion, no merits." He also says, "Weisberger and any who claim under him will be defeated in no right which it will be in their power to establish, by allowing the entry in favor of the town authorities."

The incorporation of the town of Moritzzeous added new complications and placed new difficulties in the way of a speedy settlement of the title.

A population of from seven hundred to one thousand have settled and made improvements upon the lands in dispute, and have made all their improvements, amounting to many thousand dollars, in reference to the plats of the towns of Monticello and Lower Monticello. The plats of these towns do not correspond with the plat of the town of Moritzzeous—consequently, if the act incorporating the town of Moritzzeous remains in force, many of those improvements will be in the streets of the new town, and all thrown into confusion and irregularity.

In the opinion of your committee under the acts incorporating Monticello and Lower Monticello, and by the decisions of the Land Office, important rights have been vested in those residing and owning real estate in said towns,

which the act incorporating the town of Moritzuous has entirely disregarded.

For the reasons above mentioned, your committee are of the opinion that the act incorporating the town of Moritzuous should be repealed; and for the purpose of repealing the same, herewith report—

A bill for an act entitled an act to repeal an act incorporating the town of Moritzuous, and to define the boundaries of Lower Monticello.

With a recommendation that it pass.

H. E. MANN, Chairman,
JACKSON TAYLOR,
M. C. TOLMAN,
Majority Committee.

Mr. Abbott presented the minority report upon the same subject, as follows:

Report of the Committee on Incorporations.

The undersigned, members of the Committee on Incorporations, to whom was referred the bill for an act to amend an act entitled an act to incorporate the town of Moritzuous, and the report of the Judiciary Committee thereon, concur fully with said report, and recommend its adoption.

In connection with the same subject a petition of Z. M. Brown and others, praying for the repeal of the act incorporating the town of Moritzuous, was referred.

We find, in a thorough investigation of the whole matter, and a hearing of both parties, that there is no just cause for repealing said act, but that to do so would be gross injustice to the rightful proprietors of the town of Moritzuous.

It appears that in September, 1854, Moritzuous Weisberger and A. C. Riggs selected the lands in dispute as the site of a town, naming it Moritzuous, and caused the lands to be surveyed into streets, blocks, and lots, and platted as such town, and the plat thereof duly filed for record in the office of Register of Deeds in and for the county of Benton, (to which the county in which said land is, was then attached for judicial purposes,) on the 27th of October, 1854. The quantity of land claimed at that time by them was greater than what can be held as a town site. Soon after portions of said town site was claimed and occupied by various persons; but near 320 acres was left as a town site, and has so been occupied ever since.

The selection of said town site was made under and pursuant to an agreement between Weisberger and Riggs, the condition of which was that they should be equal partners in the site. Further arrangements were, that Riggs should occupy and improve the site, Weisberger furnishing the means therefor; and that Weisberger should visit the east and induce emigration to the point. According to arrangements Weisberger did furnish Riggs with means, at Riggs' own estimate, to build a warehouse, dwelling house, ferry, and of sustenance through the winter; and went East, lecturing and laboring to induce emigration to Minnesota and Moritzuous.

While he was thus engaged, in good faith, Riggs sold himself and part of Moritzuous to the purposes of J. F. Bradley and others, who had the site platted again as Lower Monticello, and recorded in Riggs' name alone. Riggs made affidavit that he was sole proprietor of said town, and sold property therein in his name alone. Weisberger, returning in a few weeks, refused to acknowledge such transactions. Also, afterwards refused to sell his interest in Moritzuous, and thereupon a new plat was made and recorded, in which J. F. Bradley and others were included with Riggs as proprietors.

The said parties now applied to the Territorial Legislature, at the regular session of 1856-57, for the passage of an act incorporating Lower Monticello,

which application was refused for the reason that said site was not legally known as Lower Monticello, but as Moritzzeous, and could only be properly incorporated as Moritzzeous.

On the 2d day of April, 1857, as soon as the government plat of said land was returned to the land office, Hon. Moses Sherburne, then Judge of the District Court of Wright county, (in which said land is) applied in proper form to enter the same as the site of Moritzzeous, in trust for the occupants and proprietors thereof, under and pursuant to the act of Congress of May 23, 1844. An affidavit of the re-survey of the said site, and notice of the claim to the same was filed in the said land office, and the entrance money therefor deposited in the land office, some nine months before, by Weisberger. No adverse claims to said lands appeared upon the records of the land office at the time of the application by Judge Sherburne, nor for sometime afterwards, and yet the Register refused to permit the entry of said land. The Receiver testifies that he was ready to permit the entry of the land, but was refused by the Register. In connection with this it is significant that Mr. Wood, formerly Receiver of the land office, called at said office on the 9th of January, 1858, and inquired for Weisberger's notice of entry that he, Mr. Wood, had himself written for Weisberger, and saw properly signed and filed, and was informed by the Register that no such notice was on file in the office. Also, the Register, pending his resignation of office, refused to transact business for Weisberger, but did transact business for other persons, and immediately after his retirement from office became the attorney of the Lower Monticello parties.

The said parties again applied to the Legislature, and smuggled into an omnibus bill clauses incorporating Lower Monticello, without notice to Weisberger, and where, the name not appearing in the title of the bill, it escaped the notice of his friends. The entry was contested, and the contest carried up to Washington. Weisberger's papers were withheld or lost—the incorporation of Lower Monticello superceded the application of Judge Sherburne, and, as a matter of course, the decision was against him.

Weisberger then appeared personally before the Secretary of the Interior, and upon his representations the case was remanded back to the local office for a rehearing, and is now again before the Department.

The act of the Territorial Legislature justly provides that "the person or persons who shall have made the first claim to and settled upon such lands, either in person or by agent, servant, or tenant, or those claiming under him, her, or them, * * * shall be deemed to have the prior or permanent right to such lands."

At the last session of the Legislature Weisberger applied openly and publicly for the repeal of the clauses incorporating Lower Monticello, and, after thorough investigation and discussion, the repeal was granted, and Moritzzeous incorporated by a large majority.

Weisberger now repaired to Moritzzeous, to enter upon his duties and take charge of his property, but was waited upon by a mob of rowdies, headed by J. F. Bradley, and told that if he erected buildings there they would burn them down, and fight him until he would bite the dust. Thus trampling upon the legislative authority they had invoked for themselves when it went against them, and using violence to sustain fraud.

An error was discovered in the enrolled bill incorporating Moritzzeous materially affecting the rights and interests of Weisberger, and he now asks for its correction.

The other parties present a petition praying for the repeal of the incorporation of Moritzzeous, and the substitution therefor of Lower Monticello. It is the last hope of said parties—the last act in the series of frauds in violation

of the rights of Weisberger; and its consummation, in granting the prayer of the petitioners, would be complete—as he has no claims in Lower Monticello, his claims and rights being in Moritzzeous.

The petition itself is of doubtful character. It makes assertions directly contrary to the sworn testimony of many witnesses, and signed chiefly by persons not residents of the disputed town, many of whom signed the petition through urgent invitation, rather than a sense of justice, and in one instance by a minor.

In conclusion, it appears to your committee that said parties have attempted to defraud Moritzzeous Weisberger of his rights in the disputed town, by bribing his partner in his absence to betray his interests; by inducing the Register of the land office to withhold his papers, by clandestine legislation, seeking to supercede his rights by legislative enactments, by violence, forcing him to be a non-resident against his will; and lastly, by an untruthful petition, seeking to deceive this body.

In consideration of these facts, your committee recommend that the prayer of the petitioners be not granted.

BURROUGHS ABBOTT,
H. J. SCHEFFER,
Minority Committee.

Mr. Sweet moved that the majority report be adopted.

Withdrawn.

Mr. Stearns moved that the reports be laid upon the table and ordered printed.

Which motion prevailed.

Mr. Mann presented the report of the Committee on Incorporations upon

H. F. No. 151. A bill for an act for the relief of the Plymouth Congregational Society of Minneapolis.

With the recommendation that it be passed.

Adopted.

Also, upon

H. F. No. 120. A bill for an act to amend an act entitled an act to incorporate the Little Falls Manufacturing Company.

With a recommendation that it be passed.

Adopted.

Mr. Stoek presented the report of the Committee on Indian Reservations upon

S. F. No. 66. A memorial for the occupation of Fort Abercombie.

With the recommendation that it be passed.

Adopted.

Mr. Sanborn presented the report of the Committee on the Judiciary upon

H. F. No. 34. A bill for an act to authorize and regulate garnishee proceedings.

With the recommendation that it be passed as amended.

Adopted.

And the bill was referred to the Committee of the Whole.

Also, upon

S. F. No. 78. A bill for an act to amend section 91 on page 363 of the revised statutes of 1852, and on page 568 of the compiled statutes.

With the recommendation that it be passed.

Adopted.

Also, upon

S. F. No. 7. A bill for an act for the discharge of one or more joint debtors without impairing the right of creditors as to the other debtors.

With the recommendation that it be passed.

Adopted.

Mr. Taylor, from the Committee on Enrollment, reported as correctly Enrolled—

H. F. No. 86. A memorial for a mail route from La Crosse in the State of Wisconsin, to Shelbyville, in the State of Minnesota.

Also,

H. F. No. 104. A bill for an act to regulate insurance companies not incorporated in the State of Minnesota.

H. F. No. 123. An act to appropriate money to pay certain arrearages for 1858.

Also,

H. F. No. 15. A bill for an act to provide for the election and to define the duties of the County Attorney in this State.

And that the bills had been presented to his Excellency the Governor for his approval and signature.

Mr. Hulett, from the special committee to whom was referred the memorial of McDonald, Graham, and others, reported as follows:

To the Honorable the House of Representatives of the State of Minnesota:

The select committee, to whom were referred the memorials of McDonald, Graham & Co., and Selah Chamberlain, and Ferdinand Becker and others, together with the statement of Benjamin Pringle, and other statements and papers in relation to the private business transactions of the said parties and others, beg leave to report as follows, to wit:

Your committee, upon consultation, are of the opinion that the matters referred to in the said memorials and other papers are matters which pertain strictly to the private concerns of the persons interested therein, and that they are not matters in reference to which it is the duty or privilege of the Representatives of the people to interfere.

Your committee can discover no desirable object to be attained in pursuing the investigation contemplated in the instructions with which the said reference was made, which would be at all commensurate with the value of the time, both of your committee and of the House, which would necessarily be consumed in the said investigation.

Your committee therefore respectfully ask that they may be discharged from the further consideration of the said matters so referred to them.

And your committee further respectfully recommend that the said memo-

iralists have the leave of the House to withdraw their said memorials respectively.

All of which is respectfully submitted.

L. HULETT,
HENRY STOEK,
A. M. HAYES,
D. A. SECOMBE,
Committee.

Adopted.

The question was upon the adoption of the amendments proposed by the Senate to

H. F. No. 74. An act to change the time of holding the terms of the district court of the fifth judicial district.

Upon the vote being taken, there were yeas 48, nays 7, as follows:

YEAS.

Mr. Abraham,	Mr. Greene of Steele,	Mr. Ozmun,	Mr. Skillman,
Anderson,	Hulett,	Pfaender,	Stearns,
Arnold,	Hunt,	Purdie,	Stephenson,
Baldwin,	Johnson,	Behfeld,	Stewart,
Beatty,	Knox,	Renz,	Stoek,
Bixler,	Langworthy,	Roy,	Sweet,
Brooks,	Letford,	Sanborn,	Taylor,
Chadderdon,	Mann,	Sawyer,	Orange Walker,
Cleveland,	Mitsch,	Scheffer,	Webster,
Coe,	Morrison,	Secombe,	White,
Donohue,	Nettleton,	Sherwood,	Wilkins,
Fox,	Olds,	Shultis,	Speaker.

NAYS.

Mr. Acker,	Mr. Austin,	Mr. Cleary,	Mr. Trow
Armstrong,	Burnham,	Meighan,	

So the amendment was carried.

Mr. Mann offered the following resolution:

Resolved, That the respective parties connected with the Moritzseous and Monticello and Lower Monticello disputes have the privilege of getting such evidence printed as they desire to submit to the House—first submitting the same to the Committee on Incorporations, with notice to the opposite party.

Carried.

Mr. Secombe moved to reconsider the vote by which H. F. No. 111 was referred to a special committee.

Mr. Tollman moved a call of the House.

Which was ordered, and the following members answered to their names:

Messrs. Abbott, Abraham, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Caskey, Chadderdon, Cleary, Cleveland, Coe, Donohue, Fox, Garrard, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Langworthy, Leavens, Letford, Mann, McDonough, Meighan, Mitsch, Morrison, Nettleton, Olds, Olivier, Ozmun, Pfaender, Purdie, Behfeld, Renz, Roy, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shultis, Skillman, Stearns, Stevens, Stephenson, Stewart, Stoek, Sweet, Taylor, Tollman, Trow, Orange Walker, Webster, White, and Mr. Speaker.

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

Carried.

The question recurring upon the motion to reconsider,
It was carried.

The question was upon the motion to refer the bill to a committee of one.
Lost.

Mr. Secombe moved several amendments to the bill.

Which were read and adopted.

Mr. Purdie moved an amendment.

Which was adopted.

Mr. Baldwin moved an amendment.

Which was adopted.

Mr. Secombe moved that the bill be ordered engrossed, and passed to a third reading.

Mr. Arnold call for the yeas and nays which were ordered.

Upon the vote being taken there were yeas 45, nays 18, as follows:

YEAS.

Mr. Abbott,	Mr. Fox,	Mr. McDonough,	Mr. Skillman,
Abraham,	Greene of Steple,	Morrison,	Stearns,
Acker,	Hayes,	Olds,	Stevens,
Anderson,	Hulett,	Ozman,	Stewart,
Austin,	Hunt,	Pfander,	Stock,
Baldwin,	Johnson,	Purdie,	Taylor,
Bixler,	Knox,	Renz,	Trow,
Brooks,	Langworthy,	Sanborn,	Walker, Orange,
Burnham,	Leavens,	Sawyer,	Webster,
Caskey,	Letford,	Secombe,	White,
Cleveland,	Mann,	Sherwood,	Speaker
Coe,			45

NAYS.

Mr. Armstrong,	Mr. Donohue,	Mr. Wadswell,	Mr. Shultz,
Arnold,	Garrard,	Rehfeld,	Stephenson,
Betty,	Morgan,	Roy,	Sweet,
Chadbourne,	Mitchell,	Shaffer,	Tollman,
Cleary,			18

So the bill was ordered engrossed.

Mr. Mann moved to reconsider the vote by which H. F. No. 126 was lost.
Carried.

Mr. Mann moved to lay the bill upon the table.
Carried.

S. F. No. 65. A memorial for the occupation of Fort Abercombie.

Had its second reading, and was ordered to a third reading.

S. F. No. 72. A bill for an act to relocate certain roads in Mower county.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 145. A bill for an act to repeal section four of an act passed March 3, 1858, entitled an act allowing a change of venue in certain cases, the same being subdivision seven of section seven of chapter fifty-three of the so-called public statutes.

Had its second reading, and was ordered to a third reading.

H. F. No. 146. A bill for an act to set off the town of Delhi.

Had its second reading, and was ordered to a third reading.

S. F. No. 7. A bill for an act providing for the discharge of one or more joint debtors without impairing the rights of creditors as to other debtors.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 45, nays 8, as follows:

YEAS.

Mr. Abbott,	Mr. Chadderdon,	Mr. Langworthy,	Mr. Roy,
Abraham,	Cleary,	Leavens,	Sawyer,
Armstrong,	Cleveland,	McDonough,	Secombe,
Austin,	Cooper,	McDonough,	Shultz,
Acker,	Donohue,	Meighan,	Stearns,
Arnold,	Garrard,	Mitch,	Stevens,
Anderson,	Greene of Steele,	Olds,	Stewart,
Baldwin,	Hayes,	Peasender,	Stock,
Beatty,	Hulett,	Purdie,	Sweet,
Birker,	Hunt,	Rehfeld,	Trow,
Burnham,	Knox,	Ross,	Webster,
Caskey,			

45

NAYS.

Mr. Brooks,	Mr. Kinkead,	Mr. Morrison,	Mr. Walker, Orange
Johnson,	Mitchell,	Tollman,	Speaker,

8

So the bill was passed and its title agreed to.

S. F. No. 16. A bill for an act for the better apportionment of judicial expenses.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 47, nays 3, as follows:

YEAS.

Mr. Abraham,	Mr. Cleary,	Mr. Leavens,	Mr. Secombe,
Acker,	Cleveland,	McDonough,	Sherwood,
Anderson,	Cooper,	Mitch,	Shultz,
Armstrong,	Donohue,	Meighan,	Stearns,
Arnold,	Fox,	Mitchell,	Stevens,
Austin,	Garrard,	Olds,	Stewart,
Baldwin,	Greene of Steele,	Peasender,	Stock,
Beatty,	Hayes,	Purdie,	Taylor,
Birker,	Hulett,	Rehfeld,	Tollman,
Brooks,	Hunt,	Ross,	Trow,
Caskey,	Johnson,	Scheffer,	Webster,
Chadderdon,	Langworthy,		

48

NAYS.

Mr. Kinkead,	Mr. Roy,	Mr. Speaker,
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So the bill was passed and its title agreed to.

S. F. No. 45. A bill for an act to provide against corrupt legislation.

Had its third reading and was put upon its final passage.

Aud upon the vote being taken there were yeas 53, nays 2, as follows:

YEAS.

Mr. Armstrong,	Mr. Cleary,	Mr. Mitch,	Mr. Shultz,
Abbott,	Cleveland,	Mitchell,	Secombe,
Acker,	Donohue,	Morrison,	Sherwood,
Abraham,	Fox,	Olds,	Skilman,
Anderson,	Garrard,	Stearns,	Stearns,
Arnold,	Greene of Steele,	Peasender,	Stevens,
Austin,	Hulett,	Purdie,	Stewart,
Beatty,	Kinkead,	Rehfeld,	Stephenson,
Baldwin,	Knox,	Ross,	Sweet,
Birker,	Langworthy,	Robertson,	Trow,
Brooks,	Leavens,	Roy,	Walker, Orange
Burnham,	McDonough,	Saborn,	Webster,
Caskey,	Meighan,	Scheffer,	Speaker,
Chadderdon,			

53

NAYS.

Mr. Johnson,	Mr. Tollman,
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2

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

Mr. Robertson presented a minority report of the special committee on Railroads as follows :

The undersigned, a member of the Joint Committee on Railroads, Railroad Grants, Bonds, &c., ask leave to report—

That of all plans of adjustment proposed to said committee to remedy our present railroad disasters and complications, he considers that of the plurality of the committee signed by Mr. Stewart of the Senate, and Messrs. Cleveland, Greene, Otis, Walker and Burnham of the House, as the most feasible, and as most deserving the favorable consideration of the House.

Fully impressed with the perplexing nature of the various difficulties interposing obstacles to any satisfactory adjustment of the railroad question, the undersigned would approve that report with a single exception and modification, extending to the Transit road, or any company which may hold its franchise, like conditions with those granted to the proposed company or companies which shall build those portions of the projected through road from La Crescent to Anoka, comprising parts of the Root River, Cedar Valley, Southern Minnesota and the Minnesota and Pacific railroad lines so that a continuous grand trunk road may be secured at an early day, as proposed by the plurality report, without at the same time depriving those interested in the Transit road, of a reasonable opportunity to construct that portion of the grand trunk, embraced within the line of the Transit, and without impairing the entirety or status of the latter line which the undersigned believes can be accomplished without defeating the leading and important aim of the plurality report, to wit—to secure in consideration of the impending railroad State debt, a complete grand trunk railroad running through the central portions of the State, and opening a communication southward and eastward, and also without seriously increasing existing liabilities, and thereby avoiding even apparent injustice to any region of the State.

The undersigned would in conclusion respectfully recommend that the amendment to the Constitution proposed by plurality committee be adopted, with such modifications as will accomplish the purpose suggested in this report.

Respectfully,

D. A. ROBERTSON.

The report was ordered printed.

Mr. Sawyer from the Committee on Schools and School Lands, also the Committee on Towns and Counties, reported upon H. F. Nos. 18 and 5, recommending the passage of a substitute.

Adopted.

Mr. Sawyer moved that the bill be referred to the Committee of the Whole.

Withdrawn.

Mr. Stock moved to lay the bill upon the table, and order the same printed.

Carried.

Mr. Stearns presented the report of the Committee on Internal Improvements upon H. F. No. 150 recommending the passage of the bill as amended.

Adopted.

Mr. Sanborn moved that the House resolve itself into Committee of the Whole to take into consideration H. F. No. 34, and such other business as may come before it.

Carried.

Mr. Sanborn in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 34, with amendments, and recommended that it be referred to a special committee of three.

The following message was received from the Senate:

Mr. Speaker:

I have to announce to the Hon. House the passage by the Senate of the following bills:

S. F. No. 74. A bill providing for an act for notice of Lis Pendens.

Also,

S. F. No. 97. A bill for an act entitled an act to amend sections 8 and 16 of chapter 104, of compiled statutes.

Also,

S. F. No. 116. A bill for an act relative to free schools in the City of St. Paul, approved March 1st, A.D. 1856, and to amend an act amending the foregoing act, approved February 26, A.D. 1857.

Herewith submitted and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

The question was upon concurring in the report of the Committee of the Whole.

Which was concurred in.

The Speaker appointed as the committee on H. F. No. 34, Messrs. McDonough, Acker, and Sweet.

Mr. Acker moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker,

Attest: JARED BENSON, Chief Clerk.

FIFTIETH DAY.

MONDAY, February 6, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent:

Messrs. Aaker, Abraham, Baldwin, Cleveland, Garrard, Hunt, LeFond.

Mason, Morrison, Osman, Rehfeld, Robertson, Roy, Sanborn, Scheffer, Shrewsbury, Shriner, Shultz, Stearns, Stephenson, Sweet, Taylor, Tollmar, Van Vorhes, White, and Willey.

The journal was read and approved.

Mr. Sanborn presented the report of the special committee, consisting of the members from Ramsey county, upon

H. F. No. 147, and recommended that it be passed as amended.

Adopted.

Mr. Stearns presented the report of the Committee on Internal Improvements upon

H. F. No. 150, with the recommendation that it be passed as amended.

Adopted.

And the bill had its first reading.

S. F. No. 74. A bill for an act providing for notice of Lis Pendens.

Had its first reading.

S. F. No. 97. A bill for an act to amend sections eight and sixteen of chapter one hundred and four of the compiled statutes.

Had its first reading.

S. F. No. 116. A bill for an act relative to free schools in the City of St. Paul, approved March 1st, A. D. 1856, and to amend an act amending the foregoing act, approved February 26, A. D. 1857.

Had its first reading.

Mr. Sawyer presented the remonstrance of citizens of Rochester against any change of the city charter.

Which was referred to the members from Olmsted county.

Mr. Hunt introduced—

A bill to abolish the office of County Auditor, and to provide for the performance of the duties heretofore performed by said officer.

Which had its first reading.

Mr. Hunt moved to suspend the rules so as to refer the bill to the Committee of the Whole without printing.

Carried.

Mr. Sanborn introduced—

A bill for an act to authorize the board of supervisors of Ramsey county to assess and pay any damage sustained by any person or persons by reason of the location or grading of the road from St. Paul to Fort Snelling, laying in said county, which were not assessed and settled.

Which was read a first time.

Mr. Acker introduced—

An act to amend an act entitled an act to provide for the government of the State Prison of the State of Minnesota.

Which was read the first time.

Mr. Acker introduced—

A bill for an act to provide for the salaries of the Judges of the Supreme and District Courts, and for other purposes.

Which was read the first time.

Mr. Secombe moved to reject the bill.

Which motion prevailed.

Mr. Kinkead offered the following resolution :

Resolved, That the Indian Reservation Committee be requested to report the bill back to the House which was referred to that committee in relation to Indians and Indian depredations.

Adopted.

Mr. Secombe moved to refer the bill to the member from Douglas county. Carried.

H. F. No. 5. A bill for an act to provide for the regulation and maintenance of common schools.

Was taken up.

Mr. Sawyer moved to suspend the rules so far as to allow the bill to be read the second time at length.

Which motion prevailed.

Mr. Sweet moved an amendment.

Mr. Secombe moved that the bill be referred to the Committee of the Whole.

Mr. Sweet called for the yeas and nays.

Mr. Secombe moved to lay the motion upon the table.

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 25, nays 36, as follows:

YEAS.

Mr. Austin,
Casky,
Cleveland,
Coe,
Dayton,
Greene of Olmsted,
Greene of Steele,

Mr. Hayes,
Hunt,
Langworthy,
Mantor,
McDonough,
Olds,

Mr. Osman,
Sawyer,
Secombe,
Skillman,
Stock,
Thayer,

Mr. Trew,
Walker, Jr.,
Walker, Orange,
Watson,
Webster,
Wilkins,

NAYS.

Mr. Abbott,
Anderson,
Armstrong,
Arnold,
Beatty,
Brooks,
Burnham,
Butler,
Chadderdon,
Cleary,

Mr. Donohue,
Garrard,
Haleth,
Johnson,
Kinkead,
Knox,
Leavans,
Meighan,
Mitchell,
Mitch,

Mr. Olivier,
Pfaender,
Purdie,
Rehfeld,
Reese,
Roy,
Sanborn,
Scheffer,
Sherwood,

Mr. Smith,
Stevens,
Stephenson,
Stewart,
Sweet,
Taylor,
Tommason,
White,
Speaker,

So the motion to lay upon the table was lost.

The question recurring upon the motion of Mr. Secombe,

Mr. Sweet moved to lay the motion upon the table.

Lost.

The question recurring upon the motion to refer to the Committee of the Whole,

It was carried.

H. F. No. 149. A bill for an act to establish the county of Wattonwan.
Had its second reading, and was ordered to a third reading.

S. F. No. 55. A memorial for the occupation of Fort Abercombie.
Had its third reading, and was put upon its passage.

Upon the vote being taken the memorial was passed, and its title was agreed to.

Mr. Hunt moved that the House resolve itself into a Committee of the Whole, to take into consideration such business as may come before it.

Carried.

Mr. Hayes in the chair.

After some time spent therein, the Committee rose, and by their Chairman, reported back to the House,

H. F. No. 87, without any recommendation.

Also,

H. F. No. 155, and recommended that it be passed as amended.

Also,

S. F. No. 52, and recommended that it be laid upon the table.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 87.

Mr. Acker moved to amend by striking out all after "the enacting clause."
Lost.

And the bill was ordered engrossed, and passed to a third reading.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 155, as amended.

Mr. Mitchell moved an amendment.

Lost.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 155.

Mr. Sweet offered the following amendment to the title:

An act to legislate certain persons out of office and to elect others in their stead.

Lost.

Mr. Burnham offered an amendment.

Which was adopted.

Mr. Donohue moved to amend by striking out "Ramsey county."
Adopted.

The question was upon concurring in the report of the committee.

Mr. Donohue moved to amend the report by referring to a special committee.

Lost,

Mr. Secombe moved the previous question.

The question was, Shall the main question be now put?

Carried.

Mr. Secombe called for a division of the recommendation.

Which was had.

The question was upon concurring in the first amendment.

Which was concurred in.

The question was upon concurring in the last amendment.

Which was not concurred in.

Mr. Secombe moved that the bill be engrossed, and passed to a third reading.

Carried.

The question was upon concurring in the report of the Committee of the Whole upon S. F. No. 52.

Which was concurred in.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

S. F. No. 66. A bill for an act to amend an act relative to free schools in the city of St. Paul.

Also,

S. F. No. 75. A bill for an act to amend an act entitled an act to incorporate the city of Hastings and to repeal its former charter,

All of which are herewith submitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary.

Mr. Cleveland moved to take from the table S. F. No. 84, and that the same be put upon its passage.

Which motion prevailed.

S. F. No. 84. An act changing the name of Hamilton McAlpine, and constituting him heir at law of J. S. and O. E. Archibald.

Was read the third time and put upon its final passage.

And upon the vote being taken there were yeas 53, nays 1, as follows :

Mr. Abbott,
Abraham,
Anderson,
Armstrong,
Arnold,
Austin,
Brooks,
Butler,
Casky,
Chadlerdon,
Cleary,
Cleveland,
Goe,
Donohue,

Mr. Garrard,
Greene of Olmsted,
Greene, of Steele,
Hayes,
Hunt,
Johnson,
Kinkead,
Knox,
Langworthy,
Leavens,
Mann,
Mantor,
McDonough,

Mr. Mitsch,
Mitchell,
Nettleton,
Olds,
Pfander,
Purdie,
Renz,
Roy,
Sanborn,
Sawyer,
Scheffer,
Secombe,
Shultis,

Mr. Skillman,
Stewart,
Stock,
Tammanson,
Thayer,
Trow,
Walker, H.,
Walker, Orange,
Watson,
Webster,
White,
Wilkins,
Speaker,

NAYS.

Mr. Meighan,

1

So the bill was passed and its title agreed to.

Mr. Scheffer offered the following resolution :

Resolved, That the Chief Clerk of this House be authorized to issue certificates for the proper fees for amount of mileage, etc., in the Dakota contested case, as reported by the Committee on Claims.

Which was adopted.

Mr. Langworthy offered the following resolution :

Resolved, That the assistant clerk of this House be allowed ten cents per folio for all the transcribing done upon the Journal, and that the Chief Clerk be authorized to issue certificates for the same.

Which was adopted.

Mr. Secombe moved take up H. F. No. 111.

Carried.

H. F. No. 111. A bill for an act to regulate elections in this State.

Was read the third time and put upon its final passage.

Mr. Secombe moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Abbott, Abraham, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Brooks, Butler, Burnham, Caskey, Chadderdon, Cleary, Cleveland, Coe, Donohue, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hunt, Knox, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Nettleton, Ozmun, Pfander, Purdie, Renz, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Shultis, Skillman, Stewart, Stock, Sweet, Temanson, Thayer, Trow, H. Walker, Orange Walker, Watson, Webster, White, Wilkins and Mr. Speaker.

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

Lost.

The Sergeant-at-Arms reported Messrs. Johnson and Kinkad in their seats.

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

Carried.

The question was upon passage of the bill.

Upon the vote being taken, there were yeas 46, nays 16, as follows :

YEAS.

Mr. Abbott,	Mr. Cleveland,	Mr. McDonough,	Mr. Skillman,
Abraham,	Coe,	Mitchell,	Stock,
Acker,	Greene of Olmsted,	Ozman,	Taylor,
Anderson,	Greene of Steele,	Pfander,	Temanson,
Austin,	Hayes,	Purdie,	Thayer,
Arnold,	Hunt,	Renz,	Trow,
Brooks,	Johnson,	Sanborn,	Walker H.
Burnham,	Knox,	Sawyer,	Walker, Orange,
Baldwin,	Langworthy,	Secombe,	Watson,
Butler,	Leavens,	Shultis,	Webster,
Caskey,	Mann,	Stewart,	White,
Chadderdon,	Mantor,		

46

NAYS.

Mr. Armstrong, Beatty, Cleary, Donohue,	Mr. Garrard, Kinkead, Meighan, Mitch,	Mr. Nettleton, Rehfeld, Robertson, Roy,	Mr. Sweet, Scheffer, Wilkins, Speaker	16
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So the bill was passed and its title agreed to.

Mr. Donohue offered the following resolution :

Resolved, That no quotation from the "so-called public statutes" be listened to or read by any member of this House, but whenever a reference is made, the public statutes be quoted.

Mr. Baldwin moved to lay the resolution on the table.

Which motion prevailed.

The Speaker appointed as the concurrent committee to examine the books &c., of the Treasurer and Auditor, Messrs. Morrison, Wilkins and Austin.

Mr. Abbott moved a reconsideration of the vote by which the resolution was adopted giving to the Assistant Clerk extra pay.

Mr. Greene of Steele called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 30, nays 27, as follows :

YEAS.

Mr. Abraham, Acker, Abbott, Arnold, Austin, Burnham, O. Key, Greene of Steele,	Mr. Hayes, Hunt, Johnson, Mann, Mantor, McDonough, Mitchell, Mitch,	Mr. Ozman, Paenger, Purdie, Robertson, Secombe, Shuttle, Skilman,	Mr. Stock, Stewart, Taylor, Temanson, Walker Orange, Watson, Webster,	30
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NAYS.

Mr. Anderson, Armstrong, Baldwin, Beatty, Butler, Chadlerden, Cleary,	Mr. Cleveland, Donohue, Garrard, Greene of Olmsted, Kinkead, Knox, Langworthy,	Mr. Leavens, Meighan, Nettleton, Roy, Rehfeld, Sanborn, Scheffer,	Mr. Sweet, Thayer, Walker, H. White, Wilkins, Speaker.	27
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So the motion to reconsider prevailed.

Mr. Secombe moved to lay the resolution on the table.

Carried.

H. F. No. 133 was taken up.

Mr. Secombe moved an amendment.

Which was adopted.

H. F. No. 133. A bill for an act to provide for the laying out, altering, discontinuing, working and repairing of roads and bridges,

Had its second reading, and was ordered to a third reading.

Mr. Secombe moved that the House resolve itself into a Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Hunt in the Chair.

After some time spent therein the committee rose, and through their chairman, reported back to the House H. F. No. 5, and asked leave to sit again.

The question was upon concurring in the report of the Committee.
Which was not concurred in.

Mr. Sweet moved that the House adjourn.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 25, nays 30, as follows :

YEAS.

Mr. Abbott,	Mr. Greene of Steele,	Mr. Fardie,	Mr. Sweet,
Arnold,	Knox,	Rehfeld,	Tomanson,
Baldwin,	Mann,	Robertson,	Thayer,
Beatty,	Mantor,	Roy,	White,
Brooks,	Mitchell,	Scheffer,	Wilkins,
Chadderdon,	Pfander,	Stewart,	Speaker.
Cleveland,			

25

NAYS.

Mr. Abraham,	Mr. Garrard,	Mr. Mitchell,	Mr. Griffin,
Anderson,	Greene of Olmsted,	Meighan,	Stock,
Armstrong,	Hayes,	Omma,	Taylor,
Austin,	Hunt,	Sambor,	Walker, H.
Burnham,	Johnson,	Secombe,	Walker Orange,
Butler,	Langworthy,	Shutts,	Watson,
Caskey,	Leavens,	Sawyer,	Webster,
Cleary,	McDonough,		

30

So the motion to adjourn was lost.

Mr. Abbott moved a call of the House, which was ordered.

Mr. Langworthy moved that farther proceedings under the call be dispensed with.

Carried.

Mr. Secombe moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Lost.

Mr. Baldwin moved that the House adjourn.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 33, nays 19, as follows :

YEAS.

Mr. Anderson,	Mr. Greene of Steele,	Pfander,	Mr. Stewart,
Armstrong,	Hayes,	Fardie,	Stock,
Arnold,	Johnson,	Rehfeld,	Sweet,
Austin,	Langworthy,	Roy,	Taylor,
Baldwin,	Leavens,	Robertson,	Tomanson,
Beatty,	Mann,	Sambor,	Thayer,
Brooks,	Mantor,	Shutts,	Wilkins,
Chadderdon,	Mitch,	Shuttsman,	White,
Greene of Olmsted			

33

NAYS.

Mr. Abbott,	Mr. Cleveland,	Mr. Meighan,	Walker, Orange
Abraham,	Cleary,	Mitchell,	Webster,
Burnham,	Garrard,	Sawyer,	Watson,
Butler,	Hunt,	Secombe,	Speaker.
Caskey,	McDonough,	Walker, H.	

19

So the motion to adjourn was carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

The question then was upon the bill as to the duty of the fireman.
Which was not adopted.

Mr. Donohue presented the report of the special committee to whom was referred

H. F. No. 156, with the recommendation that it be passed.

Adopted.

And the bill was ordered engrossed, and passed to a third reading.

Mr. Mitchell presented a petition from Winona, Winona county, for a change of the names of persons therein named.

Which was referred to the member from Winona, Mr. Mitchell.

Mr. Morrison offered the following resolution:

Resolved, That the Committee on Towns and Counties be directed to report to the House a bill amending chapter 8, of the so-called public statutes, on page 223, so as to provide that all owners of the land, whether occupied or unoccupied, shall be required to build, keep up and maintain partition fences.

Lost.

Mr. Langworthy offered the following resolution:

Resolved, That the Sergeant-at-Arms be requested to enforce the resolution passed at the commencement of the session in reference to smoking in this Hall including the Lobby.

Adopted.

Mr. Mann presented the petition of citizens of a part of Hennepin county for the formation of a new town.

Which was referred to the Committee on Towns and Counties.

S. F. No. 66. A bill for an act to amend an act relative to free schools in the city of St. Paul.

Had its second reading, and was ordered to a third reading.

S. F. No. 75. A bill for an act to amend an act to incorporate the city of Hastings, and to repeal its former charter.

Had its second reading, and was ordered to a third reading.

H. F. No: 150. An act to amend section first of chapter first, page 330 of the so-called statutes.

Had its second reading and ordered engrossed.

H. No. F, 168: A bill for an act to authorize the board of supervisors of Ramsey county to assess and pay any damages sustained by any person or persons by reason of the location or grading of the road from St. Paul to Fort Snelling, lying in said county, which were not assessed and paid.

Had its second reading and referred to the Committee of the Whole.

H. F. No. 154. A bill for an act entitled an act to provide for the government of the State Prison of the State of Minnesota.

Was read the second time.

Mr. Acker moved that the bill be rejected.

Carried.

S. F. No. 116. A bill for an act relative to free schools in the City of St. Paul, approved March 1st, A. D. 1856, and to amend an act amending the foregoing act, approved February 26, A. D. 1857.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 61, nays 00, as follows:

YAYS.

Mr. Acker,	Mr. Chadderton,	Mr. McElghan,	Mr. Shriner,
Abbott,	Coe,	Mitchell,	Shukla,
Acker,	Dayton,	Mitch,	Skilman,
Anderson,	Fox,	Morrison,	Stewart,
Armstrong,	Greene of Olmsted,	Nettleton,	Stock,
Arnold,	Greene of Steele,	Oliver,	Taylor,
Austin,	Hunt,	Ozman,	Temanson,
Baldwin,	Johnson,	Pfender,	Thayer,
Beatty,	Knox,	Purdie,	Trow,
Bixler,	Langworthy,	Rehfield,	Van Vorhes,
Brooks,	Leavens,	Renz,	H. Walker,
Burnham,	Letford,	Sanborn,	Watson,
Butler,	Mann,	Sawyer,	Webster,
Casky,	McDonough,	Secombe,	White,
Clary,	Master,	Shrewsbury,	Wilkins,
Cleveland,			

50

So the bill was passed and its title agreed to.

Mr. Sweet moved to suspend the rules so as to reconsider the vote by which H. F. 150 was ordered engrossed.

Carried.

The question was upon reconsidering the order by which the same was ordered engrossed.

Carried.

Mr. Sweet moved that the bill be referred to a committee of three.

Carried.

The Speaker appointed as such committee Messrs. Sweet, Knox and Mitchell.

H. F. No. 40. A bill for an act providing for the government and regulation of the University of Minnesota.

Was read a third time and put upon its passage.

Upon the vote being taken, there were yeas 43, nays 23, as follows:

YEAS.

Mr. Abbott,	Mr. Hulett,	Mr. Pfender,	Mr. Skilman,
Acker,	Hunt,	Purdie,	Stephenson,
Anderson,	Johnson,	Rehfield,	Stewart,
Austin,	Knox,	Renz,	Stock,
Baldwin,	Leavens,	Robertson,	Sweet,
Bixler,	Mann,	Sanborn,	Temanson,
Cleveland,	McDonough,	Sawyer,	Walker H.
Coe,	Morrison,	Secombe,	Walker, Orange,
Dayton,	Nettleton,	Shultz,	Watson,
Greene of Olmsted,	Oliver,	Shrewsbury,	Webster,
Greene of Steele,			

43

NAYS.

Mr. Acker,	Mr. Casky,	Mr. Mitch,	Mr. Taylor.
Armstrong,	Chadderton,	Ozman,	Trow,
Arnold,	Fox,	Shrewood,	Thayer,
Beatty,	Langworthy,	Shriner,	Wilkins,
Brooks,	Letford,	Stevens,	Speaker
Burnham,	McElghan,		

23

So the bill was passed and its title agreed to.

S. F. No. 24. A bill for an act to fix the salary of State officers.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 65, nays 00, as follows:

YEAS.

Mr. Aaker,
Abbott,
Acker,
Anderson,
Armstrong,
Arnold,
Austin,
Beatty,
Baldwin,
Bixler,
Brooks,
Burnham,
C. Key,
Chadlerdon,
Cleveland,
Coe,
Dayton,

Mr. Greene of Olmsted,
Greene of Steele,
Hulett,
Johnson,
Langworthy,
Leavens,
Letford,
Mann,
McDonough,
Meighan,
Mitchell,
Mitsch,
Morrison,
Nettleton,
Olds,
Olivier,

Mr. Osman,
Pfaender,
Purdie,
Rehfeld,
Rens,
Robertson,
Roy,
Sanborn,
Sawyer,
Scheffer,
Secombe,
Sherwood,
Shrewsbury,
Shriner,
Shultz,
Skillman,

Mr. Sweet,
Stevens,
Stephenson,
Stewart,
Stock,
Taylor,
Temanson,
Thayer,
Van Vorhe,
Walker, H.,
Webster,
White,
Wilkins,
Speaker.

So the bill was passed and its title agreed to.

S. F. No. 72. A bill for an act to relocate certain roads in Mower county.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 56, nays, 10, as follows:

YEAS.

Mr. Aaker,
Abbott,
Anderson,
Arnold,
Austin,
Acker,
Baldwin,
Bixler,
Brooks,
Burnham,
Chadlerdon,
C. Key,
Cleveland,
Coe,

Mr. Donohue,
Fox,
Greene of Olmsted,
Hulett,
Hunt,
Johnson,
Knox,
Langworthy,
Leavens,
Letford,
Mann,
Mitchell,
Mitsch,
Nettleton,

Mr. Olds,
Osman,
Olivier,
Pfaender,
Purdie,
Rehfeld,
Roy,
Robertson,
Sanborn,
Sawyer,
Scheffer,
Secombe,
Sherwood,
Shrewsbury,

Mr. Shriner,
Shultz,
Stevens,
Stephenson,
Stock,
Sweet,
Taylor,
Temanson,
Thayer,
Van Vorhe,
Walker, H.,
Webster,
Wilkins,
Speaker.

NAYS.

Mr. Armstrong,
Beatty,
Dayton,

Mr. Greene of Steele,
McDonough,
Morrison,
Meighan,
Rens,

Mr. Stewart,
Skillman,

So the bill was passed and its title agreed to.

S. F. No. 74. A bill providing for an act for notice of Lis Pendens.

Was read the third time.

Mr. Mann moved that the bill be referred to the committee on the practice.
Carried.

S. F. No. 97. A bill for an act entitled an act to amend sections 8 and 16 of chapter 184, of compiled statutes.

Was read the third time.

Mr. Morrison moved that the bill be referred to the Committee of Judiciary.
Carried.

Carried.

Mr. Sweet moved that the House now take up the bill for contemplating the sentence of Mrs. Anna Bilanski.

Carried.

The question was upon reconsidering the vote by which the bill was lost.

Mr. Trow moved the previous question.

The question was, Shall the main question be now put?

Lost.

The question recurring upon reconsidering the vote:

Mr. McDonough moved the previous question.

The question was: Shall the main question be now put?

Carried.

The question was upon the motion to reconsider the vote.

Mr. Olin called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 39, nays 32, as follows:

YEAS.			
Mr. Abbott,	Mr. Olin,	Mr. Morrison,	Mr. Sweet,
Acker,	Dayton,	Olde,	Shriner,
Armstrong,	Fox,	Osman,	Stewart,
Arnold,	Hallett,	Paender,	Stock,
Baldwin,	Johnson,	Purdie,	Thayer,
Beatty,	Knox,	Richfield,	Van Vorhes,
Bizler,	Langworthy,	Reynolds,	Watson,
Chadler,	Mann,	Schaffer,	Webster,
Chadlerdon,	Manter,	Secombe,	White,
Cleveland,	McDonough,	Shrewsbury,	
YEAS 39			
NAYS.			
Mr. Aaker,	Mr. Hayes,	Mr. Olivier,	Mr. Stephenson,
Anderson,	Kinkaid,	Robertson,	Taylor,
Austin,	Leavens,	Sanbor,	Tollman,
Brooks,	Letford,	Sawyer,	Trow,
Burnham,	Meighan,	Sharwood,	Walker, H.
Donohue,	Mitchell,	Shultz,	Walker Orange,
Greene of Olmsted,	Mitch,	Skullman,	Wilkins,
Greene of Steele,	Nettleton,	Stevens,	Speaker.
NAYS 32			

So the motion to reconsider was carried.

The question recurring upon passage of the bill.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The question before the House was upon the passage of

H. F. No. 142. An act to commute the sentence of Mrs. Anna Bilanski to imprisonment for life in the State Prison.

Mr. Langworthy moved the previous question, which was ordered.

The question was upon the passage of the bill.

Upon the vote being taken, there were yeas 41, nays 32, as follows:

YEAS.			
Mr. Abbott,	Mr. Fox,	Mr. Morrison,	Mr. Shrewsbury,
Acker,	Hallett,	Olde,	Shriner,
Armstrong,	Hunt,	Osman,	Stewart,
Arnold,	Johnson,	Paender,	Stock,
Baldwin,	Knox,	Purdie,	Sweet,
Beatty,	Langworthy,	Richfield,	Thayer,
Bizler,	Letford,	Reynolds,	Van Vorhes,
Chadler,	Mann,	Reynolds,	Watson,
Chadlerdon,	McDonough,	Schaffer,	Webster,
Cleveland,	Manter,	Secombe,	White,
Dayton,			
YEAS 41			

NAYS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Nettleton,	Mr. Stevens,
Anderson,	Greene of Steele,	Robertson,	Taylor,
Austin,	Hayes,	Sanborn,	Temanson,
Brooks,	Kinkad,	Sawyer,	Trow,
Burnham,	Leavens,	Sherwood,	Walker, Orange,
Oakey,	Meighan,	Shuttle,	M. Walker,
Donohue,	Mitchell,	Skullman,	Wilkins,
Garrard,	Mitch,	Stephenson,	Speaker,

33

So the bill was passed and its title agreed to.

Mr. Arnold moved to reconsider the vote by which the bill was passed.

Mr. Hunt moved to lay the motion upon the table.

Mr. Fox moved a call of the House, which was ordered,

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

Carried.

The question recurring upon the motion to lay upon the table.

It was lost.

The question recurring upon the motion to reconsider vote by which the bill was passed.

Mr. Sanborn called for the yeas and nays, which were ordered.

And upon the vote being taken there were yeas 33, nays 41, as follows:

YEAS.

Mr. Aaker,	Mr. Hayes,	Mr. Robertson,	Mr. Taylor,
Austin,	Hunt,	Sanborn,	Tommas,
Anderson,	Kinkad,	Sawyer,	Temanson,
Brooks,	Leavens,	Sherwood,	Trow,
Burnham,	Meighan,	Shuttle,	Walker Orange,
Oakey,	Mitchell,	Skullman,	H. Walker,
Donohue,	Mitch,	Stevens,	Wilkins,
Greene of Olmsted,	Nettleton,	Stephenson,	Speaker,
Greene of Steele,			

33

NAYS.

M. Abbott,	Mr. Fox,	Mr. Morrison,	Mr. Shrewsbury,
Acker,	Garrard,	Olds,	Shriner,
Armstrong,	Hulett,	Ozman,	Stewart,
Arnold,	Johnson,	Pfander,	Stock,
Baldwin,	Rhox,	Turdie,	Sweet,
Beatty,	Langworthy,	Rehfeld,	Thayer,
Bixler,	Letford,	Renz,	Van Vorhes,
Coc,	McLennan,	Boy,	Watsch,
Chadderdon,	Mantor,	Scheffer,	Webster,
Cleveland,	Mann,	Secombe,	White,
Dayton,			

41

So the motion to reconsider was lost.

Mr. Sanborn presented the petition of citizens of West Saint Paul, for a repeal of city charter.

Mr. Scheffer presented the remonstrance of the citizens of West St. Paul upon the same subject.

Mr. Sanborn moved that the petition and remonstrance be referred to the Committee on Incorporations.

Adopted.

Mr. Sawyer moved to take up

H. F. No. 5. A bill for an act to provide for the regulation and maintenance of common schools.

Carried.

Mr. Greene of Olmsted moved a substitute for section 5.

Mr. Sawyer moved a substitute for the substitute of Mr. Greene of Olmsted.

Lost.

The question recurring upon the substitute offered by Mr. Greene.

It was carried.

Mr. Ozmun moved to strike out section 5.

Mr. McDonough offered a substitute,

Which was read and lost.

Mr. Abbott moved a substitute,

Which was adopted.

The question recurring upon the motion to strike out section 5,

It was carried.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

H. F. No. 122. A bill for an act regulating the rate of interest on money, goods, or things in action or usury.

With amendments, which are herewith returned, and to which the concurrence of the House is respectfully requested.

Also, the passage by the Senate of,

S. F. No. 68. A bill for an act to amend the charter of the city of Saint Paul.

All of which are respectfully submitted for the action of the House.

A. B. WEBBER, Secretary of the Senate.

Mr. Sawyer moved an amendment to H. F. No. 5,

Which was read and adopted.

Mr. Ozmun moved to strike out section 8,

Which was carried.

Mr. McDonough moved to strike out all after the enacting clause.

Withdrawn.

Mr. Cleveland moved to strike out all after the enacting clause.

Mr. Olds offered the following substitute :

Resolved, That House File No. 5 be referred to a special committee of five, with instructions to amend the same so as to provide for a town superintendent, and to make such other amendments as they may deem necessary.

Mr. Abbott moved an amendment to the substitute,

Which was lost.

Mr. Sawyer moved a call of the House, which was ordered.

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

Carried.

Mr. Sawyer moved that the bill and substitute be made the special order for to-morrow at 10 o'clock.

Which motion prevailed.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Hon. House the passage by the Senate of the following bills :

H. F. No. 30. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation of both Houses throughout the different sections of the State.

With amendments, which are herewith submitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Robertson moved that the House resolve itself into a Committee of the Whole to take into consideration H. F. No. 6.

Carried.

Mr. McDonough in the Chair.

After some time spent therein the committee rose, and through their chairman, reported back to the House H. F. No. 6, with a recommendation that it be passed.

The question was upon concurring in the report of the Committee of the Whole.

Which was concurred in.

Mr. Mann moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FIFTY-THIRD DAY.

THURSDAY, Feb. 9, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Beatty, Caskey, Cleveland, Donohue, Hayes, Hulett, Hunt, Kinkaid, Knox, Leavans, Mann, Mitchell, Morrison, Nettleton, Olivier, Purdie, Rehfeld, Robertson, Roy, Sanborn, Scheffer, Shultis, Skillman, Stearns, Stevens, Stephenson, Stock, Sweet, Taylor, Tollman, White and Willey.

The journal was read and approved.

Mr. Mantor presented the report of the Committee on Supplies and Expenditures open.

W. H. Shelley's bills, recommending that it be paid.

Adopted.

Mr. Letford, from the Committee on Engrossment, reported as correctly Engrossed—

H. F. No. 75. A bill for an act to suspend an act entitled an act for the establishment of State Normal Schools.

Also,

H. F. No. 76. A bill for an act to amend section 37 of an act entitled an act to organize and discipline the militia and volunteer militia, passed August 12, 1858.

Also,

H. F. No. 87. A bill for an act entitled an act to prohibit the sale or use of strychnine as a means of capturing and destroying animals.

Also,

H. F. No. 105. A bill for an act to amend an act relating to proceedings by attachment in justice's court.

Also,

H. F. No. 106. A bill for an act requiring the proper registration of all interments in public cemeteries.

Also,

H. F. No. 110. An act to amend sections 9 and 10, of chapter 116, on page 780 of the so-called Statutes.

Also,

H. F. No. 118. A bill for an act to provide for the attachment of real estate.

Also,

H. F. No. 120. A bill for an act to amend an act entitled an act to incorporate the Little Falls Manufacturing Company.

Also,

H. F. No. 139. A bill for act in relating to county roads in the County of Mower.

Also,

H. F. No. 145. A bill for an act to repeal section four of an act passed March 3, 1858, entitled an act allowing a change of venue in certain cases, the same being subdivision seven of section seven of chapter fifty-three of the so-called public statutes.

Also,

H. F. No. 146. A bill for an act to set off the town of Delhi.

Also,

H. F. No. 149. A bill for an act to establish the county of Watonwan.

Also,

H. F. No. 151. A bill for an act for the relief of the Plymouth Congregational Society of Minneapolis.

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following message:

EXECUTIVE OFFICE,
ST. PAUL, February 8, 1860. }

Hon. AMOS COGSWELL,

Speaker of the House of Representatives:

SIR: I have this day approved and signed bills and a memorial entitled—

An act to change the boundaries of the first, fourth and fifth judicial districts.

An act to change the time for holding the district court in the fifth judicial district.

A bill for an act providing for an alteration of the State road running from La Crescent to Mankato.

Also,

A memorial to the President of the United States concerning the Sioux Reservation.

Respectfully,
ALEX. RAMSEY.

Mr. Chadderdon presented the report of the special committee to whom was referred

H. F. No. 104, recommending the passage of the bill.

The report was adopted and the bill ordered to a third reading.

The amendments proposed by the Senate to H. F. No. 122 were read.

The question was upon concurring.

Mr. Hayes moved a call of the House,

Which was ordered, and the following members answered to their names:

Messrs. Aaker, Acker, Anderson, Armstrong, Arnold, Austin, Bixler, Brooks, Butler, Burnham, Caskey, Chadderdon, Cleveland, Coe, Dayton, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Nettleton, Olds, Ozmun, Pfaender, Purdie, Renz, Sawyer, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stewart, Stock, Temanson, Thayer, Tollman, Trow, Van Vorhes, H. Walker, Orange Walker, Watson, Wilkins, and Mr. Speaker.

The Sergeant-at-arms was ordered to report the absentees in their seats.

The Sergeant-at-arms reported Messrs. Sweet, Mann, Baldwin, and White, in their seats.

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

Carried.

The question was upon concurring in the amendments proposed by the Senate upon H. F. No. 122.

Upon the vote being taken there were yeas 30, nays 34, as follows:

YEAS.

Mr. Acker,
Anderson,
Armstrong,
Austin,
Baldwin,
Brooks,
Butler,
Coe,

Mr. Hayes,
Hullett,
Johnson,
Leavens,
Mann,
Mantor,
Mitch,
Nettleton,

Olds,
Pfaender,
Rens,
Sanborn,
Sawyer,
Shrewsbury,
Shriner,

Mr. Skillman,
Stephenson,
Tennison,
Van Vorhes,
H. Walker,
Walker Orange,
White,

20

NAYS.

Mr. Aaker,
Abbott,
Arnold,
Baker,
Burnham,
Oakley,
Chadderdon,
Cleveland,
Dayton,

Mr. Donohue,
Greene of Olmsted,
Greene of Steele,
Hart,
Kinkadee,
Knox,
Langworthy,
Letford,
McDonough,

Mr. Meighan,
Mitchell,
Osman,
Purdie,
Roy,
Sherwood,
Shultis,
Stewart,

Mr. Stock,
Sweet,
Thayer,
Tollman,
Trow,
Watson,
Wilkins,
Speaker.

34

So the amendment was not concurred in.

Mr. Arnold moved to reconsider the vote by which the House did not concur.

Which motion prevailed.

The question was upon concurring in the amendments.

Mr. Acker moved an amendment.

Which was adopted.

Mr. Mitchell moved an additional section.

Mr. Hunt moved that the bill and amendments be laid upon the table.

Which was lost.

The question recurring upon the adoption of the additional section,

Mr. Stock offered a substitute,

Which was adopted.

Mr. Burnham moved an amendment,

Which was lost.

Mr. Stock moved an amendment,

Which was lost.

The question was upon concurring in the amendments proposed by the Senate as amended by the House.

Upon the vote being taken, there were yeas 54, nays 11, as follows:

YEAS.

Mr. Aaker,
Abbott,
Acker,
Anderson,
Armstrong,
Arnold,
Austin,
Baldwin,
Baker,
Brooks,
Butler,
Oakley,
Chadderdon,
Cleary,

Mr. Cleveland,
Dayton,
Garrard,
Greene of Olmsted,
Greene of Steele,
Hayes,
Hullett,
Johnson,
Kinkadee,
Knox,
Langworthy,
Leavens,
Letford,
Mann,

Mr. Mantor,
Mitchell,
Mitch,
Olds,
Pfaender,
Purdie,
Rens,
Roy,
Sanborn,
Sawyer,
Shrewsbury,
Shriner,
Shultis,

Mr. Skillman,
Stevens,
Stewart,
Stock,
Sweet,
Thayer,
Trow,
Van Vorhes,
Walker, H.,
Watson,
Webster,
White,
Wilkins,

54

NAYS.

Mr. Burnham,
Coe,
Fox,

Mr. Hunt,
McDonough,
Meighan,

Mr. Osman,
Sherwood,
Tollman,

Mr. Walker, Orange,
Speaker,

11

So the amendment as amended was concurred in.

The question was upon concurring in the amendments proposed by the Senate to H. F. No. 30.

Mr. Cleveland moved that the bill and amendments proposed by the Senate be laid upon the table, and be made the special order for 3 o'clock.

Mr. Donohue moved that the bill and amendments be referred to a special committee of three.

Lost.

The question recurring upon the motion to lay the bill upon the table and make the same the special order of the day for 3 o'clock,

Carried.

Mr. Acker offered the following preamble and resolution:

Whereas, The State of Minnesota ought rightfully to be reimbursed by the United States for certain expenses incurred under and pursuant to laws of the United States, passed prior to the inception of the State government of said State, and which expenses have been paid out of the Treasury of this State, therefore,

Resolved, That the Auditor of this State be requested to communicate to this House, at his earliest convenience, the amount paid by the State for the extra session of the Legislature held in 1857, for which no appropriation by Congress was received into the treasury of the State. Also, to communicate the amount paid by the State for the expenses attending the Constitutional Convention, for which no appropriation by Congress has been received into treasury. And what amount (if any) of outstanding indebtedness remains unpaid, on account of either the extra session of the Legislature or of the Constitutional Convention. And also, the amount paid by the State, and of outstanding indebtedness thereof, for and on account of the session of the Legislature, commencing in December, 1857, and ending in March, 1858.

And also, to inform the House whether any of the State officers, past or present, of either the executive or judicial departments, have received pay from the State Treasury, or in Auditor's warrants, on account of salaries for any time prior to the admission of this State into the Union; and if so, who have been so paid, how much each person has so received, for what time, and out of what fund were they so paid. And whether, during the same period of time, any other person or persons received pay from the State for the same or similar services; and if so, who, how much was paid, and from what fund.

Adopted.

Mr. Sanborn introduced—

A bill for an act to amend section 49, of chapter 90, on page 715, of the Public Statutes.

Which had its first reading.

Mr. Kinkad introduced—

A bill for an act to amend an act entitled an act to incorporate the St. Cloud Bridge Company.

Which had its first reading.

Mr. Kinkad moved to suspend the rules so far as to allow the bill to be read the second time.

Carried.

And the bill had its second reading.

Mr. Stephenson moved to reconsider the vote by which S. F. No. 66 was passed.

Carried.

The question recurring upon the passage of the bill.

Mr. Acker moved that the bill be referred to the members from Ramsey county.

Which motion prevailed.

Mr. Mitchell offered the following resolution :

Resolved. That the special committee on Railroads and Railroad Bonds are hereby authorized and required to have printed, for the use of this House, the usual number of all reports and bills reported by said committee either to the House or the Senate, and not heretofore printed and distributed among the members of this House.

Adopted.

S. F. No. 68. A bill for an act to amend the charter of the City of St. Paul.

Had its first reading.

Mr. Sanborn moved that the bill be referred to the members from Ramsey county.

Which motion prevailed.

S. F. No. 104 had its second reading and was ordered to a third.

S. F. No. 75. A bill for an act to amend an act entitled an act to incorporate the city of Hastings, and to repeal its former charter.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 54, nays 1, as follows :

YEAS.			
Mr. Abbott,	Mr. Ooe,	Mr. Olds,	Mr. Stevens,
Acker,	Dayton,	Ozma,	Stephenson,
Anderson,	Greene of Steele,	Purdie,	Stewart,
Armstrong,	Hayes,	Renz,	Stock,
Arnold,	Hulet,	Robertson,	Taylor,
Austin,	Langworthy,	Ray,	Thayer,
Baldwin,	Leavens,	Sawyer,	Trow,
Bixler,	Letford,	Scheffer,	H. Walker,
Brooks,	Mann,	Secombe,	Orange Walker,
Butler,	McDonough,	Shrewsbury,	Watson,
Caskey,	Meighan,	Shriner,	Webster,
Chadderdon,	Mitchell,	Shultis,	White,
Cleary,	Mitch,	Skillman,	Speaker,
Cleveland,	Morrison,		

54

NAYS.

Mr. Sweet,

1

So the bill was passed and its title agreed to.

Mr. Sawyer moved that the regular order of the day be laid aside, and the special order taken up.

Which motion prevailed.

The special order of the day was

H. F. No. 5. A bill for an act to provide for the regulation and maintenance of common schools.

The question was upon the substitute offered by Mr. Olds.

Mr. Olds called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 47, nays 18, as follows:

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Meighan,	Mr. Shrewsbury,
Acker,	Greene of Olmsted,	Mitch,	Shriner,
Anderson,	Greene of Steele,	Morrison,	Shultz,
Armstrong,	Hayes,	Nettleton,	Skilman,
Arnold,	Hulett,	Olds,	Stewart,
Austin,	Hunt,	Purdie,	Taylor,
Baldwin,	Kinkadee,	Rehfeld,	Thayer,
Bixler,	Knox,	Rens,	Tollman,
Brooks,	Leavans,	Roy,	Trow,
Butler,	Letford,	Scheffer,	White,
Caskey,	Mann,	Secombe,	Speaker,
Chadderdon,	McDonough,	Sherwood,	47

NAYS.

Mr. Abbott,	Mr. Fox,	Mr. Stephenson,	Mr. Walker, Orange,
Barnham,	Mitchell,	Stock,	Watson,
Cleveland,	Ozman,	Sweet,	Webster,
Coe,	Pfander,	H. Walker,	Wilkins,
Dayton,	Sawyer,		18

So the motion to substitute was carried.

The question recurring upon the adoption of the substitute,

It was adopted.

The Speaker appointed as such committee Messrs. Olds, Letford, Ozmun, Greene of Steele, and Tollman.

H. F. No. 75. A bill for an act to suspend an act entitled an act for the establishment of State Normal Schools.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 63, nays 4, as follows:

YEAS.

Mr. Acker,	Mr. Fox,	Mr. Mitsch,	Mr. Stevens,
Anderson,	Greene of Olmsted,	Morrison,	Stephenson,
Armstrong,	Greene of Steele,	Nettleton,	Stewart,
Arnold,	Hayes,	Ozman,	Sweet,
Austin,	Hulett,	Pfander,	Taylor,
Baldwin,	Hunt,	Rehfeld,	Fernanson,
Bixler,	Johnson,	Rens,	Thayer,
Brooks,	Kinkadee,	Robertson,	Van Vorhes,
Barnham,	Knox,	Roy,	Walker, H.
Butler,	Langworthy,	Sanborn,	Walker, Orange,
Caskey,	Leavans,	Sawyer,	Watson,
Chadderdon,	Letford,	Scheffer,	Webster,
Cleary,	Mann,	Shrewsbury,	White,
Cleveland,	Mantor,	Shriner,	Wilkins,
Coe,	McDonough,	Shultz,	Speaker,
Dayton,	Meighan,	Skilman,	63

YEAS.

Mr. Aaker,	Mr. Mitchell,	Mr. Purdie,	Mr. Sherwood,
			4

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

H. F. No. 76. A bill for an act to amend section 37 of an act entitled an act to organize and discipline the militia and volunteer militia, passed August 12, 1858.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 58, nays 8, as follows:

YEAS.

Mr. Aaker,	Mr. Hunt,	Mr. Rehfeld,	Sweet,
Acker,	Johnson,	Rens,	Taylor,
Anderson,	Kinkadee,	Robertson,	Temanson,
Arnold,	Knox,	Roy,	Trayer,
Austin,	Langworthy,	Sanborn,	Tollman,
Bixler,	Leavens,	Sawyer,	Trow,
Brooks,	Letford,	Scheffer,	Van Vorhes,
Burnham,	Mantor,	Shrewsbury,	H. Walker,
Butler,	McDonough,	Shriner,	Walker, Orange,
Cleveland,	Meighan,	Shults,	Watson,
Coe,	Mitchell,	Skillman,	Webster,
Dayton,	Morrison,	Stephenson,	White,
Fox,	Osman,	Stewart,	Wilkins,
Greene of Steele,	Pfaender,	Stock,	Speaker,
Hulett,	Purdie,		

NAYS.

Mr. Baldwin, Mr. Caskey, Mr. Sherwood,

So the bill was passed and its title agreed to.

H. F. No. 87. A bill for an act entitled an act to prohibit the sale or use of strychnine as a means of capturing and destroying animals.

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 54, nays 13, as follows:

YEAS.

Mr. Aaker,	Mr. Hulett,	Mr. Rehfeld,	Mr. Stock,
Anderson,	Kinkadee,	Robertson,	Sweet,
Armstrong,	Knox,	Roy,	Taylor,
Arnold,	Langworthy,	Sanborn,	Temanson,
Burnham,	Leavens,	Sawyer,	Trayer,
Butler,	Letford,	Scheffer,	Tollman,
Caskey,	Mantor,	Sherwood,	Trow,
Chadlerden,	McDonough,	Shriner,	Van Vorhes,
Cleary,	Meighan,	Shults,	Walker, H.
Cleveland,	Mitchell,	Skillman,	Walker, Orange,
Donohue,	Mitch,	Stevens,	White,
Fox,	Morrison,	Stephenson,	Wilkins,
Greene of Steele,	Nettleton,	Stewart,	Speaker,
Hayes,	Purdie,		

NAYS.

Mr. Abbott, Mr. Bixler, Mr. Ozman, Mr. Shrewsbury,
Acker, Coe, Pfaender, Watson,
Austin, Johnson, Rens, Webster,
Baldwin,

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

Mr. Donohue moved to suspend the rules so as to take from the table H. F. No. 126, and put the same upon its passage.

Carried.

And the bill was put upon its passage.

Upon the vote being taken there were yeas 41, nays 27, as follows:

YEAS.

Mr. Aaker,	Mr. Kinkadee,	Mr. Pfaender,	Mr. Sweet,
Acker,	Knox,	Roy,	Taylor,
Anderson,	Leavens,	Sanborn,	Tollman,
Arnold,	Mantor,	Sawyer,	Trow,
Austin,	McDonough,	Scheffer,	Van Vorhes,
Bixler,	Meighan,	Sherwood,	Walker, Orange,
Butler,	Mitchell,	Shriner,	Walker, H.
Dayton,	Mitch,	Stephenson,	Watson,
Donohue,	Morrison,	Stewart,	Willey,
Hayes,	Nettleton,	Stock,	Speaker,
Hulett,			

YEAS.

Mr. Abbott,	Mr. Caskey,	Mr. Letford,	Mr. Shults,
Armstrong,	Coe,	Mann,	Skullman,
Baldwin,	Cleveland,	Purdie,	Stevens,
Brooks,	Fox,	Rehfeld,	Thayer,
Burnham,	Greene of Steele,	Rens,	Webster,
Chadderdon,	Johnson,	Shrewsbury,	White,
Cleary,	Langworthy,		

So the bill was passed and its title agreed to.

H. F. No. 105. A bill for an act to amend an act relating to proceedings by attachment in justice's court.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 56, nays, 8, as follows:

YEAS.

Mr. Abbott,	Mr. Hayes,	Mr. Pfander,	Mr. Sweet,
Andrews,	Johnson,	Rahfeld,	Stock,
Armstrong,	Kinkad,	Rens,	Taylor,
Arnold,	Knox,	Roy,	Thayer,
Austin,	Langworthy,	Sanborn,	Town,
Brooks,	Leavens,	Sawyer,	Van Vorhes,
Burnham,	Letford,	Scheffer,	Walker, H.,
Butler,	Mann,	Shrewsbury,	Walker Orange,
Caskey,	Maple,	Shawwood,	Watson,
Chadderdon,	McDonough,	Shiner,	Webster,
Cleary,	Melghan,	Shults,	White,
Dayton,	Mitchell,	Skullman,	Wilkins,
Fox,	Mitson,	Stevens,	Speaker,
Hulet,	Nettleson,	Stewart,	

NAYS.

Mr. Acker,	Mr. Bixler,	Mr. Greene of Steele,	Mr. Osman,
Acker,	Cleveland,	Morrison,	Purdie,

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

H. F. No. 106. A bill for an act requiring the proper registration of all interments in public cemeteries.

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 57, nays 00, as follows:

YEAS.

Mr. Acker,	Mr. Fox,	Mr. Morriss,	Mr. Shults,
Abbott,	Greene of Osmsted,	Mitchell,	Skullman,
Acker,	Greene of Steele,	Mitchell,	Stevens,
Armstrong,	Hayes,	Osman,	Stewart,
Arnold,	Hulet,	Purdie,	Sweet,
Austin,	Kinkad,	Rehfeld,	Stock,
Baldwin,	Knox,	Rens,	Thayer,
Bixler,	Langworthy,	Robertson,	Town,
Brooks,	Leavens,	Sanborn,	Van Vorhes,
Butler,	Letford,	Sawyer,	Walker, H.,
Caskey,	Mann,	Shawwood,	Watson,
Cleveland,	Maple,	Shrewsbury,	Webster,
Cleary,	McDonough,	Shriner,	Wilkins,
Chadderdon,	Melghan,		
Dayton,			

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

H. F. No. 110. A bill for an act to amend sections 9 and 10, of chapter 116 on page 780, of the so-called public statutes.

Was read the third time.

Mr. Acker moved that the rules be so far suspended as to allow the bill to be referred to a committee of five.

Mr. Robertson called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 35, nays, 31, as follows

YEAS.

Mr. Aaker,	Mr. Butler,	Mr. Morrison,	Mr. Stock,
Abbott,	Ooe,	McDonough,	Sweet,
Acker,	Dayton,	Mantor,	Thayer,
Anderson,	Fox,	Ozman,	Van Vorhes
Armstrong,	Hallett,	Pfaender,	H. Walker
Arnold,	Knox,	Purdie,	Watson,
Baldwin,	Langworthy,	Rehfeld,	Webster,
Bizler,	Letford,	Scheffer,	White,
Brooks,	Mann,	Shrewsbury,	

NAYS.

Mr. Austin,	Mr. Hunt,	Mr. Robertson,	Mr. Stevens,
Burnham,	Johnson,	Sanborn,	Stewart,
Caskey,	Kinkad,	Sawyer,	Taylor,
Cleveland,	Leaven,	Sherwood,	Trow,
Cleary,	Meighan,	Shriner,	Walker, O
Greene of Olmsted,	Mitchell,	Shultz,	Wilkins,
Greene of Steele,	Mitch,	Skullman,	Speaker.
Hayes,	Renz,	Stephenson,	

So the rules were not suspended.

Mr. Cleveland moved that the bill be indefinitely postponed.

Mr. Robertson called for the yeas and nays which were ordered.

Upon the vote being taken, there were yeas 34, nays 32, as follows :

YEAS.

Mr. Aaker,	Mr. Ooe,	Mr. Morrison,	Mr. Shrewsbury
Abbott,	Cleveland,	Ozman,	Tamasson,
Acker,	Dayton,	Pfaender,	Thayer,
Armstrong,	Fox,	Purdie,	Walker Ora
Arnold,	Hallett,	Rehfeld,	H. Walker,
Bizler,	Johnson,	Renz,	Watson,
Butler,	Knox,	Stewart,	Webster,
Caskey,	Langworthy,	Stock,	White,
Chadderton,	Mantor,		

NAYS.

Mr. Austin,	Mr. Hayes,	Mr. McDonough,	Mr. Stevens,
Anderson,	Hunt,	Robertson,	Stephenson,
Brooks,	Kinkad,	Sawyer,	Sweet,
Baldwin,	Letford,	Scheffer,	Taylor,
Burnham,	Leaven,	Sherwood,	Trow,
Cleary,	Meighan,	Shriner,	Van Vorhes
Greene of Olmsted,	Mitchell,	Shultz,	Wilkins,
Greene of Steele,	Mitch,	Skullman,	Speaker,

So the bill was indefinitely postponed.

Mr. Robertson presented a petition of Ara Barton and others, claim be members from Dakota county.

Mr. Robertson moved that the petition be referred to the Committee Elections.

Mr. Tollman moved to amend by referring to as special committee.

Lost.

The question recurring upon referring the petition to the Committee Elections.

It was carried.

H. F. No. 118. A bill for an act to provide for the attachment of estate.

Was read the third time.

Mr. Robertson moved that the bill be laid upon the table.

Withdrawn.

The question recurring upon the passage of the bill.

Upon the vote being taken there were yeas 50, nays 8, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Melghan,	Mr. Sweet,
Anderson,	Hayes,	Mitchell,	Stevens,
Arnold,	Hulett,	Ozman,	Stewart,
Baldwin,	Hunt,	Pfaender,	Shultis,
Brooks,	Johnson,	Purdie,	Stock,
Burnham,	Kinkcad,	Renz,	Taylor,
Bufler,	Knox,	Robertson,	Temanson,
Chadderdon,	Langworthy,	Sanborn,	Trow,
Cleaveland,	Leavens,	Sawyer,	Walker, H.
Cleary,	Letford,	Scheffer,	Watson,
Dayton,	Mann,	Sherwood,	Webster,
Fox,	Mantor,	Shriner,	White,
Greene of Steele,	McDonough,		50

NAYS.

Mr. Aaker,	Mr. Austin,	Mr. C-skey,	Mr. Rehfeld,
Armstrong,	Bixler,	Mitsch,	Speaker,
			8

So the bill was passed and its title agreed to.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

H. F. No. 145. A bill for an act to repeal section four of an act passed March 3, 1858, entitled an act allowing a change of venue in certain cases, the same being subdivision seven of section seven of chapter fifty-three of the so-called public statutes.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 50, nays 2, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Mantor,	Mr. Shrewsbury,
Abbott,	Coe,	Mitchell,	Stewart,
Acker,	Dayton,	Nettleton,	Stock,
Armstrong,	Fox,	Olds,	Taylor,
Arnold,	Greene of Steele,	Ozman,	Temanson,
Austin,	Hayes,	Purdie,	Thayer,
Baldwin,	Johnson,	Renz,	Van Vorhes,
Bixler,	Knox,	Roy,	Walker, H.
Brooks,	Langworthy,	Sawyer,	Walker, Orange
Butler,	Letford,	Sherwood,	Watson,
Burnham,	Mann,	Schofer,	White,
Caskey,	McDonough,	Shultis,	Speaker,
Chadderdon,	Meighan,		50

NAYS.

Mr. Sweet,	Mr. Tollman,	2
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So the bill was passed and its title agreed to.

H. F. No. 120. A bill for an act to amend an act entitled an act to incorporate the Little Falls Manufacturing Company.

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 47, nays 8, as follows :

YEAS.

Mr. Aaker.	Mr. Cleary,	Mr. Mantor,	Mr. Shrewsb
Abbott,	Coe,	McDonough,	Stock,
Acker,	Dayton,	Mitch,	Sweet,
Armstrong,	Fox,	Morrison,	Taylor,
Arnold,	Greene of Olmsted,	Olds,	Temans,
Austin,	Hayes,	Pfaender,	Thayer,
Baldwin,	Hunt,	Purdie,	Tollman,
Bixler,	Johnson,	Rens,	Van Vor
Brooks,	Knox,	Sawyer,	Walker,
Caskey,	Langworthy,	Scheffer,	Watson,
Chadderdon,	Letford,	Stevens,	White,
Cleveland,	Mann,	Shultis,	

NAYS.

Mr. Burnham,	Mr. Mitchell,	Mr. Sherwood,	Mr. Walker,
Meighan,	Ozman,	Stewart,	Speaker.

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

Mr. Sweet moved to reconsider the vote by which the bill was passed. Carried.

Mr. Sweet moved that the bill be referred to a committee of three. Lost.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 38, nays 24, as follows.

YEAS.

Mr. Abbott,	Mr. Dayton,	Mr. Nettleton,	Mr. Stevens,
Acker,	Fox,	Olds,	Stock,
Anderson,	Greene of Olmsted	Pfaender,	Taylor,
Armstrong,	Hayes,	Purdie,	Temans,
Austin,	Langworthy,	Sanborn,	Thayer,
Baldwin,	Letford,	Sawyer,	Tollman,
Bixler,	Mann,	Scheffer,	Van Vor
Chadderdon,	Mantor,	Shrewsbury,	Walker,
Cleveland,	McDonough,	Skillman,	White,
Coe,	Morrison,		

NAYS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Meighan,	Mr. Sherwood
Arnold,	Hulett,	Mitchell,	Shriner,
Burnham,	Hunt,	Mitch,	Stewart,
Caskey,	Johnson,	Ozman,	Walker,
Cleary,	Knox,	Rens,	Webster,
Garrard,	Leavens,	Roy,	Speaker

So the bill was lost.

H. F. No. 139. A bill for act relating to county roads in the C Mower.

Was read a third time and put upon its passage.

Upon the vote being taken there were yeas 48, nays 17, as follows.

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Leavens,	Mr. Shrewsb
Abbott,	Cleveland,	Letford,	Shultis,
Acker,	Coe,	Mann,	Stevens,
Anderson,	Dayton,	Mantor,	Stock,
Armstrong,	Donohue,	McDonough,	Sweet,
Arnold,	Garrard,	Morrison,	Taylor,
Bixler,	Greene of Olmsted,	Olds,	Temans,
Brooks,	Hulett,	Ozman,	Thayer,
Burnham,	Hunt,	Pfaender,	Van Vor
Butler,	Johnson,	Purdie,	H. Walk
Caskey,	Knox,	Roy,	Webster
Chadderdon,	Langworthy,	Sanborn,	White,

NAYS.

Mr. Austin,	Mr. Mitchell,	Mr. Sawyer,	Mr. Stewart,
Fox,	Mitch,	Scheffer,	Tollman,
Greene of Steele,	Nettleton,	Sbriner,	Walker, Orange,
Hayes,	Renz,	Skillman,	Speaker,
Meighan,			17

So the bill was passed and its title agreed to.

Mr. Acker moved that the special order of the day be postponed until to-morrow.

Carried.

H. F. No. 146. A bill for an act to set off the town of Delhi.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 56, nays 1, as follows :

YEAS.

Mr. Aaker	Mr. Coe,	Mr. Mantor,	Mr. Shrewsbury. :
Abbott,	Dayton,	McDonough,	Shriner,
Anderson,	Donohue.	Meighan,	Stewart,
Armstrong,	Fox,	Mitch,	Stock,
Arnold,	Garrard,	Morrison,	Sweet,
Austin,	Greene of Steele,	Nettleton,	Taylor,
Baldwin,	Hayes,	Olds,	Temanson,
Bixler,	Hulett,	Ozman,	Thayer,
Brooks,	Hunt,	Pfaender,	Van Vorhes,
Butler,	Knox,	Purdle,	Walker, H.
Caskey,	Langworthy,	Renz,	Walker, Orange,
Chadderdon,	Leavens,	Sanborn,	Webster,
Cleary,	Letford,	Sawyer,	White,
Cleveland,	Mann,	Sherwood,	Speaker,
			56

NAYS.

Mr. Johnson,

So the bill was passed and its title agreed to.

H. F. No. 149. A bill for an act to establish the county of Watonwan.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 63, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. McDonough,	Mr. Shultis,
Abbott,	Dayton,	Meighan,	Skillman,
Acker,	Donohue,	Mitchell,	Stevens,
Anderson,	Fox,	Morrison,	Stewart,
Armstrong,	Garrard,	Nettleton,	Sweet,
Arnold,	Greene of Olmsted,	Olds,	Taylor,
Austin,	Greene of Steele,	Osmuu,	Temanson,
Baldwin,	Hayes,	Pfaender,	Thayer,
Bixler,	Hulett,	Purdle,	Van Vorhes,
Brooks,	Hunt,	Renz,	Walker, H.
Burnham,	Johnson,	Roy,	Walker, Orange.
Butler,	Knox,	Sanborn,	Watson,
Caskey,	Langworthy,	Sawyer,	Webster,
Chadderdon,	Leavens,	Sherwood,	Wilkins,
Cleary,	Letford,	Shrewsbury,	Speaker,
Cleveland,	Mann,	Shriner,	63

So the bill was passed and its title agreed to.

H. F. No. 151. A bill for an act for the relief of the Plymouth Congregational Society of Minneapolis.

Had its third reading, and was put upon its passage.

Upon the vote being taken there were yeas 50, nays, 9, as follows :

YEAS.

Mr. Abbott,
Acker,
Armstrong,
Arnold,
Austin,
Baldwin,
Bixler,
Butler,
Chadderdon,
Cleary,
Cleveland,
Coe,
Dayton,

Mr. Fox,
Garrard,
Greene of Olmsted,
Hayes,
Hunt,
Johnson,
Knox,
Langworthy,
Leavens,
Letford,
Mann,
Mantor,
McDonough,

Mr. Morrison,
Olds,
Ozman,
Pfander,
Purdie,
Sanborn,
Sawyer,
Scheller,
Sherwood,
Shrewsbury,
Shultis,
Skillman,

Stevens,
Stewart,
Stock,
Taylor,
Temanson,
Thayer,
Tollman,
Van Vorhes,
Walker Ora,
Webster,
White,
Wilkins,

NAYS.

Mr. Greene of Steele,
Hulett,
Misch,

Mr. Nettleton,
Reuz

Mr. Roy,
Shriner,

Walker, H.
Speaker.

So the bill was passed and its title agreed to.

The substitute for H. F. No. 6.

Had its first reading.

The Speaker presented the memorial of the board of supervisors of county for a change of county lines.

Which was laid upon the table.

Mr. Scheffer presented the petition of citizens of town No. 27, in D county, asking for a town organization.

Which was referred to the Committee on Towns and Counties.

Mr. Abbott moved to take up,

H. F. No. 9. A bill for an act to amend an act to incorporate the of Moritzzeous.

Carried.

Mr. Sweet moved that the bill and report be referred to the Committee the Whole.

Carried.

Mr. McDonough moved that the House resolve itself into Committee the Whole to take into consideration such business as may come before it.

Carried.

Mr. Purdie in the Chair.

After some time spent therein the committee rose, and through their Chairman reported back to the House,

H. F. No. 9, without any recommendation.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Hon. House the passage by the Senate of the following bills :

S. F. No. 127. A bill for an act to amend an act for the establishment of a State Agricultural College, approved March 4, 1858.

S. F. No. 128. A bill for an act to provide for the organization of Agricultural societies.

All of which are herewith submitted, and to which the concurrence of House is respectfully requested.

A. B. WEBBER, Secretary of the Senate

Mr. Langworthy moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FIFTY-FOURTH DAY.

FRIDAY, Feb. 10, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abraham, Beatty, Cleveland, Donohue, Garrard, Kinkead, Mitsch, Nettleton, Olds, Olivier, Ozmun, Rehfeld, Robertson, Roy, Sanborn, Scheffer, Shultis, Skillman, Stearns, Stevens, Stephenson, Stewart, Sweet, Taylor, Van Vorhes, and Willey.

The journal was read and approved.

Mr. Knox presented the petition of the citizens of Goodhue county to be set on to Dakota county.

Which was referred to the members from Goodhue and Dakota counties.

Mr. Mantor, from the Committee on Supplies and Expenditure, reported upon

The bill of C. N. Sherman for wood, recommending that it be paid.

Adopted.

Mr. Leavans presented three petitions of citizens of the fifth judicial district praying that a term of the Supreme Court may be held in Farribault, Rice county.

Referred to Committee on the Judiciary.

S. F. No. 127. A bill for an act to amend an act for the establishment of a State Agricultural College, approved March 4, 1858.

Had its first reading.

S. F. No. 128. A bill for an act to provide for the organization of Agricultural Societies.

Had its first reading.

Mr. Sawyer moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

The bill was read the second time, and referred to the Committee Whole.

H. F. No. 187. A bill for an act to provide for the protection of berry marshes in this State.

Had its second reading, and was referred to the Committee of the

H. F. No. 158. A bill for an act to regulate the traffic in spirit liquors.

Had its second reading, and was referred to the Committee of the

S. F. No. 104. A bill for an act for the relief of school district in the county of Scott.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 49, nays 6, as follows :

YEAS.

Mr. Aaker,	Mr. Fox.	Mr. Mitchell,	Mr. Shriner,
Anderson,	Greene of Olmsted,	Mitch,	Shultis,
Armstrong,	Greene of Steele,	Nettleton,	Stillman,
Arnold,	Hayes,	Osman,	Stewart,
Baldwin,	Hulett,	Pfaender,	Stock,
Bixler,	Kinkead,	Purdie,	Temanson,
Brooks,	Knox,	Renz,	Tollman,
Caskey,	Langworthy,	Roy,	Van Vorhe
Chadderdon,	Leavens,	Sanborn,	H. Walker,
Cleary,	Letford,	Sawyer,	Watson,
Coe,	Mantor,	Secombe,	White,
Dayton,	McDonough,	Sherwood,	Speaker,
Donohue,			

NAYS.

Mr. Aaker,	Mr. Burnham,	Mr. Meighan,	Mr. Shrewsbury
Austin,	Johnson,		

So the bill was passed and its title agreed to.

The special order of the day, H. F. No 30, was taken up.

Mr. Donohue moved to postpone the special order until half past 2 o'clock. Lost.

Mr. Donohue moved a call of the House,

Which was ordered, and the following members answered to their names:

Messrs. Aaker, Abbott, Acker, Anderson, Armstrong, Arnold, Baldwin, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleveland, Coe, Dayton, Donohue, Fox, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Langworthy, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, McNettleton, Ozmun, Pfaender, Purdie, Renz, Roy, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stevens, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhe, Walker, Orange Walker, Watson, Webster, White, and Mr. Speaker.

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

Carried.

The question recurring upon the amendments proposed by the Secretary, H. F. No. 30,

Mr. Donohue moved to amend by adding one representative to the nine
teenth district.

Lost.

The question was upon the first amendment proposed by the Senate.

Upon the vote being taken, there were yeas 38, nays 34, as follows :

YEAS.

Mr. Armstrong,	Mr. Kinkaid,	Mr. Rehfeld,	Mr. Stephenson,
Bixler,	Langworthy,	Renz,	Stewart,
Brooks,	Leavens,	Robertson,	Sweet,
Chadderdon,	Letford,	Roy,	Thayer,
Cleary,	McDonough,	Sanborn,	Tollman,
Donohue,	Mitchell,	Sawyer,	Webster,
Garrard,	Mitch,	Shriner,	White,
Greene of Steele,	Nettleton,	Skillman,	Wilkins,
Hayes,	Pfaender,	Stevens,	Speaker.
Hulett,	Purdie,		

38

NAYS.

Mr. Aaker,	Mr. Coe,	Mr. Melghan,	Mr. Stock,
Abbott,	Dayton,	Morrison,	Taylor.
Acker,	Fox,	Osman,	Temanson,
Arnold,	Greene of Olmsted,	Scheffer,	Trow,
Austin,	Hunt,	Secombe,	Van Vorhes,
Baldwin,	Johnson,	Sherwood,	H. Walker,
Butler,	Knox,	Shrewsbury,	Walker Orange,
Caskey,	Mann,	Shultis,	Watson,
Cleveland,	Mantor,		

34

So the amendments were not concurred in, a constitutional majority not
voting in favor.

Mr. Sanborn appealed from the decision of the Chair, in deciding that the
amendments were not concurred in.

The question was, Shall the decision of the Chair stand as the decision of
the House?

The decision of the Chair was sustained.

The question was upon the second amendment proposed by the Senate.

Upon the vote being taken, there were yeas 33, nays 39, as follows :

YEAS.

Mr. Aaker,	Mr. Hayes,	Mr. McDonough,	Mr. Sanborn,
Anderson,	Hulett,	Mitchell,	Sawyer,
Arnold,	Hunt,	Nettleton,	Skillman,
Brooks,	Johnson,	Pfaender,	Stephenson,
Coe,	Knox,	Purdie,	Stewart,
Dayton,	Langworthy,	Renz,	Webster,
Fox,	Leavens,	Robertson,	White,
Garrard,	Letford,	Roy,	Speaker,
Greene of Steele,			

33

NAYS.

Mr. Abbott,	Mr. Cleary,	Mr. Rehfeld,	Mr. Temanson,
Acker,	Cleveland,	Scheffer,	Thayer,
Armstrong,	Donohue,	Secombe,	Tollman,
Austin,	Greene of Olmsted,	Sherwood,	Trow,
Baldwin,	Kinkaid,	Shrewsbury,	Van Vorhes,
Bixler,	Mann,	Shriner,	H. Walker,
Burnham,	Mantor,	Shultis,	Walker Orange,
Butler,	Melghan,	Stevens,	Watson,
Caskey,	Mitch,	Stock,	Wilkins,
Chadderdon,	Morrison,	Sweet,	

39

So the amendment was not concurred in.

The question was upon the third amendment.

Upon the vote being taken, there were yeas 35, nays 35, as follows :

YEAS.

Mr. Aaker,	Mr. Hayes,	Mr. Nettleton,	Mr. Stephenson,
Anderson,	Hulett,	Pfaender,	Stewart,
Armstrong,	Hunt,	Purdie,	Sweet,
Brooks,	Kinkead,	Renz,	Temanson,
Cleary,	Knox,	Robertson,	Tollman,
Coe,	Langworthy,	Roy,	White,
Fox,	McDonough,	Sanborn,	Wilkins,
Garrard,	Mitchell,	Sawyer,	Speaker.
Greene of Steele,	Mitsch,	Shriner,	

NAYS.

Mr. Abbott,	Mr. Chadderdon,	Mr. Meighan,	Mr. Stock,
Acker,	Cleveland,	Morrison,	Taylor,
Arnold,	Dayton,	Ozman,	Thayer,
Austin,	Donohue,	Rehfeld,	Trow,
Baldwin,	Greene of Olmsted,	Scheffer,	Van Vorhes,
Bixler,	Johnson,	Secombe,	H. Walker,
Burnham,	Letford,	Sherwood,	Walker, Orat
Butler,	Mann,	Shrewsbury,	Watson,
Caskey,	Mantor,	Stevens,	

So the amendment was not concurred in.

The question was upon concurring in the fourth amendment.

Upon the vote being taken there were yeas 34, nays 39, as follows :

YEAS.

Mr. Aaker,	Mr. Hulett,	Mr. Pfaender,	Mr. Shultis,
Anderson,	Kinkead,	Purdie,	Stephenson,
Armstrong,	Knox,	Renz,	Stewart.
Brooks,	Langworthy,	Robertson,	Sweet,
Cleary,	Letford,	Roy,	Temanson,
Coe,	McDonough,	Sanborn,	Webster,
Dayton,	Mitchell,	Shriner,	White,
Garrard,	Mitsch,	Skillman,	Speaker.
Greene of Steele,	Nettleton,		

NAYS.

Mr. Abbott,	Mr. Caskey,	Mr. Morrison,	Mr. Taylor,
Acker,	Donohue,	Ozman,	Thayer,
Arnold,	Fox,	Rehfeld,	Tollman,
Austin,	Greene of Olmsted,	Sawyer,	Trow
Baldwin,	Hunt,	Scheffer,	Van Vorhes
Bixler,	Johnson,	Secombe,	Walker Orat
Burnham,	Leavans,	Sherwood,	Walker, H.
Butler,	Mann,	Shrewsbury,	Watson,
Chadderdon,	Mantor,	Stevens,	Wilkins,
Cleveland,	Meighan,	Stock,	

So the amendment was not concurred in.

The question was upon concurring in the fifth amendment.

Upon the vote being taken there were yeas 39, nays 31 as follows :

YEAS.

Mr. Aaker,	Mr. Hunt,	Mr. Mitsch,	Mr. Stephenson,
Anderson,	Hulett,	Nettleton,	Stewart,
Armstrong,	Hayes,	Pfaender,	Sweet,
Arnold,	Johnson,	Purdie,	Temanson,
Brooks,	Kinkead,	Renz,	Tollman,
Cleary,	Knox,	Robertson,	Webster,
Coe,	Langworthy,	Roy,	White,
Donohue,	Mantor,	Sanborn,	Wilkins,
Garrard,	McDonough,	Shriner,	Speaker,
Greene of Steele,	Mitchell,	Skillman,	

NAYS.

Mr. Abbot,	Mr. Caskey,	Mr. Ozman,	Mr. Stock,
Acker,	Cleveland,	Rehfeld,	Taylor,
Austin,	Fox,	Sawyer,	Thayer,
Baldwin,	Greene of Olmsted,	Scheffer,	Van Vorhes,
Bixler,	Letford,	Secombe,	H. Walker,
Burnham,	Mann,	Shrewsbury,	Walker, Orat
Butler,	Meighan,	Sherwood,	Watson,
Chadderdon,	Morrison,	Stevens,	

So the amendment was not concurred in.

The question was upon concurring in the sixth amendment.

Upon the vote being taken there were yeas 31, nays 37, as follows:

YEAS.

Mr. Aaker,	Mr. Hulett,	Mr. Purdie,	Mr. Stephenson,
Anderson,	Kinkad,	Renz,	Sweet,
Armstrong,	Langworthy,	Roy,	Tomanson,
Arnold,	McDonough,	Sanborn,	Tollman,
Coe,	Mitchell,	Shriner,	Webster,
Donohue,	Mitch,	Skillman,	White,
Garrard,	Nettleton,	Sawyer,	Wilkins,
Greene of Steele,	Pfaender,	Stewart,	

31

NAYS.

Mr. Abbot,	Mr. Cleveland,	Mr. Mantor,	Mr. Sherwood,
Acker,	Cleary,	Mann,	Stevens,
Austin,	Dayton,	Meighan,	Troy,
Baldwin,	Fox,	Morrison,	Taylor,
Bixler,	Greene of Olmsted,	Ozman,	Taylor,
Brooks,	Johnson,	Rehfeld,	Van Vorhes,
Burnham,	Knox,	Scheffer,	H. Walker,
Butler,	Leavens,	Secombe,	Walker, Orange,
Chadderdon,	Letford,	Shrewsbury,	Watson,
Caskey,			

37

So the amendment was not concurred in.

The question was upon concurring in the seventh amendment.

Upon the vote being taken, there were yeas 32, nays 38, as follows:

YEAS.

Mr. Armstrong,	Mr. Kinkad,	Mr. Pfaender,	Mr. Stephenson,
Brooks,	Knox,	Renz,	Stewart,
Chadderdon,	Langworthy,	Roy,	Sweet,
Donohue,	McDonough,	Sanborn,	Tollman,
Garrard,	Mitchell,	Sawyer,	Webster,
Greene of Steele,	Mitch,	Scheffer,	White,
Hayes,	Nettleton,	Shriner,	Wilkins,
Hulett,	Purdie,	Skillman,	Speaker,

32

NAYS.

Mr. Aaker,	Mr. Coe,	Mr. Letford,	Mr. Shrewsbury,
Abbott,	Caskey,	Mann,	Stevens,
Acker,	Cleary,	Mantor,	Taylor,
Anderson,	Cleveland,	Meighan,	Tomanson,
Arnold,	Dayton,	Morrison,	Troy,
Austin,	Fox,	Ozman,	Van Vorhes,
Baldwin,	Greene of Olmsted,	Rehfeld,	H. Walker,
Bixler,	Hunt,	Secombe,	Walker, Orange,
Burnham,	Johnson,	Sherwood,	Watson,
Butler,	Leavens,		

38

So the amendment was not concurred in.

The question was upon concurring in the eighth amendment.

Upon the vote being taken, there were yeas 33, nays 36, as follows:

YEAS.

Mr. Anderson,	Mr. Langworthy,	Mr. Renz,	Mr. Stephenson,
Armstrong,	McDonough,	Robertson,	Stewart,
Arnold,	Mitchell,	Roy,	Sweet,
Donohue,	Mitch,	Sanborn,	Tollman,
Garrard,	Nettleton,	Sawyer,	Webster,
Greene of Steele,	Pfaender,	Scheffer,	White,
Hayes,	Purdie,	Shriner,	Wilkins,
Hulett,	Rehfeld,	Skillman,	Speaker,
Knox,			

59

33

NAYS.

Mr. Aaker,	Mr. Oakley,	Mr. Morrison,	Mr. Shultis,
Abbott,	Oleary,	Mann,	Stock,
Acker,	Ooe,	Mantor,	Tomans,
Austin,	Dayton,	Meighan,	Taylor,
Baldwin,	Fox,	Osmun,	Thayer,
Bixler,	Greene of Olmsted,	Secombe,	Van Ve
Burnham,	Johnson,	Sherwood,	Walker
Butler,	Leavens,	Shrewsbury,	Walker,
Chadderdon,	Letford,	Stevens,	Watson,

So the amendment was not concurred in.

The question was upon concurring in the 9th amendment.

Upon the vote being taken there were yeas 30, nays 39, as follows:

Mr. Armstrong,	Mr. Helett,	Mr. Pfander,	Mr. Stephen,
Arnold,	Kinkad,	Rehfeld,	Stewart,
Brooks,	Knox,	Robertson,	Sweet,
Oleary,	Langworthy,	Roy,	Tollman
Donchue,	McDonough,	Sanborn,	White,
Garrard,	Mitchell,	Sawyer,	Wilkins,
Greene of Steele,	Mitch,	Shriner,	Speaker.
Hayes,	Nettleton,	Skilman,	

NAYS.

Mr. Aaker,	Mr. Chadderdon,	Mr. Meighan,	Mr. Stock,
Abbott,	Cleveland,	Mann,	Taylor,
Acker,	Ooe,	Mantor,	Tomanso
Anderson,	Dayton,	Morrison,	Thayer,
Austin,	Fox,	Ohvier,	Van Vorh
Baldwin,	Greene of Olmsted,	Scheffer,	H. Walke
Bixler,	Hunt,	Secombe,	Walker, (
Burnham,	Johnson,	Sherwood,	Watson,
Butler,	Leavens,	Shrewsbury,	Webster,
Oakley,	Letford,	Stevens,	

So the amendment was not concurred in.

The question was upon concurring in the 10th amendment.

And upon the vote being taken there were yeas 25, nays 40, as follows:

YEAS.

Mr. Anderson,	Mr. McDonough,	Mr. Stevens,	Mr. Sweet,
Brooks,	Mitchell,	Sanborn,	Tollman,
Garrard,	Nettleton,	Sawyer,	Webster,
Greene of Steele,	Pfander,	Skilman,	White,
Kinkad,	Furdie,	Stephenson,	Wilkins,
Langworthy,	Roy,	Stewart,	Speaker
Letford,			

NAYS.

Mr. Aaker,	Mr. Chadderdon,	Mr. Leavens,	Mr. Sherwood,
Abbott,	Cleveland,	Mann,	Shrewsbury,
Acker,	Ooe,	Mantor,	Stock,
Armstrong,	Oleary,	Morrison,	Taylor,
Austin,	Fox,	Meighan,	Tomanson,
Baldwin,	Greene of Olmsted,	Mitch,	Thayer,
Bixler,	Hayes,	Ozman,	Van Vorhes
Burnham,	Helett,	Rehfeld,	Walker, Or
Butler,	Johnson,	Scheffer,	Walker H.
Oakley,	Knox,	Secombe,	Watson,

So the amendment was not concurred in.

The question was upon concurring in the 11th amendment.

Upon the vote being taken there were yeas 33, nays 36 as follows :

YEAS.

Mr. Acker,	Mr. Hayes,	Mr. Nettleton,	Mr. Sawyer,
Anderson,	Hulst,	Pfander,	Stewart,
Armstrong,	Johnson,	Rahfeld,	Stephenson,
Arnold,	Kinkad,	Roy,	Sweet,
Burnham,	Langworthy,	Robertson,	Tollman,
Cleary,	McDonough,	Sanborn,	White,
Donohue,	Mitch,	Schaffer,	Wilkins,
Garrard,	Mitchell,	Skilman,	Speaker,
Greene of Steele,			

29

NAYS.

Mr. Aaker,	Mr. Fox,	Mr. Morrison,	Mr. Stock,
Abbott,	Greene of Olmsted,	Oxman,	Taylor,
Austin,	Hunt,	Purdie,	Tomansen,
Baldwin,	Knex,	Secombe,	Thayer,
Bixler,	Leavens,	Sherwood,	Trow,
Butler,	Letford,	Shrewsbury,	Van Vorhes,
Casky,	Mann,	Shriner,	H. Walker,
Chadlerdon,	Mantor,	Shults,	Walker, Orange,
Cleveland,	Meighan,	Stevens,	Watson,

26

So the amendment was not concurred in.

The question was upon concurring in the 12th amendment.

Upon the vote being taken there were yeas 32, nays 36, as follows :

YEAS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Pfander,	Mr. Skilman,
Armstrong,	Hayes,	Rens,	Stephenson,
Arnold,	Hulst,	Robertson,	Stewart,
Brooks,	Kinkad,	Roy,	Sweet,
Burnham,	Langworthy,	Sanborn,	Webster,
Cleary,	McDonough,	Sawyer,	White,
Donohue,	Mitchell,	Shriner,	Wilkins,
Garrard,	Nettleton,	Shults,	Speaker,

29

NAYS.

Mr. Aaker,	Mr. Cleveland,	Mr. Mantor,	Mr. Stock,
Abbott,	Dayton,	Meighan,	Taylor,
Anderson,	Fox,	Morrison,	Tomansen,
Austin,	Hunt,	Oxman,	Thayer,
Baldwin,	Johnson,	Purdie,	Trow,
Bixler,	Knex,	Secombe,	Van Vorhes,
Butler,	Leavens,	Sherwood,	Walker, H.
Casky,	Letford,	Shrewsbury,	Walker Orange,
Chadlerdon,	Mann,	Stevens,	Watson,

26

So the amendment was not concurred in.

Mr. Stevens moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Sherwood in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 158 with a recommendation that it be passed.

The question was upon concurring in the recommendation of the Committee of the Whole.

Mr. Abbott called for the yeas and nays.

Upon the vote being taken, there were yeas 30, nays 26, as follows :

YEAS.

Mr. Abbott,	Mr. Hulett,	Mr. Scheffer,	Mr. Thayer,
Acker,	Hunt,	Sherwood,	Trow,
Austin,	Kinkaid,	Shrewsbury,	H. Walk
Bixler,	Langworthy,	Shultis,	Watson,
Burnham,	McDonough,	Skillman,	Webster,
Caskey,	Mitchell,	Stewart,	White,
Fox,	Purdie,	Stock,	Speaker,
Garrard,	Sawyer,		

NAYS.

Mr. Anderson,	Mr. Greene of Steele,	Mr. Mitsch,	Mr. Roy,
Armstrong,	Hayes,	Morrison,	Secombe
Arnold,	Johnson,	Pfaender,	Shriner,
Cleary,	Knox,	Rehfeld,	Sweet,
Coe,	Leavens,	Renz,	Taylor,
Dayton,	Letford,	Robertson,	Temanso
Greene of Olmsted,	Meighan,		

So the recommendation of the Committee of the Whole was conc
The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

Mr. Morrison moved that the House resolve itself into a Committee Whole, to take into consideration such business as may come before it.
Carried.

Mr. Morrison in the chair.

After some time spent therein, the Committee rose, and by their Clerk reported back to the House,

S. F. No. 128, with the recommendation that it be passed.

Also,

H. F. No. 9, with the recommendation that it be passed.

Also,

H. F. No. 164, with the recommendation that it be passed.

Also,

H. F. No. 161, with the recommendation that it be indefinitely postponed.

Also,

H. F. No. 101, and recommended that it be laid upon the table.

Also,

H. F. No. 67, and recommended that it be passed as amended.

Also,

H. F. No. 99, and recommended that it be passed as amended.

Also,

H. F. No. 119, with the recommendation that it be laid on the table.

Also,

S. F. No. 59, with the recommendation that it be postponed until day of January next.

The question was upon concurring in the report of the Committee Whole.

Which was concurred in.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

H. F. No. 83. A bill for an act providing for township organization.

With sundry amendments.

Also,

H. F. No. 85. A bill for an act regulating the duties of Supreme Court reporter.

And that the Senate have concurred in the House amendments to

H. F. No. 122. A bill for an act fixing the rate of interest.

Also, the passage by the Senate of,

S. F. No. 62. A bill for an act to legalize the assessment of the town of Lansing, for the year 1859.

All of which are herewith submitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Secombe moved that the House take up

H. F. No. 83. A bill relating to township organization and defining the duties of town officers.

Carried.

The question was upon concurring in the amendments proposed by the Senate to H. F. No. 83.

Mr. Sweet moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Dayton, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hunt, Johnson, Knox, Langworthy, Leavans, Letford, Mantor, McDonough, Mcighan, Mitchell, Mitsch, Morrison, Nettleton, Pfaender, Purdie, Rehfeld, Renz, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shultis, Stevens, Stephenson, Stewart, Stoek, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhes, H. Walker, Orange Walker, Watson, Webster, White, and Mr. Speaker.

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

Which motion prevailed.

Mr. Secombe moved that the House concur in all the amendments proposed by the Senate except those to article 11.

Mr. Mitchell offered the following substitute :

That the proposed amendments to sec. 7 of art. 9, and to secs. 3, 4, 5, 6, 7, 8, of art. 11, and sec. 2 of art. 12, and sec. 6 of art. 13, be taken up separately, and all others acted upon together.

Adopted.

The question was upon concurring in all the amendments except sec. 9 of art. 9, and to secs. 3, 4, 5, 6, 7, 8, of art. 11, and sec. 2 of art. 12, and sec. 6 of art. 13.

Upon the vote being taken there were yeas 56, nays 9, as follows :

YEAS.

Mr. Aaker.	Mr. Garrard,	Mr. Nettleton,	Mr. Stephenson,
Acker,	Greene of Olmsted,	Pfaender,	Stewart,
Anderson,	Hayes,	Purdie,	Stock,
Arnold,	Johnson,	Rens,	Sweet,
Austin,	Knox,	Robertson,	Taylor,
Baldwin,	Langworthy,	Roy,	Thayer,
Bixler,	Leavens,	Sanborn,	Tollman,
Brooks,	Letford,	Sawyer,	Van Vorhes,
Burnham,	Mann,	Scheffer,	Walker, H.
Butler,	Mantor,	Secombe,	Walker, Ora
Caskey,	McDonough,	Sherwood,	Watson,
Cleveland,	Mitchell,	Shrewsbury,	Webster,
Dayton,	Mitsch,	Shultis,	White,
Fox,	Morrison,	Stevens,	Speaker.

NAYS.

Mr. Armstrong,	Mr. Donohue,	Mr. Meighan,	Mr. Skillman,
Chadderdon,	Greene of Steele,	Rehfeld,	Trow,
Cleary,			

So the amendments were concurred in.

Mr. Aaker moved that the amendments not concurred in be taken whole, and that the same be concurred in.

Which was lost.

Mr. Stevens moved the previous question,

Which was ordered.

The question was upon concurring in the amendment to art. 9, sec. 7.

Upon the vote being taken, there were yeas 38, nays 33, as follows :

YEAS.

Mr. Abbott,	Mr. Johnson,	Mr. Olivier,	Mr. Shrewsbury.
Anderson,	Kinthead,	Osman,	Stephenson,
Arnold,	Knox,	Pfaender,	Stewart,
Coe,	Langworthy,	Robertson,	Sweet,
Fox,	Leavens,	Roy,	Taylor,
Garrard,	Mann,	Sanborn,	Tollman,
Greene of Olmsted	Mantor,	Sawyer,	Van Vorhes,
Greene of Steele,	Mitsch,	Scheffer,	Walker, Ora
Hayes,	Morrison,	Secombe,	Webster,
Hunt,	Nettleton,		

NAYS.

Mr. Aaker	Mr. Caskey,	Mr. Meighan,	Mr. Stevens,
Acker,	Chadderdon,	Mitchell,	Stock,
Armstrong,	Cleary,	Purdie,	Temanson,
Austin,	Cleveland,	Rehfeld,	Thayer,
Baldwin,	Dayton,	Rens,	Trow,
Bixler,	Donohue,	Sherwood,	Walker, H.
Brooks,	Letford,	Shultis,	Watson,
Burnham,	McDonough,	Skillman,	White,
Butler,			

So the amendment was not concurred in.

The question was upon concurring in the balance of the amendments.

Upon the vote being taken, there were yeas 37, nays 34, as follows :

YEAS.

Mr. Abbott,	Mr. Johnson,	Mr. Nettleton,	Mr. Shrewsbury,
Anderson,	Kinthead,	Olivier,	Stephenson.
Arnold,	Knox,	Osman,	Stewart,
Baldwin,	Langworthy,	Pfaender,	Sweet,
Bixler,	Leavens,	Robertson,	Taylor,
Fox,	Mann,	Roy,	Tollman,
Garrard,	Mantor,	Sanborn,	Van Vorhes,
Greene of Olmsted,	Mitchell,	Sawyer,	Walker, Ora
Hayes,	Mitsch,	Secombe,	Webster,
Hunt,			

NAYS.

Mr. Aaker,
Acker,
Armstrong,
Austin,
Brooks,
Burnham,
Butler,
Caskoy,
Chadderdon,

Mr. Cleary,
Cleveland,
Dayton,
Donohue,
Greene of Steele,
Letford,
McDonough,
Melghan,
Morrison,

Mr. Furtie,
Rehfeld,
Rens,
Scheffer,
Sherwood,
Shultis,
Skillman,
Stevens,

Mr. Stock,
Tamanson,
Thayer,
Trow,
Walker, H.
Watson,
White,
Speaker,

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So the amendments were not concurred in.

Mr. Robertson appealed from the decision of the Chair in stating the amendments were not concurred in.

Mr. Sweet moved that the House adjourn.

Lost.

Mr. Stevens moved the previous question.

Which was ordered.

The question was, Shall the decision of the Chair be sustained?

Carried.

Mr. Sanborn moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker

Attest : JARED BENSON, Chief Clerk.

FIFTY-FIFTH DAY.

SATURDAY, February 11, 1860..

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Aaker, Abraham, Bixler, Chadderdon, Cleveland, Garrard, Hunt, Morrison, Olds, Robertson, Roy, Sanborn, Shultis, Stearns, Stephenson, Taylor, and Willey.

The journal was read and approved.

Mr. Mitchell presented the report of the Committee on the Judiciary upon S. F. No. 23, as follows :

The Committee on Judiciary, to whom was referred Senate File No. 23, entitled an act to amend an act entitled an act to establish and define the boundaries of certain counties, report that the object of this bill is to change the boundaries of a number of counties in the northern part of this State ;

that your committee are unable to ascertain the facts either as to the propriety or propriety of such changes, and that they have no personal knowledge of the wants of the respective counties affected thereby. They report the bill back to the House, with the recommendation that it be to the delegation from the 22d district.

WM. MITCHELL
GEO. W. SWENSON

Adopted.

Mr. Hulett presented the following report of the Committee on Towns and Counties, upon the petition of citizens of Hennepin county for the creation of a new town.

To the Honorable the House of Representatives of the State of Minnesota

The Committee on Towns and Counties, to whom was referred the petition of Luther N. Bartlow and others, citizens of Hennepin county, praying to be set off into a separate town, have had the same under consideration and respectfully ask leave to make the following report:

Your committee are of the opinion that the said petitioners are benefitted by a separate town organization, and that they are entitled to such privilege, and that it is, under circumstances of the case, expedient to grant their prayer.

Your committee, therefore, herewith report a bill for that purpose and recommend the same to the favorable consideration of the House.

L. HULETT,
T. J. HUNT,
A. C. AUSTIN,
F. REHFELD,
GEO. MITCHELL

Committee on Towns and Counties

Adopted.

A bill for an act to establish the town of Crystal Lake:

Had its first reading.

Mr. Shrewsbury moved that the rules be so far suspended as to allow the bill to be read a second time.

Which motion prevailed.

And the bill was read a second time.

Mr. Hulett presented the following report of the Committee on Towns and Counties, upon the petition of Nash and others for the establishment of a new town in Dakota county.

To the Honorable the House of Representatives of the State of Minnesota

The Committee on Towns and Counties, to whom was referred the petition of James Nash and others, citizens of Dakota county, have had the same under consideration, and ask leave to report—

Your committee find that these petitioners reside upon town 27, in said county, and that their numbers are sufficient to support a separate town organization; that at present they are attached to the town of Mankato against their wish and desire. Your committee are of the opinion that said petitioners need, and have a right to demand a separate town or township.

- Your committee herewith report a bill for that purpose, and recommend that it be passed into a law.

L. HULETT,
T. J. HUNT,
A. C. AUSTIN,
F. REHFELD,
GEO. MITSCH.

Committee on Towns and Counties.

Adopted.

A bill for an act to establish the town of Eagan.

Had its first reading.

Mr. Austin moved that the rules be so far suspended as to allow the bill to be read a second time.

Which motion prevailed.

And the bill had its second reading.

Mr. Sawyer presented the report of the Committee on Schools and School Lands upon H. F. No. 129, recommending the passage of the bill.

Adopted.

Mr. Dayton, from the special committee consisting of the members from Fillmore county, to whom was referred the petition of citizens of Carrolton, in said county, asking for a division of said town, reported against granting the prayer of the petitioners.

Also,

Upon the petition for a new town to be set off from the town of Douglas to be called Norway.

Also,

Upon the petition for a new town to be set off from the town of Rushford, to be called Arendahl.

Also,

Upon a petition to have a portion of the town of Sumner annexed to the town of Spring Valley.

Recommending that the prayer of the petitioners be granted, and submitting bills in accordance therewith.

Adopted.

A bill for an act for the division of the town of Douglas, Fillmore county, and the organization of the town of Norway.

Had its first reading.

Mr. Dayton moved to suspend the rules so far as to allow the bill to be read the second time.

Carried.

And the bill had its second reading.

A bill for an act for the division of the town of Rushford, Fillmore county, and for the organization of the town of Arendahl.

Had its first reading.

Mr. Butler moved that the rules be so far suspended as to allow it be read a second time.

Carried.

And the bill had its second reading.

A bill for an act annexing a portion of the town of Sumner to the Spring Valley.

Had its first reading.

Mr. Dayton moved that the rules be so far suspended as to allow to be read the second time.

Carried.

And the bill had its second reading:

Mr. Kinkead, from the special committee consisting of the members Douglas county, upon H. F. No. 11, offered a memorial as a substitute.

Which was adopted.

And the memorial was read a first time.

Mr. Sweet presented the report of the special committee upon H. F. No. 50, recommending its passage.

Adopted.

And the bill was ordered engrossed, and passed to a third reading.

Mr. Coe introduced—

A bill for an act for the relief of school district No. 6, in Houston Which had its first reading.

Mr. Coe moved that the rules be so far suspended as to allow the bill be read the second time.

Carried.

And the bill had its second reading.

Mr. Stevens moved that the bill be referred to the Committee on the Judiciary.

Which motion prevailed.

Mr. Rehfeld introduced—

A bill for an act to amend an act for the incorporation of the town of Ulm, in Brown county.

Which had its first reading.

Mr. Stock offered a joint resolution upon the adjournment of the next session.

Which had its first reading.

Mr. Morrison offered the following resolution :

Resolved, That the Committee on the Judiciary be directed to bring in a bill providing that witnesses summoned in behalf of the State and to attend before grand juries or in court, shall be paid one dollar per day for attendance and reasonable traveling fees.

Adopted.

Mr. Fox offered the following resolution :

Resolved, That the Committee on Printing be required to inquire the

of the delay of printing or distributing bills for the use of this House, and report on Monday, the 13th inst.

Adopted.

Mr. Mitchell introduced—

A bill to change the name of Samuel Arrouswald.

Which was read the first time.

Mr. Mitchell moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading.

Mr. Butler presented the claim of John McCoy, a witness in the Dakota county contested case.

Which was ordered paid.

S. F. No. 62. A bill for an act to legalize the assessment of the town of Lansing for the year 1859.

Was read a first time.

Mr. Langworthy moved that the bill be referred to the Committee on the Judiciary.

Carried.

S. F. No. 127. A bill for an act to amend an act for the establishment of a State Agricultural College, approved March 10, 1858.

Had its second reading, and was ordered to a third reading.

H. F. No. 129. A bill for an act to legalize certain taxes and tax sales for the benefit of school district No. 1, in the town of Faribault.

Had its second reading and was ordered engrossed.

A memorial to the President of the United States.

Was read the second time.

S. F. No. 128. A bill for an act to provide for the organization of Agricultural societies,

Had its third reading and was put upon its final passage.

Upon the vote being taken, there were yeas 54, nays 00, as follows :

YEAS.

Mr. Aaker,
Abbott,
Anderson,
Armstrong,
Arnold,
Austin,
Beatty,
Brooks,
Burnham,
Butler,
Cleary,
Coe,
Dayton,
Fox,

Mr. Garrard,
Hayes,
Hulet,
Hunt,
Johnson,
Kinkead,
Knox,
Langworthy,
Leavens,
Letford,
Mann,
McDonough,
Meighan,
Mitchell,

Mr. Morrison,
Nettleton,
Olds,
Olivier,
Pfander,
Purdie,
Rahfeld,
Rens,
Sanborn,
Sawyer,
Shrewsbury,
Shultz,
Skillman,

Mr. Stevens,
Stewart,
Stock,
Sweet,
Taylor,
Tennanson,
Thayer,
Tollman,
Van Vorhes,
Walker, H.,
Webster,
White,
Wilkins,

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So the bill was passed and its title agreed to.

Mr. Aaker asked and obtained leave of absence for Mr. Chadderdon for a few days.

Mr. Kinkad asked and obtained leave of absence for Mr. Roy days.

Mr. Van Vorhes presented the report of the Committee on Privileges, H. F. No. 138, recommending its passage.

Adopted.

Mr. Donohue moved that the rules be so far suspended as to resolve of Mr. Stock to be taken from the table and read a second time and put upon its passage.

Carried.

Mr. Knox moved that the resolution be indefinitely postponed.

Mr. McDonough called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 21, nays 45, as follows:

YEAS.			
Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Langworthy,	Mr. Secombe,
Arnold,	Hayes,	Olds,	Shrewsbury,
Austin,	Johnson,	Ozman,	Skillman,
Bixler,	Kinkad,	Saunders,	Stevens,
Burnham,	Knox,	Sawyer,	Van Vorhes,
Caskey,			

NAYS.			
Mr. Aaker,	Mr. Garrard,	Mr. Nettleton,	Mr. Stewart,
Anderson,	Hulett,	Olivier,	Stock,
Armstrong,	Hunt,	Piacender,	Taylor,
Baldwin,	Leavens,	Purdie,	Temanso,
Beatty,	Bedford,	Rebfield,	Thayer,
Brooks,	Mann,	Renz,	Tollman,
Butler,	McDonough,	Roy,	Trow,
Cleary,	Mitchell,	Sherwood,	Walker,
Coe,	Morrison,	Shriner,	Webster,
Dayton,		Shulz,	Wilkins,
Donohue,		Stephenson,	Speaker,
Fox,			

So the motion was lost.

Mr. Trow moved that the resolution be laid upon the table.

Carried.

Mr. Kinkad offered the following resolution:

Resolved, That after the names of those members voting no, on the resolution to indefinitely postpone Mr. Stock's resolution for adjournment, there be added the words "for bancombe."

Mr. McDonough moved that the resolution be laid upon the table.

Lost.

Mr. Cleveland moved that the resolution be indefinitely postponed.

Carried.

Mr. Secombe moved to take up

H. F. No 30. A bill for an act to prescribe the number of members shall compose the Senate and House of Representatives of this State apportion the representation in both Houses throughout the different counties of the State.

Carried.

Mr. Secombe moved an amendment to the bill.

Mr. Sweet moved a substitute, which was the appointment of a committee of conference composed of three.

Carried.

The question recurring upon the adoption of the substitute.

Mr. Hulett moved the previous question, which was not ordered.

The question recurring upon the adoption of the substitute.

Mr. Mitchell rose to a point of order, that no amendments could be offered to the Senate amendments until the vote by which the amendments were lost was reconsidered.

Which was not sustained.

The question was upon the adoption of the substitute.

Lost.

Mr. Secombe renewed his amendment.

Mr. Morrison moved an amendment to the amendment.

Mr. Secombe moved the previous question, which was ordered.

The question was upon the amendment to the amendment offered by Mr. Morrison.

Which was lost.

The question was upon the amendment offered by Mr. Secombe.

Which was lost.

Mr. Morrison moved that a committee of five be appointed as a committee of conference upon H. F. No. 30.

The question was upon the appointment of a conference committee.

Mr. Greene of Steele offered the following substitute :

That the House do now recede from its disagreements to the amendments of the Senate to H. F. No. 30.

Which was adopted.

The question recurring upon the adoption of the substitute.

It was adopted.

Mr. Secombe moved an amendment to the amendment offered by the Senate to H. F. No. 30.

Mr. Sweet rose to a point of order, that the amendments had once been voted down.

Which was not sustained.

Mr. Sweet appealed from the decision of the Chair.

The question was, Shall the decision of the Chair be sustained ?

Carried.

Mr. Mitchell offered a substitute to the amendments offered by Mr. Secombe.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 43, nays 29, as follows :

YEAS.

Mr. Armstrong,	Mr. Greene of Steele,	Mr. Nettleton,	Mr. Stephenson,
Acker,	Hayes,	Olivier,	Stevens,
Anderson,	Hunt,	Osman,	Stewart,
Arnold,	Johnson,	Pfaender,	Sweet,
Beatty,	Knox,	Purdie,	Taylor,
Brooks,	Langworthy,	Rehfeld,	Thayer,
Cleary,	Letford,	Robertson,	Tollman,
Donchue,	Mantor,	Rens,	Walker, Orange,
Fox,	McDonough,	Sanborn,	White,
Garrard,	Mitchell,	Sawyer,	Wilkins,
Greene of Olmsted,	Mitch,	Shriner,	43

NAYS.

Mr. Aaker,	Mr. Cleveland,	Mr. Morrison,	Mr. Stock,
Abbott,	Coe,	Roy,	Skillman,
Austin,	Dayton,	Scheffer,	Temanson,
Baldwin,	Hulett,	Secombe,	Trow,
Bixler,	Kinkad,	Sherwood,	Van Vorhes,
Burnham,	Mann,	Shrewsbury,	H. Walker,
Butler,	Meighan,	Shultis,	Webster,
Caskey,			29

So the substitute was carried.

The question recurring upon the adoption of the resolution.

It was carried.

Mr. Secombe moved that the House concur in the amendments proposed by the Senate as amended by the House.

Upon the vote being taken, there were yeas 50, nays 21, as follows :

YEAS.

Mr. Aaker	Mr. Greene of Olmsted	Mr. Olivier,	Mr. Stevens,
Abbott,	Greene of Steele,	Pfaender,	Stephenson,
Acker,	Hayes,	Purdie,	Stewart,
Anderson,	Hunt,	Rens,	Stock,
Arnold,	Johnson,	Robertson,	Taylor,
Austin,	Knox,	Sanborn,	Temanson,
Bixler,	Langworthy,	Sawyer,	Thayer,
Brooks,	Letford,	Secombe,	Van Vorhes,
Caskey,	Mantor,	Sherwood,	Walker, Orange,
Cleveland,	McDonough,	Shrewsbury,	Webster,
Coe,	Mitchell,	Shriner,	White,
Fox,	Mitch,	Skillman,	Speaker.
Garrard,	Osman,		50

NAYS.

Mr. Armstrong,	Mr. Donchue.	Mr. Morrison,	Mr. Sweet,
Baldwin,	Hulett,	Nettleton,	Tollman,
Beatty,	Kinkad,	Rehfeld,	Trow,
Burnham,	Mann,	Roy,	Walker, H.
Butler,	Meighan,	Scheffer,	Wilkins,
Cleary,			21

So the amendments were concurred in.

Mr. Johnson moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

FIFTY-SIXTH DAY.

MONDAY, February 13, 1860.

The House met pursuant to adjournment and was called to order by Mr Greene of Steele.

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abraham, Baldwin, Bixler, Cleveland, Kinkead, Mann, Olivier, Robertson, Roy, Sanborn, Scheffer, Secombe, Shriner, Stearns, Stephenson, Taylor, Tollman, Van Vorhes, Watson, Willey and Speaker.

The journal was read and approved.

Mr. Mantor presented the report of the Committee on Supplies and Expenditures upon the bill of Greanleaf & Co. for clocks furnished the Capitol recommending that the same be paid.

Mr. Morrison moved that the report be laid upon the table, and put in the general appropriation bill.

Lost.

The question recurring upon the adoption of the report.

It was carried.

Mr. Purdie presented the report of the special committee to whom was referred H. F. No. 128 recommending the passage of a substitute.

The report was adopted, and the substitute had its first reading

Mr. Dayton, from the select committee consisting of the members from Fillmore county, reported—

A bill for an act providing for a re-location of the State road from Rochester to Elliot, via Chatfield and Preston, as petitioned for by citizens of said county.

Which had its first reading.

Mr. Dayton moved to suspend the rules so as to allow the bill to be read the second time.

Carried.

And the bill had its second reading:

The question was upon concurring in the amendment proposed by the Senate to H. F. No. 142.

Mr. Acker moved that the bill be laid upon the table.

Which motion prevailed.

Mr. Secombe introduced—

A bill for an act creating a lien in favor of lumbermen.

Which was read the first time.

Mr. Acker introduced—

A bill for an act to change the boundaries of Sherburne county.

Which was read the first time.

Mr. Acker moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill was read a second time.

Mr. Garrard presented the report of the Committee on Agriculture upon A bill to regulate Miller's Tolls for grinding corn and other kinds of grain. Recommending the passage of the bill as amended.

Mr. Hayes moved an amendment to the bill.

Which was adopted.

The question recurring upon the adoption of the report.

Mr. Langworthy moved that the bill be indefinitely postponed.

Carried.

