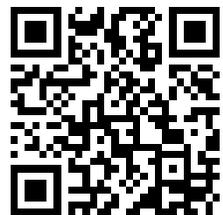


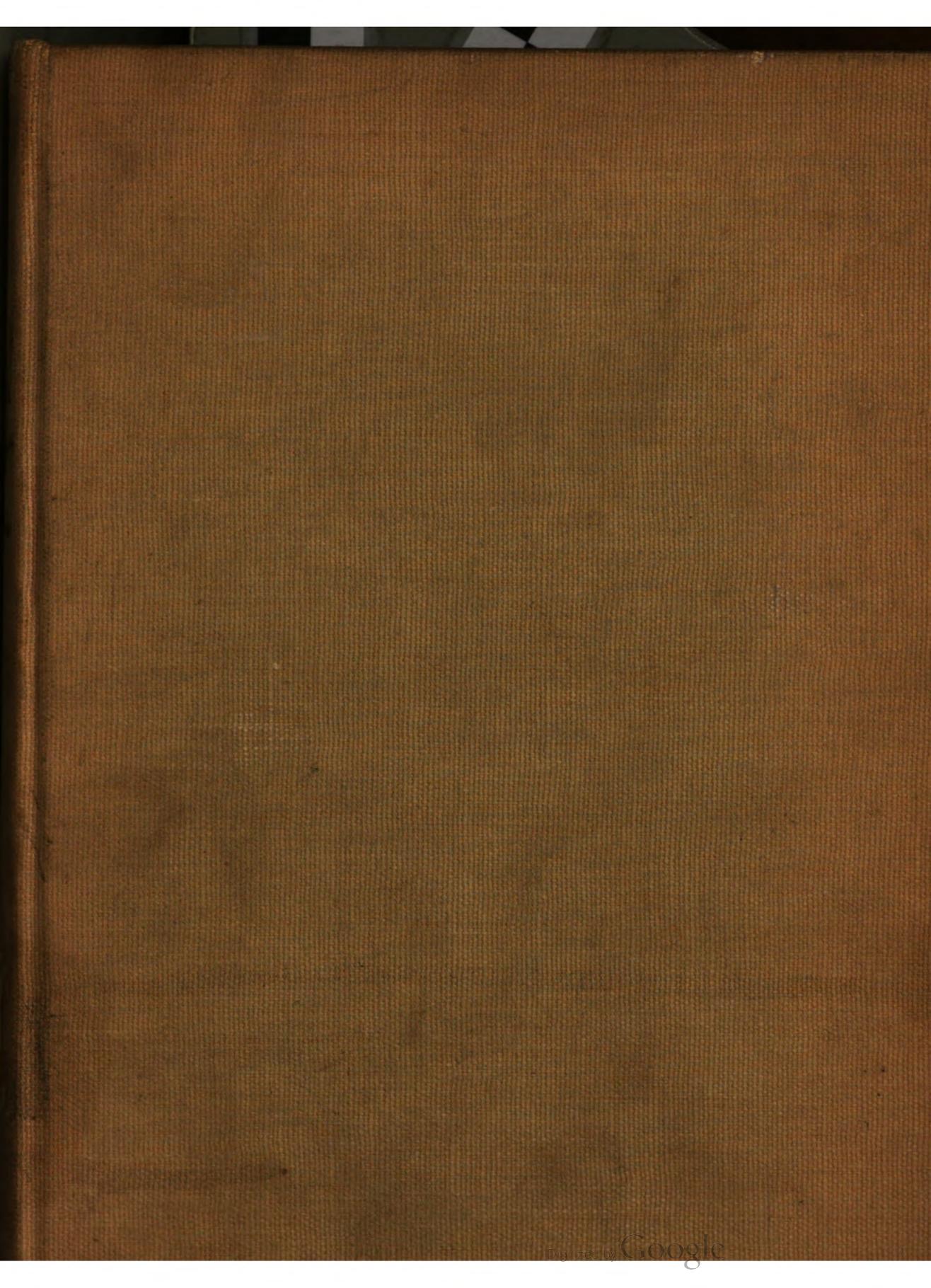
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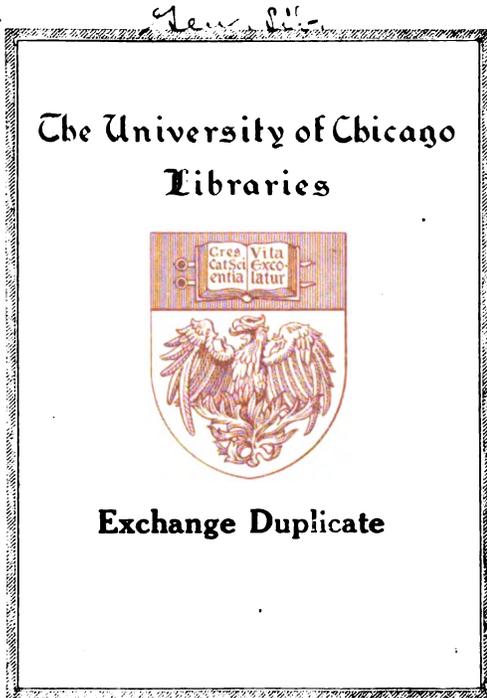
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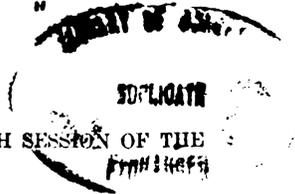
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DURING THE SEVENTH SESSION OF THE