H. F. No. 6, (substitute) had its second reading, and was ordered engrossed and passed to a third reading.

H. F. No. 159 had its second reading and was ordered to a third.

S. F. No. 127. A bill for an act to amend an act for the establishment of a State Agricultural College, approved March 10, 1858.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 45, nays 9, as follows :

YEAS.

Mr. Acker,	Mr. Donohue,	Mr. Morrison,	Mr. Skillman,
Acker,	Fox,	Olivier,	Stevens,
Anderson,	Garrard,	Pfander,	Stephenson,
Armstrong,	Hayes,	Purdie,	Stock,
Arnold,	Hunt,	Reid,	Sweet,
Bentley,	Knox,	Renz,	Taylor,
Cassidy,	Langworthy,	Sawyer,	Temanson,
Clary,	Levens,	Scheller,	Van Vorhes,
Cleveland,	Lotford,	Secombe,	H. Walker,
Coe,	Mantor,	Shrewsbury,	Walker, Orange
Dayton,	Mitchell,	Shultis,	White,

44

NAYS.

Mr. Austin,	Mr. Hulett,	Mr. McElghan,	Mr. Sherwood,
Barnham,	McDonough,	Mitch,	Thayer,
Greene of Steele,			

9

So the bill was passed and its title agreed to.

Mr. Morrison offered the following resolution :

Resolved, That the Committee on Judiciary be directed to provide, by bill or otherwise, that in printing and publishing the laws, by the printer of the State, that the whole certificates of the officers attached to said laws be omitted, and only the word "approved," with the date of the approval, be added.

Adopted.

Mr. Van Vorhes presented a report of the Committee on Printing, as follows :

To the Honorable the House of Representatives of the State of Minnesota :

The Committee on Printing, who were instructed by resolution to inquire into the cause of the delay in the printing or delivery of bills ordered printed by the House, beg leave to report—

That they have investigated the subject, and find that at the time of the introduction of the resolution all bills ordered printed by this House were

printed, and either delivered or ready for delivery to the messengers of the House.

Your committee are of opinion that the cause of complaint, if any such cause exist, lies with the messengers, in failing to procure and distribute the bills when in readiness for the House.

A. J. VAN VORHES,
Chairman of Committee on Printing.

Feb. 13, 1860.

Adopted.

Mr. Shrewsbury moved, that the House take up S. F. No. 2,

Which motion prevailed.

And the bill was taken up and put upon its passage.

Mr. Hunt moved to refer the bill to a committee of one, with instructions to strike out "February 1st." and insert "March 1st," and report immediately.

Which motion prevailed.

The Speaker appointed as such committee Mr. Secombe.

Mr. Secombe presented the report of the special committee to whom was referred S. F. No. 2,

Which was adopted.

The question recurring upon the passage of the bill.

Mr. Sweet moved an amendment.

Which was decided not in order.

Mr. Sweet appealed from the decision.

The question was, Shall the decision of the Chair be the decision of the House?

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 36, nays 23, as follows:

YEAS.

Mr. Aaker, Acker, Arnold, Austin, Bixler, Brooks, Burnham, Oskey, Cleveland,	Mr. Dayton, Fox, Garrard, Greene of Steele, Hayes, Huiett, Hunt, Knox, Langworthy,	Mr. Mantor, Melghan, Morrison, Furdie, Sawyer, Secombe, Sherwood, Shultis, Skillman,	Mr. Stewart, Stock, Tenanson, Thayer, Van Vorhes, Walker, H., Walker Orange, Webster, White,
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36

NAYS.

Mr. Abbott, Anderson, Armstrong, Beatty, Cleary, Coe,	Mr. Donehue, Kinkead, Leavans, Letford, McDonough, Mitchell,	Mr. Mitsch, Nettleton, Ollvier, Pfaender, Rehfeld, Renz,	Mr. Shrewsbury, Stephenson, Sweet, Taylor, Whitey,
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23

So the bill was lost.

Mr. Shrewsbury moved to reconsider the vote by which the bill was lost.

Carried.

The question recurring upon the passage of the bill,

Mr. Shrewsbury moved that the bill be laid upon the table.

Withdrawn.

Mr. Sweet moved that the bill be indefinitely postponed.

Withdrawn.

Mr. Sawyer moved a call of the House,

Which was ordered, and the following members answered to their names:

Messrs. Aaker, Abbott, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Garrard, Greene of Steele, Hayes, Hulett, Hunt, Kinkead, Knox, Langworthy, Leavans, Letford, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olivier, Pfaender, Purdie, Rehfeld, Renz, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shultis, Skillman, Stevens, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Trow, Van Vorhes, H. Walker, Orange Walker, Webster, White, Willey, and Wilkins.

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

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 46, nays 20, as follows:

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Mantor,	Mr. Stock,
Acker,	Dayton,	Meighan,	Taylor,
Arnold,	Fox,	Ozmun,	Temanson,
Austin,	Garrard,	Purdie,	Thayer,
Baldwin,	Greene of Olmsted,	Sawyer,	Trow,
Beatty,	Greene of Steele,	Secombe,	Van Vorhes,
Bixler,	Hayes,	Sherwood,	H. Walker,
Brooks,	Hulett,	Shrewsbury,	Walker, Orange,
Burnham,	Hunt,	Shultis,	Webster,
Butler,	Kinkead,	Skillman,	White,
Caskey,	Knox,	Stewart,	Wilkins,
Cleary,	Langworthy,		

46

NAYS.

Mr. Abbott,	Mr. Leavens,	Mr. Morrison,	Mr. Renz,
Anderson,	Letford,	Nettleton,	Scheffer,
Armstrong,	McDonough,	Olivier,	Stephenson,
Coe,	Mitchell,	Pfaender,	Sweet,
Donohue,	Mitsch,	Rehfeld,	Willey,

20

So the bill was passed and its title agreed to.

Mr. Secombe introduced—

A bill for an act to repeal an act entitled an act to amend an act to authorize and regulate the business of banking, approved July 25, 1858, approved August 14, 1858.

Which had its first reading.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading.

Mr. Stevens moved that the bill be referred to the Committee of the Whole.

Carried,

Mr. Mitchell presented the report of the Committee of the Judiciary upon H. F. No. 77, and recommended that it be passed as amended.

Report adopted.

And the bill was ordered engrossed and passed to a third reading.

Mr. Abbott moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Stewart in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 171, with the recommendation that it be passed.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 171.

Mr. Mitchell moved an amendment to the recommendation of the report of the Committee.

Mr. Robertson moved to refer the bill and the report to the Committee on the Judiciary.

Which motion prevailed.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Hon. House the passage by the Senate of S. F. No. 117. A memorial for a Fort of the United States in the valley of the Pembina river.

Which is herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

Mr. Orange Walker, from the Committee on Ways and Means, reported—

A bill for an act making appropriation for the mileage and per diem of the members and officers of the present Legislature, and for the support of the State Government for the year 1860.

Which had its first reading.

Mr. Cleveland moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill was read the second time, and referred to the Committee of the Whole.

Mr. Donohue moved to take up H. F. No. 92.

To which motion

Mr. Van Vorhes moved, as a substitute, that the House resolve itself into Committee of the Whole to take into consideration H. F. No. 175.

Carried.

The question recurring upon the adoption of the substitute,

It was adopted.

Mr. Sweet in the Chair.

After some time spent therein the committee rose, and through their Chairman reported progress, and asked leave to sit again.

Mr. Acker asked and obtained leave of absence for the Sergeant-at-Arms.

Mr. Mann asked and obtained leave of absence for Mr. Abraham for a week.

Mr. Acker offered the following resolution :

Resolved, That the use of this Hall be granted to the German Emigrant Aid Society, for the purpose of holding a public meeting, on Tuesday evening of this week.

Adopted.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Scheffer moved that the House resolve itself into a Committee of the Whole, to take into consideration such business as may come before it.

Carried.

Mr. Hayes in the chair.

After some time spent therein, the Committee rose, and by their Chairman, reported back to the House,

H. F. No. 175, and recommended that it be passed as amended.

The question was upon concurring in the report of the committee.

Mr. Mitchell called for a division of the question.

Which was had.

The question was upon concurring in the first amendment.

Which was concurred in.

The question was upon concurring in the second amendment.

Which was concurred in.

The question was upon concurring in the third amendment.

Which was concurred in.

The question was upon concurring in the fourth amendment.

Which was concurred in.

The question recurring upon the 5th amendment.

Mr. Secombe called for the yeas and nays, which were ordered

Upon the vote being taken, there were yeas 37, nays 23, as follows :

YEAS.

Mr. Aaker,
Abbott,
Baldwin,
Bixler,
Brooks,
Burnham,
Butler,
Cuskey,
Dayton,
Fox,

Mr. Garrard,
Greene of Olmsted,
Hulett,
Knox,
Letford,
Mantor,
McDonough,
Meighan,
Mitich,

Mr. Oids,
Osman,
Purdie,
Renz,
Sawyer,
Scheffer,
Secombe,
Sherwood,
Shrewsbury,

Mr. Stewart,
Stock,
Taylor,
Thayer,
Van Vorhes,
H. Walker,
Walker, Orange,
Watson,
Webster,

NAYS.

Mr. Anderson,	Mr. Greene of Steele,	Mr. Mitchell,	Mr. Stevens,
Armstrong,	Hayes,	Nettleton,	Sweet,
Cleary,	Hunt,	Olivier,	Temanson,
Cleveland,	Langworthy,	Robertson,	Tollman,
Coe,	Leavens,	Sanborn,	White,
Donohue,	Mann,	Skillman,	

33

So the amendment was concurred in.

The question was upon concurring in the balance of the amendments.

Which were concurred in.

Mr. Purdie moved moved that the bill be laid upon the table and ordered printed.

Which was lost.

Mr. Sanborn moved an amendment "striking out \$600 for capital keeper."

Which motion prevailed.

And the bill was ordered engrossed, and passed to a third reading.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be read a third time and put upon its passage.

Which motion prevailed.

H. F. No. 175. A bill for an act making appropriation for the mileage and per diem of the officers and members of the present Legislature, and for the support of the State government for the year 1860.

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 59, nays 2, as follows :

YEAS.

Mr. Aaker.	Mr. Fox,	Mr. Olivier,	Mr. Stewart,
Abbott,	Garrard,	Osmun,	Stock,
Anderson,	Greene of Steele,	Pfaender,	Sweet,
Arnold,	Hayes,	Purdie,	Taylor,
Baldwin,	Hulett,	Renz,	Temanson,
Bixler,	Knox,	Robertson,	Thayer,
Brooks,	Langworthy,	Sanborn,	Tollman,
Butler,	Leavens,	Sawyer,	Trow,
Caskey,	Letford,	Scheffer,	Van Vorhes,
Cleveland,	Mann,	Secombe,	Walker, H.
Chadderdon,	Mantor,	Sherwood,	Walker, Orange,
Cleary,	Meighan,	Shrewsbury,	Watson,
Coe,	Mitchell,	Shriner,	Webster,
Dayton,	Mitchell,	Skillman,	White,
Donohue,	Nettleton,	Stevens,	

59

NAYS.

Mr. Burnham,

Mr. Olds,

2

So the bill was passed and its title agreed to.

Mr. Secombe moved that the House recede from its disagreements to the amendments proposed by the Senate to H. F. No. 83.

Mr. Stevens called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 38, nays 25, as follows :

YEAS.

Mr. Abbott,	Mr. Knox,	Mr. Pfaender,	Mr. Sweet,
Anderson,	Leavens,	Robertson,	Taylor,
Baldwin,	Mann,	Sawyer,	Temanson,
Bixler,	Mantor,	Sanborn,	Tollman,
Cleveland,	Mitchell,	Secombe,	Van Vorhes,
Coe,	Mitchell,	Shrewsbury,	Walker, Orange,
Fox,	Morrison,	Shriner,	Watson,
Garrard,	Nettleton,	Stewart,	Webster,
Greene of Olmsted	Olivier,	Stock,	Wilkins,
Hayes,	Osmun,		

38

NAYS.

Mr. Aaker, Armstrong, Brooks, Burnham, Butler, Cleary, Caskey,	Mr. Dayton, Greene of Steele, Hulett, Langworthy, Letford, McDonough,	Mr. Meighan, Olds, Purdie, Renz, Scheffer, Sherwood,	Mr. Stevens, Skillman, Thayer, Trow, Walker, H. White,
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25

So the House receded.

Mr. Secombe moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Anderson, Armstrong, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Caskey, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hulett, Hayes, Knox, Langworthy, Leavans, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Olivier, Ozmun, Pfaender, Purdie, Renz, Robertson, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shriner, Skillman, Stevens, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhes, H. Walker, Orange Walker, Watson, Webster, White and Wilkins

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

Lost.

Mr. Aaker moved to reconsider the vote by which the House refused to suspend the call.

Carried.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 83. A bill relating to township organization and defining the duties of town officers.

Upon the vote being taken there were yeas 38, nays, 30, as follows :

YEAS.

Mr. Anderson, Abbott, Baldwin, Cleary, Cleveland, Coe, Fox, Garrard, Greene of Olmsted, Kinkead,	Mr. Knox, Leavans, Mantor, Mitchell, Mitsch, Nettleton, Olivier, Ozmun, Pfaender, Robertson,	Mr. Sanborn, Sawyer, Secombe, Shrewsbury, Shriner, Stephenson, Stewart, Stock, Sweet,	Mr. Taylor, Temanson, Tollman, Van Vorhes, Walker, Orange, Watson, Webster, Willey, Wilkins,
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38

NAYS.

Mr. Aaker, Armstrong, Austin, Bixler, Brooks, Burnham, Butler, Caskey,	Mr. Dayton, Donohue, Greene of Steele, Hayes, Hulett, Langworthy, Letford, Mann	Mr. McDonough, Meighan, Morrison, Olds, Purdie, Renz, Scheffer,	Mr. Sherwood, Skillman, Stevens, Thayer, Trow, Walker H. White,
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30

So the House refused to concur.

Mr. Mann moved to reconsider the vote by which the House refused to concur.

Carried.

Mr. Stevens moved that Mr. Greene of Steele, be Speaker *pro tem*, until the return of the Speaker.

Carried.

The question recurring upon concurring in the amendments proposed by the Senate to H. F. No. 83.

Mr. Robertson moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Anderson, Armstrong, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Caskey, Cleary, Cleveland, Dayton, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Kinkad, Knox, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Olivier, Ozmun, Pfaender, Purdie, Renz, Robertson, Sanborn, Scheffer, Secombe, Sherwood, Shrewsbury, Shriner, Skillman, Stevens, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhes, H. Walker, Orange Walker, Webster, White, Willey, and Wilkins.

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

Which motion was lost.

The Sergeant-at-arms reported Messrs. Stearns, and Rehfeld in their seats.

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

Carried.

Mr. Trow moved that the House adjourn.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 6, nays 58, as follows :

YEAS.			
Mr. Aaker,	Mr. Bixler,	Mr. Sherwood,	Mr. Trow,
Austin,	Dayton,		6
NAYS.			
Mr. Abbott,	Mr. Hayes,	Mr. Pfaender,	Mr. Stewart,
Anderson,	Hulett,	Purdie,	Sweet,
Baldwin,	Hunt,	Renz,	Taylor,
Brooks,	Kinkad,	Robertson,	Temanson,
Burnham,	Knox,	Sanborn,	Thayer,
Butler,	Leavens,	Sawyer,	Tollman,
Caskey,	Mann,	Scheffer,	Van Vorhes,
Cleary,	Mantor,	Secombe,	H. Walker,
Cleveland,	McDonough,	Shrewsbury,	Walker, Orange
Cox,	Mitchell,	Shriner,	Watson,
Dayton,	Mitsch,	Skillman,	Webster,
Fox,	Morrison,	Stearns,	White,
Garrard,	Nettleton,	Stevens,	Willey,
Greene of Olmsted,	Olivier,	Stephenson,	Wilkins,
Greene of Steele,	Ozmun,		58

So the motion to adjourn was lost.

The question was upon concurring in the amendment proposed by the Senate to H. F. No. 83.

Upon the vote being taken, there were yeas 40, nays, 29, as follows :

YEAS.			
Mr. Abbott,	Mr. Kinkad,	Mr. Pfander,	Mr. Stewart,
Anderson,	Knox,	Rehfeld,	Stoek,
Baldwin,	Leavans,	Robertson,	Sweet,
Cleary,	Mann,	Sanborn,	Taylor,
Cleveland,	Mantor,	Sawyer,	Tollman,
Coe,	Mitchell,	Secombe,	Van Vorhes,
Fox,	Mitch,	Shrawabury,	Walker, Orange,
Garrard,	Nottleton,	Shrine,	Webster,
Greene of Olmsted,	Olivier,	Stearns,	Willey,
Hunt,	Ozman,	Stephenson,	Wilkins, 40
NAYS.			
Mr. Aaker,	Mr. Greene of Steel,	Mr. Morrison,	Mr. Stevens,
Austin,	Hayes,	Olds,	Tomanson,
Bixler,	Hulett,	Purdie,	Thayer,
Brooks,	Langworthy,	Renz,	Trow,
Burnham,	Letford,	Scheffer,	H. Walker,
Butler,	McDeneugh,	Sherwood,	Watson,
Caskey,	Meighan,	Skillman,	White, 29
Donchue,			

So the amendment was concurred in.

Mr. Stewart moved that the House adjourn.

Carried.

GEO. W. GREENE, Speaker, *pro tem.*

Attest : JARED BENSON, Chief Clerk.

FIFTY-SEVENTH DAY.

THURSDAY, February 14, 1860.

The House met pursuant to adjournment and was called to order by the Speaker *pro tem.*

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abraham, Beatty, Chadderdon, Garrard, Hayes, Hunt, Mitchell, Morrison, Olds, Olivier, Robertson, Roy, Sanborn, Scheffer, Shultis, Stearns, Stevens, Stephenson, Stewart, Sweet, Thayer, Tollman, Willey, and Mr. Speaker.

The journal was read and approved.

Mr. Mantor presented the report of the Committee on Supplies and Expenditures upon

The bill of C. C. Miles, recommending that the same be paid.

Adopted.

Mr. Acker presented the petition of citizens of St. Paul for the repeal of the charter of the city.

Which was referred to the delegation from Ramsey County.

Mr. Coe presented the petition of the voters of the town of Blackhamer, county of Houston, praying that they may be paid their share of the county money.

Which was referred to the Committee on Towns and Counties.

Mr. Kinkad presented the report of the special committee upon S. F. No. 23, with the recommendation that it be passed.

Which was adopted.

And the bill ordered to a third reading.

Mr. Letford, from the Committee on Engrossment, reported as correctly Engrossed—

H. F. No. 67. An act to provide for the compensation of members and officers of the Legislature.

Also,

H. F. No. 129. A bill for an act to legalize certain taxes and tax sales for the benefit of school district No. 1, in the town of Faribault.

Also,

H. F. No. 143. A bill for an act in relation to proposed amendments to the Constitution of this State.

Also,

H. F. No. 154. A bill for an act entitled an act to provide for the government of the State Prison of the State of Minnesota.

Also,

H. F. No. 156. A bill for an act to incorporate the town of Arlington.

Also,

H. F. No. 158. A bill for an act to regulate the traffic in spirituous liquors.

Also,

H. F. No. 160. A bill for an act to amend an act entitled an act to incorporate the St. Cloud Bridge Company.

Also,

H. F. No. 164. A bill for an act for the division of the town of Douglas, Fillmore county, and the organization of the town of Norway.

Also,

H. F. No. 165. A bill for an act for the division of the town of Rushford, Fillmore county, and for the organization of the town of Arendahl.

Also,

H. F. No. 166. A bill for an act annexing a portion of the town of Sumner to the town of Spring Valley.

Also,

H. H. No. 169. A bill for an act to change the names of Samuel Arrouswald and others.

Mr. Orange Walker presented the claim of J. C. Burbank & Co. for the transportation of troops, etc. to Wright county.

Which was referred to the Committee on the Judiciary.

Mr. Langworthy offered the following resolution:

Resolved, That from and after Monday next there shall be no more bills received by this House except those coming from the committees.

Mr. Kinkaid moved that the resolution be indefinitely postponed.

Which motion prevailed.

Mr. Langworthy introduced—

A bill for an act relating to county surveyors.

Which was read the first time.

S. F. No. 117. A memorial for a fort of the United States in the valley of the Pembina river.

Had its first reading.

H. F. No. 128. A bill for an act entitled an act for the relief of the seventh day Baptists, and others within the State who observe the seventh day as a Sabbath;

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 170. A bill for an act to amend an act for the incorporation of the town of New Ulm, in Brown county.

Had its second reading, and was referred to the members from Brown county.

H. F. No. 172. A bill for an act to change the boundaries of Sherburne county.

Had its second reading, and was ordered engrossed, and passed to a third reading.

S. F. No. 23. A bill for an act to amend an act entitled an act to establish and define the boundaries of certain counties.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 56, nays 1, as follows:

YEAS.			
Mr. Abbott,	Mr. Donohue,	Mr. Mitchell,	Mr. Skultis,
Acker,	Fox,	Morrison,	Skullman,
Anderson,	Garrard,	Nettleton,	Stewart,
Armstrong,	Greene of Olmsted,	Olivier,	Steen,
Arnold,	Greene, of Steele,	Oman,	Taylor,
Austin,	Hulet,	Pfeander,	Thayer,
Beatty,	Johnson,	Purdie,	Tollman,
Bixler,	Kinkaid,	Rehfeld,	Van Vorhes,
Brooks,	Katz,	Ross,	Walker, H.,
Butler,	Langworthy,	Sawyer,	Walker Orange,
Ckey,	Leaven,	Scombe,	Wason,
Cleary,	Letford,	Sherwood,	Webster,
Ooe,	McDonough,	Shrewsbury,	White,
Dayton,	Meighan,	Shriner,	Wilkins,

NAYS.

Mr. Hayes,

So the bill was passed and its title agreed to.

Mr. Acker moved to take from the table

H. F. No. 142. An act to commute the sentence of Mrs. Anna Bilanski to imprisonment for life in the State Prison.

Carried.

The question was upon concurring in the amendments proposed by the Senate.

Mr. Acker moved a call of the House,

Which was ordered, and the following members answered to their names:

Messrs. Acker, Abbott, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Johnson, Kinkead, Knox, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olivier, Ozmun, Pfaender, Purdie, Rehfeld, Renz, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shriner, Struths, Skillman, Stevens, Stephenson, Stewart, Stock, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhes, H. Walker, Orange Walker, Watson, Webster, White, Willey, and Wilkins.

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

Carried.

The question was upon concurring in the amendments proposed by the Senate to H. F. No. 142.

Upon the vote being taken there were yeas 37, nays 33, as follows:

YEAS.

Mr. Abbott,	Mr. Fox,	Mr. McDonough,	Mr. Shrewsbury,
Armstrong,	Hulett,	Morrison,	Shultis,
Arnold,	Johnson,	Ozman,	Stewart,
Baldwin,	Kinkead,	Pfaender,	Stock,
Beatty,	Knox,	Purdie,	Thayer,
Bixler,	Leavens,	Rehfeld,	Van Vorhes,
Caskey,	Letford,	Renz,	Watson,
Cleveland,	Mann,	Sawyer,	Webster,
Coe,	Mantor,	Secombe,	White,
Dayton,			

NAYS.

Mr. Acker,	Mr. Garrard,	Mr. Nettleton,	Mr. Taylor,
Acker,	Greene of Olmsted,	Olivier,	Temanson,
Anderson,	Greene of Steele,	Scheffer,	Tollman,
Anglin,	Hayes,	Sherwood,	Trow,
Brooks,	Langworthy,	Shriner,	Walker, H.
Burnham,	Meighan,	Skillman,	Walker, Orange,
Butler,	Mitchell,	Stevens,	Willey,
Casary,	Mitsch,	Stephenson,	Wilkins,
Donohue,			

So the House did not concur.

Mr. Stevens moved to reconsider the vote by which the House did not concur.

Carried.

Mr. Acker moved that the bill be laid upon the table.

Mr. Stephenson called for the yeas and nays which were ordered.

Upon the vote being taken there were yeas 37, nays 32, as follows:

YEAS.

Mr. Abbet,
Acker,
Anderson,
Armstrong,
Arnold,
Baldwin,
Beatty,
Bixler,
Casky,
Cleveland,

Mr. Cee,
Dayton,
Fox,
Hulet,
Johnson,
Knox,
Leavens,
Letford,
Mann,

Mr. Mantor,
McDonough,
Morrison,
Osman,
Pfander,
Purdie,
Rehfeld,
Rens,
Secombe,

Mr. Shrewsbury,
Shultz,
Stewart,
Stock,
Trayer,
Van Vorhes,
Watson,
Webster,
White,

37

NAYS.

Mr. Acker,
Auer's,
Brook,
Burnham,
Butler,
Cleary,
Donchup,
Garrard,

Mr. Greene of Olmsted,
Greene of Steele,
Hayes,
Langworthy,
McGhan,
Mitchell,
Netleton,

Mr. Olivier,
Sawyer,
Schaffer,
Sherwood,
Shriner,
Skillman,
Stevens,
Stephenses,

Mr. Taylor,
Tennison,
Tollman,
Trow,
H. Walker,
Walker, Orange,
Willey,
Wilkins,

33

So the motion prevailed.

H. F. No. 6. A bill for an act to promote emigration.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 66, nays 3, as follows :

YEAS.

Mr. Acker,
Acker,
Anderson,
Armstrong,
Arnold,
Austin,
Baldwin,
Beatty,
Bixler,
Burnham,
Butler,
Casky,
Cleary,
Cleveland,
Cee,
Dayton,
Donchup,

Mr. Fox,
Garrard,
Greene of Olmsted,
Greene of Steele,
Hayes,
Hulet,
Hunt,
Johnson,
Kinkad,
Knox,
Langworthy,
Leavens,
Letford,
Mann,
Mantor,
McDonough,
McGhan,

Mr. Mitchell,
Mitchell,
Morrison,
Netleton,
Osman,
Olivier,
Pfander,
Purdie,
Rehfeld,
Rens,
Robertson,
Sawyer,
Schaffer,
Secombe,
Sherwood,
Shriner,

Mr. Shultz,
Skillman,
Stephenses,
Stewart,
Stock,
Sweet,
Taylor,
Tennison,
Trayer,
Trow,
Van Vorhes,
H. Walker,
Walker, Orange,
Watson,
White,
Wilkins,

66

NAYS.

Mr. Abbott,

Mr. Shrewsbury.

Webster,

3

So the bill was passed and its title agreed to.

H. F. No. 129. A bill for an act to legalize certain taxes and tax sales for the benefit of school district No. 1, in the town of Faribault.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 41, nays 8, as follows :

YEAS.

Mr. Abbott,
Anderson,
Arnold,
Austin,
Baldwin,
Beatty,
Bixler,
Burnham,
Butler,
Casky,
Cleveland,

Mr. Cee,
Donchup,
Garrard,
Hulet,
Hunt,
Johnson,
Knox,
Langworthy,
Leavens,

Mr. Letford,
Mantor,
Mitchell,
Morrison,
Netleton,
Pfander,
Purdie,
Rens,
Sawyer,
Secombe,

Mr. Shrewsbury,
Shultz,
Skillman,
Stewart,
Taylor,
Tennison,
Van Vorhes,
Walker, Orange,
Watson,
Wilkins,

41

NAYS.

Mr. Dayton,
Greene of Steele,

Mr. Mann,
Mitchell,

Mr. Rehfeld,
Stevens,

Mr. Sweet,
Walker, H.

8

So the bill was passed and its title agreed to.

H. F. No. 143. A bill for an act in relation to proposed amendments to the Constitution of this State.

Had its third reading, and was put upon its passage.

Upon the vote being taken, there were yeas 56, nays 00, as follows :

YEAS.

Mr. Acker,	Mr. Fox,	Mr. Morrison,	Mr. Stephenson,
Anderson,	Garrard,	Nettleton,	Stewart.
Arnold,	Greene of Steele,	Olivier,	Stock,
Austin,	Hayes,	Ozman,	Sweet,
Baldwin,	Hulett,	Pfaender,	Taylor,
Beatty,	Johnson,	Rehfeld,	Thayer,
Bixler,	Knox,	Robertson,	Tollman,
Brooks,	Langworthy,	Sanborn,	Van Vorhes,
Butler,	Letford,	Sawyer,	Walker, H.
Caskey,	Mann,	Secombe,	Walker, Orange,
Cleary,	Mantor,	Shrewsbury,	Watson,
Cleveland,	McDighan,	Shriner,	Webster,
Coe,	Mitchell,	Skillman,	White,
Dayton,	Mitch,	Stevens,	Wilkins,

56

So the bill was passed and its title agreed to.

H. F. No. 154. A bill for an act to amend an act entitled an act to provide for the government of the State Prison of the State of Minnesota.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 53, nays 9, as follows :

YEAS.

Mr. Acker,	Mr. Donohue,	Mr. Morrison,	Mr. Skillman,
Anderson,	Garrard,	Nettleton,	Stevens,
Armstrong,	Hayes,	Olivier,	Stephenson,
Arnold,	Hulett,	Ozman,	Stewart,
Austin,	Johnson,	Pfaender,	Stock,
Baldwin,	Knox,	Purdie,	Sweet,
Beatty,	Langworthy,	Renz,	Taylor,
Bixler,	Letford,	Sanborn,	Tollman,
Brooks,	Mann,	Secombe,	Trow,
Burnham,	Mantor,	Sherwood,	H. Walker,
Butler,	McDonough,	Shrewsbury,	Webster,
Caskey,	McLighan,	Shriner,	White,
Cleary,	Mitchell,	Shultis,	Wilkins,
Dayton,			

53

NAYS.

Mr. Cleveland,	Mr. Greene of Steele,	Mr. Mitsch,	Mr. Walker, Orange,
Coe,	Hunt,	Van Vorhes,	Watson,
Fox,			

9

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

H. F. No. 156. A bill for an act to incorporate the town of Arlington.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 62, nays 1, as follows :

YEAS.

Mr. Abbott,	Mr. Fox,	Mr. Mitsch,	Mr. Shriner,
Acker,	Garrard,	Morrison,	Shultis,
Anderson,	Greene of Olmsted,	Nettleton,	Skillman,
Armstrong,	Greene of Steele,	Olivier,	Stephenson,
Arnold,	Hayes,	Ozman,	Stewart,
Austin,	Hulett,	Pfaender,	Stock,
Baldwin,	Hunt,	Purdie,	Sweet,
Beatty,	Kinkad,	Rehfeld,	Taylor,
Bixler,	Knox,	Renz,	Thayer,
Butler,	Langworthy,	Robertson,	Trow,
Caskey,	Letford,	Sanborn,	Van Vorhes,
Cleary,	Mann,	Sawyer,	H. Walker,
Cleveland,	Mantor,	Secombe,	Watson,
Coe,	McDonough,	Sherwood,	White,
Dayton,	McLighan,	Shrewsbury,	Wilkins,
Donohue,	Mitchell,		

62

NAYS.

Mr. Burnham,

So the bill was passed and its title agreed to.

H. F. No. 158. A bill for an act to regulate the traffic in spirituous liquors.

Was read a third time.

Mr. Shrewsbury moved that the bill be indefinitely postponed.

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 34, nays 34, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Mantor,	Mr. Skillman,
Acker,	Greene of Olmsted,	Nettleton,	Stewart,
Austin,	Greene of Steele,	Purdie,	Stock,
Baldwin,	Hayes,	Rehfeld,	Thayer,
Bixler,	Hulett,	Sawyer,	Trow,
Burnham,	Hunt,	Secombe,	H. Walker,
Butler,	Leavens,	Shrewsbury,	Watson,
Oaskey,	Letford,	Shultis,	Webster,
Cleveland,	Mann,		

34

NAYS.

Mr. Armstrong,	Mr. Garrard,	Mr. Olivier,	Mr. Stephenson,
Abbott,	Johnson,	Ozman,	Shriner,
Anderson,	Kinkad,	Pfaender,	Stevens,
Arnold,	Langworthy,	Renz,	Sweet,
Beatty,	McDonough,	Robertson,	Taylor,
Cleary,	Mitchell,	Sherwood,	Tollman,
Coe,	Mitsch,	Sanborn,	Walker Orange,
Dayton,	Meighan,	Scheffer,	White,
Donohue,	Morrison,		

34

So the motion was lost.

The question recurring upon the passage of the bill.

Upon the vote being taken, there were yeas 29, nays 38, as follows :

YEAS.

Mr. Armstrong,	Mr. Hayes,	Mr. Mitsch,	Mr. Sweet,
Abbott,	Johnson,	Nettleton,	Sherwood,
Anderson,	Kinkad,	Olivier,	Shriner,
Beatty,	Langworthy,	Pfaender,	Stephenson,
Cleary,	McDonough,	Renz,	Taylor,
Coe,	Meighan,	Robertson,	Tollman,
Dayton,	Mitchell,	Sanborn,	White,
Donohue,			

29

NAYS.

Mr. Aaker,	Mr. Fox,	Mr. Morrison,	Mr. Stewart,
Acker,	Garrard,	Ozman,	Stevens,
Arnold,	Greene of Olmsted,	Purdie,	Stock,
Austin,	Greene of Steele,	Rehfeld,	Thayer,
Bixler,	Hulett,	Sawyer,	Trow,
Baldwin,	Hunt,	Secombe,	Walker, H.
Burnham,	Knox,	Shrewsbury,	Orange Walker,
Butler,	Letford,	Shultis,	Watson,
Cleveland,	Mann,	Skillman,	Webster,
Oaskey,	Mantor,		

38

So the bill was lost.

H. F. No. 160. A bill for an act to amend an act entitled an act to incorporate the St. Cloud Bridge Company.

Had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 55, nays 7, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue.	Mr. Mitchell,	Mr. Shriner,
Abbott,	Fox,	Mitch,	Shultis,
Acker,	Garrard,	Morrison,	Skillman,
Anderson,	Greene of Olmsted,	Nettleton,	Stevens,
Armstrong,	Hulett,	Olivier,	Stephenson,
Austin,	Jehnnson,	Pfaender,	Stewart,
Beatty,	Kinkead,	Purdie,	Taylor,
Bixler,	Knox,	Rohfeld,	Thayer,
Butler,	Langworthy,	Renz,	Tollman,
Oaskey,	Leavens,	Sanborn,	Walker, Orange
Cleary,	Letford,	Sawyer,	Watson,
Cleveland,	Mann,	Scheffer,	Webster,
Ooe,	Mantor,	Secombe,	White,
Dayton,	McDonough,	Shrewsbury,	

55

NAYS.

Mr. Arnold,	Mr. Greene of Steele,	Mr. Ozmun,	Mr. H. Walker,
Burnham,	Meighan,	Robertson,	

7

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

H. F. No. 164. A bill for an act for the division of the town of Douglas, Fillmore county, and the organization of the town of Norway.

Was read the third time and put upon its final passage.

And upon the vote being taken there were yeas 51, nays 6, as follows:

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Mitchell,	Mr. Stephenson,
Abbott,	Garrard,	Mitch,	Stewart,
Anderson,	Greene of Olmsted,	Morrison,	Stock,
Armstrong,	Hayes,	Olivier,	Sweet,
Arnold,	Hulett,	Ozman,	Taylor,
Austin,	Kinkead,	Robertson,	Thayer,
Beatty,	Knox,	Sanborn,	Trow,
Bixler,	Langworthy,	Sawyer,	H. Walker,
Butler,	Letford,	Sherwood,	Walker, Orange,
Oaskey,	Mann,	Shrewsbury,	Webster,
Cleary,	McDonough,	Shultis,	White,
Cleveland,	Meighan,	Skillman,	Watson,
Dayton,	Mantor,	Stevens,	

51

NAYS.

Mr. Burnham,	Mr. Pfaender,	Mr. Renz,	Mr. Shriner,
Greene of Steele,	Purdie,		

6

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

H. F. No. 165. A bill for an act for the division of the town of Rushford, Fillmore county, and the organization of the town of Arundahl.

Was read the third time and put upon its final passage.

And upon the vote being taken there were yeas 51, nays 6, as follows:

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Meighan,	Mr. Skillman,
Abbott,	Fox,	Mitchell,	Stewart,
Acker,	Garrard,	Mitch,	Stock,
Anderson,	Greene of Olmsted,	Morrison,	Sweet,
Armstrong,	Hayes,	Olivier,	Taylor,
Arnold,	Hulett,	Ozman,	Thayer,
Austin,	Kinkead,	Purdie,	Trow,
Baldwin,	Knox,	Robertson,	Van Vorhes,
Beatty,	Langworthy,	Sanborn,	Walker, H.
Bixler,	Leavens,	Sawyer,	Watson,
Butler,	Letford,	Scheffer,	Webster,
Oaskey,	Mantor,	Sherwood,	White,
Cleary,	McDonough,	Shultis,	

51

NAYS.

Mr. Burnham,	Mr. Johnson,	Mr. Renz,	Shriner,
Greene of Steele,	Pfaender,		

6

So the bill was passed and its title agreed to.

H. F. No. 166. A bill for an act annexing a portion of the town of Sumner to the town of Spring Valley.

Was read a third time, and put upon its final passage.

Upon the vote being taken, there were yeas 49, nays 5, as follows :

YEAS.

Mr. Anderson,	Mr. Greene of Olmsted,	Mr. Mitsch,	Mr. Stock,
Abbott	Hayes,	Morrison,	Sweet,
Armstrong,	Hulett,	Olivier,	Taylor,
Arnold,	Kinkead,	Osman,	Thayer,
Austin,	Knox,	Purdie,	Trow,
Bixler,	Langworthy,	Robertson,	Van Vorhes,
Butler,	Letford,	Sanborn,	Walker H.
Caskey,	Leavens,	Sawyer,	Walker, Orange,
Cleary,	Mantor,	Scheffer,	Watson,
Coe,	McDonough,	Shultis,	Webster,
Dayton,	Meighan,	Stewart,	White,
Fox,	Mitchell,		Wilkins,
Garrard.			

49

NAYS.

Mr. Burnham,	Mr. Greene of Steele,	Mr. Mann	Mr. Shriner,
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4

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

H. F. No. 169. A bill for an act to change the names of Samuel Arrowswald and others.

Was read a third time and put upon its passage.

Upon the vote being taken there were yeas 61, nays 2, as follows :

YEAS.

Mr. Aaker,	Mr. Garrard,	Mr. Meighan,	Mr. Shultis,
Abbott,	Greene of Olmsted,	Mitchell,	Skillman,
Anderson,	Greene of Steele,	Morrison,	Stephenson.
Armstrong,	Hayes,	Netleton,	Stewart,
Arnold,	Hulett,	Olivier,	Stock,
Austin,	Hunt,	Osman,	Sweet,
Baldwin,	Johnson,	Pfander,	Taylor,
Beatty,	Kinkead,	Purdie,	Thayer,
Brooks,	Knox,	Robertson,	Trow,
Burnham,	Langworthy,	Sanborn,	Van Vorhes,
Butler,	Leavens,	Sawyer,	Walker, H.
Caskey,	Letford,	Scheffer,	Walker, Orange,
Cleary,	Mann,	Secombe,	Watson,
Coe,	Mantor,	Sherwood,	Webster,
Dayton,	McDonough,	Shrewsbury,	White,
Fox,			

61

NAYS.

Mr. Mitsch,	Mr. Shriner,
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2

So the bill was passed and its title agreed to.

Mr. Sanborn, from the Committee on the Judiciary, reported—

A bill for an act defining the pleading and practice in the courts of this State.

Mr. Secombe moved that the bill be laid upon the table.

Carried.

Mr. Robertson gave notice that he would on to-morrow ask leave to introduce—

A bill for an act to encourage the manufacture of pure Lager Beer.

Mr. Scheffer presented the memorial of citizens of Dakota county, asking for relief from the excessive taxation of the county.

Which was referred to a select committee of five.

Mr. Baldwin, from the committee to whom was referred the bill for an act to incorporate the City of St. Anthony, reported a bill.

Which was laid upon the table.

Mr. Purdie moved that the joint resolution upon adjournment, be taken up.

Lost.

Mr. Sanborn offered the following resolution :

Resolved, That Mr. Secombe, Mr. Sweet, Mr. Hulett and Mr. Kinkaid be appointed a special committee of four to examine, amend and prepare for passage House Files Nos. 16 and 17, and to prepare and report a bill prescribing the duties of County Treasurers in this State, at the earliest possible day.

Adopted.

Mr. Van Vorhes moved that Mr. Robertson be added to the committee.

Which was withdrawn.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker *pro tem*, at half past two o'clock.

The Speaker presented a communication from the Auditor of State in answer to a resolution passed by the House.

Which was laid upon the table.

AUDITOR'S DEPARTMENT,

ST. PAUL, Feb. 14, 1860.

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : In compliance with a resolution of the House of Representatives I have the honor to submit the following statement :

The amount paid by the State for the Extra Session of the Legislature held in 1859, for which no appropriation by Congress was received into the treasury of the State, is Five Thousand and Forty-six Dollars, and sixty-two cents, (\$5,046 62). In addition to this amount, the Territory issued bonds to pay the expenses of the extra session to the amount of Eight Thousand Dollars, and the State has paid on the same, principal and interest, the sum of Six Thousand Three Hundred and Ten Dollars, and there is still outstanding to the 23d May, 1860, the sum of Five Thousand Nine Hundred Dollars.

The amount paid by the State for the expenses attending the Constitutional Convention, (including publishing Debates) for which no appropriation by Congress has been received into the Treasury, is Fifty-Nine Thousand Eight Hundred and Fifty Three and 7-100 (\$59,853 07.)

It is impossible for me to give the exact amount paid by the State for the expenses of the session of the Legislature, commencing in December, 1857, and ending March 9, 1858, no report being made of amount of certificates

issued, but I estimate the amount Ninety-one Thousand Nine Hundred and Two and 49-100 Dollars, (\$91,902 49.)

In addition to the above, there has been paid by the State, on account of expenses of the Territorial Legislature of 1855, the sum of Nine Thousand Three Hundred and Sixty-four and 61-100 Dollars (\$9,364 61) for which no appropriation by Congress has been received into the Treasury.

In answer to the last inquiry contained in the resolution, I would state that the State Treasurer, Secretary of State, Lieut. Governor, Clerk of the Supreme Court, Judges of the Supreme Court and Judges of the District Courts drew pay from the first of January, 1858, out of the funds appropriated for their respective salaries, that the Attorney General of the Territory drew from the fund appropriated for Attorney General of State, the sum of \$480 12, seventy-four per cent. of which, or \$355 29, was made up to the Attorney General of State out of the fund for salaries of Territorial and State officers, appropriated for the purpose of providing for the deficiency thus occasioned by the drafts of the Territorial officers, and leaving a deficiency still due the Attorney General of State, of \$124 83; that the Territorial Auditor drew from the fund appropriated for salary of State Auditor, for 1858, the sum of \$485 12, for services of 1857-8, seventy-four per cent. of which, or \$359 00 was made up to the State Auditor, out of the fund above specified, and leaving a like deficit of \$126 12; that the Acting Governor of the Territory drew from the fund appropriated for the salary of Governor of State, the sum of \$1,041 66, no part of which deficit in the salary of Governor Sibley has been made up to him out of any appropriation whatever.

All of which is respectfully submitted.

W. F. DUNBAR,
State Auditor.

The Speaker appointed as the special committee to whom was referred the memorial of citizens of Dakota county, Messrs. Scheffer, Hayes, Stewart, Johnson, Tollman and Stevens.

Mr. Secombe moved to be excused from serving upon the special committee to whom was referred H. F. No. 16 and others, and that Mr. Sanborn be substituted in his place.

Carried.

Mr. Acker moved to take up H. F. No. 177.

Which motion prevailed.

H. F. No. 177. A bill for an act defining the Pleading and Practice in the courts of this State.

Was read the first time.

Mr. Secombe offered a substitute.

The question recurring upon the adoption of the substitute proposed by Mr. Secombe,

Lost.

Mr. Secombe moved that H. F. No. 177 be rejected, upon which motion he called for the yeas and nays,

Which were ordered.

Mr. Sanborn moved a call of the House.

Which was ordered, and the following members answered to their names;

Messrs. Aaker, Acker, Armstrong, Austin, Baldwin, Beatty, Bixler, Burnham, Caskey, Cleary, Cleveland, Dayton, Donohue, Fox, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Johnson, Kinkead, Knox, Langworthy, Leavans, Letford, Mann, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Ozmun, Pfaender, Purdie, Robertson, Sanborn, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Stock, Sweet, Taylor, Thayer, Van Vorhes, H. Walker, Orange Walker, Watson, Webster, White and Wilkins.

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

Which motion was lost.

The Sergeant-at-arms reported Mr. Butler in his seat.

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

Carried.

Mr. Secombe moved that the further consideration of the bill be postponed until the first Tuesday after the first Monday of the next session of the Legislature.

Upon which motion he called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 22, nays, 37, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Letford,	Mr. Secombe,
Austin,	Greene of Steele,	Mann,	Shultis,
Baldwin,	Hulett,	Osman,	Taylor,
Brooks,	Hunt,	Purdie,	Thayer,
Caskey,	Johnson,	Sawyer,	Webster,
Cleveland,	Leavans,		

22

NAYS.

Mr. Abbott,	Mr. Hayes,	Mr. Nettleton,	Mr. Stock,
Acker,	Kinkead,	Pfaender,	Sweet,
Anderson,	Langworthy,	Robertson,	Trow,
Armstrong,	Mantor,	Sanborn,	Van Vorhes,
Burnham,	McDonough,	Sherwood,	Walker, H.
Cleary,	Meighan,	Shrewsbury,	Walker Orange,
Dayton,	Mitchell,	Shriner,	Watson,
Donohue,	Mitsch,	Skillman,	White,
Fox,	Morrison,	Stevens,	Wilkins,
Garrard,			

37

So the motion was lost.

Mr. Cleveland moved that the bill be laid upon the table without printing.

Withdrawn.

Mr. Morrison moved that the rules be so far suspended as to allow the bill to be read the second time without printing.

Mr. Ozmun moved that the bill already printed be substituted for the bill now before the House.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of the following Senate bills, to wit :

S. F. No. 48. An act to provide means for the improvement of the State road leading from Crow Wing on the Mississippi river, to Shaysenne City on the Red River of the North,

Also,

S. No. F. 100. A bill for an act to locate a State road from Kandiyohi to Painesville.

Also,

S. F. No. 101. A bill for an act to provide for a geological survey of the State.

Also,

S. F. No. 111. A bill for an act fixing the time of holding the terms of the district court in various counties in the 1st and 4th judicial districts.

Also,

S. F. No. 113. A bill for an act to provide for a State road from Franklin, in McLeod county, to Allen's Grove, in Renville county.

Also,

S. F. No. 118. A memorial for the extinguishment of the Indian title to a portion of the territory occupied by the Pembina and Red Lake Chippewas.

All of which are herewith submitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following message:

EXECUTIVE OFFICE,
ST. PAUL, February 14, 1860. }

Hon. ANOS COGGSWELL,

Speaker of the House of Representatives:

SIR: I have approved and signed bills entitled as follows:

A bill for an act to change the name of Willis Arthur Rogers to Willis Arthur Lont, and to make said Willis Arthur Rogers the heir at law of O. S. Lont and Melissa A. Lont, the wife of O. S. Lont, of the town of Mazeppa.

An act for the relief of the proprietors, occupants, and claimants, of the town of Portland, in St. Louis county.

An act to confer jurisdiction in certain cases upon probate courts of counties other than the county in which the testator or intestate died.

Respectfully,

ALEX. RAMSEY.

The following message was received from the Senate:

Mr. Speaker—

I have to announce to the Honorable House the passage by the Senate of H. F. No. 142. A bill for an act to commute the sentence of Mrs. Anna Bilanski to imprisonment for life in the State Prison.

With an amendment, herewith transmitted, and to which the concurrence of the House is respectfully requested.

Also, that the Senate insists upon the Senate amendments to

H. F. No 80. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to apportion the representation in both Houses throughout the different sections of the State.

Herewith returned for the further action of the House.

A. B. WEBBER, Secretary of the Senate.

Mr. Stewart moved that the House adjourn.

Carried.

GEO. W. GREENE, Speaker, *pro tem*.

Attest: JARED BENSON, Chief Clerk.

FIFTY-EIGHTH DAY.

WEDNESDAY, February 15, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Beatty, Bixler, Coe, Donohue, Garrard, Hunt, Mitchell, Nettleton, Olivier, Robertson, Roy, Sanborn, Sawyer, Scheffer, Shriner, Shultis, Skillman, Stearns, Sweet, Tollman, Van Vorhes, Webster, and Mr. Speaker.

The journal was read and approved.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 116. A bill for the relief of the occupants of the town of Portland.

Also,

H. F. No. 131. A bill for an act to amend an act to establish the county of Toombs.

Also,

H. F. No. 136. A bill for an act to change the name of Willis Arthur Rogers to Willis Arthur Lont, and to make Willis Arthur Rogers the heir at law of O. S. Lont.

Also,

H. F. No. 85. A bill for an act regulating the duties of Supreme Court reporter.

Also,

H. F. No. 122. A bill for an act fixing the rate of interest.

And that they had presented the same to the Governor for his approval and signature.

Mr. Olds, from the special committee to whom was referred H. F. No. 5, reported a substitute, and recommended that it be passed.

Adopted.

Mr. Secombe moved to reconsider the vote by which S. F. No. 23 was passed.

Which motion prevailed.

And the bill was laid upon the table.

Mr. Cleveland offered the following resolution :

Resolved, That the special committee to whom was referred S. F. No. 92 be instructed to report to-morrow morning.

Which was adopted.

S. F. No. 100. A bill for an act to locate a State road from Kandyohi to Paynesville.

Was read a first time.

S. F. No. 101. An act to provide for a geological survey of the State.
Had its first reading.

S. F. No. 111. A bill for an act fixing the times of holding terms of the district court in various counties in the 1st and 4th judicial districts,

Had its first reading.

S. F. No. 113. A bill for an act to provide a State road from Franklin, in McLeod county, to Allen's Grove, in Renville county.

Had its first reading.

S. F. No. 118. A memorial for the extinguish of the Indian title to a portion of the territory occupied by the Pembina and Red Lake Chippewas,

Was read the first time.

Mr. Stevens moved to take up H. F. No. 142 from the table.

Which was lost.

S. F. No. 48. A bill for an act to provide means for the improvement of the State road leading from Crow Wing, on the Mississippi river, to Shaysenne City, on the Red River of the North.

Had its first reading.

The substitute for H. F. No. 5,

A bill for an act to provide for the regulation and maintenance of common schools.

Was read the first time.

Mr. Sawyer moved that the rules be so far suspended as to allow the bill to be read a second time.

Which motion prevailed.

And the bill had its second reading and was ordered engrossed.

Mr. Secombe moved to suspend the rules so far as to allow the original bill to be taken as the engrossed bill.

Which motion prevailed.

Mr. Baldwin introduced—

A bill for an act entitled an act to incorporate the City of St. Anthony, approved March 3d, 1855.

Which had its first reading.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading.

Mr. Secombe moved that the rules be so far suspended as to allow the original bill to be taken as the engrossed bill.

Carried.

H. F. No. 174. A bill for an act to create a lien in favor of lumber men
Had its second reading, and was referred to the Committee of the Whole.

Mr. Sweet from the committee to whom was referred S. F. 92. reported a substitute and recommended its passage.

Which had its first reading.

Mr. Stevens moved that the report and bill be printed.

Carried.

Mr. Hunt from the committee to whom was referred H. F. No. 16, reported amendments.

Which was adopted.

H. F. No. 16. A bill for an act providing for the assessment and taxation of all property in this State, and levying taxes thereon according to its true value in money, with amendments.

Had its first reading.

Mr. Hunt moved that the rules be so far suspended as to allow the bill to be read the second time.

And the bill had its second reading, and was ordered engrossed and passed to a third reading.

H. F. No. 177.

The question was upon substituting the printed copy on the desk of the members for the original bill.

Carried.

H. F. No. 177. A bill for an act defining the pleading and practice in the courts of this State.

Had its second reading and was ordered engrossed, and passed to a third reading.

Mr. Stevens moved to reconsider the vote by which the House ordered H. F. No. 177 engrossed.

Carried.

Mr. Cleveland moved that the bill be referred to the Committee of the Whole.

Mr. Stewart moved to amend, that the bill be indefinitely postponed.

Which was lost.

The question recurring upon referring to the Committee of the Whole.

It was carried.

Mr. Sanborn, from the special committee to whom was referred the subject, reported

A bill for an act prescribing the duties of County Treasurer.

Which had its first reading.

Mr. Armstrong asked and obtained leave of absence for Mr. Rehfeld:

Mr. Acker presented the petition of citizens of Saint Paul for a repeal of their charter.

Which was referred to the members from Ramsey county.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Sanborn moved that the rules be so far suspended as to allow H. F. 179 to be read a second time.

Lost.

Mr. Mitchell presented the report of the Committee on Judiciary upon H. F. No. 167 as follows:

The Committee on Judiciary to whom was referred

H. F. No. 167. An act for the relief of school district No. 6, in Houston county.

Report that they have enquired into the facts connected with the subject matter of said bill and they find the same to be as follows:

In A. D. 1858 a school tax was regularly assessed in said district for school purposes. That the trustees issued their warrant for the collection of the same, which being defective in power was insufficient to force collection of said taxes. The trustees afterwards amended the warrant, but the court has decided that such amended warrant was invalid, the trustees having no such power. The object of the present bill is to enable the trustees to issue a new warrant and then proceed again to collect the said tax. Your committee therefore report the bill back to the House as amended with a recommendation that it be passed.

WM. MITCHELL,
JOHN B. SANBORN,
H. E. MANN,
GEO. W. SWEET.

Adopted.

The bill had its second reading, and was ordered engrossed and passed to a third reading.

Mr. Sanborn offered the following resolution:

Resolved, That 500 copies of the Journal of the House of Representatives and accompanying documents be printed for the use of the members.

Adopted.

Mr. Sanborn introduced—

A bill for an act proposing amendments to section 10, article 9, of the Constitution and providing for the submission of the same to the people.

Which was read the first time.

The following message was received from the Senate:

Mr. Speaker:

I have to announce to the Hon. House the passage by the Senate of S. F. No. 119. A bill for an act to amend section 10, of chapter 126 of the session laws of 1856.

Also,

S. F. No. 135. A bill for an act for the support and better regulation of common schools in the City of St. Anthony.

Also the passage by the Senate of

H. F. No. 111. A bill for an act to regulate elections in this State.

Also that the Senate have concurred in the House amendments to

H. F. No. 30. A bill for an act to prescribe the number of members who shall compose the Senate and House of Representatives of this State, and to

apportion the representation of both Houses throughout the different sections of the State.

Which is herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

Mr. Cleveland offered the following resolution:

Resolved, That it is the sense of this House that after the year 1861 sessions of the Legislature shall be held biennially.

Mr. Sweet moved an amendment by striking out "1861" and insert "1860" upon which motion he called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 33, nays 27, as follows:

YEAS.

Mr. Acker,	Mr. Caskey,	Mr. Mitchell,	Mr. Stewart;
Anderson,	Coe,	Morrison,	Sweet,
Armstrong,	Donohue,	Mitsch,	Taylor.
Arnold,	Fox,	Ozman,	Temanson,
Baldwin,	Hulett,	Purdie,	Thayer,
Bixler,	Mann,	Sawyer,	Tollman,
Brooks,	McDonough,	Shrewsbury,	Watson,
Burnham,	Meighan,	Stephenson,	White,
Butler,			

33

NAYS.

Mr. Abbott,	Mr. Hayes,	Mr. Mantor,	Mr. Skillman,
Austin,	Hunt,	Olds,	Sherwood,
Cleveland,	Johnson,	Pfaender,	Stock,
Dayton,	Knox,	Renz,	Trow.
Garrard,	Langworthy,	Robertson,	H. Walker,
Greene of Olmsted,	Leavens,	Sanborn,	Walker Orange,
Greene of Steele,	Letford,	Secombe,	

27

So the amendment was adopted.

The question recurring upon the adoption of the resolution.

Mr. Stewart called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 33, nays 31, as follows:

YEAS.

Mr. Acker,	Mr. Fox,	Mr. Morrison,	Mr. Sweet,
Armstrong,	Hulett,	Ozman,	Taylor,
Arnold,	Leavens,	Renz,	Temanson,
Baldwin,	Mann,	Sawyer,	Tafer,
Bixler,	McDonough,	Scheffer,	Tollman,
Brooks,	Meighan,	Shrewsbury,	Watson,
Burnham,	Mitchell,	Stephenson,	Webster,
Butler,	Mitsch,	Stewart,	White,
Coe,			

33

NAYS.

Mr. Acker,	Mr. Greene of Olmsted	Mr. Letford,	Mr. Sherwood,
Abbot,	Greene of Steele,	Mantor,	Shultz,
Anderson,	Garrard,	Olds,	Skillman,
Austin,	Hayes,	Pfaender,	Stock,
Cleveland,	Hunt,	Purdie,	Trow,
Dayton,	Johnson,	Robertson,	H. Walker,
Donohue,	Knox,	Sanborn,	Walker, Orange,
	Langworthy,	Secombe,	

31

So the resolution was adopted.

Mr. Secombe moved that the House take up

H. F. No. 111. A bill for an act to regulate elections in this State.

Carried.

The question was upon concurring in the amendments proposed by the Senate.

Upon the vote being taken, there were yeas 54, nays 11, as follows:

YEAS.

Mr. Aaker, Aoust, Austin, Acker, Anderson, Arnold, Baldwin, Bixler, Brooks, Butler, Cleveland, Coe, Dayton, Garrard,	Mr. Greene of Olmsted, Greene of Steele, Hayes, Hulet, Hunt, Johnson, Knox, Langworthy, Leavens, Letford, Mann, Manter, McDonough, Meighan,	Mr. Mitchell, Morrison, Osman, Olds, Platender, Purdie, Renz, Seaborn, Sawyer, Secombe, Sherwood, Shrewsbury, Shultz,	Mr. Skillman, Stevens, Stewart, Stock, Sweet, Taylor, Temanson, Trow, H. Walker, Walker, Orange, Watson, Webster, White,
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54

NAYS.

Mr. Armstrong, Barham, Casky,	Mr. Donohue, Fox, Mitch,	Mr. Robertson, Schaffer, Stephenson,	Mr. Thayer, Tollman,
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11

So the amendments were concurred in.

Mr. Sweet moved to reconsider the vote by which the amendments were concurred in.

Which was lost.

Mr. Trow presented the petition of citizens of Fillmore and Olmsted counties for a sale of school lands.

Which was referred to the Committee on School and School Lands.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 138. A bill for an act to elect a printer or printers, and to regulate the public printing.

Mr. Cleveland introduced—

A bill for an act to provide for sessions of the Legislature.

Which had its first reading.

H. F. No. 176. A bill for an act relating to County Surveyors.

Had its second reading and was referred to the Committee of the Whole.

H. F. No. 138. A bill for an act to elect a printer or printers, and to regulate the public printing.

Had its third reading.

Mr. Robertson offered the following resolution :

Resolved, That the bill be referred to the Committee on Printing, with instructions so to amend it as to provide for giving out the public printing to the lowest bidder or bidders.

Mr. Secombe moved that the resolution be laid upon the table.

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 19, nays, 44, as follows :

YEAS.

Mr. Abbott, Acker, Austin, Baldwin, Bixler,	Mr. Casky, Cleveland, Dayton, Hayes, Langworthy,	Mr. Leavens, Mann, Sabborn, Sawyer, Secombe,	Mr. Skillman, Trow, Walker, Orange, White,
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19

NAYS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Olds,	Mr. Stephenson,
Anderson,	Hulett,	Osman,	Stewart,
Armstrong,	Hunt,	Pfander,	Stock,
Brooks,	Johnson,	Purdie,	Sweet,
Burnham,	Knox,	Ross,	Taylor,
Butler,	Letford,	Robertson,	Tomanson,
Ooe,	McDonough,	Schaffer,	Thayer,
Donohue,	Meighan,	Sherwood,	Tollman,
Fox,	Mitchell,	Shrewsbury,	Walker, H.
Garrard,	Mitch,	Shultz,	Watson,
Greene of Olmsted	Morrison,	Stevens,	Webster,

So the motion was lost.

The question was upon the adoption of the resolution.

Mr. Abbott offered the following substitute :

Resolved, That it is the sense of this House that Earle S. Goodrich is the legal printer of this House, by virtue of contract under a law giving the printing to the lowest bidder.

Which was lost.

The question was upon the adoption of the resolution offered by Mr. Robertson.

Mr. Sweet called for the previous question.

Which was ordered.

The question recurring upon the adoption of the resolution,

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 25, nays 26, as follows :

YEAS.

Mr. Aaker,	Mr. Meighan,	Mr. Robertson,	Mr. Stock,
Anderson,	Mitchell,	Schaffer,	Sweet,
Armstrong,	Mitch,	Sherwood,	Taylor,
Donohue,	Pfander,	Stevens,	Tollman,
Fox,	Purdie,	Stephenson,	Watson,
Garrard,	Ross,	Stewart,	Webster,
Hulett,			

25

NAYS.

Mr. Abbott,	Mr. Oakley,	Mr. Leavens,	Mr. Secombe,
Aaker,	Cleveland,	Letford,	Shrewsbury,
Arnold,	Ooe,	Mann,	Shultz,
Anstett,	Dayton,	Mantor,	Skullman,
Baldwin,	Greene of Steele,	McDonough,	Tomanson,
Bixler,	Hayes,	Morrison,	Thayer,
Brooks,	Johnson,	Olds,	Trow,
Burnham,	Knox,	Sanborn,	Orange Walker,
Butler,	Langworthy,	Sawyer,	White,

26

So the resolution was lost.

Mr. Secombe moved that the bill be referred to a committee of one to strike out all referring to the law for the election of printer.

Which motion prevailed.

The Speaker appointed as such committee, Mr. Secombe.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the honorable House the passage by the Senate of—
H. F. No. 175. A bill for an act making appropriations for the mileage and per diem of the members and officers of the present Legislature, and for the support of the State government for the year 1860.

With amendments, herewith transmitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Sweet, from the special committee to whom was referred H. F. No. 17, reported the bill back with amendments, recommending its passage.

Adopted.

And the bill referred to the Committee of the Whole.

Mr. Secombe, from the special committee to whom was referred H. F. No. 138, reported the bill back with amendments, as instructed by the House.

Adopted.

The question recurring upon the passage of the bill,

Upon the vote being taken there were yeas 41, nays 16, as follows :

YEAS.			
Mr. Abbott,	Mr. Dayton,	Mr. Mantor,	Mr. Stevens,
Aaker,	Garrard,	McDonough,	Stock,
Anderson,	Greene of Olmsted	Morrison,	Taylor,
Arnold,	Hayes,	Purdie,	Temanson,
Austin,	Hallett,	Renz,	Thayer,
Baldwin,	Johnson,	Sanborn,	Trow,
Bixler,	Knox,	Sawyer,	H. Walker,
Brooks,	Langworthy,	Shrewsbury,	Walker, Orange.
Butler,	Letford,	Shuttis,	Webster,
Casky,	Mann,	Skullman,	White,
Coe,			41
NAYS.			
Mr. Armstrong,	Mr. Meighan,	Mr. Robertson,	Mr. Stewart,
Donohue,	Mitchell,	Scheffer,	Sweet,
Greene of Steele,	Mitch,	Sherwood,	Tollman,
Hunt,	Pfaender,	Stephenson,	Watson,
			16

So the bill was passed and its title agreed to.

Mr. Aaker moved to take up H. F. No. 175.

Carried.

The question was upon concurring in the amendments proposed by the Senate.

Upon the vote being taken, there were yeas 50, nays 12, as follows :

YEAS.			
Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Morrison,	Mr. Stewart,
Abbott,	Greene of Steele,	Olds,	Stock,
Anderson,	Hayes,	Pfaender,	Taylor,
Arnold,	Hallett,	Renz,	Temanson,
Austin,	Hunt,	Sawyer,	Thayer,
Baldwin,	Knox,	Scheffer,	Tollman,
Bixler,	Langworthy,	Secombe,	Trow,
Brooks,	Letvans,	Sherwood,	Walker, H.
Butler,	Letford,	Shrewsbury,	Walker, Orange,
Casky,	Mann,	Shuttis,	Watson,
Coe,	Mantor,	Skullman,	Webster,
Dayton,	McDonough,	Stevens,	White,
Garrard,	Mitch,		50
NAYS.			
Mr. Burnham,	Mr. Fox,	Mr. Mitchell,	Mr. Sanborn,
Cleveland,	Johnson,	Purdie,	Stephenson.
Donohue,	Meighan,	Robertson,	Sweet,
			12

So the amendments were concurred in.

Mr. Secombe moved that the Committee on Ways and Means be requested to bring in a bill making appropriation for the pay of State officers.

Which motion prevailed.

Mr. Secombe moved that H. F. No. 178 be taken up, and read a third time, and put upon its passage.

Carried,

H. F. No 178. A bill for an act to amend an act entitled an act to incorporate the city of St. Anthony.

Had its third reading.

Mr. Secombe moved that the bill be laid upon the table.

Carried.

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following message :

EXECUTIVE DEPARTMENT,
St. Paul, Feb. 15, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

A bill for an act to fix the rate of interest.

A bill for an act regulating the duties of the Supreme Court Reporter.

Respectfully,

ALEX. RAMSEY.

Mr. Secombe moved that the House adjourn.

Carried.

GEO. W. GREENE, *Speaker pro tem.*

Attest : JARED BENSON, Chief Clerk.

FIFTY-NINTH DAY.

THURSDAY, Feb. 16, 1860.

The House met pursuant to adjournment and was called to order by the *Speaker pro tem.*

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Beatty, Cleary, Fox, Garrard, Knox, Langworthy, Letford, Mitchell, Rehfeld, Robertson, Roy, Sanborn, Scheffer, Shriner, Skillman, Stearns, Stevens, Stephenson, Tollman, Watson, and Mr. Speaker.

The journal was read and approved.

Mr. Acker presented the petition of the citizens of the city of St. Paul for a repeal of their charter.

Which was referred to the members from Ramsey County.

Mr. Morrison moved that the Committee on Printing be instructed to print the school bill in pamphlet form.

Carried.

S. F. No. 135. A bill for an act for the support and better regulation of common schools in the city of St. Anthony,

Was read the first time.

S. F. No. 119. A bill for an act to amend section 10, of chapter 126, of the session laws of 1856,

Was read the first time.

S. F. No. 48. An act to provide means for the improvement of the State road leading from Crow Wing on the Mississippi river, to Shayenne City on the Red River of the North,

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 100. A bill for an act to locate a State road from Kandiyohi to Painesville.

Was read the second time, and referred to the Committee of the Whole.

S. F. No. 101. A bill for an act to provide for a geological survey of the State.

Had its second reading and was referred to the Committee of the Whole.

S. F. No. 111. A bill for an act fixing the time of holding the terms of the district court in various counties in the 1st and 4th judicial districts.

Had its second reading, and was referred to the members from the districts referred to in the bill.

S. F. No. 113. A bill for an act to provide for a State road from Franklin, in McLeod county, to Allen's Grove, in Renville county.

Had its second reading, and was referred to the members from the counties referred to in the bill.

S. F. No. 117. A memorial for a Fort of the United States in the valley of the Pembina river.

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 118. A memorial for the extinguishment of the Indian title to a portion of the territory occupied by the Pembina and Red Lake Chippewas, Had its second reading, and was ordered to a third reading.

Mr. Letford, from the Committee on Engrossment, reported as correctly Engrossed—

H. F. No. 99. A bill for an act to establish the fees of constable in this State, and for other purposes.

Also,

H. F. No. 150. An act to amend section first, of chapter first, page 33, of the so-called statutes.

Also,

H. F. No. 159. A bill for an act to amend section 48, chapter 90, page 715, of the Public Statutes.

Also,

H. F. No. 162. A bill for an act to establish the town of Crystal Lake
Also,

H. F. No. 163. A bill for an act to establish the town of Eagan.
Also,

H. F. No. 168. A memorial to the President of the United States.
Also,

H. F. No. 172. A bill for an act to change the boundaries of Sherburne
county.

Also,

H. F. No. 173. A bill for an act to provide for a relocation of the State
road from Eliota, via Chatfield to Preston.

H. F. No. 99. A bill for an act to establish the fees of constables in
this State, and for other purposes.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 42, nays 13, as follows :

YEAS.

Mr. Aaker.	Mr. Ooe,	Mr. Melghan,	Mr. Secombe,
Anderson,	Dayton,	Mitchell,	Sherwood,
Armstrong.	Greene of Olmsted,	Mitch,	Shults,
Arnold,	Greene of Steele,	Morrison,	St. Ilman,
Austin,	Hulet,	Nettleton,	Stock,
Baldwin,	Hunt,	Olds,	Taylor,
Bixler,	Langworthy,	Olivier,	Temanson,
Brooks,	Leavens,	Osman,	Thayer,
Butler,	Letford,	Pfander,	Trow,
Caskey,	Manor,	Renz,	Webster,
Cleary,	McDonough,		

42

NAYS.

Mr. Cleveland,	Mr. Sawyer,	Mr. Sweet,	Mr. Walker, Orange,
Donohue,	Shrewsbury,	Van Vorhes,	Watson,
Johnson,	Stevens,	H. Walker,	Wilkins,
Furdie,			

13

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

H. F. No. 150. An act to amend section 1, of chapter 1, of an act to
provide for the creation and regulation of corporations, passed August 12,
1858.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 53, nays 00, as follows :

YEAS.

Mr. Aaker	Mr. Greene of Steele,	Mr. Mitsch,	Mr. Stewart.
Abbott,	Hayes,	Morrison,	Stock,
Acher,	Hulet,	Nettleton,	Sweet,
Anderson,	Hunt,	Olivier,	Taylor,
Armstrong,	Johnson,	Pfander,	Temanson,
Arnold,	Langworthy,	Furdie,	Thayer,
Austin,	Leavens,	Renz,	Trow,
Baldwin,	Letford,	Sawyer,	Van Vorhes,
Bixler,	Manor,	Secombe,	Walker, H.
Brooks,	McDonough,	Sherwood,	Watson,
Caskey,	Melghan,	Shrewsbury,	Webster,
Cleary,	Mitchell,	Shults,	White,
Cleveland,		Stevens,	Wilkins,
Ooe,			

53

So the bill was passed and its title agreed to.

Mr. O. Walker moved that the rules be so far suspended as to allow the
appropriation bill, that had gone to the engrossing clerk to be recalled.

Which motion prevailed.

H. F. No. 159. A bill for an act to amend section 48, of chapter 90, on page 715, of the Public Statutes,

Was read the third time.

Mr. Robertson moved to refer the bill to the member who introduced it. Carried.

H. F. No. 162. A bill for an act to establish the town of Chrystal Lake. Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 54, nays 3, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. McDonough,	Mr. Shrewsbury,
Abbott,	Fox,	Meighan,	Shultis,
Acker,	Garrard,	Mitchell,	Stevens,
Anderson,	Greene of Olmsted,	Mitsch,	Stewart,
Armstrong,	Greene of Steele,	Morrison,	Stock,
Arnold,	Hulett,	Nettleton,	Temanson,
Austin,	Hunt,	Olivier,	Thayer,
Baldwin,	Johnson,	Ozmun,	Van Vorhes,
Bixler,	Kinkad,	Pfaender,	Walker, H.
Brooks,	Langworthy,	Purdie,	Walker, Orange,
Caskey,	Leavens,	Sawyer,	Watson,
Cleveland,	Letford,	Secombe,	White,
Coe,	Mann,	Sherwood,	Wilkins,
Dayton,	Mantor,		54

NAYS.

Mr. Burnham,	Mr. Hayes,	Mr. Renz,	3
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So the bill was passed and its title agreed to.

H. F. No. 163. A bill for an act to establish the town of Eagan.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 45, nays 8, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Mitsch,	Mr. Stock,
Anderson,	Garrard,	Morrison,	Stewart,
Abbott,	Hulett,	Nettleton,	Stevens,
Armstrong,	Johnson,	Olivier,	Temanson,
Acker,	Kinkad,	Purdie,	Thayer,
Arnold,	Langworthy,	Sanborn,	Van Vorhes,
Austin,	Letford,	Sawyer,	Walker H.
Brooks,	Leavens,	Secombe,	Walker, Orange,
Cleary,	Mann,	Sherwood,	Watson,
Cleveland,	McDonough,	Shultis,	Webster,
Coe,	Mitchell,	Skillman,	White,
Dayton,			45

NAYS.

Mr. Burnham,	Mr. Hayes,	Mr. Olds,	Mr. Renz,
Greene of Steele,	Meighan,	Ozmun,	Sweet,
			8

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

H. F. No. 168. A memorial to the President of the United States.

Was read the third time and put upon its final passage.

Upon the vote being taken the memorial was passed and the title agreed to.

H. F. No. 172. A bill for an act changing the boundary lines of Sherburne county.

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 52, nays 00, as follows :

YEAS.

Mr. Anderson,	Mr. Garrard,	Mr. Mitchell,	Mr. Shultis,
Armstrong,	Greene of Olmsted,	Meighan,	Stevens,
Arnold,	Greene, of Steele,	Mitchell,	Stewart,
Austin,	Hayes,	Morrison,	Stock,
Baldwin,	Hulett,	Nettleton,	Taylor,
Brooks,	Johnson,	Olivier,	Temanson,
Burnham,	Kinkad,	Ozman,	Thayer,
Caskey,	Langworthy,	Purdie,	Van Vorhes,
Cleary,	Leavens,	Renz,	Walker, H.
Cleveland,	Letford,	Sawyer,	Walker Orange,
Coe,	Mann,	Secombe,	Watson,
Dayton,	Mantor,	Shrewsbury,	Webster,
Fox,	McDonough,	Skillman,	White,

52

So the bill was passed and its title agreed to.

H. F. No. 173. A bill for an act to provide for a relocation of the State road from Rochester to Elliott, via Chatfield and Preston.

Was read a third time, and put upon its final passage.

Upon the vote being taken there were yeas 42, nays 15, as follows :

YEAS.

Mr. Acker,	Mr. Greene of Olmsted,	Mr. Mitchell,	Mr. Stock,
Anderson,	Hayes,	Nettleton,	Taylor,
Austin,	Hulett,	Purdie,	Temanson,
Baldwin,	Hunt,	Sawyer,	Trow,
Bixler,	Kinkad,	Secombe,	Van Vorhes,
Brooks,	Langworthy,	Sherwood,	Walker, H.
Butler,	Leavens,	Shultis,	Walker Orange,
Cleary,	Letford,	Skillman,	Watson,
Coe,	Mann,	Stevens,	Webster,
Donohue,	Mantor,	Sweet,	White,
Garrard,	Meighan,		

42

NAYS.

Mr. Armstrong,	Mr. Cleveland,	Mr. McDonough,	Mr. Pfaender,
Arnold,	Fox,	Mitchell,	Renz,
Burnham,	Greene of Steele,	Morrison,	Stewart,
Caskey,	Johnson,	Olivier,	

15

So the bill was passed and its title agreed to.

H. F. No. 178. A bill for an act to amend an act entitled an act to incorporate the city of St. Anthony.

Was taken up and put upon its passage.

And upon the vote being taken there were yeas 57, nays 1, as follows :

YEAS.

Mr. Acker,	Mr. Coe,	Mr. McDonough,	Mr. Stevens,
Abbott,	Dayton,	Mitchell,	Stock,
Acker,	Donohue,	Morrison,	Sweet,
Anderson,	Garrard,	Olds,	Taylor,
Arnold,	Greene of Steele,	Olivier,	Temanson,
Austin,	Hayes,	Pfaender,	Thayer,
Baldwin,	Hulett,	Purdie,	Trow,
Beatty,	Hunt,	Renz,	Van Vorhes,
Bixler,	Johnson,	Sawyer,	H. Walker,
Brooks,	Kinkad,	Secombe,	Walker Orange,
Burnham,	Langworthy,	Sherwood,	Wilkins,
Butler,	Leavens,	Shultis,	Webster,
Caskey,	Letford,	Skillman,	White,
Cleary,	Mantor,	Shrewsbury,	Watson,
Cleveland,			

57

NAYS.

Mr. Mann,

1

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

H. F. No. 5. A bill for an act for the regulation and maintenance of common schools.

Was read the third time.

Mr. Secombe moved that the bill be laid upon the table.

Carried.

Mr. Sweet presented a petition for the annexation of the town of Briggs to the town of Clear Lake in Sherburne county.

Which was referred to the Committee on Towns and Counties.

Mr. Sawyer introduced—

A bill for an act to amend an act to incorporate the City of Rochester.

Mr. Sawyer moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading, and was referred to the members from Olmsted county.

Mr. Robertson offered the following resolution :

Resolved, That the Committee on Elections be instructed to report to this House what action they have taken on the petition of Messrs. Barton, Waldhiser, Newell and Flannagan, contestants of the seats of Messrs. Hayes, Bixler, Morrison and Caskey, the sitting members representing the County of Dakota.

Mr. Donohue moved the previous question.

Mr. Robertson called for the yeas and nays which were ordered.

Upon the vote being taken there were yeas 27, nays 40, as follows :

YEAS.			
Mr. Armstrong,	Mr. Hunt,	Mr. Pfaender,	Mr. Sweet,
Beatty,	Johnson,	Renz,	Thayer,
Cleary,	Kirkend,	Robertson,	Tollman,
Donohue,	Mitch,	Sanborn,	Walker Orange,
Garrard,	Nettleton,	Schaffer,	Watson,
Greene of Steel,	Olds,	Shultz,	Watkins,
Hallett,	Olivier,	Stearns,	
27			
NAYS.			
Mr. Abbott,	Mr. Caskey,	Mr. Mantor,	Mr. Skillman,
Acker,	Cleveland,	McDonough,	Stewart,
Anderson,	Coe,	McGhan,	Steek,
Arnold,	Fox,	Mitchell,	Taylor,
Austin,	Greene of Olmsted,	Morrison,	Temanson,
Baldwin,	Hayes,	Ozann,	Trow,
Bixler,	Linsworthy,	Pardie,	Van Vorhes,
Brooks,	Leaves,	Sawyer,	H. Walker,
Burnham,	Letford,	Secombe,	Webster,
Butler,	Mann,	Sterwood,	White,
40			

So the previous question was not ordered.

Mr. Acker moved to lay the resolution upon the table.

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 47, nays 20, as follows :

YEAS.			
Mr. Acker,	Mr. Cleveland,	Mr. Mantor,	Mr. Stevens,
Abbott,	Coe,	McDonough,	Stewart,
Austin,	Fox,	McGhan,	Steek,
Acker,	Garrard,	Mitchell,	Taylor,
Anderson,	Greene of Olmsted,	Olds,	Temanson,
Arnold,	Hayes,	Sanborn,	Trow,
Baldwin,	Hunt,	Sawyer,	H. Walker,
Bixler,	Johnson,	Secombe,	Van Vorhes,
Brooks,	Linsworthy,	Sterwood,	Walker Orange,
Burnham,	Leaves,	Shultz,	Webster,
Butler,	Letford,	Skillman,	White,
Caskey,	Mann,	Stearns,	
47			

NAYS.

Mr. Armstrong,	Mr. Hulett,	Mr. Olivier,	Mr. Sweet,
Beatty,	Kinkaid,	Pfawnder,	Thayer,
Cady,	Mitch,	Purdie,	Tollman,
Donohue,	Morrison,	Reuz,	Watson,
Greene of Steele,	Nettleton,	Robertson,	Wilkins,

20

So the resolution was laid upon the table.

Mr. Butler presented the following report from the Committee on Elections:

The Committee on Elections to whom was referred the petition of Ara Barton, Michael Waldhier, J. H. Flannagan and Stephen Newell, claiming seats in the House of Representatives of the Legislature of Minnesota as members thereof, beg leave to report, as follows:

It is hardly necessary to call to the remembrance of this House the fact that the right of these petitioners above named to seats therein was at the commencement of the session attacked, that the matter was then thoroughly investigated by this committee and this House, that every facility was then given to said petitioners to establish their right, and that this House by a decisive vote declared them not entitled to seats therein. It is not pretended by them that they have received since any new light upon the subject, or made any new discoveries which would entitle them to a new trial. It is we believe an unheard of thing for a legislative body which has once passed upon the right of one claiming a seat as a member thereof, to again take action thereon. We see no reason why such a course should be taken. The action taken by the House on a full and fair investigation of all matters in dispute should be found.

The other petitioner Mr. Flannagan has certainly failed to show due diligence in presenting his claims to be admitted to a seat as a member of this House. He well knew, it was notorious throughout the State, that the Dakota county election was being investigated by this House early in the session. He then made no claim to be considered a member, offered no evidence, and has not pretended to be elected as such member until this petition is presented by him. Under such circumstances, and after so thorough an examination of the election in Dakota county as was made by this House, (it not being pretended that his case presents facts materially different from that of the other petitioners,) we cannot advise that the House should go into an investigation of the matter at this late day, when the session is apparently very near its close.

Your committee therefore recommend that the petitioners aforesaid have leave to withdraw their petition.

A. H. BUTLER.

Adopted.

Mr. Mann presented the report of the Committee on Incorporations upon S. F. No. 39 recommending its passage as amended.

Adopted.

And the bill was ordered to a third reading.

Mr. Donohue introduced—

A bill for an act to organize the county of Renville, and for other purposes, Which had its first reading.

Mr. Donohue moved to suspend the rules so far as to allow the bill to be read the second time.

Carried.

And the bill had its second reading, and was referred to the Committee on Towns and Counties.

S. F. No. 92 had its second reading.

Mr. Sanborn moved to suspend the rules so far as to allow the bill to be read a third time and put upon its passage.

Which motion prevailed.

S. F. No. 92. A bill for an act in addition to an act entitled an act concerning land grant railroads, passed August 25, 1858,

Was read a third time.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the adoption by the Senate of—

A resolution upon the adjournment of the Legislature.

To which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker *pro tem*, at half past two o'clock.

The question was upon the passage of the substitute to S. F. No. 92.

Mr. Sweet moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Abbott, Acker, Armstrong, Arnold, Austin, Baldwin, Bixler, Brooks, Butler, Caskey, Cleary, Dayton, Donohue, Fox, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Knox, Langworthy, Leavans, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Pfaender, Purdie, Renz, Robertson, Sanborn, Sherwood, Shrewsbury, Shultis, Skillman, Stephenson, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, H. Walker, Watson, Webster, and White.

After some absences were reported in their seats,

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

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 54, nays 10, as follows :

YEAS.			
Mr. Asker,	Mr. Fox,	Mr. Meighan,	Mr. Skillman,
Abbott,	Garrard,	Mitchell,	Stevens,
Acker,	Greene of Olmsted,	Morrison,	Stewart,
Anderson,	Greene of Steele,	Nettleton,	Stock,
Arnold,	Hayes,	Ozman,	Sweet,
Austin,	Hulett,	Pfaender,	Taylor,
Baldwin,	Johnson,	Renz,	Temanson,
Bixler,	Kinkad,	Robertson,	Thayer,
Burnham,	Knox,	Sanborn,	Van Vorhes,
Butler,	Langworthy,	Sawyer,	Walker, H.
Caskey,	Letford,	Secombe,	Walker, Orange,
Cleary,	Mann,	Sherwood,	Watson,
Coe,	Mantor,	Shrewsbury,	White,
Dayton,	McDonough,		

NAYS.

Mr. Brooks, Cleveland, Donohue,	Mr. Leavens, Mitsch, Purdie,	Mr. Shultis, Stephenson.	Mr. Tollman, Webster,	10
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So the bill was passed and its title agreed to.

Mr. Secombe introduced—

A bill for an act to amend an act entitled an act to provide for the organization of the Legislature, approved August 2, 1858,

Which had its first reading.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read a second time.

Mr. Stevens moved that the bill be indefinitely postponed.

Which motion was lost,

The question recurring upon the motion offered by Mr. Secombe,

It was carried.

And the bill had its second reading.

Mr. Robertson moved to refer the bill to the Committee on the Judiciary.

Upon that motion he called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 40, nays 29, as follows :

YEAS.

Mr. Aaker, Abbot, Anderson, Armstrong, Baldwin, Beatty, Brooks, Butler, Cleary, Coe,	Mr. Donohue, Fox, Garrard, Greene of Steele, Hulett, Kinkhead, Knox, Langworthy, Letford, Mann,	Mr. Mantor, McDonough, Meighan, Mitsch, Morrison, Nettleton, Pfaender, Purdie, Renz, Robertson,	Mr. Scheffer, Secombe, Skillman, Stevens, Stephenson, Stewart, Sweet, Taylor, Temanson, Tollman,	40
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NAYS.

Mr. Acker, Arnold, Austin, Bixler, Burnham, Casky, Cleveland, Dayton, Donohue,	Mr. Greene of Olmsted, Hayes, Hunt, Johnson, Leavens, Mitchell, Ozman,	Mr. Sanborn, Sawyer, Sherwood, Shrewsbury, Shultis, Stearns, Stock,	Mr. Thayer, Van Vorhes, H. Walker, Walker, Orange, Watson, Webster, White,	29
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So the motion prevailed.

S. F. No. 39. A bill for an act to authorize the formation of corporations for mining, manufacturing or smelting iron, copper, silver, or other minerals,

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 62, nays 00, as follows :

YEAS.

Mr. Aaker, Acker, Anderson, Armstrong, Arnold, Austin, Beatty, Bixler, Brooks, Burnham, Casky, Cleveland, Coe, Dayton, Donohue,	Mr. Fox, Garrard, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkhead, Knox, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Meighan,	Mr. Mitsch, Morrison, Nettleton, Ozman, Pfaender, Purdie, Renz, Robertson, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shultis,	Mr. Skillman, Stearns, Stevens, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Van Vorhes, Walker, H., Walker, Orange, Watson, Webster,	62
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So the bill was passed and its title agreed to.

H. F. No. 179 had its second reading.

Mr. Sanborn moved that H. F. No. 179 and H. F. No. 17 be referred to the special committee to whom they were before referred.

Mr. Stevens moved to amend by instructing the committee so that the bill may provide that the Treasurer may not receive more than \$1,000 per annum as a salary besides his expenses.

Mr. Secombe moved a substitute so that the salary may not exceed \$1,500 per year including expenses.

Which substitute was accepted.

The question recurring upon the motion offered by Mr. Stevens as amended, It was carried.

The question recurring upon referring the bill,

It was carried.

Mr. Sanborn offered the following resolution :

Resolved, That the sum of \$150 be allowed to the assistant clerk of the House for services rendered and to be performed in transcribing the record of proceedings of the House of Representatives into the Journal up the close of the present session, and doing all the transcribing of the records of this House.

Adopted.

H. F. No. 80. A bill for an act to punish any interference with the serving of civil or criminal processes,

Had its second reading, and was referred to the Committee of the Whole.

Mr. Purdie moved to take up

H. F. No. 95. A bill for an act to prescribe, fix and regulate the fees of the District and Supreme Court clerks.

Which motion prevailed.

Mr. Fox moved that the bill be indefinitely postponed,

Which motion was lost.

The question recurring upon the passage of the bill,

And upon the vote being taken, there were yeas 33, nays 29, as follows :

YEAS.			
Mr. Abbott,	Mr. Cleveland,	Mr. Mann,	Mr. Shrewsbury,
Acker,	Ooe,	Mantor,	Shultis,
Anderson,	Dayton,	Mitchell,	Stewart,
Armstrong,	Hayes,	Mitsch,	Stock,
Austin,	Hulett,	Nettleton,	Taylor,
Baldwin,	Hunt,	Pfaender,	Thayer,
Bixler,	Langworthy,	Purdie,	Trow,
Brecks,	Letford,	Sawyer,	Watson,
Caskey,			
83			
NAYS.			
Mr. Arnold,	Mr. Johnson,	Mr. Scheffer,	Mr. Sweet,
Beatty,	Kinhead,	Secombe,	Tollman,
Burnham,	Knox,	Sherwood,	Van Vorhes,
Cleary,	Leavens,	Skillman,	H. Walker,
Donohue,	McDonough,	Stearns,	Walker Orange,
Fox,	Ozman,	Stevens,	Webster,
Garrard,	Robertson,	Stephenson,	White,
Greene of Steele,			
29			

So the bill was lost.

Mr. Kinhead moved to take up S. F. No. 23,

Which motion prevailed,

And the bill was referred to the Committee on Towns and Counties.

Mr. Fox moved that the House resolve itself into Committee of the Whole to take into consideration H. F. No. 177.

Carried.

Mr. Purdie in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 177, with the recommendation that it be referred to the Committee on the Judiciary.

The question was upon concurring in the report of the Committee of the Whole.

Which was concurred in.

Mr. Robertson moved that the House adjourn.

Carried.

GEO. W. GREENE, Speaker, *pro tem.*

Attest : JARED BENSON, Chief Clerk.

SIXTIETH DAY.

FRIDAY, February 17, 1860.

The House met pursuant to adjournment and was called to order by the Speaker *pro tem.*

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abraham, Austin, Beatty, Caskey, Cleveland, Garrard, Hulett, Hunt, Kinkead, Letford, Mann, Mitchell, Mitsch, Morrison, Olivier, Ozmun, Robertson, Roy, Scheffer, Shrewsbury, Shriner, Shultis, Stearns, Stephenson, Sweet, Tollman, Van Vorhes, Webster, White, and Mr. Speaker.

The journal was read and approved.

Mr. Skillman presented the petition of the board of supervisors of the county of Wabashaw.

Which was referred to the members from Wabashaw county.

Mr. Stewart presented the report of the Committee on claims upon

The petition of Albert Wolff, recommending that the prayer of the petitioner be not granted.

Adopted.

Also, upon

The bill of Pioneer Printing Company, recommending that it be paid.

Adopted.

Mr. Johnson presented the report of the Committee on State Library, to whom was referred

H. F. No. 135, and recommended that it be passed as amended.

Not adopted.

Mr. Ozmun presented the petition of citizens of Olmsted county, Which was referred to the members from Olmsted county.

Also,

The petition of citizens of Olmsted county for a law to compel the fencing of animals instead of crops,

Which was referred to the Committee on Towns and Counties.

Also,

The petition of citizens of Olmsted county in regard to a State road, Which was referred to the members from Olmsted county.

Mr. Donohue presented the report of the special committee upon S. F. No. 113, with the recommendation that it be passed.

Mr. Morrison moved that the report be laid upon the table.

Lost.

The question recurring upon the adoption of the report,

It was adopted.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 3. A bill for an act to authorize the Governor to secure to the State the five per centum of the sales of public lands.

And that the same had been presented to his Excellency the Governor for his approval and signature.

Mr. Morrison, from the special committee to whom was referred the petition for an alteration of county line between Goodhue and Dakota counties, reported—

That the petitioners have leave to withdraw.

Adopted.

Mr. Walker introduced—

A bill for an act making appropriation for the incidental expenses in the various departments of the State,

Which was read the first time.

Mr. Donohue introduced—

A bill for an act making an appropriation for a State Agricultural College.

Which had its first reading.

Mr. Secombe moved that the bill be indefinitely postponed.

Carried.

Mr. Skillman presented the report of the committee to whom was

referred the petition of the board of supervisors of the county of Wabashaw.

Which was adopted.

And the bill had its second reading.

Mr. Taylor presented the bill of Geo. W. Burtram, for services in the Wright county war.

Which was referred to the Committee on Supplies and Expenditure.

Mr. Sanborn introduced—

A bill for an act to amend, section 11, of chapter 621, of the Public Statutes,

Which had its first reading.

Mr. Acker introduced—

A bill for an act to provide for the protection of cranberry marshes in this State,

Which had its first reading.

Mr. Acker moved that the rules be so far suspended, as to allow the bill to be read the second time.

Carried.

And the bill had its second reading, and was referred to the Committee of the Whole.

Mr. Sanborn presented the following report of the Committee of the Judiciary upon the bill of J. C. Burbank & Co. :

To the Honorable the House of Representatives of the State of Minnesota :

Your Committee on the Judiciary, to whom was referred the claims of J. C. Burbank & Co., and of the Minnesota Stage Company, for services of teams in the Wright county war, and expenses of keeping the same, have had the same under consideration, and find that said claims are valid, and that said indebtedness was incurred by the State under and in pursuance of a special contract between said J. C. Burbank & Co. and Geo. L. Becker, quarter-master general of this State, acting for and on behalf of the State.

Your committee therefore report said claims back to the House, with the recommendation that the same be allowed, and an appropriation made for the same in the general appropriation bill.

JOHN B. SANBORN, Chairman,
WM. MITCHELL.

St. Paul, February 16, 1860.

The question was upon the adoption of the report.

Mr. Secombe called for a division of the question.

Which was had.

The question was upon the legality of the claim,

Which was not adopted.

The question was upon paying the bill.

Which was adopted.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 9. A bill for an act to amend an act to incorporate the town of Moritzzeous.

Mr. Secombe moved that the joint resolution in regard to adjournment be taken up.

Carried.

The question was upon the adoption of the joint resolution.

Mr. Sweet moved an amendment, by striking out " March 1st," and inserting " February 25th."

Which was lost.

The question was upon the adoption of the resolution.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 58, nays 7, as follows :

YEAS.

Mr. Aaker.	Mr. Dayton,	Mr. Mitchell,	Mr. Stock,
Abbott,	Donohue,	Mitch,	Sweet,
Acker,	Garrard,	Morrison,	Taylor,
Anderson,	Greene of Olmsted,	Olds,	Temanson,
Armstrong.	Greene of Steele,	Osman,	Thayer,
Arnold,	Hayes,	Pfander,	Tollman,
Baldwin,	Hulet,	Purdie,	Trow,
Bixler,	Johnson,	Rens,	Van Vorhes,
Brooks,	Knox,	Robertson,	H. Walker,
Burnham,	Langworthy,	Sawyer,	Walker, Orange,
Butler,	Leavans,	Secombe,	Watson,
Chadlerdon,	Letford,	Sherwood,	Webster,
Cleary,	Manter,	Shultis,	White,
Cleveland,	McDonough,	Stewart,	Wilkins,
Ooe,	Meighan,		

58

NAYS.

Mr. Fox,	Mr. Kinkead,	Mr. Sanborn,	Mr. [Stephenson,
Hunt,	Nettleton,	Skillman,	

7

So the resolution was adopted.

Mr. Robertson moved that the vote be reconsidered.

Mr. Robertson moved to lay the motion upon the table.

Carried.

Mr. Morrison offered the following resolution :

Resolved, That the joint rules be so far amended as to strike out " rule 16," (the Senate concurring.)

Which was adopted.

Mr. McDonough moved to reconsider the vote by which S. F. No. 95 was lost,

Which motion prevailed.

Mr. Purdie moved that the bill be laid upon the table.

Carried.

S. F. No. 119. A bill for an act to amend section 10, of chapter 126, of the session laws of 1856,

Had its second reading, and was ordered to a third reading.

S. F. No. 135. A bill for an act for the support and better regulation of common schools in the city of St. Anthony,

Had its second reading, and was ordered to a third reading.

H. F. No. 181. A bill for an act to provide for sessions of the Legislature.

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 113. A bill for an act to provide for a State road from Franklin, in McLeod county, to Allen's Grove, in Renville county.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 21, nays 34, as follows :

YEAS.

Mr. Aaker,	Mr. Hulett,	Mr. Mitchell,	Mr. Robertson,
Arnold,	Kinkead,	Mitch,	Sanborn,
Bixler,	Knox,	Nettleton,	Taylor,
Brooks,	Langworthy,	Olds,	Van Vorhes,
Butler,	Letford,	Purdie,	H. Walker,
Donohue,			

21

NAYS.

Mr. Abbott,	Mr. Greene of Steele	Mr. Pfaender,	Mr. Stewart,
Armstrong,	Hayes,	Rens,	Temanson,
Burnham,	Hunt,	Sawyer,	Thayer,
Chadderdon,	Johnson,	Secombe,	Trow,
Cleary,	Leavens,	Sherwood,	Walker, Orange,
Cleveland,	McDonough,	Shriner,	Watson,
Coe,	Meighan,	Shultz,	White,
Dayton,	Morrison,	Skillman,	Willey,
Fox,	Osman,		

34

So the bill was lost.

S. F. No. 118. A memorial for the extinguishment of the Indian title to a portion of the territory occupied by the Pembina and Red Lake Chippewas, Had its third reading, and was passed, and the title agreed to.

H. F. No. 150. An act to amend section 48, of chapter 90, on page 715, of the so-called public statutes.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 26, nays 38, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Pfaender,	Mr. Stearns,
Aaker,	Garrard,	Purdie,	Stevens,
Armstrong,	Hunt,	Sanborn,	Sweet,
Arnold,	Johnson,	Sawyer,	Thayer,
Bixler,	Kinkead,	Scheffer,	Van Vorhes,
Burnham,	Meighan,	Sherwood,	Walker, Orange,
Cleary,	Osman,		

26

NAYS.

Mr. Abbott,	Mr. Hayes,	Mr. Nettleton,	Mr. Taylor,
Anderson,	Hulett,	Lehfeld,	Temanson,
Beatty,	Knox,	Rens,	Trow,
Brooks,	Langworthy,	Secombe,	Walker H.
Butler,	Leavens,	Shriner,	Watson,
Chadderdon,	Letford,	Shultz,	Webster,
Coe,	Mantor,	Skillman,	White,
Fox,	McDonough,	Stewart,	Willey,
Greene of Olmsted,	Mitchell,	Stock,	Wilkins,
Greene of Steele,	Mitch,		

38

So the bill was lost.

H. F. No. 9. A bill for an act to amend an act to incorporate the town of Moritzseous,

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 50, nays 11, as follows :

YEAS.

Mr. Aaker,	Mr. Donahue,	Mr. Meighan,	Mr. Shriner,
Abbott,	Fox,	Mitch,	Shultis,
Acker,	Garrard,	Morrison,	Skillman,
Armstrong,	Greene of Olmsted,	Nettleton,	Stearns,
Arnold,	Greene of Steele,	Olds,	Stevens,
Bixler,	Hayes,	Pfaender,	Sweet,
Brooks,	Hallett,	Purdie,	Temanson,
Burnham,	Hunt,	Robertson,	Thayer,
Butler,	Kinkad,	Sanborn,	Walker, H.
Chadderdon,	Knox,	Sawyer,	Watson,
Cleary,	Langworthy,	Scheffer,	Webster,
Cleveland,	Mantor,	Sherwood,	Wilkins,
Dayton,	McDonough,		

54

NAYS.

Mr. Anderson,	Mr. Letford,	Mr. Secombe,	Mr. Van Vorhes,
Beatty,	Mitchell,	Stock,	Willey,
Johnson,	Renz,	Taylor,	

51

So the bill was passed and its title agreed to.

Mr. Sweet moved to reconsider the vote by which the bill was passed.

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 15, nays 47, as follows:

YEAS.

Mr. Anderson,	Mr. Knox,	Mr. Sawyer,	Taylor,
Beatty,	Letford,	Secombe,	Van Vorhes,
Coe,	Nettleton,	Stock,	Willey,
Johnson,	Sanborn,	Sweet,	

15

NAYS.

Mr. Aaker,	Mr. Fox,	Mr. Meighan,	Mr. Skillman,
Abbott,	Garrard,	Mitchell,	Stearns,
Acker,	Greene of Olmsted,	Mitch,	Stevens,
Armstrong,	Greene of Steele,	Morrison,	Stephenson,
Arnold,	Hayes,	Olds,	Temanson,
Bixler,	Hallett,	Pfaender,	Thayer,
Brooks,	Hunt,	Purdie,	Trow,
Burnham,	Kinkad,	Robertson,	Walker, H.
Butler,	Langworthy,	Scheffer,	Watson,
Chadderdon,	Leavans,	Sherwood,	Webster,
Cleary,	Mantor,	Shriner,	White,
Cleveland,	McDonough,	Shultis,	Wilkins,
Dayton,			

49

So the motion was lost.

Mr. Armstrong offered the following resolution:

Resolved, That a committee of three, consisting of Messrs. Sweet, Mann, and Taylor, be appointed to inquire into the alleged corruption in the Moritz case.

Mr. Acker moved that the resolution be laid upon the table.

Carried.

Mr. Acker, from the special committee composed of the member from Ramsey county, reported upon

H. F. No. 68, recommending its passage.

Adopted.

And the bill had its second reading.

Mr. Sanborn moved that the bill before the House be taken as the engrossed bill, and the same be read the third time and put upon its passage.

Which motion prevailed.

S. F. No. 68. A bill for an act to amend the charter of the city of Saint Paul.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 54, nays 1, as follows :

YEAS.

Mr. Asker,	Mr. Fox,	Mr. Mitch,	Mr. Skillman,
Abbott,	Gerrard,	Morrison,	Stearns,
Acker,	Greene of Olmsted,	Nettleton,	Stevens,
Anderson,	Greene of Steele,	Olde,	Stephenson,
Armstrong,	Hallett,	Ozmun,	Stewart,
Arnold,	Hunt,	Pfander,	Stock,
Baxter,	Johnson,	Purdie,	Temanson,
Barham,	Kink,	Robertson,	Thayer,
Butler,	Langworthy,	Saunders,	H. Walker,
Chadlerlou,	Leavens,	Scombe,	Watson,
Cleveland,	Letford,	Sherwood,	White,
Coe,	Mantor,	Shiner,	Willey,
Dayton,	Mighan,	Shuttis,	Wilkins,
Dunham,	Mitchell,		

54

NAYS.

Mr. Sweet,

1

So the bill was passed and its title agreed to.

Mr. Aaker introduced—

A bill for an act to provide for the publication of the county and township organization laws in the German and Norwegian languages,

Which had its first reading.

Mr. Robertson offered the following resolution :

Resolved, That the Chief Clerk of the House be instructed to return House File No. 111, entitled, a bill for an act to regulate elections in this State.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker *pro tem*.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

S. F. No. 25. A bill for an act in relation to taxes,

Also,

S. F. No. 120. A bill for an act to amend the statutes relative to service of warrant of attachment.

Also, substitute for

H. F. No. 20. A bill for an act relative to costs in civil actions, and to amend sections 89 and 90, of chapter 70, and section 7, of chapter 72, of Revised Statutes.

Also, the passage by the Senate of

H. F. No. 115. A bill for an act to provide for county organization.

With amendments, herewith transmitted.

Also, that the Senate have concurred in the House amendments to

S. F. No. 39. A bill for an act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, silver or other ores or minerals, and for other purposes.

A. B. WEBBER, Secretary of the Senate.

The question was upon the adoption of the resolution offered by Mr. Robertson.

Mr. Burnham offered the following substitute:

Resolved, That the Committee on the Judiciary be instructed to report a bill providing that the votes cast for members of the Legislature and county officers be canvassed, and certificates given in the districts and counties wherein such votes are cast, and that said certificates be prima facie evidence of the election of said persons.

Which was accepted.

Mr. Secombe moved the following amendment, "to confine the instruction to the case of county officers."

Which was lost.

The question recurring upon the adoption of the substitute,

Mr. Robertson called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 43, nays 23, as follows:

YEAS.

Mr. Aaker,	Mr. Donohue.	Mr. Meighan,	Mr. Shultz,
Abbott,	Fox.	Mitchell,	Skullman,
Armstrong,	Garrard,	Mitch,	Stearns,
Baldwin,	Greene of Steele,	Nettleton,	Stevens,
Beatty,	Hulett.	Olds,	Stewart,
Brooks,	Johnson,	Pfander,	Taylor,
Burnham,	Kinkead,	Purdie,	Temanson,
Caskey,	Knox,	Robertson,	Thayer,
Chadlerdon,	Langworthy,	Scheffer,	Tollman,
Cleary,	Letford,	Sherwood,	Wilkins,
Ooe,	McDonough,	Shriner,	

43

NAYS.

Mr. Acker,	Mr. Dayton,	Mr. Sanborn,	Mr. H. Walker,
Anderson,	Greene of Olmsted,	Sawyer,	Walker, Orange
Arnold,	Hunt,	Secombe,	Watson,
Bixler,	Leavens,	Stock,	Webster,
Butler,	Morrison,	Trow,	White,
Cleveland,	Ozman,	Van Vorhes,	

23

So the substitute was adopted.

Mr. Sanborn, from the Committee on the Judiciary, reported amendments upon

H. F. No. 177. A bill for an act defining the pleading and practice in the courts of this State.

Also, upon

H. F. No. 179. A bill for an act prescribing the duties of county treasurer.

Also, upon

H. F. No. 180. A bill for an act proposing an amendment to section 13, of article 9, of the Constitution, and for the submission of the same to the people.

Which were adopted.

Mr. Kinkead presented the report of the special committee upon

H. F. No. 17, with the recommendation that it be passed.

Adopted.

And the bill referred to the Committee of the Whole.

Mr. Acker introduced—

A bill for an act to prevent the destruction of fish in the lakes in Ramsey county,

Which had its first reading.

Mr. Morrison moved that the rules be so far suspended as to allow the bill to be read the second time.

Which motion prevailed.

And the bill had its second reading, and was referred to the committee consisting of the members from Ramsey county.

Mr. Trow presented the petition of Isaac Day for relief in taking the canvass ;

Which was referred to the committee on Claims.

Mr. Secombe moved that the House resolve itself into a Committee of the Whole, to take into consideration such business as may come before it.

Carried.

Mr. McDonough in the chair.

After some time spent therein, the Committee rose, and by their Chairman, reported back to the House,

H. F. No. 174, with amendments, and recommended that it be passed.

Also,

H. F. No. 137, with a recommendation that it be referred to special committee of three.

Also,

H. F. No. 177, with amendments, and recommended that it be passed.

The question recurring upon the adoption of the report of the committee of the Whole,

It was adopted.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Hon. House the passage by the Senate of S. F. No. 133. A bill for an act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Stillwater, approved March 1st, 1856.

Also,

S. F. No. 134. A bill for an act to provide for the service of summons in justice's court in certain cases.

Also,

H. F. No. 164. A bill for an act for the division of the town of Douglas, Fillmore county, and the organization of the town of Norway.

Also,

H. F. No. 165. A bill for an act for the division of the town of Rushford, Fillmore county, and for the organization of the town of Arendahl.

Also,

H. F. No. 166. A bill for an act annexing a portion of the town of Sumner to the town of Spring Valley.

Which is herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following message:

EXECUTIVE OFFICE,
St. Paul, February 17, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives:

SIR: I have approved and signed a bill entitled as follows:

An act making appropriations for the mileage and per diem of the members and officers of the present Legislature, and for the support of the State government for the year 1860.

Respectfully,

ALEX. RAMSEY.

Mr. Robertson moved that H. F. No. 177, now before the House, be taken as the engrossed bill.

Carried.

Mr. Sanborn moved that H. F. No. 177 be put upon its passage.

Carried.

H. F. No. 177. A bill for an act to define the pleading and practice in this State,

Had its third reading.

Mr. Robertson moved that the House adjourn.

Carried.

GEO. W. GREENE, Speaker, *pro tem.*

Attest: JARED BENSON, Chief Clerk.

SIXTY-FIRST DAY.

SATURDAY, February 18, 1860.

The House met pursuant to adjournment and was called to order by the Speaker *pro tem.*

Prayer was offered by the Chaplain.

The roll was called and the following members found absent:

Messrs. Abraham, Arnold, Austin, Burnham, Caskey, Garrard, Leavens, Letford, Mann, Robertson, Roy, Sanborn, Shriner, Stevens, Stearns, Stephenson and Mr. Speaker.

The journal was read and approved.

Mr. Morrison presented the petition of the board of supervisors of the county of Dakota.

Which was referred to the special committee appointed upon that subject.

Mr. Acker, from the special committee to whom was referred H. F. Nos. 95 and 114, made a report recommending the passage of the bills ;

Which was adopted, and the bills ordered to a third reading.

Mr. Hulett presented the following report of the committee on Towns and Counties upon S. F. No. 23 :

The committee on Towns and Counties, to whom was referred—

S. F. No. 23. A bill for an act to amend an act entitled an act to establish and define the boundaries of certain counties.

Have had the same under consideration, and respectfully beg leave to make the following report :

Your committee find upon examination that the boundaries of the several counties which this bill proposes to redefine, were prescribed and established previous to the Government survey, and were in some parts imaginary lines, and in others composed of natural objects, such as Lakes and Rivers, whose course and location were so uncertain and erroneous, that your committee are of the opinion that it is expedient that they be re-established.

Your committee, therefore, report the bill back to the House with an amendment and recommend its passage.

L. HULETT,
T. J. HUNT,
GEO. MITSCH,
Committee.

The report of the committee was adopted.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 175. A bill for an act making appropriations for the mileage and per diem of members and officers of the present Legislature, and for the support of the State Government,

And that the same had been presented to his Excellency the Governor for his approval and signature.

Mr. Hulett presented the following report of the committee on Towns and Counties upon the petition of John Clark and others :

The committee on Towns and Counties, to whom was referred the petition of John Clark and others praying for the passage of a law, to compel all persons to secure their animals from running at large, with the view of saving expense in fencing, have had the same under consideration, and ask leave to make the following report :

In the opinion of your committee, it is hardly consistent with the general welfare to make so radical a change in the custom and habits of our people, in this regard, more especially while the country is in its settling stage. It is true, as the petitioners allege, that in many sections of the State, fencing material is scarce, and in such locations perhaps, a law of that character might be proper, yet in other sections of the State, timber is abundant, and therefore no general law would be likely to prove satisfactory.

Your committee would therefore recommend that that the prayer of the petitioners be not granted.

L. HULETT, Chairman.

The report was adopted.

Mr. Mann presented the petition of Charles King and 219 others, citizens of Hennepin county, for the passage of a law making it a crime to claim property in a human being within this State,

Which was referred to the committee of the Whole.

The petition of Preston Cooper and 206 others, citizens of Hennepin county, praying that the Constitution may be so amended as to allow all persons without distinction of color to vote,

Was referred to the committee on Constitution and Constitutional Revision.

The amendments proposed by the Senate to House File No. 115 were read.

The question was upon concurring therein.

Mr. Hunt moved that the amendments be taken up separately, which was carried.

The question was upon concurring in the first amendment, which was concurred in.

The question was upon concurring in the second amendment.

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 29, nays, 28, as follows :

YEAS.

Mr. Abbott,	Mr. Garrard,	Mr. Nettleton,	Mr. Skillman,
Anderson,	Greene of Olmsted	Pfander,	Stock,
Armstrong,	Johnson,	Sanborn,	Sweet,
Balwin,	Kinkead,	Shriner,	Thayer,
Burnham,	Mann,	Shults,	Walker, H.
Butler,	Mantor,	Stevens,	Orange Walker,
Dayton,	McDonough,	Stewart,	Wilkins,
Fox,			

29

NAYS.

Mr. Aaker,	Mr. Cleveland,	Mr. Letford,	Mr. Purdie,
Acker,	Coe,	McLellan,	Sawyer,
Baxter,	Greene of Steele,	Mitchell,	Secombe,
Brooks,	Hulett,	Mitch,	Sherwood,
Caskey,	Hunt,	Morrison,	Tollman,
Cleary,	Knox,	Olds,	Trow,
Chadlerdon,	Langworthy,	Ozman,	Willey.

28

So the amendment was not concurred in.

The question was upon concurring the 3d and 5th amendment.

Which were not concurred in.

The question was upon concurring in the fourth amendment.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 21, nays 36, as follows :

YEAS.

Mr. Baldwin,	Mr. Hunt,	Mr. Olds,	Mr. Shrewsbury,
Baxter,	Johnson,	Sanborn,	Stephenson,
Butler,	Kinkead,	Sawyer,	Stewart,
Fox,	Langworthy,	Shriner,	Stock,
Garrard,	Mantor,	Shults,	Sweet,
Greene of Olmsted,			

21

NAYS.

Mr. Aaker,	Mr. Cleary,	Mr. McDonough,	Mr. Secombe,
Abbott,	Cleveland,	Meighan,	Skilman,
Acker,	Coe,	Mitchell,	Temanson,
Anderson,	Dayton,	Mitsch,	Thayer,
Armstrong,	Greene of Steele,	Morrison,	Tollman,
Brooks,	Hulett,	Osmun,	Walker, H.
Burnham,	Knox,	Pfaender,	Walker Orange,
Caakey,	Letford,	Purdie,	Watson,
Chadderdon,	Mann,	Renz,	Willey. 86

So the amendment was not concurred in.

Mr. Secombe moved to reconsider the vote by which the House refused to concur in the amendments proposed by the Senate.

Carried.

Mr. Secombe moved an amendment to the amendments proposed by the Senate.

Adopted.

The question was upon concurring in the amendments proposed by the Senate as amended.

Mr. Sanborn called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 54, nays 7, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Meighan,	Mr. Skillman,
Abbott,	Dayton,	Mitsch,	Stearns,
Acker,	Fox,	Morrison,	Stevens,
Anderson,	Garrard,	Olivier,	Stewart,
Armstrong,	Greene of Olmsted,	Ozman,	Stock,
Baldwin,	Greene of Steele,	Pfaender,	Taylor,
Bixler,	Hunt,	Purdie,	Temanson,
Brooks,	Johnson,	Renz,	Thayer,
Burnham,	Kinkaid,	Sanborn,	Tollman,
Butler,	Knox,	Sawyer,	Walker, H.
Caakey,	Langworthy,	Secombe,	Walker Orange,
Cleary,	Letford,	Shrewsbury,	Watson,
Chadderdon,	Mann,	Shults,	Wilkins, 54
Cleveland,	Mitchell,		

NAYS.

Mr. Donohue,	Mr. Robertson,	Mr. Shriner,	Mr. Sweet,
Hulett,	Sherwood,	Stephenson,	7

So the amendments as amended were concurred in.

The question was upon concurring in the sixth amendment.

Upon the vote being taken, there were yeas 11, nays 47, as follows:

YEAS.

Mr. Anderson,	Mr. Coe,	Mr. Olivier,	Mr. Stephenson,
Baldwin,	Mitsch,	Scheffer,	Temanson,
Bixler,	Meighan,	Shrewsbury,	1

NAYS.

Mr. Aaker,	Mr. Garrard,	Mr. Olds,	Mr. Stevens,
Abbott,	Greene of Olmsted,	Ozman,	Stewart,
Armstrong,	Greene of Steele,	Pfaender,	Stock,
Burnham,	Hulett,	Purdie,	Taylor,
Butler,	Hunt,	Robertson,	Thayer,
Caakey,	Johnson,	Sawyer,	Tollman,
Chadderdon,	Knox,	Secombe,	Trow,
Cleary,	Langworthy,	Sherwood,	H. Walker,
Cleveland,	Letford,	Shriner,	Walker Orange,
Dayton,	Mantor,	Shults,	Watson,
Donohue,	Mitchell,	Skillman,	Wilkins,
Fox,	Morrison,	Stearns,	47

So the amendment was not concurred in.

The question was upon concurring in the seventh amendment.

Mr. Secombe called for the yeas and nays which were ordered.

And upon the vote being taken there were yeas 60, nays 00, as follows :

YEAS.

Mr. Aaker	Mr. Donohue,	Mr. Mitsch,	Mr. Skillman,
Abbott,	Fox,	Melghan,	Shriner,
Acker,	Garrard,	Mitchell,	Stearns,
Anderson,	Greene of Olmsted	Morrison,	Stevens,
Armstrong,	Greene of Steele,	Olds,	Stephenson,
Baldwin,	Hulett,	Olivier,	Stewart,
Bixler,	Hunt,	Ozman,	Stock,
Burnham,	Johnson,	Pfaender,	Taylor,
Butler,	Kinkad.	Robertson,	Trow,
Cleary,	Knox,	Sawyer,	Thayer,
Chadderdon,	Langworthy,	Scheffer,	Tollman,
Caskey,	Letford,	Secombe,	Walker, H.
Cleveland,	Mann,	Sherwood,	Walker, Orange,
Coe,	Mantor,	Shrewsbury,	Watson,
Dayton,	McDonough,	Shultis,	Wilkins, 60

So the amendment was concurred in.

The question was upon concurring in the 8th amendment.

Mr. Secombe moved that the bill be referred to a select committee of one, to amend.

Which was lost.

Mr. Secombe moved that the bill be referred to a special committee to whom was referred the tax and other similar bills.

Which motion prevailed.

The question was upon concurring in the substitute proposed by the Senate to H. F. No. 20.

Mr. Mitchell moved to refer the bill and substitute to the Committee on the Judiciary.

Lost.

The question recurring upon the adoption of the substitute.

And upon the vote being taken, there were yeas 1, nays 54, as follows :

YEAS.

Mr. Johnson, 1

NAYS.

Mr. Aaker,	Mr. Garrard,	Mr. Purdie,	Mr. Stephenson,
Abbott,	Greene of Steele,	Robertson,	Stewart,
Anderson,	Hulett,	Sanborn,	Stock,
Armstrong,	Hunt,	Sawyer,	Sweet,
Baldwin,	Kinkad,	Scheffer,	Taylor,
Burnham,	Langworthy,	Secombe,	Tomanson,
Butler,	Letford,	Sherwood,	Thayer,
Caskey,	Mantor,	Shrewsbury,	Trow,
Cleary,	McDonough,	Shriner,	Van Vorhes,
Cleveland,	Melghan,	Shultis,	H. Walker,
Coe,	Mitchell,	Skillman,	Watson,
Dayton,	Olds,	Stearns,	Wiley,
Donohue,	Olivier,	Stevens,	Wilkins, 54
Fox,	Ozman,		

So the substitute was not adopted:

Mr. Cleveland presented the following report of the Committee on Claims upon the petition of J. B. Thomas, for relief in the in the matter of the Inkpadutah foray, as follows :

Your Committee on Claims to whom was referred the petition of James B

Thomas and others praying for relief in behalf of the said James B. Thomas would respectfully report, as follows :

That your committee believe that the relief sought should be granted, but that the whole matter should be referred to the Congress of the United States within whose province it more properly belongs.

Your committee would therefore recommend the passage of the accompanying memorial and joint resolution.

J. I. STEWART,
CHAS. D. SHERWOOD.
Committee on Claims.

Adopted.

And the joint resolution of the Legislature of the State of Minnesota to Congress in behalf of James B. Thomas and family, had its first reading.

Mr. Robertson moved that the rules be so far suspended as to allow the memorial to be read a second and third time.

Carried.

And the memorial had its second and third reading and was passed and the title agreed to.

The question was upon the passage of H. F. No. 177.

Mr. Fox moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Acker, Anderson, Armstrong, Baldwin, Beatty, Bixler, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hulett, Hunt, Johnson, Kinkead, Knox, Langworthy, Letford, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olds, Ozmun, Purdie, Robertson, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Shriner, Shultz, Skillman, Stearns, Stevens, Stephenson, Stewart, Stock, Taylor, Temanson, Thayer, Tollman, Trow, H. Walker, Orange Walker, Watson, and Wilkins.

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

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 43, nays 18, as follows :

YEAS.

Mr. Abbott,	Mr. Donohue,	Mr. Morrison,	Mr. Stephenson,
Acker,	Fox,	Olds,	Stock,
Armstrong,	Garrard,	Olivier,	Taylor,
Baldwin,	Greene of Olmsted,	Robertson,	Thayer,
Beatty,	Knox,	Sanborn,	Tollman,
Bixler,	Langworthy,	Scheffer,	Trow,
Burnham,	Mantor,	Sherwood,	Walker Orange,
Butler,	McDonough,	Shriner,	Watson,
Chadderdon,	Meighan,	Skillman,	Willey,
Cleary,	Mitchell,	Stearns,	Wilkins,
Dayton,	Mitsch,	Stevens,	43

NAYS.

Mr. Aaker,	Mr. Hulett,	Mr. Purdie,	Mr. Shultz,
Anderson,	Hunt,	Sawyer,	Stewart,
Caskey,	Johnson,	Secombe,	Temanson,
Cleveland,	Kinkead,	Shrewsbury,	H. Walker,
Greene of Steele,	Mann,		18

So the bill was passed and its title agreed to.

Mr. Donohue moved to reconsider the vote by which
S. F. No. 113. A bill for an act to provide for a State road from Frank-
lin, in McLeod county, to Allen's Grove, in Renville county,
Was lost.

Which motion prevailed.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 42, nays 17, as follows :

YEAS.

Mr. Aaker,	Mr. Garrard,	Mr. Olivier,	Mr. Stock,
Abbott,	Greene of Olmsted,	Purdie,	Sweet,
Armstrong,	Hulett,	Robertson,	Taylor,
Beatty,	Kinkaid,	Sawyer,	Thayer,
Barham,	Knox,	Scheffer,	Tollman,
Oakey,	Langworthy,	Sherwood,	Walker, H.
Chadderton,	Letford,	Shriner,	Walker Orange,
Oleary,	Meighan,	Stearns,	Watson,
Cleveland,	Mitchell,	Stevens,	Wiley,
Donohue,	Mitch,	Stephenson,	Wilkins,
Fox,	Morrison,		42

NAYS.

Mr. Aaker,	Mr. Coe,	Mr. Mantor,	Mr. Shattis,
Anderson,	Greene, of Steele,	McDonough,	Skillman,
Baldwin,	Hunt,	Secombe,	Stewart,
Bixler,	Johnson,	Shrewsbury,	Temanson,
Butler,			17

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

Mr. Purdie introduced—

A bill for an act to legalize certain acts of the President of the town of
Freeborn,

Which had its first reading.

Mr. Purdie moved that the rules be so far suspended as to allow the bill to
be read the second time.

Carried.

And the bill had its second reading.

H. F. No. 174. A bill for an act to create a lien in favor of lumbermen.
Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 48, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Meighan,	Mr. Shriner,
Anderson,	Fox,	Mitchell,	Shulls,
Armstrong,	Garrard,	Mitch,	Skillman,
Baldwin,	Greene of Olmsted,	Morrison,	Stearns,
Beatty,	Greene of Steele,	Olivier,	Stevens,
Bixler,	Hulett,	Osman,	Stephenson,
Burnham,	Johnson,	Purdie,	Stewart,
Butler,	Knox,	Sanborn,	Stock,
Oakey,	Langworthy,	Sawyer,	Temanson,
Chadderton,	Letford,	Secombe,	Thayer,
Oleary,	Mantor,	Sherwood,	H. Walker,
Cleveland,	McDonough,	Shrewsbury,	Walker, Orange, 48

NAYS.

Mr. Hunt,

1

So the bill was passed and its title agreed to.

Mr. Stearns moved that the rules be so far suspended that the House do
not take a recess at half past 12 o'clock.

Carried.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the adoption by the Senate of—

S. F. No. 76. A bill for an act prescribing the duties and regulating the proceedings against garnishees.

Also,

S. F. No. 110. A bill for an act to legalize the plat and survey of a road from Nickerson's to Bear Island, in Sherburne county.

Also,

S. F. No. 150. A bill for an act to amend an act entitled an act to incorporate institutes of learning.

I also announce the passage by the Senate of

H. F. No. 149. A bill for an act to establish the county of Watonwan. With amendments.

And have receded from the Senate amendments to

H. F. No. 10. A bill for an act to locate a State road from Minneiska to Beaver.

Also that the Senate have concurred in the House amendments, and added an additional amendment to

S. F. No. 68. A bill for an act to amend the charter of the city of St. Paul.

All of which are herewith submitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

H. F. No. 167. A bill for an act for the relief of school district No. 6, in Houston county.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 47, nays 00, as follows :

YEAS.

Mr. Abbott,	Mr. Fox,	Mr. McDonough,	Mr. Skillman,
Acker,	Garrard,	Mitchell,	Shultz,
Armstrong,	Greene of Olmsted,	Oamun,	Stearns,
Bentley,	Greene of Steele,	Purdie,	Stephenson,
Bixler,	Hulett,	Robertson,	Stewart,
Burnham,	Hunt,	Sanborn,	Stock,
Butler,	Johnson,	Sawyer,	Temanson,
Chadlerdos,	Kinkad,	Schaffer,	Thayer,
Cleveland,	Knox,	Secombe,	Tollman,
Coe,	Langworthy,	Sherwood,	Walker, Orange,
Cleary,	Lotford,	Shrewsbury,	Wilkins,
Caskey,	Mantor,	Shriner,	47

So the bill was passed and its title agreed to.

Mr. Sherwood presented the petition of citizens of Fillmore and Mower counties.

Which was referred to the members from Fillmore and Mower counties.

Mr. Kinkad gave notice that on to-morrow or some future day he will ask for leave to introduce a bill to allow women to vote—both white and black.

Also,

A bill to abolish the allopathic practice of medicine.

Mr. Hunt presented the report of the special committee upon

H. F. No. 115, and recommended that it be passed as amended.

Adopted.

The question was upon concurring in the amendment of the Senate as amended by the House.

Upon the vote being taken, there were yeas 47, nays 1, as follows :

YEAS.			
Mr. Acker,	Mr. Garrard,	Mr. Melghan,	Mr. Shrewsbury,
Anderson,	Greene of Olmsted,	Mitchell,	Shultis,
Armstrong.	Greene of Steele,	Mitch,	Skillman,
Baldwin,	Hulett,	Morrison,	Stearns,
Bixler,	Hunt,	Olvier,	Stewart,
Butler,	Johnson,	Osmau,	Stock,
Caskey,	Kinkoad,	Purdie,	Taylor,
Chadderdon,	Knox,	Robertson,	Temanson,
Cleveland,	Langwerthy,	Sanborn,	Thayer,
Coe,	Letford,	Sawyer,	H. Walker,
Dayton,	Manter,	Scheffer,	Walker, Orange,
Fox,	McDonough,	Secombe,	47

YEAS.

Mr. Sherwood,

1

So the amendment was concurred in.

The question was upon concurring in the last amendment.

Which was concurred in.

Mr. Mitchell presented the following report of the Committee on the Judiciary upon the petition of the supervisors of Hennepin county :

The Committee upon the Judiciary, to whom was referred the memorial of the Supervisors of Hennepin county, praying for the passage of an act authorizing the Register of Hennepin county to transcribe the records of Ramsey county of certain territory therein named, beg leave to report—

That said territory was originally a part of Ramsey county; that it is claimed that the same was annexed to Hennepin county by an act passed February 25, 1856, extending the boundaries of said Hennepin county; that the lines of said Hennepin county as fixed by said act are impossible lines. But that the Legislature of 1856 attempted to correct said error by the passage of a joint resolution, declaring what the actual boundaries of said county were.