1856  
LEGISLATIVE ASSEMBLY,

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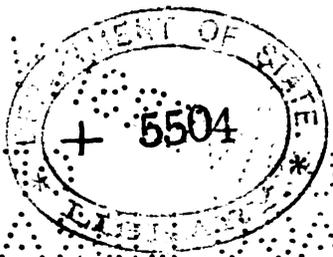
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# JOURNAL OF THE COUNCIL.

WEDNESDAY, JANUARY 2, 1856.

At 12 M., on Wednesday, the second day of January, 1856, the Council of the Territory of Minnesota was called to order by A. J. Morgan, Secretary of the last Council, when the following persons appeared, presented their certificates of election, and were sworn in by Lafayette Emmett, Esq., Attorney General of the Territory, viz :—

1st dist.	J. D. Ludden.	7th dist	_____
	H. N. Setzer.	8th "	C. W. Thompson.
2d "	J. B. Brisbin.		B. F. Tillotson.
3d "	John Rollins.	9th "	S. A. D. Balcomb.
4th "	W. Freeborn.		W. D. Lowry.
5th "	Lewis Stone.	10th "	C. E. Flandrau.
6th "	H. G. Bailly, Sam'l Dooley.	11th "	D. M. Hanson.

Pending the examination of the certificates, petitions for contesting seats were presented and read, as follows :

From Mr. M. W. McCracken, contesting the seat of J. D. Ludden, viz :

*To the Honorable the Council of the Minnesota Legislature :*

Marcus W. McCracken hereby protests against Hon. J. D. Ludden taking his seat as a member of the Council for the First Council District, composed of the counties of Washington, Chisago, Superior and Doty, as the certificate was unjustly awarded to him ; said McCracken having received a majority of the vote cast at said election.

M. W. McCracken.

St. Paul, M. T., January 2, 1856.

Laid on the table by the Secretary.

From W. J. Howell, contesting the seat of B. F. Tillotson, viz :—

TERRITORY OF MINNESOTA, } ss.  
COUNTY OF FILLMORE,

I, Clerk of the Board of County Commissioners of Fillmore County, hereby certify, that at a general election held on the ninth day of October, A. D. 1855, in the precincts of Chatfield, Carimona, Richland, Rushford, Forestville and Elkhorn, in said county of Fillmore, the number of votes cast for member of the Legislative Council of Minnesota, in said Chatfield precinct, was sixty-one, of which W. J. Howell received twenty-six, and Benjamin F. Tillotson received thirty-five ; in Carimona precinct the whole number of votes cast therefor was eighty-five ; of which Warren

229269



January 2, 1856.]

COUNCIL.

3

TERRITORY OF MINNESOTA, }  
COUNTY OF FILLMORE. } ss

Subscribed and sworn to this twenty-first day of December, A.D. 1855, before me,  
H. S. H. HAYES,

Justice of the Peace.

Laid on the table by the Secretary.

From Joel B. Bassett, contesting the seat of D. M. Hanson, viz :—

From an examination of all the votes that have been returned to the Register of Deeds for the counties of Hennepin and Carver, I find the following to be the result, viz :—For J. B. Bassett, five hundred and twenty-seven votes, (527) for D. M. Hanson, four hundred and eighty-two votes, (482) severally, for the Legislative Council for the years of 1856 and 1857, and I hereby declare the above mentioned J. B. Bassett duly elected Councillor for the Eleventh Council District.

Given under my hand and seal, of the County of Carver,

J. M. DAVIS,

Register of Deeds, }  
Carver County. } L. S.