But your committee are of opinion that said resolution is void and of no effect, and that the boundaries of Hennepin county must be governed either by the lines existing before the act of 1856 was passed, or by the original act of 1856 itself. And this act being so indefinite and erroneous, your committee are of opinion that the only means of determining the lines of said county is either by legal proceedings to obtain a judicial decision as to the effect of said act of 1856, or by the passage of a new act, amending the said act of 1856.

And until the boundaries are settled by one of these means, your committee are of opinion that it would not be advisable to pass any act authorizing the Register of Hennepin county to transcribe said records as prayed for by the petitioners.

WM. MITCHELL,
G. W. SWEET,
J. B. SANBORN,
Judiciary Com.

Adopted.

The question was upon concurring in the amendment proposed by the Senate to

S. F. No. 68. A bill for an act to amend the charter of the city of St. Paul.

Upon the vote being taken there were yeas 45, nays 7, as follows:

YEAS.

Mr. Acker,	Mr. Greene of Olmsted,	Mr. Meighan,	Mr. Shultz,
Anderson,	Greene of Steele,	Mitchell,	Skillman,
Baldwin,	Hulett,	Morrison,	Stearns,
Bixler,	Hunt,	O'Brien,	Stephenson,
Burnham,	Johnson,	Ozma,	Stewart,
Butler,	Kinkead,	Purdie,	Stock,
Caskey,	Knox,	Robertson,	Taylor,
Cleveland,	Langworthy,	Sanborn,	Temanson,
Coe,	Letford,	Sawyer,	Thayer,
Dayton,	Mantor,	Secombe,	Walker, H.
Fox,	McDonough,	Shrewsbury,	Walker, Orange,
Garrard,			

NAYS.

Mr. Armstrong,	Mr. Mitch,	Mr. Sherwood,	Mr. Sweet,
Chaddeydon,	Scheffer,	Shiner,	

So the amendment was concurred in.

Mr. Letford presented the petition of J. Harris and 53 others, of Green Lake, praying for protection from the Sioux Indians of Yellow Medicine.

Referred to the Committee on Indians and Indian Reservations.

Mr. Secombe asked and obtained leave of absence for three days.

Mr. Hulett asked and obtained leave of absence for a few days for Mr. Webster.

Mr. Baldwin moved that the House adjourn.

Carried.

GEO. W. GREENE, Speaker *pro tem*.

Attest: JARED BENSON, Chief Clerk.

SIXTY-SECOND DAY.

MONDAY, Feb. 20, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent:

Messrs. Abraham, Arnold, Austin, Baldwin, Beatty, Bixler, Cleary, Garrard, Hayes, Hunt, Knox, Langworthy, Leavens, Letford, Mann, Olivier, Ozmun, Rehfeld, Robertson, Rcy, Sanborn, Scheffer, Secombe, Stevens, Stephenson, Sweet, Tollman, Van Vorhes, Webster, Willey and Wilkins.

The journal was read and approved.

Mr. Mitchell presented the following report of the Judiciary Committee on the petition of the citizens of the 5th Judicial District praying that a term of the Supreme Court may be held at Faribault, in Rice county, as follows :

Your committee upon the Judiciary to whom was referred the petition of citizens of the 5th Judicial District praying for one term of the Supreme Court to be holden every year in the town of Faribault in said District beg leave to report :

That in their opinion there is no greater necessity for such change in the 5th district than in some of the other Judicial Districts. That although it may become desirable that the Supreme Court hold its session in different places in the State, when the population and legal business of the State becomes largely increased, yet there seems to be no necessity for such a change at present, and especially as it would impose additional expenses upon the State. Your committee therefore recommend that the prayer of the petitioners be not granted, and that they have leave to withdraw their petition.

WM. MITCHELL.

February 20th, 1860.

Adopted.

Mr. Mitchell presented the report of the Judiciary Committee on S. F. No. 62, recommending that the bill be passed.

Adopted.

The Senate amendments to H. F. No. 149 were taken up.

The question was upon concurring in the same.

Upon the vote being taken there were yeas 51, nays 00, as follows :

YEAS.			
Mr. Aaker,	Mr. Fox,	Mr. Morrison,	Mr. Skillman,
Abbott,	Garrard,	Nettleton,	Stewart,
Acker,	Greene of Old,	Olds,	Stock,
Anderson,	Greene of Sta	Praeder,	Taylor,
Armstrong,	Hulett,	Purdie,	Temanson,
Brooks,	Hunt,	Rens,	Thayer,
Burnham,	Johnson,	Sanborn,	Walker, H.
Butler,	Knox,	Sawyer,	Walker Orange,
Chadderdon,	Letford,	Shrewsbury,	White,
Cleary,	McDonough,	Shriner,	Wilkins,
Cleveland,	Meighan,	Shultis,	Watson,
Coe,	Mitchell,	Stevens,	Speaker.
Dayton,	Mitch,	Sherwood,	

51

So the amendments were concurred in.

Mr. Greene of Steele moved to suspend the rule requiring a motion for reconsidering a vote to be made on the same or succeeding day, so far as the resolution offered by Mr. Burnham on Friday last relating to the election law; and that the vote by which said resolution was adopted be reconsidered.

Mr. Stewart called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 21, nays 36, as follows :

YEAS.			
Mr. Brooks,	Mr. Kinkead,	Mr. Schaeffer,	Mr. Stewart,
Chadderdon,	Meighan,	Shriner,	Stock,
Cook,	Mitch,	Shultis,	Sweet,
Cleary,	Nettleton,	Skillman,	Wilkins,
Greene of Steele,	Purdie,	Stephenson,	Speaker.
Hulett,			

21

NAYE.

Mr. Aker,	Mr. Dayton,	Mr. Mitchell,	Mr. Stearns,
Acker,	Fox,	Morrison,	Taylor, 1
Abbott,	Garrard,	Olds,	Pemanson,
Anderson,	Greene of Olmsted,	Oxmun,	Thayer,
Armstrong,	Hunt,	Pfaender,	Trow,
Burnham,	Johnson,	Sanborn,	Walker H.
Butler,	Knox,	Sawyer,	Walker, Orange,
Cleveland,	Letford,	Sherwood,	Watson,
Coe,	McDonough,	Shrewsbury,	White, 86

So the motion was lost,

Mr. Sweet offered the following resolution :

Resolved, That the use of this Hall be tendered to the Republican 'State Central Committee on Wednesday next for the purpose of holding the Republican State Convention.

Which was adopted.

S. F. No. 25. A bill for an act in relation to taxes.

Had its first reading.

S. F. No. 76. A bill for an act prescribing and regulating proceedings against garnishees,

Was read the first time.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill was read a second time and referred to the special committee on that subject.

S. F. No. 110. A bill for an act to legalize the plat and survey of a road from Nickerson's to Bear Island, in Sherburne county.

Was read the first time.

S. F. No. 120. A bill for an act to amend the statutes relative to service of warrant of attachment.

Was read the first time.

S. F. No. 133. A bill for an act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Stillwater, approved March 1st, 1856.

Was read the first time.

S. F. No. 134. A bill for an act to provide for the service of summons in justice's court in certain cases.

Was read the first time.

S. F. No. 150. A bill for an act to amend an act entitled an act for the incorporation of Institutes of learning,

Had its first reading.

Mr. Langworthy asked and obtained leave to introduce—

A bill for an act entitled an act to authorize the Governor to have constructed a cistern for the use of the Capitol building, and for the repairing of the roof and suitably spouting the same.

Which was read the first time.

Mr. Sanborn asked and obtained leave to introduce—

A bill entitled an act to repeal chapter 85, of the revised statutes, and the acts amendatory thereof, the same being chapter 75 of the public statutes of the State of Minnesota.

Which was read the first time.

Also,

A bill for an act to amend section 47 and 48 of chapter 101 of the revised statutes, the same being section 47 and 48 of the public statutes.

Which was read a first time.

Mr. Sanborn moved to suspend the rules so far as to allow the bill to be read the second time.

Carried.

The bill was then read a second time.

Mr. Sanborn moved to suspend the rules so far as to allow the bill to be read a third time and put upon its passage.

Carried.

The bill was then read a third time and put upon its passage.

Upon the vote being taken, there were yeas 51, nays 5, as follows:

YEAS.

Mr. Asker,	Mr. Garrard,	Mr. Olds,*	Mr. Shriner,
Acker,	Greene of Olmsted,	Ozman,	Stephenson,
Andersen,	Greene of Steele,	Pfaender,	Stock,
Armstrong,	Hulett,	Purdie,	Sweet,
Baldwin,	Johanson,	Robertson,	Temanson,
Brooks,	Kinkead,	Roy,	Thayer,
Buller,	Knox,	Sanborn,	Trow,
Caskey,	Mantor,	Sawyer,	Walker, H.
Clary,	McDonough,	Scheffer,	Walker, Orange,
Chadlerdon,	Meishan,	Sherwood,	Watson,
Cleveland,	Mitchell,	Shultis,	Wilkins,
Dayton,	Mitch,	Stevens,	White,
Fox,	Nettleton,		

NAYS.

Mr. Coe,	Mr. Stewart,	Mr. Taylor,	Mr. Speaker,
Langworthy,			

So the bill was passed and its title agreed to.

Mr. Langworthy moved to suspend the rules so as to put the bill introduced by him this morning on a second reading.

Lost.

Mr. Hunt moved to refer

H. F. No. 16. A bill for an act providing for the assessment and taxation of all property in this State, and levying taxes thereon.

To a special committee of one, with instructions to change the word "two" on page 50, section 89, to "one."

Mr. Morrison moved to amend, so as to read "three" years.

Withdrawn.

Mr. Stewart moved to lay the motion of Mr. Hunt on the table.

Lost.

The question recurring upon the motion of Mr. Hunt, It was lost.

S. F. No. 62. A bill for an act to legalize the assessment of the town of Lansing for the year 1859,

Had its second reading, and was ordered to a third reading.

H. F. No. 189. A bill for an act to amend section 11, of chapter 71, on page 621, of Public Statutes,

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 186. A bill for an act to provide for the publication of the county and township organization laws in the German and Norwegian languages,

Had its second reading, and was ordered to a third reading.

H. F. No. 188. A bill for an act making appropriation for the incidental expenses in the various departments of the State,

Had its second reading, and was referred to the Committee of the Whole.
Substitute for

H. F. No. 5. A bill for an act for the regulation and maintainance of common schools.

Had its second reading, and ordered to lie on the table for the present.

S. F. No. 23. A bill for an act to amend an act to establish and define the boundaries of certain counties.

Had its third reading.

Mr. Acker moved that the bill be laid upon the table for the present.

Carried.

S. F. No. 135. A bill for an act for the support and better regulation of common schools in the city of St. Anthony,

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 48, nays 00, as follows:

YEAS.			
Mr. Aker,	Mr. Fox,	Mr. Morrison,	Mr. Stewart,
Acker,	Garrard,	Ozman,	Stock,
Anderson,	Greene of Steele,	Pfaender,	Sweet,
Armstrong,	Hulett,	Purdie,	Tamanson,
Austin,	Hunt,	Sanborn,	Thayer,
Burnham,	Johnson,	Sawyer,	Trow,
Butler,	Knox,	Scheffer,	H. Walker,
Caskey,	Lelford,	Sherwood,	Walker, Orange,
Clary,	Mann,	Shrewsbury,	Watson,
Cleveland,	McLighan,	Shriner,	White,
Coe,	Mitchell,	Shultz,	Wilkins,
Dayton,	Mitch,	Skullman,	Speaker.
			48

So the bill was passed and its title agreed to.

S. F. No. 119. A bill for an act to amend section 10, of chapter 126, of the session laws of 1856,

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 43, nays 00, as follows:

YEAS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Pfander,	Mr. Stock,
Anderson,	Hulett,	Purdie,	Temanson,
Armstrong,	Hunt,	Sanborn,	Thayer,
Austin,	Johnson,	Sawyer,	Trow,
Baldwin,	Knox,	Sherwood,	H. Walker,
Burnham,	Letford,	Shrewsbury,	Walker, Orange,
Caskey,	Mantor,	Shriner,	Watson,
Cleary,	Meighan,	Shuttis,	White,
Cleveland,	Mitchell,	Skillman,	Wilkins,
Fox,	Mitch,	Stearns,	Speaker,
Garrard,	Morrison,	Stewart,	48

So the bill was passed and its title agreed to.

H. F. No. 16. A bill for an act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon, according to its true value in money,

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 46, nays 1, as follows :

YEAS.

Mr. Acker,	Mr. Fox,	Mr. Mitach,	Mr. Skillman,
Acker,	Garrard,	Nettleton,	Stewart,
Anderson,	Greene of Olmsted,	Pfander,	Stock,
Armstrong,	Hulett,	Purdie,	Sweet,
Austin,	Hunt,	Robertson,	Taylor,
Beatty,	Kinhead,	Roy,	Temanson,
Burnham,	Knox,	Sanborn,	H. Walker,
Caskey,	Langworthy,	Sawyer,	Walker, Orange,
Chadderdon,	Letford,	Shrewsbury,	Watson,
Cleary,	Mann,	Shriner,	Wilkins,
Cleveland,	McDonough,	Shuttis,	Speaker,
Coe,	Mitchell,		46

NAYS.

Mr. Dayton,

1

So the bill was passed and its title agreed to.

Mr. Acker, from the Ramsey county delagation, to whom was referred

H. F. No. 190. A bill for an act to prevent the destruction of fish in the lakes in Ramsey county,

Reported it back, and recommended its passage.

Adopted.

And the bill ordered to a third reading.

Mr. Sanborn moved that the House resolve itself into a Committee of the Whole, to take into consideration such business as may come before it.

Carried.

Mr. Sweet in the Chair.

After some time spent therein the committee rose, and through their Chairman reported progress, and asked leave to sit again.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order.

The Speaker not being present Mr. Acker was called to the Chair.

Mr. Cleveland moved that the House resolve itself into a Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Cleveland in the Chair.

After some time spent therein, the Committee rose, and by their Chairman, reported back to the House,

H. F. No. 17, with amendments, and recommended that it be passed.

Adopted.

Also,

H. F. No. 179, with amendments, and recommended that it be passed.

Adopted.

Mr. Mitchell moved that the bills and amendments be laid upon the table.

Carried.

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following message:

EXECUTIVE OFFICE,
ST. PAUL, February 20, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives:

SIR: I have approved and signed a bill entitled as follows:

An act to prescribe the number of members who shall compose the Senate and House of Representatives of the State of Minnesota, and to apportion the representation in both Houses throughout the different sections of the State.

Respectfully,

ALEX. RAMSEY.

Mr. Baldwin moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

SIXTY-THIRD DAY.

TUESDAY, February 21, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Aaker, Abraham, Arnold, Beatty, Caskey, Donohue, Knox, Letford, Mitchell, Olivier, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Shriner, Stevens, Stephenson, Sweet, Taylor, Tollman, Van Vorhes, and Willey.

The journal was read and approved.

Mr. Stearns presented the petition of the members of the bar of Goodhue county against the proposed change in the terms of court in that county.

Referred to a committee consisting of the members from the first and fourth judicial districts.

Mr. Mantor presented the report of the Committee on Supplies and Expenditures upon

The bill of Combs & Bro., recommending that it be paid.

Adopted.

Mr. Hulett presented the following report of the Committee on Towns and Counties, upon the petition of the citizens of the town of Blackhammer :

To the Honorable the House of Representatives of the State of Minnesota :

The Committee on Towns and Counties, to whom was referred the petition of Julius Billings and others, legal voters of the town of Blackhammer, in the county of Houston, have had the same under consideration, and ask leave to make the following report—

The facts set out in the said petition are the following :

The County Commissioners of the county of Houston, at their July term, A.D. 1858, upon the petition of certain voters of the town of Blackhammer, annexed the north half of said town to the town of Yucatan, in said county, and the said town of Yucatan levied a tax on the said half of Blackhammer, for the said year 1858.

At their December term of the same year, the Board of Supervisors of the said town of Yucatan, being petitioned by a majority of the voters of Blackhammer, formed a separate town of the said Blackhammer, by setting back the north half and reuniting them.

Whereupon the legal voters of the said town of Blackhammer petition this Legislature to pass a law requiring the said town of Yucatan to refund the amount of said tax, collected as aforesaid from the town of Blackhammer, alleging that the aforesaid tax was illegally assessed and collected, for the reason that the said north half of Blackhammer was attached to the said town of Yucatan in violation of law, as a minority only of the legal voters of Blackhammer petitioned for said annexation.

Your committee are of the opinion that the facts here submitted furnish a proper question for the Judiciary rather than the Legislature, and that the said town of Blackhammer can, if she deems the same expedient, find the

proper redress for the supposed wrong, received at the hands of her sister town of Yucatan, in the proper district court.

Your committee therefore recommend that the prayer of the petitioners be not granted, and that they have leave to withdraw their petition.

Signed,

L. HULETT,
T. J. HUNT,
A. C. AUSTIN,
F. REHFELD,
GEO. MITSOH,

Committee on Towns and Counties.

The report was adopted.

Mr. Mitchell introduced—

A bill for an act to amend the charter of the city of Winona.

Which had its first reading.

Mr. Mitchell moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading and was ordered to a third.

Mr. Mitchell introduced—

A bill for an act to provide for the assessment and collection of a tax for State purposes for the year 1860.

Which was read the first time.

Mr. Shultis introduced—

A bill for an act for the protection of sheep,

Which had its first reading.

Mr. Hulett moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading.

Mr. Stock introduced—

A bill for an act proposing an amendment to sec. 10, art. 9, of the Constitution, and providing for the submission of the same to the people,

Which had its first reading.

Mr. Stock introduced—

A bill for an act to provide for the disposition of railroads and forfeited land grants,

Which had its first reading.

Mr. Stock introduced—

A bill for an act to provide for the appointment of commissioners on Minnesota railroad bonds and railroad indentures.

Which had its first reading.

Mr. Sawyer introduced—

A bill for an act to punish trespasses on school lands in the State of Minnesota,

Which had its first reading.

Mr. Mitchell offered the following resolution :

Resolved, That the Committee on Ways and Means are hereby instructed to report to this House, within the present week, the amount of State tax which will be necessary for the current year.

Adopted.

Mr. Tollman offered the following substitute :

Resolved, That when this House adjourns to-day it shall stand adjourned to Thursday, the 23^d inst., at 9 o'clock a. m.

Mr. Baldwin moved to lay the resolution upon the table.

Carried.

S. F. No. 150. A bill for an act to amend an act entitled an act to incorporate institutes of learning.

Had its second reading and was referred to the Committee of the Whole.

S. F. No. 133. A bill for an act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Stillwater, approved March 1st, 1856.

Had its second reading and was ordered to a third reading.

S. F. No. 120. A bill for an act to amend the statutes relative to service of warrants of attachment.

Was read the second time, and referred to the Committee of the Whole.

S. F. No. 134. A bill for an act to provide for the service of summons in justice's court in certain cases.

Had its second reading and was referred to the Committee of the Whole.

S. F. No. 110. A bill for an act to legalize the plat and survey of a road from Nickerson's to Bear Island, in Sherburne county.

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 25. A bill for an act in relation to taxes,

Had its second reading, and was ordered to a third reading.

H. F. No. 195. A bill for an act to repeal chapter 85 of the Revised Statutes, and the acts amendatory thereof, the same being chapter 75 of the Public Statutes,

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 194. A bill for an act to authorize the Governor to have constructed a cistern for the use of the Capitol Buildings, and for the repairing of the roof and suitably spouting the same,

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 62. A bill for an act to legalize the assessment of the town of Lansing for the year 1859,

Was read the third time and put upon its final passage.

And upon the vote being taken there were yeas 48, nays 12, as follows :

YEAS.

Mr. Aaker,	Mr. Chadderdon,	Mr. Leavens,	Mr. Shultis,
Abbott,	Cleary,	Letford,	Skillman,
Acker,	Cleveland,	Mantor,	Stearns,
Anderson,	Coe,	Mitchell,	Stock,
Armstrong,	Dayton,	Mitch,	Temanson,
Arnold,	Fox,	Morrison,	Thayer,
Austin,	Greene of Olmsted,	Olds,	Trow,
Baltwin,	Hayes,	Ozman,	Walker Orange,
Bixler,	Hunt,	Purdie,	Watson,
Brooks,	Kinkead,	Rehfeld,	Webster,
Burnham,	Knox,	Renz,	White,
Casky,	Langworthy,	Sawyer,	Wilkins,

43

NAYS.

Mr. Greene of Steele,	Mr. Nettleton,	Mr. Stewart,	Mr. Tollman,
Hufett,	Sherwood,	Sweet,	H. Walker,
Meighan,	Shrewsbury,	Taylor,	Speaker.

13

So the bill was passed and its title agreed to.

The question was upon concurring in the report of the Committee of the Whole, upon H. F. No. 17,

Which was concurred in.

The question was upon concurring in the report of the Committee upon H. F. No. 179,

Mr. Cleveland moved to amend by striking out section 25.

Which motion prevailed.

The question was upon concurring in the report of the Committee upon section 31.

Mr. Trow called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 24, nays, 43, as follows :

YEAS.

Mr. Acker,	Mr. Cleveland,	Mr. Hunt,	Mr. Sherwood,
Austin,	Coe,	Letford,	Shrewsbury.
Baltwin,	Dayton,	Mantor,	Skillman,
Bixler,	Fox,	Mitch,	Thayer,
Burnham,	Greene of Steele,	Olds,	Trow,
Casky,	Hayes,	Purdie,	Speaker,

24

NAYS.

Mr. Aaker,	Mr. Hufett,	Mr. Ozman,	Mr. Sweet,
Abbott,	Johnson,	Praender,	Taylor,
Anderson,	Kinkead,	Rehfeld,	Temanson,
Armstrong,	Knox,	Renz,	Tollman,
Arnold,	Langworthy,	Robertson,	Walker, H.
Beatty,	Leavens,	Sawyer,	Orange Walker,
Brooks,	Mann,	Shriner,	Watson,
Butler,	McDonough,	Shults,	Webster,
Chadderdon,	Meighan,	Stearns,	White,
Cleary,	Mitchell,	Stewart,	Wilkins,
Greene of Olmsted,	Morrison,	Stock,	

43

So the amendment was not concurred in.

The question was upon concurring in the report of the committee upon section 23.

Mr. Purdie called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 30, nays 31, as follows :

YEAS.			
Mr. Aaker, Abbott, Arnold, Beatty, Burnham, Butler, Cleveland, Dayton,	Mr. Fox, Greene of Olmsted, Greene of Steele, Hulett, Johnson, Kinkadee, McDonough, McLighan,	Mr. Mitchell, Mitsch, Nettleton, Olds, Osman, Pfander, Rehfeld,	Mr. Robertson, Sherwood, Stearns, Thayer, Trow, Walker, H. Wilkins,
80			
NAYS.			
Mr. Acker, Anderson, Armstrong, Austin, Bixler, Brooks, Casky, Chadlerdon,	Mr. Cleary, Coe, Hayes, Hunt, Knox, Langworthy, Letford, Mann,	Mr. Morrison, Furdie, Rena, Sawyer, Shrewsbury, Shriner, Shullis, Skillman,	Mr. Stewart, Stock, Temanson, Walker, Orange, Watson, Webster, White,
81			

So the amendment was not concurred in.

The question was upon concurring in the balance of the report.

Which was concurred in.

Mr. Robertson moved that H. F. 179 be laid upon the table.

Which motion prevailed.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 191. A bill for an act to legalize certain acts of the President of the town of Freeborn.

Also,

H. F. No. 77. A bill for an act to authorize the creation of religious corporation sale.

Also,

H. F. No. 185. A bill for an act to legalize the proceedings of the road commissioners of the county of Wabashaw.

H. F. No. 77. A bill for an act to authorize the creation of religious corporation sale.

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 24, nays 22, as follows:

YEAS.			
Mr. Anderson, Armstrong, Arnold, Bixler, Burnham, Chadlerdon,	Mr. Cleary, Coe, Dayton, Johnson, Mann, Mantor,	Mr. Meighan, Mitchell, Mitsch, Olds, Robertson, Sanborn,	Mr. Sherwood, Shriner, Sweet, Walker, H. Walker, Orange, Webster,
94			
NAYS.			
Mr. Aaker, Austin, Casky, Fox, Greene of Olmsted, Greene of Steele,	Mr. Hulett, Hunt, Leavans, Letford, Nettleton, Pfander,	Mr. Rehfeld, Sawyer, Skillman, Stewart, Stock,	Mr. Temanson, Trow, Watson, White, Speaker,
22			

So the bill was not passed.

Mr. Fox moved that the vote be reconsidered.

Which motion prevailed.

The question was upon the passage of the bill.

Mr. Fox moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Acker, Anderson, Armstrong, Austin, Baldwin, Beatty, Burnham, Butler, Caskey, Chadderdon, Cleary, Dayton, Fox, Greene of Olmsted, Greene of Steele, Hulett, Hunt, Johnson, Knox, Langworthy, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Nettleton, Paefender, Purdie, Rehfeld, Renz, Robertson, Sanborn, Sawyer, Scheffer, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stewart, Stock, Sweet, Temanson, Thayer, Tollman, Trow, H. Walker, Webster, and White.

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

Carried.

The question recurring upon the passage of the bill,

Mr. Stevens moved that the bill be indefinitely postponed.

Withdrawn.

Mr. Stevens moved that the bill be laid upon the table.

Which motion was lost.

The question recurring upon the passage of the bill,

And upon the vote being taken, there were yeas 27, nays 35, as follows :

YEAS.

Mr. Abbott,	Mr. Johnson,	Mr. Ozman,	Mr. Sweet,
Arnold,	Knox,	Robertson,	Tollman,
Beatty,	McDonough,	Boy,	H. Walker,
Chadderdon,	Meighan,	Sanborn,	Walker, Orange,
Cleary,	Mitchell,	Scheffer,	White,
Dayton,	Morrison,	Sherwood,	Wilkins,
Fox,	Nettleton,	Shriner,	

27

NAYS.

Mr. Aaker,	Mr. Cleveland,	Mr. Mantor,	Mr. Stevens,
Acker,	Coe,	Olds,	Stewart,
Anderson,	Greene of Olmsted,	Paefender,	Stock,
Armstrong,	Greene of Steele,	Rehfeld,	Temanson,
Austin,	Hayes,	Renz,	Trow,
Baldwin,	Hulett,	Sawyer,	Watson,
Bixler,	Hunt,	Shrewsbury,	Webster,
Burnham,	Langworthy,	Skillman,	Speaker
Caskey,	Letford,	Stearns,	

35

So the bill was lost.

H. F. No. 191. A bill for an act to legalize certain acts of the President of the town of Freenborn,

Was read a third time, and put upon its final passage.

Upon the vote being taken, there were yeas 41, nays 17, as follows :

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Ozman,	Mr. Stevens,
Abbott,	Greene of Olmsted,	Paefender,	Stock,
Acker,	Hunt,	Purdie,	Temanson,
Anderson,	Knox,	Rehfeld,	Trow,
Arnold,	Langworthy,	Renz,	H. Walker,
Baldwin,	Letford,	Robertson,	Walker, Orange,
Bixler,	Mantor,	Sanborn,	Watson,
Burnham,	Morrison,	Sherwood,	Webster,
Caskey,	Nettleton,	Shultis,	White,
Cleveland,	Olds,	Skillman,	Speaker.
Coe,			

41

NAYS.

Mr. Austin, Beatty, Greene of Steele, Hayes, Hulett,	Mr. Johnson, Melghan, Mitchell, Roy,	Mr. Sawyer, Scheffer, Shriner, Stewart,	Mr. Sweet, Taylor, Tollman, Wilkins,
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17

So the bill was passed and its title agreed to.

H. F. No. 185. A bill for an act legalizing the proceedings of the road commissioners of the county of Wabashaw,

Was read the third time and put upon its final passage.

And upon the vote being taken there were yeas 35, nays 12, as follows :

YEAS.

Mr. Aaker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Burnham,	Mr. Butler, Casky, Cleary, Coe, Dayton, Greene of Olmsted, Knox, Langworthy, Leford,	Mr. Mitchell, Nettleton, Purdie, Rehfeld, Robertson, Sanborn, Shrewsbury, Skillman, Stearns,	Mr. Stock, Stewart, Temanson, Walker, H. Walker Orange, Watson, Webster, White, Wilkins,
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35

NAYS.

Mr. Greene, of Steele, Hayes, Hulett,	Mr. Johnson, Mitsch, Osman,	Mr. Roy, Sawyer, Scheffer,	Mr. Sherwood, Shriner, Speaker.
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12

So the bill was not passed.

Mr. Knox offered the following resolution :

Resolved, That when this House adjourns it will adjourn until to-morrow morning, in order to give the use of this Hall this afternoon at 3 o'clock, for the purpose of hearing a lecture delivered by ex-Governor Gorman, on the subject of our relief laws, now before the present Legislature.

Lost.

Mr. Sanborn moved to take up

H. F. No. 179. A bill for an act prescribing the duties of county treasurer.

Carried.

And the bill was ordered engrossed, and passed to a third reading.

Mr. Sweet moved that the rules requiring a recess be dispensed with for to-day.

Carried.

Mr. Robertson offered the following resolution :

Resolved, By the House of Representatives, that the thanks of this House be tendered to Hon. G. W. Greene of Steele county, for the able, impartial and gentlemanly manner in which he performed the duties of Speaker *pro tem*.

Which was adopted.

Mr. Kinkead moved to take from the table S. F. No. 23.

Carried.

Mr. Sweet moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Acker—

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

Carried.

Mr. Morrison presented a remonstrance from J. F. Rothpletz against the passage of

S. F. No. 23. A bill for an act to amend an act entitled an act to establish and define the boundaries of certain counties,

Mr. Morrison moved to file the remonstrance with the bill.

Which motion prevailed.

Mr. Sweet moved to lay the bill upon the table.

Carried.

Mr. Sanborn introduced a report from the Judiciary Committee on H. F. No. 19.

Adopted, and the bill was ordered printed.

Mr. Ozmun moved to reconsider the vote by which H. F. No. 185 was lost.

Carried.

Mr. Burnham moved that the bill be laid on the table.

Carried.

Mr. Robertson offered the following preamble and resolution:

Whereas, To-morrow the 22d day of February, is a National Anniversary to commemorate the birth day of the Revered Father of the Republic. Therefore

Resolved, That the Senate and officers of the Executive Department be invited to meet the House of Representatives in the Hall to-morrow at 10 A. M. for the purpose of hearing Washington's Farewell Address read by the Speaker of the House.

Which was adopted.

Mr. Mann moved to take a recess untill half-past 2 o'clock.

Lost.

Mr. Knox moved that the House adjourn.

Lost.

Mr. Sanborn moved a call of the House, which was ordered.

And the following members answered to their names:

Messrs. Aaker, Abbott—

Mr. Greene of Steele moved that further proceedings under the call be dispensed with.

Carried.

Mr. Robertson moved to adjourn until to-morrow at 10 o'clock.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

SIXTY-FOURTH DAY.

WEDNESDAY, Feb. 22, 1860.

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

Prayer was offered by the Chaplain.

His Excellency the Governor and the members of the Senate took their seats in the Hall.

The Speaker then read from an original printed copy Washington's farewell address.

After which, prayer was offered by Rev. E. D. Neill.

Mr. Morrison moved that the House adjourn until to-morrow at 9 o'clock.
Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SIXTY-FIFTH DAY

THURSDAY, Feb. 23, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Greene of Steele, Garrard, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Letford, Mann, Mantor, Rehfeld, Robertson, Sanborn, Sawyer, Stevens, Stewart, Stock and Van Vorhes.

The journal was read and approved.

Mr. Hayes presented a petition from the citizens of Hastings in regard to raising money for building a Court House.

Mr. Hayes introduced a bill in accordance with the prayer of the petitioners.

Which had its first reading.

Mr. Hayes moved that the rules be so far suspended as to allow the bill to be read the second time.

Which motion prevailed.

And the bill had its second reading, and was referred to the delegation from Dakota county.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 83. A bill relating to township organization and defining the the duties of town officers.

Also,

H. F. No. 164. A bill for an act for the division of the town of Douglas, Fillmore county, and the organization of the town of Norway.

Also,

H. F. No. 165. A bill for an act for the division of the town of Rushford, Fillmore county, and the organization of the town of Arendahl.

Also,

H. F. No. 166. A bill for an act annexing a portion of the town of Sumner to the town of Spring Valley.

Also,

H. F. No. 111. A bill for an act to regulate elections in this State.

And that the same had been presented to his Excellency the Governor for his approval and signature.

Mr. Mann introduced—

A bill for an act for the relief of the Mississippi and Rum River Boom Company.

Which was read the first time.

Mr. Mann moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading.

Mr. Secombe moved that the bill be taken as the engrossed bill and have its third reading and be put upon its passage.

Which motion prevailed.

And the bill was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 54, nays 2, as follows:

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. McDonough,	Mr. Shrewsbury,
Acker,	Cleveland,	Mitch,	Shultis,
Anderson,	Coe,	Meighan,	Skillman,
Armstrong,	Donohue,	Morrison,	Stearns,
Arnold,	Greene of Steele,	Nettleton,	Stewart,
Austin,	Hulett,	Olds,	Stoek,
Baldwin,	Hunt,	Oxman,	Thayer,
Beatty,	Johnson,	Pfaender,	Trow,
Bixler,	Knox,	Purdie,	Van Vorhes,
Brooks,	Langworthy,	Rehfeld,	H. Walker,
Burnham,	Leavens,	Roy,	Walker, Orange,
Butler,	Letford,	Secombe,	Watson,
Caskey,	Mantor,	Sherwood,	Webster,
Chadderton,	Mann,		

54

NAYS.

Mr. Tollman, Mr. Speaker,

2

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

S. F. No. 25. A bill for an act in relation to taxes.

Was read the third time.

Mr. Langworthy moved that the bill be indefinitely postponed,

Mr. McDonough moved the previous question.

Which was not ordered.

The question recurring upon the motion to indefinitely postpone,

It was lost.

Mr. Butler moved an amendment, by striking out "fees, costs, and penalties," wherever the same occur in the bill.

Mr. Secombe moved to refer the bill to a select committee of one, composed of Mr. Butler, with instructions to strike out of the bill the words, "fees, costs, and penalties," wherever the same occur in the bill.

Mr. Sweet offered the following substitute:

To strike out the words "fees and costs."

The question was upon the adoption of the substitute,

Which was lost.

The question recurring upon the motion of Mr. Secombe,

It was carried.

S. F. No. 133. A bill for an act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Stillwater, approved March 1st, 1856.

Was read the third time.

Mr. Van Vorhes moved that the bill be referred to the members from Washington county,

Carried.

Mr. Butler presented the report of the special committee upon S. F. No. 25, and recommended that it be passed as amended.

Adopted.

And the bill, as amended, was read and put upon its passage.

Mr. Sweet moved that the bill be referred to a special committee of one with instruction to strike out the "penalty."

Which motion was lost.

The question recurring upon the passage of the bill,

And upon the vote being taken, there were yeas 39, nays 28, as follows:

YEAS.

Mr. Acker,	Mr. Chadderdon,	Mr. Mitchell,	Mr. Shriner,
Anderson,	Cleveland,	Morrison,	Stearns,
Arnold,	Ooe,	Nettleton,	Stephenson,
Austin,	Garrard,	Olds,	Stork,
Baldwin,	Hayes,	Rehfeld,	Tollman,
Bixler,	Hulett,	Robertson,	Van Vorhes,
Brooks,	Johnson,	Roy,	Walker H.
Burham,	Knox,	Sanborn,	Walker, Orange,
Butler,	Levens,	Scheffer,	Webster,
Oakey,	Mann,	Shrewsbury,	

39

NAYS.

Mr. Aaker, Beatty, Cleary, Donohue, Fox, Greene of Olmsted, Greene of Steele,	Mr. Hunt, Langworthy, Letford, Mantor, McDonough, Meighan, Mitsch,	Mr. Ozmun, Pfaender, Purdie, Sawyer, Secombe, Shultis, Skillman,	Mr. Stewart, Sweet, Taylor, Temanson, Thayer, Watson, Speaker.	26
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So the bill was lost.

Mr. Secombe moved to reconsider the vote by which the bill was lost.

Carried.

Mr. Secombe moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Coe, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkad, Knox, Langworthy, Leavans, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Ozmun, Pfaender, Purdie, Rehfeld, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Van Vorhes, H. Walker, Orange-Walker, Watson, Webster, and Mr. Speaker.

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

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 37, nays 28, as follows :

YEAS.

Mr. Anderson, Arnold, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon,	Mr. Cleveland, Coe, Garrard, Hayes, Hulett, Johnson, Kinkad, Knox, Leavans,	Mr. Mann, Mitchell, Nettleton, Olds, Rehfeld, Robertson, Roy, Sanborn, Secombe,	Mr. Shrewsbury, Stearns, Stephenson, Sweet, Tollman, Van Vorhes, Walker, H., Walker, Orange, Webster,	37
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NAYS.

Mr. Beatty, Cleary, Donohue, Fox, Greene of Olmsted, Greene of Steele, Langworthy,	Mr. Letford, Mantor, McDonough, Meighan, Mitsch, Ozman, Pfaender,	Mr. Purdie, Sawyer, Scheffer, Shriner, Shultis, Skillman, Stewart.	Mr. Stock, Taylor, Temanson, Thayer, Watson, White, Speaker,	28
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So the bill was lost.

Mr. Stearns offered the following resolution :

Resolved, That the use of this Hall be and the same hereby is tendered to Mrs. Jane G. Swisshelm, for the purpose of a lecture this evening.

Adopted.

Mr. Donohue offered the following resolution :

Resolved, That no member or other person shall visit or remain by the Clerk's desk while the yeas and nays are calling or ballots are counting.

Mr. Cleveland moved that the resolution be laid upon the table.

Carried.

Mr. Sanborn, from the Committee on the Judiciary, reported—

A bill supplementary to the bill for an act to regulate elections in this State.

Which was read the first time.

Mr. Sanborn moved that H. F. No. 19 be referred to the Committee of the Whole.

Carried.

Mr. Donohue offered the following resolution :

Resolved, That the Secretary of State be authorized to furnish the different counties in this State with the number of copies of the Statutes to which they are entitled by law respectively.

Mr. Morrison moved to refer the resolution to the Committee on the Judiciary,

Lost.

Mr. Langworthy moved to refer the resolution to the Committee on Re- trenchment and Reform.

Lost.

Mr. Acker moved that the resolution be laid upon the table.

Carried.

Mr. Cleveland moved that the House resolve itself into a Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Cleveland in the Chair.

After some time spent therein, the Committee rose, and by their Chairman, reported back to the House H. F. No. 19, with progress, and asked leave to sit again.

Also, upon

H. F. No. 181, and recommended that it be passed.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker at half past two o'clock.

The question was upon concurring in the report of the Committee of the Whole.

Mr. Meighan moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Acker, Armstrong, Austin, Bixler, Brooks, Burnham, Caskey, Chadderdon, Cleary, Cleveland, Coe, Dayton, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Johnson, Knox, Leavans, Letford, Mann, Meighan, Mitchell, Morrison, Olds, Pfaender, Purdie, Rehfeld, Renz, Roy,

Scheffer, Secombe, Shrewsbury, Shultis, Skillman, Stearns, Stock, Temanson, Thayer, H. Walker, Orange Walker, Watson, Webster, White, Wilkins, and Mr. Speaker.

The Sergeant-at-arms reported several members in their seats.

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

Which was lost.

Mr. Morrison moved to reconsider the vote by which the House refused to suspend the call.

Carried.

The question was upon suspending further proceedings under the call.

Carried.

The question was upon concurring in the report of the Committee of the Whole.

Mr. Meighan offered a substitute for the report of the Committee.

Mr. Fox called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 38, nays 25, as follows :

YEAS.

Mr. Acker,	Mr. Oec,	Mr. Olds,	Mr. Shriner,
Armstrong,	Dayton,	Ozmun,	Stearns,
Baldwin,	Donohue,	Pfander,	Temanson,
Beatty,	Fox,	Rehfeld,	Thayer,
Bixler,	Hayes,	Renz,	Tollman,
Brooks,	Kinkad,	Roy,	Walker, H.
Burnham,	Meighan,	Sawyer,	Watson,
Butler,	Mitchell,	Scheffer,	Webster,
Chadderdon,	Mitch,	Shrewsbury,	Wilkins,
Clary.	Morrison,		38

NAYS.

Mr. Aaker	Mr. Greene of Olmsted,	Mr. Langworthy,	Mr. Skillman,
Anderson,	Greene of Steele,	Letford,	Stock,
Arnold,	Hulett,	Mantor,	Van Vorhes,
Austin,	Hunt,	Purdle,	Walker Orange,
Caskey,	Johnson,	Secombe,	White,
Cleveland,	Knox,	Shultis,	Speaker,
Garrard,			25

So the substitute was adopted.

The question was upon concurring in the report as amended.

It was concurred in.

Mr. Greene of Steele, offered the following resolution :

Resolved, That hereafter no certificates shall be issued for clerk hire by any of the committees, until the accounts for such clerk hire, containing the items thereof, shall have been presented to this House for its action thereon.

Adopted.

Mr. Stearns presented the petition of citizens of Goodhue county in relation to a State road.

Which was referred to the Committee on Roads and Bridges.

Substitute for H. F. No. 5 was taken up.

Or. Olds moved several amendments,

Which were adopted.

Mr. Tollman moved several amendments.

Which were adopted.

Mr. Green moved that the bill be ordered engrossed, and passed to a third reading.

Mr. Morrison moved that the bill now printed be taken as the engrossed bill, and be passed to a third reading.

Which motion prevailed.

Mr. Purdie offered the following resolution :

Resolved, That from and after this date no new business shall be received by the House.

Mr. Stearns moved to lay the resolution upon the table.

Carried.

Mr. Acker, from a special committee, reported back to the House

S. F. No. 66, with a recommendation that it be passed.

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following message :

EXECUTIVE DEPARTMENT, }
St. Paul, Feb. 23, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

An act annexing a portion of the town of Sumner to the town of Spring Valley.

An act for the division of the town of Douglas, Fillmore county, and the organization of the town of Norway.

An act for the division of the town of Rushford, Fillmore county, and the organization of the town of Arendahl.

An act to provide for township organization.

Respectfully,

ALEX. RAMSEY.

Mr. Morrison moved that H. F. No. 5 be taken up, and read a third time, and put upon its passage.

Which motion prevailed.

H. F. No. 5. A bill for an act for the regulation and maintenance of common schools.

Had its third reading.

Mr. H. Walker moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Acker, Anderson, Armstrong, Arnold, Austin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hulett, Johnson, Knox, Langworthy, Leavans, Letford, Mann, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Pfaender, Purdie, Renz, Robertson, Roy, Sanborn, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stephenson, Stewart, Stock, Temanson, Thayer, Tollman, Van Vorhes, H. Walker, O. Walker, Watson, Webster, Wilkins, and Mr. Speaker.

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

Carried.

The question recurring upon the passage of the bill,
And upon the vote being taken, there were yeas 55, nays 3, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Meighan,	Mr. Skillman,
Abbott,	Dayton,	Mitchell,	Stearns,
Acker,	Donohue.	Mitch,	Stewart,
Anderson,	Fox,	Morrison,	Temanson,
Armstrong,	Garrard,	Nettleton,	Thayer,
Arnold,	Greene of Olmsted,	Olds,	Tollman,
Austin,	Greene of Steele,	Ozmun,	Van Vorhes,
Beatty,	Hulet,	Pfaender,	H. Walker,
Bixler,	Johnson,	Purdle,	Walker, Orange,
Brooks,	Knox,	Robertson,	Walson,
Burnham,	Langworthy,	Roy,	Webster,
Butler,	Leavans,	Sanborn,	Wilkins,
Caskey,	Letford,	Shrewsbury.	Speaker,
Chaderton,	Mann,	Shultis,	55

NAYS.

Mr. Cleveland,	Mr. Shriner,	Mr. Stephenson,	3
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So the bill was passed and its title agreed to.

Mr. Mann asked and obtained leave of absence for a few days for Mr. Abraham.

Mr. Fox moved that the House resolve itself into Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Sanborn in the Chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 19, recommending its passage.

Also,

H. F. No. 188, with the recommendation that it be passed.

Also,

H. F. No. 194, recommending its passage.

Also,

H. F. No. 120, with the recommendation that it be indefinitely postponed.

Also,

S. F. No. 150, with the recommendation that it be passed.

Also,

S. F. No. 110, with the recommendation that it be passed.

Also,

H. F. No. 189, and recommended that it be passed.

Also,

S. F. No. 117, recommending that it be passed.

Also,

H. F. No. 187, and recommended that it be passed.

The question was upon concurring in the report of the Committee of the Whole.

Mr. Mitchell, called for a division of the question,

Which was had.

The question was upon concurring in the recommendation of the committee upon S. F. No. 120.

Mr. Mitchell moved an amendment,

Which was adopted.

And the report of the committee as amended was concurred in.

The question was upon concurring in the balance of the reports of the Committee of the Whole.

Which was concurred in.

Mr. Robertson introduced—

A bill for an act relating to personal property exempt by law from execution for debt.

Which had its first reading.

Mr. Arnold moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SIXTY-SIXTH DAY.

FRIDAY, Feb. 24, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Bixler, Caskey, Chadderdon, Garrard, Greene of Steele, Hayes, Hulett, Hunt, Letford, Olivier, Ozmun, Pardie, Renz, Roy, Robertson, Sanborn, Shultis, Stewart, Sweet, Taylor, Tollman and Willey.

The journal was read and approved.

Mr. Mantor presented the report of the Committee on Supplies and Expenditures upon the bill of the Sheriff of Wright county, recommending that the bill should not be paid.

Also upon the bills of Shultz, for sawing wood, and C. H. Schurmeier for wood furnished the Capitol, recommending that the same be paid.

Adopted.

Mr. Hulett presented the following report of the Committee on Towns and Counties upon H. F. No. 182 :

The Committee on Towns and Counties to whom was referred

A bill for an act to organize the County of Renville and for other purposes.

Have had the same under consideration and ask leave to make the following report :

Your committee find that settlers have established themselves along the Minnesota River on the Sioux reservation, which reservation lies on the south side of said River, and on the south side of Renville county. This bill proposes to annex these Sioux reservations to Renville county.

In the opinion of your committee justice to the inhabitants who are settled upon these reservations requires such action by the Legislature, and also the organization of the said County of Renville.

Your committee herewith report a substitute for said bill and recommend the same to the favorable consideration of the House.

L. HULETT.
Chairman of Committee.

Report adopted, and the bill had its first reading.

Mr. Donohue moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading, and was ordered engrossed and passed to a third reading.

Mr. Rehfeld presented the report of the members from Brown county upon H. F. No. 170. A bill for an act to amend an act for the incorporation of the town of New Ulm, in Brown county.

Recommending the passage of the bill.

Adopted.

And the bill was ordered to a third reading.

Mr. Stearns presented the report of the committee upon S. F. No. 111. A bill for an act fixing the times of holding terms of the district court in various counties in the 1st and 4th judicial districts,

Recommending the passage of the bill as amended.

Adopted.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the House that the Senate have concurred in in the House amendments to the Senate amendments, and insist upon the Senate amendments to which the House refused concurrence to

H. F. No. 115. A bill for an act to provide for county organization and government,

A. B. WEBBER, Secretary of the Senate.

Mr. Fox presented the bill of J. H. Wolcott for use of team to carry the Committee on State Prison to Stillwater.

Referred to the Committee on Ways and Means.

Amendments proposed by the Senate to H. F. No. 115 were read.

The question was upon receding from the nonconcurrence of the House.

Carried.

The question was upon the amendment proposed by the Senate.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 52, nays 13, as follows :

YEAS.

Mr. Acker,	Mr. Garran,	Mr. Mitsch,	Mr. Shultz,
Anderson,	Hayes,	Morrison,	Stearns,
Armstrong,	Hulett,	Olds,	Stephenson,
Austin,	Johnson,	Olyier,	Stock,
Baldwin,	Kinhead,	Ozman,	Swick,
Bixler,	Knox,	Pfaender,	Temanson,
Brooks,	Langworthy,	Rahfeld,	Thayer,
Burnham,	Leavens,	Roy,	Van Vorst,
Caskey,	Letford,	Sawyer,	Walker, H.
Cleveland,	Mann,	Schoffer,	Walker, Orange,
Coe,	Mantor,	Secombe,	Watson,
Dayton,	McLean,	Shrewsbury,	Webster,
Fox,	Mitchell,	Shriner,	Speaker.

59

NAYS.

Mr. Abbott,	Mr. Donehue,	Mr. McDonough,	Mr. Skillman,
Batty,	Greene of Steele,	Purdie,	Tatler,
Chadlerdon,	Hunt,	Sherwood,	Wilkins,
Cleary,			

18

So the amendment was concurred in.

Mr. Shrewsbury introduced—

A bill to provide for the assessment of a poll tax.

Which was read a first time.

Mr. Shrewsbury moved to suspend the rules so far as to allow the bill to be read the second time.

Lost.

Mr. Sweet presented the report of the committee upon S. F. No. 76. A bill for an act prescribing and regulating proceedings against garnishees,

Recommending the passage of the bill as amended.

Adopted.

And the bill ordered to a third reading.

Mr. Sweet moved to amend the rules by adding

Rule 51. To suspend proceedings under a call of the House shall require a vote of two thirds of the members present and voting

Mr. Orange Walker offered the following substitute :

Resolved, That the members of this House who are absent at the roll call without permission of the House being first obtained, and who shall not be able to give a satisfactory excuse for such absence, on the morning succeeding such absence, shall forfeit his per diem for the day that he was so absent, and shall be arraigned at the bar of the House and reprimanded by the Speaker.

Mr. Hayes moved that the resolution and substitute be laid upon the table.

Lost.

Mr. Secombe moved the previous question, which was ordered.

Mr. Kinhead called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 35, nays 35, as follows :

YEAS.

Mr. Acker,	Mr. Cleveland,	Mr. Morrison,	Mr. Shultz,
Anderson,	Dayton,	Olds,	Stewart,
Armstrong,	Fox,	Ozman,	Stock,
Austin,	Hulett,	Pfaender,	Temanson,
Bixler,	Johnson,	Sawyer,	H. Walker,
Brooks,	Langworthy,	Secombe,	Walker, Orange,
Burnham,	Leavens,	Sherwood,	Watson,
Caskey,	Meighan,	Shrewsbury,	Webster,
Coe,	Mitsch,	Shriner,	

35

NAYS.

Mr. Abbott,	Mr. Hayes,	Mr. Olivier,	Mr. Sweet,
Aaker,	Hunt,	Purdie,	Thayer,
Baldwin,	Kinkadee,	Rehfeld,	Trow,
Beatty,	Knox,	Robertson,	Van Vorhes,
Chadlerdon,	Letford,	Ry,	White,
Cleary,	Mann,	Scheffer,	Willey,
Donohue,	Mantor,	Skillman,	Whitins,
Garrard,	McDonough,	Stevens,	Speaker
Greene of Steele,	Mitchell,	Stephenson,	

35

So the substitute was lost.

Mr. Van Vorhes offered the following substitute :

Strike out "per diem for the day," and insert "his per diem for the balance of the session, and shall not be eligible to a seat on this floor for two years after the expiration of the present session."

Mr. Shrewsbury moved an amendment to the substitute, excepting the medical gentlemen of the House from its operation.

Mr. Stevens moved that the whole matter be indefinitely postponed.

Mr. Robertson called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 33, nays 38, as follows :

YEAS.

Mr. Abbott,	Mr. Hayes,	Mr. Roy,	Mr. Trow,
Baldwin,	Johnson,	Scheffer,	Van Vorhes,
Beatty,	Letford,	Stearns,	Walker, H.
Casky,	Mann,	Stephenson,	Watson,
Cleary,	Mantor,	Stevens,	White,
Cleveland,	Olivier,	Stewart,	Willey,
Dayton,	Rehfeld,	Taylor,	Wilkins,
Donohue,	Robertson,	Thayer,	Speaker,
Garrard,			

33

NAYS.

Mr. Aker,	Mr. Fox,	Mr. Meighan,	Mr. Sherwood,
Acker,	Greene of Steele,	Mitsch,	Shriner,
Anderson,	Hulett,	Morrison,	Shultis,
Armstrong,	Hunt,	Ozman,	Skillman,
Austin,	Kinkadee,	Pfaender,	Stock,
Bixler,	Knox,	Purdie,	Sweet,
Brack,	Langworthy,	Sawyer,	Temanson,
Burnham,	Leavens,	Secombe,	Walker, Orange.
Chadlerdon,	McDonough,	Shrewsbury,	Webster,
Coe,	Mitchell,		

38

So the motion was lost.

The question recurring upon the amendment offered by Mr. Shrewsbury.

It was lost.

The question recurring upon the amendment offered by Mr. Van Vorhes.

Mr. Trow called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 17, nays 53, as follows :

YEAS.

Mr. Abbott,	Mr. Langworthy,	Mr. Olivier,	Mr. Stephenson,
Baldwin,	Mantor,	Sanbor,	Stock,
Cleveland,	McDonough,	Scheffer,	Trow,
Fox,	Mitsch,	Stearns,	Van Vorhes,
Garrard,			

17

NAYS.

Mr. Aaker,	Mr. Donohue,	Mr. Morrison,	Mr. Shultz,
Acker,	Greene of Steele,	Olds,	Skillman,
Anderson,	Hayes,	Ozman,	Stewart,
Armstrong,	Hulett,	Pfaender,	Sweet,
Austin,	Hunt,	Purdie,	Taylor,
Beatty,	Johnson,	Rehfeld,	Thayer,
Bixler,	Kinhead,	Robertson,	H. Walker,
Brooks,	Knox,	Roy,	Walker, Orange
Burnham,	Leavans,	Sawyer,	Watson,
Caskey,	Letford,	Secombe,	White,
Chadlerdon,	Mann,	Sherwood,	Willey,
Cleary,	M-ighan,	Shrewsbury,	Wilkins,
Coe,	Mitchell,	Shriner,	Speaker.
Dayton,			

53

So the amendment was lost.

Mr. Van Vorhes moved that the whole matter be indefinitely postponed.

Carried.

Mr. Robertson introduced—

A bill for an act to authorize married women to transact business in their own name as sole traders.

Which had its first reading.

Mr. Robertson moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading, and was referred to the Committee of the Whole.

Mr. Hunt offered the following resolution :

Resolved, That some one of the railroad bills now before this House be taken up and made the special order of the day on Monday next, at eleven o'clock a. m.

Lost.

Mr. Mitchell introduced—

A bill for an act to amend sec. 10, art. 9, of the Constitution, and providing for the submission of the same to the people,

Which had its first reading.

Mr. Scheffer introduced—

A bill to remit taxes for 1851 in Dakota county,

Which had its first reading.

Mr. Scheffer moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading, and was referred to the Committee of the Whole.

Mr. Mann introduced—

A bill for an act to amend an act entitled an act to incorporate the town of Minneapolis,

Which had its first reading.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading, and was ordered to a third reading.

Mr. Robertson introduced—

A bill for an act fixing the 22d day of February as a holiday,

Which had its first reading.

Mr. Robertson moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading and was ordered to a third reading.

Mr. Acker moved to take from the table

S. F. No. 25. A bill for an act in relation to taxes,

Which motion prevailed.

Mr. Acker moved to reconsider the vote by which the bill was lost.

Carried.

The question was upon the passage of the bill.

Mr. Hunt moved a call of the House,

Which was ordered, and the following members answered to their names:

Messrs. Acker, Anderson—

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

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 36, nays 33, as follows:

YEAS.

Mr. Acker,	Mr. Cleary,	Mr. Leavens,	Mr. Shrewsbury.
Anderson,	Cleveland,	Mann,	Stearns,
Austin,	Coe,	Mitchell,	Stephenson,
Baldwin,	Garrard,	Morrison,	Sweet,
Beatty,	Hayes,	Olivier,	Van Vorhes,
Bixler,	Hulett,	Rehfeld,	Walker, H.
Brooks,	Johnson,	Robertson,	Orange Walker,
Burnham,	Kinkead,	Roy,	Willey.
Chadderdon,	Knox,	Sanborn,	Wilkins, 36

NAYS.

Mr. Acker,	Mr. Letford,	Mr. Sawyer,	Mr. Stock,
Abbott,	McDonough,	Scheffer,	Taylor,
Armstrong,	Meighan,	Secombe,	Temanson,
Caskey,	Mitch,	Sherwood,	Thayer,
Donohue,	Olds,	Shriner,	Watson,
Fox,	Osman,	Shultz,	Webster,
Greene of Steele,	Pfaender,	Skillman,	White,
Hunt,	Purdle,	Stewart,	Speaker, 33
Langworthy,			

So the bill was lost.

Mr. Secombe moved that the vote be reconsidered by which the bill was lost.

Which motion was decided to be out of order.

Mr. Mitchell presented the report of the Committee on the Judiciary upon

H. F. No. 171, recommending the passage of a substitute,

Which was adopted.

And the substitute had its first reading.

Mr. Sanborn moved to suspend the rules so far as to allow the bill to be read a second time.

Carried.

And the bill was read a second time.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read a third time.

Carried.

The bill was then read a third time and put upon its passage.

Upon the vote being taken there were yeas 59, nays 4, as follows :

YEAS.

Mr. Aaker,	Mr. Garrard,	Mr. Mitsch,	Mr. Shultz,
Abbott,	Greene of Steel,	Morrison,	Skilman,
Acker,	Hayes,	Nettleton,	Stewart,
Anderson,	Hallett,	Olivier,	Stock,
Austin,	Hunt,	Ozman,	Temanson,
Bixler,	Johnson,	Pfaender,	Thayer,
Brooks,	Kinkead,	Purdie,	Trow,
Burnham,	Knox,	Rehfeld,	Van Vorhes,
Caskey,	Langworthy,	Robertson,	H. Walker,
Chadderdon,	Leavens,	Sanborn,	Walker Orange,
Cleary,	Letford,	Sawyer,	Watson,
Cleveland,	Mann,	Scheffer,	Webster,
Coe,	McDonough,	Secombe,	White,
Dayton,	Meighan,	Sherwood,	Speaker.
Fox,	Mitchell,	Shrewsbury,	

59

NAYS.

Mr. Donohue,	Mr. Roy,	Mr. Shriner,	Mr. Stephenson,
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4

So the bill was passed and its title agreed to.

H. F. No. 197. A bill for an act to provide for the disposition of railroads and forfeited land grants,

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 201. A bill for an act to provide for the assessment and collection of a tax for State purposes for the year 1860,

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 199. A bill for an act to provide for the appointment of commissioners on Minnesota railroad bonds and railroad indebtedness,

Had its second reading and was referred to the Committee of the Whole.

H. F. No. 196. A bill for an act proposing an amendment to sec. 10, art. 9, of the Constitution, and providing for the submission of the same to the people,

Had its second reading and was referred to the Committee of the Whole.

H. F. No. 198. A bill for an act to punish trespassers on school lands in the State of Minnesota,

Was read the second time, and referred to the Committee of the Whole.

S. F. No. 111. A bill for an act fixing the times of holding the terms of the District Court in various counties in the 1st and 4th judicial districts,

Had its third reading, and was put upon its passage.

Upon the vote being taken there were yeas 54, nays, 1, as follows :

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Olivier,	Mr. Stewart,
Abbott,	Fox,	Ozman,	Stock,
Anderson,	Garrard,	Pfander,	Sweet,
Armstrong,	Hayes,	Robertson,	Taylor,
Baldwin,	Hulett,	Roy,	Temanson,
Beatty,	Johnson,	Sanborn,	Thayer,
Bixler,	Leavens,	Sawyer,	Trow,
Brooks,	Letford,	Scheffer,	Van Vorhes,
Burnham,	Mann,	Sherwood,	Walker, H.,
Caskey,	McDonough,	Shrewsbury,	Walker Orange,
Cisadderdon,	Meighan,	Shriner,	Watson,
Cleary,	Mitchell,	Shultis,	Webster,
Cleveland,	Mitsch,	Skillman,	Speaker.
Coe,	Morrison,		

54

NAYS.

Mr. Purdie, 1

So the bill was passed and its title agreed to.

S. F. No. 150. A bill for an act to amend an act entitled an act for the incorporation of institutions of learning,

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 41, nays 10, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Ozman,	Mr. Stock,
Anderson,	Garrard,	Pfander,	Taylor,
Baldwin,	Hayes,	Purdie,	Thayer,
Beatty,	Hulett,	Robertson,	Trow,
Bixler,	Hunt,	Sanborn,	Van Vorhes,
Brooks,	Letford,	Sawyer,	Walker, H.,
Burnham,	Meighan,	Sherwood,	Walker Orange,
Caskey,	Mitchell,	Shultis,	Watson,
Cleveland,	Morrison,	Skillman,	Webster,
Coe,	Olivier,	Stewart,	White,
Dayton,			

41

NAYS.

Mr. Armstrong,	Mr. Kinkad,	Mr. Shriner,	Mr. Sweet,
Greene, of Steele,	Mitsch,	Stephenson,	Speaker.
Johnson,	Roy,		

10

So the bill was passed and its title agreed to.

S. F. No. 110. A bill for an act to legalize the plat and survey of a road from Nickerson's to Bear Island, in Sherburne county,

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 44, nays 6, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Mitsch,	Mr. Stewart,
Acker,	Coe,	Morrison,	Stock,
Anderson,	Dorphae,	Ozman,	Sweet,
Armstrong,	Garrard,	Purdie,	Taylor,
Austin,	Hulett,	Robertson,	Thayer,
Baldwin,	Johnson,	Roy,	Van Vorhes,
Beatty,	Kinkad,	Sanborn,	H. Walker,
Bixler,	Knox,	Sawyer,	Walker Orange,
Brooks,	Leavens,	Scheffer,	Watson,
Burnham,	Letford,	Sherwood,	Webster,
Caskey,	Mitchell,	Skillman,	Speaker,

44

NAYS.

Mr. Greene of Steele,	Mr. Meighan,	Mr. Shultis,	Mr. Stephenson,
Hant,	Shriner,		

6

So the bill was passed and its title agreed to.

H. F. No. 120. A bill for an act to amend the Statutes relative to service of warrants of attachment.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 42, nays 6, as follows :

YEAS.			
Mr. Abbott, Anderson, Armstrong, Beatty, Brooks, Casky, Cleveland, Garrard, Greene of Steele, Hulett, Johnson,	Mr. Kinkoad, Knox, Langworthy, Leavens, Leford, Melghan, Mitchell, Mitsch, Morrison, Ozman, Pfaender,	Mr. Purdie, Robertson, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shriner, Shults, Skillman,	Mr. Stock, Sweet, Taylor, Thayer, Van Vorhes, H. Walker, Walker, Orange, Webster, White, Speaker.
			42
NAYS.			
Mr. Acker, Austin,	Mr. Baldwin, Bixler,	Mr. Coe,	Mr. Mann,
			6

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

S. F. No. 117. A memorial for a Fort of the United States in the valley of the Pembina river,

Had its third reading, and was passed, and the title agreed to.

S. F. No. 66. A bill for an act to amend an act entitled an act relative to free schools in the city of St. Paul,

Had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 60, nays 00, as follows :

YEAS.			
Mr. Aaker, Acker, Anderson, Armstrong, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Casky, Chadlerdon, Cleary, Cleveland, Coe,	Mr. Dayton, Domohue, Garrard, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkoad, Knox, Langworthy, Leavens, Leford, Mann, McDenough,	Mr. Melghan, Mitchell, Mitsch, Morrison, Olivier, Ozman, Pfaender, Robertson, Roy, Sanborn, Sawyer, Scheffer, Sherwood, Shrewsbury.	Mr. Shriner, Shults, Skillman, Stearns, Stephenson, Stock, Sweet, Taylor, Thayer, H. Walker, Walker, Orange, Watson, Webster, White, Wilkins,
			60

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

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Hon. House the passage by the Senate of H. F. No. 117. A bill for an act to amend an act entitled an act to regulate the foreclosure of real estate, approved July 29, 1858,

With amendments, herewith transmitted.

Also, that the Senate have concurred in the action of the House striking out joint rule 16.

A. B. WEBBER, Secretary of the Senate.

S. F. No. 76. A bill for an act prescribing the duties and regulating the proceedings against garnishees.

Had its third reading.

Mr. Robertson moved that the bill be referred to the Committee on the Judiciary,

Which motion prevailed.

S. P. Jennison, Esq., private Secretary of the Governor, appeared in the Hall, and delivered the following communication :

EXECUTIVE OFFICE,
ST. PAUL, Feb. 24, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed a bill entitled as follows :

A bill for an act to regulate elections in this State.

Respectfully,

ALEX. RAMSEY.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

Mr. Secombe moved to take up the motion to reconsider the vote by which the resolution to adjourn was adopted.

Which motion prevailed.

Mr. Hunt moved a call of the House.

Which was ordered, and the following members answered to their names :

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

Lost.

The following members answered to their names :

Messrs. Aaker, Abbott, Acker, Anderson, Armstrong, Austin, Baldwin Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleveland, Cleary, Dayton, Donohue, Fox, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Langworthy, Leavans, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olds, Pfander, Purdie, Robertson, Sawyer, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stock, Temanson, Tollman, Trow, H. Walker, Orange Walker, Watson, Webster, White, and Mr. Speaker.

The Sergeant-at arms reported several members in their seats.

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

Lost.

Mr. Cleveland moved to reconsider the vote by which the House refused to suspend further proceedings under the call.

Carried.

The question recurring upon dispensing with further proceedings under the call,

It was carried.

The question was upon reconsidering the vote by which the resolution to adjourn was adopted.

Mr. Secombe called for the yeas and nays.

Mr. Morrison offered the following resolution:

Resolved, That the Journal be so corrected as to show that the motion to take from the table the motion to reconsider the vote whereby the House concurred with the Senate in passing a resolution to adjourn March 1, 1860, is now pending.

Mr. Secombe rose to a point of order, that the motion was out of order.

Which point of order was not sustained.

Mr. Secombe called for the yeas and nays upon the resolution, which were ordered.

Upon the vote being taken, there were yeas 33, nays 28, as follows:

YEAS.

Mr. Abbott,	Mr. McDonough,	Mr. Sanborn,	Mr. Stewart,
Armstrong,	Meighan,	Sawyer,	Stock,
Chadderdon,	Mitch,	Scheffer,	Tollman,
Cleveland,	Morrison,	Sherwood,	Trow,
Greene of Steele,	Olds,	Shrewsbury,	Walker H.
Hunt,	Purdie,	Shriner,	Walker, Orange,
Kinkead,	Rehfeld,	Shultis,	Watson,
Letford,	Robertson,	Skillman,	White,
Mantor,			88

NAYS.

Mr. Aaker,	Mr. Brooks,	Mr. Hulett,	Mr. Pfander,
Acker,	Oskey,	Johnson,	Secombe,
Anderson,	Cleary,	Knox,	Stearns,
Austin,	Coe,	Langworthy,	Taylor,
Baldwin,	Dayton,	Leavens,	Temanson,
Beatty,	Donohue,	Mann,	Thayer,
Bixler,	Fox,	Mitchell,	Webster,
			28

So the motion was carried.

The question then was upon taking from the table the motion to reconsider the vote by which the resolution to adjourn was adopted.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 37, nays 32, as follows:

YEAS.

Mr. Abbott	Mr. Coe,	Mr. Letford,	Mr. Stearns,
Acker,	Dayton,	Mann,	Stock,
Anderson,	Fox,	Mitchell,	Sweet,
Armstrong,	Garrard,	Pfander,	Taylor,
Austin,	Hulett,	Rehfeld,	Temanson,
Baldwin,	Johnson,	Roy,	Thayer,
Brooks,	Knox,	Secombe,	Van Vorhes,
Butler,	Langworthy,	Shrewsbury,	Webster,
Oskey,	Leavens,	Shultis,	Speaker,
Cleary,			87

NAYS.

Mr. Aaker,	Mr. Hunt,	Mr. Ozman,	Mr. Skillman,
Bixler,	Kinkead,	Purdie,	Stewart,
Burnham,	Mantor,	Robertson,	Tollman,
Chadderdon,	McDonough,	Sanborn,	Trow,
Cleveland,	Meighan,	Sawyer,	H. Walker,
Donohue,	Mitch,	Scheffer,	Walker, Orange,
Greene of Steele,	Morrison,	Sherwood,	Watson,
Hayes,	Olds,	Shriner,	White,
			32

So the motion prevailed.

The question then was upon reconsidering the vote by which the resolution was adopted.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 43, nays 26, as follows:

YEAS.

Mr. Asker,	Mr. Hayes,	Mr. Ozman,	Mr. Skillman,
Austin,	Hunt,	Purdie,	Stearns,
Bixler,	Johnson,	Rehfeld,	Stewart,
Burnham,	Kinkead,	Robertson,	Tollman,
Butler,	Letford,	Ry,	Trow,
Caskey,	Mantor,	Sanborn,	Walker, H.
Chadlerdon,	McDonough,	Sawyer,	Walker, Orange,
Cleary,	Melhan,	Scheffer,	Watson,
Cleveland,	Mitsch,	Sherwood,	White,
Donohue,	Morrison,	Shrewsbury,	Speaker.
Greene of Steele,	Olds,	Shriner,	48

NAYS.

Mr. Abbott,	Mr. Coe,	Mr. Mann,	Mr. Sweet,
Acker,	Dayton,	Mitchell,	Taylor,
Anderson,	Fox,	Pfaender,	Temanson,
Armstrong,	Garrard,	Secombe,	Thayer,
Baldwin,	Hulett,	Shultis,	Van Vorhes,
Beatty,	Langworthy,	Stock,	Webster,
Brooks,	Levens,		26

So the motion prevailed.

Mr. Cleveland moved that the resolution be laid upon the table.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 36, nays 32, as follows :

YEAS.

Mr. Asker,	Mr. Kinkead,	Mr. Rehfeld,	Mr. Stearns,
Bixler,	Knox,	Robertson,	Stewart,
Chadlerdon,	Mantor,	Ry,	Tollman,
Cleary,	McDonough,	Sanborn,	Trow,
Cleveland,	Meighan,	Sawyer,	H. Walker,
Greene of Steele,	Mitsch,	Scheffer,	Walker, Orange,
Hayes,	Morrison,	Sherwood,	Watson,
Hunt,	Olds,	Shriner,	White,
Johnson,	Ozman,	Skillman,	Speaker
			36

NAYS.

Mr. Abbott,	Mr. Burnham,	Mr. Langworthy,	Mr. Shultis,
Acker,	Caskey,	Levens,	Stock,
Anderson,	Coe,	Mann,	Sweet,
Armstrong,	Dayton,	Mitchell,	Taylor,
Austin,	Donohue,	Pfaender,	Temanson,
Baldwin,	Fox,	Purdie,	Thayer,
Beatty,	Garrard,	Secombe,	Van Vorhes,
Brooks,	Hulett,	Shrewsbury,	Webster,
			32

So the motion prevailed.

Mr. Cleveland presented the report of the special committee upon

H. F. No. 137, with the recommendation that it be passed.

Adopted.

And the bill ordered to a third reading.

Mr. Mann introduced—

A bill for an act to amend an act relative to free schools in Minneapolis,

Which was read the first time.

Mr. Mann moved that the rules be so far suspended as to allow the bill to be read the second time, and taken as the engrossed bill.

Carried.

And the bill was ordered to a third reading.

Mr. Mann introduced—

A bill for an act, to authorize the commissioners of Hennepin county to direct a portion of the taxes as assessed for county purposes to be collected in gold and silver or current bank bills for certain purposes,

Which was read the first time.

Mr. Mann moved that the rules be so far suspended as to allow the bill to be read the second time, and taken as the engrossed bill.

Carried.

And the bill had its second reading, and was ordered to a third reading.

Mr. McDorough moved that the House take up

H. F. No. 117. A bill for an act to amend an act entitled an act to regulate the foreclosure of real estate, approved July 29, A. D., 1858.

Which motion prevailed.

The question was upon concurring in the amendment proposed by the Senate.

Mr. Speaker (Mr. Cleveland in the Chair) moved that the amendment be concurred in.

Mr. Secombe moved an amendment that the bill be indefinitely postponed.

Mr. Baldwin called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 12, nays 54, as follows :

YEAS.			
Mr. Austin, Baldwin, Brooks,	Mr. Chadderdon, Coe, Leavens,	Mr. Mann Mitchell, Mitsch,	Mr. Sanborn, Sawyer, Secombe, 12
NAYS.			
Mr. Aaker, Abbott, Acker, Anderson, Armstrong, Beatty, Bixler, Burnham, Butler, Casky, Cleary, Cleveland, Dayton, Donahue,	Mr. Fox, Garrard, Greene of Steele, Hulet, Hunt, Johnson, Knox, Langworthy, Letford, Mantor, McDonough, Morrison, Olde, Osman,	Mr. Pfander, Purdie, Rehfeld, Robertson, Roy, Scheffer, Sherwood, Shrewsbury, Shriner, Shults, Skillman, Stearns, Stewart,	Mr. Stock, Sweet, Taylor, Temanson, Thayer, Trow, Van Vorhes, Walker, H. Walker, Orange. Watson, Webster, White, Speaker, 45

So the motion was lost.

The question was upon concurring in the amendment proposed by the Senate.

Mr. Secombe moved an amendment.

The question was upon its adoption.

Mr. Baldwin called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 14, nays 51, as follows :

YEAS.			
Mr. Austin, Baldwin, Brooks, Chadderdon,	Mr. Coe, Donohue, Johnson, Leavens,	Mr. Mann, Meighan, Mitchell,	Mr. Sawyer, Secombe, Walker, Orange 1

NAYS.

Mr. Aaker,	Mr. Fox.	Mr. Pfaender,	Mr. Stewart,
Abbott,	Garrard,	Purdie,	Stock,
Acker,	Greene of Steele,	Rehfeld,	Sweet,
Anderson,	Hunt,	Robertson,	Taylor,
Armstrong,	Kinkad,	Roy,	Temanson,
Beatty,	Knox,	Sanborn,	Thayer,
Bixler,	Langworthy,	Scheffer,	Van Vorhes,
Burnham,	Letford,	Sherwood,	H. Walker,
Butler,	Mantor,	Shrewsbury,	Watson,
Caskey,	McDonough,	Shriner,	Webster,
Cleary,	Mitch,	Shultis,	White,
Cleveland,	Morrison,	Skillman,	Speaker.
Dayton,	Olds,	Stearns,	

51

So the amendment was lost.

The question was upon concurring in the amendment proposed by the Senate.

Upon the vote being taken there were yeas 60, nays 8, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Morrison,	Mr. Stearns,
Abbott,	Fox,	Olds,	Stewart,
Acker,	Garrard,	Ozman,	Stock,
Anderson,	Greene of Steele,	Pfaender,	Sweet,
Armstrong,	Huliett,	Purdie,	Taylor,
Baldwin,	Hunt,	Rehfeld,	Temanson,
Beatty,	Johnson,	Robertson,	Thayer,
Bixler,	Kinkad,	Roy,	Tollman,
Burnham,	Knox,	Sawyer,	Trow,
Butler,	Langworthy,	Scheffer,	Van Vorhes,
Caskey,	Letford,	Sherwood,	Walker Orange,
Cleary,	Mann,	Shrewsbury,	Watson,
Cleveland,	Mantor,	Shriner,	Webster,
Coe,	McDonough,	Shultis,	White,
Dayton,	Mitch,	Skillman,	Speaker.

60

NAYS.

Mr. Austin,	Mr. Leavens,	Mr. Mitchell,	Mr. Secombe,
Chadderdon,	Meighan,	Sanborn,	Walker, H.

8

So the amendment was concurred in.

The question was upon concurring in the balance of the amendments.

Upon the vote being taken, there were yeas 56, nays 11, as follows :

YEAS.

Mr. Aaker,	Mr. Garrard,	Mr. Ozman,	Mr. Stock,
Abbott,	Greene of Steele,	Pfaender,	Sweet,
Acker,	Huliett,	Purdie,	Taylor,
Anderson,	Hunt,	Rehfeld,	Temanson,
Armstrong,	Kinkad,	Robertson,	Thayer,
Beatty,	Knox,	Roy,	Tollman,
Bixler,	Langworthy,	Scheffer,	Trow,
Burnham,	Letford,	Sherwood,	Van Vorhes,
Butler,	Mantor,	Shrewsbury,	H. Walker,
Caskey,	McDonough,	Shriner,	Walker, Orange,
Cleary,	Mitchell,	Shultis,	Watson,
Cleveland,	Mitch,	Skillman,	Webster,
Donohue,	Morrison,	Stearns,	White,
Fox,	Olds,	Stewart,	Speaker.

56

NAYS.

Mr. Austin,	Mr. Coe,	Mr. Leavens,	Mr. Sawyer,
Baldwin,	Dayton,	Mann,	Secombe,
Chadderdon,	Johnson,	Sanborn,	

11

So the amendments were concurred in.

Mr. Sawyer presented the report of the special committee upon H. F. No. 183, and recommended that it be passed as amended.

Adopted.

And the bill ordered to a third reading.

Mr. Secombe asked and obtained leave of absence for a few days.

Mr. Sanborn moved to take up H. F. No. 19.

Which motion was lost.

Mr. Sawyer moved that the House take up

H. F. No. 183. A bill for an act to amend an act entitled an act to incorporate the city of Rochester, approved August 5, 1858,
Carried.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 44, nays 3, as follows :

YEAS.

Mr. Anderson,	Mr. Fox,	Mr. Pfander,	Mr. Stewart,
Austin,	Garrard,	Pardie,	Stock,
Beatty,	Greene of Steele,	Robertson,	Taylor,
Bixler,	Hulett,	Sanborn,	Thayer,
Burnham,	Langworthy,	Sawyer,	Tollman,
Butler,	Leavans,	Shaffer,	Trow,
Caskey,	Mann,	Sherwood,	Van Vorhes,
Cleveland,	Mantor,	Shrewsbury,	H. Walker,
Coe,	Meighan,	Shriner,	Walker, Orange,
Dayton,	Mitchell,	Shutts,	Webster,
Donohue,	Osmun,	Skillman,	Speaker, 44

NAYS.

Mr. Armstrong,	Mr. Johnson,	Mr. Mitch,	8
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So the bill was passed and its title agreed to.

H. F. No. 19. A bill for an act to create a lien in favor of mechanics.

Was read the third time.

Mr. Cleveland moved a call of the House,

Which was ordered, and the following members answered to their names :
Messrs. Aaker, Anderson—

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

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 44, nays 12, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Meighan,	Mr. Stock,
Anderson,	Garrard,	Mitchell,	Sweet,
Austin,	Greene of Steele,	Morrison,	Taylor,
Bixler,	Hulett,	Ozman,	Tollman,
Brooks,	Hunt,	Purdie,	Trow,
Burnham,	Kinhead,	Robertson,	Van Vorhes,
Caskey,	Langworthy,	Sanborn,	H. Walker,
Chadlerdon,	Leavans,	Sherwood,	Walker, Orange,
Cleveland,	Mann,	Shrewsbury,	Watson,
Coe,	Mantor,	Shutts,	Webster,
Dayton,	McDonough,	Skillman,	Speaker, 44

NAYS.

Mr. Armstrong,	Mr. Johnson,	Mr. Eehfeld,	Mr. Shriner,
Cleary,	Mitch,	Roy,	Stewart,
Donohue,	Pfander,	Sawyer,	Thayer,

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

Mr. Robertson introduced—

A bill for an act to encourage the manufacturing of pure lager beer, and to discourage the use of other liquors,

Which had its first reading.

Mr. Robertson moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading.

Mr. Cleveland moved that the bill be indefinitely postponed.

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 21, nays 34, as follows :

YEAS.

Mr. Asker,	Mr. Coe,	Mr. Sawyer,	Mr. Taylor,
Anderson,	Greene, of Steele,	Sherwood,	Trow,
Austin,	Mann,	Shrewsbury,	Walker, H.
Bixler,	Mantor,	Stewart,	Watson,
Casky,	Purdie,	Stock,	Webster,
Cleveland,			

21

NAYS.

Mr. Armstrong,	Mr. Hayes,	Mr. Mitchell,	Mr. Scheffer,
Beatty,	Hulett,	Mitch,	Shriner,
Brooks,	Hunt,	Morrison,	Shultis,
Burnham,	Kinkad,	Ozman,	Sweet,
Chadderdon,	Knox,	Pfaender,	Thayer,
Cleary,	Langworthy,	Robertson,	Tollman,
Dayton,	Leavens,	Roy,	Walker Orange,
Donohue,	Letford,	Sanborn,	Speaker.
Garrard,	Meighan,		

34

So the motion was lost.

And the bill was ordered engrossed, and passed to a third reading.

Mr. Trow moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SIXTY-SEVENTH DAY

SATURDAY, Feb. 25, 1860.

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

Prayer was offered by the Chaplain.

The roll being called and the following members were found absent ;

Messrs. Abraham, Cleveland, Fox, Garrard, Kinkad, Kuox, Mann, Renz, Robertson, Roy, Sanborn, Scheffer, Secombe, Shriner, Stearns, Stephenson, Sweet, Tollman, Orange Walker, Willey and Wilkins.

The journal was read and approved.

Mr. Hayes presented the report of the special committee upon the petition of the council of the City of Hastings and the bill in accordance therewith, recommending the passage of the bill.

Mr. Morrison from the committee agreed with the majority report with the proviso that the voters of the city should vote upon the matter before it should become a law.

The report was adopted.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the honorable House the passage by the Senate of the following bills and memorials viz :

H. F. No. 44. A bill for an act to encourage the destruction of black birds in this State.

Also,

H. F. No. 75. A bill for an act to suspend an act entitled an act for the establishment of State Normal Schools.

Also,

H. F. No. 80. A bill for an act to punish any interference with the serving of civil or criminal processes.

Also,

H. F. No. 134. A bill for an act to amend an act entitled an act to regulate corporations for manufacturing, mining, agricultural, mechanical and chemical purposes, passed Aug. 12, 1858.

Also,

H. F. No. 150. An act to amend section first of chapter first, of an act to provide for the creation and regulation of corporations, passed August 12, 1858, and found on page 330 of the so-called public statutes of the State of Minnesota,

Also,

S. F. No. 41. A memorial to Congress for the removal of the Winnebago Indians, and the indemnification of the early settlers upon their reservation.

Also,

S. F. No. 109. A bill for an act proposing an amendment to article 4 of the Constitution of the State of Minnesota,

Also,

S. F. No. 112. A bill for an act providing for the alteration of the State road running from Quincy in Sherburne county, to Princeton in Benton county.

Also,

S. F. No. 114. A bill for an act amending an act entitled an act incorporating the town of Chatfield,

Also,

S. F. No. 115. A bill for an act to provide for the election of court commissioner,

Also,

S. F. No. 124. A bill for an act supplemental to an act authorizing the city of St. Paul to loan its bonds to the St. Paul Bridge Company.

Also,

S. F. No. 125. For an act to provide for the survey and location of certain State roads therein mentioned.

Also,

S. F. No. 138. A bill for an act to define the boundaries of Todd county and provide for its organization,

Also,

S. F. No. 142. A bill for an act authorizing the Register of Deeds of Sherburne county to sell the lands in said county returned in the delinquent tax list for the year 1859.

Also,

S. F. No. 143. A bill for an act to define the boundaries of Stearns Co.

Also,

S. F. No. 144. A bill for an act to amend sections 13 and 14, of chapter 101, of the session laws of 1858.

Also,

S. F. No. 145. A bill for an act to incorporate the town of Harrison in the county of Mouongalia.

All of which are herewith submitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Garrard presented the report of the Committee on Agriculture upon the petition of S. J. Guthrie and others to create a water power of Lake Lara, against the prayer of the petitioners upon constitutional grounds.

Adopted.

The amendments proposed by the Senate to the title of H. F. No. 50 were read.

Upon the vote being taken there were yeas 39, nays 18, as follows :

YEAS.

Mr. Aaker	Mr. Brooks,	Mr. Letford,	Mr. Shultz,
Abbott,	Caskey,	Mann,	Stearns.
Acker,	Chadderdon,	Mannor,	Stephenson,
Armstrong,	Coe,	Morrison,	Stewart,
Anderson,	Garrard,	Mitchell,	Sweet,
Arnold,	Hayes,	Olds,	Temanson,
Austin,	Hulett,	Pfander,	Van Vorhes,
Baldwin,	Johnson,	Purdie,	Webster,
Beatty,	Knox,	Sawyer,	Watson,
Bixler,	Leavens,	Shrewsbury,	59

NAYS.

Mr. Burnham,	Mr. Donohue,	Mr. Mitsch,	Mr. Trow,
Butler,	Hunt,	Sherwood,	Walker, H.
Cleary,	Langworthy,	Shriner,	White,
Cleveland,	McDonough,	Thayer,	Speaker,
Dayton,	Meighan,		18

So the amendment was not concurred in.

Mr. Sawyer moved to reconsider the vote by which the House did not concur.

Which motion prevailed.

The question recurring upon the amendment proposed by the Senate.

And upon the vote being taken there were yeas 51, nays 12, as follows :

YEAS.

Mr. Aaker,	Mr. Chadderdon,	Mr. McDonough,	Mr. Stearns,
Abbott,	Cleary,	Mitchell,	Stephenson.
Acker,	Coe,	Morrison,	Stewart.
Anderson,	Donohue,	Nettleton,	Stock,
Armstrong,	Garrard,	Olds,	Sweet,
Arnold,	Greene of Olmsted	Pfander,	Taylor.
Austin,	Hayes,	Purdie,	Temanson,
Baldwin,	Hulett,	Robertson,	Van Vorhes,
Beatty,	Hunt,	Roy,	Walker, H.
Bixler,	Johnson,	Sawyer,	Webster,
Brooks,	Knox,	Shrewsbury,	Watson,
Butler,	Leavens,	Shriner,	White,
Caskey,	Mann,	Shultz,	51

NAYS.

Mr. Cleveland, Davton, Greene of Steele,	Mr. Langworthy, Letford, Mantor,	Mr. Mighan, Mitsch, Sherwood,	Mr. Thayer, Trow, Speaker,	12
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So the amendment was concurred in.

Mr. Letford, from the Committee on Engrossment, reported as correctly Engrossed—

H. F. No. 17. A bill for an act prescribing the duties of county auditors.

Mr. McDonough moved to reconsider the vote by which H. F. No. 19 was passed.

Which motion prevailed.

And the bill was laid upon the table.

Mr. Anderson presented the following report of the Committee on Roads and Bridges upon sundry petitions.

Your committee herewith return to the House sundry petitions in relation to the alteration and relocation of certain roads therein named, without any recommendation, for the reason that the relief asked for is now in the power of the Supervisors or Commissioners of the several counties to grant under the provisions of the county bill.

JOHN A. ANDERSON,
ALEX. KINKEAD,
GEO. T. WHITE.

Which was adopted.

Also upon H. F. No. 62½ and H. F. No. 100 as follows :

The Committee on Roads and Bridges to whom was referred

H. F. No. 62½. A bill for an act to provide for a State Road from Saint Cloud and Sauk Rapids, to Fon du Lac on the St. Louis River.

Also,

H. No. 100. A bill for act to provide for completing a common road between the upper Mississippi and Superior.

Also,

S. F. No. 48. A bill for an act to provide means for the improvement of the State road leading from Crow Wing, on the Mississippi, river, to Shayenne City, on the Red River of the North.

Would report the same back to the House with the recommendation that the same be passed.

Also,

H. F. No. 69. A bill for an act entitled an act to legalize the location and survey of that portion of the State road from the north shore of Lake Superior to Graham's Point, commencing at Sauk Rapids and terminating at Graham's Point on the Red River of the North.

JOHN A. ANDERSON.
ALEX. KINKEAD.
GEO. T. WHITE.

Adopted.

Mr. Van Vorhes presented the report of the special committee upon S. F. No. 133, recommending the passage of the bill.

Adopted.

Mr. McDonough moved to reconsider the vote by which S. F. No. 25 was lost.

Carried.

And the bill was laid upon the table.

Mr. Cleveland moved to take up H. F. No. 152 and put the bill upon its first reading.

Carried.

And the bill had its first reading.

Mr. Cleveland moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading, and was referred to the Committee of the Whole.

S. F. No. 41. A memorial to the Congress of the United States for the removal of the Winnebago Indians.

Was read the first time.

Mr. Sweet moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading, and was ordered to a third reading.

Mr. Sweet moved to reconsider the vote by which the House ordered S. F. No. 41 to be read a third time, upon which motion he called for the yeas and nays, which were ordered.

And upon the vote being taken there were yeas 21, nays 39, as follows:

YEAS.

Mr. Beatty,	Mr. Garrard,	Mr. Pehfeld,	Mr. Temanson,
Books,	Johnson,	R. y.	Walker, H.
Burnham,	M igh n,	Sch-fer.	Orange Walker,
Chadlerdon,	Mitch,	Shrewsbu. y.	Wat- n,
Caskey,	Morrison,	Sweet,	Webster,
Fox,			

21

NAYS.

Mr. Aaker,	Mr. Donohue,	Mr. Mitchell,	Mr. Stock,
Abbott,	Greene of Steele,	N. tlet n,	St. wart,
Acker,	Hayes,	Pfaender,	Ste rns,
Anderson,	Hulett,	Purde,	Stephenson,
Arnold,	Hunt,	Robertson,	Taylor,
Austin,	Lan worthy,	Sawyer,	Thyer,
Balwin,	Levens,	She-wood,	Tow,
Cleveland,	Lelford,	Shriner,	White,
Coe,	McDonough,	Shult s,	Speaker,
Dynton,	Mantor,	Skullman,	

39

So the motion was lost.

Mr. Donohue moved to suspend the rules so as to introduce a bill.

Lost.

S. F. No. 109. A bill for an act proposing an amendment to article four of the constitution of the State of Minnesota.

Was read the first time.

S. F. No. 144. A bill for an act to amend section 13 and 14, of chapter 101 of the session laws of 1858.

Was read the first time.

S. F. No. 112. A bill for an act providing for the alteration of the State road running from Quincy, in Sherburne county, to Princeton, in Benton county,

Was read the first time.

S. F. No. 143. A bill for an act to define the boundaries of Stearns county.

Had its first reading.

Mr. Sweet moved to suspend the rules so far as to allow the bill to be read a second time.

Carried.

And the bill had its second reading and was referred to the members from Stearns county.

S. F. No. 142. A bill for an act authorizing the Register of Deeds of Sherburne county to sell the lands in said county returned in the delinquent list for the year 1857.

Was read the first time.

S. F. No. 138. A bill for an act to define the boundaries of Todd county and provide for its organization.

Had its first reading.

S. F. No. 125. For an act to provide for the survey and location of certain State roads therein mentioned.

Had its first reading.

S. F. No. 124. A bill for an act supplemental to an act authorizing the city of St. Paul to loan its bonds to the St. Paul Bridge Company.

Had its first reading.

S. F. No. 115. A bill for an act to provide for the election of court commissioner.

Had its first reading.

S. F. No. 114. A bill for an act to amend an act entitled an act incorporating the town of Chatfield.

Was read a first time.

S. F. No. 145. A bill for an act to incorporate the town Harrison in the County of Monongalia.

Was read a first time.

H. F. No. 62½. An act to provide for a State road from Saint Cloud and Sank Rapids to Fon du Lac on the Saint Louis River.

Had its second reading and was referred to Messrs. Nettleton, Roy and Sweet.

H. F. No. 212. A bill for an act relating to personal property exempt by law from execution for debt.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 209. A bill providing for the assessment of a poll tax.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 206. A bill for an act proposing an amendment to art. 9 of the Constitution, and providing for the submission of the same to the people.

Had its second reading and was referred to the Committee of the Whole.

H. F. No. 205. A bill for an act supplemental to an act to regulate elections in this State.

Was read the second time, and referred to the Committee of the Whole.
S. F. No. 133. A bill for an act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Stillwater, approved March 1st, 1856.

Was taken up and put upon its final passage.

Upon the vote being taken there were yeas 54, nays 00, as follows :

YEAS.

Mr. Aker,	Mr. Donohue,	Mr. Mitchell,	Mr. Stephenson,
Aker,	Fox,	Mitsch,	Stewart,
Anderson,	Garrard,	Morrison,	Stock,
Arnold,	Greene of Steele,	Nettleton,	Sweet,
Baldwin,	Hayes,	Pfander,	Temanson,
Bixler,	Johnson,	Purdie,	Thayer,
Brooks,	Knox,	Sanborn,	Tollman,
Burnham,	Langworthy,	Sawyer,	Van Vorhes,
Butler,	Leavens,	Sherwood,	H. Walker,
Caskey,	Lettford,	Shrewsbury,	Walker Orange,
Cleary,	Mann,	Shultis,	Watson,
Cleveland,	McDonough,	Skillman,	Webster,
Coe,	Meighan,	Stearns,	White,
Dayton,	Mantor,		

54

So the bill was passed and its title agreed to.

H. F. No. 215. A bill for an act to encourage the manufacture of pure lager beer.

Had its third reading and was put upon its passage.

And upon the vote being taken there were yeas 38, nays 24, as follows :

YEAS.

Mr. Anderson,	Mr. Garrard,	Mr. Nettleton,	Mr. Temanson,
Armstrong,	Hayes,	Pfander,	Thayer,
Brooks,	Hulett,	Robertson,	Tollman,
Burnham,	Knox,	Roy,	Van Vorhes,
Chadderdon,	Langworthy,	Scheffer,	H. Walker,
Cleary,	Leavens,	Shriner,	Walker, Orange,
Cleveland,	Meighan,	Shultis,	Watson,
Dayton,	Mitchell,	Stephenson,	White,
Donohue,	Mitsch,	Sweet,	Speaker
Fox,	Morrison,		

38

NAYS.

Mr. Aker,	Mr. Caskey,	Mr. Purdie,	Mr. Stewart,
Abbott,	Greene of Steele,	Sawyer,	Stock,
Acker,	Johnson,	Sherwood,	Taylor,
Austin,	Mann,	Shrewsbury,	Trow,
Bixler,	Mantor,	Skillman,	Webster,
Butler,	McDonough,	Stearns,	

32

So the bill was not passed.

Mr. Johnson moved to reconsider the vote by which the bill was lost.

Carried.

The question recurring upon the passage of the bill,

Upon the vote being taken, there were yeas 42, nays, 17, as follows :

YEAS.

Mr. Abbott,	Mr. Donohue,	Mr. Mitsch,	Mr. Stewart,
Anderson,	Fox,	Morrison,	Sweet,
Armstrong,	Garrard,	Nettleton,	Temanson,
Arnold,	Hayes,	Pfander,	Thayer,
Brooks,	Hulett,	Robertson,	Tollman,
Burnham,	Johnson,	Roy,	Van Vorhes,
Chadderdon,	Knox,	Scheffer,	H. Walker,
Cleary,	Langworthy,	Shriner,	Walker, Orange,
Cleveland,	Leavens,	Shultis,	White,
Coe,	Meighan,	Stephenson,	Speaker,
Dayton,	Mitchell,		

42

NAYS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Shrewsbury,	Mr. Taylor,
Acker,	Hunt,	Sherwood,	Trow,
Austin,	Mantor,	Skillman,	Webster,
Bixler,	Sawyer,	Stock,	Watson,
Caskey,			

17

So the bill was passed and its title agreed to.

H. F. No. 213. A bill for an act to amend an act entitled an act relating to free schools in Minneapolis.

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 52, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Mitsch,	Mr. Stearns,
Acker,	Hayes,	Morrison,	Skillman,
Austin,	Hulett,	Nettleton,	Stewart,
Arnold,	Hunt,	Pfaender,	Stock,
Bixler,	Knox,	Purdie,	Sweet,
Caskey,	Langworthy,	Robertson,	Taylor,
Chadderdon,	Leavens,	Roy,	Temanson,
Cleveland,	Letford,	Sawyer,	Thayer,
Coe,	Mann,	Scheffer,	Tolman,
Dayton,	Mantor,	Sherwood,	Trow,
Donohue,	McDonough,	Shrewsbury,	Van Vorhes,
Fox,	Meighan,	Shriner,	Watson,
Garrard,	Mitchell,	Shultz,	White,

52

NAYS.

Mr. Armstrong,

1

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

H. F. No. 208. A bill for an act to amend an act entitled an act to incorporate the town of Minneapolis.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 52, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Mitchell,	Mr. Stock,
Acker,	Garrard,	Mitsch,	Stearns,
Armstrong,	Greene of Steele,	Morrison,	Stewart,
Austin,	Hayes,	Pfaender,	Sweet,
Baldwin,	Hulett,	Purdie,	Taylor,
Bixler,	Hunt,	Robertson,	Temanson,
Butler,	Johnson,	Roy,	Thayer,
Chadderdon,	Knox,	Sawyer,	Van Vorhes,
Caskey,	Langworthy,	Scheffer,	H. Walker,
Cleary,	Leavens,	Sherwood,	Walker, Orange,
Cleveland,	Letford,	Shrewsbury,	Watson,
Coe,	Mann,	Shriner,	White,
Donohue,	Meighan,	Skillman,	Speaker.

2

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

H. F. No. 214. A bill for an act to authorize the county commissioners of Hennepin county to direct a portion of their tax collected in gold and silver.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 54, nays 2, as follows :

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Nettleton,	Mr. Stewart,
Acker,	Donohue,	Pfaender,	Stoek,
Anderson,	Fox,	Purdie,	Sweet,
Armstrong,	Garrard,	Robertson,	Taylor,
Arnold,	Greene of Steele,	Roy,	Temanson,
Austin,	Hulitt,	Sawyer,	Thayer,
Baldwin,	Johnson,	Scheffer,	Tollman,
Bixler,	Knox,	Sherwood,	Van Vorhes,
Burier,	Langworthy,	Shrewsbury,	H. Walker,
Caskey,	Leavans,	Shulis,	Walker, Orange,
Coadlerdon,	Lefford,	Skillman,	Watson,
Cleary,	Mann,	Stearns,	White,
Cleveland,	Mitchell,	Stephenson,	Speaker,
Coe,	Morrison,		

54

NAYS.

Mr. McDonough, Mr. Shriner,

2

So the bill was passed and its title agreed to.

H. F. No. 17. A bill for an act prescribing the duties of county auditor
Was taken up.

Mr. Hunt moved that the bill be referred to a committee of one, with instruction to report an amendment to section 55, and report immediately.

Mr. Mann offered an amendment.

Which was adopted.

The question was upon the motion of Mr. Hunt as amended,

Which was carried.

Mr. Hunt was appointed as such committee.

Mr. Hunt reported upon H. F. No. 17,

Which report was adopted.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker at half past two o'clock.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 186. A bill for act providing for the publication of the county and township organization laws in the German and Norwegian languages.

Also,

H. F. No. 189. A bill for an act to amend section 11, of chapter 71, on page 621, of public statutes.

Also,

H. F. No. 188. A bill for an act making appropriation for the incidental expenses in the various departments of the State,

Also,

H. F. No. 190. A bill for an act to prevent the destruction of fish in the lakes in Ramsey county.

Also,

H. F. No. 194. A bill for an act to authorize the Governor to have

constructed a cistern for the use of the Capitol Buildings, and for the repairing of the roof and suitably spouting the same.

Also,

H. F. No. 202. A bill for an act to amend the charter of the city of Winona.

H. F. No. 17. A bill for an act prescribing the duties of county auditors.

Had its third reading, and was put upon its passage.

Upon the vote being taken there were yeas 56, nays 1, as follows :

YEAS.			
Mr. Aaker,	Mr. Cleary,	Mr. Langworthy,	Mr. Skillman,
Abbott,	Cleveland,	Leavans,	Stearns,
Acker,	Coe,	Mantor,	Stewart,
Anderson,	Dayton,	McDonough,	Stock,
Armstrong,	Fox,	Meighan,	Taylor,
Arnold,	Garrard,	Mitchell,	Temanson,
Austin,	Greene of Ohmsted,	Mitsch,	Trow,
Baldwin,	Greene of Steele,	Pfander,	Van Vorhes,
Bixler,	Hayes,	Purdle,	H. Walker,
Brooks,	Hulet,	Robertson,	Walker, Orange,
Burnham,	Hunt,	Roy,	Watson,
Bull-r,	Johnson,	Sawyer,	Webster,
Caskey,	Kinkead,	Shrewsbury,	White,
Chadderdon,	Knox,	Shultis,	Speaker, 56

NAYS.

Mr. Donohue,

1

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

Mr. Sawyer offered the following resolution :

Resolved, That the committee on Schools and School Lands be instructed to report to this House a bill providing for the sale of one-sixth of the school lands in the State, and for the loan of the proceeds of such sales, in the several counties, on real estate securities.

Mr. Baldwin offered the following substitute for the resolution of Mr. Sawyer :

Resolved, That the Committee on Schools and School Lands be instructed to bring in a bill to authorize the county boards to lease the school lands in the various counties of the State.

Withdrawn.

The resolution of Mr. Sawyer was adopted.

Mr. Hayes, from a special committee, reported back

H. F. No. 204. A bill for an act to authorize the city of Hastings to appropriate money for county buildings.

With an amendment, recommending its passage.

Report adopted.

On motion of Mr. Hayes,

The bill was taken as the engrossed bill, which was read the third time, and put upon its passage.

Upon the vote being taken, there were yeas 50, nays 00, as follows :

NAYS.

Mr. Aaker,	Mr. Cleveland,	Mr. Melghan,	Mr. Stewart,
Abbott,	Coe,	Mitchell,	Stock,
Acker,	Dayton,	Mitsch,	Taylor,
Armstrong,	Donohue,	Pfaender,	Temanson,
Arnold,	Fox,	Purdie,	Trow,
Austin,	Garrard,	Roy,	Van Vorhes,
Baldwin,	Hayes,	Sawyer,	H. Walker,
Beatty,	Hulett,	Scheffer,	Watson,
Brooks,	Hunt,	Shrewsbury,	Webster,
Burnham,	Johnson,	Shultis,	White,
Butler,	Knox,	Skillman,	Wilkins,
Caskey,	Langworthy,	Stearns,	Speaker.
Chadderdon,	Mantor,		

20

So the bill was passed and its title agreed to.

Mr. Hunt, on leave, introduced—

A bill for an act to prevent abuses in the use of intoxicating drinks.

Mr. Hunt moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

The bill was then read a second time.

H. F. No. 202. A bill for an act to amend the charter of the city of Winona,

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 50, nays 00, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Melghan,	Mr. Skillman,
Abbott,	Dayton,	Mitchell,	Stearns,
Acker,	Donohue,	Mitsch,	Stewart,
Armstrong,	Fox,	Nettleton,	Taylor,
Arnold,	Garrard,	Pfaender,	Temanson,
Austin,	Greene of Steele,	Purdie,	Trow,
Beatty,	Hayes,	Rehfeld,	Van Vorhes,
Brooks,	Hulett,	Robertson,	Walker, H.
Burnham,	Hunt,	Roy,	Walker, Orange.
Butler,	Johnson,	Sawyer,	Watson,
Caskey,	Knox,	Sherwood,	Webster,
Chadderdon,	Langworthy,	Shultis,	Wilkins,
Cleveland,	Mantor,		

50

So the bill was passed and its title agreed to.

H. F. No. 194. A bill for an act entitled an act to authorize the Governor to have constructed a cistern for the use of the Capitol building.

Was read the third time.

Mr. Robertson moved that the bill be laid on the table.

Carried.

H. F. 190. A bill for an act to prevent the destruction of fish in the lakes in Ramsey county,

Was read a third time and put upon its passage.

Upon the vote being taken, there were yeas 44, nays 6, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Langworthy,	Mr. Stearns,
Abbott,	Dayton,	Mantor,	Stewart,
Acker,	Don hue,	Meighan,	Stock,
Arnold,	Fox,	Mitchell,	Taylor,
Austin,	Garrard,	Pfaender,	Temanson,
Bracks,	Greene of Steele,	Rehfeld,	Van Vorhes,
Burnham,	Hayes,	Robertson,	Walker H.
Butler,	Hulett,	Sawyer,	Walker, Orange,
Cakey,	Hunt,	Shrewsbury,	Watson,
Chadlerdon,	Johnson,	Shultis,	Wilkins,
Cleveland,	Knox,	Skillman,	Speaker,

NAYS.

Mr. Armstrong,	Mr. Nettleton,	Mr. Roy,	Mr. Sherwood,
Beatty,	Purdie,		

6

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

H. F. No. 188. A bill for an act making appropriations for incidental expenses in the various departments of State,

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 48, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Mantor,	Mr. Stock,
Abbott,	Dayton,	Mitchell,	Taylor,
Arnold,	Donohue,	Mits h,	Temanson,
Austin,	Fox,	Pfaender,	Thayer,
Beatty,	Garrard,	Purdie,	Trow,
Brooks,	Greene, of Steele,	Rehfeld,	Van Vorhes,
Burnham,	Hayes,	Robertson,	Walker H.
Butler,	Hulett,	Roy,	Walker Orange,
Cakey,	Hunt,	Sawyer,	Watson,
Chadlerdon,	Johnson,	Skillman,	Webster,
Cleary,	Knox,	Stearns,	Wilkins,
Cleveland,	Langworthy,	Stewart,	Speaker.

48

NAYS.

Mr. Armstrong,			
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1

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

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following message :

EXECUTIVE DEPARTMENT, }
St. Paul, Feb. 25, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

An act to establish the county of Watonwan.

An act to provide for the location of a State road from Minneiska to Beaver.

Respectfully,
ALEX. RAMSEY.

Mr. Stock moved to adjourn.

Lost.

Mr. Robertson moved that the House resolve itself into a Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Cleveland in the chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 205. A bill for an act supplemental to an act entitled an act to regulate elections in this State,

With sundry amendments, and recommending that the bill be passed.

Adopted.

Mr. Greene of Steele, offered the following resolution :

Resolved, That the Clerk of this House be directed to return to this House the bill relating to sale of lands upon foreclosure of mortgages.

The resolution was adopted.

Mr. Shrewsbury moved that the House adjourn.

Lost.

Mr. Greene of Steele moved to reconsider the vote by which the House concurred in the Senate amendments to H. F. No.

Carried.

Mr. Greene of Steele moved to lay the motion on the table.

Which motion prevailed.

Mr. Cleveland moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SIXTY-EIGHTH DAY.

MONDAY, Feb. 27, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Aaker, Abraham, Armstrong, Baldwin, Beatty, Bixler, Donohue, Hunt, Knox, Letford, Mann, Morrison, Olds, Ozmun, Robertson, Sanborn, Scheffer, Shriner, Stevens, Stephenson, Stewart, Sweet, Thayer, Tollman, Willey, and Wilkins.

The journal was read and approved.

Mr. Austin presented the petition of the citizens of the town of Marshall, praying that certain acts of their town Board may be legalized.

Referred to the Committee on Towns and Counties.

Mr. Hulett presented the following report of the Committee on Towns and Counties, upon the petition of Edward Garfield and others :

Mr. Speaker :

The Committee on Towns and Counties, to whom was referred the petition of Edward Garfield and others, citizens of the county of Sherburne, praying to be attached to the town of Clear Lake, have had the same under consideration, and beg leave to report—

Your committee are unwilling to recommend that the prayer of the petitioners be granted.

1st. Because said petitioners have not set out in their petition the numbers of the Congressional townships in which they reside, and to which they desire to be annexed, and it does not appear that the said towns lie adjoining.

2d. Your committee believe that the relief the petitioners apply for can be more judiciously extended to them by the County Board.

Your committee therefore report the petition back to the House, and recommend that their prayer be not granted.

L. HULETT,

Chairman of Committee on Towns and Counties.

Adopted.

Mr. Greene of Steele presented the report of the Committee on Ways and Means upon

H. F. No. 59, recommending its passage.

Adopted.

Mr. Donohue introduced—

A bill to amend section 3, of chapter 127, of the compiled statutes.

Which was read the first time.

Mr. Kinkad moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill was read a second time.

Mr. Donohue moved to suspend the rules so far as to allow the bill to be read the third time, and put the same upon its passage.

Carried.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 41, nays 15, as follows :

YEAS.			
Mr. Asker,	Mr. Cleveland,	Mr. Leavans,	Mr. Sawyer,
Abbott,	Coe,	Mantor,	Sherwood,
Acker,	Dayton,	McDonough,	Shrewsbury,
Anderson,	Donohue,	Mitchell,	Shultis,
Armstrong,	Garrard,	Mitch,	Stephenson,
Arnold,	Greene of Olmsted,	Olivier,	Stock,
Austin,	Hulett,	Ozman,	Taylor,
Beatty,	Johnson,	Pfaender,	Temanson,
Brooks,	Knox,	Purdie,	White,
Chadlerdon,	Langworthy,	Rehfeld,	Speaker,
Cleary,			41
NAYS.			
Mr. Burnham,	Mr. Greene of Steele,	Mr. Roy,	Mr. Walker, Orange,
Butler,	Hayes,	Stearns,	Watson,
Caskey,	Kinkad,	Stewart,	Webster,
Fox,	Nottleton,	H. Walker,	15

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

Mr. Burnham moved to take up

H. F. No. 185. A bill for an act to legalize the proceedings of the road commissioners of the county of Wabashaw,

The question was upon the passage of the bill,

Upon the vote being taken, there were yeas 53, nays 2, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Mantor,	Mr. Skillman,
Abbott,	Cleveland,	McDonough,	Stearns,
Acker,	Coe,	Mitchell,	Stewart,
Anderson,	Dayton,	Mitch,	Stock,
Armstrong,	Fox,	Morrison,	Taylor,
Arnold,	Garrard,	Osmun,	Temanson,
Austin,	Greene of Olmsted,	Praender,	Van Vorhes,
Beatty,	Hayes,	Purdie,	H. Walker,
Bixler,	Hulett,	Rehfeld,	Watson,
Brooks,	Johnson,	Roy,	Webster,
Burnham,	Kinkad,	Sherwood,	White,
Butler,	Knox,	Shrewsbury,	Wilkins,
Caskey,	Langworthy,	Shultis,	Speaker,
Chaddeardon,			

53

NAYS.

Mr. Meighan, Mr. Sawyer,

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

S. F. No. 124. A bill for an act supplemental to an act authorizing the city of St. Paul to loan its bonds to the St. Paul Bridge Company.

Had its second reading, and was ordered to a third reading.

S. F. No. 145. A bill for an act to incorporate the town of Harrison in the county of Monongalia,

Had its second reading and was ordered to a third reading.

S. F. No. 125. For an act to provide for the survey and location of certain State roads therein mentioned.

Was read the second time, and referred to the Committee of the Whole.

S. F. No. 109. A bill for an act proposing an amendment to article 4 of the Constitution of the State of Minnesota.

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 112. A bill for an act providing for the alteration of the State road running from Quincy in Sherburne county, to Princeton in Benton county.

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 142. A bill for an act authorizing the Register of Deeds of Sherburne county to sell the lands in said county returned in the delinquent list for the year 1857.

Had its second reading, and was ordered to a third reading.

S. F. No. 114. A bill for an act to amend an act entitled an act incorporating the town of Chatfield.

Was read a second time.

Mr. Sawyer moved that the rules be so far suspended as to allow the bill to be read the third time, and put upon its passage.

Carried.

And the bill was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 49, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Chadderdon,	Mr. Mitchell,	Mr. Stearns,
Abbott,	Cleary,	Morrison,	Stewart,
Acker,	Cleveland,	Nettleton,	Stock,
Anderson,	Dayton,	Ozmun,	Taylor,
Armstrong,	Donohue,	Pfaender,	Temanson,
Arnold,	Garrard,	Purdie,	Van Vorbes,
Austin,	Hayes,	Rehfeld,	H. Walker,
Baldwin,	Hulet,	Sawyer,	Walker Orange,
Beatty,	Knox,	Scheffer,	Watson,
Bixler,	Langworthy,	Shrewsbury,	White,
Brooks,	McDonough,	Shults,	Wilkins,
Butler,	Meighan,	Skilman,	Speaker.
Caskey,			

49

NAYS.

Mr. Johnson,

1

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

S. F. No. 138. A bill for an act to define the boundaries of Todd county and provide for its organization,

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 115. A bill for an act to provide for the election of court commissioner.

Had its second reading and was referred to the Committee of the Whole.

S. F. No. 144. A bill for an act to amend sections 13 and 14, of chapter 101, of the session laws of 1858,

Had its second reading and was referred to the Committee of the Whole.

S. F. No. 41. A memorial to Congress for the removal of the Winnebago Indians, from Blue Earth county.

Had its third reading.

Mr. Kinkead moved that the memorial be indefinitely postponed, and upon which motion he called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 13, nays 41, as follows :

YEAS.

Mr. Burnham,	Mr. Coc,	Mr. Johnson,	Mr. Olivier.
Caskey,	Fox,	Kinkead,	Boy,
Chadderdon,	Garrard,	Nettleton,	Walker, H.
Cleary,			

18

NAYS.

Mr. Aaker,	Mr. Donohue,	Mr. Olds,	Mr. Stewart,
Abbott,	Hayes,	Pfaender,	Stock,
Acker,	Hulet,	Purdie,	Taylor,
Anderson,	Hunt,	Robertson,	Wilkins,
Arnold,	Levens,	Sawyer,	Trow,
Austin,	Mantor,	Sherwood,	Walker, Orange,
Baldwin,	McDonough,	Shrewsbury,	Watson,
Bixler,	Mitchell,	Stearns,	Webster,
Brooks,	Mitch,	Stevens,	White,
Butler,	Morrison,	Stephenson,	Speaker.
Cleveland,			

41

So the motion was lost.

The question recurring upon the passage of the memorial.

It was passed and the title was agreed to.

H. F. No. 59. A bill for an act to levy a tax upon civil actions in the Supreme Court and District Court, and to appropriate moneys in aid of the judiciary fund.

Was read a third time.

Mr. Fox moved that the bill be indefinitely postponed.

Which was lost.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 39, nays 20, as follows :

YEAS.

Mr. Aaker,	Mr. Oakey,	Mr. Mitsch,	Mr. Stearns,
Acker,	Cleveland,	Nettleton,	Stephenson,
Anderson,	Dayton,	Olivier,	Stewart,
Armstrong,	Garrard,	Pfaender,	Stock,
Arnold,	Greene of Steele,	Purdie,	Taylor,
Austin,	Hayes,	Robertson,	H. Walker,
Beatty,	Kinkead,	Koy,	Walker, Orange,
Bixler,	Leavens,	Shrewsbury,	White,
Brooks,	McDonough,	Shultis,	Wilkins,
Cleary,	Mitchell,	Skilman,	89

NAYS.

Mr. Abbott,	Mr. Coe,	Mr. Knox,	Mr. Sawyer,
Baldwin,	Fox,	Langworthy,	Sherwood,
Burnham,	Hulett,	Mann,	Trow,
Butler,	Hunt,	Mantor,	Watson,
Chadderdon,	Johnson,	Meighan,	Speaker
			20

So the bill was not passed.

H. F. No. 186. A bill for act providing for the publication of the county ty and township organization laws in the German and Norwegian languages.

Had its third reading.

Mr. Acker moved to lay the bill upon the table.

Carried.

H. F. No. 189. A bill for an act to amend section 11, of chapter 71, on page 621, of public statutes.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 24, nays, 22, as follows :

YEAS.

Mr. Anderson,	Mr. Greene of Olmsted,	Mr. Mitchell,	Mr. Shrewsbury,
Arnold,	Johnson,	Mitsch,	Skilman,
Bixler,	Langworthy,	Olde,	Stock,
Oakey,	Mann,	Ozman,	Taylor,
Cleveland,	McDonough,	Sawyer,	H. Walker,
Dayton,	Meighan,	Scheffer,	Wilkins,
			24

NAYS.

Mr. Aaker,	Mr. Burnham,	Mr. Hayes,	Mr. Stewart,
Acker,	Cleary,	Hunt,	Trow,
Armstrong,	Donohue,	Nettleton,	Walker, Orange,
Austin,	Fox,	Olivier,	Watson,
Baldwin,	Garrard,	Sherwood,	Speaker,
Brooks,	Greene of Steele,		24

So the bill was not passed.

Mr. Hunt introduced—

A bill for an act to regulate the sale of property under execution.

Which was read the first time.

Mr. Burnham moved to reconsider the vote by which H. F. No. 59 was lost.

Carried.

The question was upon the passage of the bill.

Mr. Purdie moved a call of the House, which was ordered.

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

Lost.

The following members answered to their names :

Messrs. Aaker, Acker, Anderson, Armstrong, Arnold, Austin, Beatty, Bixler, Burnham, Butler, Caskey, Cleveland, Coe, Dayton, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Langworthy, Leavans, Mann, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Olivier, Ozmun, Pfaender, Purdie, Benz, Robertson, Roy, Sanborn, Sawyer, Scheffer, Sherwood, Shrewsbury, Shultis, Skillman, Stearns, Stephenson, Stewart, Taylor, Tollman, Trow, Van Vorhes, H. Walker, O. Walker, Watson, Webster, Wilkins, and Mr. Speaker.

Mr. Morrison moved to reconsider the vote by which the House refused to suspend the call.

Carried.

The question was upon suspending further proceedings under the call.

Carried.

The question was upon the passage of H. F. 59.

Mr. McDonough moved that the bill be referred to the Committee on the Judiciary.

Withdrawn.

Mr. Robertson moved moved to refer the bill to a committee of one, with instructions to add to section 15, a proviso.

Lost.

The question recurring upon the passage of the bill.

And upon the vote being taken there were yeas 39, nays 24, as follows :

YEAS.

Mr. Aaker,	Mr. Dayton,	Mr. Olivier,	Mr. Stock,
Abbott,	Greene of Steele,	Pfaender,	Sweet,
Acker,	Hayes,	Purdie,	Taylor,
Armstrong,	Kinkead,	Rehfeld,	Temanson,
Arnold,	Leavens,	Benz,	Tollman,
Austin,	Maon,	Sanborn,	Van Vorhes,
Bixler,	McDonough,	Shrewsbury,	Walker, H.
Brooks,	Mitchell,	Shultis,	Walker, Orange,
Caskey,	Mitsch,	Skillman,	White,
Cleveland,	Nettleton,	Stewart,	39

NAYS.

Mr. Anderson,	Mr. Cleary,	Mr. Meighan,	Mr. Scheffer,
Baldwin,	Fox,	Manor,	Sherwood,
Beatty,	Garrard,	Morrison,	Stearns,
Burnham,	Hulett,	Olds,	Stephenson,
Butler,	Hunt,	Robertson,	Wilkins,
Chadderdon,	Johnson,	Sawyer,	Speaker,
			24

So the bill was lost.

Mr. Sanborn introduced—

A bill for an to amend the revised statutes of the Territory of Minnesota relative to forcible entries and unlawful detainers.

Which had its first reading.

Also,

A bill relative to Tort.

Which had its first reading.

Mr. Sanborn moved to suspend the rules so far as to allow the bills to be read the second time.

Carried.

And the bill had its second reading, and was referred to the members from Ramsey county.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker at half past two o'clock.

Mr. Knox, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 114. A bill for an act fixing and regulating the fees of sheriffs, and to impose certain penalties thereto.

Also,

H. F. No. 95. A bill for an act to prescribe, fix and regulate the fees of the District and Supreme Court clerks.

Also,

H. F. No. 216. A bill for an act to prevent abuses in the use of intoxicating drinks.

Also,

H. F. No. 205. A bill for an an act supplemental to an act to regulate elections in this State.

Also,

H. F. No. 179. A bill for an act prescribing the duties of county treasurer,

Also,

H. F. No. 137. A bill for an act to change the line boundary between Scott and Dakota counties.

Also,

H. F. No. 182. A bill for an act to organize the county of Renville and for other purposes.

Also,

H. F. No. 207. A bill fixing the 22d day of February a holiday.

H. F. No. 203. A bill for an act supplemental to an act to regulate elections in this State,

Had its third reading.

Mr. Sweet moved that the bill be referred to a committee of one, to strike out "Crow Wing" and insert "Morrison."

Mr. Secombe moved to strike out all after the enacting clause.

Mr. Robertson moved a call of the House.

Which was ordered, and the following members answered to their names :
 Messrs. Aaker, Abbott, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Coe, Dayton, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulet, Hunt, Johnson, Kinkead, Knox, Langworthy, Letford, Mantor, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Ozmun, Olds, Pfaender, Purdie, Rehfeld, Renz, Robertson, Roy, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shultis, Skillman, Stearns, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Tollman, Trow, Van Vorhes, H. Walker, Watson, Webster, White, Wilkins, and Mr. Speaker.

The Sergeant-at arms reported several members in their seats.

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

Carried.

The question was upon the amendment offered by Mr. Secombe.

Which was lost.

The question was upon the motion of Mr. Sweet,

Which was lost.

The question was upon the passage of the bill,

Upon the vote being taken there were yeas 49, nays 21, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Nettleton,	Mr. Stearns,
Abbott,	Greene of Steele,	Pfaender,	Stephenson,
Anderson,	Hulet,	Purdie,	Stewart,
Armstrong,	Hunt,	Rehfeld,	Stock,
Beatty,	Kinkead,	Renz,	Sweet,
Brooks,	Knox,	Robertson,	Taylor,
Burnham,	Langworthy,	Roy,	Temanson,
Chadderdon,	Mann,	Sanborn,	Tollman,
Cleary,	Mantor,	Scheffer,	Trow,
Coe,	Meighan,	Sherwood,	Webster,
Donohue,	Mitchell,	Shultis,	Wilkins,
Fox,	Mitsch,	Skillman,	Speaker.
Garrard,			40

NAYS.

Mr. Acker,	Mr. Caskey,	Mr. Letford,	Mr. Shrewsbury,
Arnold,	Cleveland,	Morrison,	Van Vorhes,
Austin,	Dayton,	Ozman,	Walker, H.
Baldwin,	Hayes,	Sawyer,	Watson,
Bixler,	Johnson,	Secombe,	White,
Butler,			21

So the bill was passed and its title agreed to.

H. F. No. 216. A bill for an act to prevent abuses in the use of intoxicating drinks.

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 54, nays 8, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Manton,	Mr. Shubbs,
Abbott,	Coe,	McChan,	Skinner,
Acker,	Dutton,	Mitchell,	Stearns,
Anderson,	Donohue,	Nettleton,	Stewart,
Armstrong,	Gerrard,	Ozman,	Taylor,
Arnold,	Greene of Olmsted,	Purdie,	Tennison,
Austin,	Greene of Steele,	Robertson,	Trow,
Beatty,	Hallett,	Roy,	Van Vorhes,
Bixler,	Hunt,	Sanborn,	Walker, d.
Brooks,	Kirkland,	Sawyer,	Webster,
Burnham,	Knox,	Secombe,	Wilkins,
Butler,	Linzworthy,	Sherwood,	Speaker,
Caskey,	Letford,	Shrewsbury,	
Chadler,	Mann,		51

NAYS.

Mr. Johnson,	Mr. Pfander,	Mr. Renz,	Mr. Stephenson,
Mitch,	Rehfeld,	Schaffer,	Stock,
			8

So the bill was passed and its title agreed to.

H. F. No. 95. A bill for an act to prescribe, fix, and regulate the fees of the district and supreme court clerks.

Was read the third time and put upon its final passage.

And upon the vote being taken there were yeas 42, nays 23, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Olin,	Mr. Stearns,
Abbott,	Dutton,	Ozman,	Stewart,
Acker,	Fox,	Pfander,	Taylor,
Anderson,	Greene of Olmsted,	Purdie,	Tennison,
Arnold,	Greene of Steele,	Renz,	Trow,
Austin,	Hallett,	Secombe,	Walker, H.
Balwin,	Hunt,	Sherwood,	Orange Walker,
Bixler,	McChan,	Shrewsbury,	Webster,
Brooks,	Mitchell,	Shubbs,	White,
Butler,	Mitch,	Skillman,	Speaker,
Caskey,	Morrison,		42

NAYS.

Mr. Beatty,	Mr. Johnson,	Mr. Robertson,	Mr. Stock,
Burnham,	Linzworthy,	Roy,	Sweet,
Cleveland,	Letford,	Sanborn,	Tollman,
Donohue,	Manton,	Sawyer,	Van Vorhes,
Garrard,	Nettleton,	Schaffer,	Wilkins,
Hayes,	Rehfeld,	Stephenson,	23

So the bill was passed and its title agreed to.

The following message was received from the Senate:

Mr. Speaker—

I have to announce to the honorable House the passage by the Senate of the following bills, viz:

H. F. No. 146. A bill for an act to establish the town of Delhi in the county of Wright.

Also,

H. F. No. 147. A bill for an act to authorize the county of Ramsey to issue bonds.

Also,

H. F. No. 167. A bill for an act for the relief of school district number six, in Houston county.

Also,

H. F. No. 16. A bill for an act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon, according to its true value in money,

With amendments, herewith transmitted, and to which the concurrence of the House is respectfully requested.

Also.

S. F. No. 167. A bill for an act to authorize the county commissioners of Douglas county to issue bonds.

All of which are herewith returned to the House.

I have also to announce that the Senate have concurred in the House amendments to

S. F. No. 111. A bill for act fixing the time of holding the terms of the district court in various counties in the 1st and 4th judicial districts.

O. P. WHITCOMB,

Asst. Secretary of the Senate.

H. F. No. 114. An act fixing and regulating the fees of Sheriff, and to impose certain penalties thereon,

Had its third reading, and was put upon its passage.

Upon the vote being taken, there were yeas 45, nays 16, as follows :

YEAS.

Mr. Aker,	Mr. Oee,	Mr. Malghan,	Mr. Shultz,
Abbott,	Dayton,	Mitchell,	Skillman,
Acker,	Fox,	Mitch,	Stewart,
Anderson,	Greene of Steele,	Morrison,	Taylor,
Arnold,	Hallett,	Olds,	Tomanson,
Austin,	Hunt,	Osman,	Trow,
Baldwin,	Knox,	Pfaender,	H. Walker,
Bixler,	Langworthy,	Purdle,	Walker, Orange,
Brooks,	Letford,	Rens,	Webster,
Butler,	Mann,	Secombe,	White,
Oakey,	Master,	Sherwood,	Speaker.
Chadderdon.			45

NAYS.

Mr. Beatty,	Mr. Hayes,	Mr. Roy,	Mr. Stephenson,
Burnham,	Johnson,	Sanborn,	Stock,
Cleveland,	Kinkaid,	Sawyer,	Van Vorhes,
Donohue,	Rehfeld,	Scheffer,	Wilkins.
			16

So the bill was passed and its title agreed to.