Sau Francisco, December 5th, 1855.

ELM CREEK, }  
HENNEPIN Co., MIN. TER., Dec. 29, 1855. }

Amos Clark, one of the Judges of Election, in Crow River Precinct, Hennepin county, being duly sworn before me, one of the Justices of the Peace for Hennepin county, hereby testifies, that at the regular election holden in said Precinct, on the 9th day of Oct. 1855, there were thirty (30) votes cast for Joel B. Bassett for Councilman, for the eleventh district.

JOSEPH B. HOLT,

Justice of the Peace.

OFFICE OF REGISTER OF DEEDS,

HENNEPIN COUNTY, M. T. }

I hereby certify that the official canvass of the votes returned to this office from the several precincts in Hennepin and Carver counties, was made on the 20th day of October, or thereabouts.

GEO. E. HUY,

Register of Deeds.

Both presenting certificates of election, the Secretary referred the subject to the Council, when,

On motion of Mr. Setzer,

D. M. Hanson was admitted to his seat, and the ayes and noes being called on the question,

Those who voted in the affirmative were

Messrs. Ludden.	Freeborn.	Tillotson.
Setzer.	Stone.	Lowry.
Brisbin.	Dooley.	Balcombe.
Rollins.	Thompson.	Flandrau.

There were no votes in the negative ; so the motion prevailed.

On motion of Mr. Setzer,

Hon. J. B. Brisbin was chosen President of the Council *pro tem*.

On motion of Mr. Freeborn,

Wm. Colville was chosen Secretary of the Council *pro tem*.

On motion of Mr. Flandrau,

Chas. H. Mix was chosen Assistant Secretary of the Council *pro tem*.

On motion of Mr. Haugou,

S. D. Heard was chosen Sergeant-at-Arms of the Council *pro tem*.

On motion of Mr. Rollins,

J. P. Howlett was chosen Messenger of the Council *pro tem*.

On motion of Mr. Setzer,

R. F. Houseworth was chosen Enrolling Clerk of the Council *pro tem.*

On motion of Mr. Setzer,

Mr. Heaton was chosen Fireman of the Council *pro tem.*

On motion of Mr. Hanson,

Rev. Dr. Van Ingen was chosen Chaplain of the Council *pro tem.*

Mr. Setzer moved that a Committee of three be appointed to investigate the questions involved in the several contests for seats in this Council: that said committee have power to send for persons and papers, and to administer oaths; and with instructions to report to the Council as early as possible.

Which motion was unanimously adopted, and the Chair appointed Messrs. Setzer, Flandrau and Thompson, said committee.

On motion of Mr. Hanson the Council adjourned.

J. B. BRISBIN,

President of the Council *pro tem.*

A. J. MORGAN, Secretary.

THURSDAY, JANUARY 3, 1856.

The Council met pursuant to adjournment and was called to order by the President *pro tem.*

Prayer by Rev. Dr. Van Ingen.

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

Messrs. Baily.	Hanson.	Stone.
Balcomb.	Lowry.	Thompson.
Dooley.	Rollins.	Tillotson.
Flandrau.	Setzer.	Mr. President <i>pro tem.</i>
Freeborn.		

The Journal of the proceedings of the Council on yesterday, was read and approved.

On motion of Mr. Freeborn,

The officers elected under the temporary organization of the Council were ordered to be sworn into office.

Whereupon Mr. Wm. Colville appeared at the President's desk and took the oath of office, and then assumed the duties of Secretary *pro tem.* to the Council.

Mr. Charles H. Mix was then sworn in by the President *pro tem.* and took his seat as Assistant Secretary *pro tem.* of the Council.

Mr. S. D. Heard was then sworn in as Sergeant-at-Arms *pro tem.* of the Council.

Mr. J. P. Howlett was then sworn in as Messenger *pro tem.* of the Council.

Mr. R. F. Houseworth then appeared at the President's desk and was sworn in as Enrolling Clerk *pro tem.*

Mr. Hanson moved that the Rules for the government of the last Session of the Council be adopted temporarily as the Rules of the present Council, which motion prevailed.

Mr. Setzer moved that the Council do now adjourn until two o'clock this afternoon, which motion prevailed; and the Council adjourned.

## AFTERNOON SESSION.

Two O'CLOCK P. M.

The Council was called to order by the President *pro tem*.

The roll was called, and the following members answered to their names, viz :

Messrs. Bailly.	Freeborn.	Ludden.
Balcomb.	Hanson.	Mr. President.
Dooley.	Lowry.	

On motion of Mr. Freeborn,  
The Council adjourned.

JOHN B. BRISBIN,  
President *pro tem*.

Attest :

W. COLVILLE, Jr., Secretary *pro tem*.

## FRIDAY, JANUARY 4, 1856.

The Council met pursuant to adjournment,  
And was called to order by the President *pro tem*.

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

Messrs. Bailly.	Hanson.	Stone.
Balcomb.	Lowry.	Thompson,
Dooley.	Rollins.	Tillotson.
Flandrau.	Setzer.	Mr. President.
Freeborn.		

The Journal of the proceedings of the Council on yesterday, was read, and

On motion of Mr. Setzer,

Were corrected. The Journal then stood approved.

On motion of Mr. Setzer,

The Fireman *pro tem*. appeared at the President's desk and took the oath of office.

Reports of Committees being then in order, the Committee on contested election cases, by their Chairman, Mr. Setzer, submitted a report which was read as follows, viz :—

*In the matter of Warren J. Howell contesting the seat of Benjamin F. Tillotson, in the Council of the Legislature of Minnesota. January 3, 1856.*

Your committee respectfully report that they have heard the proof of Warren J. Howell, Esq., who contests the seat of Benjamin F. Tillotson in the Council of the Legislature of the Territory of Minnesota, and have maturely deliberated upon such proof.

That said proofs consist : 1st., of a certificate of the clerk of the Board of County commissioners of Fillmore County, that the returns made to him of the election for Councillor of the District, embracing said county, were as follows : That in the Chatfield precinct, W. J. Howell received twenty-six votes, and Benjamin F. Tillotson received thirty-five votes ; That in the Carimona precinct, Warren J. Howell fifty-five votes, and Benjamin F. Tillotson received thirty votes ; That in the

Richland precinct Warren J. Howell received forty-two votes, and Benjamin F. Tillotson received sixty-one votes; That in the Rushford precinct Warren J. Howell received seven votes, and Benjamin F. Tillotson received twenty-one votes; That in the Forrestville precinct, W. J. Howell received five votes, and Benjamin F. Tillotson received thirteen votes; That in the precinct of Elk Horn, Wm. J. Howell received thirty-five votes, and Benjamin F. Tillotson received five votes; making the whole number of votes cast for Benjamin F. Tillotson 165.

Your committee have some doubts whether the votes cast in the precincts of Chatfield and Forrestville for W. J. Howell were intended for Warren J. Howell, from the fact that votes were returned from the precinct of Elk Horn for William J. Howell; but your Committee have agreed, from other proof in the case, to award to Warren J. Howell the votes so cast; making for Warren J. Howell one hundred and thirty-five votes.

2d. An affidavit purporting to be of the Judges of election of Elk Horn precinct, in Filmore county, dated December 21, 1855, stating that there was a mistake made by the clerks of the election of said precinct in returning votes cast for Warren J. Howell as having been cast for Wm. J. Howell.

3d. An affidavit purporting to be made by John Mower, one of the clerks of the election for Elk Horn precinct, that a mistake was made by the clerks in returning the votes cast in said precinct for Warren J. Howell as having been cast for Wm. J. Howell, dated December 22, 1855.

4th. A certificate of H. S. H. Hays, a Justice of the Peace of Filmore county, that the above named Judges and Clerks of Election were duly sworn in by him. This certificate has no date. Affixed to this certificate is a certificate of one of the Judges of Election in Elk Horn precinct, calling himself President of the Board of Elections in said precinct, to the effect that the Clerks of Election had made a mistake in returning the votes cast for Warren J. Howell as having been cast for Wm. J. Howell, which last mentioned certificate is attested by the clerk who made the affidavit of mistake above referred to. This certificate is dated November 8, 1855.

In the above certificate, it appeared in evidence, were enclosed thirty-nine ballots, purporting to be the original ballots cast in the Elk Horn precinct, which said ballots were then offered in evidence.

In relation to the above mentioned ballots your Committee would state, that nothing appeared in evidence concerning the custody of these ballots from the day of election until the 8th day of November, when it appears that they were delivered to Mr. Warren J. Howell, the contestant in this case, who took them to the Register of Deeds of Filmore county, and requested him to alter the returns of Elk Horn precinct, in relation to the name of Wm. J. Howell; that said Register refused so to do, but gave said ballots back to said Howell; who has kept the same in the drawer of a bureau in his house from that time until they were presented to your Committee, part of the time under lock, and part of the time without lock, and at all times accessible to the members of his family.