H. F. No. 179. A bill for an act prescribing the duties of county Treasurer,

Was read the third time.

Mr. Acker offered the following resolution :

Resolved, That the bill be referred to a committee of one, with instructions to amend so as to provide that the treasurer shall receive a salary to be fixed by the board of county commissioners of the several counties, not to exceed in any case fifteen hundred dollars per annum.

Mr. Hunt offered the following substitute :

Resolved, That the county commissioners shall allow the county treasurer a percentage on each tax collected by said treasurer, not exceeding three percentum, nor shall it be so high as to amount to more than fifteen hundred dollars in any one year.

Which was lost.

The question recurring upon the motion of Mr. Acker,

It was lost.

Mr. Sweet moved to refer the bill to a committee of one with instruction, Carried.

The Speaker appointed Mr. Sweet as such committee.

H. F. No. 207. A bill for an act to observe the 22d of February as a national holiday.

Had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 43, nays 18, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Morrison,	Mr. Stewart,
Anderson,	Garrard,	Pfander,	Sweet,
Armstrong,	Kinkad,	Purdie,	Taylor.
Arnold,	Langworthy,	Rens,	Temanson,
Brooks,	Letford,	Robertson,	Tollman,
Butler,	Mann,	Sanborn,	Van Vorhes,
Caskey,	Mantor,	Scheffer,	Walker, H.
Cleary,	McDonough,	Shrewsbury,	Walker, Orange,
Coe,	McIghan,	Shultis,	Watson,
Dayton,	Mitchell,	Skilman,	White,
Donohue,	Mitch,	Stearns,	

43

NAYS.

Mr. Acker,	Mr. Cleveland,	Mr. Ozman,	Mr. Stock,
Austin,	Greene of Olmsted,	Roy,	Trow,
Baldwin,	Greene of Steele,	Sawyer,	Wilkins,
Bixler,	Hayes,	Sherwood,	Speaker,
Burnham,	Johnson,		

18

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

H. F. No. 182. A bill for an act to organize the county of Renville, and for other purposes,

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 52, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Letford,	Mr. Shrewsbury,
Anderson,	Dayton,	Mantor,	Shultis,
Arnold,	Donohue,	McIghan,	Skilman,
Austin,	Fox,	Mitchell,	Stearns,
Beatty,	Garrard,	Morrison,	Stewart,
Bixler,	Greene of Olmsted,	Olds,	Stock,
Brooks,	Greene of Steele,	Ozman,	Temanson,
Burnham,	Hayes,	Purdie,	Tollman,
Butler,	Hulett,	Robertson,	Van Vorhes,
Caskey,	Johnson,	Roy,	Walker, H.
Chadderdon,	Kinkad,	Sanborn,	Watson,
Cleary,	Knox,	Scheffer,	White,
Cleveland,	Langworthy,	Sherwood,	Wilkins,

52

NAYS.

Mr. Hunt,

1

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

H. F. No. 137. A bill for an act to provide for the location of county seats in the counties of this State,

Had its third reading.

Mr. Hayes moved that the bill be indefinitely postponed.

Withdrawn.

Mr. Morrison moved that the bill be laid upon the table.

Carried.

Mr. Sweet presented the report upon

H. F. No. 179. A bill for an act prescribing the duties of county treasurer,

Recommending its passage as amended.

Adopted.

And the bill was put upon its passage.

Upon the vote being taken, there were yeas 54, nays 6, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Mitchell,	Mr. Stearns,
Abbott,	Ow,	Morrison,	Stewart,
Anderson,	Dayton,	Ozman,	Stark,
Arnold,	Fox,	Pfander,	Sweet,
Austin,	Garrard,	Renx,	Taylor,
Baldwin,	Greene of Olmsted,	Robertson,	Temanson,
Beatty,	Hayes,	Roy,	Tollman,
Bixler,	Hulett,	Sanborn,	Trow,
Brooks,	Hunt,	Sawyer,	Walker, Orange,
Burnham,	Johnson,	Schaffer,	Watson,
Bu ler,	Kinkad,	Secombe,	Webster,
Ca key,	Langworthy,	Shrewsbury,	White,
Chadderdon,	Leiford,	Shultis,	Wilkins,
Cleary,	Maun,		

54

NAYS.

Mr. Armstrong,	Mr. Meighan,	Mr. Skillman,	Mr. Walker H.
Greene of Steele,	Sherwood,		

6

So the bill was passed and its title agreed to.

II. F. No. 16. A bill for an act providing for the assessment and taxation of all property in this State, and levying taxes thereon according to its true value in money,

Was taken up.

Mr. Mitchell moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SIXTY-NINTH DAY.

TUESDAY, February 28, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Beatty, Burnham, Cleveland, Hulett, Knox, Letford, Mann, McDonough, Nettleton, Olds, Robertson, Sanborn, Stearns, Stevens, Stephenson, Sweet, Taylor, Willey and Speaker.

The journal was read and approved.

Mr. Mitsch presented the petition of citizens of St. Paul for a repeal of the city charter.

Which was referred to the members from Ramsey county.

Mr. Mantor presented the report of the Committee on Supplies and Ex-

penditures upon the bill of Washington M. Stees for chairs for the Capitol, recommending that the same be paid.

Mr. Stewart presented the report of the Committee on Claims upon the bill of R. King for window curtain for the Capitol, recommending that the same be paid.

Adopted.

Also,

Upon the bill of Chas. King, for services as Prosecuting Attorney for the 4th judicial district, recommending the bill be not paid.

Mr. Sweet moved to lay the report upon the table.

Lost.

The report was adopted.

Also,

Upon the bill of H. W. Holley for papers furnished the last Legislature, recommending that the same be paid.

Adopted.

Also,

Upon the bill of Howard & Pendergast for labor done upon the Capitol, recommending that the same be paid as allowed by the committee.

Adopted.

Mr. Butler presented a report on the bill of J. McIntee, one of the witnesses in the Dakota county contested election case, recommending that the same be paid.

Adopted.

Mr. Hulett presented the report from the Committee on Towns on Counties upon the petition of Samuel Colburn and others, and also reported a bill in accordance with the prayer of the petitioners.

The bill had its first reading.

Mr. Austin moved that the rules be so far suspended as to allow the bill to be read the second time, and taken as the engrossed bill.

Carried.

And the bill had its second reading, and was ordered to a third reading.

Mr. Tollman presented the report of the special committee upon S. F. No. 143 recommending that the bill be passed.

Which was adopted.

And the bill was ordered to a third reading.

The amendments proposed by the Senate to H. F. No. 16 were read.

Mr. Secombe moved that the bill be referred to the special committee who reported the same, with instructions.

Carried.

Mr. Langworthy offered the following resolution :

Resolved, That from and after this date, Feb. 28, there shall be no bills received by this House, except those relating to the Railroads and Railroad Bonds, and that they be made the special order of the day until they are disposed of.

Mr. Acker moved that the resolution be laid upon the table.

Carried.

Mr. Letford offered the following resolution :

Resolved, That the Engrossing and Enrolling Clerk's of this House be instructed to occupy the room in the Capitol provided for them.

Which was adopted.

Mr. Cleary presented the report of the Sheriff of Scott county for services.

Which was referred to the Committee on Claims.

Mr. Secombe introduced—

A bill for an act to establish the County of Ripley.

Which was read the first time.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading, and was referred to the Committee on Towns and Counties.

Mr. Mann presented the report of the Committee on Incorporations upon the petition of citizens of West Saint Paul, introducing a bill in accordance with the prayer of the petitioners.

Which was read the first time.

Mr. Acker moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading, and was referred to the Committee of the Whole.

Mr. Secombe introduced—

A bill for an act to detach the county of Mamomin from the first Judicial District and to attach the said county to the 4th District.

Which had its first reading.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read a second and third time and put it upon its passage.]

Carried.

And the bill had its second and third reading and was put upon its passage.

Upon the vote being taken there were yeas 57, nays 00, as follows:

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Meighan,	Mr. Skillman,
Acker,	Dayton,	Mitch,	Shultis,
Anderson,	Donohue,	Morrison,	Stearns,
Armstrong,	Greene of Steele,	Olivier,	Stevens,
Arnold,	Hayes,	Osmun,	Stewart,
Austin,	Hulett,	Pfander,	Stock,
Baldwin,	Hunt,	Furdie,	Taylor,
Bixler,	Johnson,	Rehfeld,	Temanson,
Brooks,	Kinkad,	Boy,	Thayer,
Burnham,	Leavans,	Saunborn,	Watson,
Butler,	Letford,	Sawyer,	Webster,
Oakey,	Langworthy,	Secombe,	White,
Chadlerdon,	Mantor,	Scheffer,	Wilkins,
Cleveland,	Mitchell,	Shrewsbury,	Speaker.
Cleary,			

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

S. F. No. 167. A bill for an act to authorize the county commissioners of Douglas county to issue bonds.

Had its first reading.

Mr. Letford moved that the bill be indefinitely postponed.

Lost.

H. F. No. 219. A bill for an act to amend chapter 87 of the revised statutes.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 218. A bill for an act to regulate the sale of property under execution.

Had its second reading, and was referred to the Committee of the Whole.

S. F. No. 145. A bill for an act to incorporate the town of Harrison in the county of Monongalia,

Was read the third time and put upon its final passage.

And upon the vote being taken there were yeas 32, nays 14, as follows :

YEAS.

Mr. Anderson,	Mr. Chadderdon,	Mr. Mantor,	Mr. Shriner,	
Armstrong,	Cleary,	Olivier,	Stock,	
Austin,	Dayton,	Praender,	Sweet,	
Baldwin,	Donohue,	Rehfeld,	Taylor,	
Beatty,	Garrard,	Roy,	Thayer,	
Bixler,	Hayes,	Sanborn,	Tollman,	
Brooks,	Langworthy,	Secombe,	Webster,	
Butler,	Leavens,	Shrewsbury,	Wilkins,	32

NAYS.

Mr. Aaker,	Mr. Johnson,	Mr. Sawyer,	Mr. Temanson,	
Arnold,	Letford,	Shultis,	H. Walker,	
Burnham,	Ozman,	Stearns,	Speaker	
Coe,	Sherwood,			14

So the bill was lost.

S. F. No. 142. A bill for an act to authorize the register of deeds of Sherburne county to sell the land in said county returned in the delinquent list of the year 1857,

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 43, nays 2, as follows :

YEAS.

Mr. Abbott,	Mr. Chadderdon,	Mr. Mann,	Mr. Shrewsbury,	
Acker,	Cleary,	Melghan,	Shriner,	
Armstrong,	Cleveland,	Mitchell,	Shultis,	
Arnold,	Dayton,	Mitsch,	Skullman,	
Austin,	Donohue,	Ozman,	Stearns,	
Baldwin,	Garrard,	Rehfeld,	Stevens,	
Bixler,	Greene of Olmsted,	Roy,	Taylor,	
Brooks,	Greene of Steele,	Sanborn,	Temanson,	
Burnham,	Hayes,	Sawyer,	Thayer,	
Butler,	Johnson,	Scheller,	Webster,	
Caskey,	Letford,	Secombe,		43

NAYS.

Mr. Sherwood,	Mr. Stewart,			2
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So the bill was passed and the title was agreed to.

S. F. No. 124. A bill for an act supplemental to an act authorizing the city of St. Paul to loan its bonds to the St. Paul Bridge Company.

Was read a third time, and put upon its final passage.

Upon the vote being taken, there were yeas 46, nays 00, as follows :

NAYS.

Mr. Aaker,	Mr. Chadderdon,	Mr. Mann,	Mr. Secombe,
Abbott,	Cleary,	Mentor,	Shrewsbury,
Acker,	Cleveland,	McDonough,	Stillman,
Anderson,	Dayton,	Mitchell,	Stearns,
Armstrong,	Don hue,	Mitsch,	Stevens,
Arnold,	Garrard,	Ozman,	Stock,
Austin,	Greene of Olmsted,	Rehfeld,	Temanson,
Baldwin,	Greene of Steele,	Roy,	Thayer,
Beatty,	Hayes,	Sanborn,	H. Walker,
Brooks,	Johnson,	Sawyer,	Walker Orange,
Butler,	Kinkad,	Schaffer,	Webster,
Caskey,	Langworthy,		46

So the bill was passed and its title agreed to.

S. F. No. 143. A bill for act to define the boundaries of the county of Stearns,

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 49, nays, 00, as follows :

YEAS.

Mr. Aaker,	Mr. Chadderdon,	Mr. Melghan,	Mr. Shultz,
Abbott,	Cleary,	Mitchell,	Stillman,
Acker,	Cleveland,	Ozman,	Stearns,
Armstrong,	Ose,	Pfander,	Stevens,
Arnold,	Dayton,	Purdie,	Stock,
Austin,	Donohue,	Roy,	Taylor,
Baldwin,	Greene of Steele,	Sanborn,	Temanson,
Beatty,	Hulet,	Sawyer,	Thayer,
Bixler,	Johnson,	Schaffer,	Van Vorhes,
Brooks,	Langworthy,	Sherwood,	Walker Orange,
Burnham,	Mann,	Shrewsbury,	Webster,
Butler,	McDonough,	Shriner,	Wilkins,
Caskey,			49

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

H. F. No. 221. A bill for an act to legalize the proceedings of the Board of Supervisors of Hennepin county.

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 40, nays 4, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Mann,	Mr. Schaffer,
Acker,	Cleveland,	McDonough,	Shrewsbury,
Armstrong,	Ose,	Melghan,	Shultz,
Austin,	Dayton,	Mitchell,	Stearns,
Baldwin,	Donohue,	Mitsch,	Stock,
Bixler,	Garrard,	Ozman,	Taylor,
Brooks,	Hulet,	Purdie,	Temanson,
Butler,	Johnson,	Rehfeld,	H. Walker,
Caskey,	Langworthy,	Roy,	Walker Orange,
Chadderdon,	Letford,	Sawyer,	Webster,
			40

NAYS.

Mr. Greene of Steele,	Mr. Sanborn,	Mr. Shriner,	Mr. Stevens,
			4

So the bill was passed and its title agreed to.

S. F. No. 102. A bill for an act to survey and re-locate the State line road in the town of York, Fillmore county.

Had its second reading.

Mr. Butler moved to suspend the rules so far as to allow the bill to be read the third time, and put the same upon its passage.

Carried.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 41, nays 9, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Mitsch,	Mr. Skillman,
Acker,	Hayes,	Osman,	Stearns,
Anderson,	Hulett,	Purdie,	Stock,
Armstrong,	Johnson,	Rehfeld,	Sweet,
Austin,	Kinkead,	Roy,	Taylor,
Bixler,	Langworthy,	Sanborn,	Temanson,
Brooks,	Leavens,	Sawyer,	Tollman,
Butler,	Mann,	Scheffer,	Van Vorhes,
Caskey,	McDonough,	Sherwood,	Webster,
Cleveland,	Mitchell,	Shrewsbury,	Wilkins,
Dayton,			

41

NAYS.

Mr. Beatty,	Mr. Greene of Steele,	Mr. Pfaender,	Mr. Shultz,
Burnham,	Leford,	Shriner,	Stephenson,
Garrard,			

9

So the bill was passed and the title agreed to.

Upon motion

S. F. No. 95. A bill for an act to vacate certain streets and a lot in the town of Albert Lea,

Was taken from the table.

The question was upon the passage of the bill,

Mr. Purdie moved a call of the House, which was ordered.

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

Carried.

The question was upon the passage of the bill,

Upon the vote being taken, there were yeas 50, nays 5, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Mitchell,	Mr. Stevens,
Abbott,	Coe,	Mitch,	Stewart,
Acker,	Dayton,	Nettleton,	Stock,
Anderson,	Donohue,	Pfaender,	Sweet,
Armstrong,	Garrard,	Purdie,	Temanson,
Austin,	Hayes,	Roy,	Trow,
Baldwin,	Hulett,	Sanborn,	H. Walker,
Bixler,	Kinkead,	Sawyer,	Walker, Orange,
Brooks,	Langworthy,	Scheffer,	Wason,
Butler,	Leavens,	Shrewsbury,	Webster,
Caskey,	Mann,	Shultz,	Wilkins,
Cadderton,	Mantor,	Stearns,	Speaker,
Cleary,	McDonough,		

50

NAYS.

Mr. Greene of Steele,	Mr. Rehfeld,	Mr. Sherwood,	Mr. Shriner,
Johnson,			

So the bill was passed and the title agreed to.

Mr. Secombe moved to take up

S. F. No. 23. A bill for an act to amend an act entitled an act to establish and define the boundaries of certain counties,

Carried.

Mr. Baldwin moved a call of the House, which was ordered.

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

Lost.

The following members answered to their names :

Messrs. Aaker, Abbott, Acker, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Butler, Caskey, Chadderdon, Cleary, Cleveland, Coc, Dayton, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Langworthy, Leavans, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Nettleton, Olds, Olivier, Ozmun, Pfander, Purdie, Rehfeld, Renz, Roy, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stevens, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhes, H. Walker, Orange Walker, Watson, Webster, Willey, Wilkins, and Mr. Speaker.

Mr. Langworthy moved to reconsider the vote by which the House refused to suspend the call.

Carried.

The question recurring upon suspending the call.

It was lost.

The Sergeant-at-arms reported Mr. Robertson in his seat.

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

Carried.

The question recurring upon the passage of

S. F. No. 23. A bill for an act to amend an act entitled an act to establish and define the boundaries of certain counties,

Mr. Hunt moved to refer the bill to a committee of one, with instructions
Lost.

The question was upon the passage of the bill.

Upon the vote being taken, there were yeas 45, nays 32, as follows :

YEAS.			
Mr. Acker,	Mr. Coc,	Mr. Olivier,	Mr. Stevens,
Anderson,	Dayton,	Rehfeld,	Stephenson,
Arnold,	Hayes,	Robertson,	Sweet,
Austin,	Hulett,	Roy,	Temanson,
Baldwin,	Johnson,	Sanborn,	Tollman,
Beatty,	Kinkead,	Scheffer,	Van Vorhes,
Bixler,	Leavans,	Secombe,	Walker, H.
Brooks,	Mann,	Shrewsbury,	Walker, Orange,
Burnham,	Mitchell,	Shriner,	Webster,
Butler,	Morrison,	Skillman,	Willey,
Chadderdon,	Nettleton,	Stearns,	Speaker,
Cleveland,			45
NAYS.			
Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Mitsch,	Mr. Shultis,
Abbott,	Greene of Steele,	Olds,	Stewart,
Armstrong,	Hunt,	Ozman,	Stock,
Caskey,	Langworthy,	Pfander,	Taylor,
Cleary,	Letford,	Purdie,	Thayer,
Donohue,	Mantor,	Renz,	Trow,
Fox,	McDonough,	Sawyer,	Watson,
Garrard,	Meighan,	Sherwood,	Wilkins,
			32

So the bill was passed.

H. F. No. 186 was taken from the table and referred to Mr. Acker.

Mr. Stewart moved to amend the title as follows :

A bill for an act entitled an act for the relief of non-resident landholders

Mr. Cleveland called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 36, nays, 41, as follows :

YEAS.

Mr. Aker,	Mr. Fox,	Mr. Meighan,	Mr. Shultis,
Abbott,	Garrard,	Mitch,	Stewart,
Armstrong,	Greene of Olmsted	Olds,	Stock,
Bixler,	Greene of Steele,	Ozman,	Taylor,
Brooks,	Hunt,	Pfaender,	Thayer,
Burnham,	Langworthy,	Purdie,	Trow,
Caskey,	Letford,	Sawyer,	Watson,
Cleary,	Mantor,	Scheffer,	Webster,
Donohue,	McDonough,	Sherwood,	Wilkins,

36

NAYS.

Mr. Aker,	Mr. Hayes,	Mr. Rehfeld,	Mr. Stevens,
Anderson,	Hallett,	Renz,	Stephenson,
Arnold,	Johnson,	Robertson,	Sweet,
Austin,	Kinkaid,	Roy,	Temanson,
Baldwin,	Leavens,	Sanborn,	Tollman,
Beatty,	Mann,	Secombe,	Van Vorhes,
Butler,	Mitchell,	Shrewsbury,	Walker, H.
Chadderdon,	Morrison,	Shriner,	Orange Walker,
Cleveland,	Nettleton,	Skillman,	Wiley,
Coe,	Olivier,	Stearns,	Speaker,
Dayton,			

41

So the motion was lost, and the title to the bill was agreed to.

Mr. Sanborn presented the report of the committee upon

H. F. No. 16, recommending its passage.

Adopted.

The question was upon concurring in the amendments proposed by the Senate as amended by the House to

H. F. No. 16. A bill for an act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon, according to its true value in money,

Upon the vote being taken, there were yeas 56, nays 12, as follows :

YEAS.

Mr. Aker,	Mr. Cleary,	Mr. Morrison,	Mr. Stearns,
Abbott,	Cleveland,	Nettleton,	Stevens,
Acker,	Coe,	Olivier,	Stephenson,
Anderson,	Dayton,	Pfaender,	Stewart,
Armstrong,	Garrard,	Purdie,	Sweet,
Arnold,	Greene of Olmsted,	Rehfeld,	Taylor,
Austin,	Hayes,	Renz,	Temanson,
Baldwin,	Hallett,	Robertson,	Tollman,
Beatty,	Johnson,	Roy,	Trow,
Bixler,	Langworthy,	Sawyer,	Van Vorhes,
Brooks,	Leavens,	Secombe,	Walker, Orange,
Butler,	Mann,	Shrewsbury,	Watson,
Caskey,	Mantor,	Shultis,	Webster,
Chadderdon,	Mitchell,	Skillman,	Wilkins,

56

NAYS.

Mr. Burnham,	Mr. Greene of Steele,	Mr. Olds,	Mr. Shriner,
Donohue,	McDonough,	Ozman,	Thayer,
Fox,	Meighan,	Sherwood,	H. Walker,

12

So the amendments were concurred in.

Upon motion

H. F. No. 59. A bill for an act to levy a tax upon civil actions in the Supreme Court and District Court, and to appropriate moneys in aid of the judiciary fund.

Was taken from the table.

The question was upon reconsidering the vote by which the bill was lost,
Which motion prevailed.

The question was upon the passage of the bill.

Upon the vote being taken there were yeas 46, nays 26, as follows

YEAS.

Mr. Aaker	Mr. Dayton,	Mr. Nettleton,	Mr. Shultis,
Aaker,	Garrard,	Olivier,	Skillman,
Armstrong,	Greene of Steele,	Pfander,	Stewart,
Arnold,	Hayes,	Purdie,	Sweet,
Austin,	Hulet,	Rehfeld,	Taylor,
Bixler,	Klakead,	Renz,	Temanson,
Brooks,	Langworthy,	Robertson,	Tollman,
Oakey,	Leavens,	Roy,	Van Vorhes,
Chadlerdon,	Mann,	Scheffer,	Walker, H.
Clary,	McDonough,	Secombe,	Walker, Orange,
Cleveland,	Mitchell,	Shrewsbury,	Webster,
Coe,	Mitsch,		46

NAYS.

Mr. Anderson,	Mr. Hunt,	Mr. Orman,	Mr. Stephenson,
Baldwin,	Johnson,	Sawyer,	Stock,
Beatty,	Letford,	Sherwood,	Thayer,
Burnham,	Mantor,	Shriner,	Trow,
Butler,	Meighan,	Stearns,	Wilkins,
Fox,	Morrison,	Stevens,	Watson,
Greene of Olmsted,	Olds,		26

So the bill was passed.

Mr. Stevens moved the following amendment to the title:

An act to prevent the poor man from collecting his debts.

Lost.

And the title was agreed to.

Upon motion

H. F. No. 142. An act to commute the sentence of Mrs. Anna Bilanski
to imprisonment for life in the State Prison,

Was taken up.

The question was upon concurring in the amendment proposed by the
Senate.

Upon the vote being taken there were yeas 36, nays 34, as follows :

YEAS.

Mr. Acker,	Mr. Dayton,	Mr. McDonough,	Mr. Shrewsbury,
Armstrong,	Fox,	Morrison,	Stearns,
Arnold,	Hulet,	Orman,	Stewart,
Baldwin,	Johnson,	Olds,	Stock,
Beatty,	Langworthy,	Pfander,	Sweet,
Bixler,	Leavens,	Purdie,	Thayer,
Butler,	Letford,	Rehfeld,	Van Vorhes,
Chadlerdon,	Mann,	Roy,	Watson,
Coe,	Mantor,	Secombe,	Webster,
			36

NAYS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Scheffer,	Mr. Temanson,
Anderson,	Hayes,	Sherwood,	Tollman,
Austin,	Hunt,	Shultis,	Trow,
Brooks,	Mitchell,	Shriner,	Walker, H.
Burnham,	Mitsch,	Skillman,	Walker, Orange.
Oakey,	Nettleton,	Stevens,	Willey,
Clary,	Olivier,	Stephenson,	Wilkins,
Cleveland,	Robertson,	Taylor,	Speaker.
Coe,	Sawyer,		34

So the amendment was not concurred in.

Mr. Tollman offered the following resolution :

Resolved, That the Secretary of the Senate be requested to return Senate file No. 143 to this House.

Which was adopted.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Clerk, the Speaker being absent.

Mr. Secombe was chosen Speaker pro tem.

Mr. Mitchell moved to take from the table the joint resolution upon adjournment.

Mr. Mitchell called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 55, nays 7, as follows :

YEAS.

Mr. Aker,	Mr. Donohue,	Mr. Morrison,	Mr. Stock,
Acker,	Fox,	Nettleton,	Sweet,
Anderson,	Greene of Olmsted,	Ozman,	Temanson,
Armstrong,	Hayes,	Pfaender,	Thayer,
Austin,	Hulett,	Rehfeld,	Tollman,
Baldwin,	Hunt,	Renz,	Trow,
Bixler,	Langworthy,	Roy,	Van Vorhes,
Brooks,	Leavans,	Scheffer,	Walker, H.
Butler,	Letford,	Secombe,	Walker Orange,
Chadderdon,	Mann,	Sherwood,	Watson,
Cleary,	Mantor,	Shrewsbury,	Webster,
Cleveland,	McDonough,	Shuttis,	Wilkins,
Coe,	McLighan,	Stearns,	Speaker.
Dayton,	Mitchell,	Stewart,	55

NAYS.

Mr. Arnold,	Mr. Johnson,	Mr. Sanborn,	Mr. Skillman,
Greene of Steele,	Kinkaid,	Sawyer,	7

So the resolution was taken up.

The question was upon the adoption of the resolution.

Mr. Secombe moved to amend by striking out " 1st" and inserting " 7th."

Adopted.

The question was upon the adoption of the resolution as amended,

Which was adopted.

Mr. Secombe moved that the vote by which the resolution was adopted be reconsidered,

Lost.

Upon motion

H. F. No. 137. A bill for an act to change the boundary lines between Scott and Dakota counties,

Was taken up.

The question being upon its passage,

Mr. Sweet moved that the bill be indefinitely postponed.

Which motion prevailed.

Mr. Sweet presented the report of the Committee on the Judiciary upon

H. F. No. 46, with the recommendation that it be indefinitely postponed.
Adopted.

Mr. Secombe moved that the House resolve itself into a Committee of the Whole, to take into consideration H. F. No. 198, and such other business as may come before it.

Carried.

Mr. Morrison in the Chair.

After some time spent therein the committee rose, and through their chairman, reported back to the House

H. F. No. 198, with amendments, and recommended that it be passed.

Also,

H. F. No. 128, with amendments, and recommended that it be passed.

Also,

H. F. No. 180, and recommended that it be indefinitely postponed.

The question was upon concurring in the report of the Committee of the Whole upon H. F. No. 198.

Which was concurred in.

The question was upon concurring in the report upon H. F. No. 128, as amended,

Which was concurred in.

The question was upon concurring in the report of the committee upon H. F. No. 180.

Mr. Sanborn moved to lay the report upon the table.

Mr. Cleveland called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 25, nays 40, as follows :

YEAS.

Mr. Acker.	Mr. Greene of Steele,	Mr. Rehfeld,	Mr. Skillman,
Anderson,	Johnson,	Sanborn,	Stephenson,
Arnold,	Langworthy,	Sawyer,	Trow,
Baldwin,	Mantor,	Scheffer,	Webster,
Burnham,	Mitsch,	Shriner,	White,
Cleveland,	Purdie,	Shultis,	Spesker,
Greene of Olmsted,			

25

NAYS.

Mr. Aaker,	Mr. Hayes,	Mr. Morrison,	Mr. Stewart,
Austin,	Hulett,	Nettleton,	Stock,
Beatty,	Hunt,	Olds,	Sweet,
Bixler,	Kinkad,	Pfaender,	Temanson,
Brooks,	Leavans,	Renz,	Thayer,
Butler,	Letford,	Roy,	Tollman,
Oakey,	Mann,	Secombe,	Van Vorhes,
Coe,	McDonough,	Sherwood,	Walker H.,
Dayton,	Melghan,	Shrewsbury,	Watson,
Fox,	Mitchell,	Stearns,	Wilkins,

40

So the motion was lost.

The question recurring upon concurring in the report,

Mr. Cleveland called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 44, nays 19, as follows :

YEAS.

Mr. Acker,	Mr. Fox,	Mr. Mitchell,	Mr. Stewart,
Austin,	Hayes,	Morrison,	Stock,
Ballwin,	Hulett,	Olds,	Sweet,
Beatty,	Hunt,	Pfander,	Temanson,
Bixler,	Kinkad,	Renz,	Thayer,
Brooks,	Langworthy,	Roy,	Tollman,
Burnham,*	Leavans,	Socombe,	H. Walker,
Butler,	Letford,	Sherwood,	Watson,
Casky,	Mann,	Shrewsbury,	Webster,
Cox,	McDonough,	Stearns,	Wilkins,
Dayton,	Meighan,	Stephenson,	Speaker.

44

NAYS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Purdie,	Mr. Shriner,
Anderson,	Johnson,	Rehfeld,	Shultis,
Arnold,	Mantor,	Sanborn,	Trow,
Cleveland,	Mitsch,	Sawyer,	White,
Greene of Olmsted,	Nettleton,	Scheffer,	

19

So the report of the Committee of the Whole was concurred in.

Mr. Acker introduced—

A bill for an act to amend an act entitled an act to provide for the incorporation and regulation of railroad companies, approved August 12, 1858.

Which had its first reading.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the honorable House the concurrence of the Senate in the House amendments to the Senate amendments to

H. F. No. 16. A bill for an act providing for the assessment and taxation of all property in this State, and levying taxes thereon according to its true value in money,

A. B. WEBBER, Secretary of the Senate.

Mr. Nettleton moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTIETH DAY.

WEDNESDAY, Feb. 29, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abraham, Beatty, Bixler, Donohue, Fox, Garrard, Kinkad,

Leavens, Meighen, Mitchell, Mitsch, Nettleton, Robertson, Roy, Sherwood, Stevens, Stephenson, Stock, Sweet, Taylor, Trow, H. Walker, White and Willey.

The journal was read and approved.

Mr. Hulett presented the report of the Committee on Towns and Counties upon H. F. No. 224 recommending its passage.

Adopted.

Mr. Secombe offered the following preamble and resolution in relation to the Railroad and Railroad Bonds :

Whereas, There have been issued under the "Loan amendment", so called, and now remain outstanding certain Bonds denominated "Minnesota State Rail Road Bonds" to the amount of their face of \$ 2,275 000 ; and *whereas* work has been done on the lines of the several Land Grant Rail Roads to the amount and of the value of _____ per cent, of the face of the said Bonds ; and *whereas* there exists no reasonable probability that under the present arrangements the said Railroads will be completed or further prosecuted ; but that the said Bonds will remain outstanding claims against the State for their full amount, continuing to be urged until some adjustment shall be had respecting the same ; and *whereas* it is desirable that by some equitable arrangement the State shall be relieved from the said claims, and at the same time should receive an equivalent in Railroad advantages ; therefore

Resolved, That it is expedient for the State to incur a debt not exceeding \$3,000,000, including the said \$2,275,000, as a part thereof, to aid the construction of a completed line of Railroad from Fon du Lac on Lake Superior through the central portions of the State, to form a connection with some one of the Railroads leading East and South. And

Resolved further, That in carrying out said plan of adjustment no proposition should be entertained which does not embrace the fundamental condition of the scaling of the said Bonds at _____ cts, on the dollar, and the surrender on the outset for cancellation of \$1,275,000, of the said Bonds, as one of the guaranties for the faithful performance of the conditions of the said proposition.

Mr. Secombe moved that they be referred to the the Committee of the Whole.

Carried.

Mr. Sanborn introduced—

A bill for an act to legalize the proceedings of the Board of County Commissioners of St. Louis county.

Which was read the first time.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be read a second and third time and put it upon its passage.

Carried.

And the bill had its second and third reading and was put upon its passage.

And upon the vote being taken there were yeas 48, nays 4, as follows :

YEAS.

Mr. Aker,	Mr. Dayton,	Mr. Nettleton,	Mr. Shultis,
Abbott,	Greene of Olmsted,	Olds,	Stearns,
Acker,	Hayes,	Pfaender,	Stewart,
Anderson,	Hunt,	Furdie,	Stock,
Arnold,	Knox,	Rehfeld,	Sweet,
Austin,	Langworthy,	Rens,	Temanson,
Baldwin,	Leavens,	Sanborn,	Thayer,
Bixler,	Letford,	Sawyer,	Walker, Orange,
Burnham,	Mann,	Secombe,	Watson,
Oakey,	Mantor,	Shrewsbury,	White,
Oleary,	McDonough,	Shriner,	Wilkins,
Ooe,	Mitchell,	Skilman,	Speaker,

49

NAYS.

Mr. Brooks,	Mr. Meighan,	Mr. Sherwood,	Mr. Walker, H.	4
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So the bill was passed and its title agreed to.

Mr. Letford introduced—

A bill for an act to legalize the sale of lands for delinquent taxes in Carver county for the years A. D. 1587 and 1858.

Which had its first reading.

Mr. Letford moved that the rules be so far suspended as to allow the bill to be read a second and third time and put upon its passage.

Mr. Sweet moved that the bill and motion be laid upon the table.

Lost.

The question was upon the motion of Mr. Letford.

Carried.

And the bill had its second and third reading and was put upon its passage.

And upon the vote being taken there were yeas 37, nays 6, as follows :

YEAS.

Mr. Aker,	Mr. Hayes,	Mr. Osmon,	Mr. Skilman,
Abbott,	Hunt,	Pfaender,	Stewart,
Acker,	Kinkad,	Furdie,	Stock,
Austin,	Knox,	Rehfeld,	Temanson,
Bixler,	Langworthy,	Rens,	Thayer,
Oakey,	Letford,	Sanborn,	Walker, Orange.
Oleary,	Mann,	Shrewsbury,	Watson,
Cleveland,	McDonough,	Shultis,	White,
Dayton,	Mitch,	Stearns,	Speaker.
Greene of Olmsted,			

37

NAYS.

Mr. Burnham,	Mr. Johnson,	Mr. Secombe,	Mr. Sawyer,	6
Fox,	Mantor,			

So the bill was lost.

Mr. Secombe moved to reconsider the vote by which the bill was lost.

Carried.

And the bill was laid upon the table.

Mr. Secombe offered a joint resolution in regard to the publication of certain laws.

Which was read the first time.

Mr. Donohue moved that the rules be so far suspended as to allow the resolution to be read a second and third time.

Carried.

And the resolution had its second and third reading and was adopted.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 69 A bill for an act entitled an act to legalize the location and survey of that portion of the State road from the north shore of Lake Superior to Graham's Point, commencing at Sauk Rapids and terminating at Graham's Point on the Red River of the North.

Also,

H. F. No. 170. A bill for an act to amend an act for the incorporation of the town of New Ulm in the County of Brown.

Also,

H. F. No. 200 A bill for an act for the protection of sheep.

Also,

H. F. No. 187. A bill for an act to provide for the protection of cranberry marshes in this State

Also,

H. No. 100. A bill for act to provide for completing a common road between the upper Mississippi and Superior.

Mr. Cleveland offered the following resolution :

Resolved, That this House will not vote for the submission of any proposition to the people which can in any event cause the State indebtedness for the construction of Railroads to exceed the sum of \$2,500,000.

Referred to the Committee of the Whole.

Mr. Stearns offered the following resolution :

Resolved, That the Clerk of the House be authorized to issue certificates to members for their per diem to the 7th of March, the day on which the Legislature voted to adjourn.

Mr. Morrison moved that the resolution be laid upon the table.

Lost.

The question recurring upon the adoption of the resolution.

It was adopted.

Mr. Sanborn offered the following resolution in regard to railroads, which was referred to the Committee of the Whole.

Resolved, That a special committee of five be appointed to prepare and report a bill to this House, providing for their approval or rejection, a proposition to amend section 10, article 9, of the Constitution of this State, by expunging said section from the Constitution, and inserting in the place thereof the following, to wit :

Sec. 10. The credit of this State shall never be given or loaned in aid of any individual, association or corporation to any greater amount than that already existing.

Mr. Fox introduced—

A bill for an act to legalize the taxation of property in this State.

Which was read the first time.

Mr. Donohue moved that the rules be so far suspended as to allow the bill to be read a second and third time, and put upon its passage.

Mr. Fox called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 24, nays 32, as follows

YEAS.

Mr. Asker	Mr. Hunt,	Mr. Ozman,	Mr. Stewart,
Abbott,	Knox,	Pfander,	Temanson,
Caskey,	McDonough,	Purdie,	Thayer,
Cleary,	Meighan,	Scheffer,	Watson,
Fox,	Mitsch,	Sherwood,	Webster,
Garrard,	Olds,	Stearns,	Wilkins,

24

NAYS.

Mr. Anderson,	Mr. Greene of Olmsted,	Mr. Mantor,	Mr. Stephenson,
Acker,	Hayes,	Mann,	Stock,
Austin,	Hulett,	Mitchell,	Sweet,
Beatty,	Johnson,	Nettleton,	Tollman,
Bixler,	Kinkad,	Sanborn,	Van Vorhes,
Brooks,	Langworthy,	Sawyer,	Walker, H.,
Cleveland,	Leavens,	Secombe,	Walker, Orange,
Dayton,	Letford,	Shultis,	White,
Donohue,			

32

So the motion was lost

Mr. Donohue moved that the vote just taken be reconsidered.

Mr. Secombe moved that the whole matter be laid upon the table.

Carried.

Mr. McDonough introduced—

A bill for an act concerning judicial and mortgage sales of property and the redemption thereof.

Which was read a first time.

Mr. Cleveland moved that the bill be laid upon the table.

Lost.

Mr. McDonough moved that the rules be so far suspended as to allow the bill to be read the second and third time and put upon its passage.

Carried.

And the bill had its second and third reading.

Mr. Secombe moved an amendment, upon which motion he called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 17, nays 53, as follows :

YEAS.

Mr. Austin,	Mr. Johnson,	Mr. Meighan,	Mr. Sawyer,
Baldwin,	Leavens,	Mitchell,	Secombe,
Brooks,	Letford,	Mitsch,	Stephenson,
Coe,	Mann,	Pfander,	Tollman,
Donohue,			

17

NAYS.

Mr. Asker,	Mr. Garrard,	Mr. Olds,	Mr. Stewart,
Abbott,	Greene of Olmsted,	Ozman,	Stock,
Acker,	Greene of Steele,	Purdie,	Sweet,
Anderson,	Hayes,	Rehfeld,	Taylor,
Armstrong,	Hulett,	Roy,	Temanson,
Arnold,	Hunt,	Sanborn,	Thayer,
Beatty,	Kinkad,	Scheffer,	Van Vorhes,
Bixler,	Knox,	Sherwood,	Walker H.,
Burnham,	Langworthy,	Shrewsbury,	Watson,
Caskey,	Mantor,	Shultis,	Webster,
Cleary,	McDonough,	Skullman,	White,
Cleveland,	Morrison,	Stearns,	Wilkins,
Dayton,	Nettleton,	Stevens,	Speaker,
Fox,			

53

So the amendment was lost.

Mr. Speaker (Mr. Acker in the Chair) moved the previous question, which was ordered.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 52, nays 19, as follows :

YEAS.

Mr. Abbott,	Mr. Greene of Olmsted,	Mr. Olds,	Mr. Stewart,
Acker,	Greene of Steele,	Ozman,	Stock,
Anderson,	Hayes,	Purdie,	Sweet,
Armstrong,	Hulett,	Rehfeld,	Taylor,
Arnold,	Hunt,	Roy,	Thayer,
Beatty,	Kinkead,	Sanborn,	Tollman,
Bixler,	Knox,	Scheffer,	Trow,
Burnham,	Langworthy,	Sherwood,	Van Vorhes,
Caskey,	Leiford,	Shrewsbury,	H. Walker,
Cleary,	Mantor,	Shullis,	Webster,
Dayton,	McDonough,	Skillman,	White,
Fox,	Morrison,	Stearns,	Wilkins,
Garrard,	Nettleton,	Stevens,	Speaker, 52

NAYS.

Mr. Austin,	Mr. Donohue.	Mr. Mitchell,	Mr. Secombe,
Baldwin,	Johnson,	Mitch,	Stephenson.
Brooks,	Leavens,	Pfaender,	Walker, Orange,
Cleveland,	Mann,	Renz,	Watson, 19
Coe,	McLellan,	Sawyer,	

So the bill passed.

Mr. Secombe moved the following amendment to the title by adding :

" And to put a club into the hands of debtors to beat off creditors."

Which was not entertained.

Mr. Van Vorhes introduced—

A bill for an act proposing amendments to the Constitution of this State.

Which had its first reading.

Mr. Morrison moved to suspend the rules so far as to allow the bill to be read the second time.

Carried.

And the bill had its second reading, and was referred to the Committee of the Whole.

Mr. Sweet offered the following resolution :

Resolved, That in the opinion of this House no further State indebtedness shall be incurred for the construction of any other Railroad than that from the Mississippi River to Lake Superior, and that to said road no more than \$725,000 shall be granted to aid in the construction of the same.

Referred to the Committee of the Whole.

Mr. Sanborn moved that the House resolve itself into a Committee of the Whole to take into consideration the Railroad matters.

Carried.

Mr. McDonough in the chair.

After some time spent therein the committee rose, and through their Chairman reported back to the House the resolution introduced by Mr. Secombe, with progress, and asked leave to sit again.

Mr. Robertson offered a resolution for the Chief Clerk to return to this House S. F. No. 124.

Adopted.

Mr. Purdie asked and obtained leave of absence for Mr. Chadderdon.

Mr. Shriner asked and obtained leave of absence for a few days.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker at half past two o'clock.

Mr. Sanborn moved that the House resolve itself into Committee of the Whole to take into consideration the railroad matter.

Carried.

Mr. McDonough in the Chair.

After some time spent therein, the Committee rose, and by their Chairman reported back to the House the resolution offered by Mr. Secombe with an amendment.

The Speaker being absent, Mr. Acker was elected Speaker *pro tem*.

The question was upon concurring in the amendment of the Committee to the resolution offered by Mr. Secombe.

Mr. Stoek moved an amendment to the amendment of the Committee of Whole.

Which was lost.

The question was upon the amendment proposed to the report of the Committee of the Whole.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 29, nays, 32, as follows :

YEAS.

Mr. Abbott,	Mr. Garrard,	Mr. Meighan,	Mr. Sherwood,
Acker,	Hulett,	Mitchell,	Stephenson,
Anderson,	Johnson,	Nettleton,	Sweet,
Armstrong,	Kinkaid,	Olds,	Thayer,
Beatty,	Knox,	Rehfeld,	Tollman,
Brooks,	Leavens,	Roy,	Watson,
Burnham,	McDonough,	Sanborn,	Webster,
Butler,			

29

NAYS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Purdie,	Mr. Stoek,
Arnold,	Hayes,	Renz,	Taylor,
Austin,	Hunt,	Sawyer,	Trow,
Bixler,	Leford,	Secombe,	Van Vorhes,
Caskey,	Mann,	Shrewsbury,	Walker, H.
Cleveland,	Mitsch,	Skillman,	Orange Walker,
Coe,	Morrison,	Stearns,	White,
Fox,	Pfaender,	Stewart,	Speaker,

32

So the amendment was not concurred in.

Mr. Van Vorhes offered an amendment,

Which was lost.

Mr. Hunt moved an amendment,

Which was adopted.

The question was upon the adoption of the resolution as amended.

Mr. Mitchell moved the following substitute :

Resolved, That it is the sense of this House that a proposition should be submitted to the people providing for delivering the several land grant companies from their present indebtedness to the State, upon condition of their first completing at least 50 miles of their respective roads within a fixed time, and upon condition of said companies surrendering all claim to further State aid.

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented the following message :

EXECUTIVE DEPARTMENT, }
St. Paul, Feb. 29, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

An act to provide for county organization and government.

An act to amend section first of chapter first, of an act to provide for the creation and regulation of corporations, passed August 12, 1858, and found on page 330 of the so-called public statutes of the State of Minnesota.

An act to amend an act entitled an act to regulate corporations for manufacturing, mining, agricultural, mechanical and chemical purposes.

An act to suspend an act entitled an act for the establishment of State Normal Schools.

An act to encourage the destruction of black birds in this State.

Respectfully,

ALEX. RAMSEY.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the honorable House the passage by the Senate of the following bills, viz :

S. F. No. 65. A bill for an act relating to mortgages and other securities,

Also,

S. F. No. 161. A bill for an act for the relief of school districts.

Also,

S. F. No. 162. A bill for an act to amend chap. 82, sec. 16, of the Revised Statutes, the same being sec. 16, of chap. 72, of the Compiled Statutes.

Also,

H. F. No. 20. A bill for an act relative to costs in civil actions.

With amendments.

Also,

H. F. No. 105. A bill for an act to amend an act relating to proceedings by attachment in justice's courts.

With amendments.

Also,

H. F. No. 112. A bill for an act additional to an act additional to 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 land of the United States, under certain circumstances, approved March 3d. 1855.

Also,

H. F. No. 113. A bill for an act to provide for the times and manner of electing United States Senators from the State of Minnesota.

Also,

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H. F. No. 118. A bill for an act to provide for the attachment of real estate.

With an amendment.

Also,

H. F. No. 162. A bill for an act to establish the town of Crystal Lake.

Also,

H. F. No. 203. A bill for an act for the relief of the Mississippi and Rum River Boom Company.

Also,

H. F. No. 178. A bill for an act to amend an act entitled an act to incorporate the city of St. Anthony, approved March 3, 1855.

With amendments.

Also,

H. F. No. 129. A bill for an act to legalize certain taxes and tax sales for the benefit of school district No. 1, in the town of Faribault.

All of which is herewith transmitted.

Also, the adoption by the Senate of the concurrent resolutions herewith submitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Acker moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

SEVENTY-FIRST DAY.

THURSDAY, March 1, 1860.

The House met pursuant to adjournment and was called to order by Mr. Greene, of Steele.

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abraham, Baldwin, Beatty, Butler, Chadderdon, Donohue, Fox, Garrard, Mann, Nettleton, Olivier, Renz, Robertson, Sanborn, Shultis, Stephenson, Stewart, Tollman, Webster, White, Willey, Wilkins, and Mr. Speaker.

The journal was read and approved.

Mr. Sawyer, from the Committee on Schools and School Lands, reported upon

H. F. No. 42, and recommended that it be passed as amended.

Adopted.

And the bill referred to the Committee of the Whole.

Mr. Acker, from the Committee on Retrenchment and Reform, reported upon

H. F. No. 53, recommending the passage of a substitute.

Adopted.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 198. A bill for an act to punish trespassers on school lands in the State of Minnesota,

Also,

H. F. No. 128. A bill for an act entitled an act for the relief of Seventh Day Baptists, and others within this State who observe the seventh day as a Sabbath.

Also,

H. F. No. 224. A bill for an act to establish the county of Ripley.

Mr. Mantor presented the report of the Committee on Supplies and Expenditures, upon

The bill of C. L. Grant.

Also, upon

The bill of Bartlet Presley.

Recommending that they be paid.

Adopted.

Mr. Sweet presented the report of the special committee upon

H. F. No. 62½, with the recommendation that it be passed as amended
Adopted.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 44. A bill for an act to encourage the destruction of black birds in this State.

Also,

H. F. No. 75. A bill for an act to suspend an act for the establishment of a State Normal School.

Also,

H. F. No. 80. A bill for an act to punish any interference with the service of civil or criminal proceedings.

Also,

H. F. No. 134. A bill for an act to amend an act entitled an act to authorize and regulate the business of Banking.

Also,

H. F. No. 150. An act to amend section first, of chapter first, page 330, of the so-called statutes.

And that the same had been presented to his Excellency the Governor for his approval and signature.

The question was upon concurring in the amendments proposed by the Senate to

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H. F. No. 20. A bill for an act regulating costs in civil actions.

Upon the vote being taken, there were yeas 43, nays 6, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Mantor,	Mr. Shullis,
Abbott,	Cleveland,	Mitchell,	Skullman,
Anderson,	Coe,	Mitch,	Stearns,
Armstrong,	Fox,	Morrison,	Sweet,
Arnold,	Greene of Olmsted,	Nettleton,	Temanson,
Austin,	Greene of Steele,	Praender,	Thayer,
Baldwin,	Hayes,	Roy,	Trow,
Bixler,	Johnson,	Sawyer,	H. Walker,
Brooks,	Langworthy,	Secombe,	Walker, Orange,
Butler,	Leavens,	Sherwood,	Wais on,
Caskey,	Letford,	Shrewsbury,	43

NAYS.

Mr. Burnham,	Mr. Melghan,	Mr. Purdie,	Mr. Stevens,
Knox,	Olds,		6

So the amendment was concurred in.

The question was upon concurring in the amendment proposed by the Senate to

H. F. No. 105. A bill for an act to amend an act relating to proceedings by attachment in justices' courts.

Upon the vote being taken, there were yeas 46, nays 4, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Mitch,	Mr. Stearns,
Acker,	Greene of Olmsted,	Olds,	Stevens,
Anderson,	Greene of Steele,	Ozmun,	Stock,
Armstrong,	Hayes,	Praender,	Sweet,
Arnold,	Hallett,	Purdie,	Temanson,
Austin,	Hunt,	Sawyer,	Thayer,
Baldwin,	Johnson,	Secombe,	Tollman,
Bixler,	Knox,	Sherwood,	Trow,
Brooks,	Langworthy,	Shrewsbury,	Van Vorhes,
Butler,	Mann,	Shullis,	Walker, Orange,
Caskey,	Melghan,	Skullman,	Webster,
Cleary,	Mitchell,		46

NAYS.

Mr. Abbott,	Mr. Morrison,	Mr. H. Walker,	Mr. Watson,
			4

So the amendment was concurred in.

The question was upon concurring in the amendment proposed by the Senate to

H. F. No. 118. A bill for an act to provide for the attachment of real estate.

Upon the vote being taken there were yeas 46, nays 13, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Mantor,	Mr. Stevens,
Acker,	Garrard,	Mitchell,	Stock,
Anderson,	Greene of Olmsted,	Nettleton,	Sweet,
Armstrong,	Hayes,	Praender,	Taylor,
Austin,	Hallett,	Purdie,	Temanson,
Baldwin,	Hunt,	Roy,	Thayer,
Beatty,	Johnson,	Sawyer,	Van Vorhes,
Bixler,	Klokead,	Secombe,	Walker, H.
Brooks,	Knox,	Shrewsbury,	Walker, Orange,
Butler,	Langworthy,	Shullis,	Webster,
Caskey,	Leavens,	Stearns,	Wilkins,
Cleary,	Letford,		46

NAYS.

Mr. Abbott,	Mr. Mann,	Mr. Mitch,	Mr. Ozman,
Arnold,	McDonough,	Morrison,	Kehfeld,
Burnham,	Melghan,	Olds,	Sherwood,
Greene of Steele,			13

So the amendment was concurred in.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 178. A bill for an act to amend an act entitled an act to incorporate the City of St. Anthony, approved March 3, 1855.

Upon the vote being taken there were yeas 51, nays 7, as follows :

YEAS.			
Mr. Aaker,	Mr. Cleary,	Mr. Mantor,	Mr. Stock,
Abbott,	Coe,	McDonough,	Sweet,
Acker,	Garrard,	Morrison,	Taylor,
Anderson,	Greene of Steele,	Pfaender,	Temanson,
Armstrong,	Hayes,	Rehfeld,	Thayer,
Arnold,	Hulcutt,	Roy,	Trow,
Austin,	Hunt,	Sawyer,	Van Vorhes,
Baldwin,	Johnson,	Secombe,	H. Walker,
Beatty,	Kinkad,	Shrewsbury,	Walker, Orange,
Bixler,	Knox,	Shultis,	Watson,
Brooks,	Langworthy,	Skillman,	Webster,
Butler,	Leavens,	Stearns,	Wilkins,
Caskey,	Mann,	Stevens,	51
NAYS.			
Mr. Burnham,	Mr. Neighan,	Mr. Ozmun,	Mr. Tollman,
Greene of Olmsted,	Mitch,	Sherwood,	7

So the amendment was concurred in.

The concurrent resolution for the distribution of the Journal and Laws of the Legislature to the members and officers of this Legislature, was read.

The question was upon its adoption.

Not adopted.

Mr. Orange Walker introduced —

A bill for an act to provide for the interest on the loan of \$250,000 State loan,

Which had its first reading.

Mr. Acker introduced—

A bill for an act to provide for the publication of the laws of the State in the newspapers thereof, and for other purposes.

Which was read a first time.

S. F. No. 65. A bill for an act relating to mortgages and other securities,

Had its first reading.

Mr. Morrison moved that the bill be read a second time and referred to the Committee of the Whole.

Carried.

And S. F. No. 65 had its second reading and was referred to the Committee of the Whole.

Mr. Van Vorhes moved that the bill providing for the publication of the laws be read a third time.

Which was lost.

And the bill was referred to the Committee of the Whole.

S. F. No. 161. A bill for an act for the relief of school districts.

Had its first reading.

S. F. No. 162. A bill for an act to amend chap. 82, sec. 16, of the Revised Statutes, the same being sec. 16, of chap. 72, of the Compiled Statutes.

Was read the first time.

Mr. Stearns moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading.

Mr. Secombe moved to suspend the rules so far as to allow the bill to be read the third time, and put the same upon its passage.

Withdrawn.

Mr. Sanborn moved that the bill be indefinitely postponed.

Withdrawn.

Mr. Sweet moved that the bill be referred to the Committee on the Judiciary.

Which motion prevailed.

S. F. No. 167 had its second reading and was ordered to a third reading.

H. F. No. 225. A bill for an act to amend an act entitled an act to provide for the incorporation and regulation of Railroad Companies, approved August 13th, 1858.

Had its second reading, and was referred to the Committee of the Whole.

H. F. No. 200 A bill for an act for the protection of sheep.

Had its third reading.

Mr. Greene of Steele moved that the bill be referred to a committee of one to strike out section 6.

Carried.

Mr. Greene of Steele was appointed as such committee.

Mr. Greene of Steele reported back H. F. No. 300 amended according to instructions.

Adopted.

The question was upon the passage of the bill.

Upon the vote being taken there were yeas 51, nays 7, as follows :

YEAS.

Mr. Asker,	Mr. Greene of Olmsted,	Mr. Morrison,	Mr. Skillman,
Acker,	Greene of Steele,	Nettleton,	Stearns,
Anderson,	Hayes,	Ozman,	Stewart,
Arnold,	Hulett,	Pfaender,	Stevens,
Austin,	Hunt,	Furdie,	Stock,
Baldwin,	Klokead,	Renz,	Sweet,
Bixler,	Knox,	Roy,	Taylor,
Brooks,	Langworthy,	Sanborn,	Temanson,
Butler,	Letford,	Sawyer,	Walker, H.
Caskey,	McDonough,	Secombe,	Walker Orange,
Cleveland,	McLighan,	Sherwood,	Watson,
Fox,	Mitchell,	Shrewsbury,	Webster,
Garrard,	Mitch,	Shultis,	51

NAYS.

Mr. Armstrong,	Mr. Burnham,	Mr. Rehfeld,	Wilkins,
Beatty,	Donohue,	Stephenson,	7

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

H. F. No. 69 A bill for an act entitled an act to legalize the location and survey of that portion of the State road from the north shore of Lake Superior to Graham's Point, commencing at Sauk Rapids and terminating at Graham's Point on the Red River of the North.

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 47, nays 6, as follows :

YEAS.			
Mr. Aaker,	Mr. Donohue,	Mr. Ozman,	Mr. Stewart.
Abbot,	Garrard,	Pfaender,	Stock,
Acker,	Hulett,	Purdie,	Sweet,
Armstrong,	Kinkad,	Rehfeld,	Taylor,
Baldwin,	Langworthy,	Sanborn,	Temanson,
Bixler,	Leavens,	Secombe,	Tollman,
Brooks,	Mann,	Sherwood,	Van Vorhes,
Burnham,	McDonough,	Shrewsbury,	Walker, Orange,
Butler,	Melghan,	Shultis,	Watson,
Caskey,	Mitsch,	Skillman,	Webster,
Cleveland,	Morrison,	Stearns,	Wilkins,
Coe,	Nettleton,	Stevens,	47
NAYS.			
Mr. Austin,	Mr. Hunt,	Mr. Sawyer,	Mr. H. Walker,
Greene of Steele,	Melghan,		6

So the bill was passed and its title agreed to.

H. F. No. 187. A bill for an act to provide for the protection and to prevent trespasses upon cranberry marshes in this State.

Was read a third time.

Mr. Hunt moved that the bill be referred to a committee of one, with instructions to strike out all after the 1st section.

Lost.

The question recurring upon the passage of the bill.

Upon the vote being taken, there were yeas 43, nays 16, as follows :

YEAS.			
Mr. Aaker,	Mr. Cleveland,	Mr. McDonough,	Mr. Stearns,
Abbott,	Coe,	Mitchell,	Stevens,
Acker,	Fox,	Morrison,	Stock,
Anderson,	Garrard,	Nettleton,	Sweet,
Arnold,	Greene of Olmsted,	Pfaender,	Temanson,
Austin,	Hayes,	Renz,	Tollman,
Baldwin,	Johnson,	Sanborn,	Van Vorhes,
Bixler,	Kinkad,	Secombe,	H. Walker,
Brooks,	Langworthy,	Shrewsbury,	Walker, Orange,
Burnham,	Letford,	Shultis,	White,
Butler,	Mann,	Skillman,	43
NAYS.			
Mr. Armstrong,	Mr. Hunt,	Mr. Rehfeld,	Mr. Taylor,
Bentley,	Melghan,	Roy,	Thayer,
Greene of Steele,	Mitsch,	Sherwood,	Webster,
Hulett,	Purdie,	Stephenson,	Wilkins,
			16

So the bill was passed and its title agreed to.

H. F. No. 170. A bill for an act to amend an act for the incorporation of the town of New Ulm in the County of Brown.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 51, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Cleary,	Mr. Meighan,	Mr. Shultis,
Abbott,	Cleveland,	Mitchell,	Skillman,
Acker,	Coe,	McDonough,	Stearns,
Armstrong,	Donohue,	Mitch,	Stevens,
Anderson,	Garrard,	Morrison,	Stewart,
Arnold,	Greene of Steele,	Pfaender,	Sweet,
Austin,	Hulett,	Purdie,	Stock,
Baldwin,	Hunt,	Rehfeld,	Thayer,
Bixler,	Klokead,	Renz,	Walker, H.
Brooks,	Langworthy,	Roy,	Walker, Orange,
Burnham,	Leavens,	Secombe,	Webster,
Butler,	Letford,	Sherwood,	White,
Caskey,	Mann,	Shrewsbury,	51

NAYS.

Mr. Tollman,

1

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

H. F. No. 100. A bill for act to provide for completing a common road between the upper Mississippi and Superior.

Had its third reading.

Mr. Stearns moved that the bill be laid upon the table.

Lost.

Mr. Purdie moved that the bill be indefinitely postponed.

Carried.

H. F. No. 198. A bill for an act to punish trespassers upon the school lands in this State.

Was read the third time.

Mr. Stock moved that the bill be referred to a committee of one, with instructions to strike out all in regard to fallen trees.

Mr. Langworthy moved that the bill be indefinitely postponed.

Mr. Garrard called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 26, nays 32, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Purdie,	Mr. Sherwood,
Arnold,	Hulett,	Renz,	Taylor,
Armstrong,	Langworthy,	Roy,	Temanson,
Brooks,	Letford,	Stearns,	Thayer,
Burnham,	Leavens,	Skillman,	Trow,
Caskey,	McDonough,	Shultis,	Webster,
Cleary,	Mitch,		26

NAYS.

Mr. Abbott,	Mr. Coe,	Mr. Mitchell,	Mr. Stock,
Acker,	Donohue,	Pfaender,	Stewart,
Anderson,	Fox,	Rehfeld,	Stephenson,
Austin,	Garrard,	Sanborn,	Sweet,
Beatty,	Hayes,	Sawyer,	Tollman,
Butler,	Johnson,	Secombe,	Walker, H.
Bixler,	Kinkead,	Shrewsbury,	White,
Cleveland,	Mann,	Stevens,	Wilkins,
			32

So the motion was lost.

Mr. Secombe moved to lay the bill on the table.

Which was lost.

The question was upon the motion of Mr. Stock.

Which motion was lost.

The question recurring upon the passage of the bill,

Upon the vote being taken, there were yeas 23, nays 35, as follows :

YEAS.

Mr. Acker, Anderson, Austin, Bixler, Cleveland, Fox,	Mr. Garrard, Hayes, Johnson, Kinkead, Mann, Meighan,	Mr. Morrison, Mitchell, Pfaender, Sanborn, Sawyer, Secombe,	Mr. Stevens, Sweet, Tollman, H. Walker, Wilkins,
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23

NAYS.

Mr. Aaker, Abbott, Armstrong, Arnold, Beatty, Brooks, Burnham, Butler, Caskey, Coe,	Mr. Cleary, Coe, Donohue, Greene of Steele, Hulett, Hunt, Langworthy, Leavans, Letford,	Mr. McDonough, Mitsch, Purdie, Rehfeld, Renz, Sherwood, Shrewsbury, Shultis, Skillman,	Mr. Stearns, Stewart, Stock, Taylor, Temanson, Thayer, Webster, White,
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35

So the bill was lost.

H. F. No. 224. A bill for an act to establish the county of Ripley.
Was read a third time, and put upon its final passage.

Upon the vote being taken, there were yeas 51, nays 4, as follows :

YEAS.

Mr. Aaker, Acker, Anderson, Arnold, Austin, Baldwin, Beatty, Bixler, Butler, Caskey, Cleary, Cleveland, Coe,	Mr. Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Johnson, Kinkead, Knox, Letford, Mann, McDonough,	Mr. Mitchell, Mitsch, Morrison, Ozman, Pfaender, Purdie, Rehfeld, Renz, Sanborn, Secombe, Sherwood, Shrewsbury, Shultis,	Mr. Skillman, Stearns, Stevens, Stewart, Sweet, Taylor, Thayer, Trow, Walker H. Webster, White, Wilkins,
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51

NAYS.

Mr. Brooks,	Mr. Burnham,	Mr. Hunt,	Mr. Langworthy,
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4

So the bill was passed and its title agreed to.

H. F. No. 128. A bill for an act entitled an act for the relief of Seventh Day Baptists and those who observe the 7th day of the week as a Sabbath.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 41, nays 14, as follows

YEAS.

Mr. Aaker, Acker, Anderson, Armstrong, Baldwin, Bixler, Brooks, Butler, Cleveland, Coe, Fox,	Mr. Garrard, Greene of Steele, Hulett, Hunt, Knox, Langworthy, Letford, Mann, McDonough, Meighan,	Mr. Morrison, Ozman, Pfaender, Purdie, Renz, Sanborn, Secombe, Sherwood, Shrewsbury, Shultis,	Mr. Stevens, Stewart, Taylor, Temanson, Trow, Van Vorhes, Walker, H., Watson, Webster, White,
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41

NAYS.

Mr. Arnold, Austin, Burnham, Caskey,	Mr. Cleary, Johnson, Mitchell, Mitsch,	Mr. Sawyer, Skillman, Stock,	Mr. Sweet, Thayer, Wilkins,
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14

So the bill was passed and the title agreed to.

Mr. Mann presented the report of the Committee on the Judiciary upon
H. F. No. 162, recommending its passage.

Adopted.

Mr. Shrewsbury moved to reconsider the vote by which H. F. No. 128 was passed,

Which motion was lost.

S. F. No. 162. A bill for an act to amend chapter 82, section 16, of the revised statutes,

Was read a third time and put upon its passage.

Upon the vote being taken there were yeas 43, nays 9, as follows :

YEAS.

Mr. Abbott,	Mr. Greene of Steele,	Mr. Osmon,	Mr. Stewart,
Acker,	Hulett,	Pfaender,	Sweet,
Ausby,	Hunt,	Purdie,	Taylor,
Baldwin,	Kinkad,	Rehfeld,	Temanson,
Bixler,	Knox,	Sanborn,	Thayer,
Brooks,	Langworthy,	Sawyer,	Trow,
Butler,	Letford,	Secombe,	Walker, H.
Cleveland,	Mann,	Sherwood,	Watson,
Fox,	McDonough,	Shrewsbury,	White,
Garrard,	Mitchell,	Stearns,	Speaker.
Greene of Otsted,	Morrison,	Stevens.	

43

NAYS.

Mr. Arnold,	Mr. Caskey,	Mr. Donohue,	Mr. Mitch,
Beatty,	Clary,	Johnson,	Wilkins,
Burnham,			

9

So the bill was passed and its title agreed to.

Mr. Secombe offered the following resolution :

Resolved, That the enrolling clerk of this House be authorised to employ such person or persons as may be necessary to assist him in enrolling the bills now in his hands and to come into his hands during this session.

Adopted.

Mr. Mitchell offered a joint resolution in regard to a joint convention for the election of three Normal School Directors, and a State Printer,

Which was read the first time.

Mr. Mitchell moved that the rules be so far suspended as to allow the resolution to be read a second and third time, and put upon its passage.

Which motion prevailed.

And the resolution was read a second and third time and adopted.

Mr. Secombe introduced—

A bill for an act to exempt certain property from taxation,

Which was read the first time.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be read the second and third time and put upon its passage.

Which motion prevailed.

And the bill had its second and third reading, and was put upon its passage

Upon the vote being taken there were yeas 28, nays 29, as follows :

YEAS.

Mr. Anderson,	Mr. Garrard,	Mr. Ross,	Mr. Steek,
Armstrong,	Johnson,	Sanborn,	Taylor,
Caskey,	Knox,	Secombe,	Temanson,
Clary,	Langworthy,	Shrewsbury,	Walker, H.
Cleveland,	Mitch,	Shultz,	Watson,
Coe,	Pfaender,	Skillman,	Webster,
Fox,	Purdie,	Stearns,	White,

28

NAYS.

Mr. Asker,	Mr. Greene of Olmsted,	Mr. Mitchell,	Mr. Stevens,
Acott,	Greene of Seely,	Morrison,	Stewart,
Arnold,	Hunt,	Nettleton,	Sweet,
Austin,	Letford,	Ozmun,	Thayer,
Baliwin,	Mann,	Roy,	Trow,
Bixler,	McDonough,	Sawyer,	Van Vorhes,
Burnham,	McLighan,	Sherwood,	Speaker,
Butler,			

29

So the bill was lost.

Mr. Sanborn introduced—

A bill for an act to attach certain portions of Ramsey and Pine counties to the county of Aiken,

Which was read the first time.

Mr. Sanborn moved that the rules be so far suspended as to allow the bill to be read a second and third time and put upon its passage.

Which motion prevailed.

And the bill had its second and third reading and was put upon its passage.

Upon the vote being taken, there were yeas 43, nays 5, as follows:

YEAS.

Mr. Asker,	Mr. Fox,	Mr. Morrison,	Mr. Stewart,
Acott,	Garrard,	Pfaender,	Stock,
Anderson,	Greene of Olmsted,	Roy,	Sweet,
Arnold,	Hunt,	Sanborn,	Templeton,
Austin,	Johnson,	Sawyer,	Trow,
Baliwin,	Kinkead,	Secombe,	Van Vorhes,
Bixler,	Langworthy,	Sherwood,	H. Walker,
Burnham,	Letford,	Shrawabury,	Watson,
Butler,	Mann,	Seilman,	Wenster,
Casker,	McLighan,	Stearns,	Speaker,
Cleveland,	Mitchell,	Stevens,	

43

NAYS.

Mr. Armstrong,	Mr. Mitsch,	Mr. Nettleton,	Mr. Tollman
Cleary,			

5

So the bill was passed and its title agreed to.

Mr. Secombe moved that the unfinished business of yesterday be made the special order of the day for 3 o'clock.

Which motion prevailed.

Mr. Garrard asked and obtained leave of absence for Mr. Willey for the balance of the session on account of sickness.

Mr. Mann asked and obtained leave of absence for Mr. Abraham for the balance of the session, on account of sickness.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker at half past two o'clock.

Mr. Morrison moved that the vote by which the bill introduced by Mr. Van Vorhes was referred to the Committee of the Whole be reconsidered.

Carried.

And the bill was ordered printed.

Mr. Stock moved to reconsider the vote by which H. F. No. 198 was lost.
Lost.

Mr. Letford moved to take from the table

H. F. No. 231. A bill for an act to legalize the sale of lands for delinquent taxes in Carver county for the years A. D. 1857 and 1858.

Carried.

The question was upon the passage of the bill,

Upon the vote being taken, there were yeas 41 nays 2, as follows :

YEAS.

Mr. Asker,	Mr. Cleveland,	Mr. McDonough,	Mr. Stock,
Abbott,	Garrard,	Mitchell,	Taylor,
Acker,	Greene of Olmsted,	Morrison,	Temanson,
Anderson,	Hayes,	Olds,	Thayer,
Arnold,	Hunt,	Ozman,	Trow,
Austin,	Langworthy,	Purdie,	Van Vorhes,
Baldwin,	Leavens,	Sawyer,	H. Walker,
Bixler,	Letford,	Sherwood,	Walker, Orange,
Brooks,	Mann,	Shultis,	Watson,
Oskey,	Mantor,	Stewart,	Webster,
Cleary,			41

NAYS.

Mr. Johnson,	Mr. Stevens,	2
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So the bill was passed and the title agreed to.

The House then took up the special order, being the resolution offered by Mr. Secombe and substitute offered by Mr. Mitchell.

Mr. Mitchell withdrew the substitute.

Mr. Cleveland offered an amendment.

Mr. Secombe moved the previous question,

Which was not ordered.

The question was upon the amendment offered by Mr. Cleveland,

Which was lost.

The question recurring upon the adoption of the resolution,

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 7, nays 56, as follows :

YEAS.

Mr. Anderson,	Mr. Oskey,	Mr. Langworthy,	Mr. Secombe,
Baldwin,	Hunt,	Morrison,	7

NAYS.

Mr. Asker,	Mr. Garrard,	Mr. Pfender,	Mr. Stock,
Abbott,	Greene of Olmsted,	Purdie,	Swartz,
Acker,	Greene of Steele,	Rehfeld,	Taylor,
Arnold,	Hayes,	Renz,	Temanson,
Austin,	Johnson,	R. Barton,	Thayer,
Bixler,	Leavens,	Sanborn,	Tollman,
Brooks,	Mann,	Sawyer,	Trow,
Burnham,	Mantor,	Sherwood,	Van Vorhes,
Butler,	McDonough,	Shrewsbury,	H. Walker,
Cleary,	Melghan,	Shultis,	Walker, Orange,
Cleveland,	Mitchell,	Skillman,	Watson,
Coe,	Mitch,	Stearns,	Webster,
Donohue,	Olds,	Stevens,	White,
Fox,	Ozman,	Stewart,	Speaker,
			56

So the resolution was lost

Mr. Sanborn moved that the House resolve itself into Committee of the Whole to take into consideration the railroad matter.

Carried.

Mr. Purdis in the Chair.

After some time spent therein, the Committee rose, and by their Chairman reported back to the House

H. F. No. 206. A bill for an act proposing an amendment to art. 9, of the Constitution, and providing for the submission of the same to the people.

Also,

S. F. No. 101. A bill for an act to provide for a geological survey of the State.

Also,

H. F. No. 199. A bill for an act to provide for the appointment of commissioners on Minnesota State railroad bonds and railroad indebtedness.

Also,

H. F. No. 223. A bill for an act to incorporate the city of West St. Paul, and to provide for the payment of the public debt.

Mr. Van Vorhes moved an amendment to H. F. No. 206,

Which was adopted.

Mr. Morrison moved to suspend the rules so far as to allow the bill to be read the third time, and put the same upon its passage.

Carried.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 8, nays 53, as follows :

YEAS.

Mr. Aaker, Brooks,	Mr. Garrard, Langworthy,	Mr. Rehfeld, Sweet,	Mr. Tollman, White,	8
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NAYS.

Mr. Abbott, Anderson, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Butler, Oakley, Cleary, Cleveland, Coe, Fox,	Mr. Greene of Olmsted, Greene of Steele, Hayes, Hunt, Johnson, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison,	Mr. Nettleton, Olds, Osmun, Pfaender, Purdie, Renz, Robertson, Roy, Sanborn, Sawyer, Secombe, Sherwood, Shultz,	Mr. Skillman, Stearns, Stewart, Stock, Taylor, Temanson, Thayer, Trow, Van Vorhes, H. Walker, Walker, Orange, Webster, Speaker,	53
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So the bill was lost.

Mr. McDonough offered the following resolution :

Resolved, That it is the sense of this House that all the legislation that is necessary at the present time in relation to railroads and railroad bonds is to submit a proposition to the people to expunge the railroad amendment from the Constitution, and to prevent the Legislature from levying any tax to pay the interest or principal on the outstanding railroad bonds until they are authorized to do so by a direct vote of the people.

Mr. Morrison moved that the resolution be laid upon the table.

Carried.

Mr. Shrewsbury moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTY-SECOND DAY.

FRIDAY, March 2, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abraham, Beatty, Caskey, Fox, Garrard, Hulett, Leavens, Mann, Olds, Olivier, Rehfeld, Robertson, Sanborn, Scheffer, Shriner, Stephenson, Taylor, Trow, Willey, and Wilkins.

The journal was read and approved.

Mr. Stewart, from the Committee on Claims, reported upon

The bill of Golcher & Simpson, for labor on Capitol.

Also, upon

The bill of Red Wing Republican, for papers furnished the last Legislature recommending that they be paid.

Adopted.

Also, upon

The bill of G. H. Phillips, Sheriff of Scott county, for services and expenses in driving Sioux Indians out of said county, reported that the claim should be paid by Scott county, and not by the State of Minnesota.

Adopted.

Mr. Acker, from the special committee consisting of the members from Ramsey county, reported upon

A bill in relation to Fort street.

Which was adopted.

Mr. Sherwood presented the report of the special committee, consisting of the members from Fillmore and Mower counties, introducing a bill in accordance with the prayer of the petitioners,

Which was read the first time.

Mr. Sherwood moved that the rules be so far suspended as to allow the bill to be read a second and third time, and put upon its passage.

Carried.

And the bill had its second and third reading and was put upon its passage .
Upon the vote being taken, there were yeas 35, nays 24, as follows :

YEAS.			
Mr. Acker.	Mr. Fox,	Mr. McDonough,	Mr. Stock,
Anderson,	Garrard,	Meighan,	Sweet.
Beatty,	Greene of Olmsted,	Mitchell,	Thayer,
Bixler,	Hunt,	Olivier,	Tollman,
Brooks,	Kinkadee,	Ozman,	Trow,
Burnham,	Langworthy,	Roy,	Webster,
Butler,	Leavens,	Sherwood,	White,
Coe,	Leiford,	Stearns,	Speaker.
Dayton,	Mantor,	Stewart,	
35			
NAYS.			
Mr. Aaker,	Mr. Hayes,	Mr. Behfeld,	Mr. Skillman,
Arnold,	Hulett,	Reus,	Stevens,
Austin,	Johnson,	Sawyer,	Stephenson,
Baldwin,	Morrison,	Secombe,	Taylor,
Cleary,	Pfander,	Shrewsbury,	Temanson,
Cleveland,	Purdie,	Shultis,	Van Vorhes,
24			

So the bill was lost.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the honorable House that the Senate do not concur in the House amendment to

S. F. No. 143. A bill for act to define the boundaries of the county of Stearns.

I have also to announce that the Senate have concurred in the House amendment to

S. F. No. 25. A bill for an act in relation to taxes.

Also, that the Senate have refused to recede from the Senate amendment to

H. F. No. 142. An act to commute the sentence of Mrs. Anna Bilanski to imprisonment for life in the State Prison,

And that the Senate have passed the following bills, joint resolutions and memorials, to wit :

S. F. No. 26. A bill for an act to provide for the filing of chattel mortgages and defining the effect thereof.

Also,

H. F. No. 61. A bill for an act to provide for certain roads in Lake, St. Louis, Carleton, and Cass counties,

Also,

S. F. No. 137. A bill for an act to define the boundaries of Aiken county, and attach the same to Morrison county for judicial purposes.

Also,

S. F. No. 173. Joint Resolution in regard to the publication of certain laws.

Also, House substitute for

S. F. No. 92. A bill for an act in addition to an act entitled an act concerning land grant railroads, passed Aug. 12th, 1858.

With amendments.

Also,

H. F. No. 130. A bill for an act to amend an act passed June 23, 1858, entitled an act relating to prairie fires.

- Also,
H. F. No. 137. A bill for an act to change the boundary line between Scott and Dakota counties,
Also,
H. F. No. 138. A bill for an act to elect a printer or printers and to regulate the public printing,
Also,
H. F. No. 139. A bill for an act relating to county roads in the county of Mower.
Also,
H. F. No. 151. A bill for an act for the relief of the Plymouth Congregational Society of Minneapolis.
With amendment.
Also,
H. F. No. 154. A bill for an act to amend an act entitled an act to provide for the government of the State Prison of the State of Minnesota.
Also,
H. F. No. 160. A bill for an act to amend an act entitled an act to incorporate the St. Cloud Bridge Company.
Also,
H. F. No. 163. A bill for an act to establish the town of Eagan.
Also,
H. F. No. 168. A memorial to the President of the United States.
Also,
H. F. No. 169. A bill for an act to change the names of Samuel Arrouswald and others.
Also,
H. F. No. 173. A bill for an act to provide for a re-location of the State road from Elliota, via Chatfield, to Preston.
Also,
H. F. No. 183. A bill for an act to amend an act entitled an act to incorporate the city of Rochester, approved August 5, 1858,
Also,
H. F. No. 188. A bill for an act making appropriation for the incidental expenses in the various departments of the State,
Also,
H. F. No. 185. A bill for an act to legalize the proceedings of the road commissioners of the county of Wabashaw,
Also,
H. F. No. 191. A bill for an act to legalize certain acts of the President of the town of Freeborn,
Also,
H. F. 190. A bill for an act to prevent the destruction of fish in the lakes in Ramsey county,
Also,
H. F. No. 156. A bill for an act to incorporate the town of Arlington.
Also,
H. F. No. 171. A bill for an act to amend an act entitled an act to authorize and regulate the business of banking, approved July 26th, 1858,
With amendments.
Also,
H. F. No. 192. A memorial and joint resolution of the Legislature of the State of Minnesota to Congress, in behalf of James B. Thomas and family.
Also,

H. F. No. 193. A bill for an act to amend sections 47 and 48 of chapter 101 of the revised statutes.

Also,

H. F. No. 202. A bill for an act to amend the charter of the city of Winona,

With an amendment.

Also,

H. F. No. 204. A bill for an act to authorize the city of Hastings to appropriate money for county buildings.

Also,

H. F. No. 207. A bill for an act to observe the 22d of February as a national holiday.

Also,

H. F. No. 208. A bill for an act to amend an act entitled an act to incorporate the town of Minneapolis.

Also,

H. F. No. 213. A bill for an act to amend an act entitled an act relating to free schools in Minneapolis.

Also,

H. F. No. 214. A bill for an act to authorize the county commissioners of Hennepin county to direct a portion of their tax collected in gold and silver.

Also,

H. F. No. 221. A bill for an act to legalize the proceedings of the Board of Supervisors of Hennepin county,

Also,

H. F. No. 222. A bill for an act to detach the county of Manomin from the fourth judicial district,

All of which are respectfully submitted for the action of the House.

Also, at the request of the House, and by order of the Senate, I return herewith to the House the enrolled bill,

S. F. No. 124. A bill for an act supplemental to an act to authorize the City of St. Paul to loan its bonds to the St. Paul Bridge Company.

A. B. WEBBER, Secretary of the Senate.

Mr. Secombe moved that the vote upon concurring in the amendments of the Senate be taken by a division.

Carried.

The question was upon concurring in the amendment proposed by the Senate to

H. F. No. 151. A bill for an act for the relief of Plymouth Congregational Society of Minneapolis.

Upon the vote being taken the amendment was concurred in, 44 voting in the affirmative.

The question was upon concurring in the amendment proposed by the Senate to the House amendment to

S. F. No. 92. A bill for an act in addition to an act entitled an act concerning land grant railroads, passed August 25, 1858,

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 52, nays 9, as follows :

YEAS.

Mr. Asker,	Mr. Garrard,	Mr. Mitchell,	Mr. Shultis,
Acker,	Greene of Olmsted,	Morrison,	Skillman,
Anderson,	Greene of Steele,	Olds,	Stearns,
Arnold,	Hayes,	Olivier,	Stephenson.
Austin,	Hulett,	Ozman,	Stewart,
Baldwin,	Hunt,	Pfaender,	Stock,
Bixler,	Johnson,	Purdie,	Taylor,
Brooks,	Knox,	Renz,	Trow,
Butler,	Langworthy,	Robertson,	Van Vorhes,
Cleveland,	Letford,	Roy,	Watson,
Ooe,	Mann,	Sawyer,	Webster,
Dayton,	McDonough,	Secombe,	White,
Fox,	Meighan,	Shrewsbury,	Wilkins, 52

NAYS.

Mr. Armstrong,	Mr. Kinkead,	Mr. Sweet,	Mr. Thayer,
Beatty,	Mitsch,	Temanson,	Tollman,
Donohue,			9

So the amendment was concurred in.

The question was upon concurring in the amendment proposed by the Senate to

H. F. No. 202. A bill for an act to amend the charter of the city of Winona.

Upon the vote being taken the amendment was concurred in, 47 voting in the affirmative.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 171. A bill for an act to amend an act entitled an act to authorize and regulate the business of banking, approved July 26th, 1858,

Upon the vote being taken the amendment was concurred in, 52 voting in the affirmative.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 213. A bill for an act to amend an act entitled an act relating to free schools in Minneapolis.

Upon the vote being taken the amendment was concurred in, 48 voting in the affirmative.

The question was upon concurring in the amendment proposed by the Senate to

S. F. No. 143. A bill for an act to define the boundaries of Stearns county,

Upon the vote being taken the amendment was concurred in, 54 voting in the affirmative.

Mr. Stearns presented the petition of citizens of North Pine Island, Goodhue county, and introduced—

A bill for an act to vacate certain lots in the town of North Pine Island, in accordance with the prayer of the petitioners.

Which had its first reading.

Mr. Stearns moved that the rules be so far suspended as to allow the bill to be read a second and third time and put it upon its passage.

Carried.

And the bill had its second and third reading and was put upon its passage Upon the vote being taken there were yeas 45, nays 4, as follows :

YEAS.

Mr. Aaker,	Mr. Hayes,	Mr. Ozman,	Mr. Skillman,
Acker,	Hallett,	Robertson,	Stock,
Armstrong,	Knox,	Sanborn,	Sweet,
Arnold,	Langworthy,	Sawyer,	Temanson,
Brooks,	Letford,	Secombe,	Thayer,
Burnham,	Levens,	Sherwood,	Trow,
Butler,	Mantor,	Shultz,	Watson,
Coe,	Mann,	Stearns,	Webster,
Dayton,	Mitchell,	Stewart,	White,
Donohue,	Morrison,	Stevens,	Wilkins,
Fox,	Nettleton,	Stephenson,	Speaker,
Garrard,			45

NAYS.

Mr. Austin,	Mr. Bixler,	Mr. Johnson,	Mr. Shrewsbury,	4
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So the bill was passed and its title was agreed to.

S. F. No. 61. A bill for an act to provide for certain roads in Lake, Saint Louis, Carleton and Cass counties.

Was read the first time.

S. F. No. 26. A bill for an act to provide for the filing of chattel mortgages and defining the effect thereof.

Had its first reading.

Mr. Acker moved that S. F. No. 61 be rejected.

Carried.

S. F. No. 137. A bill for an act to define the boundaries of Aiken county, and to attach the same to Morrison for judicial purposes,

Had its first reading.

S. F. No. 161. A bill for an act for the relief of school districts.

Had its second reading and was ordered to a third reading.

S. F. No. 167. A bill for an act to authorize the county commissioners of Douglas county to issue bonds.

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 50, nays 6, as follows :

YEAS:

Mr. Aaker,	Mr. Greene of Steele,	Mr. Nettleton,	Mr. Stearns,
Acker,	Hallett,	Oils,	Stevens,
Armstrong,	Hayes,	Ozman,	Stephenson,
Anderson,	Kinkaid,	Pfaender,	Stock,
Arnold,	Knox,	Purdie,	Sweet,
Austin,	Langworthy,	Renz,	Thayer,
Bixler,	Levens,	Robertson,	Tollman,
Brooks,	Letford,	Roy,	Van Vorhes,
Butler,	Mann,	Sawyer,	Watson,
Oleary,	McDonough,	Scheffer,	Webster,
Dayton,	Mantor,	Shultz,	Wilkins,
Donohue,	Morrison,	Skillman,	White,
Garrard,	Mitch,		50

NAYS.

Mr. Burnham,	Mr. Johnson,	Mr. Secombe,	Mr. Taylor,	6
Hunt,	Meighan,			

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

S. F. No. 101. A bill for an act to provide for a geological survey of the State.

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 20, nays, 43, as follows :

YEAS.

Mr. Arnold,	Mr. Kinkaid,	Mr. O'livier.	Mr. Stephenson,
Beatty,	Knox,	R. y.	Sweet,
Cleveland,	Langworthy,	Sherwood,	Tollman,
Ooe,	Mann,	Stearns,	Van Vorhes,
Donohue.	Nettleton,	Skillman,	Webster,

20

NAYS.

Mr. Aaker,	Mr. Cleary,	Mr. Mitchell,	Mr. Secombe,
Abbott,	Dixon,	Mintor,	Shrewsbury.
Acker,	Fox,	McDonough,	Shults,
Anderson,	Garrard,	Mitsch,	Stevens,
Armstrong,	Greene of Steele,	Melhan,	Stock,
Austin,	Hayes,	Morrison,	Stewart,
Baldwin,	Hulett,	Pfender,	Temanson,
Bixler,	Hunt,	Purdie,	Thayer,
Brooks,	Johnson,	Renz,	Watson,
Burnham,	Letford,	Robertson,	White,
Butler,	Leavens,	Scheffer.	

43

So the bill was lost.

S. F. No. 173. A joint resolution relative to the publication of certain laws.

Had its third reading.

Mr. Van Vorhes called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 12, nays 49, as follows :

YEAS.

Mr. Anderson,	Mr. Butler,	Mr. Langworthy,	Mr. Sherwood,
Arnold,	Davton,	Nettleton,	Tollman,
Burnham,	Garrard,	Scheffer,	Van Vorhes,

12

NAYS.

Mr. Aaker,	Mr. Hayes,	Mr. Mitsch,	Mr. Skillman,
Abbott,	Hulett,	Morrison,	Stewart,
Acker,	Johnson,	Ozman,	Stevens,
Armstrong,	Kinkaid,	Pfender,	Stock,
Austin,	Knox,	Purdie,	Sweet,
Beatty,	Leavens,	Renz,	Taylor,
Bixler,	Letford,	Robertson,	Temanson,
Brooks,	Mann,	Ry,	Thayer,
Cleary,	Mintor,	Secombe,	Watson,
Ooe,	McDonough,	Shrewsbury,	Webster,
Donohue,	Meighan,	Shults,	White,
Fox,	Mitchell,	Stearns,	Wilkins,
Greene of Steele,			

49

So the resolution was lost.

H. F. No. 223. A bill for an act to repeal an act entitled an act to incorporate the City of West Saint Paul, and to provide for the extinguishment of the city debt.

Had its third reading.

Mr. Scheffer moved that the bill be laid upon the table.

Lost.

The question recurring upon the passage of the bill.

Upon the vote being taken there were yeas 47, nays 12, as follows :

YEAS.

Mr. Aaker, Acker, Anderson, Arnold, Austin, Brooks, Burnham, Butler, Cleary, Coe, Cleveland, Dayton,	Mr. Fox, Garrard, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Langworthy, Letford, Leavens,	Mr. Mann, McDonough, Meighan, Mitchell, Olds, Olivier, Ozman, Pfaender, Purdie, Robertson, Sawyer, Sherwood,	Mr. Shrewsbury, Shultis, Skillman, Stearns, Stewart, Stock, Taylor, Temanson, Thayer, Webster, Wilkins,
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47

NAYS.

Mr. Armstrong, Beatty, Bixler,	Mr. Donohue, Mitsch, Morrison,	Mr. Roy, Scheffer, Sweet,	Mr. Van Vorhes, Watson, Speaker.
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12

So the bill was passed and its title agreed to.

On motion of Mr. Kinkead,

S. F. No. 23. A bill for an act to amend an act to establish and define the boundaries of certain counties.

Was taken from the table.

The question was upon the passage of the bill.

Mr. Hayes moved that the bill be indefinitely postponed.

Which was withdrawn.

Mr. Secombe moved the previous question, which was ordered.

The question was upon the passage of the bill.

Upon the vote being taken, there were yeas 39, nays 26, as follows:

YEAS.

Mr. Acker, Armstrong, Arnold, Baldwin, Beatty, Brooks, Burnham, Butler, Cleary, Donohue,	Mr. Garrard, Greene of Steele, Greene of Olmsted, Hulett, Johnson, Kinkead, Knox, Leavens, Letford, Mann,	Mr. Mitchell, Mitsch, Nettleton, Ozman, Robertson, Roy, Scheffer, Sherwood, Stephenson, Stewart,	Mr. Sweet, Stock, Taylor, Tollman, Temanson, Webster, White, Wilkins, Speaker,
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39

NAYS.

Mr. Aaker, Abbott, Austin, Bixler, Cleveland, Coe, Dayton,	Mr. Fox, Hayes, Hunt, Langworthy, Mantor, Meighan, Morrison,	Mr. Purdie, Secombe, Shrewsbury, Shultis, Skillman, Stearns,	Mr. Stevens, Thayer, Van Vorhes, Walker, H., Walker, Orange, Watson,
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26

So the bill was lost.

On motion of Mr. Scheffer,

H. F. No. 210. A bill to remit the taxes for 1859 in Dakota county.

Was taken from the table.

The question was upon the passage of the bill.

Mr. Hayes moved that the bill be indefinitely postponed.

Carried.

Mr. Secombe moved to reconsider the vote by which H. F. No. 235 was lost.

Carried.

The question recurring upon the passage of the bill.

Upon the vote being taken, there were yeas 49, nays 9, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Mitsch,	Mr. Skillman,
Acker,	Hayes,	Morrison,	Stearns,
Armstrong,	Hallett,	Nettleton,	Stewart,
Arnold,	Hunt,	Olivier,	Stock,
Austin,	Kinkadee,	Ozman,	Sweet,
Beatty,	Knox,	Renz,	Temanson,
Brooks,	Langworthy,	Robertson,	Thayer,
Butler,	Letford,	Roy,	Tollman,
Cleveland,	Mann,	Scheffer,	Watson,
Coe,	Mantor,	Secombe,	Wilkins,
Dayton,	Meighan,	Sherwood,	Webster,
Fox,	Mitchell,	Shrewsbury,	Speaker.
Garrard,			

49

NAYS.

Mr. Abbott,	Mr. Greene of Steele,	Mr. McDonough,	Mr. Shultz,
Baldwin,	Johnson,	Purdie,	Van Vorhes,
Burnham,			

9

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

Mr. Sweet offered the following resolution :

Resolved, That this House will not consider any proposition providing for or savoring of repudiation in any shape or form whatever, of any of the general or special bonds of the State.

Mr. Secombe moved that the resolution be laid upon the table.

Mr. Sweet called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 35, nays 23, as follows :

YEAS.

Mr. Aaker,	Mr. Hayes,	Mr. Morrison,	Mr. Stock,
Acker,	Hallett,	Pfaender,	Stewart,
Arnold,	Hunt,	Purdie,	Taylor,
Austin,	Johnson,	Renz,	Temanson,
Baldwin,	Knox,	Secombe,	Van Vorhes,
Cleveland,	Langworthy,	Shrewsbury,	Walker, Orange,
Coe,	Letford,	Shultz,	Webster,
Fox,	Mantor,	Skillman,	Speaker.
Greene of Steele,	McDonough,	Stearns,	

35

NAYS.

Mr. Armstrong,	Mr. Garrard,	Mr. Nettleton,	Mr. Stevens,
Beatty,	Greene of Olmsted,	Olivier,	Sweet,
Brooks,	Kinkadee,	Ozman,	Thayer,
Burnham,	Mann,	Roy,	Tollman,
Butler,	Meighan,	Robertson,	Watson,
Dayton,	Mitchell,	Sherwood,	

23

Mr. Mitchell presented the claim of Aaron Goodrich for services in compiling the Statutes of Minnesota.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The question was upon referring the claim of Aaron Goodrich to the Committee on Claims.

Which was carried.

Mr. Acker moved that the House resolve itself into a Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Hayes in the chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

H. F. No. 233, and recommended that it be passed.

Also,

S. F. No. 65, with the recommendation that it be passed.

Also,

H. F. No. 218, with the recommendation that it be passed.

Also,

S. F. No. 115, with the recommendation that it be passed.

Also,

H. F. No. 225, with the recommendation that it be passed as amended.

Also,

H. F. No. 211, with the recommendation that it be passed.

Also, H. F. No. 212.

The question was upon concurring in the report of the Committee of the Whole.

Which was concurred in.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Hon. House that the Senate have concurred in the resolution of the House to go into joint convention on Tuesday the 6th inst. at 10 o'clock A. M. for the election of a State Printer and three Normal School Directors.

Also, the passage by the Senate of,

H. F. No. 17. A bill for an act prescribing the duties of county auditors. With amendments.

Also,

H. F. No. 179. A bill for an act prescribing the duties of county treasurer,

With amendments.

All of which are herewith returned to the House.

A. B. WEBBER, Secretary of the Senate.

And the bill was taken up and had its second reading, and was ordered to a third reading.

Mr. Robertson moved take up

H. F. No. 212. A bill for an act relating to personal property exempt by law from execution for debt.

Carried.

Mr. Sweet moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTY-THIRD DAY.

SATURDAY, March 3, 1860.

The House met pursuant to adjournment and was called to order by Mr. Greene, of Steele.

The roll was called and the following members found absent :

Messrs. Abraham, Armstrong, Burnham, Caskey, Cleveland, Dayton, Garrard, McDonough, Olivier, Rehfeld, Renz, Robertson, Roy, Sanborn, Secombe, Shriner, Stearns, Stephenson, Sweet, Trow, Van Vorhes, Willey and Mr. Speaker.

Mr. Acker moved that the reading of the journal be dispensed with.

Carried.

Mr. Purdie asked and obtained leave of absence for Mr. Caskey.

Mr. Sawyer presented the petition of citizens of Rochester in relation to their City Charter.

Which was referred to the members from Olmsted county.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 17. A bill for an act prescribing the duties of county auditors.

Mr. Secombe moved that the amendments be concurred in by a division of the House.

Carried.

Upon the vote being taken the amendments were concurred in, 42 voting in the affirmative.

The question was upon concurring in the amendment proposed by the Senate to section 28 of

H. F. No. 179. A bill for an act prescribing the duties of county treasurer,

Upon the vote being taken there were yeas 46, nays 13, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Mitchell,	Mr. Shultis,
Abbott,	Fox,	Morrison,	Stearns,
Anderson,	Greene of Olmsted,	Olivier,	Temanson,
Arnold,	Greene of Steele,	Ozman,	Tollman,
Beatty,	Hayes,	Pfaender,	Van Vorhes,
Bixler,	Hulett,	Renz,	H. Walker,
Brooks,	Hunt,	Roy,	Walker, Orange,
Burnham,	Johnson,	Sawyer,	Watson,
Butler,	Kinhead,	Scheffer,	Webster,
Chadderdon,	Lavens,	Secombe,	White,
Cleveland,	Manter,	Shrewsbury,	Wilkins,
Coe,	McDonough,		46

NAYS.

Mr. Aaker,	Mr. Meighan,	Mr. Purdie,	Mr. Stock,
Austin,	Mitch,	Rehfeld,	Taylor,
Baldwin,	Olds,	Sherwood,	Thayer,
Langworthy,			18

So the amendments were concurred in.

The question was upon concurring in the balance of the amendments, upon

the vote being taken the amendments were concurred, 44 voting in the affirmative.

Mr. Donohue introduced—

A bill for an act to amend an act to incorporate the town of Henderson, and to repeal a former charter passed August 9, 1858.

Which had its first reading.

Mr. Donohue moved that the rules be so far suspended as to allow the bill to be read a second and third time, and put upon its passage.

Carried.

And the bill had its second and third reading and was put upon its passage, Upon the vote being taken, there were yeas 52, nays 4, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Mitsch,	Mr. Shrewsbury,
Abbott,	Donohue,	Morrison,	Shultz,
Anderson,	Fox,	Olivier,	Skillman,
Arnold,	Greene of Steele,	Ozman,	Stearns,
Baldwin,	Hulet,	Pfaender,	Stevens,
Beatty,	Johnson,	Purdie,	Stewart,
Bixler,	Kinkead,	Rehfeld,	Taylor,
Brooks,	Langworthy,	Renz,	Tomanson,
Burnham,	Leavens,	Roy,	Tollman,
Butler,	Mantor,	Sawyer,	Van Vorhes,
Chadderdon,	McDonough,	Scheffer,	Watson,
Cleary,	Meighan,	Secombe,	White,
Cleveland,	Mitchell,	Sherwood,	Wilkins.

52

NAYS.

Mr. Acker,	Mr. Austin,	Mr. Greene of Olmsted,	Mr. Old,	4
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So the bill was passed, and the title agreed to.

Mr. Sawyer introduced—

A bill for an act to amend the Revised Statutes.

Which had its first reading.

Mr. Sawyer moved to suspend the rules so far as to allow the bill to be read a second time.

Which motion was lost.

S. F. No. 26. A bill for an act to provide for the filing of chattel mortgages and defining the effect thereof.

Had its second reading and was ordered to a third reading.

H. F. No. 137. A bill for an act to change the boundary line between Scott and Dakota counties,

Had its second reading, and was ordered to a third reading.

H. F. No. 234. A bill for an act to provide for the interest on the loan of \$250,000 State bonds,

Had its second reading.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read the third time, and put upon its passage.

Carried.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 52, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Mitchell,	Mr. Sherwood,
Abbott,	Greene of Olmsted,	Mitsch,	Shrewsbury,
Acker,	Greene of Steele,	Morrison,	Shultis,
Anderson,	Hayes,	Olds,	Skillman,
Arnold,	Hulett,	Olivier,	Stearns,
Austin,	Hunt,	Ozmun,	Stevens,
Baldwin,	Johnson,	Pfaender,	Temanson,
Bixler,	Langworthy,	Purdie,	Thayer,
Brooks,	Leavens,	Rehfeld,	Van Vorhes,
Burnham,	Letford,	Roy,	Walker, Orange,
Butler,	Mantor,	Sawyer,	Watson,
Chadderdon,	McDonough,	Scheffer,	Webster,
Clary,	Meighan,	Secombe,	Speaker, 53

So the bill was passed and its title agreed to.

S. F. No. 115. A bill for an act to provide for the election of court commissioner,

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 55, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Meighan,	Mr. Skillman,
Abbott,	Coe,	Mitchell,	Stearns,
Acker,	Dayton,	Mitsch,	Stock,
Anderson,	Fox,	Morrison,	Taylor,
Arnold,	Greene of Olmsted,	Olds,	Temanson,
Austin,	Greene of Steele,	Olivier,	Thayer,
Baldwin,	Hayes,	Ozmun,	Tollman,
Beatty,	Hulett,	Pfaender,	Van Vorhes,
Bixler,	Hunt,	Rehfeld,	Walker, Orange,
Brooks,	Klakead,	Roy,	Watson,
Burnham,	Langworthy,	Sawyer,	Webster,
Butler,	Leavens,	Scheffer,	White,
Chadderdon,	Letford,	Secombe,	Speaker. 55
Clary,	McDonough,	Sherwood,	

NAYS.

Mr. Purdie,

1

So the bill was passed and the title agreed to.

S. F. No. 161. A bill for an act for the relief of school districts.

Was read a third time, and put upon its final passage.

Upon the vote being taken, there were yeas 44, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Olds,	Mr. Stearns,
Anderson,	Fox,	Ozman,	Stephenson,
Arnold,	Garrard,	Pfaender,	Stewart,
Austin,	Greene of Steele,	Rehfeld,	Stock,
Baldwin,	Hayes,	Roy,	Taylor,
Bixler,	Langworthy,	Sawyer,	Temanson,
Brooks,	Leavens,	Scheffer,	Thayer,
Burnham,	Letford,	Secombe,	Van Vorhes,
Chadderdon,	McDonough,	Shrewsbury,	Walker, Orange,
Clary,	Mitchell,	Shultis,	Webster,
Coe,	Morrison,	Skillman,	White, 44

NAYS.

Mr. Speaker.

1

So the bill was passed and its title agreed to.

S. F. No. 65. A bill for an act relating to mortgages and other securities,

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 33, nays 25, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Osmon,	Mr. Stevens,
Abbott,	Hulett,	Purdie,	Stock,
Acker,	Langworthy,	Rehfeld,	Thayer,
Anderson,	Mantor,	Roy,	Tollman,
Arnold,	McDonough,	Scheffer,	Van Vorhes,
Beatty,	Morrison,	Shrewsbury,	Watson,
Bixler,	Olde,	Skillman,	Webster,
Burnham,	Olivier,	Stearns,	Speaker.
Clary,			88

NAYS.

Mr. Austin,	Mr. Fox,	Mr. Letford,	Mr. Sawyer,
Baldwin,	Gartard,	Mann,	Secombe,
Buller,	Greene of Olmsted,	Mcghan,	Sherwood,
Chandlerdon,	Hayes,	Mitch,	Shultz,
Cleveland,	Johnson,	Pfaender,	Stephenson,
Coe,	Leavens,	Renz,	Temanson,
Donohue,			25

So the bill was lost.

Mr. Fox moved to reconsider the vote by which the bill was lost.

Which motion prevailed.

And the bill was laid upon the table.

Mr. Stock offered the following resolution:

Resolved, That the Chief Clerk be instructed to issue a certificate to Thos Mullen for \$50, for extra services rendered as fireman, etc.

Mr. Austin moved that the resolution be laid upon the table.

Carried.

Mr. Purdie introduced—

A bill for an act to prohibit the confinement of fugitive slaves in the jails of this State,

Which was read a first time.

Mr. Secombe moved to lay the bill on the table.

Carried.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 211. A bill for an act to authorize married women to transact business in their own name as sale traders.

Mr. Acker moved that the Committee of the Whole be discharged from the further consideration of H. F. No. 152.

Carried.

S. F. No. 152. A bill for act relating to the confinement of prisoners in county jails.

Was taken up.

Mr. Cleveland moved several amendments,

Mr. Robertson moved that the bill be indefinitely postponed.

Mr. Van Vorhes moved the previous question, which was ordered.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 40, nays 32, as follows:

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Nettleton,	Mr. Stearns,
Abbott,	Fox,	Oida,	Stevens,
Armstrong,	Hayes,	Olivier,	Stephenson,
Arnold,	Kinthead,	Praeder,	Sweet,
Austin,	Knox,	Rehfeld,	Taylor,
Baldwin,	Langworthy,	Renz,	Thayer,
Batty,	Mann,	Robertson,	Tollman,
Brooks,	McDonough,	Roy,	Van Vorhes,
Chadlerdon,	Mitchell,	Shrewsbury,	Webster,
Cleary,	Mitch,	Shults,	Wilkins,
			40

NAYS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Morrison,	Mr. Stewart,
Anderson,	Greene of Olmsted,	Ozman,	Stock,
Bixler,	Hulet,	Purdie,	Temanson,
Burnham,	Hunt,	Sawyer,	Walker, H.
Butler,	Johnson,	Schaffer,	Walker, Orange,
Cleveland,	Letford,	Secombe,	Watson,
Coe,	Mantor,	Sherwood,	White,
Garrard,	Meighan,	Skillman,	Speaker,
			8

So the motion prevailed.

Mr. Tollman moved the appointment of a conference committee upon S. F. No. 143. A bill for an act to define the boundaries of the county of

Stearns,

Carried.

The Speaker appointed as such committee Messrs. Tollman, Kinthead, and Knox.

Mr. Secombe offered the following resolutions:

Resolved, That in the judgment of this House the State of Minnesota is not bound, legally or equitably, to pay the full amount of the bonds denominated Minnesota State Railroad Bonds.

Resolved, further, That the State never ought to pay any greater amount of the said bonds than twenty-five per centum thereof.

Resolved, further, That it is inexpedient for the State, at the present time, to undertake to aid the completion of railroads in this State by enlarging in any way the legal or equitable liability of the State in relation to the said bonds, or by increasing the present State debt in any other way.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker at half past two o'clock.

The following message was received from the Senate:

Mr. Speaker:

I have to announce to the Honorable House that the Senate insist upon the adoption of the resolutions in relation to the distribution and publication of the laws, herewith transmitted.

Also, that the Senate do not recede from their non-concurrence in the House amendment to

S. F. No. 143. A bill for an act to define the boundaries of the county of Stearns,

And that the Senate have appointed Messrs. Andrews, F. E. Baldwin, and

Taylor, a committee of conference in relation to the disagreement upon said bill.
A. B. WEBBER, Secretary of the Senate.

A message from the Governor being announced, S. P. Jennison, Esq., the Private Secretary of the Governor, appeared and presented a message from the Governor, transmitting a communication from James W. Taylor, Esq., upon the relation of the State of Minnesota to Northwest British America.

(See Appendix.)

Mr. Stewart presented a report from the Committee on Claims, upon several bills, recommending that they be paid.

Which was adopted.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the honorable House that the Senate have concurred in the amendment proposed by the conference committee to
S. F. No. 143. A bill for act to define the boundaries of the county of Stearns.

And that the Senate have passed the following bills, to wit:

S. F. No. 131. A bill for an act to define the boundaries of certain counties therein named.

Also,

S. F. No. 155. A bill for an act for the removal of the State Bank of Minnesota.

Also,

S. F. No. 169. A bill for an act for the relief of Christian Denlinger.

Also,

S. F. No. 172. A bill for an act to amend the Revised Statutes in relation to common schools.

H. F. No. 76. A bill for an act to amend section 37, of an act to organize and discipline the militia and volunteer militia, passed Aug. 12, 1858,

With amendments.

Also,

H. F. No. 170. A bill for an act to amend an act to incorporate the town of New Ulm in Brown county.

Also,

H. F. No. 174. A bill for an act to create a lien in favor of lumbermen, With amendments.

Also,

H. F. No. 224. A bill for an act to establish the county of Ripley.

Also,

H. F. No. 226. Joint resolutions in relation to the publication of certain laws,

With amendments.

Also,

H. F. No. 231. A bill for an act to legalize the sale of lands for delinquent taxes in Carver county for the years A. D. 1857 and 1858.

Also,

H. F. No. 232. A bill for an act to attach certain portions of Ramsey and Pine counties to the county of Aiken.

Also,

H. F. No. 236. A bill for an act to vacate certain lots in the town of North Pine Island.

All of which are respectfully submitted for the action of the House.

A. B. WEBBER, Secretary of the Senate.

S. P. Jennison, Esq., private Secretary of the Governor, appeared in the Hall, and delivered the following message :

EXECUTIVE DEPARTMENT, }
St. Paul, March 3, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

An act to punish any interference with the serving of civil or criminal processes.

An act for the relief of school district No. 6, in Houston county.

An act to establish the town of Delhi, in the county of Ripley.

Respectfully,

ALEX. RAMSEY.

The question recurring upon the adoption of the resolutions offered by Mr. Secombe,

Mr. Secombe moved that the resolutions be laid upon the table.

Carried.

Mr. Secombe moved to take up

H. F. No. 226. Joint resolutions in relation to the publication of certain laws.

Which motion prevailed.

The question was upon concurring in the amendments proposed by the Senate.

Upon the vote being taken the amendments were concurred in, 46 voting in the affirmative.

Mr. Secombe moved to take up his resolutions, first laid upon the table.

Which motion prevailed.

The question was upon their adoption.

Mr. Trow moved the previous question, which was ordered.

The question was upon the adoption of the first resolution.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 32, nays 32, as follows :

YEAS.

Mr. Aaker,	Mr. Hulett,	Mr. Renz,	Mr. Taylor,
Arnold,	Hunt,	Sawyer,	Trow,
Austin,	Knox,	Secombe,	H. Walker,
Butler,	Letford,	Sherwood,	Walker, Orange,
Cleveland,	Mann,	Shultis,	Watson,
Fox,	Mantor,	Skillman,	Webster,
Greene of Steele,	Pfaender,	Stearns,	White,
Hayes,	Purdie,	Stewart,	Speaker. 32

NAYS.

Mr. Acker.	Mr. Garrard,	Mr. Nettleton,	Mr. Shrewsbury,
Anderson,	Johnson,	Olds,	Stevens,
Beatty,	Kinkaid,	Oxman,	Stephenson,
Burnham,	McDonough,	Rehfeld,	Sweet,
Chadderdon,	Meighan,	Robertson,	Temanson,
Cleary,	Mitchell,	Roy,	Thayer,
Ooe,	Mitsch,	Sanborn,	Willey,
Donohue,	Morrison,	Scheffer,	Wilkins, 32

So the resolution was not adopted.

The question was upon the adoption of the second resolution.

Upon the vote being taken, there were yeas 20, nays 43, as follows :

YEAS.

Mr. Arnold,
Austin,
Cleveland,
Fox,
Greene of Steele,

Mr. Hayes,
Letford,
Pfaender,
Purdie,
Ranz,

Mr. Sawyer,
Secombe,
Shultis,
Skillman,
Stewart,

Mr. Taylor,
Trow,
Walker Orange,
Webster,
Speaker. 20

NAYS.

Mr. Aaker
Acker,
Anderson,
Beatty,
Burnham,
Butler,
Chadderdon,
Cleary,
Coe,
Donohue,
Garrard,

Mr. Hulett,
Hunt,
Johnson,
Kinkead,
Knox,
Mann,
Mantor,
McDonough,
Meighan,
Mitchell,
Mitsch,

Mr. Morrison,
Nettleton,
Olds,
Ozman,
Rehfeld,
Robertson,
Roy,
Sanborn,
Sherwood,
Shrewsbury,
Stearns,

Mr. Stevens,
Stephenson,
Stock,
Sweet,
Temanson,
Thayer,
Walker, H.
Watson,
White,
Wilkins, 48

So the resolution was not adopted.

The question was upon the adoption of the third resolution.

Upon the vote being taken there were yeas 49, nays 12, as follows :

YEAS.

Mr. Aaker,
Acker,
Anderson,
Arnold,
Austin,
Burnham,
Butler,
Chadderdon,
Cleary,
Cleveland,
Coe,
Donohue,
Fox,

Mr. Garrard,
Greene of Steele,
Hayes,
Hulett,
Letford,
Mantor,
McDonough,
Meighan,
Mitchell,
Mitsch,
Morrison,
Ozman,

Mr. Pfaender,
Purdie,
Rehfeld,
Ranz,
Roy,
Sawyer,
Secombe,
Sherwood,
Shrewsbury,
Shultis,
Skillman,
Stearns,

Mr. Stewart,
Stock,
Taylor,
Temanson,
Thayer,
Trow,
Walker, H.
Walker, Orange,
Watson,
Webster,
White,
Wilkins, 49

NAYS.

Mr. Beatty,
Hunt,
Johnson,

Mr. Kinkead,
Knox,
Olds,

Mr. Robertson,
Sanborn,
Stevens,

Mr. Stephenson.
Sweet,
Speaker. 12

So the resolution was adopted.

The question was upon concurring in the amendment proposed by the Senate to

H. F. No. 174. A bill for an act to create a lien in favor of lumbermen.

Upon the vote being taken the amendment was concurred in, 45 voting in the affirmative.

Mr. Sanborn moved an amendment to S. F. No. 124,

Which was adopted.

Mr. Trow moved to adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTY-FOURTH DAY.

MONDAY, March 5, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Caskey, Fox, Garrard, Knox, McDonough, Morrison, Sawyer, Sweet, Thayer, Trow and Wilkins.

Mr. Acker moved that the reading of the journal be dispensed with.

Carried.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 146. A bill for an act to establish the town of Delhi in the county of Wright.

Also,

H. F. No. 147. A bill for an act to authorize the county of Ramsey to issue bonds.

H. F. No. 167. A bill for an act for the relief of school district number six, in Houston county.

Also,

H. F. No. 113. A bill for an act to provide for the times and manner of electing United States Senators from the State of Minnesota.

Also,

H. F. No. 103. A bill for an act to amend an act entitled an act to incorporate the town of Saint Anthony.

Also,

H. F. No. 202. A bill for an act to amend the charter of the city of Winona.

Also,

H. F. No. 175. A bill for an act making appropriation for the mileage and per diem of the officers and members of the present Legislature, and for the support of the State government for the year 1860.

Also,

H. F. No. 112. A bill for an act additional to an act additional to 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 land of the United States, under certain circumstances, approved March 3d, 1855.

Also,

H. F. No. 151. A bill for an act for the relief of the Plymouth Congregational Society of Minneapolis.

Also,

H. F. No. 204. A bill for an act to authorize the city of Hastings to appropriate money for county buildings.

And that the same had been presented to his Excellency the Governor for his approval and signature.

The amendments proposed by the Senate to S. F. No. 143, were read.

The question was upon the adoption of the report of the committee of conference.

Which was adopted.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 76. A bill for an act to amend section 37, of an act entitled an act to organize and discipline the militia, and volunteer militia, passed August 12th, 1858.

Upon the vote being taken the amendment was concurred in, 42 voting in the affirmative.

S. F. No. 172. A bill for an act to amend the revised statutes in relation to common schools.

Was read the first time.

Mr. Butler moved that the rules be so far suspended as to allow the bill to be read a second and third time, and put upon its passage.

Mr. Aaker moved to amend, that the bill be read a second time.

Carried.

And the bill had its second reading.

Mr. Webster offered the following preamble and resolution :

Whereas, The Congress of the United States did on the 11th day of May A. D. 1858, erect the Territory of Minnesota into a State, and admit the same into the Union as one of the United States of America. Therefore

Be it resolved, That before the said 11th day of May aforesaid, the State of Minnesota had no lawful existence, and that the body of men assembled in this Capitol on the first Wednesday of December, in the year of 1857, assuming to be a Legislature of the State of Minnesota had no no lawful authority to act as such, and that the five million loan amendment, so-called to the Constitution of the State of Minnesota is a nullity, and without any force to bind the people of said State, and that the so-called ratification of the same by the voters of said State is null and void, and without any force whatever.

Resolved 2d, That it is the imperative duty of this Legislature to submit a proposition to the voters of this State, for their adoption or rejection, so to amend the Constitution of this State as to wholly prohibit any future Legislature thereof from passing any law imposing any tax whatever upon the people of the State to pay either the interest or principal of the said five million loan.

Mr. Secombe moved that the resolution be laid upon the table.

Carried.

S. F. No. 155. A bill for an act for the removal of the State Bank at Austin.

Was read the first time.

Mr. Sawyer moved to suspend the rules so far as to allow the bill to be read the second time.

Carried.

And the bill was read a second time.

Mr. Sawyer moved that the bill be laid upon the table.

Carried.

S. F. No. 169. A bill for an for the relief of Christian Denlinger.

Was read the third time.

Mr. Morrison moved that the bill be rejected.

Carried.

S. F. No. 131. A bill for an act to define the boundaries of certain counties therein named.

Was read a third time.

Mr. Purdie moved that the bill be indefinitely postponed.

Lost.

The joint resolution providing for the distribution of the Journals and Laws of the present Legislature.

Had its first reading.

Mr. Purdie moved that the rules be so far suspended as to allow the resolution to be read a second and third time.

Carried.

And the resolution had its second and third reading and was adopted.

Mr. Robertson presented the petition of citizens of Saint Paul and others, asking that the Southerners may be protected in their Slave property while here for a temporary residence.

Mr. Robertson introduced the following preamble and resolution.

Whereas, We are informed that for the purpose of pleasant recreation, and to benefit their health, many citizens of the Southern slave holding States desire during their sickly season to sojourn temporarily in Minnesota, with their families and customary house servants; but fear being deprived of the possession of the latter by means of hostile combinations or adverse legal proceedings. Therefore

Resolved, That we the representatives of the people pledge to our countrymen of the South, who may desire to visit Minnesota, our observance at all times of every rite of honorable hospitality, and that during their sickly season between the 15th of May, and the 15th of October of every year, our borders will be open to receive them and their families as guests and sojourners; and to protect them in the right of possession to their family servants, bond or free; and for that period of every year the soil of Minnesota will be to all, a neutral ground.

The question was upon its adoption,

Mr. Secombe moved a call of the House, which was ordered.

The following members answered to their names:

Messrs. Aaker, Abbott, Acker, Anderson, Arnold, Austin, Baldwin, Beatty, Brooks, Burnham, Butler, Chadderdon, Cleary, Cleveland, Coe, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkad, Knox, Langworthy, Leavans, Letford, Mann, Mantor, McDon-

ough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olds, Ozmun, Pfaender, Rehfeld, Renz, Roy, Robertson, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shultis, Stearns, Stevens, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Trow, H. Walker, Orange Walker, Watson, Webster, White, Wilkins, and Mr. Speaker.

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

Carried.

The question was upon the adoption of the resolution introduced by Mr. Robertson.

Mr. Baldwin called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 17, nays, 52, as follows :

YEAS.			
Mr. Beatty,	Mr. Mitsch,	Mr. Roy,	Mr. Stephenson,
Chadlerdon,	Nettleton,	Scheffer,	Tollman,
Cleary,	Rehfeld,	Stevens,	Wilkins,
Dowdell,	Robertson,	Sweet,	Speaker,
Kinkaid,			
			17
NAYS.			
Mr. Aaker,	Mr. Fox,	Mr. Mantor,	Mr. Stearns,
Abbott,	Garrard,	Mitchell,	Shultis,
Acker,	Greene of Olmsted,	McDonough,	Stock,
Anderson,	Greene of Steele,	Melchan,	Stewart,
Arnold,	Hayes,	Morrison,	Temanson,
Austin,	Hulett,	Ozman,	Taylor,
Baldwin,	Hunt,	Olds,	Thayer,
Brier,	Johnson,	Pfaender,	Trow,
Brooks,	Knox,	Purdie,	Walker, H.
Burnham,	Largworthy,	Sawyer,	Walker, Orange,
Butler,	Letford,	Secombe,	Webster,
Cleveland,	Leavens,	Sherwood,	Watson,
Coe,	Mann,	Shrewsbury,	White,
			52

So the resolution was lost.

Mr. Trow offered the following resolution :

Whereas, The South magnanimously permit free Northern men to run at large, especially northward well tarred and feathered. Therefore

Resolved, That those who wish to expel free blacks from Minnesota and to allow slaves to be held in their places, be allowed to go South just when they please.

Mr. Secombe moved that the resolution be laid upon the table.

Carried.

Mr. Aaker moved take up H. F. No. 238 and put the same upon its passage.

Withdrawn.

Mr. Secombe introduced a concurrent resolution proposing amendments to the Constitution of this State.

Which had its first reading.

Mr. Sweet moved that the resolution be laid upon the table.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 17, nays 42, as follows :

YEAS.

Mr. Anderson, Acker, Burnham, Butler, Chadderdon,	Mr. Garrard, Johnson, Nettleton, Roy,	Mr. Sawyer, Scheffer, Stephenson, Stoek,	Mr. Sweet, Tollman, Trow, Wilkins,	17
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NAYS.

Mr. Aaker, Austin, Bixler, Brooks, Cleveland, Coe, Donohue, Fox, Greene of Olmsted, Hayes, Hulett,	Mr. Hunt, Kinkead, Knox, Leavens, Letford, Mann, McDonough, Meighan, Mitchell, Morrison, Olds,	Mr. Ozman, Pfaender, Purdie, Renz, Secombe, Sherwood, Shrewsbury, Shultis, Stevens, Stearns,	Mr. Skillman, Stewart, Taylor, Temanson, Thayer, Walker Orange, Watson, Webster, White, Speaker,	42
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So the motion was lost.

Mr. McDonough moved the previous question, which was ordered.

The question was upon the adoption of the resolution.

Mr. Secombe called for the yeas and nays, which were ordered.

Mr. Cleveland moved a call of the House,

Which was ordered, and the following members answered to their names;

Messrs. Aaker, Acker, Anderson, Arnold, Austin, Bixler, Brooks, Burnham, Butler, Chadderdon, Cleveland, Coe, Donohue, Garrard, Greene of Olmsted, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Leavens, Letford Mann, McDonough, Meighan, Mitchell, Morrison, Nettleton, Olds, Olivier, Ozmun, Pfaender, Purdie, Rehfeld, Renz, Roy, Sawyer, Scheffer, Secombe, Sherwood, Shrewsbury, Shultis, Stearns, Stewart, Stoek, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, H. Walker, Watson, Webster, Wilkins, White and Mr. Speaker.

The Sergeant-at arms reported several members in their seats.

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

Carried.

Mr. Sweet rose to a point of order, that the rules require that the resolution should lay over.

Which was not sustained

Mr. Sweet appealed from the decision of the Chair.

And the decision was not sustained.

Mr. Hunt moved that the rules be so far suspended so as to allow the resolution to be considered at the present time.

Which was lost.

Mr. Mitchell moved that

H. F. No. 188. A bill for an act making appropriations for incidental expenses in the various departments of State,

Be returned from the Enrolling Clerk.

Carried.

Mr. Mitchell moved an amendment.

Which was adopted.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Hon. House that the Senate have adopted the concurrent resolution upon adjournment.

A. B. WEBBER, Secretary of the Senate.

S. F. No. 26. A bill for an act to provide for the filing of chattel mortgages and defining the effect thereof.

Had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 45, nays 5, as follows :

YEAS.			
Mr. Aaker, Acker, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Cleary, Cleveland, Coe, Donohue,	Mr. Fox, Greene of Olmsted, Greene of Steele, Hulett, Hunt, Johnson, Knox, Langworthy, Letford, Leavens, Mantor,	Mr. Meighan, Mitchell, Morrison, Olds, Olivier, Ozman, Pfaender, Purdie, Renz, Roy, Sawyer,	Mr. Sherwood, Shrewsbury, Skillman, Stearns, Stevens, Stewart, Taylor, Temanson, Thayer, Trow, Webster,
			5

NAYS.			
Mr. Arnold, Chadderdon,	Mr. Hayes,	Mr. Mann,	Mr. Speaker.
			5

So the bill was passed and its title agreed to.

S. F. No. 137. A bill for an act to define the boundaries of Aiken county, and to attach the same to Morrison for judicial purposes,

Had its third reading and was put upon its final passage.

Upon the vote being taken there were yeas 50, nays 00, as follows :

YEAS.			
Mr. Aaker, Acker, Anderson, Arnold, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Cleary, Cleveland, Coe,	Mr. Fox, Greene of Olmsted, Greene of Steele, Hulett, Hayes, Johnson, Knox, Langworthy, Leavens, Letford, Meighan, Mitchell, Morrison,	Mr. Nettleton, Olds, Ozman, Pfaender, Purdie, Renz, Roy, Sawyer, Scheffer, Sherwood, Shurtis, Stearns, Stevens, Taylor, Temanson, Thayer, Trow, Walker, H. Orange Walker, Webster, Wilkins, White, Speaker,	
			50

So the bill was passed and its title agreed to.

Mr. Fox moved that the rules be so far suspended as to allow

S. F. No. 65. A bill for an act relating to mortgages and other securities,

To be taken up and put upon its passage.

Carried.

The question was upon the passage of the bill.

Mr. Aaker moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Acker, Anderson, Arnold, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Cleary, Cleveland, Coe, Donohue, Fox, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkad, Knox,

Langworthy, Leavans, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Nettleton, Olivier, Ozmun, Pfaender, Purdie, Renz, Robertson, Roy, Sawyer, Sherwood, Shrewsbury, Shultis, Skillman, Stearns, Stevens, Stock, Taylor, Temanson, Thayer, Trow, H. Walker, O. Walker, Watson, Webster, White, Wilkins, and Mr. Speaker.

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

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken there were yeas 52, nays 18, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Purdie,	Mr. Sweet,
Abbott,	Greene of Steele,	Rehfeld,	Taylor,
Acker,	Hunt,	Robertson,	Temanson,
Anderson,	Kinkad,	Roy,	Thayer,
Arnold,	Knox,	Scheffer,	Tollman,
Austin,	Langworthy,	Sherwood,	Trow,
Bixler,	Mantor,	Shrewsbury,	H. Walker,
Burnham,	McDonough,	Skillman,	Walker, Orange,
Butler,	Morrison,	Stearns,	Watson,
Cleary,	Nettleton,	Stevens,	Webster,
Coe,	Olds,	Stephenson,	White,
Fox,	Olivier,	Stewart,	Wilkins,
Garrard,	Ozman,	Stock,	Speaker.

52

NAYS.

Mr. Baldwin,	Mr. Hulett,	Mr. Meighan	Mr. Renz,
Brooks,	Johnson,	Mitchell,	Sawyer,
Chadderdon,	Leavans,	Mitsch,	Secombe,
Cleveland,	Letford,	Pfaender,	Shultis,
Hayes,	Mann,		

18

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

Mr. Robertson moved that the rules be so far suspended as to allow H. F.

No. 238 to be taken up,

Which was lost.