It also appears from the evidence that there was another gentleman residing in the Elk Horn precinct before the election, by the name of Howell, but the witness could not state that his name was Wm. J. Howell, or that he resided in said precinct at the time of the election in question.

Your Committee therefore state that upon the above testimony they have arrived at the following conclusions:

1st. That on the day of said election, the Judges and Clerks of the election in the Elk Horn precinct, in the county of Filmore, publicly, and under the solemnity of their oaths, canvassed the votes of the said precinct and made out a certificate of the same according to the provisions of the statutes concerning elections, that they then and there certified from an examination of the ballots cast at said precinct, that Wm. J. Howell had received thirty five votes for the office of councillor, and

Benjamin F. Tillotson had received five votes for the same office, and made return of said facts to the Register of Deeds of Fillmore county, according to law.

2d. Your committee decide that the evidence of a mistake having been made by the clerks in returning the votes for Wm. J. Howell in the Elk Horn precinct is subject to so many objections in substance, that they are unwilling to accord to it sufficient weight to contradict a record made under the circumstances which accompany the one in question. That among the objections which your committee find to the evidence to establish said mistake are the following: That the policy of the law is to furnish a record of the proceedings of all elections, made at the time of the canvassing of the votes by the Judges, in the presence of all parties interested, or in other words, publicly, and under the solemnity of an official oath.

That in the present case such was done, and participated in by all the Judges and Clerks of the election in the precinct in question, and properly certified by them; That such record was duly returned to the proper officer and by him filed, and that the only evidence to contradict such record is the affidavit of said Judges and one of the clerks; That the clerks of the election made a mistake in the name of Warren J. Howell and returned the same as Wm. J. Howell, attempted to be corroborated by the production of thirty-nine printed ballots, which are certified to be the ballots which were cast at the election in Elk Horn precinct, and which appear to have been cast for Warror J. Howell, twenty-eight, W. J. Howell, six, and Benjamin F. Tillotson, five, which neither correspond with the return of the said Board of Election, nor with their affidavits subsequently made to contradict the same, in form or number, which discrepancies, your committee are wholly unable to account for on the theory of their being the identical ballots cast at said precinct.

Your Committee would further state, that the silence of one of the Clerks on the question of the mistake is not accounted for to the satisfaction of your Committee, and that from the fact of the proof being almost entirely *ex parte* in its nature, taken in connection with the ballots above referred to, having been placed in the possession, and kept under the control of one of the parties in interest, and now appearing so widely different from the affidavits and returns given in evidence, your committee feel unwilling, from motives of justice to Mr. Benjamin F. Tillotson, and of public policy, to allow the claims of the contestant, and Report the following Resolution :

*Resolved* :—That Benjamin F. Tillotson is entitled to the seat that he now occupies in the Council of the Territory of Minnesota.

All of which is respectfully submitted,

H. N. SETZER, *Chairman*.  
CHARLES E. FLANDRAU.

Mr. Setzer moved that the report be laid on the table until 2 o'clock on the next day of the Session.

And the Ayes and Noes being called on the motion, and ordered,

Those who voted in the affirmative were

Messrs. Bailly. Dooley. Thompson.—4

Balcomb.

Those who voted in the negative were

Messrs. Flandrau. Ludden. Stone.

Preeborn. Rollins. Tillotson.

Hanson. Setzer. Mr. President.—10.

Lowry.

So the motion was lost.

Mr. Hanson then moved that the report be laid upon the table.

Which motion prevailed.

Mr. Setzer moved that the Council now proceed to the election of permanent officers of the Council.

Which was decided in the affirmative, and  
 The election of President of the Council being first in order,  
 Mr. Flandrau nominated Hon. John B. Brisbin for that office.  
 A Committee from the House of Representatives being announced,  
 Messrs. Norris, Dunbar, and Gardiner appeared and informed the Council that the  
 House of Representatives had been temporarily organized. The Committee then  
 withdrew, and  
 The Council then proceeded to the election of a President of the Council, and  
 on the first vote

Mr. Bailly	voted for	Mr. John Rollins.
Balcomb	"	John D. Ludden.
Dooley	"	John D. Ludden.
Flandrau	"	John B. Brisbin.
Freeborn	"	John B. Brisbin.
Hanson	"	John B. Brisbin.
Lowry	"	John B. Brisbin.
Ludden	"	H. N. Setzer.
Rollins	"	H. G. Bailly.
Setzer	"	John B. Brisbin.
Stone	"	John B. Brisbin.
Thompson	"	John D. Ludden.
Tillotson	"	John B. Brisbin.

The Secretary *pro tem.* of the Council then declared thirteen votes to have been  
 cast, of which

Mr. John B. Brisbin	received	7 votes.
J. D. Ludden	"	3 "
John Rollins	"	1 "
H. N. Setzer	"	1 "
H. G. Bailly	"	1 "
Total,		13

Mr. Brisbin, having received a majority of all the votes given, was declared by  
 the Secretary *pro tem.* to be duly elected President of the Council for the present  
 Session.

Mr. Brisbin then addressed the Council as follows, viz :

COUNCILLORS:—I accept with no less embarrassment than pleasure, the position to  
 which your flattering preference has elevated me. Diffident of my own ability ade-  
 quately to discharge its duties, I shall expect much from your co-operation and  
 indulgence. I bring to the office a profound conviction of the sacredness of its  
 duties, and a sincere desire to perform them with fairness and impartiality.

Allow me to hope that you sympathize with me in the desire that harmony, con-  
 cession and right feeling may characterize our deliberations, and that the session  
 upon which we are now entering may be signalized hereafter by the dignity of its  
 proceedings, and the beneficence of its acts.

The election of Secretary of the Council being next in order,

Mr. Freeborn nominated Mr. Wm. Colville Jr. for said office.

The Council then proceeded to vote for Secretary, and on the first vote,

Mr. Bailly	voted for	Mr. J. C. Dow.
Balcomb	"	J. C. Dow.
Dooley	"	J. C. Dow.
Flandrau	"	Wm. Colville, Jr.
Freeborn	"	Wm. Colville, Jr.
Hanson	"	Wm. Colville, Jr.
Lowry	"	Wm. Colville, Jr.
Ludden	"	J. C. Dow.

COUNCIL.

9

Mr. Rollins voted for J. C. Dow.  
" Setzer " " Wm. Colville, Jr.  
" Stone " " Wm. Colville, Jr.  
" Thompson " " J. C. Dow.  
" Tillotson " " Wm. Colville, Jr.  
" President " " Wm. Colville, Jr.

The President then declared that there were 14 votes cast, of which Wm. Colville received 8; J. C. Dow 6; Total 14.

Mr. Colville having received a majority of all the votes given, was declared by the President to have been elected Secretary of the Council for the present session.

The election of Assistant Secretary of the Council being next in order, Mr. Stone nominated Mr. Charles H. Mix, for that office.

The Council then proceeded to vote for Assistant Secretary of the Council, and on the first vote,

Messrs. Bailly, Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Stone, Tillotson and Mr. President voted for Charles H. Mix.

Messrs. Balcomb and Thompson voted for J. H. Abbott.

The President then declared that 14 votes had been cast for Assistant Secretary of the Council, of which

Charles H. Mix received 12; J. H. Abbott received 2; Total, 14.

Mr. Charles H. Mix having received a majority of all the votes given, was declared by the President to have been duly elected Assistant Secretary of the Council for the present session.

The election of Enrolling Clerk being next in order,

Mr. Flandrau nominated Mr. R. F. Houseworth for that office.

The Council then proceeded to vote for an Enrolling Clerk for the Council, and on the first vote,

Messrs. Bailly, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Stone, Thompson, Tillotson and Mr. President voted for R. F. Houseworth.

Messrs. Balcomb and Dooley voted for Samuel Franklin.

The President then declared fourteen votes to have been given for Enrolling Clerk of the Council of which R. F. Houseworth received 12 votes; Samuel Franklin 2; Total 14.

R. F. Houseworth having received a majority of all the votes given was declared by the President of the Council to be duly elected Enrolling Clerk of the Council for the present Session.

The election of Sergeant-at-Arms of the Council being next in order,

Mr. Hanson nominated Mr. S. D. Heard for that office.

The Council then proceeded to the election of Sergeant-at-Arms of the Council, and, on the first vote,

Messrs. Bailey, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Stone, Thompson, Tillotson and Mr. President voted for S. D. Heard.

Mr. S. D. Heard having received the unanimous vote of the members of the Council, was declared by the President to be duly elected Sergeant-at-Arms of the Council for the present Session.

The election of Messenger being next in order,

Mr. Rollins nominated Mr. J. P. Howlet.

Mr. Freeborn nominated Mr. James Keegan for that office.

The Council then proceeded to the election of Messenger of the Council, and on the first vote,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Setzer, Stone, Tillotson and Mr. President voted for James Keegan.

Messrs. Bailly, Balcomb, Dooley, Ludden, Rollins and Thompson, voted for J. P. Howlet.

C.—2.