The question was upon the passage of

S. F. No. 143. A bill for an act to define the boundaries of the county of Stearns.

Upon the vote being taken, there were yeas 56, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Garrard,	Mr. Ozman,	Mr. Stewart,
Acker,	Greene of Olmsted,	Pfaender,	Stock,
Anderson,	Greene of Steele,	Purdie,	Sweet,
Arnold,	Hayes,	Rehfeld,	Taylor,
Austin,	Hulett,	Renz,	Temanson,
Bixler,	Johnson,	Roy,	Thayer,
Brooks,	Kinkad,	Sawyer,	Tollman,
Burnham,	Leavans,	Scheffer,	H. Walker,
Chadderdon,	Letford,	Secombe,	Walker, Orange.
Cleary,	Meighan,	Shrewsbury,	Watson,
Cleveland,	Mitchell,	Shultis,	Webster,
Coe,	Mitsch,	Skillman,	White,
Donohue,	Morrison,	Stearns,	Wilkins,
Fox,	Nettleton,	Stevens,	Speaker,

56

NAYS.

Mr. Abbott,

1

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

H. F. No. 211. A bill for an act to authorise married women to transact business in their own names as sale traders,

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 45, nays 20, as follows :

YEAS.

Mr. Acker,	Mr. Garrard,	Mr. Olivier,	Mr. Stevens,
Anderson,	Greene of Steele,	Ozman,	Stephenson,
Arnold,	Hulett,	Purdie,	Stock,
Austin,	Hunt,	Rehfeld,	Sweet,
Bixler,	Kinkad,	Robertson,	Thayer,
Bigoks,	Langworthy,	Sawyer,	Trow,
Burnham,	Leavens,	Scheffer,	Walker H.
Chadderdon,	Letford,	Secombe,	Watson,
Cleary,	Mann,	Shrewsbury,	Webster,
Donohue,	Mantor,	Skillman,	White,
Fox,	Olds,	Stearns,	Speaker,
Greene of Olmsted,			

45

NAYS.

Mr. Aaker,	Mr. Coe,	Mr. Mitsch,	Mr. Shultis,
Abbott,	Johnson,	Nettleton,	Stewart,
Baldwin,	McDonough,	Pfaender,	Taylor,
Butler,	McIghan,	Renz,	Temanson,
Cleveland,	Mitchell,	Roy,	Wilkins,

20

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

S. F. No. 124. A bill for an act supplemental to an act authorizing the city of St. Paul to loan its bonds to the St. Paul Bridge Company,

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 52, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Johnson,	Mr. Purdie,	Mr. Stephenson,
Acker,	Kinkad,	Rehfeld,	Stewart,
Anderson,	Knox,	Renz,	Stock,
Austin,	Langworthy,	Robertson,	Sweet,
Bixler,	Leavens,	Sawyer,	Temanson,
Chadderdon,	Mann,	Scheffer,	Thayer,
Cleary,	McDonough,	Secombe,	Trow,
Coe,	Meighan,	Sherwood,	Walker, H.
Fox,	Mitsch,	Shrewsbury,	Walker, Orange,
Garrard,	Morrison,	Shultis,	Watson,
Greene of Steele,	Mitchell,	Skillman,	Webster,
Hayes,	Ozman,	Stearns,	White,
Hulett,	Pfaender,	Stevens,	Speaker,

52

So the bill was passed and its title agreed to.

H. F. No. 220. A bill for an act in relation to Fort street,

Had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 42, nays 6, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Pfaender,	Mr. Skillman,
Acker,	Hulett,	Purdie,	Stock,
Anderson,	Hayes,	Robertson,	Sweet,
Bixler,	Kinkad,	Roy,	Taylor,
Brooks,	Knox,	Sawyer,	Thayer,
Burnham,	Langworthy,	Secombe,	Trow,
Chadderdon,	Mann,	Sherwood,	Watson,
Cleary,	McDonough,	Stearns,	Webster,
Coe,	Mitchell,	Stewart,	White,
Fox,	Morrison,	Stevens,	Speaker,
Garrard,	Ozman,		

42

NAYS.

Mr. Abbott,	Mr. Baldwin,	Mr. Letford,	Mr. Meighan,
Austin,	Greene of Steele,		

6

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

Mr. Greene of Steele, offered the following resolution :

Resolved, That the Committee on Ways and Means are hereby instructed to include in the appropriation bill the sum of nine thousand three hundred and sixty dollars and sixty-one cents, to meet a deficiency in the legislative fund of 1859, out of which by the appropriation bill of 1858 the same having been appropriated to be paid out of said fund to pay unpaid balances for territorial printing.

Which was not adopted.

Mr. Trow introduced—

A bill for an act to amend sec. 9, of art. 10, of the Constitution of this State, and providing for the submission of the same to the people,

Which had its first reading.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read a second time.

Mr. Kinkead moved that the bill be laid upon the table.

Withdrawn.

The question was upon the motion of Mr. Secombe,

Which was lost.

Mr. Greene of Steele introduced—

Two bills making appropriation for the expenses of the State.

Mr. Greene moved that the rules requiring the bills to be read the first time at length be suspended, so as to allow the bills to be read the first time by their title.

Carried.

And the bills had their first reading.

The House then took a recess until half past two o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Clerk.

The Speaker being absent, Mr. Acker was elected Speaker *pro tem*.

The Speaker presented the petition of Thomas Harris.

Which was referred to the Committee on Education and Sciences.

Mr. Kinkead moved that 500 copies of the message and report of the Governor in regard to Minnesota and British North America be printed.

Lost.

S. P. Jennison, private Secretary of the Governor, appeared in the Hall and delivered the following message :

EXECUTIVE OFFICE,
St. PAUL, March 5, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

An act to amend the charter of the city of Winona.

An act to provide for the times and manner of electing United States Senators from the State of Minnesota.

An act to amend an act entitled an act to authorise and regulate the business of Banking, approved July 26, 1858.

An act for the relief of the Mississippi and Rum River Boom Company.

An act for the relief of Plymouth Congregational church society of Minneapolis.

An act to authorise the city council of the city of Hastings to appropriate money for the erection of county buildings.

An act additional to an act additional to 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, approved March 3, 1855.

Respectfully,

ALEX. RAMSEY.

H. F. No. 188. A bill for an act making appropriations for incidental expenses in the various departments of State,

Had its third reading, and was put upon its passage.

Upon the vote being taken, there were yeas 52, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. Meighan,	Mr. Stewart,
Abbott,	Ooe,	Mitchell,	Stock,
Acker,	Donchue,	Morrison,	Sweet,
Anderson,	Fox,	Nettleton,	Taylor,
Armstrong,	Greene of Olmsted,	Olivier,	Temanson,
Austin,	Greene of Steele,	Pfaender,	Tollman,
Baldwin,	Hulett,	Renz,	Trow,
Beatty,	Johnson,	Roy,	Van Vorhes,
Bixler,	Kinkad,	Sawyer,	H. Walker,
Burnham,	Knox,	Secombe,	Walker, Orange,
Butler,	Langworthy,	Sherwood,	Webster,
Chadderdon,	Letford,	Shrewsbury,	Wilkins,
Cleary,	McDonough,	Stephenson,	Speaker. 52

So the bill was passed and the title agreed to.

Mr. Mitchell moved that the Committee of the Whole be discharged from the further consideration of H. F. No. 201,

Which motion prevailed.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

H. F. No. 133. A bill for an act to provide for the laying out, altering, discontinuing, working and repairing of roads and bridges, With amendments.

Also,

H. F. No. 182. A bill for an act to organize the county of Renville and for other purposes.

All of which are herewith returned to the House.

A. B. WEBBER, Secretary of the Senate.

Mr. Mitchell moved that

H. F. No. 201. A bill for an act to provide for the assessment and collection of a tax for State purposes for the year 1860.

Be taken as the engrossed bill and read a third time and put upon its passage.

Carried.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 61, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Morrison,	Mr. Stephenson,
Abbott,	Greene of Olmsted,	Nettleton,	Stewart,
Acker,	Greene of Steele,	Olivier,	Stock,
Anderson,	Hayes,	Osmun,	Sweet,
Armstrong,	Hulett,	Pfeander,	Taylor,
Austin,	Johnson,	Rehfeld,	Temanson,
Baldwin,	Kinkead,	Renz,	Thayer,
Beatty,	Knox,	Roy,	Troy,
Bixler,	Langworthy,	Sawyer,	Van Vorhes,
Burnham,	Letford,	Scheffer,	H. Walker,
Butler,	Mann,	Secombe,	Walker, Orange,
Chadderdon,	McDonough,	Sherwood,	Watson,
Cleary,	Meighan,	Shrewsbury,	Webster,
Cleveland,	Mitchell,	Shultz,	Wilkins,
Coe,	Mitsch,	Skullman,	Speaker.
Donohue,			61

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

Mr. Abbott moved that the rules be so far suspended as to allow the resolution upon adjournment, also the joint resolution offered by Mr. Secombe, to be taken into consideration at this time.

Which motion prevailed.

The question was upon the resolution of the Senate in regard to adjournment.

Mr. Stearns moved that the resolution be laid upon the table.

Carried.

The resolution offered by Mr. Secombe was then taken up.

Mr. Acker moved to lay the resolution upon the table.

Carried.

Mr. Robertson offered the following resolution :

Resolved, That the Hall of the House be granted to D. A. Robertson, on Wednesday evening next, for the purpose of enabling him to deliver a free lecture on the following subject :

An explanation of the rational of the diverse sentiments of the people, and of the diverse character of the institutions of the North and the South.

Adopted.

Mr. Acker moved that the Committee of the Whole be discharged from the further consideration of the railroad bill introduced by Mr. Stock.

Carried.

Upon motion

H. F. No. 189. A bill for an act to amend section 11, of chapter 71, on page 621, of public statutes.

Was taken up.

Mr. Secombe moved that the bill be laid upon the table.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 49, nays 16, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Mitsch,	Mr. Steph
Anderson,	Greene of Olmsted,	Ozman,	Stewa
Armstrong,	Hayes,	Prænder,	Tem
Austin,	Hulett,	Purdie,	Thaye
Baldwin,	Hunt,	Renz,	Trow,
Burnham,	Johnson,	Robertson,	Van V
Butler,	Knox,	Sawyer,	Walke
Chalderdon,	Langworthy,	Secombe,	Wate
Cleveland,	Letford,	Sherwood,	Webst
Coe,	McDonough,	Shultis,	Speak
Donohue,	Melghan,	Stearns,	
Fox,			

NAYS.

Mr. Abbott,	Mr. Cleary,	Mr. Olivier,	Mr. Stock,
Acker,	Kinkead,	Roy,	Tollm
Beatty,	Morrison,	Schaffer,	White
Bixler,	Nettleton,	Shrewsbury,	Wilkin

Which motion was carried.

Mr. Secombe moved to take up the resolution offered by himsel

Mr. Cleveland called for the yeas and nays, which were ordered

Upon the vote being taken, there were yeas 41, nays 22, as follo

YEAS.

Mr. Aaker,	Mr. Garrard,	Mr. Mitchell,	Mr. Sherw
Abbott,	Greene of Olmsted,	Mitsch,	Shultis
Austin,	Hayes,	Olds,	Stearns
Anderson,	Hulett,	Olivier,	Stewa
Baldwin,	Hunt,	Ozman,	Tem
Burnham,	Johnson,	Prænder,	Thaye
Butler,	Knox,	Purdie,	H. W.
Cleveland,	Letford,	Renz,	Walke
Coe,	McDonough,	Sawyer,	Wate
Donohue,	Melghan,	Secombe,	Speak
Fox,			

NAYS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Robertson,	Mr. Stock,
Armstrong,	Kinkead,	Roy,	Tollm
Beatty,	Langworthy,	Schaffer,	Wate
Bixler,	Mann,	Shrewsbury,	White
Chalderdon,	Mantor,	Stephenson,	Wilkin
Cleary,	Morrison,		

So the motion was carried.

The question was upon the adoption of the resolution,

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being tak ..., there were yeas 43, nays 25, as follo

YEAS.

Mr. Aaker	Mr. Garrard,	Mr. Mitsch,	Mr. Skillm
Abbott,	Greene of Olmsted,	Morrison,	Stearns
Anderson,	Hayes,	Olds,	Taylor
Austin,	Hulett,	Ozman,	Tem
Baldwin,	Hunt,	Prænder,	Thaye
Brooks,	Knox,	Purdie,	Van V
Burnham,	Langworthy,	Renz,	Walke
Butler,	Letford,	Sawyer,	Walke
Cleveland,	McDonough,	Secombe,	Wate
Coe,	Melghan,	Sherwood,	Webste
Fox,	Mitchell,	Shultis,	

NAYS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Olivier,	Mr. Stewar
Armstrong,	Johnson,	Robertson,	Stock,
Beatty,	Kinkead,	Roy,	Tollm
Bixler,	Mann,	Schaffer,	White,
Chalderdon,	Mantor,	Shrewsbury,	Wilkin
Cleary,	Nettleton,	Stephenson,	Speak
Donohue,			

So the resolution was adopted.

Mr. Secombe moved that the vote just taken be reconsidered.

Lost.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 212. A bill for an act relating to personal property exempt by law from execution for debt.

Also,

H. F. No. 218. A bill for an act to regulate the sale of property under execution.

Also,

H. F. No. 225. A bill for an act to amend an act entitled an act to provide for the incorporation and regulation of railroad companies, approved August 12, 1858.

The following message was received from the Senate:

That the Senate have adopted a joint resolution in regard to publishing laws.

Upon motion

H. F. No. 212. A bill for an act relating to personal property exempt by law from execution for debt,

Was taken up and put upon its passage.

Upon the vote being taken there were yeas 46, nays 2, as follows:

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Mann,	Mr. Stearns,
Abbott,	Fox,	McDonough,	Stewart,
Acker,	Greene of Olmsted,	Morrison,	Sweet,
Armstrong,	Greene of Steele,	Olms,	Tomlinson,
Austin,	Hayes,	Olivier,	Thayer,
Baldwin,	Hulett,	Ozmun,	Van Vorhes,
Beatty,	Hunt,	Purdie,	Walker, H.
Bixler,	Johnson,	Robertson,	Walker, Orange,
Butler,	Kinkaid,	Sawyer,	Webster,
Chadderton,	Knox,	Sheffer,	White,
Cleary,	Lanworthy,	Shrewsbury,	Speaker.
Cleveland,	Leavens,		

46

NAYS.

Mr. Mitchell, Mr. Secombe,

2

So the bill was passed and its title agreed to.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 133. A bill for an act to provide for the laying out, altering, discontinuing, working, and repairing roads and bridges,

Upon the vote being taken the amendments were concurred in, 43 voting in the affirmative.

Upon motion

S. F. No. 155. A bill for an act for the removal of the State Bank of Minnesota.

Was taken up.

The question was upon the passage of the bill,

And upon the vote being taken there were yeas 48, nays 4, as follows :

YEAS.			
Mr. Aaker, Aaker, Armstrong, Beatty, Bixler, Chadderdon, Cleveland, Donohue, Greene of Olmsted, Hayes, Hulett, Hunt,	Mr. Johnson, Kinkead, Knox, Letford, McDonough, Mitchell, Mitsch, Morrison, Nettleton, Olds, Olivier, Osman,	Mr. Pfaender, Purdie, Rehfeld, Renz, Robertson, Roy, Sawyer, Secombe, Sherwood, Shrewsbury, Shriner, Stearns,	Mr. Stewart, Stock, Sweet, Temanson, Thayer, Tollman, H. Walker, Walker, Orange, Watson, Webster, White, Wilkins,
			48
NAYS.			
Mr. Austin,	Mr. Burnham,	Mr. Fox.	Mr. Langworthy,

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

Mr. Acker moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Abbott, Acker, Armstrong, Austin, Beatty, Bixler, Burnham, Butler, Chadderdon, Cleveland, Coe, Donohue, Greene of Olmsted, Hayes, Hulett, Hunt, Johnson, Kinkead, Knox, Langworthy, Letford, Mann, McDonough, Mitchell, Mitsch, Morrison, Nettleton, Olds, Olivier, Ozmun, Pfaender, Purdie, Rehfeld, Renz, Robertson, Roy, Sawyer, Secombe, Shultis, Stearns, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, H. Walker, O. Walker, Watson, Webster, White, Wilkins, and Mr. Speaker.

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

Lost.

The Sergeant-at arms reported several members in their seats.

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

Carried.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 142. An act to commute the sentence of Mrs. Anna Bilanski to imprisonment for life in the State Prison,

Upon the vote being taken there were yeas 41, nays 23, as follows :

YEAS.			
Mr. Aaker, Abbott, Acker, Armstrong, Arnold, Baldwin, Beatty, Bixler, Butler, Chadderdon Coe,	Mr. Dayton, Fox, Hulett, Hunt, Johnson, Kinkead, Langworthy, Letford, Mann, Mantor,	Mr. Morrison, Olds, Pfaender, Purdie, Rehfeld, Roy, Scheffer, Secombe, Shrewsbury, Stearns,	Mr. Stewart, Stock, Sweet, Temanson, Thayer, Van Vorhes, Watson, Webster, White, Speaker,
			41

NAYS.

Mr. Austin,	Mr. Garrard,	Mr. Olivier,	Mr. Taylor,
Brooks,	Hayes,	Robertson,	Tollman,
Burnham,	Meighan,	Sawyer,	Walker, H.
Cleveland,	Mitchell,	Sherwood,	Orange Walker,
Donchue,	Mitsch,	Shultis,	Wilkins,
Greene of Olmsted,	Nettleton,	Stevens,	23

So the bill was passed and its title agreed to.

Mr. Acker moved to reconsider the vote.

Mr. Stevens called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 22, nays 44, as follows :

YEAS.

Mr. Austin,	Mr. Hayes,	Mr. Olivier,	Mr. Taylor,
Brooks,	Hunt,	Robertson,	Tollman,
Burnham,	Langworthy,	Sawyer,	Trow,
Donchue,	Meighan,	Sherwood,	H. Walker,
Garrard,	Mitchell,	Stevens,	Wilkins,
Greene of Olmsted,	Mitsch,		22

NAYS.

Mr. Aaker,	Mr. Ooe,	Mr. Olds,	Mr. Stewart,
Abbott,	Dayton,	Ozman,	Stock,
Acker,	Fox,	Pfaender,	Sweet,
Armstrong,	Hulett,	Purdie,	Temanson,
Arnold,	Johanson,	Rehfeld,	Thayer,
Baldwin,	Kinkead,	Roy,	Van Vorhes,
Beatty,	Knox,	Scheffer,	Walker Orange,
Bixler,	Letford,	Secombe,	Watson,
Butler,	Mann,	Shrewsbury,	Webster,
Chadderdon,	Mantor,	Shultis,	White,
Cleveland,	Morrison,	Stearns,	Speaker,
			44

So the motion was lost.

Upon motion

S. F. No. 172. A bill for an act to amend the Revised Statutes relative to common schools,

Was taken up and read a third time.

Mr. Acker moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Acker, Armstrong, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Chadderdon, Cleveland, Ooe, Dayton, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hulett, Hunt, Letford Mann, Mantor, Mitchell, Mitsch, Nettleton, Olds, Olivier, Ozmun, Pfaender, Purdie, Rehfeld, Robertson, Roy, Sawyer, Secombe, Sherwood, Shrewsbury, Shultis, Stevens, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Van Vorhes, H. Walker, O. Walker, Watson, Webster, White, Wilkins, and Mr. Speaker.

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

Carried.

Mr. Aaker moved that the bill be referred to a committee of three, with instructions.

Which motion prevailed.

The Chair appointed as such committee Messrs. Aaker, Greene of Steele, and Sawyer.

Upon motion

H. F. No. 218. A bill for an act to regulate the sale of property under execution,

Was taken up and read a third time.

Mr. Fox moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Acker, Anderson, Armstrong, Austin, Bixler, Brooks, Burnham, Butler, Coe, Donohue, Fox, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Knox, Langworthy, Leavans, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Morrison, Nettleton, Olds, Olivier, Ozmun, Pfaender, Purdie, Rehfeld, Renz, Robertson, Sawyer, Secombe, Sherwood, Shrewsbury, Shultis, Skillman, Stearns, Stevens, Stephenson, Stewart, Stoek, Sweet, Taylor, Temanson, Thayer, Tollman, Van Vorhes, H. Walker, O. Walker, Watson, Webster, Wilkins, and Mr. Speaker.

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

Carried.

The question was upon the passage of

H. F. No. 218. A bill for an act to regulate the sale of property under execution.

Upon the vote being taken, there were yeas 31, nays 22, as follows :

YEAS.

Mr. Aaker,	Mr. Knox,	Mr. Shrewsbury,	Mr. Van Vorhes,
Acker,	Langworthy,	Shriner,	H. Walker,
Anderson,	Mantor,	Stearns,	Walker, Orange,
Armstrong,	McDonough,	Stevens,	Watson,
Bixler,	Olds,	Stewart,	Webster,
Dayton,	Olivier,	Temanson,	White,
Greene of Olmsted,	Purdie,	Tollman,	Wilkins.
Hunt,	Robertson,	Trow,	

31

NAYS.

Mr. Austin,	Mr. Fox,	Mr. Letford,	Mr. Sawyer,
Baldwin,	Greene of Steele,	Mann,	Secombe,
Brooks,	Hayes,	Ozman,	Shults,
Burnham,	Hulett,	Pfaender,	Skillman,
Chadderton,	Johnson,	Renz,	Stephenson,
Coe,	Leavans,		

22

So the bill was lost.

Mr. Fox moved to reconsider the vote.

Carried.

And the bill was laid upon the table.

Mr. Tollman moved that the Committee of the Whole be discharged from the further consideration of S. F. No. 138,

Which motion prevailed.

Upon motion

S. F. No. 138. A bill for an act to define the boundaries of Todd county and provide for its organization,

Was taken up and read the third time and put upon its passage.

Upon the vote being taken, there were yeas 46, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Olivier,	Mr. Stearns,
Acker,	Greene of Steele,	Ozmun,	Stevens,
Anderson,	Hayes,	Pfaender,	Stewart,
Armstrong,	Hulett,	Purdie,	Sweet,
Aust'n,	Hunt,	Rehfeld,	Temanson,
Baldwin,	Johnson,	Roy,	Tollman,
Bixler,	Letford,	Sawyer,	Trow,
Brooks,	Mann,	Sherwood,	Walker, H.
Burnham,	McDonough,	Shrewsbury,	Watson,
Cleveland,	Mitchell,	Shullis,	Webster,
Dayton,	Nettleton,	Skillman,	White,
Donohue,			

NAYS.

Mr. Shriner,

So the bill was passed and its title agreed to.

On motion

H. F. No. 239. A bill for an act to amend the revised statutes.

Was taken up and read a second and third time and put upon its passage.

Upon the vote being taken there were yeas 41, nays 10, as follows :

YEAS.

Mr. Aaker,	Mr. Hulett,	Mr. Pfaender,	Mr. Stock,
Acker,	Mantor,	Rehfeld,	Sweet,
Anderson,	Kirkhead,	Robertson,	Taylor,
Austin,	Knox,	Roy,	Temanson,
Bixler,	Langworthy,	Sawyer,	H. Walker,
Cleveland,	McDonough,	Shrewsbury,	Watson,
Ooe,	Mitchell,	Shullis,	Webster,
Donohue,	Mantor,	Stearns,	White,
Fox,	Nettleton,	Stevens,	Wilkins,
Greene of Olmsted,	Olivier,	Stewart,	
Greene of Steele,	Ozmun,		41

NAYS.

Mr. Armstrong,	Mr. Baldwin,	Mr. Letford,	Mr. Shriner,
Brooks,	Chadderdon,	Sherwood,	Thayer,
Burnham,	Dayton,		10

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

Mr. Secombe moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTY-FIFTH DAY.

TUESDAY, March 6, 1860.

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

The roll was called and the following members found absent :

Messrs. Aaker, Abbott, Abraham, Armstrong, Beatty, Caskey, Greene of Steele, Knox, Leavans, Mitsch, Nettleton, Olivier, Purdie, Rehfeld, Robertson, Roy, Sanborn, Scheffer, Skillman, Stevens, Stephenson, Sweet, Tollman, Von Vorhes, and Willey.

Upon motion the reading of the journal was dispensed with.

Mr. Secombe moved that the rules be so far suspended as to allow a motion to be made for the reconsideration of the vote by which H. F. No. 100 was indefinitely postponed,

Which motion was lost.

Mr. Taylor, from the Committee on Enrollment; reported as correctly enrolled—

H. F. No. 213. A bill for an act to amend an act entitled an act relating to free schools in Minneapolis.

Also,

H. F. No. 170. A bill for an act to amend an act to incorporate the town of New Ulm in Brown county.

Also,

H. F. No. 231. A bill for an act to legalize the sale of lands for delinquent taxes in Carver county for the years A. D. 1857 and 1858.

Also,

H. F. No. 222. A bill for an act to detach the county of Manomin from the fourth judicial district,

Also,

H. F. No. 154. A bill for an act to amend an act entitled an act to provide for the government of the State Prison of the State of Minnesota.

Also,

H. F. No. 163. A bill for an act to establish the town of Eagan.

Also,

H. F. No. 118. A bill for an act to provide for the attachment of real estate

Also,

H. F. No. 105. A bill for an act to amend an act relating to proceedings by attachment in justice's courts.

Also,

H. F. No. 207. A bill for an act to observe the 22d of February, as a national holiday.

Also,

H. F. No. 232. A bill for an act to attach certain portions of Ramsey sey and Pine counties to the county of Aiken.

Also,

H. F. No. 17. A bill for an act prescribing the duties of county auditors.

And that the same had been presented to his Excellency the Governor for his approval and signature.

Mr. Aaker, from the special committee to whom was referred S. F. No. 172, reported the same back, with amendments, and recommended that it be passed.

Adopted.

Mr. Sawyer moved that the bill be taken as the engrossed bill and put upon its passage.

Carried.

S. F. No. 172. A bill for an act to amend the Revised Statutes in relation to common schools.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 53, nays 2, as follows :

YEAS.

Mr. Aaker,	Mr. Garrard,	Mr. Morrison,	Mr. Stevens,
Anderson,	Greene of Olmsted	Ozman,	Stewart.
Arnold,	Hayes,	Pfaender,	Stock,
Austin,	Hallett,	Purdie,	Sweet,
Baldwin,	Johnson,	Richfeld,	Taylor,
Bixler,	Langworthy,	Renz,	Temanson,
Burnham,	Letford,	Roy,	Thayer,
Butler,	Leavans,	Sawyer,	Trow,
Cleary,	Mantor,	Shrewsbury,	Walker, H.
Cleveland,	Mann,	Shriner,	Webster,
Coe,	McDonough,	Shuttle,	White,
Chadderdon,	Mitchell,	Skillman,	Wilkins.
Donohue,	Mitch,	Stearns,	Speaker.
Fox,			

53

NAYS.

Mr. Brooks,

Mr. Olds,

2

So the bill was passed and its title agreed to.

Mr. Morrison offered the following resolution :

Resolved, As the sense of this House, that the best interests of the State require the immediate commencement and progress of the Land Grant Railroad, and that if each of said companies, or any companies will within ninety days deposit with the Governor 200 of the Minnesota State Railroad Bonds, to be cancelled as a guarantee for the immediate commencement and progress of said road, and agree to have at least fifty continuous miles of each of said roads completed and equipped and in operation in three years, the Cedar Valley and Minneapolis to be completed from Minneapolis to the Iowa line—that then the Governor shall be authorized upon the completion and equipment of ten continuous miles upon any of said roads and upon having delivered up to him for cancellation 100 more of said Minnesota State Railroad Bonds to issue and deliver to each company \$80,000 of State Bonds, and in like manner for every 10 miles, until the whole of said Minnesota State Railroad Bonds are delivered up in equal portion by said Companies, and when said roads are completed as provided, that \$160,000 State Bonds shall be issued to each of said companies for the 200 bonds first delivered up, and provided however that \$600,000 State Bonds may be issued to any company

building a road from Mississippi River to Lake Superior, upon delivery to be cancelled 200,000 of State Railroad Bonds.

Mr. Sweet moved that the resolution be laid upon the table.

Carried.

Mr. Greene of Steele introduced—

A bill for an act proposing an amendment to section 10, article 1 of the Constitution, and for submitting the same to the people.

Which was read a first time.

Mr. Letford, from the Committee on Engrossment, reported as concurred in—

H. F. No. 181. A bill for an act providing for sessions of the Legislature. Concurrent resolution for publication of the laws.

Was read the second time.

Mr. Morrison moved to suspend the rules so far as to allow the bill to be read a third time.

Carried.

And the resolution had its third reading, and was adopted.

S. F. No. 131. A bill for an act to define the boundaries of certain townships therein named.

Was read a second time.

Mr. Mann moved that the rules be so far suspended as to allow the bill to be read the third time, and put upon its passage.

Mr. Langworthy moved that the bill be indefinitely postponed.

Lost.

The question recurring upon the motion of Mr. Mann.

It was carried.

The President and members and officers of the Senate were introduced by the Sergeant-at-Arms.

JOINT CONVENTION.

Pursuant to a resolution, both Houses of the Legislature met in joint convention in the Hall of the House of Representatives at 10 o'clock A. M. and was called to order by the Speaker of the House.

The roll being called and a quorum found present.

Mr. Secombe moved that when the Convention adjourn it adjourn at this place at 11 o'clock A. M. to-morrow.

Carried.

Mr. Van Vorhes moved that the Convention proceed to the election of three Normal School Directors.

Carried.

Mr. Van Vorhes nominated J. A. Russell, for the 1st district.

Mr. Robertson nominated Wm. Holcombe.

The election was then proceeded with, *viva voce*.

J. A. Russell received 64 votes.

Wm. Holcombe received 38 votes.

J. A. Russell having received a majority of all the votes cast was declared duly elected a Normal School Director for the 1st district.

J. D. Ford was nominated for the 3d district.

J. D. Ford received 72 votes.

J. D. Ford having received a majority of all the votes cast was declared duly elected for the 3d district.

Mr. Watson nominated Samuel G. Lowry for the 5th district.

Mr. Lowry received 61 votes.

John Brown received 1 vote.

Mr. Lowry having received a majority of all the votes cast was declared duly elected for the 5th district.

Mr. Acker moved that Convention adjourn.

Carried.

And the Convention adjourned until to-morrow at 11 o'clock A. M.

The House was called to order by the Speaker.

Mr. Sweet moved a call of the House, which was ordered.

Mr. Acker moved that farther proceedings under the call be dispensed with.

Carried.

The question recurring upon the passage of

S. F. No. 131. A bill for an act to define the boundaries of certain counties therein named.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 54, nays 9, as follows :

YEAS.

Mr. Aker,	Mr. Donohue,	Mr. Mitchell,	Mr. Stoek,
Acker,	Fox,	Morrison,	Sweet,
Anderson,	Greene of Steele,	Nettleton,	Taylor,
Armstrong,	Garrard,	Olds,	Tollman,
Arnold,	Hulett,	Pfander,	Thayer,
Baldwin,	Hunt,	Robertson,	Trow,
Beatty,	Johnson,	Roy,	Van Vorhes,
Brooks,	Kinkoad,	Sawyer,	Walker H.
Burnham,	Knox,	Scheffer,	Walker, Orange,
Chadderton,	Leavens,	Secombe,	Webster,
Cleary,	Leiford,	Sherwood,	White,
Cleveland,	Mann,	Shriner,	Wilkins,
Coe,	Mantor,	Stewart,	Speaker,
Dayton,	McDonough,		

54

NAYS.

Mr. Austin,	Mr. Langworthy,	Mr. Purdie,	Mr. Skillman,
Bixler,	Olivier,	Shrewsbury,	Watson,
Hayes,			

9

So the bill was passed and its title agreed to.

Mr. Mitchell moved that the vote be reconsidered.

Lost.

H. F. No. 242. A bill for an act to amend sec. 10, of art. 9, of Constitution.

Had its second reading.

H. F. No. 240. A bill for an act to appropriate money for certain poses therein named.

Was read the second time.

Mr. Mitchell moved that the bill be read at length.

Carried.

Mr. Secombe moved to strike out the names of Newson, Moore, I & Co.

Mr. Van Vorhes called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 42, nays, 15, as follows :

YEAS.

Mr. Aaker,	Mr. Hulett,	Mr. Purdie,	Mr. Stewart,
Armstrong,	Johnson,	Roy,	Stock,
Arnold,	Knox,	Sawyer,	Sweet,
Austin,	Langworthy,	Secombe,	Taylor,
Baldwin,	Leavens,	Sherwood,	Thayer,
Bixler,	Mann,	Shrewsbury,	Tollman,
Chadderdon,	Meighan,	Shriner,	Trow,
Cleary,	Mitchell,	Shultis,	Walker, H.
Cleveland,	Nettleton,	Skillman,	Webster,
Fox,	Olds,	Stevens,	White,
Greene of Steele,	Pfaender,		

NAYS.

Mr. Acker,	Mr. Donohue,	Mr. Mantor,	Mr. Van Vorhes,
Anderson,	Greene of Olmsted,	McDonough,	Walker, Oran
Brooks,	Hayes,	Ozma,	Watson,
Coe,	Letford,	Renz,	

So the motion was adopted.

Mr. Greene of Steele, moved an amendment.

Which was adopted.

Mr. Hayes moved an amendment.

Which was adopted.

Mr. Van Vorhes moved an amendment, allowing 5 cents per cop newspapers.

Upon which he called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 20, nays 29, as follows :

YEAS.

Mr. Anderson,	Mr. Greene of Olmsted,	Mr. Letford,	Mr. Sweet,
Brooks,	Hayes,	Nettleton,	Tollman,
Cleveland,	Hulett,	Roy,	Van Vorhes,
Coe,	Hunt,	Sawyer,	Walker, H.
Donohue,	Kinkead,	Shrewsbury,	Walker Oran,

NAYS.

Mr. Aaker	Mr. Fox,	Mr. Mitchell,	Mr. Skillman,
Armstrong,	Greene of Steele,	Olds,	Stewart,
Austin,	Knox,	Pfaender,	Taylor,
Baldwin,	Langworthy,	Renz,	Thayer,
Beatty,	Leavens,	Secombe,	Watson,
Burnham,	Mantor,	Shriner,	Webster,
Chadderdon,	Meighan,	Shultis,	White,
Cleary,			

So the amendment was lost.

Mr. Secombe moved that the bill be engrossed and passed to a third ing.

Carried.

H. F. No. 241. A bill for an act appropriating money to pay certain arrearages for 1858 and 1859.

Had its second reading.

Mr. Secombe moved that the bill be read at length.

Carried.

And the bill was so read.

Mr. Walker moved an amendment,

Which was adopted.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

The House was called to order by the Speaker at half past two o'clock.

The question was upon ordering H. F. No. 241 to be engrossed and passed to a third reading.

Mr. Fox moved to strike out the appropriation to Eugene Barnard.

Which was not adopted.

Mr. Sawyer moved to strike out the appropriation to Aaron Goodrich,

Which was not adopted.

Mr. Sweet moved to strike out subdivision 4, of section 1,

Which motion was lost.

And the bill was ordered engrossed and passed to a third reading.

Mr. Sawyer moved an amendment to strike out \$1000 and insert \$3000 for printing the Journals.

Mr. Donohue called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 34, nays 22, as follows:

YEAS.

Mr. Aaker,	Mr. Fox,	Mr. Olivier,	Mr. Skillman,
Acker,	Greene of Olmsted,	Pfaender,	Stephenson,
Austin,	Greene of Steele,	Purdie,	Stock,
Baldwin,	Hulett,	Sawyer,	Temanson,
Bixler,	Letford,	Sherwood,	Thayer,
Brooks,	Mantor,	Shrewsbury,	Trow,
Cleary,	Meighan,	Shriner,	Webster,
Cleveland,	Mitch,	Shultis,	Speaker.
Coe,	Olds,		

34

NAYS.

Mr. Burnham,	Mr. Mann,	Mr. Secombe,	Mr. H. Walker,
Chadlerdon,	McDonough,	Seamus,	Walker, Orange,
Donohue,	Mitchell,	Stewart,	Watson,
Hayes,	Morrison,	Sweet,	White,
Johnson,	Notulston,	Van Vorhes,	Wilkins,
Leavans,	Scheffer,		

22

So the amendment was adopted.

Mr. Secombe moved that the original bill, as amended, be taken for the engrossed bill and be put upon its passage.

Mr. Acker moved that the bill be laid upon the table.

Which motion prevailed.

Mr. Acker moved that the resolution in regard to adjournment be taken up.

The question was upon its adoption.

Mr. Secombe moved that the resolution be laid upon the table, and the special order for to-morrow at 10 o'clock.

Which was lost.

The question was upon the adoption of the resolution.

Mr. Acker called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 34, nays 32, as follow

YEAS.

Mr. Acker,	Mr. Kinkead,	Mr. Sawyer,	Mr. Sweet,
Arnold,	Knox,	Scheffer,	Tollman
Austin,	Langworthy,	Sherwood,	Trow,
Burnham,	Levens,	Shrewsbury,	Van Vo
Butler,	Mantor,	Skilman,	Walker
Coe,	Meighan,	Stearns,	Watson
Greene of Steele,	Morrison,	Stewart,	White,
Greene of Olmsted,	Nettleton,	Stock,	Speaker
Johnson,	Olivier,		

NAYS.

Mr. Acker,	Mr. Donohue,	Mr. McDonough,	Mr. Renz,
Armstrong,	Fox,	Mitchell,	Secombe
Baldwin,	Garrard,	Mitsch,	Shriner
Beatty,	Hayes,	Olds,	Shults
Bixler,	Hulet,	Ozman,	Thayer
Brooks,	Hunt,	Pfaender,	Walker
Chadlerdon,	Letford,	Purdie,	Webster
Cleveland,	Mann,	Rehfeld,	Wilkins

So the resolution was not adopted.

Mr. Secombe introduced—

A joint resolution in regard to the prosecuting attorney in the 4 district,

Which had its first reading.

Mr. Secombe moved that the rules be so far suspended as to joint resolution to be read a second and third time, and put upon it Carried.

And the resolution was so read.

Mr. Speaker (Mr. Acker in the Chair) moved that the joint res referred to a committee of one, with instructions.

Mr. Stewart moved that the whole matter be laid upon the table Carried.

The question was upon concurring in the amendment proposed Senate to

H. F. No. 223. A bill for an act to repeal an act entitled an corporate the City of West Saint Paul, and to provide for the ment of the city debt.

Upon the vote being taken the amendment was concurred in, 43 the affirmative.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the honorable House that the Senate have in the House amendment to the enrolled bill

H. F. No. 188. A bill for an act making appropriations for expenses in the various departments of State.

Also, have concurred in the House amendments to the enrolled bill
S. F. No. 124. A bill for an act supplemental to an act to authorize the
City of St. Paul to loan its bonds to the St. Paul Bridge Company.

Also, have concurred in the House amendments to
S. F. No. 115. A bill for an act to provide for the election of court com-
missioner,

Also, have concurred in the House amendments to
S. F. No. 138. A bill for an act to define the boundaries of Todd county
and provide for its organization.

Also, have concurred in the House amendments to
S. F. No. 172. A bill for an act to amend the Revised Statutes relative to
common schools,

Also, that the Senate has passed the following bills and joint resolutions,
to wit.

S. F. No. 151. A bill for an act to provide for the appraisal, sale and
leasing of the school lands, and the investment of the funds arising there-
from.

Also,
S. F. No. 175. Joint resolutions for the appointment of commissioners to
draft a Code of Practice.

Also,
S. F. No. 176. A bill for an act to authorize the Secretary of State to
audit certain accounts for newspapers.

Also,
S. F. No. 179. A bill for an act prohibiting the sale of spirituous liquors
to Indians.

Also,
H. F. No. 223. A bill for an act to amend the charter of the city of
West St. Paul.

With amendments.

Also,
H. F. No. 143. A bill for an act in relation to proposed amendments to
the Constitution of this State.

Also,
H. F. No. 215. A bill for an act to encourage the manufacture of pure
lager beer, and to discourage the use of alcoholic liquors.

All of which are herewith transmitted, and to which the concurrence of
the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

S. F. No. 151. A bill for an act to provide for the appraisal, sale and
leasing the school lands, and the investment of the funds arising therefrom.

Had its first reading.

Mr. Sawyer moved to suspend the rules so far as to allow the bill to
be read the second and third time.

Carried.

And the bill had its second reading, and was referred to a committee of
three.

The Speaker appointed as such committee Messrs. Stearns, Greene of
Steele, and Tollman.

S. F. No. 176. A bill for an act to authorize the Secretary of State to
audit certain accounts for newspapers.

Had its first reading.

Mr. Secombe moved that the rules be so far suspended as to allow to be read a second and third time.

Carried.

And the bill had its second and third reading, and was put upon it. Upon the vote being taken 46 voting in the affirmative, the bill

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Hon. House that the Senate have concurrent resolution proposing amendments to the Constitution.

Herewith transmitted.

A. B. WEBBER, Secretary of the

S. F. No. 179. A bill for an act to prevent the sale of in liquors to the Indians.

Was read the first time.

Mr. Olds moved that the rules be so far suspended as to allow to be read a second and third time and put upon its passage.

Carried.

And the bill had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 41, nays 11 as follow

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Mitsch,	Mr. Steven
Acker,	Fox,	Morrison,	Stewa
Armstrong,	Hayes,	Olds,	Temar
Austin,	Hallett,	Pfeender,	Thaye
Beatty,	Hunt,	Purdie,	Van V
Bixler,	Langworthy,	Sawyer,	Walke
Brooks,	Leavens,	Secombe,	Watso
Chadlerdon,	Mann,	Shriner,	Webst
Cleary,	Mantor,	Shultis,	White
Cleveland,	McDonough,	Skillman,	Wilkin
Coe,			

NAYS.

Mr. Arnold,	Mr. Greene of Olmsted,	Mr. Osmun,	Mr. Stephe
Baldwin,	Knox,	Roy,	H. Wa
Burnham,	McPhan,	Stevens,	

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

H. F. No. 213. A bill for an act proposing amendments to article 9, of the Constitution.

Had its second reading, and was ordered to a third reading.

H. F. No. 225. A bill for an act to amend an act entitled provide for the incorporation and regulation of railroad companies August 12, 1858.

Was taken up.

The Speaker (Mr. Morrison in the Chair) moved that the bill be the table.

Carried.

H. F. No. 218. A bill for an act to regulate the sale of prop execution.

Was taken from the table.

The question was upon the passage of the bill.

Upon the vote being taken, there were yeas 32, nays 23, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Olivier,	Mr. Taylor,
Acker,	Hunt,	Purdie,	Thayer,
Armstrong,	Knox,	Roy,	Trow,
Arnold,	Langworthy,	Shriner,	H. Walker,
Bixler,	Letford,	Stearns,	Van Vorhes,
Cleary,	McDonough,	Stevens,	Watson,
Fox,	Nettleton,	Stewart,	Webster,
Garrard,	Olds,	Stock,	White,
			32

NAYS.

Mr. Brooks,	Mr. Hulett,	Mr. Mitsch,	Mr. Shultis,
Burnham,	Johnson,	Morrison,	Skillman,
Cleveland,	Kinkaid,	Pfaender,	Stephenson,
Coe,	Leavens,	Sawyer,	Temanson,
Donohue,	Mann,	Secombe,	Tollman,
Hayes,	Mitchell,	Shrewsbury,	
			23

So the bill was lost.

H. F. No. 181 A bill for an act to provide for sessions of the Legislature.
Had its third reading.

Mr. Fox moved a call of the House, which was ordered.

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

Carried.

The question was upon the passage of the bill.

Mr. Cleveland moved that the bill be referred to a committee of one with instructions.

Mr. McDonough called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 32, nays 26, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Letford,	Mr. Shultis,
Anderson,	Garrard,	McDonough,	Skillman,
Arnold,	Greene of Steele,	Mitchell,	Stearns,
Austin,	Hulett,	Olds,	Stock,
Bixler,	Hunt,	Pfaender,	Temanson,
Burnham,	Johnson,	Purdie,	Van Vorhes,
Cleveland,	Langworthy,	Secombe,	H. Walker,
Coe,	Leavens,	Shrewsbury,	Speaker,
			32

NAYS.

Mr. Acker,	Mr. Kinkaid,	Mr. Sawyer,	Mr. Thayer,
Armstrong,	Mann,	Shriner,	Tollman,
Baldwin,	Meighan,	Stevens,	Watson,
Brooks,	Mitsch,	Stephenson,	Webster,
Cleary,	Morrison,	Stewart,	White,
Fox,	Olivier,	Sweet,	Wilkins,
Greene of Olmsted,	Roy,		
			26

So the motion was carried.

Mr. Cleveland was appointed such committee.

The concurrent resolution in regard to the Regents of the University of Minnesota,

Had its first reading.

Mr. Mann moved that the rules be so far suspended so as to allow the resolution to be read a second and third time and put upon its passage.

Mr. McDonough called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 42, nays 14, as follows :

YEAS.

Mr. Aaker, Arnold, Austin, Baldwin, Bixler, Brooks, Burnham, Butler, Coe, Cleveland, Fox,	Mr. Garrard, Greene of Olmsted, Greene of Steele, Hayes, Hulet, Johnson, Knox, Langworthy, Leavens, Leford, Mann,	Mr. Morrison, Mantor, McDonough, Melghan, Mitchell, Sawyer, Secombe, Sherwood, Shrewsbury, Shultis,	Mr. Stearns, Trow, Van Vorhes, Walker, H. Orange Walker, Watson, Webster, White, Wilkins, Speaker,
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43

NAYS.

Mr. Acker, Armstrong, Chadlerden Cleary,	Mr. Mitsch, Olds, Ollvier, Pfaender,	Mr. Purdie, Shriner, Stevens,	Mr. Stewart, Stock, Tamanson.
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14

So the resolution was adopted.

H. F. No. 238. A bill for act to prohibit the confinement of fugitive slaves in the jails of of this State.

Had its second reading and was laid upon the table.

Mr. Leford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 241. A bill for an act to appropriate money to pay certain arrearages for the years 1858 and 1859.

H. F. No. 241 had its third reading and was put upon its passage.

Upon the vote being taken there were yeas 41, nays 4, as follows :

YEAS.

Mr. Aaker, Austin, Baldwin, Bixler, Burnham, Chadlerden, Cleveland, Coe, Fox, Greene of Olmsted, Greene of Steele,	Mr. Hayes, Hulet, Johnson, Knox, Langworthy, Leavens, Mann, Mantor, McDonough, Mitchell,	Mr. Ollvier, Pfaender, Sawyer, Purdie, Secombe, Sherwood, Shrewsbury, Shultis, Skillman, Stearns,	Mr. Stephenson. Stewart, Sweet, Stock, Van Vorhes, Walker, H. Walker, Orange, Webster, White, Wilkins,
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41

NAYS.

Mr. Arnold,	Mr. Shriner.	Mr. Stevens,	Mr. Speaker,
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4

So the bill was passed and its title agreed to.

Mr. Cleveland reported back

H. F. No. 181. A bill for an act providing for sessions of Legislature.

With amendments.

Adopted.

The question recurring upon the passage of the bill,

Upon the vote being taken, there were yeas 42, nays 8, as follows :

YEAS.

Mr. Aaker, Arnold, Austin, Baldwin, Bixler, Brooks, Burnham, Cleveland, Coe, Greene of Steele, Hulet.	Mr. Johnson, Knox, Langworthy, Leavens, Leford, Mann, McDonough, Mantor, Mitchell, Olds, Oxmun,	Mr. Pfaender, Purdie, Sawyer, Secombe, Sherwood, Shultis, Skillman, Stearns, Stewart, Shrewsbury,	Mr. Stock, Tamanson, Trow, Van Vorhes, Walker, H. Walker, Orange, Watson, Webster, White, Wilkins,
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43

NAYS.

Mr. Armstrong,	Mr. Fox,	Mr. Shriner,	Mr. Stephenson,	
Cleary,	Meighan,	Stevens,	Thayer,	8

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

Mr. Secombe moved that when the House adjourn it adjourn to meet at 7 o'clock this evening.

Carried.

Mr. Walker moved to reconsider the vote by which the House refused to adopt the resolution upon adjournment.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 48, nays 16, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Olds,	Mr. Stewart,	
Arnold,	Hunt,	Olivier,	Stock,	
Austin,	Johnson,	Pfaender,	Temanson,	
Baldwin,	Kinthead,	Rehfeld,	Tollman,	
Bixler,	Knox,	Sawyer,	Trow,	
Burnham,	Langworthy,	Secombe,*	Van Vorhes,	
Butler,	Leavens,	Sherwood,	H. Walker,	
Cleary,	Mantor,	Shrewsbury,	Watson,	
Cleveland,	McDonough,	Skillman,	Webster,	
Coe,	Meighan,	Stearns,	White,	
Garrard,	Mitchell,	Stevens,	Wilkins,	
Greene of Olmsted,	Morrison,	Stephenson,	Speaker.	43

NAYS.

Mr. Armstrong,	Mr. Donohue,	Mr. Letford,	Mr. Shultis,
Beatty,	Fox,	Mann,	Sweet,
Brooks,	Hayes,	Purdie,	Thayer,
Chadderdon,	Hulett,	Shriner,	Walker, Orange,

So the vote was reconsidered.

Mr. Speaker moved a call of the House,

Which was ordered.

Mr. Mann moved to suspend the call,

Lost.

And the following members answered to their names :

Messrs. Aaker, Armstrong, Arnold, Austin, Baldwin, Beatty, Bixler, Brooks, Burnham, Butler, Chadderdon, Cleary, Cleveland, Coe, Donohue, Fox, Greene of Olmsted, Greene of Steele, Garrard, Hayes, Hulett, Hunt, Johnson, Kinthead, Knox, Langworthy, Leavens, Letford, Mann, Mantor, McDonough, Meighan, Mitchell, Morrison, Olds, Olivier, Pfaender, Purdie, Rehfeld, Sawyer, Secombe, Sherwood, Shrewsbury, Shriner, Shultis, Skillman, Stearns, Stevens, Stephenson, Stewart, Stock, Sweet, Temanson, Thayer, Tollman, Trow, Van Vorhes, H. Walker, O. Walker, Watson, Webster, Wilkins, and Mr. Speaker.

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

Carried.

The question recurring upon the joint resolution in regard to adjournment,

Mr. Stevens called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 49, nays 13, as follows :

YEAS.

Mr. Aaker,	Mr. Johnson,	Mr. Ozman,	Mr. Stoek,
Anderson,	Kinkad,	Pfaender,	Temanso
Arnold,	Knox,	Purdie,	Thayer,
Austin,	Langworthy,	Sawyer,	Tollman,
Bixler,	Leavens,	Sherwood,	Trow,
Brooks,	Mantor,	Shrewsbury,	Van Vor
Burnham,	McDonough,	Shuttle,	H. Walk
Butler,	Meighan,	Skillman,	Watson,
Coe,	Mitchell,	Stearns,	Webster,
Garrard,	Morrison,	Stevens,	White,
Greene of Olmsted,	Olds,	Stephenson,	Wilkins,
Greene of Steele,	Ollivier,	Stewart,	Speaker.
Hunt,			

NAYS.

Baldwin,	Mr. Donohue,	Mr. Hulett,	Mr. Rehfeld,
Chadlerdon,	Fox,	Leford,	Shriner,
Cleary,	Hayes,	Mann,	Sweet,
Cleveland,			

So the resolution was adopted.

Mr. Stearns moved to reconsider the vote by which the House was this evening.

Carried.

Mr. Stevens moved that the House adjourn.

Carried.

AMOS COGGSWELL, Sp

Attest : JARED BENSON, Chief Clerk.

SEVENTY-SIXTH DAY.

WEDNESDAY, March 7,

The House met pursuant to adjournment and was called to order Greene, of Steele.

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Austin, Beatty, Caskey, Dayton, C Mitchell, Nettleton, Robertson, Sanborn, Stevens, Willey, and Mr. E

The journal was read and approved.

Mr. Secombe moved that the Enrolling Committee be instructed to to this House H. F. No. 224,

Which motion prevailed.

Mr. Stewart, from the Committee on Claims, reported upon

The bills of C. C. Miles, R. King, and J. M. Codoza.

Recommending that they be paid.

Adopted.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 179. A bill for an act prescribing the duties of county treasurer,

Also,

H. F. No. 183. A bill for an act to amend an act entitled an act to incorporate the city of Rochester, approved August 5, 1858,

Also,

H. F. No. 169. A bill for an act to change the names of Samuel Arronswald and others.

Also,

H. F. No. 185. A bill for an act legalizing the proceedings of the road commissioners of the county of Wabashaw,

Also,

H. F. No. 191. A bill for an act to legalize certain acts of the President of the town of Freeborn.

Also,

H. F. No. 139. A bill for an act relating to county roads in the county of Mower.

Also,

H. F. No. 173. A bill for an act to provide for a relocation of the State-road from Rochester to Elliot, via Chatfield and Preston.

Also,

H. F. No. 224. A bill for an act to establish the county of Ripley.

And that the same have been presented to his excellency the Governor for his approval and signature.

Mr. Letford, from the Committee on Engrossment, reported as correctly engrossed—

H. F. No. 240. A bill for an act to appropriate money for certain purposes therein named.

Mr. Cleveland, from the committee on constitution and constitutional revision, to whom was referred the petition of many citizens of Hennepin county, reported as follows :

To the Honorable the House of Representatives of the State of Minnesota :

Your committee, to whom was referred the petition of Preston Cooper and 206 others, praying for a law submitting to the people of the State of Minnesota, for their approval, such an amendment to sec. 1, of art. 7, of the Constitution of this State as will accord the elective franchise to all adult male citizens of the State, without distinction of color, ask leave to report—

First. That "God made of one blood all nations of men to dwell on all the face of the earth."—*St. Paul.*

Second. "That all men are created equal, and endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness: that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

Third. That in all the original thirteen States, colored persons resided and

were governed; and that by the constitutions of the several States, adopted prior to the year 1797, every male inhabitant over the age of 21 years, had the right to vote, with a property qualification in certain instances. South Carolina was the only exception, and the word white was not put into the franchise clause of her constitution until the year 1778. (See the constitutions of the several States prior to 1797.)

Fourth. Colored men being inhabitants and citizens of the several States, and governed under the laws of the same, united in declaring:

"We, the people of these United States, in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America." (Preamble to Constitution of United States.)

That Constitution disfranchises no man on account of color. It is the charter of universal suffrage.

Fifth. For the white men of Minnesota to disfranchise its colored inhabitants, who help pay its taxes, and submit to government, is to reject the teachings of inspiration, to scoff at the Declaration of Independence, to violate the Constitution of the United States, and to war upon the common rights of humanity.

Therefore your committee earnestly recommend an amendment to our constitution, and herewith submit a joint resolution, proposing an amendment in accordance with the prayer of your petitioners.

Signed,

G. K. CLEVELAND, Chairman.

T. J. HUNT, Committee.

State of Minnesota, Joint resolution of the Legislature of the State of Minnesota, proposing an amendment to sec. 1, art. 7, subdivision first and second of the Constitution of this State.

Subdivisions first and second, of sec. 1, of art. 9, of the constitution of this State, are hereby amended so as to read as follows:

First. Citizens of the United States.

Second. Persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

The report was laid upon the table.

Mr. Shrewsbury asked and obtained leave of absence for Mr. Austin for three days.

Mr. Secombe moved that H. F. No. 224 be referred to a committee of one, with instructions to strike out the word "one."

Carried.

The Chair appointed Mr. Secombe as such committee.

Mr. Stewart introduced—

A bill for an act to legalize the sale of land for taxes in Waseca county, Which was read the first time.

Mr. Stewart moved that the rules be so far suspended as to allow the bill to be read the second and third time and put upon its passage.

Which motion prevailed.

And the bill had its second and third reading and was put upon its passage.

Upon the vote being taken, there were yeas 41, nays 3, as follows:

YEAS.

Mr. Asker,	Mr. Coe,	Mr. Mantor,	Mr. Stearns,
Acker,	Hayes,	Nettleton,	Stewart,
Arnold,	Huilett,	Olivier,	Temanson,
Baldwin,	Hunt,	Ozman,	Trow,
Beatty,	Johnson,	Purdie,	Van Vorhes,
Bixler,	Knox,	Sanborn,	H. Walker,
Brooks,	Langworthy,	Sherwood,	Watson,
Burnham,	Leavens,	Shrewsbury,	Webster,
Butler,	Letford,	Shultis,	White,
Cleary,	Mann,	Skillman,	Speaker.
Cleveland,			

41

NAYS.

Mr. Chadderdon,	Mr. Greene of Steele,	Shriner,
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3

So the bill was passed and its title agreed to.

Mr. Secombe reported back to the House H. F. No. 224, with an amendment,

Which was adopted.

And the amendment had its second and third reading.

The question was upon the passage of

H. F. No. 224. A bill for an act to establish the county of Ripley. .

Upon the vote being taken there were yeas 46, nays 00, as follows :

YEAS.

Mr. Asker,	Mr. Donohue,	Mr. Mitchell,	Mr. Shultis,
Acker,	Greene of Steele,	Mitsch,	Skillman,
Arnold,	Hayes,	Olivier,	Stearns,
Baldwin,	Huilett,	Purdie,	Stewart,
Beatty,	Hunt,	Rehfeld,	Stock,
Bixler,	Johnson,	Roy,	Sweet,
Brooks,	Kinkaid,	Sawyer,	Trow,
Burnham,	Knox,	Secombe,	Watson,
Butler,	Langworthy,	Sherwood,	Webster,
Chadderdon,	Leavens,	Shrewsbury,	White,
Cleary,	Letford,	Shriner,	Wilkins,
Cleveland,	Mantor,		

46

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

Mr. Mitsch presented the minority report of the committee on constitutional revision, upon the petition of many citizens of Hennepin county, as follows :

To the Honorable the House of Representatives of the State of Minnesota :

The undersigned, minority of the committee to whom was referred the petition of Preston Cooper and others, of Hennepin county, praying that an amendment to the constitution that will accord the elective franchise to all adult male citizens without distinction of color, may be submitted to the vote of the people, begs leave to submit the following minority report—

The undersigned believes it would be inexpedient to grant the prayer of the petition, for the reason that it would merely give rise to additional agitation of the Negro question, without producing any good result.

The refusal of the Republican branch of the Constitutional Convention of 1857 to extend the elective franchise to the Negro, shows that the regard of that party for the Negro does not go to the extent of granting him substantial favors, notwithstanding their abundant professions of sympathy and good will.

The undersigned believes, therefore, that in the present state of the public mind it would be useless to submit a proposition to the people to accord the right of voting to the Negro.

All of which is respectfully submitted.

GEO. MITSCH,
PETER ROY.

Mr. Secombe moved to amend the report by striking out that portion that refers to the Constitutional Convention.

Mr. Speaker (Mr. Greene of Steele in the Chair) moved that the matter be indefinitely postponed.

Mr. Hunt moved that the reports and motion be laid upon the table, Which motion prevailed.

Mr. Sweet moved to take up

H. F. No. 243. A bill for an act proposing amendments to section article 9, of the Constitution.

Mr. Sweet moved that the bill be referred to a committee of the report to-morrow morning.

Mr. Morrison moved an amendment by striking out "three" and inserting "five,"

Carried.

The question was upon the motion as amended,

Carried.

Mr. Secombe moved that

H. F. No. 240. A bill for an act to appropriate money for certain purposes therein named,

Be read a third time and put upon its passage.

Carried.

And the bill was read the third time and put upon its passage.

Upon the vote being taken there were yeas 51, nays 4, as follows :

YEAS.			
Mr. Aaker,	Mr. Hulett,	Mr. Olivier,	Mr. Stephenson,
Acker,	Johnson,	Oxmun,	Stewart,
Anderson,	Kinkad,	Pfaender,	Stock,
Baldwin,	Knox,	Purdle,	Taylor,
Exler,	Leavens,	Rehfeld,	Thayer,
Brooks,	Letford,	Roy,	Trow,
Burnham,	Mann,	Sanborn,	Van Vorhes,
Butler,	Master,	Sawyer,	Walker, Ora,
Ceary,	McDonough,	Scheffer,	Watson,
Cleveland,	M-ighan,	Secombe,	Webster,
Donohue,	Mitchell,	Shrewsbury,	White,
Garrard,	Morrison,	Shultis,	Wilkins,
Hayes,	Nettleton,	Stearns,	
NAYS.			
Mr. Armstrong,	Mr. Coe,	Mr. Shriner,	Mr. Speaker,

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

Mr. Sweet offered the following resolution :

Resolved, That the Chief Clerk of the House be authorized to issue certificates for per diem to the close of the session.

Which was adopted.

The Speaker appointed as the committee on H. F. No. 243, Messrs. S Mitchell, Morrison, Greene of Steele, and Acker.

Mr. Morrison moved that the committee just appointed be excused service in the House this afternoon,

Carried.

Mr. Mitchell moved that the Chief Clerk be instructed to procure a list of all bills not passed.

Carried.

Mr. Rehfeld offered the following resolution :

Resolved, That in order to facilitate business for the remaining days of this session, the Chief Clerk be hereby authorized to employ so much additional help at his desk as he may deem expedient.

Adopted.

S. P. Jennison, private Secretary of the Governor, appeared in the Hall, and delivered the following message :

EXECUTIVE OFFICE,
ST. PAUL, March 5, 1860. }

Hon. AMOS COGGSWELL.

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

An act to provide for the attachment of real estate.

An act to amend an act relating to proceedings by attachment in justices' courts.

An act to attach certain portions of Ramsey and Pine counties to the county of Aiken.

An act to detach the county of Manomin from the 1st judicial district, and to attach the same to the 4th judicial district.

An act to amend an act entitled an act relating to free schools in Minneapolis.

An act to establish the town of Egan.

An act to amend an act for the incorporation of the town of New Ulm, in Brown county.

An act to observe the 22d of February as a national holiday.

An act entitled an act to provide for the government of the State Prison of the State of Minnesota, passed August 2, 1858.

An act to legalize the sale of lands for delinquent taxes in Carver county for the years A. D. 1857 and 1858.

An act to authorize the county of Ramsey to issue bonds.

An act relating to county roads in the county of Mower.

An act to legalize the proceedings of the road commissioners of the county of Wabashaw.

An act to change the names of Samuel Arrouswald and others.

An act to legalize certain acts of the President of the town of Freeborn.

An act to amend an act to incorporate the city of Rochester, approved August 5, 1858.

An act to provide for a re-location of the State road from Elliots, via Chatfield, to Preston.

An act to elect a printer or printers, and to regulate the public printing.

Respectfully,

ALEX. RAMSEY.

The President, members and officers of the Senate were announced.

JOINT CONVENTION.

The joint convention met pursuant to adjournment in the Hall of the House of Representatives at 11 o'clock A. M., and was called to order by the President.

The roll being called and a quorum found present.

The convention then proceeded to the election of a State Printer.

Mr. Cook nominated O. Brown.

Mr. Hayes nominated Newson & Moore.

Mr. Heaton moved that the convention adjourn to meet on Friday next, at 10 o'clock A.M.,

Which was lost.

The convention then proceeded to the election of a State Printer.

Upon calling the roll the following was the result:

O. Brown received.....	32 votes.
Newson & Moore.....	35 "
Uriah Thomas.....	1 "
Blank.....	22 "
Jane G. Swisshelm.....	1 "
Isaac Botsford.....	1 "
Newson & Foster.....	1 "
Total.....	93 "

No one receiving a majority of all the votes there was no election.

Mr. Secombe moved that the person receiving the highest number of votes on the next ballot be declared elected.

Lost.

The convention then proceeded to another vote, and the result was as follows:

O. Brown received.....	32 votes.
Newson & Moore.....	37 "
Blank.....	21 "
Jane G. Swisshelm.....	2 "
Total.....	92 "

No one receiving a majority of all the votes cast there was no election.

The following protest was then presented, and ordered to be entered upon the Journal:

HALL OF HOUSE OF REPRESENTATIVES,
St. Paul, March 8, 1860.

Whereas, The Legislature of the State of Minnesota did, by act of March 10, 1858, confer upon the Auditor of this State authority to contract for the public printing for two years next ensuing December, 1858, and the Auditor did, by virtue of said law, let the public printing by contract to Earle S. Geddrich;

And whereas, Said contract is still in force and binding on the State, and the election of printer at the present time would be in violation of section eleven of the bill of rights of this State;

Therefore, any action by this convention on the disposal of the public printing would be unconstitutional, unauthorized, illegal and void ;

And we, the undersigned, desire to enter our protest against the action of this convention, and that the same be spread upon the Journal.

M. Donohue,	Peter Wilkins,
Oscar Stephenson,	John Armstrong
Hamilton Beatty,	F. Rehfeld,
G. Mitsch,	H. J. Scheffer,
Geo. W. Sweet,	A. H. Norris,
Alex. Kinkad,	Peter Roy,
Peter Shriner,	Thos. Clark.

The roll was again called, with the following result :

O. Brown received.....	30 votes.
Newson & Moore.....	38 "
Blank.....	21 "
Uriah Thomas.....	1 "
Jane G. Swisshelm.....	1 "
A. J. Van Vorhes.....	1 "
Total.....	93

No one receiving a majority of the votes cast there was no election.

Mr. Secombe moved that another vote be taken, and that the person or persons who receives the highest number of votes shall be declared elected.

Which motion prevailed.

The convention then proceeded to another vote, with the following result :

O. Brown received.....	47 votes.
Newson & Moore.....	45 "
Uriah Thomas.....	1 "
Total.....	93 "

O. Brown having received the highest number of votes, was declared duly elected State Printer.

Mr. Secombe moved that the convention adjourn *sine die*.

Carried.

The House was then called to order by the Speaker.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

S. F. No. 152. A bill for an act relating to the confinement of prisoners in county jails.

Also,

H. F. No. 181. A bill for an act providing for sessions of the Legislature. All of which are herewith returned to the House.

A. B. WEBBER, Secretary of the Senate.

The committee on University and University Lands submitted the following report :

A proper disposition of the public lands belonging to the United States, has for many years been a subject of deep and absorbing interest. The subject, in various ways, has occupied the attention of our ablest and wisest statesmen. For the purpose of encouraging and pushing forward internal improvements in the shape of Railroads, immense grants of lands have been made at different periods. While these schemes have been placed on foot with the purpose of opening up and developing the physical resources of the country, a most commendable spirit has also been evinced by magnificent grants, to aid in the great cause of education. The North-west has been made the fortunate and happy recipient of many of these favors, millions of acres having been given for this purpose.

In preparation of the celebrated ordinance of 1787, the subject of education occupied a large share of attention. In the careful framing of an organic system for a large but yet unpeopled region, a keen perception as to the wants and interests of the future millions destined to occupy the same, was evinced. By the illustrious statesmen who framed this ordinance, it was regarded that the stability of free government depended for sustenance upon the 'highest possible intelligence among all classes of people'. In that instrument it was declared, that "religion, morality, and knowledge, being necessary to good government, and the happiness of mankind, schools and the means of education shall be forever encouraged."

Among all the donations made to carry out the grand object so fitly expressed above, none has been more liberal than that conferred on Minnesota in aid of a State University. Congress seems to have properly regarded the University as the most elevated of all our public schools, although closely related to, and greatly dependent upon the success and prosperity of the common schools.

The donation was made for our State University on the 19th of February, 1851. The second section of the act of Congress on the subject reads as follows: "Sec 2. And be it further enacted, That the Secretary of the Interior be, and is hereby authorized and directed, to set apart and reserve from sale out of the public lands within the Territory of Minnesota, to which the Indian title has been or may be extinguished, and not otherwise appropriated, a quantity of land not exceeding two entire townships for the use and support of a University in said Territory, and for no other use and purpose whatever, to be located in legal subdivisions of not less than one entire section."

Such is the extent of the munificent grant, near fifty thousand acres! The location of the University was made at the falls of St. Anthony by the Territorial Legislature. The Constitutional Convention of 1857 confirmed this location by inserting the following section, in Article VIII. of the Constitution :

"The location of the University of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the UNIVERSITY OF THE STATE OF MINNESOTA. All the rights, immunities, franchises and endowments heretofore granted or confirmed, are hereby perpetuated unto the said University, and all lands which may be granted hereafter

by Congress, or other donations for said University purposes, shall vest in the institution referred to in this section."

Thus, it will be observed, was the highest importance attached to this grant. The Convention, in its wisdom, determined to incorporate this important section in relation to it, in the fundamental law. In this solemn and deliberate manner, the highest sanction was given to the matter. The encouragement and protection of an institution founded on this splendid grant of lands, was thus made a part of the permanent policy of the State; almost as much so as the sustaining the three distinct branches of the State Government, the Legislative, Executive, and Judicial. By an almost unanimous approval of the Constitution by the people, it was determined that Minnesota should at least have one literary and scientific institution in which should centre a common interest.

A precedent for this has been furnished in several of the older States, among other ways, by providing in their Constitutions for the maintenance of different benevolent institutions. The principle is surely a most commendable one. It displays a laudable spirit of public pride, and commits the State to the great cause of education in a manner that cannot admit of revocation. The faith of the State has thus become pledged in the management of this institution, the basis of this grant. It is a subject well worthy the attention of the representatives of the people in their legislative capacity, as to what can and should be done to promote the welfare of the institution, and to carry out the idea upon which the grant was originally made. It is the common property of the State, and as such is deserving of the care and attention of every locality within our borders. By that fostering attention which the importance of the case demands, the day is not far distant when the institution will make such contributions to the stock of literary and scientific information, as cannot fail to be regarded as matter of personal pride with every citizen of our growing and promising Commonwealth.

It is believed that the immediate location of the University Building tends to throw around it additional attraction. It stands in full view of the celebrated cataract, which has the world-wide reputation, receiving its name near two hundred years ago, from the adventurous Hennepin. The renowned and beautiful falls of Minne-ha-ha are almost within "hearing distance." The "Father of waters" sweeps majestically in its onward course to the "Sunny South," and it is only some two hundred yards distant from the edifice. Several of the most beautiful limpid lakes, skirted with native groves, are in the immediate neighborhood. From the summit of the building the eye is delighted with a view, seldom excelled in grandeur and beauty. These varied attractions, taken in connection with the important fact of the healthfulness of the position, are well calculated to enlist the decided favor of those, even in distant portions of the country, who have souls to educate. Enough has already been indicated on this part of the subject, to warrant the belief that the institution will meet with a large patronage, as soon as it is placed in a position to receive students.

It is to be regretted that in the progress of the University thus far, public expectation has been disappointed. On examination the committee are led to attribute this disappointment, among other causes, to an imperfect organization in the Board of Regents.

The manner in which they have been chosen is surely very objectionable. The assembling of the Legislature in Joint Convention for this purpose, seems to associate it too much with partizan politics. It is thought that the new plan furnished in the bill which has recently become a law, of making it the duty of the Governor to nominate suitable persons and the Senate confirm, comports much better with the proper management of a literary institution.

The number of Regents has undoubtedly been too great. Twelve persons

located in different quarters of the State, often a great distance apart, and taking seven to constitute a quorum to do business, has been the undoubted source of a serious obstruction to an efficient management of the affairs of the institution. The new law reduced the number to five, and that three of the five may constitute a quorum to transact business, should the Governor, Lieutenant Governor, and Chancellor, who are to act with them in the general management of the University, for any reason be absent. One meeting, annually, is to be held at St. Anthony, with the view of giving the Board an opportunity of personally inspecting the University building, and the grounds connected therewith.

It would seem in looking back at the course pursued, that too much haste had been shown in organizing departments of instruction.

A University is necessarily of slow development. It is the out-growth of the common school system. Ten years must sometimes elapse before there is sufficient strength to make a good beginning, and in then twice ten its influence will begin to have its due effect. A University in a new and sparsely settled State, must not precede, but succeed the common schools. When these nurseries of education are fairly established, and begin to have their full measure of influence, then follows a demand for a style of education which no one local institution can afford to give, and which it is the peculiar province of the University to furnish. By a premature organization of State institutions, the seeds of decay have been sown in the beginning. Incipient consumption takes place, and in a decade of years they dwindle down to large infant schools, or at best to Academies no more respectable than can be found in other localities of the State.

In reviewing the course of policy that has been pursued, the financial management especially, can scarcely fail to merit with general disapproval. In fact, in many respects, it would be appropriate to term it reckless, and apparently in total regard of the true interest of the State and University. The general course pursued by the Board of Regents, has been unfortunate. The first organization took place under the Territorial law of 1851. Not long after it was proposed by careful and judicious men, that a commissioner should be appointed for the purpose of visiting other State Universities, and reporting upon their defects and advantages. An unexpected opposition was offered to this, and the resolution on this subject was withdrawn.

Shortly a feverish desire is manifested to erect a large and costly building. Governor Ramsey, who was present at one of the meetings, with characteristic foresight, offered a resolution limiting the expense of building to ten thousand dollars. This proposition looking to a wise economy, was overruled, however, and a building, which is the subject of just criticism in its arrangements, is commenced, the completion of which it is estimated will cost over one hundred and twenty thousand dollars. Here was the great error. The high state of prosperity which seemed to exist at the time in the financial world, can hardly be plead in commendation of such a system of extravagance as was here entered upon. The result was, that those who attempted to carry out the injudicious plan, borrowed large sums of money on private notes at the ruinous rate of three or five per cent. a month. The unwise policy by pledging personal responsibility without knowledge of the source whereby they could be relieved of the burden, was fully shown in subsequent events.

When the financial crisis came, and all chances of revenue from the University lands seemed at an end, then it was that the Legislature was appealed to. It would seem that the demand for relief was founded much more upon personal considerations, than a disinterested regard for the public welfare. The act of March 8th, 1858, (before the State had ever been admitted in the Union,) authorizing the issue of forty thousand dollars in University bonds,

has resulted as the heaviest blow against the prosperity of the institution. The real object in view did not seem to be for the purpose of carrying forward the work begun; at least there seems to be no evidence of scarcely anything being done after the bonds were negotiated. Their negotiation was soon followed by an entire suspension of work on the building; and such has been the case up to the present time. Personal relief being obtained, by a release from private obligations, all active interest in the progress of the University appeared to subside.

From a provision in the enactment of the present session in relation to donations to the State University, the committee are very hopeful of results.

The Universities of our Western States have generally excited but little interest among the friends of education. The Legislature has been the only "alma mater" to which they could look for nutrition, and too often they have been made to feel, in the literal signification of the word, that they were "alumni." Good men fearing constant and hasty changes in policy by succeeding Legislatures, have preferred to endow institutions of learning under the supervision of some branch of the church. Already in our commonwealth, Baldwin, the distinguished manufacturer of locomotives, and public spirited citizen of Philadelphia, has given thousands of dollars to an institution of learning at St. Paul, and Hamline, an honored Bishop of the Methodist Episcopal church, has given a large sum to the college at Red Wing.

Such security is given to the philanthropist, in the fifth section of the act providing for the government and regulation of the University of Minnesota, that it is believed that in the course of three or four years, the State may expect similar endowments from individuals who love to build up establishments for sound learning, the greatest ornaments a republic can possess.

Indeed, we do not see with the guards thrown around donations, by the provisions of the sections alluded to, why men of every school of philosophy, and shade of religious belief, should not become zealous supporters of one great University, which shall be known far and wide as the University of the State.

The framer of the Declaration of Independence, Thomas Jefferson, at the close of his life, looked back with the greatest pleasure to the share he had in the foundation of the University of Virginia, and he desired that a record of the fact should be engraved on the marble that marks his grave. There can be no doubt that it is the wise policy of every State so to conciliate all of her best citizens as to enlist their sympathies in behalf of her eleemosynary institutions.

Nothing so cultivates a proper State pride, as an institution of learning, in which the youth of the State can be educated, and feel that their advantages have been inferior to none. The committee, therefore, notwithstanding the difficulties that have grown out of the culpable carelessness of the late Board of Regents, would commend the institution to the most favorable regard of the Legislature, and the citizens whom they represent.

Time, toil, and great patience will be needed to perfect a University system. The oaks of California, majestic in appearance now, required centuries for development after the acorn was buried in the soil. For five years nothing may be done by the Regents, which is visible or tangible, and yet these silent and invisible processes are necessary to permanent growth.

The General Government for years employed skillful engineers in throwing vast rocks into the ocean, at the entrance to Delaware Bay. To the class of men who looked for results in a day, it seemed a foolish and expensive work, but little better than "building castles in the air;" but now that these piles of rock have reached the surface of the waters, and are surmounted by massive walls behind which ships nestle in the fiercest storm, with the security of the

brood under the shadow of the mother's wing, the humblest mariner appreciates the work, and as he sails along, prays "God save the Commonwealth." Let us lay the foundation stones of the University, and the generation which follow us, when they behold the superstructure, will be sure to bless the foresight and the persevering labor which has secured to them the priceless boon of a complete education; a breakwater against the waves of anarchy, superstition, and "science falsely so-called."

The Committee regret to state that they have been unable to bring the investigation of the affairs of the University to a satisfactory conclusion. An interview was had with the Hon. Isaac Atwater, the Secretary, and it was indicated by him that he would place the books containing the proceedings of the Board of Regents, in their hands. Important business, we are informed shortly after called him out of the State, and he is still absent.

We therefore recommend the adoption of a resolution to the effect that the new Board of Regents be authorized to continue the investigation, and send for persons and papers, and report at the next session of the Legislature.

DAVID HEATON,

J. F. BALDWIN,

Committee on part of the Senate.

ORANGE WALKER,

G. W. GREENE,

L. H. GARRARD,

A. M. HAYES,

Committee on part of the House.

Mr. Acker moved that the Committee of the Whole be discharged from further consideration of

H. F. No. 219. A bill for an act to amend chapter 87 of the revised statutes.

Carried.

The bill was taken and read a third time and was put upon its passage

Upon the vote being taken, there were yeas 44, nays 2, as follows:

YEAS.			
Mr. Aaker,	Mr. Hunt,	Mr. Roy,	Mr. Sweet,
Acker,	Langworthy,	Sawyer,	Temanson,
Armstrong,	Letford,	Scheffer,	Thayer,
Bixler,	McDonough,	Secombe,	Tollman,
Burham,	Meighan,	Sherwood,	Trow,
Chadderdon,	Mitchell,	Shrewsbury,	Watson,
Oleary,	Morrison,	Shriner,	Walker, H.
Olealand,	Nettleton,	Shults,	Webster,
Coe,	Pfaender,	Stephenson,	White,
Greene of Steele,	Purdie,	Stewart,	Wilkins,
Hayes,	Rehfeld,	Stoek,	Speaker.
			44
NAYS.			
Mr. Brooks,	Mr. Johnson,		2

So the bill was passed and its title agreed to.

Mr. Sawyer from the special committee consisting of the members from Olmsted county, to whom was referred the petition of citizens of Rochester for a change in their City Charter, reported

A bill for an act to amend an act entitled an act to incorporate the City of Rochester.

Which was read the first time.

Mr. Sawyer moved to suspend the rules so far as to allow the bill to be read the second and third time, and put the same upon its passage.

Carried.

And the bill had its second and third reading and was put upon its passage.

Upon the vote being taken there were yeas 44, nays, 4, as follows :

YEAS.

Mr. Aker,	Mr. Hunt,	Mr. Purdie,	Mr. Stewart,
Acker,	Johnson,	Rehfeld,	Stock,
Armstrong,	Knox,	Roy,	Sweet,
Beatty,	Langworthy,	Sawyer,	Stephenson,
Bixler,	Letford,	Scheffer,	Temanson,
Burnham,	Mann,	Secombe,	Thayer,
Butler,	Morrison,	Sherwood,	Tollman,
Chadderdop,	Nettleton,	Shrewsbury,	Watson,
Cleary,	Olds,	Shultis,	Webster,
Cleveland,	Ozman,	Skullman,	Wilkins,
Hayes,	Pfaender,	Stearns,	Speaker,

44

NAYS.

Mr. McDonough,	Mr. Meighan,	Mr. Walker, H.	Mr. J. White,
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4

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

Mr. Stearns moved that the resolution for the extra pay of the Fireman be taken up.

Carried.

And the resolution was taken up and adopted.

Mr. Cleveland moved that the House resolve itself into a Committee of the Whole to take into consideration such business as may come before it.

Carried.

Mr. Cleveland in the chair.

After spending some time therein the Committee rose, and by their Chairman, reported back to the House

S. F. No. 125, with the recommendation that it be passed.

Also,

H. F. No. 209, and recommended that it be indefinitely postponed.

Also,

S. F. No. 134, with the recommendation that it be passed.

Also,

S. F. No. 112, with the recommendation that it be passed.

Also,

S. F. No. 109, with the recommendation that it be passed.

Also,

H. F. No. 195 and 176, with the recommendation that they be indefinitely postponed.

Also,

S. F. No. 100, with a recommendation that it be referred to the next Legislature.

Also,

S. F. No. 48, with the recommendation that it be indefinitely postponed.

Also,

S. F. No. 56, with the recommendation that it be indefinitely postponed.

The question was upon adopting the report of the Committee of the Whole.
Adopted.

Mr. Stock moved that H. F. No. 199 be made a special order for to-morrow at 11 o'clock.

Carried.

Mr. Cleveland moved that the House adjourn.

Lost.

Mr. Scheffer moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Armstrong, Arnold, Bixler, Burnham, Chadderdon, Cleary, Cleveland, Coe, Hayes, Hulett, Hunt, Johnson, Kinkead, Mantor, Meighan, Olds, Ozmun, Pardie, Rehfeld, Scheffer, Sherwood, Shrewsbury, Shultis, Skillman, Stewart, Stock, Sweet, Temanson, Thayer, Tollman, Van Vorhes, H. Walker, Webster, Wilkins, and Mr. Speaker.

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

Carried.

Mr. Purdie moved that the bills reported back from the Committee of the Whole be taken as the engrossed bills.

Carried.

S. F. No. 125. For an act to provide for the survey of certain State roads.

Had its third reading and was put upon its final passage.

Upon the vote being taken, there were yeas 29, nays 18, as follows :

YEAS.			
Mr. Armstrong,	Mr. Kinkead,	Mr. Purdie,	Mr. Stock,
Arnold,	Knox,	Scheffer,	Thayer,
Beatty,	Laagworthy,	Secombe,	Walker, H.
Bixler,	Mantor,	Sherwood,	Walker, Orange,
Brooks,	Mitch,	Shrewsbury,	Watson,
Chadderdon,	Olds,	Skillman,	Wilkins,
Cleary,	Osman,	Stewart,	Speaker.
Hayes,			29
NAYS.			
Mr. Aaker,	Mr. Johnson,	Mr. Pfaender,	Mr. Stephenson,
Burnham,	Letford,	Shultis,	Temanson,
Coe,	McDonough,	Stearns,	Van Vorhes,
Hulett,	Meighan,		14

So the bill was lost.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Hon. House the passage by the Senate of H. F. No. 201. A bill for an act to provide for the assessment and collection of a tax for State purposes for the year 1860,
Herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

Mr. Stewart moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Armstrong, Arnold, Bixler, Burnham, Brooks, Chadderdon, Cleveland, Coe, Cleary, Hayes, Hulett, Hunt, Kinkead, Knox,

Letford, Mantor, McDonough, Meighan, Mitsch, Olds, Ozmun, Pfaender, Purdie, Sawyer, Secombe, Sherwood, Shrewsbury, Shaktis, Stearns, Stewart, Skillman, Stokk, Temanson, Thayer, Trow, Van Vorhes, O. Walker, Watson, Webster, Wilkins, and Mr. Speaker.

The Sergeant-at arms reported several members in their seats.

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

Lost.

Mr. Brooks moved] to reconsider the vote by which the House refused to suspend the call.

Carried.

The question was upon suspending the call.

Carried.

Mr. Secombe introduced—

A bill for an act to amend an act entitled an act for county organization.

Which was read the first time.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill had its second reading and was referred to the Committee on Towns and Counties.

The Speaker presented the following communication from D. A. Robertson:

Saint Paul, March 7, 1860.

HON. AMOS COGGSWELL.

MY DEAR SIR :—I respectfully invite through you, the members of the House to attend my lecture this evening in the Hall of the House of Representatives, commencing at half-past seven o'clock, on the following subject :

" The rationale of the diverse sentiments of the people and of the diverse character of the institutions of the North and South.

Yours truly,

D. A. ROBERTSON.

Mr. Mantor presented the report of the Committee on Supplies and Expenditures upon the bill of B. Presley, recommending that it be paid.

Adopted.

Mr. Bixler offered the following resolution :

Resolved, That from and after this day the Sergeant-at-Arms be instructed to lock the door of the Hall of Representatives, in order to keep the members in their seats, and that he be further required to keep outsiders in the lobby.

Referred to the Committee on Judiciary.

S. F. No. 112. A bill for an act providing for the alteration of the State road running from Quincy, in Sherburne county, to Princeton, in Benton county.

Had its third reading and was put upon its passage.

Upon the vote being taken, there were yeas 21, nays 12, as follows:]

YEAS.			
Mr. Anderson, Beatty, Bixler, Brooks, Chadderdon, Cleary,	Mr. Johnson, Langworthy, Olds, Purdie, Secombe,	Mr. Sherwood, Skillman, Stoek, Sweet, Tollman,	Mr. Taylor, Van Vorhes, Webster, Wilkins, Speaker.
21			
NAYS.			
Mr. Burnham, Hayes, Hunt,	Mr. Kinkad, Knox, Letford,	Mr. McDonough, Meighan, Shultz,	Mr. Temanson, H. Walker, Watson,
12			

So the bill was lost.

Mr. Hayes moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTY-SEVENTH DAY.

THURSDAY, March 8, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Austin, Dayton, Garrard, Mann, Mantor, Mitchell, Rehfeld Renz, Stevens, Sanborn, Stephenson, Stewart, Van Vorhes, and Wilkins.

The journal was read and approved.

Mr. Kinkad presented the of petition of citizens Stearns, Todd and Douglas counties in relation to a State road.

Which was referred to the Committee on Roads and Bridges.

Mr. White presented the petition of citizens of Waseca county for a change in the present license law.

Which was referred to the members from Waseca county.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 143. A bill for an act in relation to proposed amendments to the Constitution of this State.

Also,

H. F. No. 188. A bill for an act making appropriations for incidental expenses in the various departments of State,

Also,

H. F. No. 174. A bill for an act to create a lien in favor of lumberman.

Also,

H. F. No. 178. A bill for an act to amend an act entitled an act to incorporate the City of St. Anthony, approved March 3d, 1855.

Also,

H. F. No. 20. A bill for an act regulating costs in civil actions.

Also,

H. F. No. 182. A bill for an act to organize the county of Renville, and for other purposes,

Also,

H. F. No. 136. A bill for an act to change the name of Willis Arthur Rogers to Willis Arthur Lont, and to make Willis Arthur Rogers the heir at law of O. S. Lont.

Also,

H. F. No. 190. A bill for an act to prevent the destruction of fish in the lakes of Ramsey county.

Also,

H. F. No. 162. A bill for an act to establish the town of Crystal Lake.

Also,

H. F. No. 192. A memorial and joint resolution of the Legislature of the State of Minnesota to Congress, in behalf of James B. Thomas and family.

Also,

H. F. No. 214. A bill for an act to authorize the county commissioners of Hennepin county to direct a portion of their tax collected in gold and silver.

Also,

H. F. No. 76. A bill for an act to amend section 37, of an act entitled an act to organize and discipline the militia, and volunteer militia, passed August 12th, 1858.

Also,

H. F. No. 130. A bill for an act to amend an act passed June 23, 1858, entitled an act relating to prairie fires.

Also,

H. F. No. 129. A bill for an act to legalize certain taxes and tax sales for the benefit of school district No. 1, of the town of Faribault.

Also,

H. F. No. 156. A bill for an act to incorporate the town of Arlington,

Also,

H. F. No. 221. A bill for an act to legalize the proceedings of the Board of Supervisors of Hennepin county,

Also,

H. F. No. 137. A bill for an act to change the boundary line between Scott and Dakota counties,

Also,

H. F. No. 160. A bill for an act to amend an act entitled an act to incorporate the St. Cloud Bridge Company.

Also,

H. F. No. 226. Joint resolution in relation to the publication of certain laws.

Also,

H. F. No. 228. A bill for an act to amend the Charter of the City of West Saint Paul.

Also,

H. F. No. 193. A bill for an act to amend sections 47 and 48, of chapter 101, of the revised statutes, the same being sections 47 and 48, of chapter 90, of the public statutes.

H. F. No. 168. A memorial to the President of the United States.

Also,

H. F. No. 208. A bill for an act to amend an act entitled an act to incorporate the town of Minneapolis.

Also,

H. F. No. 138. A bill for an act to elect a printer or printers and to regulate the public printing.

Also,

H. F. No. 142. An act to commute sentence of Mrs. Anna Bilanski to imprisonment for life in the State Prison.

Also,

The concurrent resolution upon amendments to the Constitution.

And that the same had been presented to his Excellency the Governor for his approval and signature.

Mr. Hulett presented the report of the Committee on Towns and Counties upon

H. F. No. 246. a bill for an act to amend an act entitled an act for county organization.

Recommending its passage.

Adopted.

And the bill had its third reading, and was put upon its passage.

Upon the vote being taken there were yeas 52, nays 00, as follows :

YEAS.

Mr. Asker,	Mr. Garrard,	Mr. Ozmun,	Mr. Shultz,
Acker,	Greene of Olmsted,	Pfaender,	Stock,
Anderson,	Greene of Steele,	Purdie,	Sweet,
Armstrong,	Hulett,	Robertson,	Taylor,
Arnold,	Johnson,	Boy,	Tomanson,
Baldwin,	Kinkad,	Sawyer,	Thayer,
Bisler,	Knox,	Secombe,	Van Vorhes,
Brooks,	Leavens,	Sherwood,	Walker H.
Burnham,	McDonough,	Shrewsbury,	Walker, Orange,
Chadderdon,	M. Ighan,	Shriner,	Watson,
Clary,	Mitch,	Stillman,	Webster,
Cleveland,	Olds,	Stewart,	White,
Coe,	Olivier,	Stearns,	Speaker.

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

Mr. Stearns from the special committee to whom was referred S. F. No. 151. A bill for an act to provide for the appraisal, sale and leasing the school lands, and the investment of the funds arising therefrom.

Reported the same back to the House with amendments recommending its passage.

Adopted.

Mr. Stearns moved that the rules be so far suspended as to allow S. F. No. 151 to be read a third time and put upon its passage.

Withdrawn.

Mr. Tolman moved that the bill be referred to the next Legislature.

Mr. Anker moved to lay the bill upon the table.

Carried.

S. P. Jennison, Esq., private Secretary of the Governor, appeared in the Hall, and delivered the following message :

EXECUTIVE DEPARTMENT,
St. Paul, March 8, 1860. }

To the Honorable the House of Representatives :

I herewith return, without my signature, a bill entitled—

An act to commute the sentence of Mrs. Anna Bilanski, now under sentence of death, to imprisonment during her natural life in the State Prison.

Anna Bilanski was convicted, in the District Court of the second judicial district, in and for the county of Ramsey, of murder in the first degree. She had, in that court, a full, fair and impartial trial. No extraordinary effort was made to procure her conviction. Her defense was conducted by two of the ablest counsellors and advocates in the State—the district attorney appearing alone for the prosecution. The jury, selected in the manner required by law, and accepted by the accused, after full exercise of her privilege of challenge, having deliberated upon the evidence, rendered their unanimous verdict; and each of the twelve separately, in open court, and under the sanction of his oath, declared that upon the evidence before him he found the prisoner guilty of the crime charged in the indictment—guilty of the deliberate murder of her husband, Stanislaus Bilansky, by poison. On that trial, so strictly according to law and the practice of courts of justice in criminal cases, were all the proceedings, even in matters of mere form, that each and all the objections taken by the counsel who defended her at the trial, as well as those made by the counsel afterwards employed, were overruled by the Supreme Court, in full bench, no one of the Judges dissenting. Thereupon all questions of error having been thus decided, the judgment and sentence of the law was duly pronounced. A certified copy of the record of the proceedings in the case, and the minutes of all the material testimony, taken by the presiding Judge, were filed in this office, as required by law.

It then became my duty to designate the day upon which the sentence of the law should be executed; unless, indeed, it should appear proper to exercise the power to pardon or reprieve, which the Constitution vests in the Executive. To my great regret there appeared no occasion for the interposition of the pardoning power at that time. The proceedings had all been regular and according to law; and the minutes of the evidence left no doubt in my mind that under those proceedings a just verdict had been rendered. In the discharge of this most disagreeable, but imperative duty, I issued to the proper officer the warrant required by law, appointing the 23d day of March next for the execution of sentence. And until this day neither the Judge who presided at the trial, nor any juror who convicted, nor any attor-

ney engaged in the cause, nor indeed any other person, has filed in this office any memorial or petition, with or without reasons alleged, asking the pardon or reprieve of the guilty woman.

So far the proceedings herein were all in conformity with law. And in this case it began to be demonstrated that at length laws for the protection of human life could be executed in Minnesota; that the greatest felons could no longer escape justice at the hands of our Courts; and that the terrible spirit of Lynch Law had thereby received an efficient check.

There comes to me now this bill, proposing by a legislative act to change the penalty which this unhappy woman has been sentenced to undergo.

The pardoning power is vested by our Constitution in the Executive of the State. It has in every community been ever felt that the danger to be feared was the too frequent interposition of that power. Hence, in some States the Governor can exercise this prerogative only by the advice and consent of the Senate. Indeed, in one branch of the Convention which framed our own Constitution it was proposed to give the Senate this advisory power, not, surely, to coerce the executive discretion, but, on the contrary, to restrain its undue exercise. There is no more important, no more sacred prerogative than this, in whomsoever it is vested.

On the one hand, is the awful responsibility of permitting the sacrifice of a human life, there being yet sufficient cause for pardon; and on the other, the no less awful apprehension of endangering the safety of society, promoting a contempt for law, and encouraging the mob spirit by ill advised interference with the regular course of justice.

It seems to me plain that the pardoning power should never be exercised except for cause shown. It may be some defect in the proceedings, some doubt about the guilt of the convict, some new evidence discovered, some mitigating circumstances, or other reasons, which should be exhibited to the proper authority, and the interposition of that authority asked. Mere individual sentiment, far more mere sympathy, should not be sufficient to prompt to executive interference.

This responsibility, if the Legislature have, or can assume the power to reprieve or pardon, is no less weighty upon each member of the Legislature than if he alone must determine the whole matter. The greater number concerned in making the determination, would doubtless lessen the feeling of responsibility, but nothing further, which is precisely the reason why the power is not vested in Legislatures.

It will not be denied that every legislator should act as considerably, examine the circumstances of each case as fully, and require as good reasons for seeking by an enactment to grant pardon, commutation or reprieve, as if he were himself the Executive, acting individually. Nor can the Governor properly sign an act of that nature, except upon such consideration and under such circumstances as would have induced him to interpose without such legislative proceeding.

I shall therefore indicate the reasons which influence my judgment as to the propriety of any interference with the execution of the law in the case of Anna Bilanski, by the Legislature or otherwise, after I have assigned my objection to the bill as an usurpation of executive prerogative by the legislative branch of the government.

In determining the constitutional question of the power of the Legislature to commute the sentence of a convict, three inquiries are necessary:

- 1st. Where is the pardoning power vested?
- 2d. Does the power to pardon include the power to commute?
- 3d. If conferred upon one department of the government, can it be legitimately exercised by any other?

Firstly. Where is the pardoning power vested?

Under the English law this power is one of the prerogatives of the Crown; although Parliament, which, untrammelled by constitutional restriction, is supreme, has in several instances exercised it. In this country the question whether it is inherent in the executive, in the absence of express provision, has never been adjudicated; but it is believed that the question is determined by express constitutional provision in every State of the Union. The language of our Constitution is as follows:

"The Governor shall have power to grant reprieves and pardons after conviction for offences against the State except in cases of impeachment."

The nicely arranged system of checks and balances, which is the basis of all our American Governments, has wisely conferred this power upon the Executive. The Legislature defines the crime and prescribes the penalty; the Judiciary applies the law to the particular case, and with its construction neither Legislature nor Executive can interfere. To the Governor is entrusted the power to enforce the enactments of the one and the decisions of the other; and germane to this is the exercise of executive clemency, the power to mitigate the rigor, and stay the arm of the law in cases which commend themselves to his mercy. With the enactment and construction of the law the powers of the other departments end; with its execution, that of the Executive commences. As the wisdom and justice of particular laws are in the sole discretion of the Legislature, as their construction is the especial prerogative of the Judiciary, so the time and manner of their execution is properly confided to executive discretion.

Secondly. Does the power to pardon include the power to commute?

The Legislature having prescribed the punishment, can it be altered or modified by the Governor?

Commutation is defined by all writers on criminal jurisprudence as conditional pardon. And upon the general principle that the greater includes the less, it is difficult to see why the power to grant an absolute pardon, and to absolve the offender from all the consequences of his crime, should not include the power to modify the penalty.

Every pardon, whether technically absolute or conditional, is granted upon the condition of its acceptance by the offender. Numerous cases are cited by the criminal authors, of pardons granted by the Executive upon condition that the convict should submit to a lesser punishment, as banishment or imprisonment.

Any condition, whether precedent or subsequent, not prohibited by law, may be annexed to the pardon; if accepted, the modified sentence is executed; if not, the law takes its course, and the original sentence is unaffected.

Thirdly. If the pardoning power is conferred upon one department can it be legitimately exercised by any other?

The Constitution of Minnesota declares—

"That the powers of government shall be divided into three distinct departments, legislative, executive and judicial, and no person or persons belonging to or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this Constitution."

I think it has been demonstrated that the power of commutation is vested in the executive; and there is certainly no clause in the Constitution providing for its exercise by any other department. It would seem, therefore, that the question is too plain to require further argument.

If the law making power can interfere with the province of the Governor, why may not the Judiciary exercise the same prerogative of mercy? In that case a writ of *mandamus* from the Supreme Court, commanding the Governor

to issue his pardon under the great seal of the State, would avoid the embarrassing consequences of the veto power, and furnish a much more speedy and effectual remedy.

Again, if the Legislature can legitimately exercise any power in this particular, are there not other Executive prerogatives which may, with equal propriety, be wielded by the Legislative branch? May not that body assume the control of the military and naval forces of the State, call out those forces at will, station them about the Capitol, assume absolute and irresponsible power? In that event, sovereignty departs from the people, and rests with their representatives.

These consequences may not be probable, but they are logically possible, and the argument which supports any encroachment, however slight, furnishes a precedent for greater and more dangerous inroads.

For this reason, I withhold my approval from the bill under consideration.

But, though returning this act for its unconstitutionality, I should still be inclined from respect to the representatives of the people, to consider this action of a majority of the Legislature, as their memorial or petition for the exercise of Executive clemency in the case referred to, if such memorial or petition were accompanied by a statement of facts, or reasons why clemency should be shown; or if I could suppose that the representatives, each for himself, acting under a full sense of individual responsibility, discarding prejudice, willing to execute the laws as they are, until they are lawfully changed, disregarding rumors, and enquiring out the true facts, had deliberately determined that there was good cause in this instance for the exercise of the pardoning power by the Governor.

If there exist good reasons for commutation of sentence in this case, why not present them with the petition for filing and preservation in the executive office, rather than this somewhat coercive memorial, which shows no occasion for action?

But what circumstance connected with this case, or with the previous administration of justice of this State, demands or will justify the interposition of the prerogative in this instance.

The relationship subsisting between the murderess and her victim—the motive for the deed—the means used to accomplish the crime, the manner of using these means, and the demeanor of the woman since the act,—all stamp this case with the features of those wherein pardons are not wont to be granted.

The law ever justly regards the necessity of punishment upon conviction, as greater in all those cases wherein there is the greater opportunity for committing crime, and greater probability of escaping suspicion, detection and conviction. The more likely a crime to escape discovery, the more inevitable should be the penalty.

For that reason murder by poison has ever been regarded as most heinous. It never awakens the suspicions of the victim until too late. It proves a premeditated design to kill. It gives the victim no chance to fly or defend his life. It leaves no traces of the murderer's hand which all may read; and it often almost baffles the skill of science to detect, even when other circumstances have raised a suspicion of the crime.

And no one has such opportunity for employing this insidious means of death as the companion, the wife of the victim. The husband will not suspect that she who has sworn to love and cherish will betray and destroy; and it shocks the moral sense of the whole community to believe it. And so, against the wife with murder in her heart, no man has any protection, except in the certainty of the punishment which the law affixes to the crime.

In this instance, the motive for the commission of the murder, as the evi-

dence discloses it, was itself a crime. The reckless woman having violated her marriage vows, and betrayed her husband's bed, hesitated not to sacrifice her husband's life.

She procured poison and administered it; not in such quantities as at once to destroy life, but little by little, that no suspicion might arise. She sat by the bedside of her husband, not to foster, but to slay. She watched without emotion the tortures she had caused, and, by and by, administered no healing medicine, no cooling draught, but ever, under guise of love and tender care, renewed the cup of death.

Such was the crime of Anna Bilanski, the motive, means, and manner of its accomplishment.

Consider the history of the administration of criminal justice in capital cases in Minnesota. Since the organization of the Territory, what remissness in punishing murderers: murders are committed, and no one apprehended, no one hardly suspected of the deed. Or, the accused is apprehended, but escapes. Or, witnesses are spirited away, and no indictment is found. Or, the jury, through sympathy, or misapprehending the instructions of the bench, acquit. Or, the Court having misapprehended the law, a new trial is had.

From these and other circumstances, it has resulted that the people throughout the State have almost despaired of obtaining that protection of life from the Courts, which the laws and the courts were established to secure. Crime has multiplied fearfully, and the terrible alternative of popular executions has too frequently suggested itself. In two instances this rude desire for justice has led to open, murderous violation of law, involving the State in the common disgrace. Every failure of the law to be vindicated throughout its whole course, increases this sad feeling that there is no law for murderers but Lynch Law.

Will the Legislature, then, while the law remains as it is, that the punishment of murder shall be death, ask that the operation of the law shall in every case, be suspended? If not, where and when shall the execution of the law commence? What feature of the case under consideration entitles it to be made a special exception?

I regret, therefore, to say finally, that after full deliberation, I am of the opinion that the proposed commutation of the sentence of Anna Bilanski is contrary to sound public policy.

ALEX. RAMSEY.

Mr. Acker moved that H. F. No. 142 be taken up and the vote by which it passed be reconsidered.

Carried.

The question recurring upon the passage of the bill,

And upon the vote being taken, there were yeas 27, nays 32, as follows:

YEAS.

Mr. Acker,
Armstrong,
Arnold,
Baldwin,
Beatty,
Bixler,
Chadlerdon,

Mr. Ooc,
Hulett,
Hunt,
Mann,
Mantor,
Marrison,
Olds,

Mr. Purdie,
Rehfeld,
Roy,
Seecombe,
Shriver,
Stewart,
Stock,

Mr. Sweet,
Thayer,
Van Vorhes,
Watson,
Webster,
White,

27

NAYS.

Mr. Aker,
Anderson,
Brooks,
Barnham,
Cleary,
Cleveland,
Garrard,
Greene of Olmsted,

Mr. Greene of Steele,
Hayes,
Johnson,
Klakead,
Knox,
Langworthy,
Leavens,
Letford,

Mr. McDough,
Mighan,
Mitch,
Olyer,
Robertson,
Sawyer,
Sherwood,
Shulls,

Mr. Stillman,
Stearns,
Stephenson,
Tollman,
Walker, H.,
Walker, Orange,
Wilkins,
Speaker,

32

So the bill was lost.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the honorable House that the Senate have concurred in the House amendment to the enrolled bill

H. F. No. 224. A bill for an act to establish the county of Ripley.

Herewith transmitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

S. F. No. 151. A bill for an act to provide for the appraisal, sale and leasing of the school lands, and the investment of the funds arising therefrom.

Was taken from the table.

The question recurring upon the motion made by Mr. Tollman, that the bill be referred to the next Legislature,

Mr. McDonough called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 20, nays 37, as follows :

YEAS.

Mr. Armstrong,	Mr. Chadderton,	Mr. Melghan,	Mr. Secombe,
Baldwin,	Hulett,	Mitch,	Stephenson,
Blaker,	Johnson,	Morrison,	Taylor,
Brooks,	Kinkaid,	Olds,	Van Vorhes,
Burnham,	Mann,	Rehfeld,	Watson,

NAYS.

Mr. Aaker,	Mr. Hayes,	Mr. Roy,	Mr. Stock,
Acker,	Hunt,	Sawyer,	Temanson,
Anderson,	Knox,	Sherwood,	Thayer,
Arnold,	Langworthy,	Shrewsbury,	Trow,
Butler,	Letford,	Shriner,	Walker, H.
Clary,	Mantor,	St q t's,	Webster,
Cleveland,	McDonough,	Skilman,	White,
Coe,	Pardie,	Stearns,	Wilkins,
Greene of Steele,	Robertson,	Stewart,	Speaker,
Greene of Olmsted,			

So the motion was lost.

Mr. Stearns moved to reconsider the vote by which the report of the committee on S. F. No. 151 was adopted.

Which motion prevailed.

The question recurring upon the adoption of the report.

Mr. Stearns moved an amendment to the report.

Which was adopted.

The question was upon the adoption of the report as amended.

Adopted.

Mr. Aaker moved that the rules be so far suspended as to allow the bill to be read the third time, and put upon its passage.

Which motion was lost.

Mr. Stock presented the report of the Committee on Indians and Indian Reservations, upon the petition of citizens of Green Lake,

Which was adopted.

S. F. No. 152. A bill for an act relating to the confinement of prisoners in county jails.

Had its first reading.

Mr. Mitsch moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading and was ordered to a third reading.

S. F. No. 109. A bill for an act proposing amendments to the Constitution (article 4) of the State of Minnesota,

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 44, nays 4, as follows :

YEAS.

Mr. Aaker,	Mr. Hunt,	Mr. Olds,	Mr. Stephenson,
Acker,	Johnson,	Olivier,	Stewart,
Arnold,	Knox,	Ozman,	Stock,
Bixler,	Langworthy,	Purdie,	Taylor,
Barnham,	Leavens,	Rehfeld,	Temanson,
Butler,	Letford,	Sawyer,	Thayer,
Coe,	Mann,	Secombe,	Walker, H.
Greene of Olmsted,	Mantor,	Sherwood,	Walker, Orange,
Greene of Steele,	Melghan,	Shrewsbury,	Watson,
Hayes,	Mitsch,	Shultis,	Webster,
Hulett,	Morrison,	Stearns,	White,

44

NAYS.

Mr. Anderson,	Mr. Beatty,	Mr. Kinkead,	Mr. Sweet,
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So the bill was passed and the title agreed to.

S. F. No. 134. A bill for an act to provide for the service of summons in justice's court in certain cases.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 21, nays 5, as follows :

YEAS.

Mr. Anderson,	Mr. Hayes,	Mr. Olds,	Mr. Stewart,
Arnold,	Langworthy,	Rehfeld,	Stock,
Bixler,	Letford,	Secombe,	Taylor,
Barnham,	Mann,	Shultis,	Temanson,
Chadderdon,	Melghan,	Stearns,	Webster,
Greene of Olmsted,			

21

NAYS.

Mr. Brooks,	Mr. Sherwood,	Mr. Shriner,	Mr. H. Walker,
Cleveland,			

5

So the bill was lost.

Mr. Cleveland moved to reconsider the vote by which the bill was lost.

The question was upon the passage of the bill,

Upon the vote being taken there were yeas 51, nays 1, as follows :

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Osmun,	Mr. Stewart,
Acker,	Hayes,	Purdie,	Stock,
Anderson,	Hulett,	Rehfeld,	Sweet,
Arnold,	Hunt,	Roy,	Taylor,
Beatty,	Johnson,	Sawyer,	Temanson,
Bixler,	Langworthy,	Scheffer,	Tollman,
Brooks,	Leavens,	Secombe,	H. Walker,
Burnham,	Letford,	Shrewsbury,	Walker, Orange,
Butler,	Mann,	Shriner,	Watson,
Chadderdon,	Melghan,	Shultis,	Webster,
Cleary,	Mitsch,	Skillman,	White,
Cleveland,	Olds,	Stearns,	Speaker,
Coe,	Olivier,	Stephenson,	

51

NAYS.

Mr. Sherwood,

1

So the bill was passed and its title agreed to.

S. F. No. 56. A bill for an act to amend certain chapters and sections of the public statutes relating to Probate Courts.

Was read a third time, and put upon its final passage.

Upon the vote being taken there were yeas 41, nays 7, as follows :

YEAS.			
Mr. Aaker,	Mr. Hulett,	Mr. Olivier.	Mr. Taylor,
Acker,	Hunt,	Ozman,	Temanson,
Anderson,	Johnson,	Pfaender,	Thayer,
Arnold,	Langworthy,	Purdie,	Tollman,
Bixler,	Leavans,	Rehfeld,	Van Vorhes,
Brooks,	Letford,	Roy,	Walker, Orange,
Chadlerdon,	Mann,	Sawyer,	Watson,
Cleveland,	Mitch,	Shriner,	Webster
Greene of Olmsted,	Morrison,	Stearns,	White,
Greene of Steele,	Olds,	Sweet,	Wilkins,
Hayes,			41
NAYS.			
Mr. Meighan,	Mr. Sherwood,	Mr. Shultis,	Mr. Speaker,
Secombe,	Shrewsbury,	Skillman,	7

Mr. Sweet, from the special committee to whom was referred H. F. No. 243, reported a substitute,

Which was adopted and laid upon the table.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

The question was upon the passage of

S. F. No. 151. A bill for an act to provide for the appraisal, sale and leasing the school lands, and the investment of the funds arising therefrom.

Mr. Sawyer moved a call of the House, which was ordered.

And the following members answered to their names :

Messrs. Aaker, Acker, Anderson, Arnold, Beatty, Bixler, Brooks, Burnham, Chadlerdon, Cleary, Cleveland, Donohue, Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Knox, Langworthy, Leavans, Letford, Mann, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olds, Ozman, Purdie, Robertson, Roy, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Shultis, Skillman, Stearns, Stephenson, Stewart, Stock, Sweet, Temanson, Thayer, Tollman, Van Vorhes, H. Walker, Watson, Webster, Wilkins, White, and Mr. Speaker.

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

Carried.

The question recurring upon the passage of the bill,

Mr. Robertson offered the following resolution :

Resolved. That the bill be referred back to Mr. Cleveland to insert a provision providing that the appraisers of the value of school lands shall be appointed by the State School Board ; and to provide, also, that all moneys

collected from the sale of school lands shall be loaned to the State and paid into the State treasury.

Adopted.

Mr. Purdie moved that the House take up the Senate files just reported.
Carried.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 242. A bill for an act to amend section 9, of article 10, of the Constitution.

The question was upon concurring in the first amendment.

Upon the vote being taken there were yeas 32, nays 20, as follows :

YEAS.

Mr. Asker,	Mr. Donohue,	Mr. Mann,	Mr. Stearns,
Anderson,	Garrard,	Robertson,	Stephenson,
Arnold,	Greene of Olmsted,	Roy,	Sweet,
Baliwin,	Greene of Steele,	Sanborn,	Taylor,
Burnham,	Hunt,	Sawyer,	Tollman,
Chandlerion,	Johnson,	Seconoe,	Van Vorhes,
Cleveland,	Knox,	Sherwood,	H. Walker,
Coe,	Langworthy,	Skillman,	Walker, Orange, 32

NAYS.

Mr. Acker,	Mr. McDonough,	Mr. Purdie,	Mr. Watson,
Brooks,	Melhan,	Rehfeld,	Webster,
Clary,	Mitchell,	Shrewsbury,	White,
Hayes,	Mitsch,	Shuttis,	Wilkins,
Letford,	Morrison,	Temanson,	Speaker. 20

So the amendment was not concurred in.

The question was upon concurring in the second amendment.

Upon the vote being taken, there were yeas 47, nays 5, as follows :

YEAS.

Mr. Asker,	Mr. Hulet,	Mr. Rehfeld,	Mr. Sweet,
Anderson,	Hunt,	Robertson,	Temanson,
Baliwin,	Johnson,	Roy,	Thayer,
Beatty,	Knox,	Sanborn,	Van Vorhes,
Brooks,	Langworthy,	Sawyer,	H. Walker,
Burnham,	Leavens,	Seconoe,	Walker, Orange,
Cleveland,	Letford,	Shuttis,	Watson,
Coe,	Mann,	Skillman,	Webster,
Donohue,	Mitchell,	Stearns,	White,
Garrard,	Mitsch,	Stephenson,	Wilkins,
Greene of Steele,	Ozman,	Stewart,	Speaker. 47
Hayes,	Purdie,	Stock,	

NAYS.

Mr. Acker,	Mr. Bixler,	Mr. Sherwood,	Mr. Shrewsbury,
Arnold,			5

So the amendment was concurred in.

The question was upon concurring in the third amendment.

Upon the vote being taken there were yeas 35, nays 20, as follows :

YEAS.

Mr. Asker,	Mr. Hunt,	Mr. Robertson,	Mr. Stock,
Baliwin,	Johnson,	Roy,	Sweet,
Beatty,	Knox,	Sanborn,	Tollman,
Burnham,	Langworthy,	Sawyer,	Trow,
Chandlerion,	Leavens,	Shuttis,	Walker, H.
Cleveland,	Mann,	Skillman,	Orange Walker,
Donohue,	Mitchell,	Stearns,	Webster,
Greene of Steele,	Mitsch,	Stephenson,	Wilkins,
Hulet,	Rehfeld,	Stewart,	35

NAYS.

Mr. Acker, Anderson, Arnold, Bixler, Brooks,	Mr. Ooe, Garrard, Hayes, Leford, McDonough,	Mr. Melghan, Morrison, Ozmun, Purdie, Secombe,	Mr. Sherwood, Temanson, Van Vorhes, Watson, Speaker,	20
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So the amendment was not concurred in.

The question was upon concurring in the fourth amendment.

Mr. Speaker (Mr. Mann in the chair) moved an amendment,
Which was lost.

The question was upon concurring in the amendment proposed by the Senate.

Upon the vote being taken there were yeas 43, nays 13, as follows :

YEAS.

Mr. Acker, Arnold, Baldwin, Beatty, Bixler, Brooks, Burnham, Chaderton, Cleveland, Ooe, Donohue,	Mr. Greene of Steele, Hayes, Hunt, Johnson, Knox, Langworthy, Leavens, Leford, Mann, Mitchell, Morrison,	Mr. Ozman, Roy, Sanborn, Sawyer, Secombe, Sherwood, Shrewsbury, Skillman, Stearns, Stephenson, Stock,	Mr. Sweet, Thayer, Tollman, Trow, Van Vorhes, Walker, Orange, Watson, White, Wilkin, Speaker.	43
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NAYS.

Mr. Aaker, Anderson, Cleary, Garrard,	Mr. Hulett, Melghan, Mitsch,	Mr. Purdie, Rehfeld, Shultis,	Mr. Stewart, Temanson, Webster,	13
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So the amendment was concurred in.

Mr. Hayes moved to reconsider the vote by which the first amendment was lost,

Which motion prevailed.

The question was upon concurring in the first amendment proposed by the Senate.

Upon the vote being taken the amendment was concurred in, 41 voting in the affirmative.

H. F. No. 95. A bill for an act to prescribe, fix and regulate the fees of the District and Supreme Court clerks.

Was taken up.

The question was upon concurring in the amendments proposed by the Senate.

Upon the vote being taken the amendments were concurred in, 41 voting in the affirmative.

Mr. Secombe presented the following memorial from Newson, Moore, Foster & Co., which was referred to the Committee on Printing :

To the Honorable the House of Representatives of the State of Minnesota :

The undersigned would respectfully represent that in the early part of the present session of the Legislature, they were elected printers to execute all printing to be ordered by the House—

That immediately after the election the Printing Committee of the House was instructed to enter into a contract with the undersigned for said printing—

That in accordance with their instructions a contract was entered into by the Printing Committee of the House and the undersigned, and under this contract the Printers have proceeded to execute the printing.

Among the items specified in the contract are the following:

"The price per thousand ems for the composition of the Journals of the House and such reports, communications and other documents as enter into and make part of the Journal, sixty-three cents. The price per token for press work of the same, sixty cents."

"The price per thousand ems for composition of all reports, communications, journals and other documents that may be ordered to be printed by the House in pamphlet form, together with the volume of public documents, provided such volume be ordered printed, sixty-three cents. The price per token for press work of the same sixty cents."

The report of the committee embodying the contract was adopted and the contract was ratified by the House. The undersigned would therefore respectfully request that the House direct the Chief Clerk to prepare the copy of the Journals for publication and deliver it into the hands of the Printers under their contract. They would also request that the Secretary of State be instructed to prepare the copy for the general and special laws of the session, ordered by the House and the Senate, which comes under this clause of their contract—and all other documents that may be ordered to be printed by this House.

The printing over which the undersigned claims no right, is that demanded by the State Officers, the school and banking departments, and all other printing not ordered either by the House or the Senate.

In view of the above fact, the undersigned would state, that the appropriation made for the publication of the Journals under the contract prices, will not be sufficient to pay for the same and that they ask an additional appropriation for that purpose. They would also represent that they have published in the Minnesotan and Times numerous laws per order of the Secretary of State, for which no appropriation has been made. They believe that this representation to your honorable body will be sufficient to secure the necessary appropriations to reimburse them for labor performed or to be performed per order of the House.

All of which is respectfully submitted,

NEWSON, MOORE, FOSTER & CO.,

Incidental Printers.

Mr. Sanborn from the Committee on Judiciary presented their report upon S. F. No. 174. A bill for an act relating to Females Covert.

Recommending its passage.

Adopted.

And the bill ordered to a third reading.

Mr. Acker offered the following resolution:

Resolved, That this House will hold an evening session commencing at 7 o'clock this evening to consider the Railroad matter.

Which was adopted.

Mr. Sweet moved that the House now take up the concurrent resolution reported by the special committee upon railroads.

Carried.

Mr. Secombe moved an amendment.

Which was adopted.

Mr. Sweet moved an amendment.

Which was adopted.

Mr. Trow moved an amendment.

Which was adopted.

Mr. Cleveland moved that all from 107 to 130 lines inclusive be stricken out of this resolution and be submitted to the people as a separate resolution.

Mr. Cleveland called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 20, nays 32, as follows :

YEAS.			
Mr. Parnham, Corry, Cleveland, Coe, Donohue,	Mr. Hayes, Hulett, Leavans, Leford, Osman,	Mr. Purdie, Seward, Sholin, Stewart, Stock,	Mr. Temanson, Van Vorhes, Watson, Webster, Wilkins, 20
NAYS.			
Mr. Aaker, Acker, Anderson, Arnold, Baldwin, Beatty, Bixler, Brooks,	Mr. Garrard, Greene of Steele, Hunt, Johnson, Mann, Meyers, Mitchell, Mitsch,	Mr. Morrison, Reid, Robertson, Roy, Sawyer, Sawyer, Skulman,	Mr. Sweet, Taylor, Thayer, Tollman, Trow, Walker, H., Walker, Orange, Speaker. 32

So the motion was lost.

S. P. Jennison, Esq, private Secretary of the Governor, appeared in the Hall, and presented the following message :

EXECUTIVE DEPARTMENT, }
St. Paul, March 8, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

Sir : I have approved and signed bills entitled as follows :

An act to prevent the destruction of fish in the lakes of the county of Ramsey in this State.

An act to establish the town of Crystal Lake.

A memorial and joint resolution of the Legislature of the State of Minnesota to Congress, for the relief of James B. Thomas and family.

An act to amend an act entitled an act to organize and discipline the militia, and volunteer militia, passed August 12th, 1858.

An act to authorize the county commissioner of Hennepin county to direct a portion of their tax assessed for county purposes to be collected in gold and silver, or current bank bills, for certain purposes.

An act to organize the county of Renville, and for other purposes,

An act to incorporate the town of Arlington.

An act to vacate certain lots in the town of North Pine Island.

An act to amend an act entitled an act to incorporate the town of Minneapolis.

An act to legalize certain taxes and tax sales for the benefit of school district No. 1, of the town of Faribault.

An act legalize proceedings of the Board of Commissioners of the County of Hennepin in establishing the town of Champlin and Dayton in said county.

An act to amend an act passed June 23, 1858, entitled an act relating to prairie fires.

An act to amend an act entitled an act to incorporate the St. Cloud Bridge Company.

Joint resolution in relation to the publication of certain laws.

An act to create a lien in favor of lumbermen.

An act to amend sections 47 and 48, of chapter 101, of the revised statutes, the same being sections 47 and 48, of chapter 90, of the public statutes.

A memorial in relation to Indians and Indian affairs.

An act making appropriations for incidental expenses in the various departments of State.

An act prescribing the duties of County Auditor.

An act to amend the Charter of the City West Saint Paul.

An act to change the boundary line between Scott and Dakota counties.

An act regulating costs in civil actions.

An act in relation to proposed amendments to the Constitution.

An act to encourage the manufacture of pure lager beer, and to discourage the use of alcoholic liquors.

Respectfully,

ALEX. RAMSEY.

The House then took a recess until 7 o'clock P. M.

EVENING SESSION.

At 7 o'clock the House was called to order by the Speaker.

The question before the House was the concurrent resolutions introduced by the special committee.

Mr. H. Walker moved to amend by inserting in the 38th line, before the word provided, the following words, to wit: "Provided that three hundred thousand dollars of the Minnesota State Bonds, to be issued in accordance with this concurrent resolution, shall be expended in constructing the Root River Branch of the Southern Minnesota Railroad from La Crescent up the valley of Root river."

Which was not adopted.

Mr. Robertson moved an amendment,

Which was adopted.

Mr. Secombe moved to strike out the words, "St. Paul, Crow Wing, or any intermediate point," and insert in place thereof the words, "any point on the Mississippi river at or above Anoka.

Mr. Robertson called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 34, nays 12, as follows:

YEAS.

Mr. Acker,	Mr. Hunt,	Mr. Rehfeld,	Mr. Stewart,
Baldwin,	Johnson,	Ev,	Stock,
Bixler,	Knox,	Sanbor,	Sweet,
Brooks,	Langworthy,	Sawyer,	Taylor,
Cleveland,	Mitchell,	Secombe,	Thayer,
Gerrard,	Morrison,	Sherwood,	Tilman,
Greene of Olmsted,	Nettleton,	Skullman,	Watson,
Greene of Steele,	Olis,	Stearns,	Speaker.
Hallett,	Osman,		

34

NAYS.

Mr. Hayes,	Mr. Melghan,	Mr. Robertson,	Mr. Walker, Orange,
Mantor,	Mitch,	Shults,	White,
McDonough,	Furrie,	Stephenson,	Wilkins,

12

So the amendment was adopted.

Mr. Knox moved an amendment providing for the pay of all contractors and those working on the railroads of the State, that have or may work on the same.

Mr. Shultis called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 47, nays 6, as follows:

YEAS.			
Mr. Aaker,	Mr. Garrard,	Mr. Morrison,	Mr. Stephenson.
Acker,	Hayes,	Nettleton,	Stoek,
Anderson,	Hulett,	Olds,	Sweet,
Arnold,	Hunt,	Ozmun,	Temanson,
Baldwin,	Johnson,	Purdie,	Thayer,
Beatty,	Knox,	Robertson,	Van Vorhes,
Bixler,	Letford,	Roy,	Walker, H.
Brooks,	Mantor,	Sawyer,	Walker, Orange,
Cleveland,	McDonough,	Secombe,	Watson,
Coe,	Meighan,	Sherwood,	Wilkins,
Donohue,	Mitchell,	Shultis,	Speaker,
Greene of Olmsted,	Mitch,	Stearns,	47
NAYS.			
Mr. Burnham,	Mr. Langworthy,	Mr. Sanborn,	Mr. Skillman,
Greene of Steele,	Rehfeld,		6

So the amendment was adopted.

Mr. Cleveland moved to amend line 163 by striking out "may" and inserting "shall."

Which was adopted.

Mr. Morrison moved to amend the 44th line, "provided, however, that the whole of the Cedar Valley and Minneapolis Railroad shall be completed and in operation within three years."

Which was lost.

Mr. Hayes moved an amendment in section 1, after the 49th line.

Which was lost.

Mr. Hunt moved to strike out "annually" and insert "quarterly,"

Which was adopted.

* Mr. Robertson moved to reconsider the vote by which the amendment offered by Mr. Knox was adopted.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 30, nays 27, as follows:

YEAS.			
Mr. Acker,	Mr. Knox,	Mr. Roy,	Mr. Taylor,
Anderson,	Langworthy,	Sanborn,	Temanson,
Brooks,	Mitchell,	Sawyer,	Thayer,
Cleveland,	Nettleton,	Skillman,	Tollman,
Coe,	Olds,	Stearns,	Walker H.
Greene of Olmsted,	Ozmun,	Stewart,	White,
Greene of Steele,	Rehfeld,	Sweet,	Speaker.
Hunt,	Robertson,		30
NAYS.			
Mr. Aaker,	Mr. Donohue,	Mr. McDonough,	Mr. Stephenson,
Arnold,	Garrard,	Meighan,	Stoek,
Baldwin,	Hayes,	Mitch,	Van Vorhes,
Beatty,	Hulett,	Morrison,	Walker, Orange,
Bixler,	Johnson,	Purdie,	Watson,
Burnham,	Letford,	Secombe,	Wilkins,
Chadderton,	Mantor,	Shultis,	27

So the motion prevailed.

The question was upon the amendment offered by Mr. Knox.

Mr. Robertson offered the following—"Provided that the Governor, Attorney General, and Treasurer of State, shall constitute a Board to audit and allow the just claims for work already done for the Minneapolis and Cedar Valley Railroad Company, and for supplies and materials furnished for said company, and the Governor shall issue State bonds for the payment of such claims to an amount not exceeding eighty thousand dollars."

Mr. Ozman moved to amend—"That \$80,000 be applied towards the payment of the debts of the contractors on the Transit Railroad for materials and supplies furnished in the building of said road."

Mr. Speaker (Mr. McDonough in the chair) moved the previous question, Which was ordered.

The question was upon the amendment offered by Mr. Ozmun, Which was lost.

The question then was upon the substitute offered by Mr. Robertson, Which was lost.

The question then recurred upon the resolution offered by Mr. Knox.

Upon the vote being taken there were yeas 27, nays 29, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. McDonough,	Mr. Shultz,
Arnold,	Hayes,	Melghan,	Stephenson,
Baldwin,	Hulett,	Mitch,	Stoek,
Beatty,	Johnson,	Morrison,	Van Verhes,
Bixler,	Knox,	Purdie,	Walker Orange,
Burnham,	Letford,	Robertson,	Wilkins,
Butler,	Mantor,	Secombe,	27

NAYS.

Mr. Acker,	Mr. Hunt,	Mr. Sanborn,	Mr. Temanson,
Anderson,	Langworthy,	Sawyer,	Thayer,
Brooks,	Mitchell,	Skillman,	Tollman,
Cleveland,	Nettleton,	Stearns,	Walker, H.
Coe,	Olds,	Stewart,	Watson,
Garrard,	Ozman,	Sweet,	White,
Greene of Olmsted,	Ry,	Taylor,	Speaker,
Greene of Steele,			29

So the resolution was not adopted.

The question then was upon the passage of the resolutions.

Mr. Stoek raised the points of order that the previous question was exhausted.

The Chair decided the point not well taken.

Mr. Stoek appealed.

The decision of the Chair was sustained.

The resolutions were then read a third time, and put upon their passage.

Upon the vote being taken, there were yeas 29, nays 26, as follows :

YEAS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Ozman,	Mr. Taylor,
Anderson,	Greene of Olmsted,	Robertson,	Temanson,
Beatty,	Johnson,	Sanborn,	Thayer,
Brooks,	Langworthy,	Sawyer,	Tollman,
Butler,	Mitchell,	Stearns,	White,
Cleveland,	Nettleton,	Stewart,	Wilkins,
Coe,	Olds,	Sweet,	Speaker,
Garrard,			29

NAYS.

Mr. Aaker, Arnold, Baldwin, Blixier, Burnham, Donohue, Hayes,	Mr. Hunt, Knox, Leford, Mannor, McDonough, Mitcham, Mitsch,	Mr. Morrison, Purdie, Roy, Secombe, Shulis, Skillman,	Mr. Stephenson, Stock, Van Vorhes, Walker, H., Walker, Orange, Watson,
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26

The Chair announced the resolutions passed.

Mr. Secombe raised the point of order that it would require a quorum of votes to pass it.

The Chair decided against him.

The House then adjourned.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTY-EIGHTH DAY.

FRIDAY, March 9, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Armstrong, Austin, Beatty, Bixler, Caskey, Cleary, Dayton, Donohue, Fox, Garrard, Hulett, Mann, McDonough, Mitchell, Mitsch, Nettleton, Olivier, Pfaender, Rehfeld, Renz, Robertson, Sanborn, Scheffer, Shrewsbury, Skillman, Stevens, Stephenson, Taylor, Trow, Van Vorhes, and Willey.

The journal was read and approved.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

H. F. No. 106. A bill for an act relating to the registry and return of births, marriages, and deaths.

With amendments.

Also,

H. F. No. 200. A bill for an act for the protection of sheep.

With amendments.

Also,

S. F. No. 187. A bill for an act defining the boundaries of Aiken county and attaching the same to Morrison for judicial purposes.

Also,

S. F. No. 159. A bill for an act to amend an act entitled an act to provide for the establishment of a State Normal School.

Also.

S. F. No. 164. A bill for an act to amend an act entitled an act to incorporate the Little Falls Manufacturing Company.

Herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

Mr. Sweet moved that Mr. Cordoza be appointed Clerk *pro tem* during the absence of Mr. Benson.

Carried.

And Mr. Cordoza was sworn in by the Speaker.

Mr. Cleveland introduced the report of the committee on

S. F. No. 151, with the recommendation that it be passed as amended.

Adopted.

H. F. No. 200. A bill for an act for the protection of sheep.

Was then taken up, and the Senate amendments thereto were considered.

Upon the vote being taken the House refused to concur in the amendments.

H. F. No. 106. A bill for an act requiring the proper registration of all interments in cemeteries,

Was then taken up, as amended by substitute from the Senate.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read a second time.

Carried.

And the bill was read a second time.

Mr. Morrison introduced—

A concurrent resolution upon the appointment of a geological survey of the State.

Which was read the first time.

Mr. Morrison moved to suspend the rules so far as to allow the resolution to be acted upon to-day.

Carried.

And the resolution was read a second time and put upon its passage.

Upon the vote being taken 44 voting in the affirmative, the concurrent resolution was passed.

Mr. Shultis introduced—

A concurrent resolution proposing amendments to section 1, article 14, of the Constitution.

Which was read the first time.

Mr. Purdie moved that the rules be so far suspended as to allow the resolution to be acted on at the present time.

Carried.

And the resolution was read a second time and referred to the Committee on Constitution and Constitutional Revision.

Mr. Cleveland offered the following resolution :

Resolved, That the special committee appointed to investigate the alleged

bribery and corruption of the Legislature which passed the so-called loan amendment, and to whom was also referred the investigation into the conduct of the special railroad committee of 16 of this session, be instructed to report this afternoon.

Adopted.

Mr. Johnson moved to reconsider the vote by which the concurrent resolution, proposing an amendment to section 5, of article 9, of the Constitution, was adopted on yesterday.

Mr. Secombe rose to a point of order, that the motion of Mr. Johnson was not in order, for the reason that the concurrent resolution referred to in the said motion was not adopted, and that Mr. Johnson, having voted for the adoption of the same, could not move a reconsideration ;

That the said concurrent resolution was not adopted, for the reason that it did not lie on the table one day previous to the day on which the House took action on the same, as required by Rule XVI. of this House, nor was such rule suspended ;

And that the said concurrent resolution did not receive the votes of a majority of all the members elected to the House, as required by Rule XXVI. of this House, nor was the said rule suspended.

The Speaker declared the point not well taken.

Mr. Secombe appealed from the decision of the Chair, and called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 30, nays 25, as follows :

YEAS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Rehfeld,	Mr. Sweet,
Anderson,	Hayes,	Roy,	Taylor,
Brooks,	Johnson,	Sawyer,	Temanson,
Burnham,	Kinkead,	Scheffer,	Thayer,
Chadlerdon,	Mitchell,	Shriner,	Tollman,
Cleveland,	Nettleton,	Stearns,	Trow,
Ooe,	Oids,	Stewart,	Walker, H.
Greene of Olmsted,	Ozman,		

30

NAYS.

Mr. Aaker,	Mr. Knox,	Mr. Purdie,	Mr. Van Vorhes,
Arnold,	Leavens,	Secombe,	Walker Orange,
Baldwin,	Letford,	Sherwood,	Watson,
Bixler,	McDonough,	Shuttle,	Webster,
Burler,	McLellan,	Skillman,	White,
Hulitt,	Morrison,	Stock,	Wilkins,
Hunt,			

25

So the decision was sustained.

Mr. Johnson withdrew the motion to reconsider.

Mr. Secombe rose to a point of order that it could not be withdrawn.

The Chair decided the point not well taken.

Mr. Secombe appealed, and called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 31, nays 26, as follows :

YEAS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Rehfeld,	Mr. Taylor,
Anderson,	Hulett,	Robertson,	Temanson.
Brooks,	Hunt,	Sawyer,	Thayer,
Butler,	Johnson,	Scheffer,	Tollman,
Chadderdon,	Kinkaid,	Shriner,	Trow,
Cleveland,	Nettleton,	Stearns,	Walker, H.
Coe,	Olds,	Stewart,	White,
Greene of Olmsted,	Ozman,	Sweet,	

31

NAYS.

Mr. Aaker,	Mr. Knox,	Mr. Purdie,	Mr. Stock,
Arnold,	Leaves,	Roy,	Van Vorhes,
Baldwin,	Letford,	Secombe,	Orange Walker,
Beatty,	McDonough,	Sherwood,	Watson,
Bixler,	Melghan,	Shults,	Webster,
Burnham,	Mitchell,	Skillman,	Wilkins,
Hayes,	Morrison,		

26

So the decision was sustained.

Mr. Secombe moved to correct the journal of yesterday in relation to the vote of the House on the concurrent resolution proposing an amendment to section 5, of article 9, of the Constitution, so that it shall read as follows, after the announcement of the number of votes for and against the adoption of the said resolution, to wit: "So the resolution was not adopted."

Mr. Sweet offered, as a substitute—

To correct the journal so as to make it appear that those voting in the affirmative, by yeas and nays, voted in the negative, and those voting in the negative voted in the affirmative, on the passage of the concurrent resolution passed yesterday.

Mr. Robertson moved that the whole matter be indefinitely postponed.

Mr. Robertson moved the previous question.

Which was ordered.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 31, nays 25, as follows:

YEAS.

Mr. Acker,	Mr. Hunt,	Mr. Robertson,	Mr. Taylor,
Anderson,	Johnson,	Roy,	Temanson,
Brooks,	Kinkaid,	Sawyer,	Thayer,
Chadderdon,	Mitchell,	Scheffer,	Tollman,
Cleveland,	Nettleton,	Shriner,	Trow,
Coe,	Olds,	Stearns,	H. Walker,
Greene of Olmsted,	Ozman,	Stewart,	Speaker.
Greene of Steele,	Rehfeld,	Sweet,	

31

NAYS.

Mr. Aaker,	Mr. Hulett,	Mr. Purdie,	Mr. Van Vorhes,
Baldwin,	Knox,	Secombe,	Walker, Orange,
Beatty,	Letford,	Sherwood,	Watson,
Bixler,	McDonough,	Shults,	Webster,
Burnham,	Melghan,	Skillman,	White,
Butler,	Morrison,	Stock,	Wilkins,
Hayes,			

25

So the motion was carried.

Mr. Cleveland moved to reconsider the vote by which the concurrent resolution was adopted.

Withdrawn.

Mr. Hunt offered the following resolution:

Resolved, That the Enrolling Clerk be required to return to this House H. F. No. 133.

Adopted.

Mr. Van Vorhes presented the report of the Committee on Printing to whom was referred the memorial of Newson, Moore, Foster & Co., as follows:

The committee to whom was referred the memorial of Newson, Moore, Foster & Co., claiming certain printing under and by virtue of their contract, beg leave to say, that they have had the same under consideration and would report:

That in the early part of the session the Printing Committee were instructed to ascertain what class of printing was necessary for the use of the House, and on what terms said printing could be procured. On the adoption of the report of that committee, Mr. Seecombe offered the following resolution:

Resolved, That the report of the Committee on Printing be adopted and that Messrs. Newson, Moore, Foster & Co., be and hereby are declared elected to do the incidental printing of this House during the present session of the Legislature; the said printing to be done upon a scale of prices to be agreed upon by and between said persons and the Committee of this House on Printing."

In accordance with this resolution, your committee conferred with Messrs. Newson, Moore, Foster & Co., and entered into the following contract with them for the printing specified below.

The majority of the standing committee on printing to whom was directed to agree upon a scale of prices with Messrs. Newson, Moore, Foster & Co. for the incidental printing of this House, report that they have agreed upon the following prices for the several classes of work which will probably be required by the House, to wit:

1st—The price per thousand ems for composition of bills, resolutions, memorial or other matter that may be ordered to be printed in bill form—sixty-three cents; press work for the same—per token—sixty cents.

2nd—The price per thousand ems for the composition of the Journals of the House and such reports, communications and other documents, as enter into and make part of the Journals—sixty-three cents. The price per token for press work of the same, sixty cents.

3d—The price per thousand ems for composition of all reports, communications, journals, and other documents that may be ordered to be printed by the House in pamphlet form, together with the volume of public documents, provided such volume be ordered printed sixty-three cents. The price per token for press work of the same, sixty cents.

4th—The price per hundred copies brochure covering of all pamphlets or documents ordered to be printed and covered, which shall include the collating, folding, stitching, drying and pressing the same—\$1.65.

The paper for the different classes of the above work, to be furnished by the State or by the parties executing the work, at such prices as shall hereafter be agreed upon between the parties and the Standing Committee on Printing.

This contract is with the understanding that the payment is to be made in warrants upon the Treasury without reference to their market value. The contract for composition on all the items specified is about *eight* per cent., and for press work, *five* per cent. below the cash rates heretofore paid Earle S. Goodrich for the same class of work.

(Signed)

A. J. VAN VORHES.
THOS. McDONOUGH,
S. BROOKS.

Your committee entered into a contract with Newson, Moore, Foster & Co. which was understood at the time to cover the peculiar class of printing which they now claim by virtue of their contract. The terms of their contract clearly indicate this. The printing for which your committee did not make provision is that required by the State Officers, and all other printing ordered after the adjournment of the Legislature and by parties not connected therewith.

The report of your committee was adopted and the contract ratified by the House, under this contract the work has been done and bills audited by the committee.

Believing, therefore, that the petition of your memorialists is just and proper, your committee would offer the following resolution and recommendation:

Resolved, That the Chief Clerk of this House be and is hereby directed to prepare the copy for the Journals of the House, and deliver the same into the hands of Newson, Moore, Foster & Co., Incidental Printers, for publication.

Resolved further, That the Secretary of State be and is hereby directed to prepare the copy for the general and special laws and to deliver the same into the hands of Newson, Moore, Foster & Co., Incidental Printers, for publication.

The committee would recommend an additional appropriation of \$1000 to defray the expenses of the publication of the Journals, and \$300 for the publication of the laws in the *Minnesota* and *Times*, for which no appropriation has been made, and which laws were published per order of the Secretary of State.

A. J. VAN VORHES,
THOS M. DONOHUE,
S. BROOKS.

Mr. Speaker (Mr. Acker in the Chair) moved that the report be laid upon the table.

Carried.

The House then took a recess until half past 2 o'clock.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

S. F. No. 183. A bill for an act making further regulation of the militia of this State.

Had its first reading.

Mr. Acker moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading and was ordered to a third reading.

S. F. No. 174. A bill for an act relative to femes covert.

Was read the first time.

Mr. Acker moved that the rules be so far suspended as to allow the bill to be read a second and third time.

Carried.

And the bill had its second and third reading, and was put upon its passage.

Upon the vote being taken there were yeas 43, nays 00, as follows :

YEAS.

Mr. Acker,	Mr. Hulett,	Mr. Morrison,	Mr. Sweet,
Anderson,	Johnson,	Nettleton,	Taylor,
Arnold,	Kinkead,	Purdie,	Thayer,
Baldwin,	Knox,	Robertson,	Temanson,
Bixler,	Langworthy,	Sawyer,	Tollman,
Burnham,	Leavens,	Scheffer,	Trow,
Clearv,	Letford,	Secombe,	H. Walker,
Cleveland,	Mantor,	Sherwood,	White,
Coe,	McDonough,	Shriner,	Wilkins,
Greene of Steele,	Meighan,	Shultis,	Speaker,
Hayes,	Mitsch,	Stock,	

31

So the bill was passed and the title agreed to.

S. F. No. 141. A bill for an act for the relief of J. B. Stevens.

Had its first reading.

Mr. Acker moved that the rules be so far suspended as to allow the bill to be read the second time.

Carried.

And the bill had its second reading.

S. F. No. 31. A bill for an act to amend an act entitled an act for a homestead exemption, passed August 12th, 1858.

Was read the first time.

Mr. Acker moved that the rules be so far suspended so as to allow the bill to be read a second and third time and put upon its passage.

Carried.

And the bill had its second and third reading and was put upon its passage.

Upon the vote being taken, there were yeas 40, nays 16, as follows :

YEAS.

Mr. Acker,	Mr. Greene of Steele,	Mr. Olivier,	Mr. Sweet,
Acker,	Greene of Olmsted,	Orman,	Temanson,
Anderson,	Hunt,	Purdie,	Thayer,
Arnold,	Kinkead,	Robertson,	Trow,
Batty,	Knox,	Roy,	Van Vorhes,
Bixler,	Langworthy,	Scheffer,	H. Walker,
Burnham,	Letford,	Sherwood,	Walker, Orange,
Chadderdon,	Mantor,	Shriner,	Watson,
Clearv,	McDonough,	Shultis,	White,
Cleveland,	Morrison,	Stewart,	Speaker,
Donohue,	Nettleton,	Stock,	

43

NAYS.

Mr. Baldwin,	Mr. Johnson,	Mr. Mitsch,	Mr. Tollman,
Coe,	Leavens,	Sawyer,	Webster,
Hayes,	Meighan,	Secombe,	Wilkins,
Hulett,	Mitchell,	Taylor,	

15

So the bill was passed and its title agreed to.

S. F. No. 180. A bill for an act relating to jury fees.

Had its first reading.

Mr. Secombe moved that the rules be so far suspended as to allow the bill to be read the second and third time and put upon its passage.

Carried.

And the bill had its second and third reading and was put upon its passage.

Upon the vote being taken, there were yeas 43, nays 3, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Nettleton,	Mr. Sweet,
Acker,	Greene of Olmsted,	Olds,	Stock,
Anderson,	Greene of Steele,	Olivier,	Manson,
Arnold,	Hayes,	Purdie,	Thayer,
Beatty,	Hulett,	Robertson,	Van Vorhes,
Bixler,	Johnson,	Roy,	Walker/Orange,
Brooks,	Langworthy,	Scheffer,	Walson,
Burnham,	McDonough,	Sawyer,	Webster,
Chadderdon,	Mitchell,	Secombe,	White,
Cleary,	Mitch,	Skillman,	Wilkins.
Cleveland,	Morrison,	Stewart,	

48

NAYS.

Mr. Hunt,	Mr. Sherwood,	Mr. Shriner,	Mr. Speaker,
Meighan			

1

So the bill was passed and its title agreed to.

The following message was received from the Senate:

Mr. Speaker:

I have to announce to the honorable House the passage by the Senate of the following bills, viz:

S. F. No. 106. A bill for an act to appropriate money for the improvement of the State road from St. Cloud to Breckinridge.

Also,

S. F. No. 153. A bill for an act to provide means for the improvement of the State road leading from Homer, Winona county, to La Crescent, in Houston county.

Also,

S. F. No. 156. A bill for an act to provide means for the improvement of a State road leading from Minneapolis to Glencoe.

Also,

S. F. No. 184. A bill for an act for the removal of the State Bank of Minnesota.

Also,

S. F. No. 188. A bill for an act to provide for the purchase of fuel for the Legislature and State Officers.

Also,

H. F. No. 127. A bill for an act authorizing Treasurers to receive the certificates issued by this Legislature for the per diem and mileage in payment of taxes.

Also,

H. F. No. 240. A bill for an act to appropriate money for certain purposes therein named.

With amendments.

Also,

H. F. No. 244. A bill for an act to legalize tax sales in Waseca county.

Also,

H. F. No. 246. A bill for an act to amend an act entitled an act to provide for county organization and government, approved Feb. 28, 1860.

Also,

Concurrent resolutions in regard to the compilation of school laws. Herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

S. F. No. 164. A bill for an act to amend an act entitled an act to incorporate the Little Falls Manufacturing Company.

Had its first reading.

S. F. No. 159. A bill for an act to amend an act entitled an act to provide for the establishment of State Normal Schools, approved August 2d, 1858.

Had its first reading.

Mr. Mitchell moved to suspend the rules so far as to allow the bill to be read the second and third time, and put the same upon its passage.

Carried.

And the bill had its second and third reading and was put upon its passage.

Upon the vote being taken there were yeas 47, nays 00, as follows :

YEAS.

Mr. Aaker,	Mr. Coe,	Mr. Mitchell,	Mr. Skillman,
Acker,	Donohue,	Morrison,	Stearns,
Anderson,	Hayes,	Olds,	Stewart,
Arnold,	Hallett,	Olivier,	Stark,
Baldwin,	Hunt,	Purdie,	Sweet,
Beatty,	Klukead,	Robertson,	Temanson,
Bixler,	Knox,	Roy,	Thayer,
Brooks,	Letford,	Sawyer,	Van Vorhes,
Burnham,	Mantor,	Scheffer,	Watson,
Chadderdon,	McDonough,	Sherwood,	Wilkins,
Clarry,	Meighan,	Shriner,	Speaker.
Cleveland,	Mitchell,	Shultis,	

47

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

Mr. Acker moved that the rules be so far suspended as to allow S. F. No. 164 to be read a third time and put upon its passage.

Carried.

Upon the vote being taken there were yeas 35, nays 8, as follows :

YEAS.

Mr. Aaker,	Mr. Cleveland,	Mr. McDonough,	Mr. Stearns,
Acker,	Coe,	Mitchell,	Stock,
Anderson,	Donohue,	Mitchell,	Sweet,
Baldwin,	Greene of Olmsted,	Morrison,	Thayer,
Bixler,	Hallett,	Olivier,	Watson,
Brooks,	Klukead,	Sherwood,	Webster,
Burnham,	Knox,	Shriner,	White,
Chadderdon,	Langworthy,	Shultis,	Williams,
Clarry,	Letford,	Skillman,	

35

NAYS.

Mr. Greene of Steele,	Mr. Mantor,	Mr. Osman,	Mr. Stewart,
Hunt,	Meighan,	Purdie,	Speaker,

8

So the bill was lost.

S. F. No. 74. A bill for an act providing for notice of Lis Pendens.

Was read the third time and put upon its final passage.

Upon the vote being taken, there were yeas 27, nays 7, as follows :

YEAS.

Mr. Anderson,	Mr. McDonough,	Mr. Roy,	Mr. Stock,
Bixler,	Meighan,	Sawyer,	Sweet,
Brooks,	Morrison,	Sch Mer,	Thayer,
Chadderdon,	Olds,	Shultis,	Watson,
Johnson,	Osman,	Skillman,	Webster,
Knox,	Purdie,	Stearns,	White,
Langworthy,	Robertson,	Stewart,	

27

NAYS.

Mr. Aaker,	Mr. Baldwin,	Mr. Shriner,	Mr. Speaker,
Acker,	Hunt,	Temanson,	

7

So the bill was lost.

S. P. Jennison, Esq., the Private Secretary of the Governor, appeared in the Hall and presented the following message from the Governor :

EXECUTIVE OFFICE,
ST. PAUL, March 9, 1860. }

HON. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

An act to provide for sessions of the Legislature.

An act to provide for the assessment and collection of a tax for State purposes for the year 1860.

An act to establish the county of Ripley.

An act to provide for the laying out, altering, discontinuing, working and repairing of roads and bridges.

An act prescribing the duties of county treasurers.

Very respectfully,

ALEX. RAMSEY.

Mr. Stearns moved to reconsider the vote by which S. F. No. 74 was lost. Carried.

The question recurring upon the passage of

S. F. No. 74. A bill for an act providing for notice of Lis Pendens.

Upon the vote being taken, there were yeas 50, nays 5, as follows :

YEAS.

Mr. Aaker	Mr. Greene of Steele,	Mr. O'Lea,	Mr. Stock,
Acker,	Haves,	Olivier,	Sweet,
Anderson,	Johnson,	Ozman,	Taylor,
Baldwin,	Kinkadee,	Robertson,	Tomanson,
Beatty,	Knox,	Sawyer,	Thayer,
Bixler,	Langworthy,	Secombe,	Tollman,
Brooks,	Leavens,	Sherwood,	Van Vorhes,
Burnham,	Letford,	Shriner,	Walker, Orange,
Chadderdon,	Mantor,	Shull's,	Webster,
Clearv,	McDonough,	Skullman,	White,
Cleveland,	Mitchell,	Stearns,	Wilkins,
Coe,	Mitch,	Stephenson,	Speaker.
Greene of Olmsted,			50

NAYS.

Mr. Arnold,	Mr. Morrison,	Mr. Purdie,	Mr. Watson,
Balett,			5

So the bill was passed and its title agreed to.

Mr. Acker moved to reconsider the vote by which S. F. No. 164 was lost. Carried.

The question recurring upon the passage of

S. F. No. 164. A bill for an act to amend an act entitled an act to incorporate the Little Falls Manufacturing Company.

Upon the vote being taken, there were yeas 46, nays 7, as follows :

YEAS.

Mr. Aaker,	Mr. Donohue,	Mr. Morrison,	Mr. Stewart,
Acker,	Hayes,	Olivier,	Stock,
Anderson,	Johnson,	Purdie,	Taylor,
Baldwin,	Kinkadee,	Sawyer,	Thayer,
Beatty,	Knox,	Schaffer,	Tollman,
Bixler,	Langworthy,	Secombe,	Van Vorhes,
Brooks,	Leavens,	Sherwood,	Walker, Orange,
Burnham,	Letford,	Shriner,	Watson,
Chadderdon,	Mantor,	Shull's,	Webster,
Clearv,	McDonough,	Skullman,	White,
Cleveland,	Mitchell,	Stearns,	Wilkins,
Coe,	Mitch,		46

NAYS.

Mr. Greene of Steele, Mr. Ozman, Mr. Stephenson, Mr. Speaker.
Meighan, Robertson, Tomanson.

So the bill was passed and its title agreed to.

S. F. No. 152. A bill for an act relating to the confinement of prisoners in county jails.

Had its third reading.

Mr. Sweet moved to refer the bill to a committee of one, with instructions

Mr. Robertson called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 16, nays 39, as follows :

YEAS.

Mr. Beatty, Chadlerdon, Cleary, Donohue,	Mr. Greene of Olmsted, Kinkead, McDonough, Mitchell,	Mr. Nettleton, Olivier, Robertson, Scheffer,	Mr. Shriner, Stephenson, Sweet, Speaker.	16
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NAYS.

Mr. Aaker, Acker, Anderson, Arnold, Baldwin, Bixler, Brooks, Burnham, Cleveland, Coe.	Mr. Hayes, Hulet, Hunt, Johnson, Knox, Langworthy, Leavens, Leford, Meighan, Morrison,	Mr. Olds, Ozman, Purdie, Sawyer, Secombe, Sherwood, Shullis, Skillman, Stearns, Stewart,	Mr. Stook, Thayer, Van Vorhes, Walker, H., Walker Orange, Watson, Webster, White, Wilkins,	39
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So the motion was lost.

The question was upon the passage of the bill.

Upon the vote being taken, there were yeas 46, nays 8, as follows :

YEAS.

Mr. Aaker, Acker, Anderson, Arnold, Baldwin, Bixler, Brooks, Burnham, Chadlerdon, Cleveland, Coe, Greene of Olmsted,	Mr. Hayes, Hulet, Johnson, Langworthy, Leford, McDonough, Mitchell, Mitchell, Morrison, Olds, Olivier,	Mr. Ozman, Robertson, Sawyer, Scheffer, Secombe, Sherwood, Shullis, Skillman, Stearns, Stephenson, Stewart,	Mr. Stook, Taylor, Tomanson, Thayer, Van Vorhes, Walker, H., Walker Orange, Watson, Webster, White, Speaker,	46
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NAYS.

Mr. Beatty, Cleary,	Mr. Hunt, Kinkead,	Mr. Purdie, Roy,	Mr. Shriner, Sweet,	8
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So the bill was passed and its title was agreed to.

S. F. No. 151. A bill for an act to provide for the appraisal, sale and leasing of the school lands, and the investment of the funds arising therefrom.

Was taken up.

The question was upon the passage of the bill.

Mr. Sawyer moved a call of the House, which was ordered.

And the following members answered to their names :

Messrs. Aaker, Acker, Anderson, Arnold, Baldwin, Beatty, Bixler, Brooks, Burnham, Chadderdon, Cleary, Cleveland, Coe, Donohue, Greene of

Olmsted, Hayes, Hulett, Johnson, Kinkead, Langworthy, Letford, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olds, Olivier, Ozman, Purdie, Robertson, Roy, Sawyer, Secombe, Shriner, Shultis, Skillman, Stearns, Stephenson, Stewart, Stock, Sweet, Taylor, Temanson, Thayer, Tollman, Van Vorhes, H. Walker, O. Walker, Watson, Webster, Wilkins.

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

Carried.

The question was upon the passage of the bill.

Upon the vote being taken there were yeas 29, nays 30, as follows :

YEAS.

Mr. Anker,	Mr. Letford,	Mr. Sawyer,	Mr. Temanson,
Acker,	Olds,	Sherwood,	Taylor,
Anderson,	Ozman,	Shultis,	Thayer,
Arnold,	Olivier,	Skillman,	Trow,
Coe,	Purdie,	Stearns,	Walker, H.
Greene of Olmsted,	Robertson,	Stewart,	Webster,
Greene of Steele,	Sanborn,	Stock,	White,
Hayes,			

29

NAYS.

Mr. Beatty,	Mr. Hunt,	Mr. Mitsch,	Mr. Sweet,
Bixler,	Hulett,	Nettleton,	Tollman,
Brooks,	Johnson,	Rehfeld,	Van Vorhes,
Burnham,	Kinkead,	Roy,	Walker Orange,
Chadderdon,	Knox,	Secombe,	Watson,
Cleary,	Leavens,	Shriner,	Wilkins,
Cleveland,	Meighan,	Stephenson,	Speaker,
Donohue,	Mitchell,		

30

So the bill was lost.

Mr. Cleveland moved to reconsider the vote by which the bill was lost.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 30, nays 28, as follows :

YEAS.

Mr. Anker,	Mr. Hunt,	Mr. Sherwood,	Mr. Taylor,
Acker,	Knox,	Shriner,	Temanson,
Anderson,	Letford,	Shultis,	Thayer,
Arnold,	Olds,	Skillman,	Trow,
Cleveland,	Olivier,	Stearns,	Walker H.
Coe,	Purdie,	Stewart,	Webster,
Greene of Olmsted,	Sawyer,	Stock,	White,
Greene of Steele,	Skillman,		

30

NAYS.

Mr. Beatty,	Mr. Hulett,	Mr. Morrison,	Mr. Stephenson,
Bixler,	Johnson,	Nettleton,	Tollman,
Brooks,	Kinkead,	Rehfeld,	Van Vorhes,
Burnham,	Leavens,	Robertson,	Walker, Orange,
Chadderdon,	Meighan,	Roy,	Watson,
Cleary,	Mitsch,	Secombe,	Wilkins,
Donohue,	Mitchell,	Sweet,	Speaker.

28

So the motion prevailed.

Mr. Cleveland moved to lay the bill upon the table.

Carried.

Mr. Morrison moved to take from the table the report of the Committee on Printing.

Carried.

Mr. Stearns moved that the report be laid upon the table.

Which was lost.

The question was upon the adoption of the resolutions,
Mr. Stearns moved the previous question, which was ordered.
The question was upon the adoption of the first resolution
Mr. McDonough called for the yeas and nays, which were ordered.
Upon the vote being taken there were yeas 24, as follows :

YEAS.

Mr. Acker,	Mr. Green of Steele,	Mr. Mitsch,	Mr. Skillman,
Anderson,	Hayes,	Morrison,	Stanton,
Arnold,	Holt,	O'Leary,	Stock,
Bixler,	Hunt,	Ozmun,	Temanson,
Brooks,	Johnson,	Purdie,	Thayer,
Bunham,	Knox,	Robinson,	Van Vliet,
Cleveland,	Lefford,	Sanborn,	Walker, Orange,
Coe,	McDonough,	Secombe,	Watson,
Greene of Olmsted,	Mitchell,	Shultz,	White,

26

NAYS.

Mr. Beatty,	Mr. Meighan,	Mr. Stephenson,	Mr. Tollman,
Chadlerdon,	Netleton,	Sherwood,	Trow,
Clary,	Rehfeld,	Shriner,	Webster,
Donhue,	Roy,	Stewart,	Walker, H.
Kinkad,	Sawyer,	Sweet,	Wilkins,
Levens,	Scheffer,	Taylor,	Speaker,

24

So the resolution was adopted.

The question was upon the adoption of the second resolution.
Upon the vote being taken there were yeas 28, nays 32, as follows :

YEAS.

Mr. Acker,	Mr. Coe,	Mr. McDonough,	Mr. Shultz,
Anderson,	Greene of Olmsted,	Mitch,	Skillman,
Arnold,	Hayes,	Morrison,	Stock,
Bixler,	Hunt,	Ozmun,	Temanson,
Brooks,	Knox,	Purdie,	Thayer,
Burham,	Lefford,	Robinson,	Walker, Orange,
Cleveland,	Letford,	Sanborn,	Watson,

23

NAYS.

Mr. Baldwin,	Mr. Kinkad,	Mr. Scheffer,	Mr. Taylor,
Beatty,	Levens,	Secombe,	Tollman,
Chadlerdon,	Meighan,	Sherwood,	Trow,
Clary,	Mitchell,	Shriner,	H. Walker,
Donhue,	Netleton,	Stearns,	Webster,
Greene of Steele,	Rehfeld,	Stewart,	White,
Hulett,	Roy,	Stephenson,	Wilkins,
Johnson,	Sawyer,	Sweet,	Speaker,

32

So the resolution was not adopted.

Mr. Stearns moved that the vote be reconsidered.

Mr. Secombe moved that further consideration of the matter be indefinitely postponed.

Mr. McDonough called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 31, nays 30, as follows :

YEAS.

Mr. Beatty,	Mr. Levens,	Mr. Scheffer,	Mr. Tollman,
Baldwin,	Meighan,	Secombe,	Trow,
Chadlerdon,	Mitchell,	Sherwood,	Walker, H.
Donhue,	Netleton,	Shriner,	Webster,
Greene of Steele,	Rehfeld,	Stewart,	White,
Hulett,	Roberts,	Stephenson,	Wilkins,
Johnson,	Roy,	Sweet,	Speaker,
Kinkad,	Sawyer,	Taylor,	

31

NAYS.

Mr. Acker,	Mr. Greene of Olmsted,	Mr. Harrison,	Mr. Stork,
Anderson,	Hays,	Osman,	Stevens,
Arnold,	Hunt,	Otis,	Tennison,
Baxter,	Knox,	Parlle,	Thayer,
Brooks,	Linworthy,	Sanborn,	Van Vorhes,
Burham,	Lefford,	Shultz,	Walker Orange,
Cleveland,	McDonough,	Skidman,	Watson,
Coe,	Mitch,		

80

So the motion was carried.

H. F. No. 240. A bill for an act to appropriate money for certain purposes therein named.

Was taken up.

The question was upon concurring in the amendment proposed by the Senate.

Mr. Secombe moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

SEVENTY-NINTH DAY.

SATURDAY, March 10, 1860.

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

Prayer was offered by the Chaplain.

The roll was called and the following members found absent :

Messrs. Abbott, Abraham, Armstrong, Austin, Beatty, Baldwin Caskey, Dayton, Donohue, Fox, Garrard, Letford, Mann, Morrison, Ozmun, Pfaender, Rehfeld, Renz, Robertson, Roy, Sanborn, Scheffer, Shrewsbury, Stevens, Stephenson, Stewart, Sweet, Thayer, Tollman, Trow, Webster, White, Wilkins and Willey.

The journal was read and approved.

Mr. McDonough moved a call of the House, which was ordered.

Mr. McDonough moved that farther proceedings under the call be dispensed with.

Carried.

Mr. Mantor, from the Committee on Supplies and Expenditures, reported upon

The bill of Combs & Bro., recommending that it be paid.

Adopted.

Amendments proposed by the Senate to

H. F. No. 240. A bill for an act to appropriate money for certain purposes therein named.

Were read.

Mr. Greene of Steele moved that the sum of "\$1,000" be stricken out and "\$300" inserted.

Lost.

Mr. Greene of Steele moved to amend by making the allowance for newspapers 3 cents per copy.

Upon which he called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 6, nays 44, as follows :

YEAS.			
Mr. Greene of Steele,	Mr. Meighan,	Mr. Stewart,	Mr. Taylor,
Mantor,	Stevens,		
NAYS.			
Mr. Aaker,	Mr. Chadderdon,	Mr. Mitsch,	Mr. Shultis,
Acker,	Cleveland,	Morrison,	Skillman,
Anderson,	Coe,	Olde,	Stearns,
Arnold,	Greene of Olmsted,	Olivier,	Stock,
Baldwin,	Hayes,	Purdie,	Temanson,
Beatty,	Hulett,	Rehfeld,	Tollman,
Bixler,	Johnson,	Boy,	Van Vorhes,
Brooks,	Kinkead,	Sawyer,	Walker, H.
Burnham,	Langworthy,	Scheffer,	Watson,
Butler,	McDonough,	Socombe,	Webster,
Casky,	Mitchell,	Shriner,	Wilkins,

6

44

So the amendment was lost.

The question was upon concurring in the amendment.

Upon the vote being taken, there were yeas 44, nays 11, as follows :

YEAS.			
Mr. Aaker,	Mr. Chadderdon,	Mr. Mann,	Mr. Shultis,
Acker,	Cleary,	Mantor,	Skillman,
Anderson,	Cleveland,	McDonough,	Stearns,
Arnold,	Coe,	Mitchell,	Stock,
Baldwin,	Hayes,	Morrison,	Temanson,
Beatty,	Hulett,	Olde,	Tollman,
Bixler,	Johnson,	Purdie,	Van Vorhes,
Brooks,	Kinkead,	Rehfeld,	Walker, H.
Burnham,	Knox,	Boy,	Watson,
Butler,	Langworthy,	Sawyer,	Webster,
Casky,	Leavens,	Socombe,	Wilkins,
NAYS.			
Mr. Greene of Steele,	Mr. Notelson,	Mr. Sherwood,	Mr. Stewart,
Meighan,	Olivier,	Shriner,	Speaker,
Mitsch,	Scheffer,	Stevens,	

11

So the amendment was concurred in.

Joint Resolution in regard to the publication of the school laws.

Had its first reading.

Mr. Sawyer moved that the rules be so far suspended as to allow the adoption of the resolution at the present time.

Carried.

The question recurring upon the passage of the resolution,

Upon the vote being taken the resolution was passed, 49 voting in the affirmative.

Mr. Cleveland presented the report of special committee upon a concur

rent resolution upon amendment to the constitution, recommending its passage, with amendments.

Mr. Mitchell moved—

That the report be recommitted to the committee, with instructions to amend so that an amendment may also be submitted by a majority vote of all the members elected to two succeeding Legislatures, and report at the earliest moment.

Which motion prevailed.

Mr. Scheffer offered the following resolution :

Resolved. That the recess of the House be dispensed with to-day, and that when the House adjourns it adjourn to meet at the regular hour on Monday morning.

Mr. Hunt moved that the resolution be laid upon the table.

Carried.

Amendments proposed by the Senate to H. F. No. 200, were read.

Mr. Sawyer moved a call of the House.

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Acker, Anderson, Arnold, Beatty, Bixler, Burnham, Brooks, Butler, Caskey, Chadderdon, Cleary, Cleveland, Coe, Greene of Steele, Hayes, Hulett, Hunt, Knox, Langworthy, McDonough, Meighan, Mitchell, Mitach, Morrisou, Nettleton, Olivier, Purdie, Rehfeld, Robertson, Roy, Sauborn, Sawyer, Secombe, Sherwood, Shriner, Shultis, Skillman, Stearns, Stevens, Stevenson, Stewart, Stock, Sweet, Taylor, Temanson, Tollman, Van Vorhes, H. Walker, Watson, Webster, Wilkins, and Mr. Speaker.

The Sergeant-at-arms reported several members in their seats

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

Carried.

The question was upon concurring in the amendments proposed by the Senate to

H. F. No. 200. A bill for an act for the protection of sheep.

Upon the vote being taken the amendments were concurred in, 46 voting in the affirmative.

The following message was received from the Senate :

Mr. Speaker—

I have to announce to the Honorable House the passage by the Senate of—

Concurrent Resolution in reference to the appointment of a commission as to a report on the Geology of the State.

Also, that the Senate have receded from their amendment, to which the House refused to concur, to

H. F. No. 241. A bill for an act to appropriate money to pay certain arrearages for the years 1858 and 1859.

Herewith transmitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Stewart, from the Committee on Claims, reported upon
The bill of J. N. Cordozo, recommending that it be paid.
Which was adopted.

Upon motion H. F. No. 138 was taken up.

Upon motion the bill was laid upon the table.

Mr. Secombe moved—

That the Clerk of this House be directed to request the Senate to return to
this House, for further consideration, the concurrent resolution proposing an
amendment to section 5, of article 9, of the Constitution,

Mr. Morrison moved the previous question,

Which was ordered.

Mr. Greene of Steele moved a call of the House,

Which was ordered.

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

Mr. Greene of Steele called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 26, nays 29, as follows :

YEAS.

Mr. Aaker, Arnold, Baldwin, Beatty, Bixler, Cleary, Donohue,	Mr. Hayes, Johnson, Mann, Mantor, McDonough, Meighan, Mitch,	Mr. Morrison, Purdie, Secombe, Sherwood, Shriner, Shultis,	Mr. Stevens, Stephenson, Stoek, Van Vorhes, Webster, Wilkins.
			26

NAYS.

Mr. Acker, Anderson, Brooks, Chadderton, Cleveland, Greene of Steele, Hulett, Hunt,	Mr. Kinkead, Langworthy, Mitchell, Nettleton, Olivier, Ozman, Rehfeld,	Mr. Robertson, Roy, Sanborn, Sawyer, Scheffer, Stearns, Stewart.	Mr. Sweet, Taylor, Temanson, Tollman, H. Walker, White, Speaker,
			29

So the motion was lost.

The following members answered to their names :

Messrs. Aaker, Acker, Anderson, Arnold, Baldwin, Beatty, Bixler, Brooks,
Burnham, Butler, Caskey, Chadderton, Cleary, Cleveland, Ooe, Donohue,
Greene of Olmsted, Greene of Steele, Hayes, Hulett, Hunt, Johnson, Kinkead,
Knox, Langworthy, Mann, Mantor, McDonough, Meighan, Mitchell, Mitsch,
Morrison, Olivier, Ozman, Purdie, Rehfeld, Robertson, Roy, Sanborn, Saw-
yer, Scheffer, Secombe, Sherwood, Shriner, Shultis, Skillman, Stearns, Stev-
ens, Stephenson, Stewart, Stoek, Sweet, Taylor, Temanson, Tollman, Van
Vorhes, H. Walker, Webster, White, Wilkins, and Mr. Speaker.

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

Carried.

The question was upon the motion of Mr. Secombe,

Upon which he called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 25, nays 38, as follows :

YEAS.

Mr. Aker, Beatty, Bixler, Burnham, Casper, Chadlerdon, Cleary,	Mr. Donohue, Hayes, Hulett, Johnson, Levens, Mann,	Mr. Mantor, McDonough, McLighan, Mitsch, Morrison, Shriner,	Mr. Skillman, Stephenson, Stock, Van Vorhes, Watson, Wilkins,
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25

NAYS.

Mr. Aker, Anderson, Arnold, Baldwin, Bricks, Butler, Cleveland, Coe, Greene of Steele, Greene of Olmsted,	Mr. Hunt, Kinkaid, Knox, Langworthy, Mitchell, Nettleton, Olivier, Ozman, Purdie, Rehfeld,	Mr. Robertson, Sanborn, Sawyer, Scheffer, Secombe, Sherwood, Shultz, Stearns, Stevens,	Mr. Stewart, Sweet, Taylor, Temanson, Tollman, H. Walker, Webster, White, Speaker.
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38

So the motion was lost.

Upon motion

S. F. No. 183. A bill for an act making further regulations for the Militia of the State,

Was taken up, and read a third time, and put upon its passage.

Upon the vote being taken, there were yeas 21, nays 29, as follows :

YEAS.

Mr. Anderson, Arnold, Beatty, Chadlerdon, Cleary, Donohue,	Mr. Hayes, Kinkaid, Knox, Mitsch, Nettleton,	Mr. Olivier, Kohfeldt, Robertson, Sanborn, Shriner,	Mr. Stephenson, Sweet, Van Vorhes, Webster, Speaker.
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21

NAYS.

Mr. Aker, Baldwin, Bixler, Brooks, Butler, Casper, Cleveland, Greene of Olmsted,	Mr. Hulett, Hunt, Johnson, Langworthy, Levens, Mantor, McDonough,	Mr. Melghan, Mitchell, Ozman, Purdie, Sawyer, Sherwood, Shultz,	Mr. Skillman, Stevens, Stewart, Stock, Walker, H. Watson, Webster,
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29

So the bill was lost.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of—

H. F. No. 219. A bill for an act to amend chapter 87 of the Revised Statutes of the Territory of Minnesota relative to forcible entries and unlawful detainers, page 439.

Herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

The House then took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

At half-past two o'clock the House was called to order by the Speaker.

H. F. No. 184. A bill for an act for the removal of the State Bank of Minnesota,

Was read the first time.

Mr. Sawyer moved that the rules be so far suspended as to allow the bill to be read a second and third time.

Carried.

And the bill had its second and third readings.

Mr. Sawyer moved a call of the House,

Which was ordered, and the following members answered to their names :

Messrs. Aaker, Acker, Anderson, Arnold, Baldwin, Brooks, Burnham, Butler, Cleary, Cleveland, Donohue, Johnson, Knox, Langworthy, Mantor, Mann, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olivier, Purdie, Roy, Sanborn, Sawyer, Scheffer, Sherwood, Shriner, Shultis, Skillman, Stook, Temanson, Trow, Van Vorhes, H. Walker, Watson, Webster, Wilkins, White, and Mr. Speaker.

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

Carried.

The question was upon the passage of the bill.

Upon the vote being taken, there were yeas 21, nays 12, as follows :

YEAS.			
Mr. Aaker,	Mr. Mitchell,	Mr. Sanborn,	Mr. Temanson,
Acker,	Mitsch,	Sawyer,	Trow,
Butler,	Morrison,	Scheffer,	H. Walker,
Cleary,	Nettleton,	Shultis,	Watson,
Cleveland,	Roy,	Skillman,	Webster,
Mann,			21
NAYS.			
Mr. Arnold,	Mr. Brooks,	Mr. Olivier,	Mr. Shriner,
Baldwin,	Burnham,	Purdie,	Stewart,
Bixler,	Mantor,	Sherwood,	Speaker.
			12

So the bill was lost.

S. F. No. 188. A bill for an act to provide for the fuel for State offices.
Was read the first time.

Mr. Mitchell moved that the rules be so far suspended as to allow the bill to be read a second and third time, and put upon its passage.

Carried.

And the bill was read a second and third time and put upon its passage.

Upon the vote being taken there were yeas 45, nays 00, as follows :

YEAS.			
Mr. Aaker,	Mr. Greene of Steele,	Mr. Morrison,	Mr. Shultis,
Acker,	Hayes,	Nettleton,	Skillman,
Anderson,	Hulett,	Olivier,	Stewart,
Arnold,	Johnson,	Purdie,	Stook,
Baldwin,	Knox,	Behfeld,	Van Vorhes,
Bixler,	Langworthy,	Roy,	H. Walker,
Brooks,	Mantor,	Sanborn,	Watson,
Burnham,	McDonough,	Sawyer,	Webster,
Butler,	Meighan,	Scheffer,	White,
Cleary,	Mitchell,	Sherwood,	Wilkins,
Cleveland,	Mitsch,	Shriner,	Speaker,
			45

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

Upon motion

H. F. No. 34. A bill for an act to authorize and regulate garnishee proceedings,

Was read the third time and put upon its final passage.

Upon the vote being taken there were yeas 52, nays 3, as follows :

YEAS.

Mr. Aaker,	Mr. Hunt,	Mr. Olivier.	Mr. Skillman,
Anderson,	Johnson,	Ozman,	Stephenson,
Baldwin,	Kinkead,	Pfaender,	Stewart,
Bixler,	Langworthy,	Rehfeld,	Stock,
Brooks,	Leavens,	Robertson,	Taylor,
Burnham,	Mann,	Roy,	Temanson,
Cleveland,	Mantor,	Sanborn,	Van Vorhes,
Coe,	McDonough,	Sawyer,	H. Walker,
Donohue,	Meighan,	Scheffer,	Watson,
Greene of Olmsted,	Mitchell,	Secombe,	Webster
Greene of Steele,	Mitch,	Sherwood,	White,
Hayes,	Morrison,	Shriner,	Wilkins,
Hulett,	Nettleton,	Shultis,	Speaker,

52

NAYS.

Mr. Aaker,	Mr. Caskey,	Mr. Tollman,
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3

So the bill was passed and its title agreed to.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of—

S. F. No. 189. A bill for an act to appropriate money for W. A. Hotchkiss and others for printing,

Also,

H. F. No. 235. A bill for an act to organize and define the boundaries of Dayton county.

With amendments.

Herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

Mr. Van Vorhes offered the following resolution :

Resolved, That the Adjutant General of the State be and he is hereby requested to provide suitable shelter for the ordnance on the Capitol grounds, which said ordnance is now exposed to the weather, and being injured for want of proper care.

Adopted.

Upon motion

H. F. No. 225. A bill for an act to amend an act entitled an act to provide for the incorporation and regulation of Railroad Companies, approved August 13th, 1858.

Was taken up.

The question was upon the passage of the bill,

Upon the vote being taken there were yeas 50, nays 2, as follows :

YEAS.

Mr. Aaker,	Mr. Hayes,	Mr. Purdie,	Mr. Stearns,
Acker,	Hulet,	Rehfeld,	Stewart,
Anderson,	Knox,	Robertson,	Stok,
Baldwin,	Langworthy,	Roy,	Taylor,
Bixler,	Mann,	Sanborn,	Temanson,
Brooks,	Mentor,	Sawyer,	Trow,
Burnham,	M'Donough,	Scheffer,	Van Vorhes,
Caskey,	Melghan,	Secombe,	H. Walker,
Cleary,	Mitchell,	Sherwood,	Watson,
Cleveland,	Mitch,	Shrier,	Webster,
Greene of Olmsted,	Morrison,	Shultz,	White,
Greene of Steele,	Needleton,	Skillman,	Wilkins,
	Olivier,		

50

NAYS.

Mr. Johnson,	Mr. Stevens,	
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2

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

Mr. Cleveland presented the report of the Committee on Constitution and Constitutional Revision, recommending the passage of the concurrent resolution proposing amendments to the Constitution.

Which was adopted.

Mr. Secombe moved that the rules be so far suspended as to allow the resolution to be read a second and third time.

Carried.

And the resolution had its second and third reading, and was put upon its passage.

Upon the vote being taken, there were yeas 51, nays 4, as follows:

YEAS.

Mr. Aaker,	Mr. Hayes,	Mr. Olivier,	Mr. Steck,
Acker,	Hallett,	Ozman,	Stearns,
Anderson,	Hunt,	Purdie,	Stewart,
Arnold,	Knox,	Rehfeld,	St-phenson,
Bixler,	Langworthy,	Robertson,	Taylor,
Brooks,	Leavens,	Roy,	Temanson,
Butler,	Mann,	Sanborn,	Van Vorhes,
Caskey,	Mentor,	Sawyer,	Walker, H.
Cleary,	M'Donough,	Secombe,	Watson,
Cleveland,	Melghan,	Sherwood,	Webster,
Coe,	Mitchell,	Shrier,	White,
Greene of Olmsted,	Mitch,	Shultz,	Wilkins,
Greene of Steele,	Morrison,	Skillman,	

51

NAYS.

Mr. Baldwin,	Mr. Burnham,	Mr. Johnson,	Mr. Trow,
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4

So the resolution was passed.

S. F. No. 184. A bill for an act for the removal of the State Bank of Minnesota,

Was taken up,

The question was upon the passage of the bill.

Upon the vote being taken, there were yeas 44, nays 6, as follows:

YEAS.

Mr. Aaker,	Mr. Greene of Steele,	Mr. Olis,	Mr. Shultis,
Acker,	Hayes,	Olivier,	Stearns,
Anderson,	Hulett,	Ozmun,	Stephenson,
Baldwin,	Johnson,	Rehfeld,	Stewart,
Batty,	Kinkaid,	Robertson,	Stock,
Bixler,	Knox,	Sanborn,	Taylor,
Butler,	Leavens,	Sawyer,	Temanson,
Calkley,	McDonough,	Secombe,	Trow,
Cleary,	Mighlin,	Schaffer,	Van V. rhes,
Cleveland,	Mitchell,	Shrier,	Watson,
Coe,	Mitch,	Skilman,	Webster,
Donhue,	Morrison,	Sherwood,	Wilkins,
Greene of Olmsted			

44

NAYS.

Mr. Arnold,	Mr. Hunt,	Mr. Mantor,	Mr. Purdie,
Brooks,	Langworthy,		

6

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

Mr. Sanborn offered the following resolution :

Resolved, That the Chief Clerk of the House be authorized to draw a certificate in the usual form for the amount reported due J. N. Cardozo by the Committee on Claims, signed and attested as certificate of per diem, and that the Auditor be authorized to draw orders on the Treasury for said certificates payable out of the Legislative fund of 1860.

Which was adopted.

On motion, H. F. No. 238 was taken up,

Mr. Robertson moved that the bill be indefinitely postponed.

Mr. Meighan moved that the motion be laid upon the table.

Carried.

Mr. Secombe moved that when this House adjourn it adjourn to meet on Monday next at 12 M.

Mr. Acker moved to lay the motion on the table.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 31, nays 25, as follows :

YEAS.

Mr. Acker,	Mr. Coe,	Mr. Olivier,	Mr. Stearns,
Anderson,	Greene of Olmsted,	Ozmun,	Stevens,
Arnold,	Greene of Steele,	Rehfeld,	Stock,
Bixler,	Knox,	Robertson,	Shrier,
Bingham,	Mantor,	Boy,	Trow,
Butler,	Meighan,	Sanborn,	Watson,
Calkley,	Mitchell,	Sawyer,	Wilkins,
Cleveland,	Nettleton,	Sherwood,	

31

NAYS.

Mr. Aaker,	Mr. Hunt,	Mr. Olis,	Mr. Stephenson.
Baldwin,	Johnson,	Purdie,	Taylor,
Batty,	Langworthy,	Secombe,	Van V. rhes,
Cleary,	Leavens,	Shultis,	Webster,
Donhue,	Mitch,	Skilman,	White,
Hulett,	Morrison,	Stewart,	Speaker,
Hayes,			

25

So the motion was carried.

Mr. Robertson offered the following resolution :

Resolved, That the members of this House irrespective of party, tender to Hon. Amos Coggswell their thanks and congratulations for the ability and courtesy which have uniformly distinguished his conduct as the presiding officer of this body.

Which was adopted.

Mr. Sherwood moved that

H. F. No. 235. A bill for an act to organize the County of Dayton, and to define the boundaries of the same.

Be taken up.

Carried.

The question was upon concurring in the amendment proposed by the Senate.

Upon the vote being taken, there were yeas 31, nays 12, as follows :

YEAS.			
Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Mitsch,	Mr. Sawyer,
Acker,	Hulett,	Olds,	Shriner,
Anderson,	Hunt,	Olivier,	Stephenson,
Brooks,	Knox,	Ozman,	Stewart,
Butler,	Leavens,	Rehfeld,	Stock,
Cleary,	Mantor,	Robertson,	Temanson,
Coe,	Meighan,	Roy,	White,
Donohue,	Mitchell,	Sanborn,	
			31
NAYS.			
Mr. Burnham,	Mr. Johnson,	Mr. Shultz,	Mr. Stevens,
Caskey,	Langworthy,	Skillman,	Trow,
Cleveland,	Purdie,	Stearns,	Webster,
			12

So the amendment was lost.

Mr. Langworthy moved that the vote be reconsidered, and the bill laid on the table.

Carried.

On motion,

H. F. No. 235. A bill for an act to organize the County of Dayton, and to define the boundaries of the same.

Was taken up.

The question was upon concurring in the amendments proposed by the Senate.

Upon the vote being taken, there were yeas 34, nays 21, as follows :

YEAS.			
Mr. Aaker,	Mr. Greene of Olmsted,	Mr. Mitsch,	Mr. Stewart,
Acker,	Hunt,	Olds,	Sawyer,
Anderson,	Hulett,	Olivier,	Sherwood,
Arnold,	Knox,	Ozman,	Shriner,
Brooks,	Leavens,	Rehfeld,	Stephenson,
Butler,	Mann,	Robertson,	Stock,
Cleary,	Mantor,	Roy,	Temanson,
Coe,	Meighan,	Sanborn,	White,
Fox,	Mitchell,		
			31
NAYS.			
Mr. Burnham,	Mr. Johnson,	Mr. Skillman,	Mr. Stevens,
Caskey,	Langworthy,	Shultz,	Trow,
Cleveland,	Purdie,	Stearns,	Webster,
			12

So the amendments were not concurred in.

Mr. Langworthy moved to reconsider the vote by which the amendments were lost.

Carried.

And the bill was laid upon the table.

Mr. Sanborn moved to reconsider the vote by which

S. F. No. 183. A bill for an act making further regulation of the military of this State,

Was lost.

Carried.

The question was upon the passage of the bill.

Upon the vote being taken there were yeas 38, nays 17, as follows :

YEAS.

Mr. Aker,	Mr. Hayes,	Mr. Rehfeld,	Mr. Stearns,
Acker,	Johnson,	Robertson,	Stevens,
Anderson,	Kinkaid,	Roy,	Stephenson,
Beatty,	Knox,	Scheffer,	Taylor,
Burnham,	Leavens,	Secombe,	Temanson,
Chadlerdon,	Mann,	Sherwood,	Van Vorhes,
Cleary,	Mitchell,	Shriner,	White,
Cleveland,	Mitch,	Skidman,	Wilkins,
Coe,	Olds,	Sanborn,	Speaker.
Donohue,	Olivier,		

88

NAYS.

Mr. Baldwin,	Mr. Greene of Steele,	Mr. Mantor,	Mr. Stewart,
Brooks,	Hunt,	Meighan,	Stock,
Butler,	Hulett,	Purdie,	Walker, H.
Caskey,	Langworthy,	Shultis,	Webster,
Greene of Olmsted,			

17

So the bill was not passed.

On motion

S. F. No. 151. A bill for an act to provide for the appraisal, sale and leasing of the school lands, and the investment of the funds arising therefrom.

Was taken up.

The question was upon the passage of the bill.

Upon the vote being taken there were yeas 22, nays 23, as follows :

YEAS.

Mr. Aker,	Mr. Coe,	Mr. Robertson,	Mr. Stephenson,
Acker,	Greene of Olmsted,	Shriner,	Stock,
Anderson,	Greene of Steele,	Shultis,	Taylor,
Butler,	Hunt,	Skillman,	Temanson,
Caskey,	Mantor,	Stearns,	Walker H.
Cleveland,	Mitch,		

22

NAYS.

Mr. Baldwin,	Mr. Hulett,	Mr. Mann,	Mr. Stevens,
Beatty,	Johnson,	Meighan,	Stewart,
Brooks,	Kinkaid,	Mitchell,	Watson,
Burnham,	Knox,	Rehfeld,	Webster,
Chadlerdon,	Langworthy,	Roy,	Wilkins,
Donohue,	Leavens,	Secombe,	

23

So the bill was not passed.

Mr. Sanborn moved that the rules be so far suspended as to allow

S. F. No. 189. An act to appropriate money for W. A. Hotchkiss and others for printing.

To be taken up and acted upon at the present time.

Carried.

And the bill had its first, second and third reading, and was put upon its passage.

Upon the vote being taken there were yeas 48, nays 4, as follows :

YEAS.

Mr. Asker,	Mr. Coe,	Mr. Mitsch,	Mr. Shriner,
Acker,	Donohue,	Morrison,	Shultis,
Anderson,	Greene of Steel,	Olivier,	Skullman,
Baldwin,	Hayes,	Ozmun,	Stearns,
Beatty,	Hulett,	Purdie,	Stephenson,
Brooks,	Hunt,	Rehfeld,	Stewart,
Burnham,	Johnson,	Robinson,	Taylor,
Butler,	Knox,	Roy,	Walker, H.
Caskey,	Langworthy,	Sanborn,	Watson,
Chadderdon,	Mann,	Sawyer,	Webster,
Cleary,	Mantor,	Secombe,	White,
Cleveland,	Mitchell,	Sherwood,	Wilkins,

48

NAYS.

Mr. Scheffer,	Mr. Stock,	Mr. Van Vorhes,	Mr. Speaker.
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4

So the bill was passed and its title agreed to.

Mr. Secombe offered the following resolution:

Resolved, That the thanks of this House be tendered to Master Thomas Hermon Winters for the faithful manner in which he has performed the duties of Messenger of the House the present session.

Mr. Robertson offered the following substitute:

Resolved, That the Clerk of the House be directed to issue a certificate of twenty-five dollars to Master Thomas Hermon Winters, as extra pay, for his good conduct as Messenger of the House.

The question was upon the adoption of the substitute.

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 17, nays 28, as follows:

YEAS.

Mr. Beatty,	Mr. Knox,	Mr. Robertson,	Mr. Shriner,
Chadderdon,	Nettleton,	Roy,	Shultis,
Cleary,	Olivier,	Sanborn,	Stearns,
Donohue,	Rehfeld,	Scheffer,	Stevens,
Kinkad,			

17

NAYS.

Mr. Asker,	Mr. Caskey,	Mr. Langworthy,	Mr. Stephenson,
Acker,	Cleveland,	Mann,	Biewart,
Arnold,	Coe,	Mantor,	Stock,
Baldwin,	Hayes,	Morrison,	Temanson,
Brooks,	Hulett,	Secombe,	Walker, H.
Burnham,	Hunt,	Sherwood,	Watson,
Butler,	Johnson,	Skullman,	White,

28

So the substitute was lost.

Mr. Stearns moved that the resolution be indefinitely postponed,

Upon which he called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 30, nays 18, as follows:

YEAS.

Mr. Acker,	Mr. Coe,	Mr. Olivier,	Mr. Shultis,
Arnold,	Donohue,	Rehfeld,	Stearns,
Baldwin,	Hulett,	Robertson,	Stevens,
Beatty,	Kinkad,	Roy,	Stephenson,
Brooks,	Knox,	Sanborn,	Stewart,
Caskey,	Melhan,	Scheffer,	Temanson,
Chadderdon,	Mitsch,	Shriner,	Wilkins,
Cleary,	Nettleton,		

30

NAYS.

Mr. Asker,	Mr. Johnson,	Mr. Morrison,	Mr. Stock,
Butler,	Langworthy,	Purdie,	H. Walker,
Cleveland,	Leavens,	Secombe,	Watson,
Hayes,	Mann,	Sherwood,	White,
Hunt,	Mantor,		

18

So the motion prevailed.

Mr. Hayes moved that the House adjourn.

Lost.

The following message was received from the Senate :

Mr. Speaker :

I have to announce to the Honorable House the passage by the Senate of the following bills, to wit :

S. F. No. 31. A bill for an act to amend an act entitled an act for a Homestead exemption, passed, Aug. 12, 1858,

Also,

S. F. No. 141. A bill for an act for the relief of J. B. Stevens.

Also,

S. F. No. 174. A bill for an act relative to femes covert.

Also,

S. F. No. 180. A bill for an act relating to a jury fee.

Also,

S. F. No. 183. A bill for an act making further regulations for the militia of the State.

Also,

H. F. No. 220. A bill for an act amendatory to an act relative to an improvement in the city of St. Paul, approved May 23, 1857, and the various acts amendatory thereto,

Also,

H. F. No. 69. A bill for an act entitled an act to legalize the location and survey of that portion of the State road from the north shore of Lake Superior to Graham's Point, commencing at Sauk Rapids and terminating at Graham's Point on the Red River of the North.

Also,

H. F. No. 216. A bill for an act to prevent abuses in the use of intoxicating drinks.

Also,

H. F. No. 205. A bill for an an act supplemental to an act and amendatory of an act entitled an act to regulate elections in this State, passed Feb. 24, 1860,

Also,

H. F. No. 241. A bill for an act to appropriate money to pay certain arrearages for 1858 and 1859.

With amendments.

Also,

H. F. No. 95. A bill for an act to prescribe, fix and regulate the fees of clerks of District Courts.

With amendments.

Herewith transmitted.

A. B. WEBBER, Secretary of the Senate.

S. P. Jennison, private Secretary of the Governor, appeared in the Hall and presented the following message :

EXECUTIVE DEPARTMENT, }
St. Paul, March 8, 1860. }

Hon. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills entitled as follows :

An act to prevent abuses in the use of intoxicating drinks.

An act to legalize the location and survey of that portion of the State road from the north shore of Lake Superior to Graham's Point, commencing at

Sauk Rapids and terminating at Graham's Point, on the Red River of the North.

An act to regulate the fees of clerks of the District Court.

An act requiring the registration of all interments in the public cemeteries.

A bill for an act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon, according to its true value in money.

An act to amend an act entitled an act to incorporate the City of St. Anthony, approved March 3d, 1855.

An act changing the boundary lines of Sherburne county.

An act to legalize the sale of lands for delinquent taxes in the county of Waseca.

An act to amend an act entitled an act to provide for county organization and government, approved February 28, 1860.

Concurrent resolution of both Houses of the Legislature of the State of Minnesota, proposing amendments to the Constitution of the State.

Respectfully,

ALEX. RAMSEY.

The House then took a recess until 7 $\frac{1}{2}$ o'clock.

EVENING SESSION.

At 7 $\frac{1}{2}$ o'clock the House was called to order by Mr. Greene of Steele.

Mr. Acker offered the following resolution:

Resolved, That the thanks of this House is hereby extended to the clerks, sergeant-at-arms, firemen, and messengers, for the very satisfactory manner in which they have discharged their respective duties during this session of the Legislature.

Adopted.

Mr. Taylor, from the Committee on Enrollment, reported as correctly enrolled—

H. F. No. 215. An act to encourage the manufacture of pure lager beer, and to discourage the use of alcoholic liquors.

Also,

H. F. No. 133. A bill for an act to provide for the laying out, altering, discontinuing, working, and repairing, roads and bridges.

Also,

H. F. No. 16. A bill for an act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money.

Also,

H. F. No. 181. A bill for an act providing for sessions of the Legislature.

Also,

H. F. No. 201. A bill for an act to provide for the assessment and collection of a tax for State purposes for the year A.D. 1860.

Also,

H. F. No. 224. A bill for an act to establish the county of Ripley.

Also,

H. F. No. 69. A bill for an act entitled an act to legalize the location and survey of that portion of the State road from the north shore of Lake Superior to Graham's Point, commencing at Sauk Rapids and terminating at Graham's Point, on the Red River of the North.

Also,

H. F. No. 216. A bill for an act to prevent abuses in the use of intoxicating drinks.

Also,

H. F. No. 220. A bill for an act relative to an improvement in the city of St. Paul.

Also,

H. F. No. 95. A bill for an act to fix; regulate and prescribe the fees of the District and Supreme Court clerks.

Also,

H. F. No. 106. A bill for an act requiring the proper registration of all interments in public cemeteries.

Also,

H. F. No. 117. A bill for an act to amend an act entitled an act to regulate the foreclosure of real estate, approved July 29, A. D., 1858.

Also,

H. F. No. 244. A bill for an act to legalize tax sales in Waseca county,

Also,

H. F. No. 172. A bill for an changing the boundary lines of Sherburne county.

Also,

H. F. No. 246. A bill for an act to amend an act to provide for county organization and government, approved Feb. 28, 1860,

Also,

H. F. No. 240. A bill for an act to appropriate money for certain purposes therein named.

Also,

H. F. No. 205. A bill for an act supplemental to an act amendatory of an act entitled an act to regulate elections in this State.

And that the same had been presented to his Excellency the Governor for his approval and signature.

Mr. Mitchell offered the following resolution :

Resolved, That the Chief Clerk is hereby authorized to issue a certificate for sixty dollars to the commissioners appointed to prepare a Code of Practice, for clerk hire and other incidental expenses in preparing the same.

Adopted.

Mr. Stewart, from the Committee on Claims, reported upon

The bill of A. R. Reifer, for extra services as enrolling clerk, recommending that it be paid.

Adopted.

Mr. Morrison moved that when the House adjourns, it adjourn to meet at 11 o'clock A. M. on Monday.

Carried.

Mr. Morrison moved that the House adjourn.

Lost.

Mr. Secombe moved a call of the House,

Which was ordered, and the following members answered to their names:

Messrs. Acker, Anderson, Baldwin, Burnham, Butler, Chadderdon, Coe, Cleveland, Greene of Olmsted, Greene of Steele, Hayes, Hunt, Johnson, Knox, Langworthy, Leavans, Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olds, Purdie, Sawyer, Secombe, Sherwood, Shultis, Skillman, Stearns, Stevens, Stewart, Stock, Taylor, Temanson, Tollman, Trow, Van Vorhes, H. Walker, Watson, Webster, and White.

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

Mr. Knox called for the yeas and nays, which were ordered.

Upon the vote being taken there were yeas 7, nays 29, as follows:

YEAS.			
Mr. Baldwin, Beatty,	Mr. Cleveland, Johnson,	Mr. Langworthy, Stearns,	Mr. Van Vorhes,
			7
NAYS.			
Mr. Acker, Anderson, Burnham, Butler, Greene of Olmsted, Greene of Steele, Knox, Leavans,	Mr. Mantor, McDonough, Meighan, Mitchell, Mitsch, Morrison, Olds,	Mr. Pfaender, Sawyer, Secombe, Sherwood, Skillman, Stevens, Stephenson,	Mr. Stewart, Stock, Taylor, Trow, Walker, H. Watson, White,
			29

So the motion was lost.

Mr. Stearns moved to reconsider the vote by which the House refused to suspend further proceedings under the call.

Carried.

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

Mr. Secombe called for the yeas and nays, which were ordered.

Upon the vote being taken, there were yeas 12, nays 19, as follows:

YEAS.			
Mr. Hunt, Johnson, Leavans,	Mr. McDonough, Morrison, Purdie,	Mr. Secombe, Shultis, Stearns,	Mr. Stevens, Van Vorhes, White,
			12
NAYS.			
Mr. Acker, Burnham, Butler, Greene of Steele, Mantor,	Mr. Meighan, Mitsch, Olds, Sanborn, Sawyer,	Mr. Scheffer, Sherwood, Stewart, Stock, Tollman,	Mr. Trow, H. Walker, Watson, Wilkins,
			19

So the motion was lost.

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

Carried.

Mr. Stearns moved that the House adjourn.

Carried.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

EIGHTIETH DAY.

MONDAY, March 12, 1860.

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

The roll was called and the following members found absent :

Messrs. Aaker, Abbott, Abraham, Anderson, Armstrong, Arnold, Austin, Beatty, Bixler, Brooks, Chadderdon, Coe, Dayton, Donohue, Fox, Garrard, Greene of Olmsted, Greene of Steele, Hulett, Hunt, Johnson, Langworthy, Leavans, Letford, Mann, McDonough, Nettleton, Olds, Ozmun, Pfaender, Purdie, Rehfeld, Renz, Robertson, Roy, Sawyer, Scheffer, Shultis, Skillman, Shrewsbury, Stevens, Stephenson, Stewart, Sweet, Taylor, Temanson, Thayer, Tollman, Trow, Van Vorhes, O. Walker, Watson, Webster, White, Willey, and Wilkins.

The following certificate was presented by the Speaker :

We, the undersigned, do hereby certify that the result of the election had in joint convention of the two Houses of the Legislature of the State of Minnesota, held at the Capitol, in the city of St. Paul, on Wednesday, the 7th day of March, in the year of our Lord 1860, for the purpose of electing a State Printer or Printers, and to regulate public printing, approved March 7, 1860, was as follows, to wit :

Mr. O. Brown having received the highest number of votes cast was declared duly elected to said office of State Printer.

E. HODGES,

President of the Senate *pro tem.*

AMOS COGGSWELL,

Speaker of the House of Representatives.

The following message was received from the Senate :

Mr. Speaker—

I have to announce that the Senate have appointed Messrs. Watson and Clark a committee, to act in conjunction with a similar committee on the

part of the House, to wait upon His Excellency Gov. Ramsey, and inquire if he has any further communication to make to this Legislature.

Also, the passage by the Senate of,
H. F. No. 34, substitute for S. F. No. 96. A bill for an act to authorize and regulate garnishee proceedings.

Also, that H. F. No. 205, heretofore reported as passed, was passed with amendments.

Herewith transmitted, and to which the concurrence of the House is respectfully requested.

A. B. WEBBER, Secretary of the Senate.

Mr. Sanborn moved that a committee of two be appointed on the part of the House to act in conjunction with a similar committee appointed by the Senate, to wait upon the Governor and inform his Excellency that the Legislature were ready to receive any communication that he might present.

Carried.

The Speaker appointed as such committee Messrs. Sanborn and Cleary.

Mr. Sanborn from the committee just appointed reported that had performed the duty, and the Governor had no message to transmit.

S. P. Jennison, Esq., the Private Secretary of the Governor, appeared in the Hall and presented the following message from the Governor :

EXECUTIVE OFFICE,
St. Paul, March 12, 1860. }

HON. AMOS COGGSWELL,

Speaker of the House of Representatives :

SIR : I have approved and signed bills as follows :

An act to appropriate money for certain purposes therein named.

An act to appropriate for certain arrearages of 1858 and 1859.

An act for the protection of sheep.

An act authorizing Treasurers to receive the certificates issued by this Legislature to members for per diem and mileage, in payment for taxes.

Very respectfully,

ALEX. RAMSEY.

The following message was received from the Senate :

Mr. Speaker :

The Senate have passed the following resolution :

Resolved, That the House of Representatives be requested to return to the Senate H. F. No. 205 for the further consideration of the Senate.

A. B. WEBBER, Secretary of the Senate.

Mr. Sanborn moved that the request be granted.

No quorum being present, the motion could not be made.

Mr. Burnham moved that the Clerk be requested to return to the Senate

H. F. No. 205. A bill for an act supplemental to an act to regulate elections in this State,

No objection being made, the motion was entertained and prevailed.

Mr. Mitchell offered the following resolution :

Resolved, That the special thanks of this House are hereby returned to Thomas Herman Winters for the faithful and attentive manner in which he has discharged the duties of Messenger of this House during the present session.

Which was adopted.

Mr. Sanborn reported that the Senate had receded from their amendments to H. F. No. 205.

Mr. Cleveland moved that the thanks of this House be extended to Messrs. Williams and Mills, the reporters of the Minnesotian and Times, and Pioneer and Democrat for their faithfulness and courtesy in reporting the proceedings of this body during the present session.

Which was adopted.

The Speaker then addressed the House as follows :

Representatives :—Before I declare the adjournment, I desire to return to each and every member of this House my sincere thanks, for the aid, the kindness and the courtesy which I have received from them, while attempting to discharge my duties as presiding officer.

I may have fell far short of your expectations in point of capacity and correctness in my decisions ; if so, I appeal to your charity, that it may be attributed to ignorance and inexperience for I feel a consciousness that I have had no design, other than to perform my duty with the strictest impartiality.

It could not have been otherwise than expected, that differences of opinion would be entertained upon the many important public questions which have come before us, but I say it with a glowing pride, that the most friendly feeling and manly bearing has characterised the actions, the discussions and intercourse of every Representative on this floor.

And now having completed our labor we are called upon to separate—to return to those generous, confiding constituents who have so largely intrusted their interests to our hands. May each and every one of you receive the plaudit "Well done thou good and faithful servant."

Again do I thank you, for your many marks and appreciation, and whatever may betide in after life, I shall fondly cling to a full remembrance of your warm-hearted personal friendship.

The Speaker then declared the House adjourned, *sine die*.

AMOS COGGSWELL, Speaker.

Attest : JARED BENSON, Chief Clerk.

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State Auditor's Report.

STATE OF MINNESOTA, STATE AUDITOR'S OFFICE, }
ST. PAUL, December 9, 1859. }

To the Honorable Senate of the State of Minnesota :

In compliance with Sec. 11. of an " Act prescribing the general duties of Auditor of State," approved July 23d, 1858, I have the honor to submit the following Report, as embraced in the accompanying statement :

Statement No. 1,

Shows the Receipts and Disbursements of the Treasury from the 1st day of January, 1858, to the 1st day of December, 1859.

Statement No. 2,

Shows the amount of taxable property of the State and the amount of State Tax for the year 1858.

Statement No. 3,

Shows the amount of taxable property of the State, and the amount of State Tax for the year 1859, (as far as returned to this office.)

Statement No. 4,

Shows the amount of delinquent taxes due from each county on the 1st day of December, 1859,

Statement No. 5,

Shows the amount of appropriation, amount drawn and unexpended balance of each of the appropriations from January 1, 1858, to May 29, 1858, Julius Georgii, Auditor.

Statement No. 6,

Shows the amount of each warrant drawn from January 1, 1858, to May 29, 1858, for which no special appropriation was made—Julius Georgii, Auditor.

Statement No. 7,

Shows the amount of appropriation, amount drawn, and unexpended balance of each appropriation from May 28, 1858, to December 1, 1859.

Statement No. 8,

Shows the condition of the Banks on the first Monday of January, 1859.

Statement No. 9,

Shows the condition of the Banks on the first Monday of April, 1859.

Statement No. 10,

Shows the condition of the Banks on the first Monday of July, 1859.

Statement No. 11,

Shows the condition of the Banks on the first Monday of October, 1859.

Statement No. 12,

Shows the circulation and securities of each of the Banks on the first day of December, 1859.

Statement No. 13,

Shows the amount of personal bond and name of bondsman of each Bank.

Statement No. 14,

Shows the names of Stockholders and amount of stock owned by each of the several Banks.

Statement No. 15,

Shows the total amount of circulation issued, amount returned, and amount still outstanding, of each of the Banks on the first day of December, 1859.

FINANCES OF THE STATE.

Receipts into the Treasury from all sources from Jan. 1st, 1858, to Feb. 1st, 1859, at which time settlement was made with State Treasurer,.....	\$470,499 43
Disbursements during the same period,.....	466,435 87
Balance in Treasury, Feb. 1st, 1859,.....	\$4,063 56
From each of the above amounts should be taken \$183,597 07, State Scrip, (which for convenience was charged as so much cash received, and when redeemed was credited as so much paid out) which would leave the receipts.....	\$286,902 36
Disbursements,.....	272,838 80
Balance as above.....	\$4,063 56
Receipts into the Treasury from all sources (including previous balance) from Feb. 1st, 1859, to Dec. 1st, 1859,.....	\$96,392 05
Disbursements,.....	81,052 86
Balance in Treasury, Dec. 1st, 1859,.....	\$ 15,339 16

Aggregate amount of Receipts.....	562,827 92
Disbursements from Jan. 1st, 1858, to Dec. 1st, 1859,.....	547,488 76
Balance.....	\$15,339 16
The total amount of State Scrip or Drafts issued in compliance with the provisions of an "Act for the relief of the creditors of the State," Approved Jan. 29, 1858, is.....	\$183,597 07
Amount redeemed by Treasurer cancelled, returned, to this office and destroyed :	
Principal.....	\$183,063 73
Interest.....	9,044 40
Total,.....	\$192,108 13
Amount still outstanding :	
Principal.....	\$533 34
Estimate Interest.....	24 88
Total,.....	\$558 22
The amount of State Warrants issued and not redeemed is.....	\$33,770 65
The amount of Territorial Warrants, State Scrip, Legislative certificates, &c., still outstanding is estimated at.....	\$1,500 00
Making the total amount of floating State indebtedness....	\$35,270 65
The unexpended balance of the several appropriations amount to.....	\$58,689 40
The total amount of taxable property of the State for the year 1858, as far as returned to this department, is.....	\$41,846,778 09
The State tax on the same, at the rate of five mills on the dollar is.....	\$209,233 89
A large portion of the newly organized counties have failed to make returns although demand for the same has been made from this department upon every organized county in the State.	
Only a portion of the returns of the taxable property of the State for the year 1859, have been received. From those already received, I estimate the amount at \$40,000,000, and the State tax at \$200,000 which will become due in February next.	
The total amount of delinquent taxes, due from the counties Dec. 1st, 1859 is \$149,799 67.	
The amount of taxable property for the year 1860 is estimated at \$40,000,000 a tax upon this amount of 2½ mills on the dollar amount to \$100,000 which with the large amount of delinquent taxes already due, it is hoped will be amply sufficient for the support of the State Government without embarrassment.	

Immediately after entering upon the duties of the office as Auditor, I proceeded to prepare a form of Tax Rolls; a copy of which was sent to each organized county in the State accompanied with the following:

CIRCULAR.

STATE AUDITOR'S OFFICE, MINNESOTA)
ST. PAUL, June 1st, 1858. }

To the Clerks of the Board of Supervisors of the several Counties of the State :
GENTLEMEN :—

Accompanying the form for the use of Assessors which the law requires me to furnish you, and which are herewith forwarded, I have caused to be printed the portions of the "Act providing for Township organization, approved March 19th, 1858," which refer to the subject of assessing, levying, and col-

lecting taxes : also the clauses of the Constitution which bear upon the same subjects, and the Acts fixing the levy for State purposes. You are also referred to the Revised Statutes.

The clauses quoted needs but little explanation, as they are simple and easily understood.

It may, perhaps, be proper to put a construction upon Section Three of Article Nine of the Constitution.

It provides, after enumerating certain property which shall not be taxed, that "personal property to an amount not exceeding in value two hundred dollars for each individual, shall by general laws be exempt from taxation." As the State Legislature has passed no law on the subject, the present law (exempting one hundred dollars), fixes the amount to be exempted.

This intended to apply to each individual whose personal property is assessed and no others. It does not mean each individual of a family, unless the property assessed actually belongs to the several members individually, who compose the family.

Burying grounds, school houses, churches and other property exempt from taxation, should be entered upon the tax roll, in the same manner that other property, not exempt, is listed, but with the explanation by the assessor, duly noted, of their character, in order that the character, number and value may be known, with no view to the same being taxed.

The Assessment Roll has been prepared as nearly as possible in conformity with Section Two, of Article Nine, of the Township organization Act, which provides that the Assessor shall proceed to ascertain, by diligent enquiry, the names of all the taxable inhabitants in his town, and also the taxable property, real or personal, within the same; and he shall set down in separate columns, headed, as the number or quantity and value of each article of taxable property, according to the best of his information and judgment.

The Assessment Roll, in addition to the columns required for the use of the assessors, have columns added, in which the State Tax, County Tax, Town Tax, School Tax, Road Tax and Total Tax are to be extended by the County Board of Supervisors, for the use of collectors.

It has been impossible for me to furnish the forms in the time required by law, viz, the first day of June, for the reason that I have but just entered upon the duties of my office. It may be that the assessors in some of the Counties have commenced their labors. In such cases, where the assessors have blank forms, it will, perhaps, be best to have them continue to employ those who have commenced using, until their townships or districts are assessed.

Where they have not commenced assessing, you will procure forms similar to the accompanying, as required by law.

The particular attention of the Clerks of the County Boards is directed to Section Three of Article Nine of the Township organization Act, in which it is made their duty to forward to the State Auditor the aggregate valuation in separate columns, of the real and personal property which has been assessed in the several Towns and Districts of their respective Counties. It is to be hoped that you will in no case neglect to comply with the provisions referred to.

It is absolutely necessary to know the total amount of taxable property in the State, in order to enable the legislature to fix the rate per cent. to be levied for State purposes in each year. Hence the necessity and importance of complying with the provisions referred to.

I would also call your attention to the "Act to provide for the assessment and collection of a tax for State purposes, for the year 1858," approved March 20th, 1858. You will call the attention of your County Board to this provision of law, which is printed with the Assessment Roll.

The law provides that the cost of procuring the Assessment Rolls shall be borne by each County respectively. By furnishing me with the number of copies you require, and the amount necessary to pay for them, and the postage thereon, I will have them forwarded to you as you may direct; or, you can procure them in any other manner you may desire. It will be desirable to have these forms used, if possible, in order to secure uniformity throughout the State. In any event, inform me as soon as practicable, of the number of assessment Districts or Townships in your County.

Below will found sections from the Constitution and laws relating to the subjects of assessing, levying and collecting taxes.

They are printed in the same books with the Assessments Rolls for convenience, and also for the reason that the laws of 1857-8 have not yet been circulated.

Very Respectfully,

WM. F. DUNBAR,

Auditor of State.

I found the office not supplied with suitable books; no statement showing the amount of Territorial Warrants issued, or returned, by which I could ascertain the amount outstanding.

The accounts with the counties were in many instances incomplete; several counties having omitted to make returns from one to three years; most of these counties have since supplied these omissions.

The office is now well supplied with proper books, and accounts opened with the several appropriations as required by law.

Forty-two counties, embracing three hundred and sixty-seven towns, have organized, under the "Act to provide for Township Organization," the name and boundaries of each town are recorded in a suitable book provided for that purpose.

In compliance with the provisions of an "Act to provide for letting of the State Printing, Binding and Advertising," approved March 8th, 1858; notice was given throughout the State for proposals for the said work as required by law; after the expiration of the time limited in said notice for receiving such proposals, the bids were opened, and after careful investigation the contract was awarded to Earle S. Goodrich as "the lowest and best bidder" for the entire work.

The law is sadly deficient in relation to the assessment and collection of our State revenue. The law requires that each County Treasurer shall pay over to the State Treasurer the amount due the State on or before the first Monday of February in each year, while at the same time the "Township Act" allows the tax collector until the 15th of the same month to make the returns to said county treasurer. Thus it will be seen that the county treasurer in the year of 1858 would be compelled to make payment some eight days before the time allowed the collectors to make their returns, and the Board of Supervisors in several instances have extended the time of return beyond the time prescribed. Your attention is called to the law regulating the sale of lands for delinquent taxes—"Sec. 48, page 239, Public Statutes," reads "all lands returned to the Register of Deeds (now County Treasurer,) as provided by law, upon which the taxes, interest and charges shall not be paid by the first day of February next after the return thereof, shall be subject to sale as heretofore provided." The Section following, provides that "The Register of Deeds (now County Treasurer) shall, immediately after the day specified in the preceding section (first day of February after return,) advertise that the lands will be sold on the second Tuesday of April next, &c."

It is clear, in my opinion, that where the returns are made in February, that one year must intervene before lands can be legally advertised and sold. Although the contrary has been the practice in many counties, nearly fifteen months must elapse before the collection can be forced or the lands disposed of. The passage of a law creating a State Board of Tax equalization, is highly important.

I would also recommend the repeal of the law authorizing the State Treasurer to receive paper currency in payment for taxes; for so long as gold is at premium, but little, if any will find its way to the State Treasury.

In payment of old Territorial Warrants, expenses of Constitutional Convention and other Territorial indebtedness, together with various expenses incidental to setting in motion the machinery of a new State Government, have swelled the amount of expenditures nearly double what it would have been under ordinary circumstances.

It is utterly impossible to report the actual amount of floating State indebtedness, so long as the Legislature issues their certificates on the Treasurer for the payment of their per diem, mileage, and other expenses of the Assembly. No report having been made to this Department of the amount so issued, it is hoped that the Legislature will apply a remedy.

No definite amount was set apart in the several appropriations for support of the State Penitentiary. No provision was made for the payment of the fees and expenses of Sheriff, or other officers, incurred in conveying convicts to the State Penitentiary, which the law requires shall be paid out of the State Treasury.

On the 12th day of November, 1859, the following certificate was received from the "Board of Directors" of the establishment of the first State Normal School at Winona:

"WINONA, Nov. 10th, 1859,

"We the undersigned Directors of the Board of the State Normal School, hereby certify that the citizens of Winona, Winona County, Minnesota, have donated to the State of Minnesota, in money and lands, Five Thousand Dollars and upwards, as required by the Act entitled "An Act to provide for the establishment of State Normal Schools," passed August 2d, 1858.

"That the lands conveyed are valued at three thousand six hundred and fifty dollars in cash, and fifteen hundred dollars for which the Treasurer of the first Normal School District has given receipts for. The land being conveyed to the State of Minnesota. The site being valued at twelve hundred dollars on which the said Normal School building is to be erected in the City of Winona aforesaid. We therefore, request the Auditor of the State of Minnesota to draw his Warrant on the State Treasurer, in favor of the Treasurer of the first Normal District, for Five Thousand Dollars, as provided in the Act aforesaid; and in such several amounts as required by said Treasurer of the Normal Board.

"W. HOLCOMBE,

"E. BRAY,

"JNO. D. FORBES,

"GEORGE C. TANNER.

"Board of Directors of 1st District Normal School."

This being deemed by me a compliance with the law, and conclusive evidence of the performance of the prescribed conditions on the part of the citizens of Winona, I proceeded to open an account with the appropriation of \$5,000, made in the Act for the establishment of State Normal Schools.

I desire to call the attention of the Legislature to the fact that no special appropriation is made to pay the interest on the \$250,000 loan. The Con-

stitution requires that "a special appropriation and special tax shall be levied for the Interest and Principal of said Loan, and such taxes shall not be repealed, postponed, or diminished until the Principal and Interest of such debt shall have been fully paid." It will be important that provision be made to meet the interest coming due January 1st 1860, as the Treasurer reports that he has no authority, or funds to pay the same.

The seals of the several counties of the State, are made and charged to the counties, as required by law. The whole number is 167, a part of which have been delivered, and the remainder are deposited in the Auditor's Office, subject to order—for the payment of which a special appropriation should be made for the relief of Mr. J. H. Felch, the maker of the seals, who was employed by the Secretary of State, in accordance with law.

The duties of the Auditor in the Banking Department, have been peculiarly laborious and responsible. Sixteen Banks have organized under the provisions of the general Banking Law, of which but seven remain in operation.

The total circulation issued to the several Banks, under the Banking Law of this State up to December 1st 1859, is.....\$572,865,00

Of this, there has been returned and cancelled.....\$231,293,00

Leaving the circulation still outstanding.....\$341,572,00

And this process of retiring the currency is still going on. Several of the remaining banks, deem it impossible to do a legitimate business, without loss, so long as exchange is so largely against our State, and the same unfavorable course is pursued in depreciating the currency, for the purpose of speculation.

About the first of May last, a run commenced on several of the Banks for coin; the scarcity and demand for eastern exchange, which yielded a sufficient profit to our City Bankers and Brokers to induce them to collect and assort the notes of those Banks, and to send them home in large sums for redemption in coin, caused such a drain upon their specie as to give them great trouble and adequate supply on hand to meet these demands.

This unprecedented and almost unheard of run has continued in a greater or less degree up to the present time. At the same time we are suffering under a "crisis" which is not merely local in its effects, but spreads over the whole country, and effects the monetary operations of the entire North West and as a consequence thereof, several Banks were compelled to suspend, and as a general depreciation ensued.

The fact that the notes of several of our Banks under the general Banking Law, were secured by interest paying bonds as good as any in the Union, seemed to give them no value in the estimate put upon them by the public.

Those Banks which continued throughout the pressure to pay in coin, were alike discredited with those which had refused to pay, to bankers, brokers and their agents.

The disorganization of financial affairs at the East, and an unusual stringent state of the money market heretofore exhibited in New York and the other great commercial cities of the East, at which all large transactions in stocks and bonds are usually made, served to depress our State securities.

Capitalists could not be found willing and able to invest in our State Bonds unless they were sold at unreasonably low rates.

The amount of stocks deposited for the redemption of our Minnesota currency, liable to be thrown on the market at this time, produced the conviction upon my mind that if they were forced to sale for what they would, or might bring, much loss would ultimately result to the public. To avoid such a state of things, I resolved after due deliberation, to exercise such power as was conferred upon me by law, to give as much opportunity as the emergency would allow, for a reaction in the money markets. At the same time,

those holding the currency of defaulting banks, have been permitted to return the currency, and receive the stock deposited for the redemption of the same.

I believe that in thus acting under the law, the bill-holder was benefitted, and the interest of the bond-holder promoted. The commotion throughout the entire country on the subject of paper currency at this time, will be an epoch in the history of our State, and it is reasonable to suppose that the great result is not yet fully known.

It will be a very difficult task for the Legislature to devise a system of paper currency safe and reliable, sufficient for the trade and commerce of our State. The want of confidence so generally diffused in reference to banks, or bankers, makes it difficult to organize any system of credit represented by paper promises to pay, which will meet the demands of the public.

If bank notes issued upon the stocks of States which have never failed to pay the interest as it becomes due, with the additional security of personal responsibility as stockholders, to twice the amount of the capitol stock, and ten per cent, more stocks over and above the currency issued, or in lieu thereof, a personal bond, to be deposited for one fourth of the entire circulation, are insufficient to inspire confidence in the safety and value of the paper, then it would seem to be very questionable whether any system of paper currency would be regarded with public favor.

If those Banks which have been most prompt in the redemption of their notes have met with but little if any more favor, than those which have allowed the brokers, and other bill-holders, to take what they can get under the compromise of parties, or the provisions of law—if this desire to make trade and traffic of currency shall continue, (and what shall abate it?)—what hope is there, then, that a system of banking with power to issue paper currency, can again obtain public confidence,

The securities of no Banks have been lessened; but where parties by agreement, have surrendered notes and taken bonds, care has been taken to give only a pro rata of each of the securities, that no deficiency should ultimately occur.—When Banks have failed to protect or take up the currency of the holders thereof, I have retained the interest or dividends accruing from the stocks or bonds in my possession, at the time of such failure. Several more of the Banks have already signified their intention to close business, and are engaged in redeeming their entire issue on account of this warfare.

In view of the facts herewith presented, it is clearly my opinion, that no system can be adopted authorizing the issue of paper currency, that will prove of public benefit. Experience has taught the people of this State, that it makes but little or no difference what are the securities. For instance, the first indebtedness of our State being over \$250,000, and a law authorizing the issue of State paper in the similitude of Bank notes, bearing twelve per cent, interest—no one questioned the security or legality of the issue. Still, it was depreciated from twenty to thirty cents on the dollar. Indeed, all the paper currency, State, County, and City, which has been put in circulation as currency in this State, has been productive of a great loss to the community.

I would, therefore, recommend the repeal of the general Banking Law. All of which is respectfully submitted.

W. F. DUNBAR, State Auditor.

Statement No. 1.

Showing the Receipts and Disbursements of the State Treasury, from Jan 1st, 1858, to Dec. 1st 1859.

RECEIPTS.

From State Scrip issued.	\$183,597.07
" Sale of 8 per cent. Bonds.	252,512.50
" Territorial and State Taxes.	116,446.92
" W. J. Cullen Supt. Ind. Affairs.	5,250.00
" H. H. Sibley, Sup. Court Reports sold.	12.00
" Balance in the Treasury, Jan. 1, 1858,	5,009.43

Total Receipts. \$562,827.92

DISBURSEMENTS.

For payment of Leg. certificates,	\$ 92,608.15
" " " Const. Conv. do.	50,353.07
" " " Ter. warrants,	64,626.01
" " " State warrants,	142,793.40
" " " Prin. and Int. State Scrip.	192,108.13
" " " to St. Peter Company,	5,000.00
Balance in Treasury Dec. 1st, 1859.	15,339.16

\$562,827.92

The balance in the Treasury is here stated at \$15,339.16. Of this amount \$14,325.00 has been invested in 15 Minnesota 7 per cent. Bonds, and set apart as a Sinking Fund, leaving the amount subject to draft, \$1,014.16.

Statement No 2.

Showing the amount of Taxable Property, and the amount of State Tax for the year 1858.

Names of Counties.	Amount Taxable Property	Amount State Tax.
Anoka.....	712,271 00	3,561 36
Benton.....	506,301 00	2,531 51
Blue Earth.....	1,008,615 00	5,043 08
Brown.....	233,963 00	1,169 82
Carver.....	455,075 90	2,275 37
Chicago.....	720,651 00	3,603 25
Crow Wing.....	58,886 00	294 43
Dakota.....	2,779,200 73	13,896 00
Dodge.....	913,267 00	4,566 34
Faribault.....	234,671 00	1,173 35
Fillmore.....	1,785,035 00	8,925 18
Freeborn.....	197,137 10	985 68
Goodhue.....	1,289,475 00	6,447 39
Hennepin.....	6,064,152 62	30,320 75
Houston.....	1,323,370 00	6,616 85
Isanti.....	80,515 89	402 58
Kandiyohi.....	17,319 90	86 39
Le Sueur.....	770,629 03	3,853 14
Martin.....	89,278 00	446 39
Meeker.....	181,371 00	906 86
McLeod.....	266,047 25	1,330 23
Morrison.....	641,499 06	3,207 49
Mower.....	905,104 00	4,525 52
Nicollet.....	1,115,947 00	5,579 74
Olmesdick.....	2,054,838 00	10,274 19
Pine.....	339,525 00	1,697 62
Ramsey.....	5,685,370 14	28,426 85
Rice.....	2,007,763 30	10,038 82
Scott.....	1,233,848 00	6,616 85
Sibley.....	365,777 60	1,828 89
Stearns.....	244,952 00	1,224 76
Steele.....	633,796 35	3,168 98
Wabashaw.....	1,003,653 74	5,018 27
Waseca.....	453,488 83	2,267 44
Washington.....	1,827,192 00	9,137 96
Winona.....	3,142,681 00	15,713 41
Wright.....	504,105 75	2,520 53
	\$41,846,778 09	\$209,233 89

No returns were received from the counties of Sherburne, St. Louis, Lake, Pembina, Cass, Toombs, Renville, Martin, Jackson and Cottonwood.

Statement No. 3.

Showing the amount of Taxable Property and the amount of State Tax for the year 1859, as far as returned to this office.

Names of Counties.	Amount Taxable property	Amount State Tax.
Anoka.....	\$504,526 00	\$2,522 63
Benton.....	311,054 00	1,555 27
Blue Earth.....	802,824 28	4,014 12
Carver.....	418,112 92	2,090 56
Faribault.....	283,611 00	1,418 06
Goodhue.....	1,589,834 57	7,949 17
Kandiyohi.....	19,506 48	97 53
Manomin.....	54,117 00	270 59
McLeod.....	254,733 93	1,273 67
Meeker.....	185,717 35	928 58
Mille Lac.....	182,494 00	912 47
Morrison.....	351,211 68	1,956 08
Pine.....	488,772 35	2,443 86
Ramsey.....	6,834,554 14	84,172 77
Rice.....	1,398,632 00	6,993 16
Stearns.....	383,014 00	1,915 07
Steele.....	493,039 56	2,465 20
Sibley.....	310,567 00	1,552 84
Sherburne.....	298,088 35	1,490 44
Washington.....	2,290,193 00	11,450 96

Statement No. 4.

Showing the amount of Delinquent Taxes due from each county on the 1st December, 1859.

Names of Counties.	Amount of Delinquent Tax.
Anoka	2,369 51
Benton	3,235 78
Blue Earth	2,305 48
Brown	527 78
Carver	1,102 87
Chisago	3,330 54
Crow Wing	294 43
Dakota	10,160 16
Dodge	5,024 72
Faribault	473 35
Fillmore	5,058 66
Freeborn	476 16
Goodhue	2,818 74
Hennepin	31,939 31
Houston	4,820 48
Isanti	402 57
Kandiyohi	72 74
Le Sueur	1,699 64
Manomin	570 25
Meeker	552 57
McLeod	1,072 03
Morrison	3,201 59
Mower	3,531 05
Nicollet	3,177 44
Olmsted	10,306 43
Pine	296 01
Ramsey	14,996 22
Rice	6,419 24
Scott	3,843 57
Sherburne	212 26
Sibley	578 89
Stearns	524 76
Steele	3,379 44
Wabashaw	2,770 09
Waseca	1,467 44
Washington	5,503 27
Winona	9,872 91
Wright	1,410 29
Total	\$149,799 67

Statement No. 5.

Showing the amount of appropriation, amount of warrants drawn, and unexpended balance of each of the appropriations, from Jan. 1, 1858, to May 29, 1858.—JULIUS GEORGIN, State Auditor.

For what purpose appropriated.	Amount of Appropriations.	Amount of Warrants Drawn.	Unexpended Balance.
Goodrich, Somers & Co.....	\$8,930 35	\$6,300 26	\$2,630 09
Printing Constitutional debates.....	9,500 00	1,567 50	7,932 42
Board of Canvassers.....	479 00	335 00	144 00
Incidental Printing Legislature.....	15,000 00	11,044 35	3,955 65
Governor's Salary.....	2,500 00	1,041 66	1,458 34
Governor Contingent.....	1,000 00		1,000 00
Secretary of State Salary.....	1,500 00		1,500 00
Attorney General's Salary.....	1,000 00	480 12	519 88
State Treasurer's Salary.....	1,000 00	500 00	500 00
State Auditor's Salary.....	1,000 00	485 15	514 85
Judges Supreme Court Salary.....	7,500 00		7,500 00
Clerk " ".....	1,800 00		1,800 00
Supreme Court Contingent.....	200 00		200 00
Judges District Court Salary.....	12,000 00		12,000 00
Lith. and Engrav'g State Scrip.....	1,200 00	956 09	243 91
Negotiating & issuing St. bonds.....	2,625 00		2,625 00
Safe for State Treasurer.....	600 00		600 00
Clerk " ".....	1,500 00		1,500 00
Clerk for State Auditor.....	500 00		500 00
State Auditor's contingent.....	300 00		300 00
State Treasurer's contingent.....	300 00	300 00	
Interest on State Bonds.....	23,000 00		23,000 00
Principal and Int. Ter. Bonds.....	10,520 00		10,520 00
Supreme Court Reporter.....	600 00	600 00	
Repairs of Capitol.....	500 00	500 00	
E. S. Goodrich.....	13,357 97	8,357 97	5,000 00
E. C. Rich.....	115 00	115 00	
H. E. Baker & Co.....	156 73	156 73	
S. S. Gale & Co.....	14 00	14 00	
W. F. Wheeler.....	25 00	25 00	
J. W. Brackett.....	50 00	50 00	
T. M. Newson.....	947 84	947 84	
St. Paul Advertiser.....	157 42	157 42	
Nicols, Kinnie & Co.....	32 50	32 50	
Golcher & Simpson.....	59 50	59 50	
Parker Palne.....	438 00	438 00	
John W. Crosby.....	28 00	28 00	
John Young.....	25 50	25 50	
Owens & Moore.....	801 02	801 02	

Statement No. 5, Continued.

For what purpose appropriated.	Amount of Appropriation.	Amount of Warrants drawn.	Unexpended Balance.
Holmes, Payte & Beuchner...	300 00	300 00	
Newspapers to Legislature...	1,000 00	984 08	15 92
Glencoe Register.....	21 80	21 80	
Combs & Bro.....	1,051 00	1,051 00	
Henderson Democrat.....	27 00	27 00	
Sewell & Iddings.....	150 00	150 00	
James Burns.....	20 00	20 00	
Foster & Moore.....	699 84	699 84	
	\$124,532 47	\$38,572 41	\$85,960 06
Amount of warrants drawn for which no special appropriation was made, for details of which see statement No. 6.....		5,575 16	
Total amount of warrants drawn.....		\$44,147 57	

Statement No. 6.

Showing the amount of each Warrant drawn from January 1st 1858, to May 29th, 1858, for which no special appropriation has been made—JULIUS GEORGI, Auditor.

Jan. 5th, 1858.	A. W. Tullis, services on requisition of Governor,	\$ 81,00
" 12 "	L. Emmett, Att'y General, extra services,	120,40
" " "	W. G. Gibson, materials and labor furnished Prison,	175,18
" " "	F. R. Delano, " " " " " "	90,00
" " "	J. J. McHale, " " " " " "	87,39
" " "	Johnson McLaue & Co., " " " " " "	48,15
" 14 "	J. H. Henneberg, Treasurer Sibley Co., Mileage, &c.,	20,00
" 15 "	G. W. Armstrong, wood and Stationery,	24,85
" " "	Julius Georgii, wood, candles, &c., Auditor's Office,	17,50
" 22 "	I. Van Etten, salary as Adjutant General,	37,50
" " "	R. H. Bingham, Treasurer Winona Co., Mileage, &c.,	29,00
" 28 "	A. G. Langford, services on requisition of Governor,	530,85
" " "	James Gooding, " " " " " "	517,56
" 29 "	G. W. Armstrong, salary	20,85
" " "	G. W. Armstrong, Office rent, &c.,	56,25
Feb. 3 "	H. King, Treasurer Freeborn Co., Mileage, &c.,	50,00
" 5 "	Julius Georgii, office rent, fuel, &c.,	453,00
" 11 "	C. G. Ames, Newspapers to Legislature,	15,00
" 18 "	A. B. Russell,	5,50
" 22 "	W. Sprigg Hall, salary,	125,00
" 24 "	J. R. Lambert, Treasurer Dodge Co., Mileage, &c.,	20,00
" 25 "	W. Sprigg Hall, Postage, Stationery and Printing,	50,00
March 1 "	H. Officer, salary as Supreme Court Reporter,	75,00
" " "	J. A. Lennon, collecting Election returns,	65,00
" 3 "	L. Emmett, salary as Attorney General,	20,00
" " "	W. Sprigg Hall, salary to March 3d, 1858,	125,00
" 6 "	L. Emmett, Attorney General, extra services,	128,60
" 10 "	G. W. Armstrong, Stationery, Wood, &c.,	16,35
" 11 "	F. R. Delano, Warden for Penitentiary,	150,00
" " "	F. R. Delano, materials for Penitentiary,	50,00
" " "	F. O. Smith, Inspector for Penitentiary,	60,00
" " "	George Kerns, Inspector for Penitentiary,	60,00
" 18 "	Minnesota Historical Society,	500,00
" 26 "	Julius Georgii, Stationery, Wood, &c.,	15,50
" 30 "	L. Emmett, Office rent, fuel and lights,	585,00
" 31 "	W. Sprigg Hall, Office rent,	300,00
April 1 "	I. Van Etten, Salary as Adjutant General,	37,50
" 16 "	D. Sinclair & Co., Newspapers to Legislature,	18,00
May 6 "	A. B. Bracket, services on requisition of Governor,	410,00
" " "	A. W. Tullis, " " " " " "	223,00
" 25 "	W. C. Johnson, Warden Penitentiary,	150,00

\$5,575,16

Statement No. 7.

Showing the amount of appropriation, the unexpended balance of former appropriation, amount of warrants drawn, and the remaining unexpended balance of each of the appropriations, from May 28th, 1858, to December 1st, 1859.

For what purpose appropriated.	Amount of appropriation.	Un's'p'd bal. of former app.	Amt. Warrants Drawn.	Unexpended balance.
Goodrich, Somers & Co.,		2,630 09	2,532 55	97 14
Print. Cons't Debates...		7,932 42	7,910 90	21 52
Board of Canvassers....		144 00	144 00	
Ine'd Print. Legislature.		3,955 65	3,955 65	
Governor's salary.....		1,458 34	1,458 34	
Governor's Contingent...		1,000 00	1,000 00	
Secretary State salary,		1,500 00	1,500 00	
Attorney General salary,		519 88	519 00	88
State Treasurer salary		500 00	500 00	
State Auditor salary....		514 85	514 85	
Judges Sup. Court salary		7,500 00	6,000 00	1,500 00
Clerk Sup. Court salary		1,800 00	1,800 00	
Sup. Court Contingent		200 00	200 00	
Judges District Court...		12,000 00	12,000 00	
Lith. & Eng. State Scrip		243 91	243 91	
Neg. & issuing St. bonds		2,625 00	2,612 01	12 99
Safe for State Treasurer		600 00	600 00	
Clerk Treasurer's office		1,500 00	1,500 00	
Clerk Auditor's office...		500 00	500 00	
State Auditor Contingent		300 00	300 00	
Interest on State Bonds		23,000 00	20,748 00	2,292 00
Prim. & Interest Ter. B.		10,520 00	6,310 00	4,210 00
Earle S. Goodrich....		5,000 00	5,000 00	
Joseph A. Wheelock...	100 00		100 00	
Newspapers to legislature		15 92	15 92	
Patrick Fitzsimons....	96 00			96 00
W. A. Hotchkiss....	4,704 03		4,704 03	
C. L. Emerson.....	4,660 58		4,660 58	
Governor sal'ry.....	2,500 00		2,241 66	258 34
Lieutenant Gov. salary	1,600 00		1,308 00	292 00
Secretary State salary	1,500 00		1,281 80	218 20
State Auditor salary....	1,000 00		880 00	120 00
State Treasurer salary	1,000 00		875 00	125 00
Attorney General salary	1,000 00		894 00	106 00
State Librarian salary	600 00		600 00	
Judges Sup. Court do	6,000 00		4,041 61	1,958 34
Clerk Supreme Court do	1,000 00		913 33	86 67
Judges District do....	12,000 00		8,510 00	3,490 00
Executive continge't....	10,000 00		9,666 89	333 11
Secretary State continge't	1,600 00		1,600 00	
State Auditor's continge't	2,500 00		2,128 18	371 12
State Treas. contingent	1,000 00		936 00	64 00
Mileage, &c., Co. Treas.,	2,500 00		27 40	2,472 60
Attorney Gen. contingent	2,000 00		1,353 22	646 78

Statement No. 7, Continued

For what purpose appropriated.	Amount of appropriation.	Un'x'p'd bal. of former app.	Amt. Warrant's Drawn.	Unexpended balance.
Supreme Court conting t	500 00		390 90	109 10
Warden Penitentiary...	600 00		600 00	
Sal'y &c. Ter. & S. officers	3,000 00		2,996 72	3 28
W. F. Wheeler.....	50 00		50 00	
Dep. Warden, &c, Pent'y	800 00		800 00	
Repairs of Penitentiary.	2,000 00		1,857 02	142 88
Inc. Print. & Bind. Leg.	7,500 00		7,500 00	
Printing and Binding...	15,000 00		9,225 35	5,774 65
Publishing Laws.....	1,600 00		1,600 00	
Newspapers to Leg....	2,500 00		2,500 00	
Code Commissioners...	1,350 00		1,268 75	81 25
Safes for Lumber districts	500 00		500 00	
Inc. expenses Legislature	5,000 00		2,164 37	2,835 63
Stationery, H. of R....	6,000 00			6,000 00
Postage stamps, Senate.	3,500 00		600 00	2,900 00
Merrit & Hutchins....	59 00		59 00	
C. H. Hamilton.....	50 00		50 00	
St. Au. Con. for bank pur	1,500 00		1,246 76	253 24
Capitol Keeper.....	600 00		600 00	
Publishing statutes....	10,228 00		10,228 00	
Militia Fund.....	700 00		700 00	
Expenses Penitentiary..	1,867 00		1,867 00	
Pros. Atty's salary.....	6,000 00		5,222 90	777 10
	128,264 61	85,960 06	176,574 05	37,650 62
Expenses Legislature...	109,000 00		*92,608 15	16,391 35
" Const. Con...	55,000 00		*50,353 07	4,646 93
	292,264 61	85,960 06	319,535 27	58,689 40

* Amounts paid at the Treasury on the Certificates of the officers of the respective Houses of the Legislature and Constitutional Convention.

Statement No. 8.

Showing the condition of the Banks of the State of Minnesota, on the 31 January, 1859.

RESOURCES.

Names of Banks.	Loans and Discounts.	Stocks at par value deposited with State Auditor.	Stocks not de- posited with State Auditor.	Specie.	Cash, Treas- and Real Estate.	Loss and Expense Account.	Bills of sol- vent Banks on hand.	Due from Banks.	Total Resources.
Bank of the State of Minnesota..	5,185 50	25,000 00	1 200	5,473 01	1,509 16	1,753 76	4,323	15,682 99	63,868 62
Exchange Bank.....		25,000 00		9,524 50	60 00	2,211 15		13,174 35	20,000 00
Total.....	5,185 50	50,000 00	1 200	15,003 01	1,569 86	4,024 91	4,323	31,807 34	113,303 62

Statement No. 8, (continued.)

Showing the condition of the State of Minnesota, on the 31 January, 1899.

LIABILITIES.

Names of Banks.	Capital.	Registered notes in Circulation.	Due depositors on demand.	Due to others not of the above heads included in either.	Total Liabilities.
Bank of State Bank of Minnesota.....	25,000 00	25,000 00	13,131 88	231 74	63,363 63
Exchange Bank	25,000 00	25,000 00			50,000 00
Total.....	50,000 00	50,000 00	13,131 88	231 74	113,363 62

Statement No. 9.

Showing the condition of the Banks of the State of Minnesota, on the first Monday of April, 1859.

RESOURCES.

Names of Banks.	Loans and Discounts.	Due from Brokers.	Stocks at par value with State Auditor.	Stocks not deposited with State Auditor.	Specie.	Cash Items and Re'l Bank Account.	Loss and Expense Account.	Bills of sol. banks on hand.	Due from Direct's.	Due from Banks.	Total Resources.
Bank of State of Minn....	7,170 83	21 68	35,000	1,750	5,617 14	1,329 39	2,500 76	10,214		23,086 72	86,370 81
Exchange Bank.....	1,183 60		53,000	25,000	1,010 50	400 00	95 85	4,093	50,000	6,308 15	148,967 00
Farmers' Bank.....	19,230 84	19 11	25,000		2,822 50	9,752 61	437 78	147		604 25	50,574 25
Nicollet County Bank....	19,568 75		40,000		2,822 15		1,057 71			968 33	62,812 00
Bank of St. Paul.....	58,683 76	285 80	25,000		2,827 65	408 98	1,591 43	4,758		6,928 62	100,888 76
Bank of Owatonna.....		24,109 65	25,000		312 15		920 90	1,860			55,402 70
Chicago County Bank.....	480 08	19,159 52	34,000		1,509 38	279 10	846 50	2,386			59,560 08
Total.....	106,171 80	49,545 26	240,000	26,750	21,191 95	5,100 14	7,478 48	23,238	50,000	37,901 97	561,375 70

Statement No. 9, (continued.)

Showing the condition of the Banks of the State of Minnesota on the first Monday of April, 1859.

LIABILITIES.

Names of Banks.	Capital.	Registered notes in Circulation.	Due depositors on demand.	Due to others not included in either of above heads.	Total Liabilities.
Bank of the State of Minnesota.....	25,000 00	35,000	28,913 74	2,656 77	86,570 51
Exchange Bank.....	100,000 00	46,947			146,947 00
Farmers' Bank.....	25,000 00	25,000	574 25		50,574 25
Nicollet County Bank.....	25,000 00	38,863		1,550 00	63,813 00
Bank of St. Paul.....	50,000 00	24,415	20,949 50	5,028 56	100,498 76
Bank of Owatonna.....	25,000 00	24,000		3,402 70	52,402 70
Chicago County Bank.....	35,000 00	24,805	55 63	9,000 00	58,860 63
Total.....	275,000 00	216,549	45,493 47	21,883 43	561,925 90

Statement No. 10.

Showing the condition of the Banks of the State of Minnesota on the first Monday of July, 1859.

RESOURCES.

Names of Banks.	Loans and Discounts	Due from Brokers.	Over Drafts.	Stocks at par value deposited with State Auditor.	Specie.	Loss and Exp. Account.	Cash Items and Real Est.	Bills of exch. Banks on hand.	Due from Banks.	Total Resources
Bank of Owatonna.....		33,708 44		41,000		1,296 25	9905 05	23,920	11,614 34	76,004 69
Bank of St. Paul.....	65,841 23	*1,080 87	211 27	25,000	3,610 20	3,858 78	594 00	14,797	15,204 60	130,187 25
Bank of the State of Minn..	15,268 53		11 00	35,000	7,879 82	1,056 00		189		92,233 66
Central Bank.....				27,000	229 43					23,463 43
Chicago County Bank.....		30,163 95	156 23	36,000	2,115 00	1,400 31			30 45	68,256 00
Exchange Bank.....	8,370 80	450,000 00		70,000	2,115 00	440 00	1,422 67	6,374	12,123 40	149,923 20
Farmers' Bank.....	18,088 80	1,000 79		25,000	2,430 35	443 78	209	209		50,844 59
Filmore County Bank.....	250 00	4,845 00		33,000	1,600 00	767 69	2,462 00	17,512		73,000 00
La C. and La O. Bank.....				59,000	5,533 43	259 25		400		66,197 70
Nicollet County Bank.....				40,000	932 15		1,251 18		8,689 10	84,081 26
State Bank of Minnesota...	29,000 00	844 62		25,000	1,225 27		1,147		7,875 00	63,150 63
Winona County Bank.....	2,410 31	2,505 91		29,000	2,503 00		1,802 10	2,928	4,143 59	42,618 30
Peoples' Bank.....	No	Report.		30,000	2,431 23	116 86				54,804 00
Bank of Rochester.....										
Total.....	137,229 17	123,979 60	408 56	475,000	30,105 59	10,650 43	5,639 62	67,971	54,619 72	996,007 05

* Due from Directors.

† Due from Directors.

‡ Premium on bonds deposited with Auditor.

§ " " "

Promissory notes other than for loans and discounts.

¶ Office furniture, etc.

** Personal property, furniture, etc.

†† Bills of suspended banks, \$102.

Statement No. 10, (continued.)

Showing the condition of the Banks of the State of Minnesota on the 4th day of July, 1859.

LIABILITIES.

Names of Banks.	Capital.	Registered notes in Circulation.	Due depositors on Demand.	Due to others not included in either of the above heads.	Total Liabilities.
Bank of Owatonna.....	35,000	35,000		*6,004 69	76,004 69
Bank of St. Paul.....	50,000	21,500	35,066 64	23,620 64	130,187 28
Bank of the State of Minnesota.....	25,000	35,000	25,255 01	46,978 67	93,233 68
Central Bank.....	25,000	35,163	159 43	3,188 00	28,465 43
Chicago County Bank.....	35,000	32,386			68,266 00
Exchange Bank.....	100,000	49,695		827 20	149,923 20
Farmers' Bank.....	25,000	25,000			50,344 80
Fillmore County Bank.....	50,000	5,000	344 89		75,000 00
La Crosse and La Crescent Bank.....	50,000	40,000		9,197 70	65,197 70
Nicollet County Bank.....	35,000	25,000	4,614 68	4,631 25	84,631 25
State Bank of Minnesota.....	25,000	1,105	11,925 21	13,550 00	85,160 68
Winona County Bank.....	25,000	4,594		530 09	42,618 30
Peoples' Bank.....	50,000				54,804 00
Bank of Rochester.....		No Returns.			
Total.....	550,000	299,959	78,265 81	68,586 24	\$996,907 05

* Excess of Bonds with Auditor.

+ Interest and Exchange account included.

Statement No. 11.

Showing the condition of the Banks of the State of Minnesota on the first Monday of October, 1859.

RESOURCES.

Names of Banks.	Loans and Discounts.	Due from Directors.	Due from Brokers.	Stocks at par value with State Auditor.	Specie.	Cash items and Real Estate.	Bills of exchange on hand.	Loss and Expense Account.	Due from Banks.	Total Resources.
Bank of the State of Minn.	15,691 95			20,750	5,815 22	1,750 97	26,902	4,613 75	10,692 77	91,746 06
Farmers' Bank.	19,745 60			25,000	2,294 28		5,646	814 (S)	2,697 48	55,219 33
Nicollet County Bank.	*40,000 00			30,000	937 15					73,654 61
Bank of Chasfield.				25,000	5,618 58	154 88	296	1,275 00		66,129 88
Bank of St. Paul.	88,818 67	450		25,000	1,090 66		4,031	11,320 91	11,921 72	183,509 84
Bank of Red Wing.				27,000	2,219 26		846	147 52		30,438 01
La O. and La C. Bank.	12,737 44			40,000	593 49		81	1,120 30		65,158 00
Peoples' Bank.		20,000		30,000	8,153 78			147 70		59,509 00
Winona County Bank.	8,276 18			25,000	1,836 28	180 45	3,033	716 80	1,335 55	40,009 75
Central Bank.	186 80			27,000	3,065 43		270	982 00		31,467 93
State Bank of Minnesota.	88,765 33			25,000	4,052 27	484 75	580	2,742 73	891 36	68,470 09
Total.	314,660 87	20,450	6,060 80	852,750	83,646 65	2,531 00	41,445	13,830 29	27,732 16	715,886 52

* Promissory notes other than loans and discounts.

+ Over drafts.

Over drafts.

§ Premium on Bonds deposited with State Auditor.

† Included: office furniture and fixtures.

The following Banks having failed, made no report; viz.: Bank of Owatonna, Bank of Rochester, Exchange Bank, Chisago County Bank, and Fillmore County Bank.

Statement No. 11, (continued.)

Showing the condition of the Banks of the State of Minnesota on the 3d day of October, 1859.

LIABILITIES.

Names of Banks.	Capital.	Registered notes in Circulation.	Due depositors on Demand.	Due to others not included in either of the above heads.	Total Liabilities.
Bank of the State of Minnesota.....	25,000	25,000	83,027 25	*3,718 81	91,746 06
Farmers' Bank.....	25,000	25,000	2,014 09	8,205 27	55,219 36
Nicollet County Bank.....	40,000	20,000		8,654 60	78,654 60
Bank of Chisago.....	50,000	8,000		8,129 83	66,129 83
Bank of St. Paul.....	50,000	11,830	17,858 95	24,272 19	103,959 84
Bank of Red Wing.....	25,000	1,533	17 05	8,682 96	35,433 01
La Crosse and La Crescent Bank.....	50,000	15,158			65,158 00
Peoples' Bank.....	50,000	9,509			59,509 00
Winona County Bank.....	25,000	1,316	8,230 44	1,402 31	40,008 15
Central Bank.....	25,000	3,362	180 00	2,925 98	31,467 98
State Bank of Minnesota.....	25,000	25,000	3,655 09	14,815 00	68,470 09
Total.....	494,000	155,258	64,950 87	71,097 65	\$715,306 52

† Interest and Exchange account included.

STATE AUDITOR'S OFFICE,

St. Paul, December 9, 1859.

I certify that the above and foregoing Statements are correct abstracts of the Quarterly Reports made to this Office by the Several Banks that made Reports (as far as it was practicable to arrange the items of the returns under the general heads.)

W. F. DUNBAR, State Auditor.

Statement No. 12.

Showing the securities and circulation of each of the Banks on the 1st Dec., 1859.

Bank of St. Paul, St. Paul.....		(Capital \$80,000)
Securities, Minnesota 7s.....	\$30,000	
Circulation	10,000	
State Bank of Minnesota, Austin.....		(Capital \$25,000)
Securities, Ohio, 6s.....	\$25,000	
Circulation	25,000	
Winona County Bank, Winona.....		(Capital \$100,000)
Securities, Minnesota 7s.....	\$25,000	
Circulation	25,000	
La Crosse and La Crescent Bank, Hokah.....		(Capital \$50,000)
Securities, Minnesota 7s.....	\$49,000	
Circulation	42,063	
Bank of Chatfield, Chatfield.....		(Capital \$50,000)
Securities, Minnesota 7s.....	59,000	
Circulation	50,000	
Peoples' Bank, St. Peter.....		(Capital \$50,000)
Securities, Minnesota 7s.....	30,000	
Circulation	25,905	
Central Bank, New Ulm.....		(Capital \$50,000)
Securities, Minnesota 7s.....	27,000	
Circulation	23,000	
Bank of Red Wing, Red Wing.....		(Closing)
Securities, Minnesota 7s.....	2,000	
Circulation	1,368	
Fillmore County Bank, Preston.....		(Closing)
Securities, Minnesota 7s.....	8,000	
Circulation	6,900	
Farmers' Bank, Garden City.....		(Closing)
Securities Minnesota 8s.....	9,000	
Circulation	9,000	
Nicollet County Bank St. Peter.....		(Closing)
Securities, Minnesota University 10s.....	18,000	
Circulation	18,000	
Exchange Bank, Glencoe.....		(Closing)
Securities, Minnesota 7s.....	41,000	
Circulation	38,670	
Bank of Rochester, Rochester.....		(Closing)
Securities, Minnesota 7s.....	24,000	
Circulation	22,680	
Chisago County Bank, Taylor's Falls.....		(Closing)
Securities, Minnesota 7s.....	18,000	
Circulation	16,266	
Bank of Owatonna, Owatonna.....		(Closing)
Securities, Minnesota 7s.....	19,000	
Circulation	14,000	
Bank of the State of Minnesota, St. Paul.....		(Closing)
Securities, Minnesota 8s.....	11,000	
Securities, Minnesota University 10s.....	7,000	18,000
Circulation.....		18,000

Statement No. 13.

Showing the names of the persons who have executed bonds to further secure the redemption of the circulating notes issued to the Banks, as required by the Banking Law.

Bank of the State of Minnesota, St. Paul; penalty of bond.....	\$8,754
Names of Bondsmen: Pascal Whitney, G. S. Winston.	
Bank of St. Paul; penalty of bond.....	6,000
Names of Bondsmen: T. R. B. Eldridge, Laurence G. Graham.	
State Bank of Minnesota; Austin; penalty of bond.....	6,250
Names of Bondsmen: Adrian Foote, A. L. Pritchard.	
Farmers' Bank; Garden City; penalty of bond.....	6,250
Names of Bondsmen: John W. Davis, Wm. E. Smith, W. J. Dexter, J. H. Dawes.	
Nicollett County Bank; St. Peter; penalty of bond.....	10,000
Names of Bondsmen: Robert Sewell, J. W. Sewell.	
Exchange Bank; Glencoe; penalty of bond.....	12,500
Names of Bondsmen: Laurence G. Graham, Daniel Graham.	
Exchange Bank; Glencoe; penalty of bond.....	6,250
Names of Bondsmen: Daniel Graham, T. R. B. Eldridge.	
Bank of Rochester; Rochester; penalty of bond.....	6,250
Names of Bondsmen: Wm. Harwood, Stephen R. Moore.	
Bank of Rochester; Rochester; penalty of bond.....	6,000
Names of Bondsmen: Chas. W. Keith, Wm. Harwood, Aylmer Keith.	
Chisago County Bank; Taylor's Falls; penalty of bond.....	6,250
Names of Bondsmen: R. M. S. Pease, Sherwood D. Gould.	

*Statement No. 14.***BANK OF THE STATE OF MINNESOTA.**

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
Robt. Sewell....	New York,	50	5,000		
G. S. Winston..	"	50	5,000		
W. R. Marshall..	St. Paul,	50	5,000		
P. Whitney.....	"	100	10,000		
		250	\$25,000		

Statement No. 14, (continued.)

BANK OF SAINT PAUL.

Statement of the names of Stockholders.

Names of Shareholders:	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
T. R. B. Eldridge	St. Paul.	265	26,000	Orig. & Incr.	
I. H. Eldridge	"	10	1,000	T. R. B. Eldrge	Apr. 1, 1859
C. J. Burnell	"	100	10,000	"	Nov. 18, '58
"	"	25	2,500	Increase	
Henry W. Clapp	Greenfield Mass.	5	500	T. R. B. Eldrge	Nov. 19 '58
John Mitchell	Pt. Byron, N. Y.	10	1,000	"	" 20, '58
Nathan Marble	"	11	1,100	"	" " "
"	"	9	900	"	Jan. 28, '59
Elmore P. Ross	Auburn, "	5	500	"	Nov. 20 '58
"	"	5	500	C. J. Burnell	Jan. 3, '59
"	"	5	500	T. R. B. Eldrge	Feb. 2, '59
"	"	5	500	C. J. Burnell	Mar. 18, '59
F. N. Wilson	Catskill, "	5	500	T. R. B. Eldrge	Nov. 20, '58
"	"	5	500	C. J. Burnell	July 1, '59
George Blake	Albany, "	15	1,500	"	Jan. 3, '59
Joseph Goodhue	Brattleboro Vt	20	2,000	"	July 1, '59
		500	50,000		

STATE BANK OF MINNESOTA.