The President then declared fourteen votes to have been given for Messenger of the Council, of which Mr. James Keegan received 8 votes; Mr. J. P. Howlet received 6 votes; Total 14.

Mr. James Keegan having received a majority of all the votes given, was declared by the President to be duly elected Messenger of the Council for the present Session.

The election of Fireman to the Council being next in order,

Mr. Setzer nominated Mr. George Kerns for that office.

The Council then proceeded to vote for a Fireman to the Council, and on the first vote

Messrs. Bailly, Flandrau, Freeborn, Hanson, Lowry, Rollins, Setzer, Stone, Thompson, Tillotson and Mr. President voted for George Kerns.

Messrs. Balcomb and Dooley voted for Snyder.

Mr. Ludden voted for Mr. Heaton.

The President then declared that fourteen votes had been given for Fireman of which George Kerns received 11; Samuel Snyder 2; Mr. Heaton 1; Total, 14.

Mr. George Kerns having received a majority of all the votes, was declared by the President of the Council to be duly elected Fireman to the Council for the present Session.

On motion of Mr. Flandrau,

The Council then proceeded to the election of a Chaplain to the Council.

Mr. Lowry nominated Rev. Mr. Penman.

The roll was called by the Secretary.

On the first vote,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Setzer, Stone, Thompson, Tillotson and Mr. President voted for Penman.

Messrs. Ludden and Rollins voted for E. D. Neill.

The President then declared that fourteen votes had been given for Chaplain in the Council, of which Rev. Mr. Penman received 12; Rev. Mr. Neill 2; Total, 14.

Rev. Mr. Penman having received a majority of all the votes cast was declared by the President of the Council, to have been duly elected Chaplain to the Council for the present Session.

Mr. Freeborn moved,

That the officers of the Council elected be now sworn in, and enter upon their duties. Which was decided in the affirmative, and

The officers elect advanced to the President's desk and severally took the oath of office.

Mr. Setzer moved, that a committee of two be appointed to wait upon the House of Representatives, and inform that body that the Council is now permanently organized, and prepared to enter upon the duties of the Session.

Which motion prevailed, and Messrs. Setzer and Dooley were appointed said committee.

Mr. Freeborn presented the petition of Reuben Ottman, contesting the seat of Hon. W. D. Lowry, from the ninth Council District, accompanied by testimony on the merits of the contest, which petition was read by the Secretary, as follows, viz:

*To the Honorable President and Members of the Council of Minnesota Territory, now assembled:*

GENTLEMEN:—The undersigned respectfully represents to your Honorable Body, that William D. Lowry, who claims a seat in your body as Councillor for the County of Olmstead, was not a resident of the District in which he was a candidate, for six months next preceding the election, as required by law. In verification of which fact reference is made to testimony herewith submitted.

And further, that said Lowry received a large number of illegal votes at said election, which number of illegal votes exceed his majority at said election.

The undersigned, therefore, prays your Honorable Body to take such action in the matter as may vindicate the law and render justice to the parties concerned.

Very respectfully,

REUBEN OTTMAN.

St. Paul, Jan. 2. 1856.

Mr. Freeborn moved, that the petition and accompanying testimony, be referred to a select committee of three.

Which motion prevailed, and the President appointed on said committee, Messrs. Freeborn, Stone and Ludden.

Mr. Flandrau moved, that Mr. Ludden be excused from serving on said Committee.

The question then being put, and the yeas and nays being called for and ordered, there were yeas, 10, nays 3, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Ludden, Rollins, Stone, Thompson, Tillotson and Mr. President—10.

Those who voted in the negative were,

Messrs. Hanson, Lowry and Setzer—3.

So the motion prevailed, and Mr. Ludden was excused from serving on said Committee.

The President then appointed Mr. Dooley to serve on the Committee to which the matter of the contest was referred between Messrs. Lowry and Ottman, in place of Mr. Ludden.

On motion of Mr. Hanson, the Council adjourned.

J. B. BRISBIN,  
President Council.

Attest :

W. COLVILLE, JR., Secretary.

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SATURDAY, JANUARY 5, 1856.

The Council met pursuant to adjournment,

And was called to order by the President.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Setzer, Stone, Thompson, Tillotson and Mr. President.

The Journal of the proceedings of the Council was read ; and,

On motion of Mr. Flandrau, corrected, after which it stood approved.