Statement of the names of Stockholders.

Name of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
A. L. Pritchard	Watertown Wis.	250	25,000		

FARMER'S BANK.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
John W. Davis	Fox Lake, Wis.	62½	6,250		
Wm. E. Smith	"	62½	6,250		
Wm. J. Dexter	"	62½	6,250		
J. W. Dawes	"	62½	6,250		
		250	\$25,000		

Statement No. 14, (continued.)

NICOLLET COUNTY BANK.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
W. J. Sewell....	St. Paul,	400	40,000	P. Whitney,	Nov. 1, '58

WINONA COUNTY BANK.

Statement of the names of Stockholders.

Names of Shareholders.	Resi.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
A. W. Webster,	Winona, Minn.	250	25,000	H. D. Huff,	May 16, '59
" "	" "	90	9,000	J. F. Barnard,	" "
Z. H. Lake.....	" "	330	33,000	" "	" "
J. W. Mott....	" "	330	100,000		
		1,000	100,000		

LA CROSSE AND LA CRESCENT BANK.

Statement of the names of Stockholders.

Names of Stockholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
Daniel Wells, Jr.,	Milwauk, Wis.	495	49,500	Gust. Ritchel,	Sept. 1, '59
S. Chamberlain,	" "	3	300	A. H. Pratt,	" "
T. M. Metcalf,	St. Paul, Minn.	1	100	" "	" "
A. H. Linton,	" "	1	100	" "	" "
		500	\$50,000		

Statement No. 15, (continued.)

PEOPLE'S BANK.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
E. S. Edgerton..	St. Paul,	250	25,000	Frank Steele,	Oct. 3, '59
"	"	250	25,000	Jas. Shields,	" "
		500	\$50,000		

CENTRAL BANK.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
J. Jay Knox....	St. Paul,	250	25,000	Frank Steele,	Oct. 5, '59
"	"	250	25,000	Jas. Shields,	" "
		500	\$50,000		

BANK OF CHATFIELD.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
G. H. Williams,	Boston, Mass.	3	300	Original,	Stockholders
W. B. Shute,	St. Paul Minn	5	500	"	"
A. H. Linton,	" "	5	500	"	"
S. Chamberlain,	Cleveland, O.	487	48,700	G.H. Williams	Sept. 28 '59
		500	\$50,000		

BANK OF RED WING.

Statement of the names of Stockholders:

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
C. W. G. Joerns	Red Wing,	250	\$25,000	Original	Stockholders

Statement No. 14, (continued.)

EXCHANGE BANK.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
N. Graham.....	Glencoe,	500	50,000	T.R.B.Eldrge,	Nov.20,'58
D. Graham.....	"	500	50,000	"	"
		1,000	100,000		

FILLMORE COUNTY BANK.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
J. M. Marshall,	St. Paul, Minn	5	500	Stroky & Lamar	Mar. 31,'59
R. A. Kemp,	Preston, "	245	24,500	" "	" "
R. A. Kemp,	" "	250	25,000		
		500	\$50,000		

BANK OF ROCHESTER.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
No Report.					

CHISAGO COUNTY BANK.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
No Report.					

BANK OF OWATONNA.

Statement of the names of Stockholders.

Names of Shareholders.	Residence.	No. Shares.	Amount Dollars.	From whom received.	When Assigned.
No Report.					

Statement No. 15.

Showing the amount of circulation issued, amount returned, and amount still outstanding of each of the Banks on the 1st December, 1859.

Names of Banks.	Amount Issued.	Amount Return'd	Amount still Outstanding.
Bank of the State Minnesota..	\$35,000	\$17,000	\$18,000
Bank of St. Paul.....	25,000	15,000	10,000
Bank of Rochester.....	49,400	26,720	22,680
Bank of Owatonna.....	35,000	20,290	14,720
Bank of Red Wing.....	25,000	23,632	1,368
Bank of Chatfield.....	50,000		50,000
Central Bank.....	23,000		23,000
Chisago County Bank.....	33,360	17,094	16,266
Exchange Bank.....	80,500	41,830	38,670
Farmer's Bank.....	25,000	16,000	9,000
Fillmore County Bank.....	25,000	18,100	6,000
LaCrosse & LaCrescent Bank..	50,000	8,636	42,063
Nicollet County Bank.....	40,000	22,000	18,000
People's Bank.....	25,905		25,905
State Bank of Minnesota.....	25,000		25,000
Winona County Bank.....	25,000	5,000	20,000
	<u>\$572,865</u>	<u>\$231,293</u>	<u>\$341,572</u>

Aggregate amount of circulation outstanding.....\$341,572
 " " stock securities on deposit with Auditor of—
 State..... 402,000
 " " personal securities on the 1st December, 1859 75,000
 \$477,000

State Treasurer's Report.

STATE TREASURER'S OFFICE,
St. PAUL, Min., Dec. 9, 1859. }

To the Legislature of the State of Minnesota :

I have the honor to submit herewith a statement of the receipts and disbursements of the State Treasury for the years 1858 and 1859 up to the first inst.

The statement for 1859 shows a balance in the Treasury of \$1,014.16. Of this sum \$465 are in bills of the Exchange Bank of Glencoe, \$411 in Nicollet County Bank, \$60 in Bank of Owatonna, \$38 in Fillmore County Bank, \$25 in Chicago County Bank, and \$4 in Bank of the State of Minnesota.

The law prescribing the duties of State Treasurer requires that all money paid into the Treasury "shall be either gold, or silver, or current bank notes of the banks of the State of Minnesota."

During the time when the largest amount of the taxes was paid to the Treasurer all the banks of the State were current, and the great proportion of the funds paid into the Treasury was in bills of this class. After the depreciation of the currency I found there were still bills in my hands, as Treasurer, to the amount of something over \$15,000. After waiting in vain for some action on the part of the banks to make their currency good, I thought it would be for the interest of the State to return as much of the currency as possible, and receive bonds therefor at a rate at which the Auditor was exchanging with other parties.

Accordingly, on the 15th of November last, I returned to the Auditor \$14,325 of the currency, and received fifteen Minnesota seven per cent. bonds, which I have charged to the Sinking Fund, as authorized by section five, of the Act approved March 13, 1858, to authorize a loan of \$250,000, under the conviction that if the bonds to secure this currency were sold at their present depressed value, the loss to the State would be almost total; whilst under this arrangement it will hold all the security it had in the currency, and will receive the benefit of any favorable change in the value of the bonds.

Under section six of the Act last mentioned it is made the duty of the Treasurer to pay the interest on the \$250,000 loan, whenever it shall become due in New York. Six months interest, amounting to \$10,000, will be due the 1st day of January next, and I regret to inform you that in consequence of remissness in the payment of taxes, there are no funds in the Treasury to meet it. I endeavored to retain all the current money that came into my hands to pay this interest, designing to give it preference over any other claims in the State, and had accumulated two-thirds of the necessary amount. For

a long time I resisted all importunities of warrant holders for payment from this sum; but, upon being threatened with legal proceedings to compel me to do so, I submitted the matter to the Attorney General, who advised me that under the existing laws I had no authority to retain money in the Treasury to the detriment of one class of creditors for the benefit of others whose claims were not due. Under this view of the case I felt constrained to disburse all the funds to the first claimants, without awaiting an order of the Court.

This decision of the Attorney General is based upon the fact that no special tax to meet the interest and to create a Sinking Fund has been levied, as required by the Constitution and the law authorizing the loan—all moneys paid into the State Treasury being a General Fund, and subject to drafts of the Auditor.

That there may be no question about the matter hereafter, I would suggest the necessity of an Act levying a specific tax for this purpose of, say one and a quarter mills on the dollar, payable only in gold or silver.

I also hope that the wisdom of the Legislature may devise some means to enable the Treasurer to meet the January interest, and thus save the credit of the State.

Respectfully submitted,
G. W. ARMSTRONG,
State Treasurer.

STATEMENT OF RECEIPTS AND DISBURSEMENTS OF STATE TREASURY FOR THE YEAR A.D., 1858.

RECEIPTS.

1858.			
Jan.	1.	Balance in Territorial Treasury.....	\$5,009 43
	4	Robert A Smith, Treasurer Ramsey county on delinquent tax.....	105 00
	7.	R. C. Burdick, Tr. Benton county, on tax of 1857	169 50
	14.	I. H. Henneberg, Tr. Sibley county, " "	257 35
	22.	R. H. Bingham, Tr. Winona county, " "	1,946 26
	23.	R. A Smith, Tr. Ramsey co., on delinquent taxes	1,360 56
	25.	R. A. Smith, Tr. Ramsey co. territorial tax of 1857	77 60
	27.	J. Lambert, Tr. Dodge co. " "	144 00
Feb.	3.	H. King, Tr. Freeborn co. " "	212 09
	4.	R. A. Smith, Tr. Ramsey co. " "	8,692 25
	24.	J. Lambert, Tr. Dodge co. " "	265 00
Mar.	9.	R. A. Smith, Tr. Ramsey co. " "	150 00
	20.	do " " "	245 00
April	7.	—— Moffit, Tr. Steele co, " "	286 00
	8.	H. Kattenberg. Tr. Washington co. " "	1,752 11
May	28.	Treasury draft from Julius Georgii, Auditor.	159,580 07
June	12.	" W. F. Dunbar, " "	3,109 00
	19.	" " " "	2,857 00
	24.	W. H. Bunce, Tr. Houston county, on tax of 1857	622 07
	28.	E. Darling, Tr. Rice county, " "	1,132 45
July	1.	Treasury drafts from W. F. Dunbar, Auditor.	6,857 00
	2, 9, 11.	" " " "	5,694 00
	17, 23.	" " " "	5,500 00

July 2.	G. E. Chessley, Tr. M'Leod co., on ter. tax of 1857	15 50
7.	E. Dean, Tr. Dakota county, " "	815 42
16.	R. H. Bingham, Tr. Winona county, " "	1,450 00
17.	Treasurer of Anoka county, " "	143 07
20.	I. Ebinger, Tr. Carver county, " "	219 12
20.	A. S. Everest, Tr. Mower county, " "	1,060 30
21.	P. Fox, Tr. of Chisago county, " "	971 64
Aug. 2.	H. Mott, Tr. of Pine county, " "	200 00
12.	I. A. Stanton, Tr. Meeker county, " "	45 10
12.	D. A. McMullin, Tr. Scott county, " "	223 00
26.	W. P. Brooks, Tr. Olmsted county, " "	872 73
25.	Cash on State bonds, dated July 1, 1858, 250,000 00	
	" $\frac{5}{8}$ per cent premium on same, 1,562 50	
	" Interest to 18th July on same, 950 00	252,512 50
Sept. 1.	D. Morgan, Tr. Hennepin county, on tax of 1857	1,207 10
8.	H. C. Smith, Tr. Le Sueur county, " "	165 00
15.	H. Trott, Tr. Pine county, " "	42 00
17.	F. F. Towne, Tr. Goodhue county, " "	432 00
17.	D. Morgan, Tr. Hennepin county, " "	669 78
22.	A. K. Skaro, Tr. Nicollet county, " "	328 20
24.	D. Morgan, Tr. Hennepin county, " "	228 10
Oct. 6.	H. Vogan, Tr. Brown county, " "	51 65
Nov. 5.	E. Darling, Tr. Rice county, " "	166 50
10.	C. Scheffer, Tr. Washington county, " "	980 57
11.	E. H. Davis, Tr. Anoka county, " "	71 10
20.	R. A. Smith, Tr. Ramsey county, " "	68 20
Dec. 4.	——— Moffit, Tr. Steele county, " "	140 00
14.	H. Trott, Tr. Pine county, " "	389 47
30.	E. H. Davis, Tr. Anoka county, " "	52 60
1859.		
Jan. 6.	Charles Scheffer, Tr. Washington co., " "	805 04
29.	N. Fletcher, Tr. Wright county, " "	150 00

Total amount Receipts.....\$470,499 43

DISBURSEMENTS.

Capitol Fund. Amount paid St Peter Co. by order of Court.....	\$5,000 00
Territorial Bond Fund. Appropriations made Feb. 2, March 20, and June 29, 1858. Amount paid on Auditor warrants	6,610 00
Goodrich, Somers & Co. Approp. Feb. 11, March 20, 1858. Amount paid on Auditor warrants	8,833 21
Constitutional Printing Fund. Approp. Feb. 11, 1858. Amount paid on Auditor warrants....	6,478 48
Board of Canvassers Approp. Feb. 11, 1858. Amount paid on Auditor warrants.....	479 00
Incidental Printing Approp. Feb. 11, 1858. Amount paid on Auditor warrants.....	15,000 00
Governor's Salary. Approp. March 20, 1858. Amount paid on Auditor warrants	2,291 66
Governor's Contingent Fund. Approp. March 20, 1858. Amount paid on Auditor warrants....	1,000 00

Secretary of State. Approp. March 20, 1858.	
Amount paid on Auditor warrants.....	1,500 00
Attorney General. Approp. March 20, 1858.	
Amount paid on Auditor warrants.....	992 12
Treasurer of State. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	1,000 09
Auditor of State. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	1,000 00
Judges of Supreme Court. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	6,000 00
Judges of District Court. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	12,000 00
Clerk of Supreme Court. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	1,800 00
Contingent Fund of Clerk of Supreme Court. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	143 07
Lithographing, etc. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	1,200 00
State Bond Fund. Approp. March 20, June 29, 1858.	
Amount paid Auditor warrants.....	2,612 01
Fire and Burglar Proof Safe. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	600 00
Treasurer's Clerk Fund. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	1,500 00
Auditor's Clerk Fund. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	500 00
Auditor's Contingent Fund. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	300 00
Treasurer's Contingent Fund. Approp. March 20, 1858.	
Amount paid Auditor warrants.....	300 00
Interest Fund. Approp. March 20, 1858. Am't paid Auditor warrants.....	10,210 00
Supreme Court Reports; approp. March 20, 1858.	
Amount paid Auditor warrants.....	600 00
Repairs of Capitol; approp. March 20, 1858.	
Amount paid Auditor warrants.....	500 00
Earle S. Goodrich; approp. March 20, 1858. Am't paid Auditor warrants.....	13,357 97
E. C. Rich; approp. March 20, 1858. Amount paid Auditor warrants.....	150 00
H E. Baker & Co.; approp. March 20, 1858. Am't paid Auditor warrants.....	156 73
S. S. Gale & Co., approp. March 20, 1858. Am't paid Auditor warrants.....	14 00
W. F. Wheeler; approp. March 20, 1858. Am't paid Auditor warrants.....	25 00
J. W. Brackett; approp. March 20, 1858. Am't paid Auditor warrants.....	50 00
T. M. Newson; approp. March 20, 1858. Am't paid Auditor warrants.....	947 84
St. Paul Advertiser; approp. March 20, 1858.	
Amount paid Auditor warrants.....	157 40
Nicols, Kinne & Co.; approp. March 20, 1858.	
Amount paid Auditor warrants.....	32 50

Golcher & Simpson; approp. March 20, 1858. Amount paid Auditor warrants.....	59 50
Parker Paine; approp. March 20, 1858. Amount paid Auditor warrants.....	438 00
John W. Crosby; approp. March 20, 1858. Am't paid Auditor warrants.....	28 00
John Young; approp. March 20, 1858. Amount paid Auditor warrants.....	25 50
Owens & Moore; approp. March 28, 1858. Am't paid Auditor warrants.....	801 02
Holmes, Payte & Buechner; approp. March 20, 1858. Amount paid Auditor warrants.....	300 00
Newspaper Fund; approp. March 20, August 12, 1858. Amount paid Auditor warrants.....	1,589 56
Combs & Bro.; approp. March 20, 1850. Amount paid Auditor warrants.....	1,051 00
Sewell & Iddings; approp. March 20, 1858. Am't paid Auditor warrants.....	150 00
Foster & Moore; approp. March 20, 1858. Am't paid Auditor warrants.....	699 84
Glencoe Register; approp. March 20, 1858. Am't paid Auditor warrants.....	21 80
Henderson Democrat; approp. March 20, 1858. Amount paid Auditor warrants.....	27 00
James Burns; approp. March 20, 1858. Amount paid Auditor warrants.....	20 00
Legislative Fund; approp. March 20, June 29, 1858. Amount paid for per diem, mileage, stationery, postage, etc., upon certificates of officers.....	90,136 15
Emigration Fund; approp. June 11, 1858. Am't paid Auditor warrants.....	100 00
Territory of Minnesota; amount paid territorial war- rants, under act January 29, 1858.....	23,038 68
Treasury Drafts; amount paid drafts, principal and interest, under Act January 29, 1858.....	191,136 22
Lieut. Governor; approp. August 12, 1858. Am't paid Auditor warrants.....	200 00
Prosecuting Attorneys; approp. August 22, 1858. Amount paid Auditor warrants.....	555 00
Executive Contingent Fund; approp. August 12, 1858. Amount paid Auditor warrants.....	304 00
Assistant Secretary of State, etc.; approp. Aug. 12, 1858. Amount paid Auditor warrants.....	186 84
Warden of Penitentiary; approp. Aug. 12, 1858. Amount paid Auditor warrants.....	160 90
Penitentiary repairs; approp. Aug. 12, 1858. Am't paid Auditor warrants.....	933 52
Territorial or State officers; approp. Aug. 12, 1858. Amount paid Auditor warrants.....	525 10
Incidental Printing and Binding; approp. Aug. 12, 1858. Amount paid Auditor warrants.....	80 00
Contingent Incidental Printing and Binding; appro. Aug. 12, 1858. Am't paid Auditor warrants.....	195 25
Constitutional Fund; approp. Feb. 11, 1858. Am't paid mileage, per diem, stationary on certificates of officers..	50,253 07

Incidental Legislative Expenses; approp. August 12, 1858. Amount paid Auditor warrants.....	423 20
Postage Stamps for Senate; approp. Aug. 12, 1858. Amount paid Auditor warrants.....	225 00
Merritt & Hutchins; approp. August 12, 1858. Amount paid Auditor warrants.....	59 00
Bank Dept. Auditor's office; approp. August 12, 1858. Amount paid Auditor warrants.....	118 86
State Prison; amount paid Auditor warrants drawn in accordance with section 46, prison law, approved August 2, 1858.....	281 34
Total amount disbursements.....	466,436 25
Balance in Treasury.....	\$4,063 18

The foregoing shows the total receipts to be \$470,499.43, and total disbursements \$466,436.25, from each of which should be deducted the sum of \$183,597.07 of State Scrip, issued for redemption of Territorial and State indebtedness, which, for the convenience of keeping the accounts, was charged to the Treasurer as so much cash received, and when redeemed credited to him as so much cash paid out, swelling the receipts and disbursements to that amount beyond what they really were. Deduct this sum from \$466,436 25 and the total disbursements will appear to be \$282,839.18; viz:

OLD TERRITORIAL INDEBTEDNESS.

Amount refunded St. Peter Company.....	\$5,000 00
" paid Territorial Bonds.....	5,600 10
" paid Territorial Warrants.....	23,038 68
" paid expenses of Constitutional Convention	56,731 55 90,380 23
Making total disbursements for State purposes.	\$192,458 95

RECEIPTS AND DISBURSEMENTS FOR 1859.

RECEIPTS.

1859.		
Feb. 1.	Balance in Treasury.....	\$4,063 18
1.	Eli Houghton, Tr. Sherburne co., on ter. tax of 1857	400 00
2.	I. I. Stewart, Tr. Waseca county, on State tax 1858	800 00
4.	N. M. McMullen, Tr. Scott county, " "	620 00
7.	R. H. Bingham, Tr. Winona co., on Ter. tax of 1857	1,600 04
10.	F. F. Towne, Tr. Goodhue county, " "	415 30
11.	F. Chessley, Tr. McLeod county, " "	20 00
12.	W. H. Bunce, Tr. Houston co., on State tax of 1858	300 00
15.	P. Munch, Tr. Pine county, " "	356 60
17.	do " " " "	116 01
24.	N. Fletcher, Tr. Wright county, " "	720 00
24.	R. A. Smith, Tr. Ramsey county, " "	11,161 37
25.	E. H. Davis, Tr. Anoka county, " "	1,035 35
25.	I. H. Henneberg, Tr. Sibley county, " "	1,000 00
25.	E. Darling, Tr. Rice county, " "	3,026 40
Mar. 1.	E. Dean, Tr. Dakota county, " "	6,000 00

Mar. 1.	F. Rehfeld, Tr. Brown county, on State tax of 1858,	200 00
2.	F. Chessley, Tr. McLeod county, " "	322 02
2.	do " " on Ter. tax of 1857	27 98
2.	N. McMullen, Tr. Scott county, on State tax of 1858	2,051 10
2.	do " " on Ter. tax of 1857	151 00
3.	C. Scheffer, Tr. Whashington co., on State tax of 1858	2,085 77
3.	I. W. Moffard Tr. Steele county, " "	1,770 08
3.	P. Fox, Tr. Chisago county, " "	308 27
4.	L. Preston, Tr. Fillmore county, " "	5,500 00
5.	H. C. Smith, Tr. Le Sueur county, " "	2,190 05
7.	Stephen Lamm, Tr. Blue Earth county, " "	2,550 00
7.	Jas. Fergus, Tr. Morrison county, " "	540 00
7.	do " " on Ter. tax of 1857	60 00
8.	R. A. Smith, Tr. Ramsey county, State tax of 1858	411 35
16.	W. H. Bunce, Tr. Houston county, " "	2,200 00
29.	Jacob Ebinger, Tr. Carver county, " "	1,180 00
29.	do " " on Ter. tax of 1857	100 00
30.	H. King, Tr. Freeborn county, on State tax of 1858	509 52
31.	F. F. Towne, Tr. Goodhue county, " "	3,645 37
31.	M. Black, late Tr. Washington co., on Ter. tax 1856	248 64
April 2.	A. K. Skaro, Tr. Nicollet county, on State tax 1858	2,835 44
2.	do " " on Ter. tax of 1857	45 88
5.	R. A. Smith, Tr. Ramsey county, on State tax of 1858	600 00
6.	F. Rehfeld, Tr. Brown county, " "	300 00
7.	C. E. Cutts, Tr. Meeker county, " "	354 28
8.	N. Fletcher, Tr. Wright county, " "	583 00
11.	A. Johnson, Tr. Faribault county, " "	600 00
11.	S. Lamson, Tr. Blue Earth county, " "	154 00
12.	E. H. Davis, Tr. Anoka county, " "	401 84
14.	F. F. Towne, Tr. Goodhue county, " "	173 48
14.	D. Morgan, Tr. Hennepin county, " "	4,891 65
15.	L. M. Gregg, Tr. Wabashaw county, " "	1,962 40
15.	P. Munch, Tr. Pine county, " "	825 00
15.	Eli Houghton, Sherburne county, " "	63 20
15.	Chas. Scheffer, Tr. Washington county, " "	50 01
16.	R. H. Bingham, Tr. Winona county, " "	5,513 00
18.	E. N. Leavens, Tr. Rice county, on Ter. tax of 1857	808 82
18.	do " " on State tax of 1858	591 18
18.	A. Everest, Tr. Mower county, " "	1,500 00
19.	N. McMullin, Tr. Scott county, " "	250 00
22.	I. H. Henneberg, Tr. Sibley county, " "	250 00
22.	R. C. Burdick, Tr. Benton county, " "	350 00
26.	Chas. Scheffer, Tr. Washington county, " "	683 90
27.	F. Rehfeld, Tr. Brown county, " "	50 00
27.	W. P. Brooks, Tr. Olmsted co., on Ter. tax of 1857	1,100 00
28.	R. H. Bingham, Tr. Winona co., on State tax of 1858	500 00
28.	F. B. Chessley, Tr. McLeod county, " "	50 00
May 4.	E. Dean, Tr. Dakota county, " "	1,560 00
Apr. 30.	A. K. Skaro, Tr. Nicollet county, " "	60 00
May 9.	P. Munch, Tr. Pine county, " "	180 00
10.	F. Rehfeld, Tr. Brown county, " "	184 10
11.	H. C. Smith, Le Sueur county, " "	321 80
11.	A. Johnson, Tr. Faribault county, " "	100 00
11.	James Fergus, Tr. Morrison county, " "	274 38
21.	E. C. Lambert, Tr. Dodge county, " "	39 00

784

May 24. F. F. Towne, T
 June 7. N. McMullen, '
 9. C. Scheffer, Tr.
 9. P. Munch, Tr.
 13. N. McMullen, '
 13. N. Fletcher, Tr
 15. L. M. Gregg, Tr
 15. Treasurer of K:
 17. R. A. Smith, T
 18. E. H. Davis, T
 21. A. K. Skaro, T
 25. P. Munch, Tr.
 29. E. Darling, Tr.
 July 8. Stephen Lamm,
 14. R. A. Smith, T
 16. W. H. Bunce, T
 16. W. J. Cullen,
 Affairs, from
 defray the
 Inkpaduta, v
 Warrants of
 Cash.....
 16. E. Dean, Tr. Di
 of 1858....
 19. P. Munch, Tr.
 20. T. F. Towne, T
 Sept. 2. Eli Houghton, T
 3. J. W. Tenvoord
 21. E. H. Davis, Tr
 Oct. 16. N. McMullen, T
 17. S. Lamm, Tr. B
 24. T. F. Towne, T
 Nov. 9. R. A. Smith, T
 30. Gov. Sib ey, for

Total amount Receipts...

Territorial Bond Fund; ap
 March 20, June 29,
 amount paid on Audit
 Constitutional Printing; a
 1858; amount paid or
 Governor's Salary; approp
 12, 1858; amount pai
 Attorney General; approp
 12, 1858; amount pai
 Treasurer of State; approp
 12, 1858; amount pai
 Auditor of State; approp
 12, 1858; amount pai
 Judges of Supreme Court;
 August 12, 1858; a
 warrants.....

Judges of District Court; appropriated March 20, August 12, 1858; amount paid on Auditor warrants	3,115 00
Contingent Fund of Clerk of Supreme Court; appropriated March 20, 1858; amount paid on Auditor warrants	56 93
Auditor's Contingent Fund; appropriated March 20, August 12, 1858; amount paid on Auditor warrants	1,526 93
Treasurer's Contingent Fund; appropriated March 20, August 12, 1858; amount paid on Auditor warrants	936 00
Interest Fund; appropriated March 20, August 11, 1858; amount paid on Auditor warrants	10,498 00
Wm. F. Wheeler; appropriated March 20, 1858; amount paid on Auditor warrants	50 00
Newspaper Fund; appropriated March 20, August 12, 1858; amount paid on Auditor warrants ..	1,876 45
State Librarian; appropriated August 12, 1858; amount paid on Auditor warrants	530 00
Territory of Minnesota; amount paid on Territorial warrants; received in payment of Territorial tax	50 00
Amount paid on Governor's warrant, per act approved May 15, 1857, for relief of captives	2,250 00
Treasury drafts; amount paid on Treasury drafts, principal and interest, under act January 29, 1858	971 89
Lieutenant Governor; appropriated August 12, 1858, amount paid on Auditor warrants	1,108 00
Prosecuting Attorneys; appropriated August 12, 1858; amount paid on Auditor warrants	3,207 00
Executive Contingent; appropriated Aug. 12, 1858; amount paid on Auditor warrants	5,405 21
Assistant Secretary of State, etc.; appropriated Aug. 12, 1858; amount paid on Auditor warrants ..	1,166 37
County Treasurer's mileage; appropriated August 12, 1858; amount paid on Auditor warrants ..	17 50
Attorney General's Contingent; appropriated Aug. 12, 1858; amount paid on Auditor warrants ..	987 47
Supreme Court Contingent; appropriated Aug. 12, 1858; amount paid on Auditor warrants	341 75
Warden of Penitentiary; appropriated August 12, 1858; amount paid on Auditor warrants	354 16
Deputy Warden, Clerk and Inspector; appropriated August 12, 1858; amount paid on Auditor warrants	389 88
Penitentiary Repairs; appropriated Aug. 12, 1858; amount paid on Auditor warrants	883 00
Territorial or State officers; appropriated Aug. 12, 1858; amount paid on Auditor warrants	2,338 62
Incidental Printing and Binding; appropriated Aug. 12, 1858; amount paid on Auditor warrants ..	7,389 01
Contingent Incidental Printing and Binding; appropriated August 12, 1858; amount paid on Auditor warrants	8,532 35

Publication of Laws ;
 amount paid on A
 Code Commissioners ;
 amount paid on A
 Iron Safes for 1st and ;
 purchased Aug. 12, 1
 or warrants
 Constitutional Fund ;
 amount paid on r
 etc., on certificates
 Incidental Legislative F
 12, 1858 ; amount
 Stationery for House of
 dated Aug. 12, 185
 warrants
 Postage Stamps for Ser
 1858 ; amount pa
 Charles H. Hamilton ;
 amount paid on A
 Bank Department, Au
 August 12, 1858
 warrants
 State Prison ; amoun
 drawn in accorda
 law, approved Aug
 Legislative Fund ; app
 June 29, 1858 ; an
 stationery, postage.
 Capitol keeper, per Act
 amount paid Audit
 Clerk of Supreme Court
 August 12, 1858 ;
 warrants
 Public Statutes ; per A
 section 3 ; amount
 Sinking Fund ; Act ap
 5 ; amount paid for
 Bonds, viz : Nos.
 1643, 1644, 1645
 1618, 1619, 1621.
 Secretary of State ; app
 12, 1858 ; amount
 Militia officers ; act ap
 37 ; amount paid f
 Total amount Disburser

 Balance in Treasury

Adjutant-General's Report.

GENERAL HEAD QUARTERS, STATE OF MINNESOTA, }
Adjutant General's Office, St. Paul Dec. 1, 1859. }

To His Excellency, Henry H. Sibley, Commander in Chief of the Military forces of the State:

SIR:—In conformity with the provisions of the Act of Congress "establishing a uniform militia throughout the United States," I have the honor to submit the following report.

On the 12th day of April, 1858, the first Legislative Assembly of Minnesota enacted the law for the military organization of the State, which is at present in force.

Upon assuming the duties of my office under this Act, I found the old Territorial system fallen almost to decay. There were no records from which information could be gained, and an entire lack of system pervaded the whole Department, so that in fact it became necessary to create rather than organize. As the first step towards organization, it was necessary to divide the State into Military Divisions. It was by the law provided that the State should be composed of three Divisions; these to be subdivided as might be deemed advisable by the Commander-in-Chief. Each original District was divided by him into two, thus forming six military sub-divisions of State, and which it was thought would be sufficient for the present demands, and more wieldy and effective than the smaller number.

Taking this subdivision as the basis, I resorted to the last census returns and a list of the Counties as a guide in dividing these again into Brigade and Regimental Districts, which was done with a view to unity and efficiency of service and arrangement.

In view of the magnitude of the task, and the general apathy existing in regard to the military affairs of the State, I felt no slight diffidence in undertaking a work, which, to say the least, demanded all my zeal, if not greater experience and knowledge than I can lay claim to. Its successful accomplishment is largely due to the effective aid rendered by your Excellency, and the interest and sympathy that has always so warmly been shown with my endeavors to bring to perfection the proposed system.

The effort of the department has uniformly been to create and foster a military spirit in the organization, and the result has more than equalled the expectations entertained. A serious draw-back to the attainment of the end in view has existed in the imperfection of the present law, which provides no military fund. There has thus been a lack of means to carry out those measures which must always be attended with more or less expense.

Upon entering upon my duties I found the arms of the State few in number

and of poor quality, being old flint-lock muskets altered to percussion. These weapons are both unwieldy and behind the age. They are not suitable for volunteer companies, who would take no interest in the use of them, or their preservation. On referring to the records of the War Department, I found that there was due the Territory for the years 1857-8 a quota of similar arms, which I succeeded in having commuted to a smaller number of new United States rifle muskets and service rifles, three pieces of light artillery—six pounders each—with carriages and caissons, a few infantry swords, and Colt's revolvers (navy size), all of which has been received. A limited number of copies of Hardee's Rifle and Light Infantry Tactics were also produced from the Department and distributed among the field officers. The tendency of the receipt of these arms has been to infuse new life into the companies formed, and to encourage the formation of others.

In respect of this last, the result has been most gratifying. It has been no slight retarding influence to the advancement of the system that from the start it has had to contend with unexampled financial difficulties. The continuous depression in all branches of business, with the consequent curtailment of individual means, has deterred many from enrolling themselves among the volunteer militia of the State. And it is regarded as a most favorable indication of the military spirit of our citizens, that so many and so fine companies should have been formed, complete in every respect, both as regards equipment, uniform, and officers. These companies have been thoroughly drilled, and have attained a degree of proficiency that would do credit to older companies of an older State.

And it is doubtless alone owing to the pecuniary inability of many who would otherwise enroll themselves, and take every interest in the progress of our military system, that a much larger number of companies does not exist. These will, no doubt, be organized in proportion as the pressure at present existing is withdrawn from our State.

It has also been most gratifying to observe the interest taken by the Field Brigade and Regimental officers appointed by your Excellency, both in the faithful discharge of their duties and in their persevering efforts to attain the knowledge and experience necessary to fit them for command. In a word, the state of feeling manifested, and the progress made by both officers and privates, auger brilliantly for our military future, and promises an organization that will be to us a source of State pride and protection. In addition to this, fine military bands have been formed, who have attained a considerable degree of proficiency; these always on the parades, handsomely uniformed, with the companies.

In recording these encouraging facts it must be borne in mind that ours is a frontier State, where, though possessing excellent *materiel*, there is yet always a difficulty in obtaining a complete military establishment, owing to the character of the population, which is impatient of control and discipline, and cannot possess the *esprit du corps* belonging to older communities.

The State Militia System is too apt to be regarded as a matter of mere show and parade—as one of ornament rather than utility. This is a grave error. Its uses are obvious. It establishes the supremacy of law and the security of property. In a State like our own, with a scattering and remote population, the people are apt as experience has shown, to be at times unmindful of, and opposed to the law, and to commit outrages upon life and property, presuming upon that impunity to offenders which necessarily characterizes the administration of justice on the border.

The existence of a prompt and efficient corps of disciplined military, ready at a moment's notice to march in the support of law and order, has a tendency to repress all such outbreaks, and restrain lawless men. Our position, too,

upon the national boundary, where, in case of any rupture with Great Britain, we should be the first exposed to attack, calls in the behalf of our own security for a large and practiced militia. The presence among us of Indian tribes, some of whom are continually committing depredations, and to whose attacks, both on life and property, our remote settlers are exposed, also renders such an establishment of the highest importance.

Bodies of militia, well-drilled and accustomed to frontier life, it is believed will have much more efficiency and furnish greater protection to our citizens than the Federal troops on the frontier, encumbered and embarrassed as their movements necessarily are by the system which rules their action.

In view of these facts, it is to be hoped that the Legislature about to convene will adopt such measures as may be necessary to bring to perfection the system so favorably inaugurated.

In this connection I would earnestly suggest that the military law of the State of New York be adopted entire in the stead of the present. This is the law of the most perfect State military organization in the United States, and long experience has shown its beneficial practical results.

As an illustration of the support which the militia lends to the civil authorities, I would refer to the services rendered by the Minnesota Volunteer Militia, in Wright County, during the past summer.

An act of high-handed violence had been committed by a number of residents of that County, in the hanging of Oscar F. Jackson, after he had been acquitted in a fair trial. On the capture of one of the ring-leaders of this mob and during the progress of his examination before a magistrate of his own County, he was rescued from the hands of the authorities by an armed force, and the Court broken up. The County was declared in a state of insurrection, and your Excellency deemed it necessary to call out a portion of the volunteer militia of the State. In pursuance of your direction a general order was issued, calling upon Company "A," Captain Western, and Company "B," Captain O'Gorman of the 23rd Regiment, and Company "A," Captain Loomis of the 25th Regiment, M. V. M., to hold themselves in readiness on the receipt of orders. These orders were given on the 5th day of August, and the same day the detachment, under the command of Lieutenant-Colonel John S. Prince of the 23rd Regiment, started for the scene of disturbance. The ranks were full, and they obeyed the call with alacrity and promptness, leaving as they did on a moment's notice, that showed that in any crisis full reliance might be placed in our citizen soldiery.

The troops were on march and in camp one week, constantly subjected to strict military discipline; and their conduct throughout was decorous and manly to a degree that manifested their sense of the honor and dignity of their position as citizen soldiers and supporters of law and order. There was not an instance of disorderly conduct of any kind.

As the result of the expedition, the authorities of the County as well as the inhabitants ceased their determined opposition to the carrying out of the laws of the State, and a complete success was obtained.

The expedition was, moreover, of great benefit to the soldiers themselves, subjecting them as it did to the discipline of camp life, and forming them for active service.

To this end the holding of annual encampments is of great importance, for the purpose of instructing the troops in those tactics which can not be practiced in the armory or in street parades, and in familiarizing them with all the details of a soldier's life while on active service.

As ex-officio Inspector General, I have inspected and reviewed at Saint Paul Companies A and B for the 23rd Regiment, and at Stillwater, in company with your Excellency Companies A and C of the 25th Regiment—the

former being Infantry and the latter Light Artillery. I found the arms and equipments of these in excellent order, and the companies themselves well and thoroughly drilled and officered.

There having been no encampment this year, there has been no general inspection, and the above is all I have to report under this head.

In conclusion, I would further state that there are many suggestions that I could wish to make, in a more advanced state of our military system, in reference to its details.

It is at present, however, in too unformed a condition to fairly submit it to criticism, and I therefore omit them.

I append hereto the Report of the Quarter Master General, and tables showing the Military Divisions and Subdivisions of the State, the Brigade and Regimental Districts, the list of Regiments and Officers, and other statistical information calculated to present a correct view of the condition of the Military organization of the State.

All of which is respectfully submitted.

ALEX. C. JONES,
Adjutant General.

OFFICE OF THE QUARTER-MASTER GENERAL. }
Minnesota Militia, St. Paul, Dec. 1, 1859 }

To Adjutant General, A. C. Jones:

SIR: Since the organization of the State Government, Minnesota has received from the United States, the Ordnance and Ordnance Stores specified in Schedules "A" and "B" hereto annexed.

The arms and equipments therein specified were due to the Territory of Minnesota and do not constitute a part of the claim which the State has, under the law, upon the Federal authorities.

I have not been able to find any record of what was done in this Department under our Territorial administration. Immediately after entering upon the discharge of the duties of my office, I took possession of the arms found in the capitol building, and which are specified in Schedule "C" hereto annexed.

In addition to the arms therein enumerated, I found, also, a number of boxes of equipments such as cartridge boxes, cap pouches, belts, gun slugs, breast plates, bayonets and bayonet scabbards which for want of room to store, and a proper place in which to examine them, I have not disturbed.

I have, also, received from the Falls city Light Guard, and the Minnesota Pioneer Guard the arms and equipments issued to them by the Territorial authorities; and from Quarter-master, N. O. Conner, of Mankato, several boxes of arms and equipments which were collected by him at various points in his Division and which would otherwise have been lost to the State. There are, probably, many other arms scattered through different portions of Minnesota, which were issued to companies during our Territorial existence which might by proper exertions, be collected and saved, most of the companies having disbanded.

I have no record of arms so issued except a few boxes and receipts which have come into my possession and which are specified in Schedule "D" hereto annexed.

Schedule "E" hereto annexed exhibits a list of the arms issued for various purposes since the organization of the State Government.

Schedule "F" hereto annexed enumerates the arms and equipments now on hand and stored in the State Capitol.

With our militia properly enrolled the State will be entitled to receive from the General Government a considerable quota of arms and equipments of the newest and most desirable descriptions.

But unless cared for and looked after they will soon be lost, injured or destroyed and I cannot too urgently recommend immediate provision for a State Arsenal in which to preserve the State arms. Until some provision is made for this purpose, it will be next to impossible to bring this Department to an orderly or efficient condition.

All of which is respectfully submitted,

GEO. L. BECKER,

Quarter-Master General, M. V. M.

SCHEDULE "A."

133 rifle muskets and accoutrements.

133 percussion rifles.

50 cavalry sabres, pattern 1840.

50 N. C. off. swords.

50 artillery swords.

120 cartridge boxes and plates.

110 cartridge box belts and plates.

50 Colt's navy pistol holsters.

SCHEDULE "B."

3 6-pounders guns, brass : Nos. 498, 499, 500, with carriages, caissons and equipments complete.

50 Colt's navy pistols.

SCHEDULE "C."

Four boxes rifles, 20 rifles in each box.

One box rifles, 16 rifles in box.

One box, containing 30 swdrds.

Fifteen boxes muskets, 20 in each box.

SCHEDULE "D."

July 29, 1850, 25 muskets to Geo. W Brownell, Otis Hoyt and Dan'l. Mears, St. Croix Falls.

August 25, 1856, St. Paul City Guard, 60 muskets and accoutrements.

June 16, 1857, Peter Poncin, ammunition for 50 men.

July 17, 1857, Waterman Guards, 40 muskets.

July 21, 1857, Fairfield Guards, 60 do.

July 21, 1857, Garden City Sharp shooters, 50 muskets.

Aug. 3, 1857, Dakota City Guards 40 do.

" 4, 1857, St. Paul Light Cavalry, 40 sabres and 40 pistols.

" 17, 1857, Shelbyville Rifle Co., number not stated.

No date, St. Cloud Rifle Co., do. do.

No date, St. Cloud Riflemen, 40 muskets.

SCHEDULE "E."

August 28, 1858, Warden State Penetentiary, 6 muskets.

Nov. 22, 1858, Jackson Rifle Guards, 44 rifles.

Dec. 7, 1858, Stilwater Guards, 40 do.

January 12, 1859, Minnesota Pioneer Guard, 53 do.

Feb. 4, 1859, Red Wing Guard, 40 do.

April 4, 1859, Dakota Guard, 40 do.

May 25, 1859, Winona Artillery, one 6 pounder, brass.
 May 31 1859, Washington do., do. do. do.
 June 6, 1859, Co. A. 11th Reg., 40 rifles.
 June 10, 1859, Snow and Hutton, boundary survey, 6 muskets.
 Aug. 15, 1859, St. Paul Light Guard, 40 rifles.
 Aug. 20 1859, Winnebago Agency, 30, do.

SCHEDULE "F."

One 6-pounder brass.
 Two percussion rifles.
 Five boxes rifles, 20 in each box.
 Twenty-two boxes muskets, 20 in each box.
 Ninety-seven muskets.
 Twenty-four Colt's navy pistols.
 One box cavalry sabres. Six artillery swords.
 One box sergeant's swords and holsters.
 Two boxes sabres.
 Twenty-three boxes acoutrements.
 Six boxes ordnance equipments.

HEAD QUARTERS, JUDGE ADVOCATE GENERAL'S DEPARTMENT, }
 Traverse des Sioux, Nov. 23, 1859. }

To Gen. A. C. Jones, Adjutant General, M. V. M., St Paul:

SIR: I have the honor to transmit my annual report. I am much gratified to be able to state, that from the complete, and the thorough subordination which has pervaded the military forces of the State, I have not in a single instance been called upon to perform the functions of my office. Not a court martial has been convened during the year, nor has a charge been preferred against any officer or private in the service, that has fallen under my observation. The highly favorable conclusions deducible from this condition of things, is cause for congratulation to all friends of an efficient and well ordered citizen soldiery within our State.

With much respect, I remain, sir, truly your most obedient serv't.

CHAS. E. FLANDRAU,
 Judge Advocate General, M. V. M.

AUDITOR'S OFFICE, STATE OF MINNESOTA, }
 St. Paul, June 4, 1859. }

To Adjutant General, A. C. Jones:

HON. SIR: I have the honor to transmit the following report:

I have caused the following enrollment to be made of the white male citizens, residents of the State of Minnesota, between the ages of eighteen and forty-five years, liable to be enrolled for military duty by the counties, as the return will show.

W. F. DUNBAR,
 State Auditor.

The number of able bodied white male citizens, residents of Minnesota between the ages of eighteen and forty-five years, liable to be enrolled for military duty :

COUNTIES.	NUMBER.
Benton	100
Houston	847
Winona	1300
Fillmore	1000
Olmsted	1200
Dodge	600
Mower	420
Freeborn	400
Faribault	100
Waseca	334
Steele	386
Blue Earth	579
Wabashaw	803
Goodhue	1037
Rice	995
Le Sueur	561
Nicollet	508
Brown	575
Sibley	682
Scott	867
Carver	494
Renville	66
McLeod	140
Dakota	1271
Hennepin	2074
Ramsey	2009
Anoka	210
Wright	300
Sherburne	92
Stearns	407
Meeker	142
Morrison	194
Washington	967
Chisago	265
Pine	62
St. Louis	281
Isanti	63
Pierce	305
Pembina	400
Cass	47
Crow Wing	61
Todd	54
Buchanan	73
Carlton	96
Lake	350
Itasca	239
Cottonwood	68
Murray	32
Nobles	8
• Rock	22
100	

COUNTIES.	NUMBER.
Jackson.....	30
Martin.....	41
Pipe Stone.....	14
Total.....	<u>23,972</u>

I hereby certify the foregoing to be a correct statement as reported to this department, June 4th 1859.

W. F. DUNBAR,
State Auditor.

MILITARY DIVISIONS.

FIRST DIVISION

Consists of the Counties of Rice, Goodhue, Wabashaw, Winona, Olmsted, Dodge, Steele, Freeborn, Mower, Fillmore and Houston.

FIRST BRIGADE—FIRST DIVISION,

Counties of Houston, Fillmore, Mower, Dodge, Olmsted, Winona.

SECOND BRIGADE—FIRST DIVISION.

Counties of Wabashaw, Goodhue, Rice, Steele, Waseca.

SECOND DIVISION

Consists of the Counties of Le Sueur, Nicollet, Blue Earth, Waseca, Faribault, Martin, Jackson, Cottonwood, Nobles, Murray, Pipe Stone, Rock and so much of Brown County as lies south of the south line of Renville County.

THIRD BRIGADE—SECOND DIVISION.

Counties of Le Sueur, Nicollet, Blue Earth, Faribault, Freeborn, and so much of Brown County as lies south of the south line of Renville County.

FOURTH BRIGADE—SECOND DIVISION.

Counties of Martin, Jackson, Cottonwood, Nobles, Murray, Pipe Stone, and Rock.

THIRD DIVISION

Consists of the Counties of Dakota, Scott Sibley, Renville, McLeod, Carver, Hennepin, Manomin and Meeker.

FIFTH BRIGADE—THIRD DIVISION.

Counties of Dakota, Scott, Carver, Hennepin and Manomin.

SIXTH BRIGADE—THIRD DIVISION.

Counties of Sibley, Renville, McLeod, Meeker, Wright.

FOURTH DIVISION

Consists of the Counties of Stearns, Davis, Todd, Cass, Itasca, Monongalia, Kandiyohi, Wadena, Otter Tail, Douglas, Toombs, Breckinridge, Polk, Becker, Pembina, and so much of Brown county as lies north of the south line of Renville county.

SEVENTH BRIGADE—FOURTH DIVISION.

Counties of Stearns, Davis, Todd, Cass, Itasca, and so much of Brown county as lies north of the south line of Renville county.

EIGHTH BRIGADE—FOURTH DIVISION.

Counties of Pembina, Polk, Becker, Breckinridge, Otter Tail, Wadena, Toombs, Douglas, Monongalia and Kandiyohi.

FIFTH DIVISION.

Consists of the Counties of Ramsey, Washington, Chisago, Pine, Monroe, Anoka, Isanti, Kanabec, Sherburne, Benton.

NINTH BRIGADE—FIFTH DIVISION.

Counties of Ramsey, Washington, Chisago, Pine, Isanti, Monroe.

TENTH BRIGADE—FIFTH DIVISION.

Counties of Anoka, Kanabec, Sherburne, Benton, Mille Lac.

SIXTH DIVISION.

Consists of the Counties of Morrison, Crow Wing, Saint Louis, Aiken, Buchanan, Carlton, Lake.

ELEVENTH BRIGADE—SIXTH DIVISION.

Counties of Morrison, Crow Wing, Aiken.

TWELFTH BRIGADE—SIXTH DIVISION.

Counties of Buchanan, Carlton, Saint Louis, Lake.

REGIMENTAL DISTRICTS.

FIRST REGIMENTAL DISTRICT,—Consists of the County of Houston.

2d	do	do	" " "	Winena.
3d	do	do	" " "	Fillmore.
4th	do	do	" " "	Dodge and Mower.
5th	do	do	" " "	Olmsted.
6th	do	do	" " "	Wabashaw.
7th	do	do	" " "	Goodhue.
8th	do	do	" " "	Rice.
9th	do	do	" " "	Steele and Waseca.
10th	do	do	" " "	LeSueur and Nic-
			ollet.	
11th	do	do	Consists of the Counties of Blue Earth, Far-	
			ibault, and that part of Brown County	
			south of Renville County.	
12th	do	do	Consists of the Counties of Martin, Jackson,	
			Cottonwood, Nobles, Pipe Stone, Mur-	
			ray. Rock.	
13th	do	do	Consists of the County of Dakota.	
14th	do	do	" " "	Scott.
15th	do	do	" " "	Carver, and towns
			116, range 23 and 24 of Hennepin county.	
16th	do	do	Consists of the County of Hennepin west of	
			the Mississippi river.	
17th	do	do	Consists of the County of Hennepin east of	
			the Mississippi, and the County of Man-	
			omin.	
18th	do	do	Consists of the Counties of Sibley, Renville,	
			and that part of Brown County north of	
			the south line of Renville County.	
19th	do	do	Consists of the Counties of McLeod, Meeker,	
			and Wright.	
20th	do	do	Consists of the Counties of Davis, Stearns,	
			Todd, Cass, Itasca.	
21st	do	do	Consists of the Counties of Pembina, Polk,	
			Breckinridge and Toombs.	
22nd	do	do	Consists of the Counties of Becker, Otter	
			Tail, Wadena, Douglas, Monongalia,	
			Kandiyohi.	
23d	do	do	Consists of the County of Ramsey.	
24th	do	do	" " "	" "
25th	do	do	Consists of the County of Washington.	
26th	do	do	Consists of the Counties of Anoka, Chisago,	
			Pine, Kanabec, Isanti, Monroe, Sher-	
			burne and Benton.	
27th	do	do	Consists of the Counties of Morrison, Crow	
			Wing, Aiken, Mille Lac.	
28th	do	do	Consists of the Counties of Buchanau, Carl-	
			ton, St. Louis and Lake.	

ROSTER Of the Military force of the State of Minnesota.

Names and offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
COMMANDER-IN-CHIEF.					
H. H. Sibley.....					
GENERAL OFFICERS.					
<i>Majors General.</i>					
Lorenzo D. Smith.....	Oct. 26, 1858.			1st.	Winona,
Marshall M. Stone.....	June 27, 1859			2nd.	St. Peter,
Joseph R. Brown.....	Oct. 28, 1858			3rd.	Henderson,
H. P. Van Cleave.....	Oct. 29, 1858			4th.	Long Prairie,
Willis A. Gorman.....	Oct. 29, 1858			5th.	St. Paul,
<i>Brigadiers General.</i>					
Jeremiah B. Yates.....	Nov. 10, 1858		1st.	6th.	Austin,
A. T. Sharpe.....	Nov. 28, 1858		2nd.	1st.	Wabashaw.
W. B. Dodd.....	Nov. 28, 1859		3rd.	2nd.	St. Peter,
George Bradley.....	Nov. 28, 1859		4th.	2nd.	Scott county,
John H. Stevens.....	Oct. 28, 1859		5th.	3rd.	Glencoe,
			6th.	4th.	
			7th.	4th.	
			8th.	5th.	St. Paul,
Charles L. Emerson.....	Nov. 10, 1859		9th.	5th.	Anoka,
Albert Woodbury.....	Nov. 28, 1859		10th.	6th.	
			11th.	6th.	
			12th.		

ROSTER Continued.

Names and Offices.	Dat. of Commission.	Regiment.	Brigade.	Division.	Residence.
AIDS-DE-CAMP TO COMMANDER-IN-CHIEF.					
<i>Colonels.</i>					
John H. McKenny.....	Oct. 10, 1858				Chatfield, St. Paul,
Charles H. Oakes.....	Nov. 1, 1859				Hastings.
MILITARY SECRETARY TO THE COMMANDER-IN-CHIEF.					
<i>Major.</i>					
Richard Washington.....	Oct. 12, 1858			1st.	Winona,
AIDS-DE-CAMP TO THE GENERAL OFFICERS.					
<i>Majors.</i>					
John S. Mobley.....	May 4, 1859				Stillwater, St. Paul, Glencoe.
AIDS-DE-CAMP TO BRIGADIER GENERAL.					
<i>Captains.</i>					
Mahlon Black.....	Dec. 28, 1858		9th.	5th.	
W. M. Corcoran.....	Nov. 24, 1859		9th.	5th.	
Marshall Robinson.....	May 11, 1858		6th.	3rd.	

ROSTER
Continued.

Names and Officers.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
AIDS-DE-CAMP TO					
BRIGADIER GENERAL.					
<i>Captains.</i>					
S. C. Simpson.....	Dec. 24, 1859		2nd.		Wabashaw,
A. G. Remondino.....	Dec 24, 1859		2nd.		Wabashaw,
ADJUTANT GENERAL'S DEPARTMENT.					
ADJUTANT GENERAL.					
<i>Brigadier General.</i>					
Alexander C. Jones.....	Sept. 1, 1858				St. Paul,
DIVISION INSPECTORS.					
<i>Lieutenant Colonels.</i>					
William H. Dill.....	Nov. 8, 1858			1st.	Winona,
E. St. Julien Cox.....	Nov. 2, 1858			2nd.	St. Peter,
Daniel Graham.....	June 7, 1858			3rd.	Glencoe,
Samuel E. Adams.....	Nov. 3, 1858			4th.	Monticello,
John B. Sanborn.....	July 13, 1858			5th.	St. Paul,
W. W. Kingsbury.....	Oct. 30, 1858			6th.	Duluth,
BRIGADE INSPECTORS.					
<i>Majors.</i>					
Charles C. Spottswood.....	May 23, 1859		2nd.	1st.	Lake City,
George A. McLeod.....	Nov. 4, 1858		3rd.	2nd.	Traverse des Sioux,
J. S. Sargent.....	Nov. 6, 1858		4th.	2nd.	
			5th.	3rd.	Carver,

ROSTER Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
BRIGADE INSPECTORS.					
<i>Majors.</i>					
Philip Smith.....	Nov. 10, 1858		6th.	3rd.	Monticello,
George W. Wilson.....	Dec. 10, 1858		7th.	4th.	Irving,
Jacob J. Noah.....	April 21, 1859		8th.	5th.	St. Paul,
G. W. Sweet.....	Nov. 28, 1859		9th.	5th.	Benton county,
			10th.	6th.	Duluth,
J. B. Culver.....	Nov. 7, 1858		11th.	6th.	
			12th.	1st.	
ADJUTANTS.					
<i>Lieutenants.</i>					
George H. Ingraham.....	June 1, 1859	23d.	9th.	5th.	St. Paul,
Robert W. Peckham.....	March 21, 1859	25th.	9th.	5th.	Stillwater,
Darius S. Griffin.....	Nov. 15, 1858	11th.	3rd.	2nd.	New Ulm,
James Horner.....	Dec. 24, 1859	10th.	3rd.	2nd.	St. Peter,
Samuel G. Sloan.....	July 1, 1859	24th.	9th.	5th.	St. Paul,
John R. Lambert.....	Feb. 1, 1859	4th.	1st.	1st.	Dodge county,
Oren T. Hayes.....	Dec. 25, 1858	13th.	5th.	3rd.	Hastings.
INSPECTOR GENERAL'S DEPARTMENT.					
<i>Adjutant General.</i>					
Alexander C. Jones.....	Sept. 1, 1858				St. Paul,

ROSTER
Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
QUARTER MASTER, GENERAL'S DEPT.					
<i>Brigadiers General.</i>					
George L. Becker.....	Oct. 1, 1858				St. Paul,
DIVISION QUARTER MASTERS.					
<i>Lieutenants Colonel.</i>					
Noah C. Conner.....	Nov. 4, 1858			1st.	Mankato,
Martin McLeod.....	Nov. 1, 1858			2nd.	Bloomington,
				3rd.	St. Paul,
				4th.	
				5th.	
				6th.	
John W. Cathcart.....	June 24, 1859				
BRIGADE Qr. MASTER'S DEPT.					
<i>Captains.</i>					
Henry C. Hoffman.....	Nov. 7, 1858.		1st.		Red Wing,
			2nd.		
			3rd.		
			4th.		
			5th.		
			6th.		
			7th.		
			8th.		
			9th.		
			10th.		
			11th.		
			12th.		
T. D. Smith.....	Nov. 28, 1859				Carver county,
Henry Poehler.....	June 7, 1859				Henderson,
John O'Gorman.....	July 2, 1859				St. Paul,

ROSTER Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
REGIMENTAL QUARTER MASTERS.					
<i>Lieutenants.</i>					
S. F. Barney.....	Nov. 15, 1858.	11th.	3rd.	2nd.	Mankato,
Henry J. Horn.....	Dec. 17, 1858.	23d.	9th.	5th.	St. Paul,
Zina H. Robinson.....	March 22, 1859	25th.	9th.	5th.	Stillwater,
REGIMENTAL QUARTER MASTERS.					
<i>Lieutenants.</i>					
Merritt B. Pratt.....	Feb. 1, 1859.	24th.	9th.	5th.	Dodge-county,
Amos H. Norris.....	March 10, 1859.	4th.	1st.	1st.	Hastings,
		13th.	5th.	3rd.	
COMMISSARY GEN'S DEPARTMENT.					
COMMISSARY GENERAL.					
<i>Brigadier General.</i>					
Sylvanus B. Lowry.....	Oct. 12, 1858.				St. Cloud,
DIVISION COMMISSARY.					
<i>Lieutenant Colonel.</i>					
John Farrington.....	Feb. 3, 1859:				St. Paul,

ROSTER Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
ENGINEER IN CHIEF'S DEPARTMENT.					
ENGINEER IN CHIEF.					
<i>Colonel.</i>					
William Ashley Jones.....	Oct. 20, 1858				Winona,
DIVISION ENGINEERS.					
<i>Lieutenants Colonel.</i>					
James E. Williard.....	Nov. 2, 1858			1st. 2d. 3rd. 4th. 5th. 6th.	Austin,
Frederick Wipperfmao.....	Nov. 1, 1859				St. Paul,
BRIGADE ENGINEERS.					
<i>Majors.</i>					
S. L. McCarty.....	Dec. 24, 1859		1st. 2nd. 3rd. 4th.		Independence, Wab'w co
Elias D. Bruner.....	July 15, 1859				Mankato.

ROSTER Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
BRIGADE ENGINEERS,					
<i>Majors.</i>					
John Green.....	Nov. 28, 1838		5th. 7th. 8th. 9th. 10th. 11th. 12th.		Hennepin county,
Wm. R. Bowes.....	Nov. 9, 1858				St. Paul,
JUDGE ADVOCATE GENERAL'S DEPT.					
JUDGE ADVOCATE GENERAL.					
<i>Colonel.</i>					
Charles E. Flaudreau.....	Nov. 25, 1858				Traverse des Sioux,
DIVISION JUDGE ADVOCATES.					
<i>Lieutenants Colonel.</i>					
Charles H. Berry.....	Dec. 15, 1858		9th.	1st. 5th. 3rd. 4th.	Winona, Stillwater,
Theodore E. Parker.....	July 1, 1859				
James Hall	Nov. 14, 1858			6th.	Little Falls.

ROSTER Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
BRIGADE JUDGE ADVOCATE.					
<i>Majors.</i>					
<u>W. W. Wright</u>	Dec. 24, 1859		1st. 2nd. 3rd. 4th. 5th. 6th. 7th. 8th. 9th. 10th. 11th. 12th.		Wabashaw.
R. A. Phelan.....	Nov. 28, 1858				Dakota co.
Harwood Iglehart.....					St. Paul.

ROSTER. Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
SURGEON GENERAL'S DEPARTMENT.					
SURGEON GENERAL.					
<i>Colonels.</i>					
Alfred E. Ames.....	Oct. 25, 1858				Minneapolis,
DIVISION HOSPITAL SURGEON.					
<i>Lieutenants Colonel.</i>					
Andrew J. Rutan.....	Nov. 4, 1858			1st. 2nd. 3rd. 4th. 5th. 6th.	Le Sueur,
Jacob H. Stewart.....	Oct. 27, 1858				St. Paul,
John V. Wren.....	July 13, 1859				Crow Wing,
BRIGADE HOSPITAL SURGEONS.					
<i>Captain.</i>					
Freeborn F. Hoyt.....	Dec. 30, 1848		1st. 2nd.		Red Wing,

ROSTER Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.				
BRIGADE HOSPITAL SURGEONS.									
Captains.									
Charles W. LeBoutillier.....	Nov. 1, 1858		3rd. 4th. 5th. 6th. 7th. 8th. 9th. 10th. 11th. 12th.		St. Anthony, Forest City,				
Thomas E. Massey.....	Nov. 28, 1859								
Christopher Carli.....	Nov. 28, 1859								
REGIMENTAL SURGEONS.									
Lieutenants.									
Horace Phelps.....	March 11, 1859	13th. 2nd.	5th.	3rd.	Lakeville.				

ROSTER Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
REGIMENTAL SURGEONS.					
Lieutenants.					
William R. McMahon.....	Nov. 15, 1858	11th. 23rd. 4th.			Mankato, St. Paul, Dodge county,
Alfred G. Brisbane.....	Dec. 12, 1858				
E. P. Kermott.....	Feb. 1, 1859				
PAYMASTER GENERAL'S DEPARTMENT.					
PAYMASTER GENERAL.					
Colonel.					
Henry W. Lamberton.....	Nov. 13, 1858				Faribault.
DIVISION PAYMASTER.					
Majors.					
BRIGADE PAYMASTERS.					
Captains.					

ROSTER
Continued.

Names and Offices.	Date of Commission.	Regiment.	Brigade.	Division.	Residence.
REGIMENTAL PAYMASTERS.					
<i>Lieutenants.</i>					
John J. Knox.....	Jan. 7, 1859	23d.			St. Paul,
Hollis R. Murdock.....	March 23, 1859	24th.			Stillwater,
George Daniels.....	March 9, 1859	25th.	5th.	3rd.	Lewiston,
		13th			

STATEMENT B

FIRST BRIGADE.....FIRST REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's musk. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
Samuel McPhail.....	Colonel.	May, 3, 1859,				Caledonia, Houston Co.,
H. A. Davidson.....	Lt.-Colonel. Major.	Nov. 8, 1858,				Hokah, " "
<i>Company Officers.</i> [No Returns.]						

STATEMENT B.
FIRST BRIGADE.....SECOND REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non-com. off's mus. and priv. including staff.	Residence and arm of service.
<i>Field Officers</i>						
William S. Drew.....	Colonel.	Nov. 10, 1858.				Winona,
George B. Dresback.....	Lt. Colonel.					Dresback City, Winona co.
	Major.	Nov. 16, 1858.				
H. B. Upman.....	Captain.	May 7, 1859.	A			
J. Mobly.....	1st Lieut.	do do				
L. R. Hawthorne.....	2nd Lieut.	do do				
J. Priam.....	3rd Lieut.	do do				
B. Norton.....	Ensign.	do do		35		Artillery.

STATEMENT B.
FIRST BRIGADE.....THIRD REGIMENT.

Names.	Office.	Date of Commission.	Letter of Privates of Company.	Total officers non-com. off's miss. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>					
John R. Jones.....	Colonel.	Nov. 7, 1858.			Chatfield, Fillmore county.
Wm. B. Gere.....	Lt. Colonel.	Nov. 27, 1858.			" " "
T. G. Fladland.....	Major.	Dec. 2, 1858.			Rushford, " "
<i>Company Officers.</i>					
[No Returns.]					

STATEMENT B.

FIRST BRIGADE.....FOURTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's mus. and priv. including staff.	Residence and arm of service.
<i>Field Officers,</i>						
Curtis H. Moses.....	Colonel. Lt. Colonel. Major.	Dec. 2nd, 1858,				Wasioja, Dodge Co.
<i>Company Officers.</i>						
[No Returns.]						

STATEMENT B.

FIRST BRIGADE.....FIFTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's mus. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
W. K. Tattersall.....	Colonel.	Nov. 28, 1859.				
Walter Breckenridge.....	Lt. Colonel. Major.	Nov. 13, 1858.				Rochester.
<i>Company Officers.</i> [No Returns.]						

STATEMENT B.

SECOND BRIGADE.....SIXTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Privates of Company.	Total officers non com. off's mus. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>					
Alexis Bailey.....	Colonel.	July 13, 1859.			Wabshaw, Lake City, Reed's Landing.
Chas. W. Hackett.....	Lt. Colonel.	Feb. 9, 1859.			
Charles R. Reed.....	Major.	Dec. 1, 1858.			
<i>Company Officers.</i>					
[No Returns.]					

STATEMENT B.
SECOND BRIGADE..... SEVENTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's mess. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
William Freeborn.....	Colonel.	Nov. 6, 1858.				Red Wing,
C. C. Vandenburg.....	Lt. Colonel.	Nov. 6, 1858.			7	Red Wing,
Truman Parker.....	Major.	Dec. 30, 1858.				Pine Island, Goodhue Co.
<i>Company Officers.</i>						
Isaac Green	Captain.	Feb. 4, 1859.	A			Red Wing,
W. C. Williston.....	1st. Lieut.	" "				
T. J. Cooper.....	2d Lieut.	" "				
Hans Matson.....	3d Lieut.	" "				
W. W. DeKay.....	Ensign.	" 5,	A	83	95	Rifles.

STATEMENT B.
SECOND BRIGADE..... EIGHTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's miss and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
Wm. H. Dyke.....	Colonel.	Nov. 8, 1858.				Faribault,
J. B. Onstine.....	Lt. Colonel.	Nov. 28, 1859.				Rice County.
Chas. Wheeler.....	Major.	Nov. 14, 1858.				Faribault.
<i>Company Officers.</i>						
[No Returns.]						

STATEMENT B.
SECOND BRIGADE.....NINTH REGIMENT.

Names.	Officer.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non-com. off's murr. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
W. W. Robinson.....	Colonel.	March 14, 1859.				Wilton.
W. K. Kenyon.....	Lt. Colonel.	March 14, 1859.				Owatonna.
A. H. Reed.....	Major.	Nov. 9, 1858.				Rice Lake.
<i>Company Officers.</i>						
[No Returns]						

STATEMENT B.
THIRD BRIGADE.....TENTH REGIMENT.

ADJUTANT-GENERAL'S REPORT.

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Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non-com. off's musk. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
Thomas Cowan.....	Colonel.	Oct. 12, 1858.				Traverse des Sioux.
John McIntyre.....	Lt. Colonel. Major	Nov. 12, 1858.				Ottawa, Le Sacre county.
<i>Company Officers.</i>						
A. K. Skaro	Captain. 1st Lieut. 2nd Lieut.		A	35	37	Traverse des Sioux, Infantry.
[No Returns.]						

STATEMENT B.

SIXTH BRIGADE.....NINETEENTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's muss. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
Ulysses S. Willey.....	Colonel.	Nov. 9, 1858.				
— Creighton.....	Lt. Colonel Major.	Nov. 28, 1859.				Forest City, Monticello,
<i>Company Officers.</i>						
[No Returns.]						

STATEMENT B

SEVENTH BRIGADE.....TWENTIETH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's mus. and priv. including staff.		Residence and arm of service.
<i>Field Officers.</i>	Colonel. Lt-Colonel. Major.						
<i>Company Officers.</i> [No Returns.							

STATEMENT B.

EIGHTH BRIGADE.....TWENTY-FIRST REGIMENT.

Names.	Offices	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non-com, off's muss. and priv. including staff.	Residence and arm of service.
Field Officers,						
[No Returns.]						

STATEMENT B.

EIGHTH BRIGADE.....TWENTY-SECOND REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non-com, ctt's mess, and priv. including staff.	Residence and aim of service.
<i>Field Officers</i>						
Oscar Taylor.....	Colonel. Lt. Colonel. Major.	Nov. 28, 1859.				Otter-Tail City.
[No Returns.]						

STATEMENT B.
NINTH BRIGADE.....TWENTY-THIRD REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non-com. off's mus. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
Daniel A. Robertson.....	Colonel.	Oct. 24, 1858.				Saint Paul,
John S. Prince.....	Lt. Colonel.	Aug. 1, 1859.			7	do
Wm. H. Forbes.....	Major.	Oct. 29, 1858.				do
<i>Company Officers.</i>						
H. H. Western.....	Captain.	Oct. 25, 1858.	A			
A. T. Chamblin.....	1st. Lieut.	" "				
Theodore Borup.....	2d Lieut.	" 1859.				Infantry.
C. C. Lund.....	3rd Lieut.	" "				
W. A. Vanslyke.....	Ensign.	" "		40	49	
John O'Gorman.....	Captain.	Oct. 27, 1858	B			
Matthew Flood.....	1st Lieut.	Mar. 25, 1859.				
Thomas Shearn.....	2nd Lieut.	" "				
John Bell.....	3rd Lieut.	" "				Infantry.
John Smith.....	Ensign.	" "		45	47	
James Starkey.....	Captain.	April 4, 1859.	C			
J. I. Salter.....	1st Lieut.	" "				
Isaac Milner.....	2nd Lieut.	" "				Cavalry.
J. Manzer.....	3d Lieut.	" "				
William Crooks.....	Captain.			28	29	
William H. Acker.....	1st Lieut.		D			
William F. Duffy.....	2d Lieut.					
Walton Cubley.....	3d Lieut.					
W. H. Wolff.....	Ensign.			38	39	Infantry.

STATEMENT B.
NINTH BRIGADE, . . . TWENTY-FOURTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's muss. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
Norman W. Kittson	Colonel.	May 2, 1859.				Saint Paul,
James P. Pond	Lt. Colonel.	Dec. 9, 1858.				do
Lyman O. Dayton	Major.	Mar. 24, 1859.				do
<i>Company Officers.</i>						
[No Returns.]						

STATEMENT B.
NINTH BRIGADE, TWENTY-FIFTH REGIMENT.

Name.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non com. off's mus. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
Clinton J. True.	Colonel.	Dec. 7, 1859.				Stillwater.
Wm. H. Mower.	Lt. Colonel.	Nov. 28, 1859.			7	"
Levi E. Thompson.	Major	Nov. 28, 1859.				"
<i>Company Officers.</i>						
David R. Loomis.	Captain.	Dec. 8, 1858.	A			Infantry.
Isaac Gray.	1st Lieut.	" "				
J. Bower Preston.	2d Lieut.	" "				
Baron Proctor.	3rd Lieut.	Dec. 8, 1858.		42	45	
Carlisle A. Bromley.	Ensign.	" "	C			Artillery.
Wm. E. Thorne.	Captain.	May 21, 1859.				
Ralph Lehmick.	1st Lieut.					
E. W. Durant.	2nd Lieut.		C	27	28	
Thomas J. Yorks.	3rd Lieut.					

STATEMENT B.
NINTH BRIGADE.....TWENTY-SIXTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company.	Total officers non-com. off's musk. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
Levi W. Folsom.....	Colonel.	Nov. 1 st , 1858.				Taylor's Falls.
Hermann Treat.....	Lt. Colonel.	Feb. 22, 1859.				Chengwatona.
Ephraim Ingalls.....	Major.	Mar. 8, 1859.				Sun Rise
<i>Company Officers.</i>						
[No Returns.]						

STATEMENT B
ELEVENTH BRIGAD.....TWENTY-SEVENTH REGIMENT.

Names.	Office.	Date of Commission.	Letter of Company.	Privates of Company, priv. including staff.	Total officers non-com, off's musk. and priv. including staff.	Residence and arm of service.
<i>Field Officers.</i>						
J. D. Cruttenden	Colonel.	Nov. 28, 1859.				Crow Wing.
Clement Beaulieu	Lt-Colonel. Major.	"				
<i>Company Officers.</i>						
[No Returns.						

STATEMENT B.

TWELFTH BRIGADE.....TWENTY-EIGHTH REGIMENT.

Name.	Office.	Date of Commission.	Letter of Privates of		Total officers non com. off's mus. and priv. including staff.	Residence and arm of service.
			Company.	Company.		
<i>Field Officers</i>						
John Whipple.....	Colonel.	July 16, 1859,				Duluth,
	Lt. Colonel.					
	Major.					

STATEMENT C.
Designating the Companies organized during the years 1858-59.

Order of Organization.		Arm of Company.	Letter of Company.	Regiment.	Commandant.	Remarks.
Number.	Date.					
1	October 25, 1858.	Infantry.	A	23	H. H. Western.	
2	October 28, 1858.	Infantry.	B	23	John O'Gorman.	
3	November 3, 1858.	Cavalry.	C	23	James Starkey.	
4	November 5, 1858.	Infantry.	A	25	D. B. Loomis.	
5	November 20, 1858.	Rifle.	A	13	A. R. French.	
6	December 1, 1858.	Artillery.	C	25	W. E. Thorne.	
7	January 3, 1859.	Infantry.	D	23	Wm. Crooks.	
8	December 4, 1858.	Rifle.	A	11	Joseph Gunther.	
9	April 7, 1859.	Rifle.	A	7	Isaac Green.	
10	January 17, 1859.	Rifle.	B	13	I. M. Ray.	
11	May 7, 1859.	Artillery.	A	2	H. B. Upman.	
12	August 16, 1859.	Rifle.	B	11	A. B. Coleman.	
13	May 14, 1859.	Artillery.	C	11	James Shoemaker.	

RECAPITULATION OF THE MILITARY FORCE OF THE STATE.

[illegible]

Number of Colonels omitted in above.

MILITARY ESTABLISHMENT OF THE STATE OF MINNESOTA.
1859.

HENRY H. SIBLEY, Governor and Commander-in-Chief.

ALEXANDER C. JONES, Adjutant General, with the rank of Brigadier General, Saint Paul, Ramsey county.

GEORGE L. BECKER, Quarter-Master General, with the rank of Brigadier General, Saint Paul, Ramsey county

SYLVANUS B. LOWRY, Commissary General, with the rank of Brigadier General.

HENRY W. LAMBERTON, Paymaster General, with the rank of Colonel, Faribault, Rice County.

WILLIAM ASHLEY JONES, Engineer-in-Chief, with the rank of Colonel, Winona, Winona County.

CHARLES E. FLANDREAU, Judge Advocate General, with the rank of Colonel, Traverse des Sioux, Nicollet County.

Dr. ALFRED E. AMES, Surgeon General, with the rank of Colonel. Minneapolis, Hennepin County.

JOHN H. MCKENNEY, Aid-de-Camp to the Commander-in-Chief, with the rank of Colonel, Chatfield, Fillmore county.

RICHARD WASHINGTON, Military Secretary. with the rank of Major, Hastings, Dakota County.

Board Normal Schools Report.

To His Excellency Henry H. Sibley :

By the Act of August 2, 1858, to provide for the establishment of State Normal Schools the board of directors of said schools, under the provisions of the act aforesaid, beg leave to present to you and through you to the Legislature of Minnesota their first annual report.

The directors of the Normal Board met agreeable to appointment in the library room of the Capitol at 12 M., on the 16th August, 1859. Present—W. Holcombe, Dr. A. E. Ames, Dr. E. Bray, and Dr. J. D. Ford.

The abovenamed gentlemen took the oath of office before the Clerk of the Supreme Court, which was filed in the office of Secretary of State.

W. Holcombe was then elected president, and Dr. J. D. Ford secretary *pro tem*—(there being no superintendent of public instruction.)

The following resolution was then offered and passed unanimously.

Resolved, That judicial districts Nos. 3 and 5 shall constitute the first Normal district, Nos. 1 and 2 the second Normal district, and Nos. 5 and 6 the third Normal district.

A subscription of \$7,000 with application for school from Winona was then presented and read.

The following resolution was then offered by Dr. Ford, and passed unanimously :

Resolved, That the first Normal School be located at Winona, provided the subscription from Winona of \$7,000 be satisfactorily secured to the use of said school, as directed by the board of directors.

See subscription marked C.

The following resolution was then offered by Dr. Ames, and passed unanimously :

Resolved, That the secretary is hereby required to correspond with the secretaries of other State Normal Schools, and obtain, at as an early day as possible, the proceedings of said schools, their manner of teaching, rules and regulations, plan of building and furniture.

The following named officers were then appointed for the first Normal school district: Sylvester J. Smith, treasurer; Dr. J. D. Ford, Rev. D. Burt, and William S. Drew, Esq., prudential committee—all of Winona.

The following resolution was offered by Dr. J. D. Ford, and passed unanimously :

Resolved, That a committee of three—consisting of our president, Messrs. J. W. Taylor, and Dr. E. Bray—be appointed to attend the next meeting of

the Legislature, and secure such legislative aid as may be necessary to establish successfully this State Normal School.

On motion of Dr. Ford, Mr George C. Tanner of Faribault was appointed director of the State Normal School in the fifth Judicial district, in place of W.R. Rogers removed from the State.

The following resolutions were then offered by Dr. Ames, and passed unanimously :

Resolved, That the newspapers of this State, friendly to the cause of education, are hereby requested to publish the proceedings of the Board of the State Normal School.

Resolved, That the president of this board is hereby appointed a committee to secure the donations proposed by the citizens of Winona, and report the same to the board for action thereon at their next meeting, to be holden at the time and place designated by the president.

The board then adjourned *sine die*.

On the 20th day of September the president proceeded to Winona, and spent several days there in viewing the property, and fixing a value on the lands proposed to be donated to the State. The valuation was low, being considered a cash value. About \$3,600 worth of lands were donated and conveyed by deed of conveyance, \$1,200 worth of which was subsequently exchanged for an eligible block of land in the central portion of the city of Winona, as a site for the location of the Normal School building. Near \$2,000 of the original subscription is not yet agreed upon.

The president of the Board, as required by resolution, addressed notices to the several directors of the board, requesting their attendance at a meeting to be held at Huff's Hotel, in the city of Winona, on the 9th day of November at 10 o'clock.

The board met pursuant to notice.

The following members were present—W. Holcombe of Stillwater, Dr. E. Bray of Carve county, Mr. George C. Tanner of Faribault, and Dr. J. D. Ford of Winona.

The president then took the chair, and Mr. Tanner being a new member took the oath of office.

The president reported that he had attended to the duties of his appointment, having secured the donation of \$5,000 and upwards, proposed by the citizens of Winona.

See list of property marked A.

Whereupon the following resolution, offered by Dr. Ford, was carried, viz.:

Resolved, That Dr. Bray, W. L. Drew, and Thomas Simpson, Esq., be a committee of this board to report an abstract of titles and any incumbrances to the property proposed to be given.

Adjourned to 3 p. m.

AFTERNOON SESSION.

Met agreeable to adjournment. Same members present.

After discussing various subjects relating to the establishing of a Normal School, the board adjourned until 9 a. m. 10th Nov.—the president in the meantime, in the evening, having delivered an address on education, particularly with reference to the establishment of the first State Normal School at Winona, to a large and deeply interested audience.

See copy marked B.

MORNING SESSION.

Thursday, Nov. 10, 9 A. M.

Board met. Same members present.

The following resolution was then offered by W. Holcombe, and carried :

Resolved, That the first State Normal School be opened for the reception of pupils at the earliest period practicable, and the secretary *pro tem* of the board be hereby directed in his judgement to procure a principal for the State Normal School, offering a reasonable salary (limit fixed by the board); also to procure plans and specifications for a Normal School building.

The following resolution passed unanimously :

Resolution by Mr. Tanner—

That the expenses incurred by the secretary *pro tem* in securing a principal be defrayed out of the moneys appropriated by the State for the said school, and that he be authorized to draw on the treasurer for the same.

Resolution by Dr. Ford—

That the first business of the board in the afternoon session shall be to take measures to secure a proper site for the Normal School.

Resolution by Dr. Ford—

That Lieut. Gov. Holcombe be requested to confer with the committee of the Legislature about to convene in regard to any bills concerning common schools that may be presented for legislation, and that he be requested also to secure the appointment of a suitable superintendent of public instruction.

Adjourned till 2 o'clock p. m.

AFTERNOON SESSION.

Met pursuant to adjournment.

The following resolutions were passed unanimously :

Resolution by W. Holcombe—

That candidates for admission to the Normal School shall be apportioned through the State as follows, viz : Two candidates shall be admitted for each senator of the State Senate, as now districted. Where two counties compose a senatorial district each county shall have equal opportunity, if both claim the privilege. Where three or more counties compose a senatorial district the applicants from each county shall have preference in order of application. If any applicant shall be rejected upon subsequent examination the next applicant in point of time from the same district shall be in order for admission. All candidates shall have preference in order of application.—Candidates from districts entitled to admission must apply two weeks before the term commences. Other applicants not entitled to admission by appointment shall be next in order. All applications must be made to the principal, either by mail or in person.

Resolution by Mr. Tanner—

That any candidate having signified his or her intention in writing to teach for a term of at least two years in the common schools of Minnesota, and having presented satisfactory testimonials of good moral characters and natural adaption for the office of teacher, shall, upon satisfactory examination by the principal and prudential committee of said school, be admitted to all the privileges of the State Normal School, according to the rules of appointment in the previous resolution; provided, that such applicant be at least sixteen years of age, and of sound physical health; and provided further, that if fifty candidates do not apply who will pledge themselves to teach in the

State the required term, then the number of fifty may be filled by students without such pledge upon payment of tuition.

Resolution by Mr. Tauner—

That candidates for admission must sustain a good examination in reading, writing, spelling and geography, with arithmetic through interest, and so much of English grammar as to be able to parse any ordinary sentence in prose.

Ajourned till 7 o'clock P. M.

EVENING SESSION.

Members present at the appointed hour.

The committee appointed to investigate the titles of lands, etc., appeared and made their report—which, on motion, was accepted and adopted.

The following resolutions were then adopted unanimously:

Resolution by W. Holcombe—

That we exchange the property given by Mr. Mitchell at \$200, Thomas Wilson at \$150, T. Kirk at \$250, Orrin Smith at \$500, and T. Simpson at \$100 for block No. 17, Sanborn's addition to Winona, for a site for the building of a Normal School.

Resolution by Dr. Ford—

That the building of the State Normal School at Winona be located on block No. 17, Sanborn's addition to Winona.

Resolution by Dr. Bray—

That there be appropriated \$500, or as much thereof as may be necessary, to pay assistant teachers, to procure seats and desks for said school, the necessary apparatus, and to defray incidental expenses, as may be necessary, out of the money appropriated by the State for the establishment of Normal Schools, and the prudential committee are hereby authorized to draw on the treasurer for the same.

Resolution by Dr. Ford—

That when we adjourn the next meeting shall be at the time and place to be designated by the president of the board.

Resolution by Dr. Ford—

That the prudential committee are hereby authorized and directed to contract immediately for such building materials for Normal School buildings as in their judgment they may deem best; appropriating such proceeds of the donations made by the citizens of Winona as may be necessary for said purpose.

The board then adjourned *sine die*.

It will be seen by the foregoing proceedings that the first Normal School of Minnesota has been located at Winona—there being no competition from any other portion of the State. Accordingly the third and fifth judicial districts constitute the first Normal School district. The site for the Normal School buildings is very central to the citizens of Winona, occupying one entire block of 300 feet square with streets on each side. The principal reason for preferring a central location is the necessity of having a model school in close proximity to the Normal School—the latter to impart a knowledge of the science of teaching, and the former to afford practice in the art under the supervision of the principal of the Normal School—this system being the most modern improvement. The citizens of Winona have taken the initiatory steps in voluntary contribution of \$7,000 and will no doubt increase this amount if the fostering care of the State is extended to this school in further annual appropriation to establish permanently and sustain the same, as one of similar institutions to be hereafter established in the State.

The cost of a proper building for the Winona Normal School should not

be less than \$25,000. The fund now appropriated and secured is about \$9,000, besides the site already referred to, and a balance of about \$2,000 of subscription yet due from the citizens. The State Normal schools claiming to be the basis of a complete system of public education, should be permitted to demonstrate, in its own buildings, the inestimable value of symmetry and convenience in the common school house.

Although the board are not yet prepared to report the plans and specifications of the buildings to be erected, yet they are satisfied that the subject of school architecture is of sufficient importance to occupy a prominent position in any system of public education—for the relations of the mind to the body are not more intimate than those of the school to the school house. As a mind chained to a debilitated, deformed and sickly body must partake largely of its frailties, so as a school coupled to contracted, improperly arranged and poorly ventilated apartments, must be correspondingly restricted, inefficient, and unprofitable in its operations; and until suitable buildings can be erected, the board have decided to open a Normal School without unnecessary delay, in such buildings as can be procured for the temporary uses of the school.

The board find, in all their correspondence with our sister States, on the subject of Normal Schools, that the very first step to be taken in the establishment of a State Normal School is to procure a principal of experience and undoubted ability. This being accomplished a school may at once be commenced as above indicated, and the permanent buildings and necessary appendages may all be arranged under his supervision.

The State authorities should promptly cooperate in this attempt to put into successful operation a complete system of popular education—the substratum being the Normal Schools, upon which the whole fabric shall rest as a basis. Nor is this all. A State like this should aim at a more exalted and noble end than simply to make good citizens or merely to prepare her children to perform the ordinary duties of society. If it is the duty of the State to furnish the means for the education of the child of six, it is equally her duty to provide for his education at sixteen, and so on—the only limits being the ability of the State to furnish the means and the capacity of the child to be benefited thereby. This duty she owes to herself as well as her children, for she, as well as they, is to be benefited thereby. For what other ends are States organized and governments established? Is it that material wealth may be accommodated? Is it, that they may become irresistible in war, or they may enter upon a career of luxury to end in effeminacy and ruin? Intelligence is an important auxiliary to the public virtue, and all experience shows that the best educated communities, are those best qualified to have control of their own affairs. Viewed thus in the widest sense education should be, not only one of the leading interests of the government, but it should be an ultimate end of State existence—the fact is the development and protection of man is the end of a wise government, and all other things are means in the hands of the State for subserving this end. The State then has only to begin her great work when she has provided a system of common schools for the primary education of all her children. This work should be done in its broadest and most comprehensive sense. The day is not distant, when those who now contend that the State owes her first duty to her common schools, will as zealously advocate any reasonable extension of her educational provisions.

In the correspondence held with the Normal Schools of our sister States, we find the conclusion to be irresistible, that the *art of teaching* ought to be reduced to a profession, this being the object of the Normal school. It is to the common school what the military and naval academies are to the army

and navy. The same necessity that demands of the government the establishment of such institutions, requires the State to maintain and support the Normal Schools; and that the necessity is the principal of self-preservation, as the general government must have officers skilled in all the applications and arts of war, to command her armies in times of danger in order to maintain rights against her foes, so the State must have skilled and experienced teachers to elevate and maintain the standard of the general intelligence upon which alone rests the prosperity and perpetuity of our republican institutions. Indeed the necessity is far more urgent in the latter, than in the former case; for an educated people might defend themselves against their foes, without any of the special training afforded the present commanders of our present armies and navies. While it may be doubted whether some efficient means for the education of our common school teachers, than has been afforded in this country outside of the Normal Schools, is not vital to the existence of our government itself.

The Board would respectfully refer to much valuable information in the address of the President herewith submitted marked B in regard to the history of Normal Schools in Europe and in several of the States in our own country including Canada.

In view of a successful development of the subject in this State, the Board of Directors would recommend an appropriation from the State Treasury of the State for 1860 of \$5,000 to put the Normal School at Winona into successful operation and to be exclusively applied to the support and maintenance of said schools.

It is much to be regretted that there is yet no State Superintendent of public education—such an officer should be appointed with as little delay as possible. A general supervision of the subject of schools, school teaching, and school lands is absolutely necessary. The school lands should be put into a condition to realize the largest annual fund for the support of schools without delay.

The Pioneers of the Territory (now State) from 1849 to 1857 came here many of them expecting more than ordinary educational advantages, when we became a State, on account of the very large appropriation of lands for that purpose. The present population has had an average of four or five years residence, and unless these anticipated advantages shall be enjoyed within the next five years, that class of persons between the ages of six and sixteen at the time of emigration shall have passed beyond their reach; a more meritorious class will never occupy their places. Their deprivations cannot be computed in dollars and cents, even now with the most prompt action, but little can be done for them. But what they lose it is our duty to secure to their children.

In conclusion the Board of Directors congratulate the State authorities upon the happy effect the location of this Normal School has had upon those who are acquainted with its objects, even amidst the surrounding gloom of a financial crisis.

This subject affords a cheering hope of substantial good, and has almost the universal approbation of the people. The limitless field of usefulness which seems opening before the schools in the future, should encourage you to press forward in still greater efforts in behalf of a course tending so pre-eminently to promote the best interests of humanity.

All of which is respectfully submitted,

By order of the Board,

JOHN D. FORD, Sec. pro tem.

"A."

LAND SUBSCRIPTIONS DONATED TO THE STATE NORMAL
SCHOOL AT WINONA.

FARM LANDS.

Value.	Description.	Sec.	Town.	Range.	Acres.
\$200	The W $\frac{1}{2}$ of the S W $\frac{1}{4}$ From Norton & Mitchell.	19	107	8	80
300	The W $\frac{1}{2}$ of the S E $\frac{1}{4}$ From Taylor, Bennett & Co.	29	108	8	80
100	The S W $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ From V. Erazano Simpson.	1	105	9	40
100	South 20 acres of lot 1..... From John Keyes.....	31	107	6	20

LOTS IN THE CITY OF WINONA.

	Description.	Lot.	Block.	Addition.
500	Orrin Smith & Co.....	9	35	Original plat
150	Thomas Wilson.....	$\frac{1}{2}$ 5	43	do
150	J. C. & W. H. Laird.....	5	25	Laird's
250	W. H. Stevens.....	6, 7	29	do
250	Timothy Kirk.....20 feet	1	7	Original
600	W. S. & M. K. Drew.....	9, 10	11	
		3, 7	12	Norton's
		4, 7	14	
		E $\frac{1}{2}$ of 8, 9	18	Sanborn's
200	A. W. Webster and Z. H. Luke.....	1	4	Hamilton's
600	H. D. Huff.....	7, 8, 9, 10, 11, 12	unnumbered	do
500	Thomas Simpson.....	2, 3	44	do
		2, 3, 6, 7, 10, 11	3	Taylor's
100	Abram Trier.....	3	30	Hamilton's
50	James S. Campbell.....	9	12	Taylor's
50	Hellodore J. Hilbert.....	7, 8	5	Hilbert's
50	H. D. Morse.....	11	32	Rochester

"B."

AN ADDRESS,

Delivered in the Baptist Church, Winona, on the subject of Education with reference to the establishment of the First Normal School at that place, November 9th, 1859.

BY LIEUT. GOV. W. HOLCOMBE.

MR. PRESIDENT—*Ladies and Gentlemen:*

The prudential committee of this Normal School district, having very kindly requested an address on the subject of education, with reference to the establishment of a State Normal School at this place, it affords me great pleasure to comply with that request.

This important enterprise which we are about inaugurate, namely, a State Normal School, is a subject which had been overlooked in the history of our nation until about 20 or 30 years since: and as it is perfectly proper for us as citizens of a new State to avail ourselves of the researches, reports and experience of our sister States, I have therefore had recourse to their essays, addresses and suggestions of the early friends of education in our own country, and also to the more ancient experience of some of the countries of Europe.

I find from the best evidence I can gather from the scope of a limited and very brief correspondence on the subject, that the States of New York, Connecticut, and Massachusetts, lingered a number of years from the conception of the original idea of a Normal School before the same was actually put into operation.

Dewitt Clinton as early as 1826, as Governor of the State of New York, recommended the establishment of a "Seminary for the education of Teachers." That State had passed a law in 1812, fourteen years before, for the organization of public schools, and thus laid the foundation of a great and comprehensive system of means by which millions of her future citizens were to be trained morally and intellectually. But in all this fourteen years the great obstacle to success, was the impossibility of obtaining competent teachers: hence the recommendation of Dewitt Clinton—"A Seminary for the education of Teachers." I find also in 1828 a pamphlet entitled *Suggestions on Education*, from the pen of Mr. William Russell, then a teacher in Connecticut, the following: "The common schools for children are in not a few instances conducted by individuals who do not possess one of the qualifications of instructor, and in very many cases there is barely knowledge enough to keep the teacher at a decent distance from the scholars." An excellent suggestion was lately made on a branch of this subject by a writer in a periodical publication. His proposal was, that a seminary should be founded for the teachers of district schools; that a course of study should be prescribed to persons who are desirous of obtaining the situation of teacher in such schools, and that no individual should be accepted as an instructor who had not received a license or degree from the proposed institution.

The effect of such an improvement in education seems almost incalculable. The information, the intelligence, and the refinement which might be thus diffused among the body of the people would increase the prosperity, elevate the character, and promote the happiness of the nation to a degree perhaps unequalled in the world.

So the Rev. J. H. Gallandett, who in his day did so much to ameliorate the condition of that unfortunate class, the deaf and the dumb of our race. He suggests, in 1825, an Institution "call it by what name you please," for the training of young men for the profession of instructors of youth, in the common branches of the English education, who should devote their lives to the object of the "Theory and Practice of the education of youth" and who shall prepare, print and deliver a course of lectures on the subject.

I may also refer to a report of a committee on literature in the Legislature of New York, in 1827. The Hon. John C. Spencer Chairman, to, which committee that portion of Governor Clinton's message had been referred. "The committee concur entirely with the Governor in relation to the importance of the vocation of a teacher" &c., "and from the observation of the committee and from the best information they can obtain they are persuaded that the great evils now existing in the system, are the want of competent teachers." The Legislature of 1827 passed a bill appropriating funds to common schools, and to promote the education of teachers and to be annually distributed among the incorporated academies and seminaries of the State. Following the history of Legislation in New York, I find, in 1831, the superintendent of common schools recommends the conversion of the several academies, for the education of teachers equal in number at that period to the number of counties in the State." Professor Phelps says "it may reasonably be inferred from this suggestion that the plan adopted five years previously by the Legislature in the endowment of teacher's departments in the academies had failed to realize the results anticipated from them.

Nevertheless the superintendent in 1833, and again in 1836, still recommended the teachers departments in the academies, but in 1838, Gov. Marcy expressed the opinion in reference to the academies designated by the Regents of the University for the education of teachers, that however ably conducted, they must of necessity be inadequate to the supply of the requisite number of instructors for the common schools, and suggests the establishment of county Normal Schools. In 1839, Governor Seward in his message to the Legislature expressed his conviction of the paramount necessity of elevating the standard of public instruction and recommending legislative co-operation in furtherance of the effort to engraft the system of Normal Schools upon our institutions for education, through the agency of the academies. In 1841, the Hon. John O. Spencer, still urges, being the superintendent of Common Schools, the continuance of the departments for the instruction of Teachers connected with the Academies. "Normal Schools," he observes, "which are so strongly urged by some must after all be essentially like these departments and the academies in which they are established." In 1842, the Hon. Samuel Young was appointed superintendent of common schools, and in his first annual report for 1843, he recommended a reduction of the academical department for the education of teachers to form and establish and maintain a Normal School at the seat of government. This recommendation was not adopted by the Legislature of 1843, but in 1844, a law was passed by which the sum of \$9,600, was appropriated for the first year, and \$10,000 annually for five years for the establishment and support of a Normal School, to be located at Albany, the Capital, of the State, as an experiment. This it will be observed was in 1844, a period of 18 years after the first suggestion of Governor Olmiston to organize schools to educate teachers, which had been attempted through departments in the academies. The Hon. Samuel Young Superintendent of Common Schools in 1844 in his report says in reference to the Normal School, "a more just appreciation on the part of the public not only of the importance of adequate intellectual and moral culture in our common schools, but of the responsibilities of teachers is beginning to prevail. This conception of that preliminary training which is to give us the complete and efficient control of the energies, physical and moral, of our common humanity has at length it is to be hoped assumed its place as the foundation of the science of elementary instruction. Institutions for the preparation of teachers upon the most approved models are already diffusing far and wide, a more enlightened and practical system of mental culture, by furnishing to the schools, instructors of high grade of qualification, intellectual and moral." "I have now given a narrative of the legislation of the State of New York from 1826 down to 1844 on the subject of educating teachers, in all of which time a series of expensive and unsatisfactory experiments have been put in operation until the inauguration of a State Normal School in 1844.

"If the history of the experiments is somewhat lengthy, yet I trust they are sufficiently interesting and instructive to warrant its embodiment in this address at this time to confirm us in the grand idea of Normal Schools in this young State as being the best result of the experience of our sister States. But I may still add more briefly in relation to the experience of the other States, I find in the first report concerning the State Normal School of New Jersey to the Legislature in 1856 much valuable information and many excellent suggestions from the pen of the Principal, Professor Phelps of that School. It is there stated that the first Normal School for the training of teachers in this country was opened at Lexington, Massachusetts on the 3rd of July 1839, a second was opened at Barre on the 4th of September of the same year. The State of Connecticut opened their first Normal School in 1850. The State Normal School of Michigan was established by an act of the Legislature,

March 28, 1853, the school was established for "*all time*" and *not as an experiment*.

The States of Rhode-Island, Wisconsin, and Iowa have each recognized the necessity of providing for the special training of teachers by endowing a normal department, in their State Universities, and whether success will attend the experiment remains to be seen; the plan has not succeeded so well in the old world.

From what has been recited we find a series of annual efforts in the States mentioned, requiring near twenty years legislation in perfecting their system of educating teachers as a profession. The success attending the school in New Jersey has been unprecedented, and in its vigor continues to animate and cheer the friends of education wherever it is known, and it may now be safely conceded after a success of ten years without a failure, that the Normal School system is the substratum on which our whole fabric of common schools must be built. But before proceeding to detail the condition and prospects of the institution in this State, it may not be improper to sketch briefly the history of this important class of educational facilities, and to indicate a few of the fundamental ideas upon which their organization is based, which may be found in the New Jersey reports. "The original signification of the word Normal as applied to schools, was that of *pattern* or *model*. A normal school was therefore a pattern or model school. It was an elementary institution in which the best methods of instruction and discipline were practiced, and to which the candidate for the office of teacher resorted for the purpose of learning by observation the most approved modes of conducting the education of youth; of this class were the schools of Neander, established at Ilfeld, Germany, as far back as the year 1570, as also those of Abbede Lesealle at Rheims, France in 1681. This establishment with numerous others of a similar character successively established prior to the beginning of the 18th century, were not simply schools for the education of children, but were so conducted as to test and exemplify principles and methods of instructions which were perpetuated and disseminated by means in which they were embodied, or of pupils and disciples who translated them to other places.

These schools served as a forerunner to prepare the way for the more efficient and perfect institution of the same designation at a later day.

According to the present acceptation of the term Normal School as used in many of the European countries, it denotes an establishment composed of young men and women who have passed through an elementary or even a superior school, and who are preparing to be teachers by making additional attainments and acquiring a knowledge of the human mind and the principles of education *as a science*, and its methods *as an art*. The normal schools of the present day includes also the *model* or *pattern* school of earlier times. It thus combines theory with practice, these being model schools. 'Experimental schools'—or schools for practice, as they are variously called, established in connection with them, to afford an opportunity for testing practically the mode of instruction which they inculcate. The first regularly organized teacher's Seminary or Normal School as at present understood, was established at Halle, in a part of Hanover, about 150 years ago. A similar institution was opened at Rheims in France in 1794, by ordinance of the National Assembly, to furnish professors for colleges and high seminaries. But the first Normal School for the training of *elementary* teachers in France was organized at Strasburg in 1810. Now each department of the empire is obliged either alone or in connection with other departments to support one Normal School for the education of its school masters; in 1840 there were 93 of these schools in France and 10,545 of their graduates actually employed in the primary schools of the empire. Says M. Guizot in a report to the

King in 1833, on the state of primary education in the departments constituting the Academy of Strasburg: "In all respects the superiority of the popular schools is striking, and the conviction of the people is as general, that this superiority is mainly due to the existence of the Normal School." In a powerful speech before the Chamber of Deputies in 1832, on the occasion of the introduction by him of a bill providing a great and comprehensive system of elementary education for France, this great statesman and profound philosopher remarks:

"All of you are aware that primary instruction depends altogether on the corresponding Normal school. The prosperity of these establishments is the measure of its progress. The imperial government which first pronounced with effect the word *Normal Schools*, left us a legacy of one; the restoration added five or six. Those, of which some were in their infancy, we have greatly improved within the last two years, and have at the same time established thirty new ones, twenty of which are in full operation forming in each department a vast focus of light, scattering its rays in all directions among the people." The bill introduced by M. Guizot, provided for two degrees of primary instruction, viz: Elementary and Superior, in speaking of which he remarks: "The first degree should be common to the country and the towns; it should be met with in the humblest borough, as well as in the largest city, wherever a human being is to be found within our lands of France. By the teaching of reading, writing and accounts, it provides for the most essential wants of life; by that of the legal system of weights and measures, and of the French language it implants, enlarges and spreads every where the spirit and unity of the French Nationality, finally by moral and religious instruction provides for another class of wants, quite as real as the others, and which Providence has placed in the hearts of the poorest as in the richest of this world, for upholding the dignity of human life, and the protection of social order. The first degree of instruction is enough to make a man of him who will receive it, and is at the same time sufficiently limited to be every where realized. It is the strict debt of the country toward all its children." In relation to the professional training of teachers, M. Guizot thus eloquently discourses: "All the provisions heretofore described would be of none effect, if we took no pains to procure for the Public school thus constituted, an able master, and worthy of the high vocation of instructing the people. It cannot be too often repeated that it is the *master* that makes the *school*. And indeed what well assorted union of qualities is required to constitute a good school master! A good school master ought to be a man who knows much more than he is called upon to teach, that he may teach with intelligence and with tact; who is to live in an humble sphere, and yet to have a noble mind, that he may preserve that dignity of sentiment, and deportment, without which he will never obtain the respect and confidence of families who possess a mixture of gentleness and firmness, for, inferior though he be in station to many individuals in the community, he ought to be the obsequious servant of no one, a man not ignorant of his rights but thinking much more of his duties; showing to all a good example, and serving to all as a counsellor, not given to change his condition, but satisfied with his situation, because it gives him the power of good, and who has made up his mind to live and die in the service of primary instruction, which to him is the service of God and his fellow creatures. To raise teachers up approaching to such a model is a difficult task and yet we must succeed in it, or else we have done nothing for elementary instruction.

A bad school master, like a bad Parish Priest, is a scourge to a community, and although we are often obliged to be contented with indifferent ones we must do our best to improve the average quality. We have therefore

availed ourselves of a bright thought struck out in the heart of revolution by a decree of the National Convention in 1794, and afterwards by Napoleon in his decree of 1808, for the organization of the University to the establishment of his Central Normal School at Paris. We carry its application still lower than he did in the social scale, when we propose that no school master shall be appointed who has not himself been a Pupil of the school which instructs in the art of teaching, and who is certified after a strict examination to have profited by the opportunities he has enjoyed." Normal Schools were first organized in England about the year 1801. Lord Brougham ever an advocate of Popular education, in a speech in the House of Lords on the education of the People in 1835 thus remarks: "Place Normal Schools—Seminaries for training teachers in a few such places as London, York, Liverpool, Durham, and Exeter, and you will yearly qualify nearly 500 persons fitted for diffusing a perfect system of instruction over the country—these training seminaries will not only teach the master the branches of learning and science, in which they are now deficient, but will teach them what they know far less, the didactic art—the modes of imparting the knowledge they have, or may acquire, the best methods of training and dealing with children, in all that regards temper, capacity, and habits, and the means of stirring them to exertion and controlling their aberrations." This able champion of popular education has lived long enough to see 36 Normal Schools of training colleges in England and Wales, four in Scotland and one in Ireland in successful operation.

Prussia in 1846 had in active and successful operation 46 Normal Schools including 5 for female teachers. In the 41 schools for males there were at the above date over 2500 pupil teachers. Says Mr. Kay an intelligent English writer on education: "The Prussians would ridicule the idea of confiding the education of their children to uneducated masters and mistresses, as in too many of our schools in this country. They cannot conceive the case of a parent who would be willing to commit his child to the care of a person who has not been educated most carefully and religiously, in that most difficult of all arts, the art of teaching. They think that a teacher must either improve and elevate the minds of his pupils or else injure and debase them. They believe there is no such thing as coming into daily contact with a child without doing him good or harm. The Prussians know that the minds of the young are very stationary but always in progress, and that this progress is always a moral or an immoral one, either forward or backward, and hence the extraordinary expenditure the country is bearing and the extraordinary pains it is taking to support and improve its training schools for teachers.—In reference to Switzerland the same writer says: This small country, beautified but impoverished by its Alpine ranges, containing a population less than that of Middlesex and with less than one half of its capital, supports and carries on an educational system greater than that which our government maintains for the whole of England and Wales. Knowing that it is utterly hopeless to attempt to raise the character of the education of a country without first raising the character and position of its school masters, Switzerland has established and at the present time supports 13 Normal Schools for the instruction of her school masters and school mistresses, while England and Wales rest satisfied with six. This statement, however, was made anterior to the year 1846 and before the English government had awakened to the importance of providing for the better education of the people. As before noted, Normal Schools have been multiplied there greatly within the past few years.

There is scarcely a government either great or small among the dynasties of Europe that does not recognize this class of institutions as an indispensable part of its educational machinery. They are there no experiments, as we have seen. Their ages are counted by centuries.

From the unpretending model or pattern school of Neander in 1570 and of the Abbe de Lestalle in 1618, they have grown to the full stature of the nobly endowed, and liberally supported Normal Colleges of the Prussian government, whose system of popular education stands unrivalled on the face of the earth. Her teachers are said to be men respected for their talents, their attainments, and their characters, by the whole community, and men in whose welfare, good character and high respectability, not only the government but the people themselves feel the deepest interest. In birth, early recollections and associations, they are often peasants; but in education, in character and social position, they are gentlemen in every sense of the term, and acknowledged officers of the country government. In Prussia there are 28,000 such teachers, the legitimate fruits of the Normal Colleges. The Prussians have a wise maxim that whatever you would have appear in a nation's life, you must put into its schools. The maxim practically applied, renders the highest degree of mental culture in the subject perfectly reconcilable with the most vigorous despotism in the government. In pursuance of its teachings, obedience to the sovereign, and the laws, however despotic, and the doctrine of the divine right of Kings are thoroughly instilled into the mind of every child in the Kingdom; for be it understood that in Prussia every child is required by law to attend school until 14 years be attained, except in special cases which are otherwise provided for. It is thus that the best conceived and most efficiently executed system of public education in the world is made the strong arm of a monarchical government. Numerous other examples of the establishment and support of these training schools might be adduced but this is not necessary. The more important cases have been enumerated to an extent sufficient to demonstrate the strong hold which they have secured upon the government and the people of the world. That the elementary schools of these countries have attained to an extraordinary degree of efficiency and perfection is undeniable. That this efficiency and perfection are mainly due to the operation of the Normal schools and Colleges it is equally true. If it be objected, however to the systems of these States, that they tend to produce a blind acquiescence to arbitrary power to enslave and not to enfranchise the human mind, it is replied that the lives imparted to them, are no necessary part of, and may be easily separated from them. Says Horace Mann: "If the Prussian school master has better methods of teaching reading, writing, grammar, geography, arithmetic, &c., so that in half of the time he produces greater and better results, surely we may copy his mode of teaching these elements, without adopting his notions of passive obedience to government, or of blind adherence to the articles of a church. By the ordinance of nature the human faculties are substantially the same all over the world and hence the best means for their development and growth should be in practice everywhere. Again, he says: If Prussia can pervert the benign influence of education to the support and perpetuation of unrepentant institutions, a national spirit of liberty can be cultivated more easily than a national spirit of bondage, and if it be made one of the prerogatives of education to perform the unnatural and unholy work of making slaves, then surely it must be one of the noblest instrumentalities for rearing a nation of Freemen. If a moral power over the affections and understandings of the people, may be turned to evil, may it not also be employed for the highest good? A generous and impartial mind does not ask whence a thing comes, but what it is. Those who at the present day would reject an improvement because of the place of its origin, belong to the same school of bigotry with those who enquired if any good could come out of Nazareth: and what infinite blessings would the world have lost, had that party been punished by success. Could these details be continued they would undoubtedly

prove useful for dissemination among the people. They would serve to exhibit the extraordinary efforts which are put forth for the elevation of the public schools of those countries; whose experience is far greater than our own, and whose well directed efforts to promote this paramount interest of humanity have been crowned by a noble success. They would the more deeply impress us with the truth of the maxim of M^r Guizot: "It cannot be too often repeated that it is the master that makes the school." While we might also be more strongly convinced in the belief that it is the careful special training that makes the master, but the limit of this communication will not permit a more extended discussion of this branch of our subject.

The Normal Schools of the United States comprehend, 1st, the model or pattern school of earlier times. 2d, The professional characteristics of the European Establishments of the present day as far as circumstances will allow, and third, The Academical features of the ordinary school. That is to say, the Normal Schools of this country are compelled by reason of the deficient character of too many of the elementary and other schools, to assume the work of the latter. They are compelled to exhaust much of their strength in imparting knowledge even of the lower elementary studies.

In the Prussian Normal Schools a high standard of literary attainment is required of a candidate as a condition of admission to them; nor is this all. These are preparatory schools in which not only are the requisite amount and quality of scholarship imparted to the candidate, but in which, also, his peculiar fitness and adaption to the calling of a teacher are thoroughly tested before he can become a candidate for the Normal Seminary. This enables the latter to give a much stronger professional cast to their systems of training, and to dwell more extensively upon the science of education, and the art of teaching, which constitute their true field of labor.

The disadvantages under which American Normal Schools now labor, will however, gradually disappear. They will themselves correct the evil, by elevating the standard of instruction in the lower schools. They are rapidly multiplying, and are introducing improved modes of teaching in the public schools, through the graduates who become the teachers in them, and thus the public schools will reciprocate by sending to the Normal Schools candidates of higher attainments and more elevated aims.

It was stated in the early part of this address that the first Normal School for the training of the teachers in this country was opened at Lexington, in Massachusetts, on the 2d of July, 1839, a second at Barre, September 4th, of the same year. Massachusetts, ever alive to the permanent interests of education, in 1856 supported four of these institutions, to which there was at that time 350 pupils qualifying for the responsible office of teachers in her common schools. The State appropriates the sum of \$11,000 annually for their support, \$4,000 of which are devoted to the maintenance of each pupil as are unable to bear the expenses of their own education. In addition to the above amount, these schools receive the income of a fund of \$10,000 placed at the disposal of the Board of Education for that object by a citizen of Boston, and also \$500 per year being the income of another fund from a private source.

The State of New York appropriated in 1855, \$12,000 annually. The total cost of buildings and fixtures to 1855 was over \$30,000. The total number of pupils instructed for a longer or shorter period to September 1854, was 2,262. The total number of graduates at the same period was 780, of which 391 were females and 389 males. So successful has this institution been, that according to the report of the executive committee for 1854, "it is almost universally regarded as a necessity, and an established part of the school system of the State." The demand for its graduates, as

teachers in the common schools of the State, has been so great for years that it could not be supplied, and a movement is already on foot for the establishment of a similar institution in the western part of the State. The State of Connecticut has a Normal School in a very flourishing condition at New Britain, opened in May, 1850. The cost of buildings about \$25,000. The number of pupils in 1855 was 181. From the annual report of that year of the trustees it appears that "the applications for Normal Pupils as teachers in the public schools of the State has continued to multiply, far beyond the ability of supply, a fact which demonstrates both the utility of the institution and its advancement in the just appreciation of a discerning people. In the report of the Hon. J. D. Philbrick, State Superintendent for 1858, he remarks "that wherever public opinion has become enlightened on the subject of education, it is admitted that teaching is an art to be learned by an apprenticeship like any other art, and that special training for the business of teaching is as indispensable as for any other pursuit or profession, and the time it is believed is not very distant, when intelligent parents would think it no less absurd to place their children in charge of a teacher who had not been trained to the principle and methods of instruction than to employ a surgeon who had never made himself acquainted with the science of human anatomy." The cost of buildings, &c., of the State Normal School of Michigan was \$27,000. It is supported partly from the income of a fund derived from the sale of certain salt spring lands, and partly by direct appropriation from the State Treasury. The fund in 1855 was about \$60,000; it will eventually reach, as is estimated, \$150,000. The whole number of pupils up to 1855 was about 600; the whole number then in the school about 200.

The Provincial Normal School at Toronto, Canada West, is one of the most liberally endowed and successful on this continent. It was established by an act of Parliament in 1846, and was opened in the old government house in 1847. In 1852 buildings were erected for the school and for the officers of the department of public instruction at a cost, including grounds, furniture and apparatus, of \$100,000. The annual cost of supporting the institution is not far from \$10,000, over \$2,000 of which is received as fees from the 400 children who attend the model school. Besides this, the Legislature grant the sum of \$4,000, to facilitate the attendance of teachers of the institution by assisting to defray the expense of board, tuition and the use of books being free. The following letter was received by Dr. J. D. Ford, of Winona, one of the Normal Board of Directors of this State: "Dear Sir—In compliance with your request, I will state to you my opinion of the influence which the public schools of the city of Racine have upon the population and wealth of the city. My connection with them as superintendent for two years has given me an opportunity of knowing something on the subject more than I should under other circumstances. Quite a large number of our citizens have come to the city and purchased them homes because they could there educate their children, having them at home with them, while many more owning property in the country around have rented it, and taken houses in the city for the same purpose. I do not feel competent to say what proportion of our inhabitants are of this class, but in a population of 10,000 I think a low estimate would be one-third. That they compose the better class of community I need not say, for persons feeling as high an appreciation of educational advantages are certainly the most desirable class of inhabitants. We have harbor and railroad facilities equal to most of the cities of the North-West. But I think it is the deliberate judgment of one of our most intelligent men, that our common school privileges have added more to the population and wealth of the city than all other advantages besides.

"I am happy to learn that you are making vigorous exertions in your grow

ing city to build up a system of common schools that shall be an honor to your city, and I doubt not an essential element in its future prosperity. That you may be as successful as your efforts deserve in this direction, as well as in establishing a Normal School for the State, is the earnest wish of

Yours sincerely,

O. O. HEARNS,

Sup't of the Schools of Racine city, Wisconsin.

Professor Phelps of New Jersey says: "In the development of a plan for the organization of a Normal School it is necessary to consider the precise objects which it is designated and expected to accomplish. In defining these objects, it will not suffice simply to say, that they are the better qualification of teachers for the schools of the people. This description is indefinite.—It does not establish with sufficient accuracy and distinctness a standard by which those qualifications may be tested. Unless these objects be clearly defined, and unless the plan of organization proposed be in strict conformity to them, the Normal School will soon deteriorate into a mere academical establishment, losing in a great degree its special character as a training school for teachers. It is not enough for a teacher to be familiar with the branches in which he is required to instruct; in the words of Guizot "he must know much more than he is called to teach, that he may do so with intelligence and taste." He should be well versed in all the departments of knowledge which are collateral to those which he teaches and which serve to illustrate and enforce them. He must be master of the didactic art—that he may with ease, fluency and power, communicate his ideas to others. He must be able to simplify his language, and adapt himself to the capacities and peculiarities of the humblest minds. He must cultivate versatility, tact and ingenuity that he may be able to suit himself to the ever varying circumstances and events of his professional life. He must have clear and well-defined views of education; he must understand its nature and objects, and be familiar with those varied processes and appliances by which the great work alone is to be accomplished. There is no term which seems to be more imperfectly understood than that of education. It is made to mean almost anything to suit the crude and varying views of every class and cast in society. With one it is a *drawing out*, and with the other a *pouring in*; while with a third it is a little of both. One teacher conceives his true office to be that of a living, moving, breathing catechism, from which must issue an overwhelming torrent of questions, generally so framed and directed as to spare his pupils the ungrateful task of exercising his own faculties, or of exposing his ignorance by an attempt at an intelligent answer. Another regards his pupil a passive recipient of unlimited capacity into which it is his special business to discharge the overflowing fullness of his own mental reservoir—*ad libitum et ad infinitum*. He seems to conceive it to be the great end and aim of education to burden the memory with endless verbiage, with dry facts and mechanical rules, the meaning, *rationale* and application of which, are alike unknown and unregarded.

Profoundly ignorant of the human mind, and of those multiplied and intelligent processes by which its faculties are to be reached and stimulated to exertion, he knows no higher duty than the monotonous and mechanical tramp of the daily routine. The reason for this is obvious: He never has made the nature, the objects, and aims of education his study, and hence the weak efforts put forth for their realization, are misdirected and productive only of evil. Like effects must follow the causes.

As to the moral faculties, they too, are to be trained and cultivated by a se—intelligent persevering use. It is by intelligent and persevering use, that the conscience becomes the inward monitor and the righteous judge. It is by

that use which generates habits, that we learn to refer to it for the decision of questions of *right or wrong*; it is by exercising the sense of justice that we become accustomed to exemplify the golden rule; it is by the practice of truth than we learn to value it, and live to it; it is by exercising a love toward the Creator that the young learn to remember Him in the days of their youth. Assuming, then, that education aims to improve and perfect the whole man, that it is the harmonious development of his faculties as a physical, intellectual and moral being, and that the general law applicable to the case, is that which requires the systematic, vigorous and judicious use of these faculties, it follows that a true teacher or educator must understand these comprehensive truths, and cultivate the skill and ability to apply them; it follows also, that he is the best qualified teacher who imparts to his pupil the strongest will, and the best way to use his own powers, and who instead of constantly communicating knowledge to the young, indicate to them how they may best acquire it for themselves. And it is further evident, that a Normal School for the training of teachers should be so organized and conducted as to impress these great principles upon its pupils, and as far as possible, impart to them the practical skill and ability as above stated. Nothing can give such validity and effect to the labors of a teacher, as the consciousness that he is acting in accordance with well established laws, and that all his efforts, like so many well-directed and intelligent causes, are with certainty tending, under the blessings of Providence, to the production of great and beneficial results.

With a thorough and practical knowledge of the principle of this art, all doubt and hesitation and uncertainty as to the propriety of his methods disappear, and he sows his seed in confidence of a bountiful and glorious harvest, and it is thus that his toils, his anxieties and perplexities are overborne by the proud consciousness of a life devoted to the highest good of a common community.

An eloquent writer and able teacher (Prof. F. D. Huntington, of Harvard University) has said that "No system of education is complete till it concerns itself for the entire body, and all the parts of human life; a character high, erect; broad-shouldered, symmetrical, swift, not the *mind*, but the *man*. You want to rear men fit and ready for all spots and crisis, prompt and busy in affairs, gentle among little children, self-reliant in danger, genial in company, sharp in a jury box, tenacious at a town meeting, unsexable in a crowd, tender at a sick bed, not likely to jump into the first boat at a shipreck, affectionate and respectable at home, obliging in a traveling party, shrewd and just in the market, reverent and punctual at the church, not going about, as Robert Hall said with an air of perpetual apology for the unpardonable presumption of being in the world; nor yet forever supplicating the world's special consideration; brave in action, patient in suffering, believing and cheerful everywhere, fervent in spirits, serving the Lord. This is the manhood that our age and country is asking of educators—well-built and vital, manifold harmonious, full of wisdom, full of energy, full of faith."

Is it too much to ask that the elementary schools of Minnesota should lay the foundation broad and deep of such a manhood as this? Is it too much to expect that the teachers to whom is committed a mission so sublime, should be equal to a task so noble and so exalted?

Having thus briefly and very imperfectly indicated what are believed to be the true nature, objects, and aims of the education demanded by the exigencies of our age and people, and having defined, also, to a limited extent the qualities requisite to a proper discharge of the duties of the elementary teacher, it remains "now to consider the step about to be taken here, to put into successful operation an establishment, the objects of which have been

indicated, and from whose source must flow a continual stream of blessings to all classes, and to the remotest boundaries of the State. Mr. President, and citizens of Winona, I may congratulate you that the first Normal School of Minnesota is to be located here. It brings additional educational facilities to your very doors, for in addition to the Normal School, a model school for practice will necessarily be constructed with it, and as I reflect upon the point of location I am the more gratified with it. The town site itself is attractive and central on the river to the southern portion of the State, and these romantic bluffs, and especially the "*Sugar Loaf*," just in the rear of the city, so long and justly the admiration of the throng of travelers passing up and down the noble Mississippi, and still longer, the mute witnesses of savage life. Shall it not be hereafter the everlasting monument to the fame of your city, as the location of the first Normal School of Minnesota? Much, however, will depend upon your own citizens in erecting the necessary buildings. They should be a permanent character, and ornamental to your city, and it may require some time to perfect the enterprise. A competent principal should first be secured. This will probably be the most difficult thing to accomplish—and no pains or expense should be spared in obtaining the *right kind* of a man, for I hold to the fundamental idea, that as the masters make the common schools of our country, so the Principal of the Normal School will make that school what it will be; and like the master teacher, he, too, should know more, much more, than he is called upon to teach. The same axiom holds good in both cases, and in relation to the Normal School, the application has particular force. A competent Principal secured and put on the ground, we are at once ready to work. It devolves upon him to plan the whole structure, the extent and location of the grounds, all the fixtures and apparatus; in short, he will be the factotum of the concern, so far as plans and directions are necessary, and at the the same time he can have a class of pupils which may be taught in some building already erected. So that a Normal School may at once be put into operation, so soon as the Principal can be procured, and until he can be procured little if anything can be done correctly.

Our common schools need the benefit of a Normal School to-day and the State having a magnificent grant of lands, being one eighteenth of the entire State, amounting to millions of acres, and double the quantity ever given to any State by the general government, previous to our admission into the Union, we therefore ought to lay our foundation broad and deep with the view of *educating the masses*; with the immense school fund to arise from the school lands, and with the improved method of instruction through the teachers from the Normal Schools should they be generally established as they ought to be, and then add to this climate more favorable to health and energy of character, than any of her elder sisters, why should not the State of Minnesota become the very "*Athens*" of the American States? It should be our aim thus to hope and to do what we do, with this view. I may not live to see it, but if the progress of improvement continues in educational matters as in other sciences, greater attainments are to be made than have been made. Is it not written by the inspired prophet—" *That many shall run to and fro and knowledge shall be increased.*" We are familiar with the increased facilities of travel within the past few years, by the means of Railroads and Steamboats, &c., enabling thousands "*to run to and fro*"—which otherwise perhaps never would have traveled out of the county in which they were born. But know how many of our liberty-loving Americans are not only traveling all over our own land, but through the distant States and countries of Europe, and some time even to Asia and Africa.—Follow with your imagination if you please, the missionary of the cross,

with his torch light burning from his heart, as he penetrates the darkness of heathenism, the fastnesses of the mountains, the islands of the sea, even the walls of China are giving away to his touch, scattering far and wide the fruit of that seed first sown upon Calvary. The track of the missionary, where do we not find it—need I point you to the valleys of our own Minnesota; even the very ground on which your city is built, has it not been visited by the faithful Stevens, so many years stationed in this vicinity with his devoted and numerous family, laboring to educate the red man—under whose hospitable, though humble roof, even your speaker has sojourned for a night.—“*Knowledge shall be increased*”—and here I come to a solemn stand—what are the facts? What have we before us? The materials for schools all over the State. On the one hand we are about to prepare teachers of a high order for them, and on the other hand, we have thousands and tens of thousands of children with their open and tender minds waiting as it were for the teacher to be put into communication with them. Oh, how skillful should he be in noting, fashioning and polishing those minds.

If it were a coarse and vulgar substance, it might go into rough hands and take its chance. But it is something more precious and more pliable than the finest gold. It is the intelligent and the immortal mind, or rather I might count them by the fifties and hundreds of thousands, sparkling all over the land, opening to the plastic touch of the Teacher as substance of the finest mold. No. It is a spiritual essence from the skies, ever present, though always invisible, in the school, seeing, hearing, thinking, expanding, always ready to take the highest impression for good or evil, and certain to be influenced every hour one way or the other by the teacher. *What a responsibility!* What ought his sketching to be on such a tablet. He might go out on the drifted snow-bank and write as rudely as he pleased, and the first wind would sweep it all away. He might write out his lessons like a wise man or a fool, it will make no difference—the next hour would obliterate them all. But not so in the school house, every tablet there is more durable than brass, and every impression made by the teacher on the mind of the scholar is as it were graven with the point of a diamond. Rust will eat up the hardest metals, but the spirits, the impressible minds of our thousands of children, no matter how humble the circumstances, are immortal. When they have outlived the stars they will only have begun to live, and there is reason to believe the impressions made upon them will never be obliterated. The school-master then, literally speaking, writes, teaches, paints for eternity—they are immortal beings whose minds are as clay to the seal under his hand. Who then, let me ask, is sufficient for these things? But have I not sketched the facts as they really are, or are they overdrawn? I fancy not. I fear rather they are short of the mark. But let me take another stand and point and look in another light. We now have within our State probably the children of forty thousand families, who as they become old enough will receive their education in the common schools of Minnesota. At present they are under tutors and governors, and have no direct influence one way or the other upon the great interest of our State and Nation. But who are they? Go with me from school to school, from town to town, from county to county—let us enquire—sitting there just in front of the teacher you see a distinguished physician, just on the other side you see an attorney general and just behind him a member of congress, on another bench sits a professor of the science of education and the didactic art. In the next school we find a Governor of a State perhaps just learning his a-b-c lesson, and there from one of the poorest families in the district you see a millionaire and nearly by him a professor of the languages, on the other side of the room that black-eyed rosy cheeked boy is none other than Chief Justice of the Supreme Court. Going

on to another school house we find one of the shrewdest lawyers in the State, a sheriff, and a member of the Legislature, besides a number of prosperous farmers and mechanics. But we must not be partial in our visits, let us take the cars, for I have no doubt they will be in operation sooner or later, but if they are not careful, we shall have a car load of trained teachers to send out from Winona before the track is ready—but we will presume the cars are ready, and go in another section of the country, up on the Red River of the North if you please—and see what we find there. The first boy we overtake with his slate under his arm and his books in his hand is a United States Senator, we go into the school and thier we find the President of the Pacific Rail Road Co., a rich Banker, an intelligent and wealthy Lumberman and a Civil Engineer. In the next school we find two or three clergymen of as many denominations, a Brigadier General, and a dozen or more School Teachers, some in their a-b-c's, a-b-ab's, and some trying to spell "Baker." But we are not through yet; in the very next school we visit—it may be in St. Paul, or it may be in some very obscure town near Pembina, or on the North Shore of Lake Superior, or the noble St. Croix, where as it was said by the pioneer editor of our State,—“ the first egg was laid for a Minnesota government ” we there shall find a Foreign Ambassador and President of the United States. Thus, were we to visit all our Primary schools we should be sure to find the most of our Ministers, Lawyers, Doctors, Judges, Legislators, Professors and other Teachers, Merchants, Lumbermen, and, I might say with great propriety, all the intelligent, active and useful men of the next generation, in these schools. They cannot now be pointed out by name, we cannot now tell who will be Governor, Judges, and Millionaires, but if we go in winter, or in summer, we will find them all there. Now, Mr. President, this occasion brings to mind the past, not less than it awakens our hopes, and convinces our judgement, respecting their future success. I have had in my hand a paper which contains the origin, the source, and the earnest of the first Normal School of Minnesota. It had its origin here in this city, and the names written on that paper are as pictures of gold, and should be handed down to the future generations as evidence of their wisdom and benevolence. This paper subscribes about \$7,000 to the establishment of the Normal School here—the most of which, over \$5,000 has been secured promptly to the State for that object. The duty I have discharged is every way an agreeable one; no circumstances gives me higher gratification than to meet you here on such an occasion as this. The city of Winona has distinguished herself in taking the lead in establishing for the benefit of the rising generation of this State, or all that shall yet call the State their home. I think the Normal School should precede the common school of the country, for then we should have trained teachers to conduct them. When this school shall be in operation, it may be regarded as an auspicious era, whence to date in future the origin of many blessings, and the commencement of a perpetual course of improvement and prosperity to the people at large.

I need not go into details of the system, for I am not able to do so. That, however, is of little moment, but there will be a gentleman placed at the head of the institution, who will I am sure, leave nothing undone to place it on a footing equal with similar establishments in our sister States. With these views, Mr. President, I conclude, and thank the audience for their kind attention.

"C."

SUBSCRIPTION OF CITIZENS OF WINONA.

Whereas the Legislature of the State of Minnesota, by an Act passed August 2d, A.D. 1858, made provisions for three Normal Schools, to be located by the Normal Board of said State of Minnesota; and whereas the sum of five thousand dollars was appropriated by the said Legislature for each school aforesaid, conditional that the like sum of five thousand dollars in lands and money, or money alone, be raised by the citizens for the erection of the necessary buildings and the support of the professors and teachers in such institutions—therefore, by this agreement, entered into this 12th day of August, A.D. 1859, we agree to pay in money and lands, or money alone, the number of shares (of fifty dollars each), set opposite our respective names, payable as directed by the Normal Board of said State of Minnesota (provided one of said schools shall be located at the city of Winona), for the said purposes. All subscriptions in lands shall be appraised by or under the direction of the Normal Board.

Names.	Amount of Shares.		Names.	Amount of Shares.	
Drew & Brother.....	12	Paid.	O. M. Farrington.....	1	Paid.
Abram Frier.....	2	"	Thomas Simpson.....	10	"
R. H. Bingham.....	1	"	Orrin Smith & Co.....	10	"
W. Newman.....	2	"	N. O. Gould.....	1	"
Wm. Richardson.....	1	"	Timothy Kirk.....	5	"
H. J. and N. F. Hilbert.....	1	½ paid.	O. H. Berry.....	10	"
F. E. Whitten.....	1	"	H. C. Balcombe.....	1	"
Wm. Fry.....	1	Paid.	Wm. H. Stevens.....	5	"
John Ball.....	1	"	S. Milvin.....	1	"
John C. Loird.....	1	"	Curtis & Miller.....	1	"
Wm. H. Loird.....	1	"	R. D. Cone.....	1	"
Taylor, Bennett & Co.....	5	"	Geo. Warren.....	1	"
St. A. D. Balcombe.....	1	"	S. E. Russell.....	1	"
Benson & Upham.....	1	"	Webster & Lake.....	4	"
H. D. Huff.....	13	"	Geo. W. Folgen.....	1	"
John T. Haltsman.....	1	"	Youman Brothers.....	2	"
Wm. H. Yale.....	1	"	H. D. Morse.....	1	"
M. A. Bennett.....	1	"	James Billings.....	1	"
L. C. Porter.....	1	"	Thomas Wilson.....	8	"
L. D. Smith.....	5	"	O. N. Waterman.....	1	"
Daniel Evans.....	1	"	Norton & Mitchell.....	4	"
John Keyes.....	2	"	James S. Campbell.....	1	"
Samuel Cole.....	1	"	E. S. Smith.....	4	"
Jacob Story.....	1	"	G. W. Horton.....	1	"
D. Upman.....	2	"	J. H. Jacoby.....	2	"
Wm. Windom.....	2	"	Hard Doolittle.....	2	"
Abner Lewis.....	1	"	M. W. Sargent.....	1	"
O. F. Buck.....	2	"	E. G. Young.....	1	"
Jackson Bros.....	1	"	Maller & Van Gorder.....	1	"
A. F. Hagins.....	1	"	V. Simpson.....	1	"
Otis L. Hamilton.....	1	"	J. M. Baker.....	1	"
Wm. Garlock.....	1	"	W. G. McOutchun.....	1	"

The above is correct.

J. D. FORD, Secretary *pro tem*,

Normal School Board.

State Librarian's Report.

MINNESOTA STATE LIBRARY,
ST. PAUL, Dec. 23, 1859.

To the Legislature of the State of Minnesota:

As required by law, I have the honor to submit my Report on the condition of the State Library.

An examination of the accompanying catalogue will show that many sets of books are broken. But few, if any, however, of the Court Reports of the several States were ever complete. I am informed by the late Librarian that many books were lost at the time the Capitol took fire, in the spring or summer of 1857. To save the Library the books were thrown out of the windows into the Capitol Square, and before they could be replaced in the Library, many were stolen. A great number were lost, under the system in vogue since the organization of the Library, by allowing persons not entitled to its privileges, to draw books on orders of members of the Legislature and others entitled to draw for their own use. Many books taken from the Library during the first year of its existence, are still out.

The Governor, whose duty it is to prescribe rules necessary to preserve the Library, on an examination of the law as it now exists, ruled that privileged persons had no authority to delegate their privileges to others, but could only introduce strangers and citizens for the purpose of examining and reading works in the Library during the hours it should be open. This rule has been strictly followed.

I have used every effort in my power to secure the return of books, by writing to all persons charged with them, advertising in the papers, and by calling personally. I have succeeded to some extent, and about two hundred volumes have been recovered by these means. Some have been taken to distant parts of the State, but I have the promise they shall be returned at the first opportunity.

I have prepared a book of blank receipts, and a receipt has now to be signed whenever a book is taken; as long as this system is followed but few books can be lost. I have also labelled or stamped with the Library mark every book and pamphlet belonging to it. The Library has been arranged in classes for convenience.

The Secretary of State has supplied the several States and Territories with our publications, and they have been generally liberal and prompt in returning exchanges. Over five hundred volumes, including all descriptions, have been received during my term of office. A list of the books thus received is appended hereto, and they are also included in the general catalogue herewith submitted.

As exchanges are necessarily received and receipted for by the Librarian, I would suggest that all works printed for exchange or distribution by the State, be placed under his charge for these purposes, and for the better preservation of those not thus required.

A list of newspapers published in Minnesota, most of which were furnished

gratuitously by the publishers to the Library at my request, commencing the first of the present year, will be found in its proper place. I would suggest that the Librarian be authorized to set apart, subject to the order of these publishers, and all others who will furnish copies of their journals regularly to the Library, such public documents as have been or may be printed for exchange or distribution. These journals, if bound and preserved, will in time become invaluable. They contain much local, historical, statistical, and other interesting information, which exists and can be procured in no other form; and in years to come will be read with the same interest we all listen to the stories of the first settlement of every country. The exchanges furnished by the State, would contain full official information on State affairs, most beneficial to public journalists. I hope the system thus begun may be made permanent.

The Library has not been insured, no money having been appropriated for the purpose by the last Legislature.

Many books in the Library would be more accessible, and show to much better advantage, were more shelf room provided, a large number necessarily being stored in places out of sight.

The expenses of postage, stationary, fuel, express charges, etc., for the Library, have been paid by the Governor from the Executive Contingent Fund, nothing having been appropriated for the purpose.

A small amount should be placed at the disposal of the Librarian for these purposes, and for binding, etc. One hundred dollars, if economically used, might be sufficient at the present time for incidental expenses.

The following sums have been paid on account of the Library during the past year, viz :

FROM EXECUTIVE CONTINGENT FUND.		
1858.		
Oct. 23.	To G. W. Moore, for advertising for Library	1 75
Dec. 23.	To Pioneer Printing Company, for advertising and printing	15 00
Jan. 18.	To W. Porth, for making folding steps for use of Library	3 00
1859.		
FROM PRINTING AND BINDING FUND.		
1859.		
Nov. 12	To Pioneer Printing Company, for printing, binding, and advertising for Library	19 06
Nov. 26.	To T. M. Newson, for advertising	4 00
Nov. 30.	To J. H. Felch, for stamp and press, paid for from legislative appropriation	8 00
Dec. 23.	To J. C. Burbank & Co., express charges on two packages, books from legislative appropriation of 1858	19 30
		\$68 16

The last appropriation of \$600, for the salary of the State Librarian, was made for but one year. The year expired on the 12th of August last. The amount from that date is due. I have also paid out for assistance in collecting books, and arranging and cataloguing the same, the sum of \$53,00 from my own funds.

As no Catalogue of the Library has been made or published since 1850, I have carefully prepared one. It contains the name or description of every work actually in the Library, specific enough, it is believed, for all practical purposes. The number of volumes (including the laws and other documents published by the Territory and State of Minnesota, required always to be kept in the Library,) is about 5,000. It would be desirable to increase the Library by small appropriations, but these can be made hereafter, when our State is in a more prosperous condition. At the same time, the broken sets of books especially Court Reports, should be made whole as soon as possible

WM. F. WHEELER, *State Librarian*;

NEW WORKS

RECEIVED AT THE

STATE LIBRARY OF MINNESOTA,

SINCE AUGUST 12, 1858.

The following list comprises the volumes of New Works received from all sources, but principally in exchange for documents published by this State, which have been sent to the several States and Territories, since my appointment (August 12, 1858,) as State Librarian, to wit:

Title of Book.	Date.	No. of Books.
ALABAMA.		
Geological Report, 2d biennial. By M. Tourney, A.M.	1858	1
Alabama Reports, vols. 30, 31, 32, new series.		3
ARKANSAS.		
Digest of Statutes.	1858	1
Acts of 12th Session.	1859	1
Senate and House Journals of 12th Session.	1859	2
Messsages and Documents.	1858-59	1
Geological Report.	1858	1
Barber's Reports, vols. 18, 19.		2
CALIFORNIA.		
Debates in Convention.		2
Senate and House Journals of 1st, 2d, 3d, 4th, 5th, 6th, Sessions of Legislative Assembly.		12
Appendices to same. 2 copies each.		12
Senate and House Journals of 7th and 8th Sessions of Legislative Assembly.		6
Appendices to same. 3 copies each.		6
Senate and House Journals of 9th and 10th Sessions.		4
Appendices to same. 2 copies each.		4
Laws.	1854-55	2
Laws.	1858	2
Laws.	1859	2
Reports, vols. 7, 8, 9, 10, 11. By Lee. 2 copies each.		10
State Agricultural Report.	1858	1

Title of Book.	Date.	No. of Books.
CONNECTICUT.		
Senate and House Journals.	1859	2
Public Acts.	1859	3
Private Acts.		2
Pamphlets, Reports for	1859	
Report of Bank Commissioner.		1
do Directors of Asylum for Deaf and Dumb.		1
do Officers of Retreat for Insane.		1
do Trustees of State Normal School.		1
do do Reform School.		1
do Superintendent of Common Schools.		1
do Commissioners of State Com. School Fund.		1
do Directors of State Prison.		1
Addresses at Dedication of Hartford Hospital.		1
Report of Supreme Court, vol. 26.		1
Colonial Records, from 1678 to 1689.		1
CHOCTAW NATION.		
Laws.	1852-1857	1
FLORIDA.		
Senate and House Journals. 3 copies each.	1858	6
Laws.	1858	3
Reports of Supreme Court.	1858	1
GEORGIA.		
Senate and House Journals.	1858	2
Laws.	1857	1
Laws.	1858	1
Reports, vols. 21, 22, 23, 24.		4
ILLINOIS.		
Laws.	1857	1
Laws.	1859	3
Reports, vols. 18, 19, 20.		8
IOWA.		
Census Report.	1856	1
Reports, vols. 5, 6. By Clark.		2
Geological Report, parts 1, 2. By James Hall.	1858	2
KENTUCKY.		
Reports, vol. 1. By Metcalf.		1
Geological Report. By David Dale Owen.		2
KANSAS.		
Council and House Journals.	1855-57	6
Laws.	1855-7-8	3

Title of Book.	Date.	No. of Books.
LOUISIANA.		
12th Annual Reports—Legislative.		1
Acts of	1858	1
Acts—in French and English. 1 copy each.	1859	2
Reports, vol. 13.		1
MAINE.		
Acts.	1858	2
Acts.	1859	2
Reports, vols. 41, 42, 43, 44.		4
Digest of Reports. By Virgin.		1
MARYLAND.		
Senate and House Journals and Documents.	1858	3
Laws.		1
Reports, vols. 10, 11, 12, 13.		4
MASSACHUSETTS.		
Plymouth Colony Records, vols. 1, 2, 3, 4, 5, 6, 7, 8, 9.		9
Report of Cochituate Water Board.		1
do do do	1858	1
Gray's Reports, vols. 5, 6, 7.		3
Acts and Resolves.	1859	2
Public Documents, vols. 1, 2.	1859	2
MICHIGAN.		
School Report. Mayhew.	1855-57	1
do do	1858	1
Laws.	1859	1
School Laws.	1859	1
Reports, vols. 5, 6. Cooley.		2
State Agricultural Report.	1858	1
Joint Documents of Legislature.	1856-57-8	3
MISSOURI.		
Laws.	1858-59	1
Reports, vol. 27.		1
MISSISSIPPI.		
Senate and House Journal.	1858	2
Laws.	1858	1
Reports, vol. 34.		1
NEW HAMPSHIRE.		
Senate and House Journals.	1858	2
Acts.	1858	1

Title of Book.	Date.	No. of Books.
NEW HAMPSHIRE—Continued.		
Acts.	1859	3
Reports, vols. 34, 35, 36, 37.		1
Bell's Digest of Reports.		1
Agricultural Report, pamphlet.	1858	1
School Report, pamphlet.		1
NEW JERSEY.		
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Scott County Democrat.....	Shakopee.	Scott.
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St. Cloud Democrat.....	St. Cloud.	Stearns.
St. Peter Statesman.....	St. Peter.	Nicollet.
Sauk Rapids Frontiersman.....	Sauk Rapids.	Benton.
Rice Co. Central Republican.....	Faribault.	Rice.
Wabashaw Patriot.....	Wabashaw.	Wabashaw.
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Wabashaw County Herald.....	Reed's Landing.	Wabashaw.
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Report of the Joint Committee of the Chamber of Commerce and American Geographical Society, on the Extension of the Decimal System to Weights and Measures.

Eighth Annual Report of the Governor of the Alms House, New York, 1856.

Statistics of American Agriculture. By John Jay, Esq.

Statistics and Geography of the Production of Iron. By Abram S. Hewitt.

Statement of the Object and Organization of the American Geographical Society. 2 copies.

Bulletin of the American Geographical Statistical Society. Vol. 1—1852.

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do do do do Vol. 2—1856.

Annual Report of the American Geographical and Statistical Society—1857.

Journal of same. published monthly. New York : 1859.

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Reports of Cases decided in the High Court of Chancery, by the Right Hon. Sir John Leach and other Vice Chancellors of England. With Notes and References by John A. Dunlop, N. Y., 1843. In 30 volumes.

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EXCHEQUER REPORTS.

Welsby, Hurlstone & Gordon, vol. 1. 1849.

AMERICAN LAW MAGAZINE. 6 VOLS.

By T. & J. W. JOHNSON, Philadelphia.

April and July, 1843.

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From April, 1838. to January, 1843. By Luther S. Cushing. 10 vols. Boston : 1843.

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LEGISLATURE OF MINNESOTA.

NORTHWEST BRITISH AMERICA

AND ITS RELATIONS TO

THE STATE OF MINNESOTA.

BY JAMES W. TAYLOR.

*Printed as a Supplement to the Journal of the House of Representatives,
Session of 1859-60.*

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1860.

GOVERNOR'S MESSAGE.

TO THE HOUSE OF REPRESENTATIVES:

I have the honor to transmit herewith, for the use of the Legislature, a Report this day presented to me, upon the relations of the State of Minnesota to Northwest British America, made upon the suggestion and at the request of my predecessor in office, by James W. Taylor.

The accompanying report relates to matters which are not merely a subject of interesting enquiry to all, but which concern, in a great degree, the future growth and development of our State, and to which the attention of Statesmen, both of this country and of England, is already considerably directed.

I therefore recommend this report, containing valuable information upon so important a subject, to the attention of the Legislature.

ALEX. RAMSEY.

EXECUTIVE OFFICE, }
St. Paul, March 2, 1860. }

REPORT.

ST. PAUL, March 2, 1860,

Hon. Alexander Ramsey, Governor of Minnesota :

On the 18th of June 1859, I received from Hon. Henry H. Sibley, Governor of Minnesota, a communication, requesting me to obtain, in the course of a visit to the Selkirk Settlement, "reliable information relative to the physical aspects and other facts connected with the British possessions on the line of the Overland Route from Pembina *via* the Red River settlement and the Saskatchewan valley to Frazer's River," and to communicate the same to the Executive Department in a form suitable for submission to the Legislature.

At the Selkirk Settlement upon the Red River of the North, the introduction of Gov. Sibley was duly honored by Hon. William McTavish, Governor of Assiniboia. The settlements upon the Red River, from the international boundary at Pembina to the mouth of the river in Lake Winnipeg, and upon the Assiniboin river, for a distance of sixty miles west of its junction with the Red River at Fort Garry, have acquired a civil organization, under appointments of the Hudson Bay Company, which is officially designated as "The Colony of Assiniboia." I desire to acknowledge the uniform courtesy, and solicitude to communicate the information sought by me, not only of Governor McTavish, but of Dr. J. Bunn, John E. Harriott, esq., Thomas Sinclair, Esq., and Robert Macbeth, Esq., gentlemen holding the appointments of Legislative Councillors and Magistrates of the colony of Assiniboia.

The first Territorial Librarian of Minnesota, Chas. Cavillear, Esq., and Hon. N. W. Kittson, late Mayor of St. Paul, are now residents at St. Boniface, the seat of the Catholic Episcopate, opposite Fort Garry; and I am greatly indebted for their suggestions. The Historical collections of D. Gunn, Esq., Correspondent of the Smithsonian Institute were accessible by me.

I shall have occasion, also, in the progress of this report, to produce the testimony of Bishop Tache of the Catholic Church, and Bishop Anderson and Archdeacon Hunter of the Church of England. To them and others of the Clergy of Selkirk, I would express obligations for valuable information.

It is unnecessary to repeat the narrative of Lord Selkirk's remarkable colonization of Red River. Of the present community of ten thousand souls, about five thousand are competent, at this moment, to assume any civil or social responsibility, which may be imposed upon them. The accumulations from the fur trade during fifty years, with few excitements or opportunities of expenditure, have secured general prosperity, with frequent instances of affluence; while the numerous churches and schools sustain a high standard of morality and intelligence.

The people of Selkirk fully appreciate the advantages of communication

with the Mississippi River and Lake Superior through the State of Minnesota. They are anxious for the utmost facilities of trade and intercourse. The navigation of the Red River by a steamboat during the summer of 1859, was universally recognized as marking a new era in their annals. This public sentiment was pithily expressed by the remark: "In 1851, the Governor of Minnesota visited us; in 1859 comes a Steamboat, and ten years more will bring a Railroad!"

I was gratified to find that the Hudson Bay Company was no exception to the general feeling of cordiality. Governor Sibley was apprehensive, with the prospect of greatly increased intercourse by the channel of Red River, that American traders and emigrants might be received inhospitably, but no such disposition was shown; and, as to the enterprise of steam navigation, it is now understood that the Hudson Bay Company has become an active party in its future prosecution.

The population of Selkirk, unconnected with the company, is so numerous and influential that all restrictions of trade have been relinquished. Most amicable relations exist between the trading post at Fort Garry, and Kittson's station at Saint Boniface. Goods are charged with an impost of four per cent. whether brought from Europe or the United States, which constitute the revenue of the colony of Assiniboia. Land can be purchased by any one at seven shillings sterling per acre, with liberal credits and low interest.

For the present the jurisdiction of the country is exclusively that of the Hudson Bay Company. There is a probability, however, that representative institutions will be established by an act of the current English Parliament. Letters from London were shown to me in August—particularly a communication from Professor Isbister of London, to Donald Gunn, Esq., of Lower Fort Garry—which stated that one of the latest official acts of Sir Edward Bulwer Lytton, before his retirement from the office of Colonial Secretary, was to draft and circulate for the consideration of members of Parliament, a bill providing for the organization of a colony, which should embrace the district extending from Lake Superior and Winnipeg to the Rocky Mountains, and bounded north by latitude 56° . Its passage was only prevented by the resignation of the Derby ministry, and I notice that Bishop Anderson, in a recent charge to the clergy of his diocese, expresses great confidence that Sir Edward's successor in the Colonial Office, the Duke of Newcastle, "whose attention has for many years been directed to this subject, will be prepared ere long with a comprehensive measure of some character." (1.)

The physical geography of the vast interior districts, which constitute the basin of Lake Winnipeg, will soon be as familiar as that of the territory of the United States within the same lines of longitude. The Canadian Government has lately published the result of an exploration of the channels and valleys of the Red and Assiniboia rivers. The London Geographical Society has given to the world the narratives of Captain Palliser and his associates, who have thoroughly explored the vicinity and passes of the Rocky Mountains, between latitude 49° and 54° . Intelligent parties organized for hunting adventure or overland transit, are making constant additions to the public knowledge of Northwest America. A citizen of Minnesota, Col. Wm. H. Nobles, whose name is the designation of the most practicable pass of the Sierra Nevada, discovered by him in 1851, has turned his attention since the gold discovery of British Columbia, to the details of an Overland

(1.) The question of a distinct organization, by an act of Parliament, is the sole topic of political discussion in the Selkirk Settlements. See the file of the *Nor'-Wester* for January, 1860, a paper published at Fort Garry. In the Appendix (A.) the subject of a Colonial organization is presented in detail.

Route, by the valleys of the Red River of the North, the South Saskatchewan and the Kootenais Pass. An exploration conducted by him in the summer of 1859 to Fort Ellice on the western sources of the Assiniboin, was very satisfactory, and its results will be published, as soon as a report by J. W. Hamiton, Esq., who conducted the same party of exploration from Fort Ellice through the Rocky Mountains, shall be received. (2)

Upon the general topic, suggested by Gov. Sibley, of Communications between Minnesota and Central British America, whether considered in regard to transportation from that extensive district to Lake Superior and the Mississippi river, or in regard to a Western connection with the Pacific coast, I beg leave to submit the following result of recent observation and enquiry.

1. The navigable capacity of the Red River of the North may be comparatively stated, as follows: Ascending the stream from Lake Winnipeg, the navigation to Pembina is equal to that of the Mississippi between Prairie du Chien and Lake Pepin; from Pembina to the mouth of Red Lake river, the channel may be compared to the Mississippi from Red Wing to Fort Snelling; from Red Lake River to Shaysenne, to the Minnesota from Ft. Snelling to Shakopee; and from Shaysenne to Breckinridge, to the Minnesota from Shakopee to Fort Ridgely. The only material obstruction—sand bars near the mouth of Goose river—may be removed (so Captain E. Bell, who commanded the steamer, *Anson Northup*, in the summer of 1859, avers) by an expenditure of one thousand dollars. The Red River is navigable above (south of) Pembina 400 miles, while the distance from the International line by river to lake Winnipeg is 175 miles. Total distance navigable by steamers 575 miles. To this add 350 miles for the navigation of the Shaysenne, Red Lake river and Assiniboin, (its principal tributaries) and the river coast of the Red River Valley, accessible by steamers, will be found to exceed nine hundred dollars.

2. Lake Winnipeg is about two hundred and fifty miles in length, but of unequal breadth. Its area cannot be less than that of Lake Erie, but is far more diversified by islands and headlands. The western bank is alluvial, resting on limestone, while the numerous bays of its eastern shore develop the gneiss, granite and trap rock of the primary formation. The lake is not deep, but with no shallows obstructive to navigation.

3. From a point near the Northwestern angle of Lake Winnipeg, the great navigable channel of the Saskatchewan, divided into two arms at latitude 53° and longitude 106° may be ascended by steamers to Fort Edmonton on the north branch, and to Chesterfield House or old Bow Fort on the south branch, in close proximity to the Rocky Mountains. The Rapids of the Saskatchewan, near the mouth of the river, can hardly be said to interrupt navigation. Open loaded boats have been tracked (drawn with a rope by men on shore) over the most violent portions of the Rapids, the respective distances being one mile and a quarter of a mile, while for descending vessels, there is no difficulty. Loaded boats run the rapids with safety at every stage of water.

4. When Central British America is fully recognized as a colony of England, its interior navigation can be greatly facilitated by canals between the channels of the Assiniboin and the South Saskatchewan, and connecting Lakes Winnipigoo and Manitoba with the Saskatchewan west of the rapids; but with the present natural advantages of the country, it is easy to perceive that steam navigation will greatly contribute to the enterprise of an overland

(3.) See Appendix (B) Geographical Memoir of the Red River and Saskatchewan District: (C) Sir Roderick Murchison, on the results of the Palliser Expedition: (D) Itineraries of Routes from St. Paul to Fort Ellice and Edmonton House as observed by Ellis Smith, Civil Engineer, and Col. W. H. Nobles.

communication from Minnesota to British Columbia, and, what is of more immediate importance to the State, will bring an immense and fertile district, whose colonization can be no longer postponed, into profitable connection with the public thoroughfares of Minnesota.

5. The testimony of John E. Harriott, Esq., Arch-deacon Hunter, Bishop Tache and others was explicit, that the country upon the north branch of the Saskatchewan is superior, for the purpose of agriculture, to the plains of the South Saskatchewan. The latter are destitute of timber, except on a range of elevations near the international boundary, and partake of the cretaceous formation apparent on the Upper Missouri. The regions adjacent to Fort Pelly, Carlton House, Fort Pitt and Edmonton House—well known points in a general northwestern direction from Fort Garry—are remarkably adapted to the cultivation of grain and the sustenance of cattle. The scenery of the North Saskatchewan is fully equal to that of the Mississippi between Galena and the Falls of St. Anthony.

6. The limit of successful agriculture in the Northern Temperate Zone should be carried considerably beyond the Saskatchewan valley, especially near the Rocky Mountains. Sir Roderick Murchison, in a recent address before the London Geographical Society, represents this chain of mountains to be greatly depressed in high northern latitudes, and, indeed, several of the tributaries of the Mackenzie have their sources on the Pacific slope, and wind through the mountains before falling into the great Arctic river. The mountain valleys of the Peace and Liard rivers from latitude 56 degrees to 60 degrees, are thus influenced by the Pacific winds, and wheat, with other cereals is successfully cultivated.

7. The present agriculture of Selkirk confirms the evidence from a variety of sources, that the districts west and northwest of the Red River valley, are well adapted to settlements. For the production of wheat, barley, rye, oats, peas, potatoes, vegetables, grass—whatever is grown in Minnesota except maize, the region in question will be unsurpassed by any other area of similar extent on the continent. (3.)

The foregoing are material considerations. Closely related to these is a topic of political character. With the extension of the British Colonial System, now seen to be imminent, there is reason to believe that the governments of England and the United States will consummate the recent settlement of the prolonged dispute in Central America, by an adjustment of the future relations of the British Provinces and American States, upon a basis of mutual interest and good will. Such an International compact might provide for a Customs and Postal Union between the Provinces and the United States. It should at all events, stipulate that the Reciprocity Treaty, enlarged in its provisions and renewed for a long period of years, shall be extended to the Pacific Ocean, and in connection therewith, all the laws discriminating between American and foreign built vessels should be abolished, establishing freedom of navigation on all intermediate rivers and lakes of the respective Territories. Such a policy of free trade and navigation with British America would give to the United States, and especially to the Western States all the commercial advantages, without the political embarrassments of annexation, and would in the sure progress of events relieve our extended Northern frontier from the horrors and injuries of war between fraternal communities.

Who can doubt that it would be speedily followed by overland mails and the telegraph on the Pembina and Saskatchewan route, and a Continental

(8.) See Appendix (B.) for some extracts, showing the increased productiveness of plants near the northern limit of their successful growth. The extraordinary returns from the cereals sown at Selkirk illustrates this climatic law.

railroad, as advocated by Maury, which England would recognize as essential to her interests in Northwest America and the Pacific coasts? (4.)

The above is intended as an enumeration, by no means as an exposition, of our relations to Central British America. I shall close this communication with some notes, equally cursory, upon Northern Minnesota.

1. The steamboat navigation of the Red River of the North will be regular during the summer of 1860. The *Jason Northup* is in course of thorough repair and equipment. Arrangements are also in progress for additional steamers upon Red River and Lake Winnipeg.

2. It is hoped and presumed that a weekly mail to Pembina will be conceded by the Government of the United States. The authorities of Assiniboia will cheerfully contribute to the expenditure requisite for such a mail service.

3. The Legislature of Minnesota having at the present session, adopted memorials to the Executive and Legislative Departments at Washington, in favor of an extension of the Reciprocity Treaty, in favor of a military post in the valley of the Pembina River, and for the extinction of the Indian title in the northwestern portion of Minnesota,—I shall not enlarge upon those topics.

4. My return trip from Pembina, was over the probable extension of the branch line of the Minnesota and Pacific Railroad, by way of the Crossing of Red Lake River, Detroit Lake, and Otter Tail Lake, to Crow Wing.—For the first eighty miles of this route, from Pembina to the Rapids which limits steamboat navigation from the mouth of Red Lake river, the trail follows a ridge, as distinctly defined as the formations south of Lakes Erie and Ontario, over which pass the well known "Ridge Roads." The vicinity of Otter Tail Lake for fifty miles in all directions, is unsurpassed in the combination of forests, small prairies, lakes and rivulets, by the most favored sections of the State. I am satisfied that the whole course of the Leaf Mountains, as the divide between the tributaries of the Mississippi and Red Rivers is designated, will be found no less attractive, even to Red Lake. The forests surrounding this lake are destined to furnish large quantities of pine lumber to the Red River settlements.

5. On the subject of coal deposits, while no doubt exists that the sources of the Saskatchewan traverse an extensive coal field, it is yet uncertain whether the upland district which separates the basins of the Minnesota and the Red River of the North from those of the Upper Missouri and the Saskatchewan, are carboniferous. By all geological analogy, a coal formation should exist between the silurian system of Minnesota and Selkirk, and the cretaceous plateau which Nicolle identified on the Missouri, due west from St. Paul, and which Professor Hindes, of the Canadian Exploration, traced along the same longitude as far north as latitude 53°.

6. The allusion just made to the exploring expedition conducted under the authority of Canada, justifies a tribute to the zeal and intelligence with which the enterprise of an Emigrant and Transportation Route, from Fort William on the north shore of Lake Superior, to Fort Garry, is prosecuted. With the civil organization of Central British America, a wagon road between those points, to be followed by a railroad, will receive all requisite encouragement, certainly from the Canadian Treasury, perhaps by the efficient cooperation of the Home Government. The Northwest Transit Company, acting under a Canadian Charter, but understood to have enlisted London

(4.) The whole subject of railroad communication with Asiatic Commerce is luminously represented in a communication of Commander Maury to Col. D. A. Robertson. Appendix (F.) See (G.) an abstract of intelligence respecting British Columbia and (H) in regard to a Pacific Ocean Telegraph.

capitalists, is expected to resume operations during the summer of 1760.— These movements of our Provincial neighbors cannot fail to influence the policy of Minnesota in favor of more satisfactory communications than we now possess between Lake Superior and the channels of the Upper Mississippi and the Red River of the North.

I desire in conclusion to express my obligations to the late Executive of Minnesota, for the confidence implied by the commission, to which the foregoing is a response. Believing firmly that the prosperity and developement of this State is intimately associated with the destiny of the Northwest British America, I am gratified to record the rapid concurrence of events which indicate that the frontier, hitherto resting upon the sources of the Saint Lawrence and the Mississippi, is soon to be pushed far beyond the International frontier by the march of Anglo-Saxon civilization.

Very respectfully submitted,

JAMES W. TAYLOR.

APPENDIX "A."

Central British America—By J. W. TAYLOR.

From the Atlantic Monthly for January, 1860.

Even before the announcement of the discovery of gold upon the Fraser River and its tributaries, the people of Canada West had induced the Parliament of England to institute the inquiry whether the region of British America, extending from Lake Superior and Winnipeg to the Rocky Mountains, is not adapted by fertility of soil, favorable climate, and natural advantages of internal communication, for the support of a prosperous colony of England.

The Parliamentary investigation had a wider scope. The select committee of the House of Commons was appointed "to consider the state of those British possessions in North America which are under the administration of the Hudson Bay Company, or over which they possess a license to trade;" and therefore witnesses were called to the organization and management of the Company itself, as well as the natural features of the country under its administration.

On the 31st of July, 1857, the committee reported a large body of testimony, but without any decisive recommendations. They "apprehend that the districts on the Red River and the Saskatchewan are among those most likely to be desired for early occupation," and "trust that there will be no difficulty in effecting arrangements between her Majesty's government and the Hudson Bay Company, by which those districts may be ceded to Canada on equitable principles, and within the districts thus annexed to her, the authority of the Hudson Bay Company would of course entirely cease." They deem it "proper to terminate the connection of the Hudson Bay Company with Vancouver Island as soon as it could conveniently be done, as the best means of favoring the development of the great natural advantages of that important colony; and that means should also be provided for the ultimate extension of the colony over any portion of the adjacent continent, to the west of the Rocky Mountains, on which permanent settlements may be found practicable."

These suggestions indicate that the zone of the North American continent, between latitude 49° and 55°, embracing the Red River and the Saskatchewan districts east of the Rocky Mountains, and the area on their western slope, since organized as British Columbia, was, in the judgment of the committee, suitable for permanent settlement. As to the territory north of the parallel of 55°, an opinion was intimated that the organization of the Hudson Bay Company was best adapted to the condition of the country and its inhabitants.

Within a year after the publication of the report, a great change passed

over the North Pacific coast. The gold discovery on the Frazer's River occurred; the Pacific populations flamed with excitement; British Columbia was promptly organized as a colony of England; and, amid the acclamations of Parliament and people, Sir Edward Bulwer-Lytton proclaimed, in the name of the government, the policy of continuous colonies from Lake Superior to the Pacific, and a highway across British America as the most direct route from London to Pekin or Jeddo.

The eastern boundary of British Columbia was fixed upon the Rocky Mountains. The question recurred, with great force, what shall be the destiny of the fertile plains of the Saskatchewan and the Red River of the North? Canada pushed forward an exploration of the route from Fort William, on Lake Superior to Fort Garry, on the Red River, and, under the direction of S. J. Dawson, Esq., civil engineer, and Professor J. Y. Hinde, gave to the world an impartial and impressive summary of the great natural resources of the basin of Lake Winnipeg. The merchants of New York were prompt to perceive the advantages of connecting the Erie Canal and the great Lakes with the navigable channels of Northwest America, now become prominent and familiar designations of commercial geography. A report to the New York Chamber of Commerce very distinctly corrected the erroneous impression, that the valleys of the Mississippi and St. Lawrence rivers exhausted the northern and central areas which are available for agriculture.

"There is in the heart of North America," said the report, "a distinct subdivision, of which Lake Winnipeg may be regarded as the center. This subdivision, like the valley of the Mississippi, is distinguished for the fertility of its soil, and for the extent and gentle slope of its great plains, watered by rivers of great length, and admirably adapted for steam navigation. It has a climate not exceeding in severity that of many portions of Canada and the Eastern States. It will, in all respects, compare favorably with some of the most densely peopled portions of the continent of Europe. In other words, it is admirably fitted to become the seat of a numerous, hardy, and prosperous community. It has an area equal to eight or ten first class American States. Its great river, the Saskatchewan, carries a navigable water line to the very base of the Rocky Mountains. It is not at all improbable that the valley of this river may yet offer the best route for a railroad to the Pacific. The navigable waters of this great subdivision interlock with those of the Mississippi. The Red River of the North, in connection with Lake Winnipeg, into which it falls, forms a navigable water line, extending directly North and South nearly eight hundred miles. The Red River is one of the best adapted to the use of steam in the world, and waters one of the finest regions on the continent. Between the highest point at which it is navigable, and St. Paul, on the Mississippi, a railroad is in process of construction; and when this road is completed, another grand division of the continent, comprising half a million square miles, will be open to settlement."

The sanguine temper of these remarks illustrates the rapid progress of public sentiment since the date of the Parliamentary inquiry, only eighteen months before. Of the same tenor, though fuller in details, were publications on the subject in Canada and even in England. The year 1859, opened with greatly augmented interest in the district of Central British America. The manifestations of the interest varied with localities and circumstances.

In Canada no opportunity was omitted, either in Parliament or by the press, to demonstrate the importance to the Atlantic and Lake Provinces of extending settlements into the prairies of Assiniboia and Saskatchewan—thereby affording advantages to Provincial commerce and manufactures like those which the communities of the Mississippi valley have conferred upon the older American States. Nevertheless, the Canadian government declined

to institute proceedings before the English Court of Chancery or Queen's Bench, to determine the validity of the charter of the Hudson's Bay Company—assigning, as reasons for not acceding to such a suggestion by the law officers of the crown, that the proposed litigation might be greatly protracted while the interests involved were urgent—and that the duty of a prompt and definite adjustment of the condition and relations of the Red River and the Saskatchewan districts was manifestly incumbent upon the Imperial authority.

This decision, added to the indisposition of Lower Canada to the policy of westward expansion is understood to have convinced Sir E. B. Lytton that annexation of the Winnipeg basin to Canada was impracticable, and that the exclusive occupation by the Hudson's Bay Company could be removed only by the organization of a separate colony. The founder of British Columbia devoted the latter portion of his administration of the Colonial Office to measures for the satisfactory arrangement of conflicting interests in British America. In October 1858, he proposed to the directors of the Hudson's Bay Company that they should be consenting parties to a reference, of questions respecting the validity and extent of their charter, and respecting the geographical extent of their Territory, to the Judicial Committee of the Privy Council. The Company "reasserted their right to the privileges granted to them by their charter of incorporation," and refused to be a consenting party to any proceeding which might call in question their chartered rights.

Under date of November 8, 1858, Lord Caernarvon, Secretary of State for the Colonies, by the direction of Sir E. B. Lytton, returned a dispatch, the tenor of which is a key not only to Sir Edward's line of policy, but, in all probability, to that of his successor, the Duke of Newcastle. Lord Caernarvon began by expressing the disappointment and regret with which Sir E. B. Lytton had received the communication, containing, if he understood its tenor correctly, a distinct refusal on the part of the Hudson's Bay Company to entertain any proposal with a view of adjusting the conflicting claims of Great Britain, of Canada and of the Company, or to join with her Majesty's government in affording reasonable facilities for the settlement of the questions in which Imperial no less than Colonial interests were involved. It had been his anxious desire to come to some equitable and conciliatory agreement, by which all legitimate claims of the Company should be fairly considered with reference to the Territories or the privileges they might be required to surrender. He suggested that such a procedure, while advantageous to the interests of all parties, might prove particularly for the interest of the Hudson's Bay Company. "It would afford a tribunal preeminently fitted for the dispassionate consideration of the question at issue; it would secure a decision which would probably be rather of the nature of an arbitration than of a judgement; and it would furnish a basis of negotiation on which reciprocal concession and the claims for compensation could be most successively discussed.

With such persuasive reiteration, Lord Caernarvon, in the name and at the instance of Sir E. B. Lytton, insisted that the wisest and most dignified course would be found in an appeal to and a decision by the Judicial Committee of the Privy Council, with the concurrence alike of Canada and the Hudson's Bay Company. In conclusion, the Company were once more assured, that if they would meet Sir E. B. Lytton in finding the solution of a recognized difficulty, and would undertake to give all reasonable facilities for trying the validity of their disputed charter, they might be assured that they would meet with a fair and liberal treatment, so far as her Majesty's government was concerned; but if on the other hand, the Company persisted in declining these terms and could suggest no other practicable mode of agreement, Sir E. B. Lytton,

held himself acquitted of further responsibility to the interests of the Company, and, proposed to take the necessary steps for closing a controversy too long open and for securing a definite decision, due alike to the material development of British North America and to the requirements of an advancing civilization.

The communication of Lord Caernarvon stated in addition, that in the case last supposed, the renewal of the exclusive right to trade in any part of the Indian territory—a renewal which could be justified to Parliament only as a part of a general agreement adjusted on the principles of mutual concession—would become impossible.

These representations failed to influence the Company. The Deputy Governor, Mr. H. H. Barends, responded that, as, in 1850 the Company had assented to an inquiry before the Privy Council into the legality of certain powers claimed and exercised by them under their charter, but not questioning the validity of the charter itself, so, at this time, if the reference to the Privy Council were restricted to the question of the geographical extent of the territory claimed by the Company, in accordance with a proposition made in July, 1857, by Mr. Labouchere, then Secretary of State for the Colonies, the directors would recommend to their shareholders to concur in the course suggested; but must decline to do so, if the inquiry involved not merely the question of the geographical boundary of the territories claimed by them, but a challenge of the validity of the charter itself, and, as a consequence, of the rights and privileges which it professed to grant, and which the Company had exercised for a period of nearly two hundred years. Mr. Barends professed that the Company had at all times been willing to entertain any proposal that might be made to them for the surrender of any of their rights or of any portion of their territory; but he regarded it as one thing to consent for a consideration to be agreed upon to the surrender of admitted rights, and quite another to volunteer a consent to an inquiry which should call those rights in question.

A result of this correspondence has been the definite refusal of the Crown to renew the exclusive right to trade in Indian territory. The license had been twice granted to the Company, under an act of Parliament authorizing it, for periods of twenty-one years—once in 1821 and once in 1838. It expired on the 30th of May, 1859. In consequence of this refusal the Company must depend exclusively upon the terms of their charter for their special privileges in British America. The charter dates from 1670—a grant by Charles II to Prince Rupert and his associates, "adventurers of England trading in Hudson's Bay,"—and is claimed to give the right of exclusive trade and of territorial dominion to Hudson's Bay and tributary rivers. By the expiration of the exclusive license of Indian trade, and the termination in 1859 of the lease of Vancouver's Island from the British government, the sway and influence of the Company are greatly restricted, and the feasibility of some permanent adjustment is proportionately increased.

There is no necessity for repeating here the voluminous argument for and against the charter of the Hudson's Bay Company. The interest of British colonization in Northwest America far transcends any technical inquiry of the kind, and the Canadian Statesmen are wise in declining to relieve the English cabinet from the obligation to act definitely and speedily upon the subject. The organization of the East India Company, was no obstacle to a measure demanded by the honor of England and the welfare of India; and certainly the parchment of the Second Charles will not deter any deliberate expression by Parliament in regard to the colonization of Central British America. Indeed, the managers of the Hudson's Bay Company are always careful to recognize the probability of a compromise with the government.

The late letter of Mr. Barrens to Lord Caernarvon expressed a willingness, at any time, to entertain proposals for the surrender of franchises or territory; and in 1848, Sir J. H. Pelly, Governor of the Company, thus expressed himself in a letter to Lord Grey: "As far as I am concerned, (and I think the Company will concur, if any great national benefit would be expected from it,) I would be willing to relinquish the whole of the territory held under the charter on similar terms to those which it is proposed the East India Company shall receive on the expiration of their charter—namely, securing the proprietors an interest on their capital of ten per cent."

At the adjournment of the Canadian Parliament and the retirement of the Derby Ministry, in the early part of 1859, the position and prospects of English colonization in Northwest America, were as follows:

1. Vancouver's Island and British Columbia passed from the occupation of the Hudson's Bay Company into an efficient colonial organization. The gold fields of the interior had been ascertained to equal in productiveness, and greatly to exceed in extent those of California. The prospect for agriculture was no less favorable—while the commercial importance of Vancouver and harbors of Puget's Sound is unquestionable.

2. The eastern slope of the Rocky Mountains and the valleys of the Saskatchewan and Red River were shown by explorations, conducted under the auspices of the London Geographical Society and the Canadian authorities, to be a district of nearly four hundred thousand square miles, in which a fertile soil, favorable climate, useful and precious minerals, fur-bearing and food yielding animals, in a word, the most lavish gifts of nature, constituted highly satisfactory conditions for the organization and settlement of a prosperous community.

3. In regard to the Hudson's Bay Company, a disposition prevailed not to disturb its charter, on the condition that its directory made no attempts to enforce an exclusive trade or interfere with the progress of settlements. All parties anticipated Parliamentary action. Letters from London spoke with confidence of a bill, drafted and in circulation among members of Parliament, for the erection of a colony between Lakes Superior and Winnipeg and the eastern limits of British Columbia, with a northern boundary resting on the parallel of 55° ; and which, although postponed by a change of ministry, was understood to represent the views of the Duke of Newcastle, the successor, of Sir E. B. Lytton.

4. In Canada West, a system of communication from Fort William to Fort Garry, and thence to the Pacific was entrusted to a company—the "Northwest Transit"—which was by no means inactive. A mail to Red River over the same route, was also sustained from the Canadian Treasury; and Parliament, among the acts of its previous session, had conceded a charter for a line of telegraph through the valley of the Saskatchewan, with a view to an extension to the Pacific coast, and even to Asiatic Russia.

Simultaneously with these movements in England and Canada, the citizens of the State of Minnesota, after a winter of active discussion, announced a determination to introduce steam navigation on the Red River of the North. Parties were induced to transport the machinery and cabins, with timber for the hull of a steamer, from the Mississippi river, near Crow Wing, to the mouth of the Shyenne, on the Red River, where the boat was reconstructed. The first voyage of the steamer was from Fort Abercrombie, an American post two hundred miles northwest of St. Paul, down north to Fort Garry, during the month of June. The reception of the stranger was attended by extraordinary demonstrations of enthusiasm at Selkirk. The bells of Saint Boniface rang greeting, and Fort Garry blasted powder, as if the Governor of the Company were approaching its portal. This unique but interesting com-

munity, fully appreciated the fact that steam had brought their interests within the circle of the world's activities.

This incident was the legitimate sequel to events in Minnesota which had transpired during a period of ten years. Organized as a territory in 1849, a single decade had brought the population, the resources and the public recognition of an American State. A railroad system connecting the lines of the Lake States and Provinces at La Crosse, with the international frontier on the Red River at Pembina, was not only projected, but had secured in aid of its construction a grant by the Congress of the United States of three thousand eight hundred and forty acres a mile, and a loan of State credit to the amount of twenty thousand dollars a mile, not exceeding an aggregate of five million dollars. Different sections of this important extension of the Canadian and American railways were under contract and in process of construction. In addition, the land surveys of the general government had reached the navigable channel of the Red River; and the line of frontier settlement, attended by a weekly mail, had advanced to the same point. Thus the Government of the United States, no less than the people of Minnesota, were represented in the Northwest movement.

Still, its consummation rests with the people and parliament of England. Sir Edward Bulwer Lytton was prepared with a response to his own memorable query—"What will he do with it?" Shall the Liberal Party be less prompt and resolute in advancing the policy, announced from the throne in 1858, of an uninterrupted series of British colonies across the continent of North America? This will be determined by the Parliamentary record of 1860.

[It will be seen from the following report of a debate in the British Parliament, received since the foregoing papers were in type, that the expectation of a speedy colonial organization beyond Minnesota, is likely to be realized at an early day:]

THE RED RIVER SETTLEMENT.

HOUSE OF COMMONS, Feb. 13.

The Earl of Caernarvon inquired what was the intention of Her Majesty's government with regard to the administration of the Red River Settlement and those parts of the Saskatchewan district recommended by the Committee of the House of Commons in 1857, to be withdrawn from the jurisdiction of the Hudson's Bay Company. The noble earl stated that on the 31st of May last the exclusive license to trade, which had been granted to the Hudson's Bay Company expired, and the company accepted the serious responsibility of declining to renew it upon any other terms than those on which they had previously held it. Later in the year the government wisely took powers under an act for the appointment of Magistrates in the Red River Settlement and parts of the Saskatchewan districts, and for securing a more effective system of criminal administration. He wished to know whether any, and if any, what steps had been adopted under that act. Communications which had reached him from various quarters led him to fear that the present state of the Red River Settlement was one calculated, to say the least, to cause some uneasiness. First of all, there was a strong feeling of dissatisfaction on the part of the colonists themselves, and he might state that during the short time he had connexion with the colonial office, two petitions were received from the inhabitants of the settlement, praying for extensive alterations in the form of government and general system of administration. Secondly, the settlement had been entered by a large number of Canadians, who refused to pay duties on the ground that they were not leviable from them, and intro-

duced spirits among the Indians, thereby contributing to their demoralization. Moreover, the same persons, by distributing themselves over ground not belonging to the Red River Settlement, were raising a question of great legal nicety, which ought not to be determined in such an irregular manner. Lastly, during the past year American citizens had crossed the borders in considerable numbers, introduced spirits, established an unlicensed and irregular trade, and were practically under no sort of control or authority whatever. He was not afraid of American colonization in that part of the world, which presented an ample field for energy, industry, and speculation of all kinds. Even in the case of British Columbia, which possessed special attractions, he entertained little apprehension, because he believed that the same sense of law and order, and the same obedience to constituted authority which prevailed in every part where the Anglo-Saxon race had taken root, would be displayed in that recently established community. But he viewed the Red River Settlement in a different light, and he should esteem it a grievous misfortune if, from any omission on the part of the Home Government or of the local authorities, the sympathies of the settlement should be alienated from the Crown, and cut off as it was from all communication with British North America, it should turn rather towards the United States than towards Canada. There were two roads which connected the Red River Settlement with our possessions in North America, but they were little used, and, indeed, were impracticable during a greater part of the year; whereas, the road which connected the settlement with the territory belonging to the United States was a good one, and was the route by which the largest amount of traffic was carried on. Last summer trade to the amount of \$1,500,000 passed between the Red River Settlement and the United States; a small steamer had been placed on the Red River in order to facilitate the traffic, and, upon the whole, he was afraid the tendency in the settlement was towards a connection with the American Republic. This was a very important question, and the present time was a most critical one, so much so that upon the conduct of the Colonial Secretary during the next few years it might depend what should be the ultimate destiny of this colony. He did not advocate the payment of any sums out of the Imperial exchequer to attain the objects which he had in view; but he believed that this was a question rather of policy than of expenditure, and that much might be accomplished by a judicious exercise of the influence of the Colonial Office. The noble earl concluded by asking the questions of which he had given notice.

The Duke of Newcastle said that, with reference to what had hitherto been the licensed territory of the Hudson's Bay Company, the government of that company, although theoretically swept away, yet practically remained in force. The posts of the company continued in existence, and, as the jurisdiction of the company was of a very primitive and patriarchal kind, not founded on any exact form of law, it had in fact survived the expiry of the license. He was satisfied that the less we disturbed the present relations between the Europeans and the half-breeds and the native Indians the better, and therefore, although many gentlemen had offered their services, he had not yet exercised the power of appointing magistrates which was conferred upon him by the act of last session; nor should he do so, unless the introduction of spirits among the Indians, or other irregularities or disorders should render it necessary. With regard to the Red River and Saskatchewan districts, no information of such serious character as those mentioned by the noble earl had been received at the Colonial Office. Canadians and Americans had, no doubt, crossed the frontiers, but nothing had occurred to lead the authorities to apprehend any evil consequence from the presence of either one or the other class of persons. No definite steps had yet been taken with regard to these settlements. His

noble friend knew how little information there existed until lately as to the land which was available for colonization. It was not till within the last three or four weeks that he had received the concluding portion of Captain Harris' report, and he had still later been put in possession of the important document prepared by Mr. Dawson of Toronto, which did so much credit to that gentleman, a native of Canada and a member of its legislature. Another important reason for not coming to any immediate decision on this question was the difficulty as to communication with the settlements. There were only three modes of access—one from the north; one from the south, through the territory of the United States; and one from the east, through Canada. It was of great importance that these territories should be colonized by British subjects, and that every facility should be given for the fullest access to them. The scheme advocated by Mr. Dawson in his report was, he thought, the most likely to tend to the colonization and settlement of these districts that could be devised. Before anything could be done, however, for the future settlement of these districts, it was necessary to make some arrangement with the Hudson's Bay Company. It was his desire to arrive at such a settlement by amicable means, and he hoped to be able to do so. Papers were published last session containing a correspondence between the Colonial office and the Hudson's Bay Company, in which the company expressed a willingness to yield upon equitable terms, either immediate or by degrees, the jurisdiction over those two settlements—the Red River and the Saskatchewan districts, with a view to their colonization under imperial auspices. It was, of course, necessary to ascertain what these equitable terms were, and he intended to put himself into communication with the Hudson's Bay Company, in order to see whether the territory in question could not be surrendered to the government without litigation or dispute. The next step would be to establish some form of government in these settlements, which, in the first instance, ought to be as simple and inexpensive as possible. It was desirable that legislation should take place, if possible, during the present session on this subject.

APPENDIX B

Extract from Report of a Committee of the H. P. and O. Committee, Jan. 22, 1964.

The area comprised within the river, averaging 50 miles to Lake Winnipeg, is estimated to contain 400,000 square miles. Familiar as the American public is with the progress of Mississippi States, the Committee are inclined to review the basin of Lake Winnipeg from our western stand-point of its capacity to be divided and occupied as States or Provinces, each having an average area of 50,000 square miles. Starting therefrom that point of the Western boundary of Minnesota, which is now, or may be improved to become the head of steamboat navigation on the Red River, the indulgence of the Chamber is asked while we proceed in convenient subdivisions, to group a considerable number of facts, geographical, and otherwise, demonstrating the future importance of this river navigation which is to be the avenue to the vast district inclosed between latitude 49 deg. and 55 deg., and extending from the north shores of Lake Winnipeg to the Rocky Mountains.

Of this district, Lac Travers in one direction, and Otter Tail Lake in a line nearer north from Saint Paul, either point not more than two hundred miles distant, may be regarded as its extreme southern limits; Pembina and the international frontier, the Northern, while the longitude of Red Lake on the East, and of Mijnewakan or Spirit Lake on the West, are convenient designations of the remaining boundaries. This area would extend from about lat. 46 to 49, and from longitude 95 30 to 96 deg.

Capt. Pope, in his exploration of 1849, remarks that for fifty miles in all directions around Otter Tail Lake, is the garden of the Northwest. The outlet of the Lake, constituting the source of the Red River of the North, has been very favorably described by Dr. Owen, of the United States Geological Survey. It presents a succession of lakes and rapids, while at other points rolling prairies extend from its banks, crested with beautifully dispersed groves of timber. It was in this section of Minnesota that the magnesian limestone, containing Silurian fossils, identical with those in the bluffs of the Mississippi below St. Paul, was recognized by Dr. Owen as such, showing that the primary formation which divides Minnesota from Northwest to Southwest, is succeeded to the Northwest by the ascending series of sedimentary rocks.

Many of our citizens have frequently traversed the district just named and their testimony is, that Westward from Otter Tail Lake for at least one

hundred miles, and Northward to Red Lake, if not beyond, no more favorable distribution of beautiful prairies and forests can be imagined. The Lakes are numerous but small, and almost invariably skirted with timber, the sugar maple largely preponderating. Seldom is the traveler out of sight of these groves, while the soil is unsurpassed.

From Dr. Owens' Geological Report, it appears, that below the head of navigation the Western bank of the Red river is a vast plain, but on the East, where the country is level, timber is more abundant on the river banks; the soil is congenial to the ash which attains a large size; below the mouth of Red Lake river strong chalybeate springs are also found, and all accounts concur that hardly an acre but is eminently adapted to the cultivation of wheat. This great staple, with the aid of machinery, will hereafter be cultivated more advantageously over the Northwestern areas of the continent, than in the Mississippi basin.

ASSINIBOIA.

We believe that this is the official designation of the district of British America occupied by the Selkirk Settlements. It embraces the lower of northern section of the Red river, and the productive valley of the Assiniboin. Here is a civilized and interesting community of 10,000 souls—with schools, churches, a magistracy, and a successful agriculture. Its trade, consisting largely of the exchange of furs, is concentrating at St. Paul, and is estimated during the years 1858, to have amounted to \$1,000,000.

The Committee would refer, for fuller details in regard to the community at Selkirk, to the numerous publications recently made. The most important of these is a document circulated by the Canadian Government—the Report of an exploring expedition—which among other interesting statements, shows that the soil and climate are even more favorable to agriculture than the vicinity of Toronto. The Minnesota farmer recognizes in these details a remarkable coincidence with his own experience.

CUMBERLAND.

But North of the Red River Settlements, is a region almost a discovery of recent explorers, which is even more attractive than the prairie district contiguous to the Red and Assiniboin rivers. Immediately West of Lake Winnipeg, are Lakes Winnipegosis and Manitoba, with an outlet flowing into Lake Winnipeg in latitude 52 deg. Tributary to Lake Winnipegosis, are the Red Deer and Swan rivers, which drain a country of rare beauty and fertility. A traveler, writing to a Canadian newspaper, describes its general features as rich prairies, interspersed with belts of heavy oak and elm, while the itinerary of Sir George Simpson affords a most glowing picture of the sources of Swan river. Under date of July 14th, he observes, "In this part of the country we saw many sorts of birds, geese, loons, pelicans, ducks, cranes, two kind of snipe, hawks, owls and gulls; but they were all so remarkable shy that we were constrained to admire them from a distance. In the afternoon we traversed a beautiful country with lofty hills and long valleys, full of sylvan lakes while the bright green of the surface, as far as the eye could reach, assumed a foreign tinge, under an uninterrupted profusion of roses and blue bells. On the summit of one of these hills we commanded one of the few extensive prospects we had of late enjoyed. One range of heights rose behind another, each becoming fainter as it receded from the eye, till the farthest was blended in almost undistinguishable confusion with the clouds, while the softest vales spread a panorama of hanging copses and glittering lakes at our feet.

As Cumberland House is situated north of the valley of Swan river, upon the Saskatchewan, its name has been chosen to designate the district between

longitudes 100 deg. and 105 deg. and from latitude 52 deg. to 55 deg. An equal area immediately south, and between the parallels of 49 deg. and 52 deg., is no less attractive and fertile.

SASKATCHEWAN.

There remains, from longitude 105 to 115, and from latitude 49 to 55, the respective valleys of the North and South Saskatchewan—ample in area and resources for four States of the extent of Ohio. We propose to consider the whole interval westward from the junction of the two rivers to the Rocky Mountains, without subdivision, as indeed, it is presented by Colton's Map of North America.

The prairie districts adjacent to the South Saskatchewan are described by the Canadian explorers, as inferior to the rich alluvial plains of the Red and Assiniboine rivers, but Sir George Simpson's sketches of his route from Fort Carlton to Fort Edmonton, are suggestive of a superior agricultural region. During his first day's route, he describes the country "as so picturesque in its character that almost every commanding position presented the elements of a picturesque panorama. The next day he camped near a large lake; and on successive dates he refers to "bands of buffalo in all directions to the number of about five thousand," "abundant game," "bold scenery," "delicious wild fruits," "luxuriant crops of the vetch or wild pea, almost as nutritious a food for cattle and horses as oats," "a seam of coal ten feet in thickness," &c.

But there is an authority in regard to the more western portions of the Saskatchewan, whom the committee are solicitous to bring prominently before the public. We refer to Father De Smet, the devoted Jesuit missionary to the Indians of Oregon, mentioned by Gov. Stevens, in a recent address before the New York Geographical Society, as "a man whose name is a tower of strength and faith," possessing scientific attainments and great practical knowledge of the country. His "Oregon Missions" is a publication of much interest, consisting of letters to his superiors; and a portion of this volume narrates his explorations and adventures in the Saskatchewan valleys of the Rocky Mountains. In September, 1854, he left the source of the Columbia river, in latitude 50, and crossed the Rocky Mountains, descending their eastern slope in latitude 51. He entered on the 18th of September, "a rich valley agreeably diversified with meadows, forests and lakes—the latter abounding in salmon trout." This was a mountain valley, however, and it was not till three days afterwards that he reached Bow river, or the South Fork of the Saskatchewan. Thence he continued northward, noticing sulphurous fountains and coal on the Red Deer, a branch of the Bow river. Descending the valley of the Red Deer, which is also described in very glowing terms, at length he emerged upon what he describes as "the vast plain—the ocean of prairie."

On the evening of the same day, the missionary reached and was hospitably received at the Rocky Mountain House, latitude 53 deg., and longitude 115 deg., and on the 31st of October started for another journey on the plains; but after two weeks absence, was compelled to seek refuge from the approach of winter (now the middle of November,) at Edmonton House on the Upper Saskatchewan. From this shelter he thus writes in general terms:

"The entire region in the vicinity of the eastern chain of the Rocky Mountains serving as their base for thirty or sixty miles, is extremely fertile, abounding in forests, plains, prairies, lakes, streams and mineral springs. The rivers and streams are innumerable, and every side offer situations favorable for the construction of mills. The northern and southern branches of the Saskatchewan water the districts I have traversed for a distance of about three hundred

miles. Forests of pine, cypress, thorn, poplar and aspen trees, as well as others of different kinds, occupy a large portion of it, covering the declivities of the mountains and banks of the rivers.

"These originally take their rise in the highest chains, whence they issue in every direction like so many veins. The beds and sides of these rivers are pebbly, and their course rapid, but as they recede from the mountains they widen, and the currents lose something of their impetuosity. Their waters are usually very clear. The country would be capable of supporting a large population, and the soil is favorable to the production of barley, corn, potatoes, and beans which grow here as well as in the more southern countries.

"Are these vast and innumerable fields of hay forever destined to be consumed by fire or perish in the autumnal snows? How long shall these superb forests be haunts of wild beasts? And these inexhaustible quarries, abundant mines of coal, lead, sulphur, iron, copper and salt petre—can it be that they are deemed to remain forever inactive? Not so. The day will come when some laboring hand will give them value; a strong, active and enterprising people are destined to fill this spacious void. The wild beasts will, ere long, give place to our domestic animals, flocks and herds will graze in the beautiful meadows that border the numberless mountains, hills, valleys, and plains of this extensive region.

Life at Edmonton during the winter season is thus sketched. The number of servants, including children, is about eighty. Besides a large garden, a field of potatoes and wheat belonging to the establishment, the lakes, forests and plains of the neighborhood furnish provisions in abundance. On my arrival at the Fort, the ice-house contained thirty thousand white fish, each weighing four pounds, and five hundred buffaloes, the ordinary amount of the winter provisions. Such is the quantity of aquatic birds in the season, that sportsmen often send to the Fort carts full of fowls. Eggs are picked up by thousands in the straw and weeds of the marshes. I visited Lake St. Anne, a missionary station fifty miles north-west from Edmonton. The surface of this region is flat for the most part, undulating in some places diversified with forests and meadows, and lakes teeming with fish. In Lake St. Anne alone were caught last autumn, more than seventy thousand white fish, the most delicious of the kind they are taken with a line at every season of the year.

Notwithstanding the rigor and duration of the winter in this northern region, the earth in general appears fertile. Vegetation is so forward in the spring and summer that potatoes, wheat and barley, together with other vegetables of Canada, come to maturity.

On the 12th of March, Father Desmet started on his return trip, proceeding with sledges drawn by dogs over the snow, to Fort Jasper, situated Northwest from Edmonton on the Athabasca river, half a degree north of latitude 53 deg. Here occurred the following hunting adventure: provisions becoming scarce at the Fort, at the moment when we had with us a considerable number of Indians from the surrounding country, who were resolved to remain until my departure in order to assist at the instructions, we should have found ourselves in an embarrassing situation had not Mr. Frazer come to our relief, by proposing that we should leave the Fort and accompanying himself and family to the Lake of Islands, where we could subsist partly on fish. As the distance was not great we accepted the invitation, and set out to the number of 34 persons and twenty dogs. I omit the latter, because we are so much obliged to provide for them as for ourselves. A little note of what killed by our hunters during the twenty-six days of our abode at this place will afford some interest—at least it will make you acquainted with the animals of the country, and prove that the

mountaineers of the Athabasca are blessed with good appetites. Animals killed—twelve moose deer, two reindeer, thirty large mountain sheep, or big horn, two porcupines, two hundred and ten hares, one beaver, ten muskrats, twenty-four bustards, one hundred and fifteen ducks, twenty-one pheasants, one snipe, one eagle, one owl; add to this from thirty to fifty-five white fish and twenty trout every day.

Father DeSmet soon afterwards returned to the Western slope of the Rocky Mountains, whither we will not follow him. We have thus exhibited the natural features of the great central district soon to be brought into close commercial relation with Minnesota by the navigation of these important rivers of the Northwest. We have rested our observations hitherto upon latitude 55 deg., but the suggestions already uttered in the British Parliament, of an extension by canal to the navigable tributaries of the McKenzie will warrant the consideration of a territorial division beyond that limit.

ATHABASCA.

The valleys of the Peace and Athabasca Rivers eastward of the Rocky Mountains from latitude 55 deg., share the Pacific climate in a remarkable degree. The Rocky Mountains are greatly reduced in breadth and mean elevation, and through the numerous passes between their lofty peaks, the winds of the Pacific reach the district in question. Hence it is that Sir Alexander McKenzie, under the date of May 10th, mentions the exuberant verdure of the whole country—trees about to blossom, and buffalo tended by their young. During the late Parliamentary investigation, similar statements were elicited. Dr. Richards King, who accompanied an expedition in search of Sir John Ross, as "Surgeon and Naturalist," was asked what portion of the country visited by him was valuable for the purpose of settlement. In reply, he described "as a very fertile valley," a "square piece of country" bounded on the south by Cumberland House, and by the Athabasca Lake on the north. His words are as follows:

"The sources of the Athabasca and the sources of the Saskatchewan include an enormous area of country. It is, in fact, a vast piece of land surrounded by water. When I heard Dr. Livingston's description of that country, which he found in the interior of Africa within the Equator, it appeared to me to be precisely the kind of country which I am now describing. It is a rich soil, interspersed with well wooded country, there being growth of every kind and the whole vegetable kingdom alive. When asked concerning mineral productions, his reply was, 'I do not know of any other mineral except limestone is apparent in all directions.' The birch, the beech, and the maple are in abundance, and there is every sort of fruit." When questioned further as to the growth of trees, Dr. King replied by a comparison, "with the magnificent trees round Kensington Park in London." He described a farm near Cumberland House under very successful cultivation—luxuriant wheat, potatoes, barley and domestic animals. The committee will not extend by any generalization of their own, these geographical statements. They prefer, in conclusion, to dispose of the subjects of climate and population, in the impressive language of a writer in the Knickerbocker Magazine for October, 1858:

"Here is the great fact of the North-Western areas of this continent. An area not inferior in size to the whole United States east of the Mississippi, which is perfectly adapted to the fullest occupation by cultivated nations, yet is almost wholly unoccupied, lies west of the 98th meridian, and above the 43d parallel, that is north of the latitude of Milwaukee, and west of the longi-

tude of Red River, Fort Kearney, and Corpus Christi ; or to, state the fact in another way, east of the Rocky Mountains, and west of the 98th meridian, and between the 43d and 60th parallels, there is a productive cultivable area of 500,000 square miles. West of the Rocky Mountains and between the same parallels, there is an area of 300,000 square miles.

"It is a great mistake to suppose that the temperature of the Atlantic coast is carried straight across the continent to the Pacific. The isothermals deflect greatly to the north, and the temperatures of the Northern Pacific are paralleled in the high temperatures in latitudes of Western and Central Europe. The latitudes which inclose the plateaus of the Missouri and Saskatchewan, in Europe, inclose the rich central plains of the continent. The great grain growing districts of Russia lie between the 45th and 60th parallel, that is, north of the latitude of Saint Paul, Minnesota, or Eastport, Maine. Indeed the temperature in some instances, is higher for the same latitudes here than in Central Europe. The isothermal of 70 deg. for the summer, which on our plateau ranges from along latitude 50 deg. to 52 deg., in Europe skirts through Vienna and Odessa in about parallel 46 deg. The isothermal of 55 deg. for the year runs along the coast of British Columbia, and does not go far from New York, London, and Sebastopol. Furthermore, dry areas are not found above 47 deg., and there are no barren tracts of consequence north of the Bad Lands and the Coteau of the Missouri ; the land grows grain finely, and is well wooded. All the grains of the temperate districts are here produced abundantly, and Indian corn may be grown as high as the Saskatchewan.

"The buffalo winter as safely on the upper Athabasca as in the latitude of St. Paul, and the spring opens at nearly the same time along the immense line of plains from St. Paul to Mackenzie's river. To these facts, for which there is the authority of Blodgett's Treatise on the Climatology of the United States, may be added this, that to the region bordering the Northern Pacific, the finest maritime positions belong throughout its entire extent, and no part of the West of Europe exceeds it in the advantages of equable climate, fertile soil, and commercial accessibility of coast. We have the same excellent authority for the statement that in every condition forming the basis of a national wealth, the continental mass lying westward and northward from Lake Superior is far more valuable than the interior in lower latitudes, of which Salt Lake and Upper New Mexico are the prominent known districts. In short, its commercial and industrial capacity is gigantic. Its occupation was coeval with the Spanish occupation of New Mexico and California. The Hudson Bay Company has preserved it an utter wilderness for many long years. The Frazer River discoveries and emigration are facts which the Company cannot crush. Itself must go to the wall, and now the population of the great north western area begins."

In review of the foregoing especially when considered in connection with the probable organization of the Province of Saskatchewan at the next session of the British Parliament, your Committee entertain great confidence that the announcement of a Steamboat upon Red River in June 1859, will arrest such a degree of interest that the travel and transportation of the next season will be very considerable—probably ample to remunerate the enterprise while the future increase will be fully equal to the extraordinary progress of steamboat interest upon the Upper Mississippi.

APPENDIX "C."

Exploration of the Rocky Mountains in British America by Captain Palliser.

Extract from an Address of Sir Roderick I. Murchison, at the Anniversary Meeting of the Royal Geographical Society, May 23d, 1859.

The important results of the exploring expedition under Captain J. Palliser, as communicated by the Colonial Office, and as dwelt upon in awarding the Founder's Gold medal to that officer, have necessarily given great satisfaction to us, proceeding as they do from men who were especially recommended for this public service to Her Majesty's Government by our Society as well as by the Royal Society.

When Captain Palliser first proposed to make this exploration, one of the main points of interest to geographers was a survey of that part of the Rocky Mountains to the North of the United States boundary which separates the great tracts now named British Columbia from the eastern mass of British North America. Her Majesty's Government deemed it, however, of paramount importance that, in the first instance, the nature of the ground between Lakes Superior and Winnipeg should be accurately surveyed, in order to set at rest all questions of colonization as dependent on the possibility of making practicable routes of communication. For example, whether the Canadas might be brought into profitable communication with the Red River Settlement. The remoter or more western explorations were destined to develop the true nature of the great prairie region, as watered by the North and South Saskatchewan rivers and their affluents. Collaterally, it was resolved, if possible—and mainly at the instance of this Society—to determine the elevation of the Rocky Mountains in those parallels of latitude, and to point out the passes in them by which communication might be opened out between the vast country occupied by the Hudson Bay Company and the great British seaboard on the Pacific.

In the award of the Patron's Medal to Captain Palliser, allusions have been made to some of the principle results obtained by the researches of the expedition under his orders. But I should not do justice to the leader and his associates, nor to my own feelings, were I not to add a few words of explanation and comment. The first year's labors were necessarily of more importance to the Government than they could be to geographers and naturalists. The great object was to determine the capability of establishing an intercourse between the rocky region of Lakes Superior and Winnipeg on the east and the rich prairie countries on the west; and though astronomical, physical, and magnetical observations of considerable importance were

made—these countries being to a great extent known before, and their outlines being monotonous—that portion of the survey created but slight interest among us.

Not so when the Rocky Mountains, to which we had specially directed attention, came to be surveyed.* On proceeding from Fort Carlton, Palliser showed his good sense in approaching these mountains from the rich Ruffalo prairies midway between the North and South Saskatchewan. An experienced buffalo hunter himself, he knew that if his men were not well supplied, by no efforts, however well directed, could they succeed. Accordingly, having established a good base, and having secured abundant provisions at Slaughter Creek, he divided his forces into three parties. Leading one of these himself across the Kananaski Pass, and returning by the Kootanie Pass in north latitude $49\frac{1}{2}^{\circ}$, directing Capt. Blakiston to explore the still more southerly or boundary Pass, he sent Dr. Hector to traverse the chain by the Vermillion Pass, and to explore, as a geologist and naturalist, the much loftier mountains into which the chain rises in its trend to the N. N. W.—This division of his forces well merited, therefore, the expressions used in the award which has been sanctioned by the Council.

The marked success of the survey, accomplished by my young friend Dr. Hector has been peculiarly gratifying to me, inasmuch as I had answered for the capacity he would exhibit in applying his scientific knowledge. Thus, in addition to the determination of latitude, longitude, and the altitude of the mountains and two of their passes, Dr. Hector presents us with a sketch of the physical and geological structure of the chain, with its axis of slaty subcrystalline rock, overlaid by limestones of Devonian and Carboniferous age, and flanked on the eastern face by Carboniferous sandstone, representing, probably, our own coalfields, the whole followed by those Cretaceous and Tertiary deposits which constitute the subsoil of the vast and rich prairies watered by the North and South Saskatchewan and their affluents. His observations on the erratic or drift phenomena are also curious and valuable.

Prevented by his instructions from descending into the valleys of Columbia and there to ascertain practicable routes to the far west, which he will look out for during the present summer, Dr. Hector though so severely injured by the kick of a horse as to be incapacitated from moving for some days, contrived so to travel northwards as to round the base of the loftiest mountains of the chain before he returned to his winter quarters in October, after an absence of eighteen weeks from his chief, but laden with valuable geographical and geological knowledge.

In this survey he had the merit of showing that the Vermillion Pass—which is less than 5,000 feet high, and therefore 1,000 feet lower than any other known pass of the Rocky Mountains—had an other decided advantage over them, inasmuch as its western slope, from the summit level of the horse path is so little steep that its explorer had no doubt that even a road for carts may be there established. The descents westward, or into the drainage of the Columbia, in the other passes, are exceedingly steep; and, according to Captain Blakiston, the Kootanie Pass can only have a railroad made along it by the formation of tunnels of several miles in length, and by encountering the difficulty of the western gradient of 194 feet per mile.

Another singular natural feature of comparison is, that whilst the Vermillion Pass is less than 5000 feet above the sea, the adjacent mountains on the north rise to near 16,000 feet, showing the great depth of the gorge.

* Dr. Hector had by directions of his chief, made a successful foray in dog-sledges to the eastern edge of the Rocky Mountains during the winter, in which he procured men and horses.

On the other hand, in the range beyond the British boundary, to the south and where no peak (not even that of Fremont) exceeds 13,000 feet, the passes range from 6,000 to 7,000 feet high.*

Whether one of the heights called Mount Brown† and Hooker by Mr. Douglas, in honor of our eminent botanical contemporaries, be still higher than the Mount Murchison of Palliser and Hector, it is certain that the chain diminishes rapidly in its trend from this lofty cluster to the north. We know, indeed that Mackenzie, the first great explorer of those regions, passed through the range in north latitude 56°, at a comparatively lower level. Again, we further know that in proceeding northwards these mountains dwindle into insignificance before they reach the Arctic Ocean.

It will be recollected that seven years ago Captain M. H. Syngé of the Royal Engineers, who had been quartered in the Canadas, and had made excursions into the adjacent western territories, being deeply imbued with the importance of the original observations of Mackenzie, and attracted by his glowing description, made a warm appeal in favor of the establishment of a line communication between the Atlantic and Pacific, by passing from Lake Athabasca and the Peace river, thence traversing the Rocky Mountains on the parallel followed by Mackenzie.

But that scheme must, now, I apprehend give way before the shorter passages across the mountains in a more southern parallel, and which will it is hoped bring a rich prairie country on the east into intercourse with our newly discovered gold region on the west, as well as with Vancouver Island,

* In anticipation of what may hereafter be published in the "Journal of the Royal Geographical Society," the reader is referred to the papers presented to Parliament in April, relative to the "Exploration by Captain Palliser of that portion of British North America which the northern branch of the River Saskatchewan and the frontier of the United States, and between the Red River and Rocky Mountains." These printed documents are accompanied by a map, executed by Arrowsmith, from the surveys of the Palliser expedition, together with despatches of the leader and officers under his command, and tables giving the calculations of latitude and longitude by which the positions of places were fixed. An additional paper and map on the southern part of the Rocky Mountains near the American boundary, as prepared by Captain Blakiston, who had quitted the expedition, has very recently been sent to the Society, with the notice from the Secretary of the Colonies that it was not looked upon as an official communication until sanctioned by Captain Palliser.—These last mentioned documents, which seem to me to be also ably prepared, have not yet been laid before the Society. The public will soon possess an excellent map by Arrowsmith in which all the new discoveries are inserted. This map is entitled "The Provinces of British Columbia, Vancouver Island, with portions of the United States and Hudson Bay Territory."

I was recently informed by my friend, the Right Hon. Edward Ellice, that the geographical position of these passes was laid down many years ago upon a MS. map, at the instance of the Hudson Bay Company, by Mr. David Thompson. I have further learnt from Mr. Arrowsmith, with whom he corresponded, that Mr. Thompson explored the vast regions of the Hudson Bay Company in all directions during twenty-eight years, and projected the construction of a general map of the country between Hudson Bay and Lake Superior on the east, and the Pacific on the west! It appears that the last six years of his labors were spent on the west side of the Rocky Mountains—it being important to note that his MS. maps were all made from actual survey, corrected by numerous astronomical observations. The largest affluent of the Frazer river in British Columbia, "the Thompson," justly bears the name of this great but little known geographical explorer; and I therefore trust that there is no foundation for a report which has been spread, that it is proposed to substitute some other appellation for the name of this meritorious man. Beginning his astronomical observation in 1792, Mr. David Thompson was in 1817 appointed the Astronomer of the North American boundary Commission, and was upwards of eighty years of age when he died in Canada. In the words of Mr. Arrowsmith, "he has left no one behind him who is possessed of a tenth part of his acquaintance with the territories of the Hudson Bay Company whose directions were duly sensible of his great merits." [Whatever may be the fate of that remarkable Corporation, we must admit that it has only maintained British rights over wide tracts of North America, but has also, in addition to Thompson, produced some of the best geological explorers [of snow-clad Arctic countries, including] our medallist Rae; whilst its dealing with the various fur hunting tribes of Indians have been so equitable as to have maintained the attachment of these poor people, who under such influence have been preserved instead, of falling before the white man, as in other parts of America.

† Mount Brown is said to be 16,090 feet high.

the natural resources of which were brought before us by Colonel W. C. Grant. During the animated discussion which took place among us in the year 1851, Mr. Asa Whitney, of the United States, in proposing his gigantic plan of an inter-oceanic railway, candidly told us that the best line of intercourse between the two oceans would be found within the British territories, and the Palliser expedition has already gone far to demonstrate the truth and value of his suggestion.

With a knowledge of the data acquired by the Palliser expedition, men of ardent minds contemplate the formation of a railroad, or if not of a practicable route which traverse the British Possessions only, shall connect the Atlantic and Pacific Oceans. But when we reflect that the length of this line is above 2,000 English miles, and that the greater part of the route on the east will have to traverse wild and unpeopled regions, we cannot rush to hasty conclusions as to the practicability of such an enterprise. Neither ought we to decide a plan which may be ultimately called for when British Columbia and Vancouver Island shall have risen to that importance which they must attain as British Colonies. For, it is now ascertained, that the tract lying between the North and South Saskatchewan on the east is one of great fertility, where no intense cold prevails, and that once through the Rocky Mountains, the traveler enters a country of cedars and rich vegetation, in which even wheat may be grown at heights exceeding 2,000 feet above the sea. In the mean time we need, at all events, have no hesitation in assuming that the electric telegraph will, ere long, be at work across British North America.

Believing it to be of the deepest geographical importance, that men who have distinguished themselves as Palliser and his associates, should not, through a misplaced economy, be held to their original instructions, and be forced to return homewards by retracing their steps from Fort Edmonton over the previously beaten tracts of North America and the United States, I have had great pleasure in supporting the request of the gallant leader of this expedition and of his associate, Dr. Hector, that they might be allowed to wend their way home next summer by again traversing the passes in the Rocky Mountains, and thence to explore the great intervening tracts of British Columbia, including the auriferous region of Frazer river. I am happy to say that Sir Edward B. Lytton readily complied with this request, and that the Palliser expedition is thus about to establish fresh claims upon our approbation.

APPENDIX "D."

Itineraries of routes from St. Paul to Pembina, Fort Garry, Fort Ellice and Edmonton House.

ST. PAUL, MIN., March 1st, 1860.

J. W. Taylor, Esq.:

SIR: In compliance with your request, I herewith submit to you copies of the most reliable itineraries of the various routes between St. Paul and Pembina on the Red River of the North; also of routes beyond the latter place recently described by parties traveling overland to Frazer's River.

The following is a list of the "Tables of distances" furnished:

- (A) 1st. From Saint Paul to Pembina, via Crow Wing and the "Woods road."
- (B) 2d. From St. Paul to Pembina, via St. Cloud, White Bear Lake, Graham's Point, and the W. side of Red River.
- (C) 3d. From St. Paul to Pembina, via portions of various routes.
- (D) 4th. From Breckinridge to Pembina, by the channel of the Red River of the North.
- (E) 5th. From Pembina to the Rocky Mountains, routes and portions of routes.

A few remarks are necessary as to the composition of the tables.

From St. Paul to the second crossing of Otter Tail River, the distances are given from the actual survey and location of the military roads, though the latter portion (from Wadena) of the "Fort Ripley and the Red River road" not being yet opened out, the road as at present traveled is necessarily somewhat longer (about 8 miles than the line given in the table. The State road from St. Cloud to Breckinridge, in like manner, is but partially constructed, the line as surveyed being at least 18 miles shorter than that (the traveled road) given: the shortness of notice has prevented me from procuring and inserting said surveyed length with exactness.

From the second crossing of Otter Tail river to Pembina, also from Saint Cloud (via White Bear Lake and Graham's Point) to Pembina, the distances are taken from the odometer measurements of various expeditions, but as in their details they offer many discrepancies, I have thought it best to include them all, so that the observations of future travelers may decide upon their relative value.

The portions of other land routes are but estimated, and, of course, not strictly reliable.

The routes beyond Pembina are mostly from odometer measurements.

Along the channel of the Red River of the North the distances are ascertained with comparative exactness from Breckinridge to the mouth of Buffalo river, the forwardness of the U. S. Land Surveys in the Red River valley admitting of it; but from Buffalo river to Pembina, Captain Pope's table of

distances has been used. Capt. Pope estimates this latter portion of the river as 248 miles in length, but when it is correctly known, by survey, I do not think it will be found to exceed 230 miles, making the actual distance by water from Breckinridge to Pembina about 370 miles. Maj. S. H. Long, in 1823, stated the distance from the mouth of Red Lake to Pembina to be 130 miles.

The following summary exhibits the relative lengths of the detailed routes between St. Paul and Pembina.

STATEMENT OF TOTAL DISTANCES.

(Omitting the detours spoken of above.)

		<i>Miles</i>
1st.	Via Crow Wing and Detroit Lake - - - - -	413 to 424
2d.	Saint Cloud, Alexandria, Dayton, and the "forks of trail," say,	420
3d.	Saint Cloud, Richmond, White Bear Lake, Elbow Lake, Dayton, and the "forks," say	445
4th.	St. Cloud, Richmond, White Bear Lake, Graham's Point (about), and the road through Dakota Territory,	464
5th.	St. Cloud, Richmond, White Bear Lake, Graham's Point, (about), and the river	600
6th.	St. Cloud, Alexandria, Dayton, Breckinridge, and the river say,	590
7th.	St. Cloud, Alexandria, Dayton, Breckinridge, Shayenne, and the river, say,	525

I, am, sir, very respectfully,

Your obedient servant,

ALFRED J. HILL.

I. ST. PAUL TO LAKE FLOYD.

FROM ST. PAUL, (FULLER HOUSE) TO

Digitized by Google

II. LAKE FLOYD TO PEMBINA.

Col. Nobles. 1859.

FROM LAKE FLOYD TO	Miles.	Total.
North end of small lake to left of road.....	2½	241½
Timbered lake, to left.....	5¼	246¾
Buffalo river, 10 feet wide, 1 foot deep.....	5¼	252
Dividing ridge, lake and timber.....	8½	260½
Junction of St. Cloud and Pembina trail.....	11½	272
Crossing of Wild Rice river, 35 feet wide, 2 feet deep.....	5	277
Crossing of Wild Rice creek, 15 feet wide, 1 foot deep.....	5	282
Crossing of Sand Hill river, 30 feet wide, 1½ feet deep.....	19½	301¾
Crossing of Sand Hill creek, (12 feet).....	6	307¾
Bad marshes.....	1¾	309½
Stony butte and lake.....	11¾	321¼
Small creek, water in holes.....	3½	324¾
Crossing of Red Lake river, 175 feet wide, 3½ feet deep.....	4½	329¼
Small lake and marsh.....	11	340¾
Small lake.....	4¾	345
Coulee.....	12½	357½
Crossing of Snake river.....	4	361½
Crossing of Middle river, 20 feet wide, 6 inches deep.....	7	368½
Crossing of Pine river, 15 feet wide, 1 foot deep.....	6	374½
Bend of Pine river.....	4	378½
Small creek.....	6½	385
Big Point.....	15½	400¾
South fork of Two Rivers.....	6¼	406¾
Mouth of Two Rivers.....	5	411½
Pembina.....	12½	424

III. RED LAKE RIVER TO PEMBINA.

Col. F. L. Smith. 1856.

FROM ST. PAUL TO.	Miles.	Total.
Red river.....		329¼
Small lake.....	18	347¼
Middle river.....	17½	364¾
Tamarac river (R. aux Épinces).....	4	368¾
Small stream.....	16½	385¼
South branch of Two Rivers.....	11	396¼
North branch of Two Rivers.....	4¼	400½
Lac du Nord Ouest.....	11½	412
Pembina, west side of Red river.....	3¼	412¾

Table of Distances from St. Paul to Pembina—Plain Trail.

I. ROUTE OF MAJ. WOODS AND CAPT. POPE.

June and July, 1849.

FROM ST. PAUL TO	Miles.	Total.
Crossing at Sauk Rapids.....		78½
Cold Water creek.....	16	94½
Crossing of Sauk river (Richmond).....	5	99½
David Lake (now Henry lake).....	14	113½
Lake Henrie (now Lake George).....	7	120½
Crossing of Crow river.....	8	128½
Lightning Lake (now Grove Lake).....	11	139½
White Bear Lake.....	14	153½
Pike Lake.....	13	166½
Main branch of Chippewa river.....	11	177½
Elk Lake.....	2	179½
Tipsina, or Pomme de Terre river.....	5	184½
Elbow Lake.....	10	194½
Rabbit River (west branch of Pomme de Terre river).....	4	198½
Crossing of Otter Tail river.....	20	218½
Crossing of Red river (near Graham's Point).....	22	240½
Crossing of Wild Rice river, west.....	13½	254
Crossing of Shavenne river.....	11	265
Crossing of Maple river.....	17	282
Rush river, turned it.....	18½	300½
“ bend.....	9½	310
Point of ridge.....	16	326
Main branch of Elm River.....	7½	333½
South branch of Goose river.....	8½	342
Salt Lakes.....	8½	350½
Main branch of Goose river.....	10½	361
Crossing of Goose river.....	2½	363½
Turtle river.....	18	381½
Big Salt River.....	19½	401
Little Salt river.....	9	410
Little Hill river.....	12½	422½
Cart river (R. de la Chaurette).....	2½	425
Steep Hill river.....	2	427
Heartshorn river.....	3	430
Mud river and commencement Poplar islands.....	7	437
Branch of Tongue river.....	16	453
Mouth of Pembina river.....	10½	463½

as the almond. The changeableness of the weather in south, in the spring season, throws plants off their guard; the frost attendant on those changes destroy the young fruit; and it is only one year in three that the crop hits at all. The desiccated or dried state of these fruits enables us to enjoy them through the year; but in the south their acidity carries them into fermentation or decomposition before they can be divested of their aqueous parts.—The climate of the south is equally against converting them into cider, or any other fermented liquor, because that the heat forces their compressed juice so rapidly into active fermentation, that it cannot easily be checked until it passes into vinegar. For the same reason distillation goes on badly in hot climates, and cannot be checked long at the proper point to give much alcohol: and whether we aim to enjoy the delicious freshness of these fruits themselves, sip the nectarin of their juices, refresh ourselves with their fermented beverage, stimulate our hearts with their brandies and cordials, or feast through the winter upon the dried or preserved stores of their fruits, we are continually balked by the severity of a southern climate, and for such enjoyment must look to the north.

The melons are always affected by too great a degree of heat, even though their vines flourish so much in southern latitudes. The forcing sun hurries them on to maturity before they have attained much size, or acquired that rich saccharine and aromatic flavor for which they are so much esteemed. The cantelope-melon will rot or have its sipes baked by a hot sun, before it is fully formed; and the water-melon is always woody, dry, and devoid of its peculiar sweetness and richness in the south. Vines have been known to run one hundred feet, and bear no melon. It is in Philadelphia and its neighborhood, and in similar latitudes that the markets are loaded with delicious melons of all sorts, whose flavor so much refresh and delight us. It is there, near the northern limit, that we cultivate them with such uniform success.

The orange, strictly a tropical plant, is more juicy, large and delicious at St. Augustine (Florida.) than at Havana; and fruiterers, in order to recommend an orange will say that it is from some place out of the tropics. In the West Indies, the pulp of the orange is spongy, badly filed with juice, and has too much of a forced flavor to be pleasant. The hot-house forcers of Europe, or at Rome, anciently at first produced bad fruit; too dry, too small and without flavor; because they overacted. They have lately found out that fact, and now the productions of the hot-houses of London, Paris, &c., astonish and delight us with the quantity and excellence of the fruit. They have found out that gradual and uniform heat is the desideratum; countervailing the cold rather than imparting much heat. Fruit thus produced is pronounced better than any grown in the natural way, however perfect the climate.

The juices of the grape are best matured for wine near the northern limit of their growth. On the Rhine, in Hungary, the sides of the Alps, and in other elevated or northern situations, the wine is strongest, richest, and most esteemed. The French wines rank before the Spanish and Italian; and in no southern country of Europe or Africa, except Madeira, where elevation make the difference, is the wine in much repute. The grapes of France are more delicious for the table than those of Spain or Madeira. In the northern part of the United States, the excess of heat and moisture blights the grape to such an extent that all attempts have failed in its cultivation. The grape, vine, however whether wild or cultivated grows there very luxuriantly. The vinous fermentation can also be best conducted in a climate comparatively cool; and all the pressing, fermenting and distillation of the juice of this delicate fruit can be safer and more profitably managed in a mild region.

The olive, and other oleaginous plants, yield more fruit, of a richer flavor,

and can be better pressed, and the oil preserved, in a mild climate. In France the tree is healthier, and the fruit and oil better than in Spain or Italy; and the Barbary States are known to import their oil from France and Italy.

Many other plants might be named, whose habits would equally support our position. It is presumed, however, that enough have been cited to call the attention of philosophy to this curious subject, and enable us to give proper attention to it, in all the practical operations of Agricultural pursuit. Much time and expense might be saved, and profits realized, if this were more generally understood.

We have already observed that the heat of the sun in southern climes forces plants to a false maturity, runs them on too rapidly to fructification, and renders dry and woody the culms, stalks and leaves of the plants, where these parts are used. Hence the chaffiness of the leaf, the dryness of the culm, the lightness of the grain, and the unsavory, spongy quality of the pulp of the plants in those latitudes. Hence the difficulty of fermenting their juices, distilling their essences, and preserving for use the fruit, juice or blades of such plants. The prevalence of insects is another bar to the productiveness of southern plants; swarms of them invade and strip the leaves, bore the fruit, and lead to blight and decomposition; and just in proportion as the labors of man have rendered plants succulent, and their fruits and seeds sweet and pleasant, do these insects multiply on them, devour their crops, and defeat the objects of husbandry.

The labor of man is more conservative in northern climates, because his arm is better nerved for exercise, his health and spirits more buoyant; and instead of saying "Go and work," he says "Come and work;" treads with a cheerful heart upon his own soil, and assists in the cultivation, collection and preservation of his own productions. It is in temperate climate that man can be most familiar with nature; it is there that he has the best opportunities of observing the guarantees which nature has for the preservation of her animals and plants against the devastation of the elements; he sees an occasional apparent neglect of individuals, but a constant parental care of races. In every thing he sees the wisdom and benevolence of God.

APPENDIX "F."

Prof. M. F. Maury and Pacific Railroads—The Physical, Commercial and Military Necessity of two Railroads, one North and one South.

[At a special meeting of the Chamber of Commerce of the City of Saint Paul, Minnesota, held on Saturday, January 22, 1859, at the Room of the Chamber, Col. D. A. Robertson submitted a letter of Commander M. F. Maury, U. S. N., (Superintendent of the Observatory at Washington,) upon the subject of Pacific Railroads.

On motion of Gov. Alex. Ramsey, Col. Robertson was requested to furnish a copy of the same for publication, it being in the estimation of the Chamber the most able exposition of the subject treated upon ever written.

The request of the Chamber was complied with as follows :]

ST. PAUL, Jan. 24, 1859.

Dear Sir :—I venture to comply with your request in behalf of the Saint Paul Chamber of Commerce, to furnish a copy of Commander Maury's letter of the 4th inst., for publication, (striking out the portion of a private nature.)

In doing so, it is proper to remark that the letter was written in the course of private correspondence, yet, in furnishing it for publication, I confidently rely upon the acquiescence of its distinguished and patriotic author. Its contents, especially at this time, are of too much national value to be allowed to remain in the obscurity of any private hand. May I not say, with safety, that the scientific, geographical and commercial facts therein presented, with such transcendent ability and high authority, settle the whole question so long debated about routes and roads to the Pacific?

Yours truly,

D. A. ROBERTSON,

WM. R. MARSHALL, Esq., President St. Paul Chamber of Commerce.

OBSERVATORY, WASHINGTON.)
January 4, 1859.)

My Dear Sir :

I have often wished that the question, pure and simple, Railroad or no Railroad to the Pacific, could be put to the popular vote of the nation. Never, since the Memphis Convention of 1849, should I have had any doubt as to the result. The vote would be largely for the road.

While all admit the importance of one or more such railways, there has been such a diversity of opinion as to routes and plans, that no one route has as yet met with friends enough to carry it through in spite of its rivals, and I do not think that it ever will.

Two roads at least are necessary. At least two roads—one at the North, the other at the South, are required for the common defence. At least two

roads—one at the South, the other at the north—are necessary, socially and commercially; for by two roads so placed, the markets of Japan, China and the Amoor, will be brought nearer to us by many days' sail than it is possible for one road to bring them. This may sound paradoxical; yet I hope, before I am done, to explain the paradox to your satisfaction.

Let us first consider the importance of two roads in their military aspect. Vancouver Island commands the shores of Washington and Oregon; and whether the terminus of the Northern road be at Puget Sound or at the mouth of the Columbia river, the munitions sent there could be used for no other part of the coast, for Vancouver overlooks them.

They could not, on account of Vancouver in its military aspects, be sent from the northern terminus to San Francisco and the South; nor could the Southern road—supposing only one, and that at the South—send supplies in war from its terminus, whether at San Diego or San Francisco, by sea either to Oregon or Washington. Vancouver would prevent, for Vancouver commands their coasts as completely as England commands those of France on the Atlantic. So complete is this military curtain that you never heard of France on the Atlantic sending succor by sea to France on the Mediterranean, or the reverse in a war with England. The straits of Fuen are as close as the Straits of Gibraltar.

In preparing for the national defences on the Pacific, this fact, and the fact that Vancouver Island is in the hands of a foreign power, are well calculated to impress peculiar features upon any system that may be adopted.

But I promised to explain why two roads, one at the South, the other at the North, will bring the markets of Asia much nearer to us than either road, singly, would make them.

Before, however, I go into that explanation, let us clear away some of the obstacles which error has placed in the way of a northern route to the Pacific.

Most men of our age were educated under the belief that parallels of latitude and terrestrial climates are correlatives; that we might tell the temperature of any unknown country or region of country, if we knew its latitude.

Humboldt and Dove exploded this idea with their isothermal lines. For example, they show that the mean annual temperature of North Cape, lat. 70° in Europe, is the same as that along the north shore of Lake Superior, in lat. 50° . Here is a difference of 20° of lat., without any difference in the average annual temperature of the two places.

There is a difference in the length of day and night at the two places, and so far as climate is affected by difference in the length of day and night, climate is to that extent, and no farther, an affair of latitude. But with differences in length of day and night, the relations between climate and latitude cease. The thermometer and hydrometer then become the true exponents of climate. Every region, indeed, tells the whole story of its climate by its flora.

Let us get rid then of our old notions concerning the relations of latitude and climate, and with unbiased minds lay out this north temperate zone, which we inhabit, into thermal bands, and then study the flora of these bands. After we shall have done this, then I think we will be able to agree, at least among ourselves, as to the necessity of two routes to the Pacific. Moreover we can select those routes that will be the best agriculturally and commercially; and when we shall finish with this investigation, you will find that these two routes lie exactly where the best plan of national defense requires them—the Northern route commencing at the western boundary of Minnesota and going to Puget's Sound, with a branch in the course of time, to the mouth of the Columbia—the Southern route commencing at El Paso in Texas, and going thence to San Diego and San Francisco.

I speak of these routes as the routes which commerce and agriculture as well as war require. The elements indicate them. I place the climatology of these, the agricultural and commercial resources of the regions through which they pass in the same category, because commerce is based on difference of agricultural productions, and difference of productions is an affair of climate altogether. Therefore, in studying climate and routes we study variety of production, and cannot help looking at them in their commercial aspects.

The Army Meteorological Observations, Blodget's Climatology of the United States, and Dove's Isothermal maps, enable us to divide that portion of the northern temperate zone occupied by the United States, into two grand and characteristic thermal bands.

The fauna and the flora of these two bands differ. The people differ—their climates differ—the industrial pursuits in them differ—and, therefore, I call them grand and striking subdivisions.

Speaking in a general way, the United States lie between the mean annual isotherms of 35° and 70° .

Take a school map of the world and let us draw with a pencil these isotherms across Europe, Asia, and Africa also.

Beginning on the west coast, with the pencil at Sitka, draw it with a free hand thence through the mouth of the Red River of the North, touching the north shore of Lake Superior, crossing the St. Lawrence below Quebec, and thence to St. John's, Newfoundland. Now beginning in Europe, near Christians, draw your pencil up towards the Gulf of Onega; then draw through Orenberg to Kiachta, Marghan and the mouth of the Amoor. You can now see sufficiently near for our present purpose how the isotherm of 35° runs. The mean temperature of all places south of this line is not more than 35° .

In like manner we sketch off roughly the annual isotherm of 70° through the new world and the old. It starts from San Diego, crossing the Colorado at its mouth, and then passing down Chihuahua to Austin, in Texas, it goes by New Orleans and Pensacola to the sea. Striking the African coast near Mogador, it goes through Cairo, Ispahan, Delhi, to Canton. The mean temperature of all places to the north of this line is less than 70° .

Now let us divide the belt included between these two isotherms into two nearly equal thermal bands, by tracing likewise with a free hand the isotherm of 52° , the mean (nearly) between 35° and 70° .

Beginning near Cape Orford on the West Coast, this isotherm passes up towards the Dallas, then down a little to the west of Salt Lake to Santa Fe; then up to Scott's Bluff, and then through St. Louis and Louisville to Baltimore. Taking up in England, it passes through Belgium towards Zurich, then up towards Olmutz, and so through Varna, Derbent, Kokan and Pekin.

This line divides this belt thermally and geographically into two bands of nearly the same size. They include the garden spots of the earth. In them man laid his first hearthstone, and from them the lights of civilization and christianity have shed their first and brightest rays.

Let us, for the convenience of reference, call the Northern band the upper band, and the Southern one the lower.

We are now prepared to cast the eye over them, and to generalize concerning the commercial and agricultural aspects of the two routes.

The plants which give physiognomy to the fields and forests of these bands are, for the upper band, conifers, the willow, the beech, larch, fir, alder, elm, hickory, birch, cranberries and pasture grasses. For the lower band the characteristic plants are thick leaved evergreens, and arborescent grasses, the cypress, cedar, ash and magnolia, with roses.

The chief commercial plants, besides the cereals—which are common to both—are for the lower band, the orange, the vine, the fig, peach, date, pomegranate, citron, the melon, St. John's Bread, the sweet potato, rice, indigo, tobacco, hemp, cotton, tea, sugar and naval stores. For the upper band, buckwheat, hay, Irish potatoes, turnips, apples, pears, plums, herds and flocks.

Most of the railways both in Europe and America, are in the upper band; so are the great centers of commerce, and the places for fairs in Europe and Asia—a sure sign that the occupations of the people in the upper band are not so exclusively agricultural as those of the lower. In other words we are reminded by this division that the people, in spite of legislative enactments, tariff, and protection, have obeyed the laws enacted by nature as expressed for the geographical distribution of labor, and that man, though the same in both bands, has in each heeded those physical conditions by which he finds himself surrounded, and directed his labors to those pursuits which promise the best returns.

This circumstance reminds us that railways in the upper band should be more apt to have full freights both ways than are railways in the lower band. The latter carry away tobacco, hemp, cotton, rice, sugar, &c., and may bring back in a single car, the manufactured articles for which a whole train-load of cotton has been exchanged. Hence, as a rule, railroads in this band carry more than they fetch. The same raw and bulky articles go into the upper band to be manufactured, and when manufactured they are put on the rails for distribution, and for market—thus increasing freights for this band both ways.

Each one of these thermal lands in the United States wants its roads from sea to sea, and each must have it. Each wanted its system of roads between the Atlantic to the Mississippi river, and each has it, whether Congress would or not—and so it will be between the "Grand Ocean" and the Mississippi.

Look at the steel engraved map in Putnam's Railroad Guide and you will see how those systems of roads have been formed. Until last summer Virginia would stretch no railroad line from any of her fine harbors into the valley of the west. North Carolina had no harbor's, hence the blank space on that map between Ohio and Georgia.

On the other hand, there was the great chain of Lakes. Then there was the Baltimore and Ohio, and the Pennsylvania Central Railroads, which were commenced at a very early day, and pushed forward with vigor. Now see what a net-work of railroads these have called out, reaching to and beyond the Mississippi, and stretching due east to connect with these.

While Virginia would not and North Carolina could not, South Carolina and Georgia went to work with their system of roads, which has already stretched itself towards the setting sun far beyond the Mississippi.

Texas has given a most magnificent grant of lands and loan of money to the Southern Pacific railway, which will extend the Southern system as far as El Paso, within 600 miles of the Pacific.

Roads from New Orleans, Vicksburg, Memphis and other points, are to join the Texas road. Memphis and El Paso are in the middle of the lower band. Hence, you perceive, this band has its roads well under way, and it is high time Uncle Sam should take hold and extend it westward.

Unfortunately, this road has had troubles to an extraordinary degree—but it's a long night that has no day, and it now begins for the first time to see the light of real day. The dawn is promising.

So, too, in Minnesota: St. Paul is in the center of the upper band, and there is a railroad already under way from St. Paul to Pembina. A branch

from this road leading to the Pacific will most fairly represent the system in the upper band. St Paul is in the middle of it, and the distance by an air-line from the Western limits of Minnesota to Puget's Sound is 870 miles: making only (say) 1500 miles of road to be provided for by the general government, in order to secure both of these roads. Indeed, if the Southern road be taken to the California line, California will take care of it thence to San Francisco. So that by providing for the construction of some 500 miles, government can now secure one at the south. Ten years ago, when this question of a road to the Pacific began first to be agitated, government would have had to provide for it all the way from the Mississippi to the Pacific—so it was held—and that would have required a single road about 2,000 miles long. Now, government aid along 1,500 miles will give us two.

These bands give a complete quietus to all objections to the northern roads, on the score of climate. In other parts of the world roads abound in just such climates. The road from St. Petersburg to Moscow, and the Prussian roads with others in the same band, in Europe, are even in a higher latitude than the St. Paul road will be; yet climate is no objection to them. Neither is it to the Canada railways, nor to any others as far north as the rails have been laid. We all expect to see the day when Russia will be extending her system of rails into Siberia, and none of us—for in that matter all of us have unbiassed minds—anticipate any difficulty on the score of climate.

Rain maps for these bands show that the average annual amount of rain along this northern route and until you pass the Rocky Mountain range—after which the climate is mild, like that of England—is less than it is along any railway in the Atlantic States, or in the Mississippi valley, or, indeed, in any part of the World. They show that the average amount of precipitation both snow and rain, in winter, for that part of the route which lies between the Pacific range of mountains and St. Paul, is less than three inches!

Thus, I think, the question of climate, of terrific snow storms and impassable drifts along this route, may be considered as disposed of.

We return now to the paradox, that by these two roads to the Pacific, the markets of Asia will be much nearer to those of the Mississippi valley than either road alone could bring them. To explain this it is only necessary to remind you how the winds blow and the currents set that control the routes of sailing vessels—the burden cars of the sea—between the eastern shores of Asia and our west coast.

The route to Asia lies through the N. E. trade winds. These winds blow between the parallel of 30 deg. N. and the Equator; and vessels that take this route usually run across the broad Pacific between the parallel of 18 deg. and 25 deg. N. where the trades are strongest. Returning, they take the great circle route—the shortest distance—and keep well up to the north: for now the “brave west winds” of those extra-tropical regions which would have been adverse for the outward voyage, are fresh and fair for the homeward run. So you perceive that a vessel trading under canvass between our Pacific States and China describes on every round voyage, an ellipse; coming out of the Straits of Fuca or the Columbia river for instance, her course is first to the southward, as though she were bound round Cape Horn, and until she gets into the N. E. trade winds. Her course is then west until she enters the waters of the China seas. She then hauls up to the northward and westward for her port. On her return voyage, her course on coming out of her home port, is to the northward and eastward, until she gets fairly within the “brave west winds.” With these she steers to the eastward, following the great circle route gradually shaping her course to the S. of E., until she reaches our own shores again.

If she be bound to San Francisco, her route, until she gains the offings of

the straits of Fuca, would be the same as though she were bound into Puget's Sound or the Columbia river.

Thus you perceive that, on the outward voyage, San Francisco is on the way side from Puget's Sound and Columbia river to China; whereas, Puget's Sound and Astoria are on the way-side of the route from China and Japan to California.

To see how one road only would work, let us suppose it at the north—running from St. Paul to Puget's Sound. Let us now follow a package of merchandise—say of ginseng—that is sent over this road from Memphis to be bartered in China for tea. The ginseng would first go north up the Mississippi to get to the road. Thence it would cross to the Pacific; arriving at Puget's Sound it would then be shipped for China. Now it must come back to the south again to get into the trade wind region. Thus you observe it would have to go more than a thousand miles up the Mississippi out of the way; and when it reaches the Pacific it would have to return again as far to the South. Being exchanged for tea in China, it would be nearest for the tea to stop at Puget's Sound, take the Railroad and come south on the Mississippi, instead of coming South by sea along the Pacific coast.

Now let us, in imagination, place the road at the south instead of the north, and take a bale of furs to illustrate the route of trade and travel. The fur, we will suppose, is sent from St. Paul. It comes down the Mississippi to get to the road. That would not be out of the way for the fur, for it is bound south by the northeast trade winds at any rate; and it would be, in a national point of view, perhaps more desirable to have it go south by the Mississippi than by sea in the Pacific. But when the silk for which it has been exchanged in China, on St. Paul account, arrives, on its return off the entrance of the Straits of Fuca, it has to turn out of its way. Instead of finding railway transportation to take it through from Puget's Sound across to Minnesota, it has to run away to the south. Perhaps a week after it might have been in St. Paul by a northern road, it arrives by sea in California, and is carried by rails to Memphis. Now it has to double upon itself to go north, and recross every parallel of latitude that it crossed after turning out of its way from Juan de Fuca.

This doubling will require two or three weeks of time, besides risk and expense.

With two roads there will be no doubling, hence two roads will bring China and Japan and Russia very much nearer to the Mississippi valley than one can do. The distance saved will be, in furlongs, nearly twice the length of the Mississippi river, and in time some two or three weeks.

Whether the government therefore aids in the building of these roads or not, these circumstances will of themselves call for the construction of at least two roads to the Pacific—one at the north, the other at the south. Northern capital and Southern capital will assist in both.

I have thus endeavored to make clear the paradox with which I set out, and I hope I have succeeded in showing to your satisfaction that at least two railways—one at the north the other at the south—are required to the Pacific.

There are no toll-houses in the lakes, and none on the Gulf of Mexico. The commercial voices of these two waters, could it be heard, would be raised, each trumpet-tongued, in favor of these two routes.

The nearest way from Brazil and the Amazon, as well as from the West Indies to China, would then be by the South Pacific Railway.

Yours truly,

M. F. MAURY.

D. A. ROBERTSON, St. Paul, Minnesota.

APPENDIX "G."

British Columbia.

From the Correspondence of the London Times.

VICTORIA, VANCOUVER'S ISLAND, /
December 9, 1859. }

All recent accounts from British Columbia have been of most satisfactory and encouraging character.

Its wealth, and the vast extent of its auriferous area, are now established by undeniable evidence; the satisfaction of the miners with their success, and the arrival here of large quantities of gold dust, the discoveries of new "placers," and the extension of old diggings in which gold is found deeper and further inland from the rivers than was at first expected, all go to establish these two important facts.

NEW GOLD DIGGINGS.

Rich diggings have been discovered in the Similkameen valley, a short distance north of the 49th parallel within the territory of British Columbia. The valley of the Similkameen (pronounced "Sheemilkeemeen,") which is watered by a river bearing the same name, is extensive, fertile, abounds in rich pasture, and is well adapted for settlement. The climate is genial and there are many extensive tracts in the Similkameen country especially favorable for stock raising, as in winter the snow never lies, however deep it may be in the mountainous country around. The river is a tributary of the Okinagan, which falls into the Columbia near 48° north latitude. This new mining country is accessible from Fort Hope on Frazer river, and from the neighboring American country, (Washington Territory,) the inhabitants of which have availed themselves of the facility to mine there during last autumn with success, which produced the usual "excitement." Gold has also been discovered and worked to a considerable extent on Quensell's river and Lake some 250 miles to the north of the last mentioned locality. In short the whole of the interior portions of the country, from a point about 45 miles from (above) the mouth of Frazer river up to the vicinity of the Rocky Mountains including New Caledonia, are now ascertained to be auriferous; and, what is equally important, extensive tracts of good land adapted for agriculture have been at the same time discovered.

QUEEN CHARLOTTE'S ISLAND.

The problem whether the gold area extended as far north as the northern boundary of British Columbia to the Russian line has also been solved.—Captain Torrens, late of Her Majesty's 55th Regiment—a gentleman who combines a life of adventure with a high spirit of enterprise—organized an expedition, including scientific men, some months back, to explore Queen Charlotte's Island and the north-west coast of British Columbia. They first made for Fort Simpson, the Hudson's Bay Company's northernmost establishment on the Pacific, situate in latitude 54 deg. 20 sec., near the Russian boundary.

From Fort Simpson they crossed to Queen Charlotte's Island (a dependency of the Colony of British Columbia,) and landed on Point Rose, an

isthmus which forms the north-eastern extremity of the island. Captain Torrens has kindly furnished me with notes from his journal and from them I will extract a succinct account of his wanderings. From Point Rose the party coasted southward, "prospecting" as they went. The "color," as the miner calls a successful trial for gold, was found always everywhere on the coast in the concrete, and in the different strata of gravel in the cliffs; but the best "prospects" were derived from the black sand on the beach from Point Rose to Skidegate, a distance of some sixty odd miles on the south coast. Capt. Torrens thinks the discovery of gold in black sand (iron pyrites.) on the sea coast a remarkable fact. Gold in considerable quantities is found similarly situate on the north coast of California, at a place called, Gold Bluff, where miners have been at work extracting it from the "black sand," by machinery and the use of quicksilver, for the last nine years. At Skidegate village the Indians behaved in so hostile a manner that the party went back in their canoes to Fort Simpson. Smitten by qualms of conscience at their inhospitality, or more probably, having a dread of Governor Douglass' vengeance, as he had sent a message beseeching kind treatment for the party, the Indians, to make amends, sent a deputation to Fort Simpson to invite Captain Torrens to repeat his visit under a promise of safe conduct from the chiefs of the "Haidhas," the most powerful tribe on the island. Thus encouraged the Captain and his men started again. *En route* they visited Pitt Island which lies on the east side of Queen Charlotte's Island, between it and the mainland.—Here they found specimens of gold-bearing quartz. They then made for Gold Harbor, on the east side of Queen Charlotte's Island, where a considerable quantity of gold was blasted in 1852, under the auspices of the Hudson's Bay Company, and sent to London—a fact which added to the exhibition of golden nuggets by Indians frequenting Victoria, had raised high hopes among the more speculative of our townsmen that great wealth lay here.

Captain Torrens was disappointed if he entertained any such hopes. He found the gold "leads" worked out. At least, he and his party thought, and they left again for the mainland. On their way back they visited an island 25 miles to the north of the Queen Charlotte groupe, which they found to be very rich in copper ore. They visited also Kagahni and Tongass islands, a little beyond the parallel of the British Possessions, and Chatsina, on the main Russian Territory. These localities they found to contain lead, bismuth, plumbago, and quartz rich in sulphurets, which analyze from \$135 to \$200 per ton, in great abundance.

Captain Torrens describes the character of the north-west coast of British Columbia as "highly mountainous, one long continued formation of slate interspersed with frequent veins of chrystalized quartz."

THE MAINLAND.

The Captain having determined to examine the interior of the mainland of British Columbia in this northern portion of it he ascended the Naas river, which empties into the Pacific about forty miles north of Fort Simpson. Nothing remarkable struck his notice until he and his men had got up the river for forty miles. Here they observed evidence of volcanic action at some remote period in the discolored and blistered appearance of the rocks; and here they commenced "prospecting," which they continued for a distance of 100 miles, being the extreme distance they proceeded to, and throughout which they found the bars in the river to be auriferous. The trip being essentially a "prospecting trip," they did not settle down the general operations of a mining camp, remaining only a day here and a day there, as circumstances permitted. The river being full, the 'bars' were but little exposed.—Good diggings, were however, discovered, and the whole party were sanguine

that a new gold-field will be opened up in this remote part of the world next spring, when Captain Torrens returns to his exploration of Naas river and surrounding country.

The navigation of the river was accomplished in canoes. It is not adapted for steamers, being too rapid. The scenery is very bold and picturesque.—The weather in autumn was beautiful. Of the soil the Captain says : “—Magnificent plateaus of land are now to be found where once flowed torrents of water ; open lands occur also at intervals, the vegetation upon which is luxuriant.” In addition to the discovery of gold and of good land on the Naas river. Captain Torrens was informed that the Indian trails were so good as to be “available for pack trains with little trouble”—a fact which is of the first importance to facilitate the transit of goods by a short route from the coast into New Caledonia, where gold is now being worked, which is known to be highly auriferous ; and where from the amenity of the climate in winter, and the abundance of pasture a large mining population would settle were it not for the difficulty and great expense of transit by way of Frazer river.

Captain Torrens is loud in his praise of the humanity, kindness, and liberality of the Hudson's Bay Company, from whom he and his party received important assistance.

ANOTHER EXPLORER.

Another explorer has just returned from the same part of the world—whose report has added to our meagre information of the topography of the northern and western portions of the new colony, and to which the Governor attaches considerable importance.

Mr. Downie, an old California pioneer, where, although a Scotchman and of course a foreigner, he was liberally promoted the brevet rank of “Major,” started also from Fort Simpson, in August, on a tour of exploration into the interior by the Skeena river, which falls into a bay inlet at Port Essington, about 50 miles north of Simpson. What with hardships, starvation, annoyances of Indians, and ignorance of the route, and of the languages of savages, the Major's trip was an eventful and romantic one, and he has made a tremendous story of it himself in shape of a report to the Governor ; but I must limit myself to a short abstract, which will embrace the main points.

The bay at Port Essington runs inland, and is deep and navigable for thirty miles. The rocks are gigantic, no quartz appearing. “The banks of the Skeena are low, with small hardwood and cotton trees (poplar,) and some good sized white oaks, the finest I have seen west of Frazer river, on its margin. Vessels drawing four feet can ascend the river for twenty miles, but no further ;” the rest of the navigation must be accomplished by canoes.—Near the embouchure of the Skeena the poor Major first came to grief. Some “honest” Indians stole his coat, but he was consoled for the loss by finding “some chrystalized quartz with gold in it, with an Indian on the Scenetoys river,” a tributary of the Skeena, which led him to conclude “that good paying quartz will be found here.” Paddling along for about 100 miles, the work of many days, no doubt, but of which the Major gives no account, “got fairly over the coast ranges of mountains,” through which the Skeena flows. Once over the range he found “gold, a few specks to the pan ; and the whole country looks like a gold country, with fine bars and flats, and clay on the the bars.” Bars and flats and clay on them are considered gold locations.—“The mountains look red, and slate and quartz can be seen.” A slate formation indicates the neighborhood of gold. The Major is skillful in judging by “symptoms,” for he discovered no end of gold diggings and quartz leads in California, after some days journey beyond the coast range, keeping a north-easterly direction the Major got intelligence of what he calls the “Plumbago

Mountain;" of this mineral he got a specimen. "From here to the village of Kitkoonsa the land improves, the mountains recede from the river, and fine flats run away four or five miles back to the "mountain sides." The milder natural scenery would seem to have improved the manners and tempered the dispositions of the Indians inhabiting the valley of Kitkoonsa.—They were very kind to the Major and wished him to live with them.

THE CASCADE COUNTRY.

In a district which I take to lie between two ranges of the Cascade Mountains, about 200 miles northward and eastward of Fort Simpson, he found "the prospects" of gold to vary much, but on the whole concludes that it is the best looking mineral country he had seen in British Columbia. On crossing the second range of the Cascade Mountains, the Major "enters an extensive coal country, the seams varying in thickness from 3 to 35 feet"—a fact which he was able to ascertain from the river having cut through them. He traced the veins for a mile in length. It took him twenty days from Fort Simpson to this coal district, but by good travelling arrangements, it could be done in a week. I must now take a tremendous jump with the Major to Babine Lake near the northern boundary of British Columbia. This lake is deep and broad, and 100 miles long—facts which are corroborated by some of the gentlemen of the Hudson's Bay Company, and who add that the *Great Eastern* could float upon it. The Major reports that this lake is the source of Skeena river, and he corrects the mistaken and long-received opinion that it is the source of Simpson's River, as laid down in the maps. To compress the Major's most original, but confused descriptions, I would say that for about 100 miles to the southward and westward of and up to Babine Lake, the country is well adapted to settlement. "The land is first-rate and wild hay and long grass abound. No heavy pine timber but plenty of cotton-wood, of which the canoes are made;" abundance of salmon and wild berries, and the weather in September pleasant. The winters, however, must be very severe. From Ness-Glee to Fort Kilmaurs—a Hudson's Bay Company's station at Babine Lake—the distance is about 50 miles, and "the land is good the whole way." The Major was enchanted with this part of the country. He calls Kilmaurs a lovely place, and moralizes a bit in the following strain:—"It seems a great pity to see this beautiful land, so well adapted to the wants of man, lying waste, when so many Englishmen and Scotsmen would be glad to come here and till the soil." If gold is found to abound, one would think the country could be more readily peopled by Canadians than by Scots or English. From Babine Lake the Major made a portage of ten miles to Stuart's Lake, "over a good trail," made by the Hudson's Bay Company. Arrived at Stuart's Lake the Major and his party were put to great shifts being without food, without ammunition to shoot ducks with, and without a canoe to cross the lake in. "We camped here three nights without food, sleeping the greater part of the time to stifle our hunger;" their only consolation being "the grand idea of their enterprise in exploring a new route from the Pacific, which will one day connect the ocean with the Atlantic." With the aid of Indians who treated them with the greatest kindness, they made the passage of Stuart's Lake on a raft of logs, and at length made Fort St. James, another Company's establishment at the south-east end of Stuart's Lake, in the district of New Caledonia. True to his instinct and to his mission, the indefatigable Major, having been driven on a lee shore on Stuart's Lake, at a point some fifteen miles from the north end of the Lake, tried his hand at "washing," and "obtained a small prospect of gold." "On the north side of the lake the ground is rocky, but south of the lake the land is as good as can be, and will produce anything."

For one who has only seen the country bordering on the coast of British

Columbia, and that through which Frazer river runs, which is mountainous, broken and rugged to a degree, it is difficult to imagine so level and so productive a country as the interior is throughout a great portion of its extent. The Cascade Mountains are passed, and the soil and climate change for the better, while the scenery becomes softer and more subdued.

I must wind up the Major's story, which I have already made longer than I intended. After paying a tribute of praise to the agent in charge of Fort St. James, who received them "with that kindness and hospitality I have always found at the Company's posts," he winds up his narrative with a short table of distances:—"Stuarts Lake is fifty miles long; Babine Lake is 100 miles long to Nass-Glee, course about S. E. and N. W.; from Nass-Glee to Fort Simpson, 250 miles." From Fort St. James the Major ran down a feeder of Frazer's river, called Stuart's river, some 50 miles to Fort George. Here he took the main stream of Frazer's river down to Fort Alexander, on the southern confines of New Caledonia, where he found a community of miners in constant and regular communication with the lower country, and whence he had no difficulty in getting to Victoria by the ordinary route of travel.

NEW ROUTE TO THE MINES.

Imperfect as the poor Major's exploration has been, it establishes the fact that gold exists from the coast to near the northern and eastern boundary of the colony, well nigh to the Rocky Mountains, in portions of the country never before "prospected;" but far more important is the fact which he asserts, that easy means of transport of merchandize exist by the route he traveled, which will be much shorter from Port Essington to New Caledonia, than the present route by Frazer's river; while the difficulties are far less, and the carriage will be much cheaper, even adding the freight coastwise from Victoria to Port Essington.

I confess I feel rather astonished, if the Major is correct, that these indefatigable pathfinders, the Hudson's Bay Company's officers, did not discover this northern and easier route, for they took great pains to find a better one than the old route by Frazer's river, &c., which is so bad that frequently 50 and 60 horses perish from fatigue and hunger on the journey. It is true that till lately the Fort Simpson Indians were very fierce and intractable, and it might have been imprudent to transport much property through their neighborhood.

PRODUCTIVENESS OF THE MINES.

It is impossible to give an estimate of the production of gold in British Columbia. All accounts agree that the individual earnings of the miners are much larger than in California or Australia. It is very common to light upon a man going to San Francisco with several thousand dollars, upon others with one thousand dollars each, and upon many with some hundreds; but besides these exceptional cases which come to light it is all guess work.

The amount "manifested" as exported in the last three months was \$451,866, which is a good amount for so small a number of miners as have been at work within that period; but I should think an amount equal to the sum just stated must have been taken by private hands. Assuming for example that 1,000 miners have left the mines with \$500 a piece, a low estimate, this would make \$500,000 taken away in the last quarter, besides the \$451,866 manifested. I doubt, besides, that the amounts shipped on freight are all given.

The export of gold is not the only test of the productiveness of the mines. To the success of the mining interest I attribute the growing prosperity of Victoria—the building of houses, stores and shops by the merchants, traders

and shopkeepers, and by other inhabitants. To the same cause I attribute the demand for improvements in real property which has lately taken place. Much of the gold produced remains here and goes to pay for local improvements. When I see men who came to Victoria eighteen months ago poor, growing rich, ceasing to borrow money, and building houses and shops, I can have no doubt as to the source of their improved means. Another most important "sign of the times," and a most gratifying one, is the growth of confidence in the permanent progress of the place and in the future productiveness of the mines. When cautious and prudent men, after long observation and due reflection, begin to make permanent investments in real property, there need be no fears entertained of the future. My own conviction is that the day of the retrogression of both colonies is past. Their progress is slow or it may be rapid, but progress they must.

APPENDIX "H."

Pacific Ocean Telegraph between Northern Asia and America.

The following paragraphs are from an article in the *Atlantic Monthly*, for March 1860, upon the "Progress of the Electric Telegraph."

"A late European steamer brings a report that two Russian engineers have proceeded to Peking, China, to make preparations for a telegraphic connection between that place and the Russian territory.

"There is reason to believe that arrangements will soon be made at St. Petersburg, through private companies and government subsidies, for completing the line of telegraph from Novogorod to the mouth of the Amoor, and thence across the straits to Russian America. In the meantime a company has already been formed and incorporated in Canada, under the name of the Transmundane Telegraphic Company, which will afford important aid in continuing the proposed line through British America. The plan is, to carry the wire from the mouth of the Amoor across Behring's Strait, to and through Russian and British America. From Victoria, a branch will be extended to San Francisco, and another to Canada. The line from San Francisco to Missouri is under way, and Mr. Collins, who is engaged in the Russian and Canadian enterprise, thinks that by the time it is in operation he shall have his line to San Francisco.

"This is unquestionably the most feasible route for telegraph communication between America and Europe; and, though the longest by several thousand miles, it would afford the most rapid means of communication owing to the great superiority of aerial over subaqueous lines."

To a similar effect is an item of European intelligence, in the *New York Herald*, of Feb. 20, 1860 :

"An overland route for telegraphic communication with America has been proposed in France, making use of the existing lines from London to Dresden, and from thence entering the Russian empire, and passing through Moscow and Kasan. Then crossing the Ural Mountains to Yakoutsk and on to the Behring Strait, crossing this and passing through Russian America to Canada and the United States."