Reports of committees being next in order,

Mr. Thompson for the committee on contested election cases, made the following minority report, viz:

I, the undersigned, the minority of the committee to which was referred the application of Warren J. Howell to be admitted to a seat in the Council, in the place of Benjamin F. Tillotson, the sitting member, beg leave to report,

That I have carefully investigated all the facts which have come before your committee, and in view of all the facts in the case, I am clearly of the opinion that Warren J. Howell was duly elected, by the voters of Fillmore county, to a seat in the Council, and which seat is now held by Benjamin F. Tillotson. I regret that I am obliged to dissent from the report of the committee to whom this case has been referred; and it is with diffidence that I urge my opinion upon the Council, in opposition to the views of the majority of the committee. And were it not for the fact that in my opinion there can be no reasonable doubt but that Warren J. Howell was duly elected, I should not have urged my opinion upon the consideration of the Council.

The facts are simply as follows:

At the late election, there were six election precincts in the county of Fillmore, at which votes were cast, viz:—Chatfield, Carimona, Richland, Rushford, Forestville and Elkhorn.

The returns from these several precincts to the Register of Deeds were as follows:

Chatfield Precinct gave	W. J. Howell 26	and Benjamin F. Tillotson	35 votes.
Carimonia	“	Warren J. Howell 55	“ 30 “
Richland	“	Warren J. Howell 42	“ 61 “
Rushford	“	Warren J. Howell 7	“ 21 “
Forestville	“	W. J. Howell 5	“ 13 “
Elkhorn	“	Wm. J. Howell 35	“ 5 “

Now from the *face* of the returns, it appears that there were three or more candidates for the Council in Fillmore county, and that they received votes for that office as follows:

Benjamin F. Tillotson, 165; Warren J. Howell, 104; W. J. Howell, 31; Wm. J. Howell, 35.

If the votes returned as having been given for Warren J. Howell, W. J. Howell and Wm. J. Howell should be counted for Warren J. Howell, he would have 170 votes or a majority of five votes over Mr. Tillotson.

The Statutes provide that the abbreviations of the names of candidates shall not operate to prevent the votes from being counted when it can be ascertained for whom such votes were intended, and I believe it is conceded by the majority of your committee that the votes which were returned for W. J. Howell should be counted for Warren J. Howell. This being allowed, Warren J. Howell has one hundred and thirty-five votes, exclusive of the votes at Elkhorn precinct, which were returned as having been given for Wm. J. Howell.

This view of the case reduces the question to be decided to the single proposition, ought the votes, thirty-five in number, given at the Elk Horn precinct, and returned as having been given for Wm. J. Howell, to be counted for Warren J. Howell, or were they actually given and intended for him.

I am clearly of opinion that in the investigation of cases of this nature, the law and all precedent, confers upon the Legislature a discretion to ascertain what was the real intention of the people when they cast their votes, and not whether by some mistake or negligence of some one, the people may be defrauded of their just rights of being represented by the person of their choice. And when the people honestly vote with the intention of bestowing their suffrages upon any person, it would seem to be in violation of all right and justice to defraud their action by the production of a false record, or through any mistake or negligence of an officer, whose duty it was to make a true and correct return of the votes as they were cast, and to say that the Council cannot go behind the return of the votes, and show that such return is wrong, would be virtually to place the rights of a community in the hands of the officers of election.

The evidence in this case clearly establishes the fact, that the votes polled in the Elk Horn precinct were not polled for Wm. J. Howell, as appears upon the return thereof, but that the same were given for Warren J. Howell, the contestant here.

It appears from the testimony of Mr. Gere, the late Register of Deeds for the county

of Fillmore, and now a member of the House of Representatives from that county, that he was acquainted with the candidates for the office of Councillor there, and that there were no candidates for the Council in that county, except Mr. Tillotson, and Warren J. Howell, the contestant here. He swore that he knew of no candidate for that office at the late election in that county, except the two gentlemen above named.

The affidavits of the judges and one of the clerks of the board of election in Elk Horn precinct, clearly establishes the fact, that the thirty-five votes of that precinct, which were returned to the Register of Deeds, as having been cast for Wm. J. Howell, were in fact cast for Warren J. Howell; it also appears from the same affidavits that the name of Wm. I. Howell was inserted by mistake in the returns made to the Register of Deeds and that Warren J. Howell should have been inserted in the returns. If the judges and the clerk have sworn to the truth, then Warren J. Howell was elected by a majority of five votes.

The following are the affidavits above referred to:—

TERRITORY OF MINNESOTA, }  
 FILLMORE COUNTY, } ss.

John Mower being duly sworn, on oath says, he was duly appointed clerk of an election in and for Elkhorn precinct, of the county of Fillmore and Territory of Minnesota, and that on the ninth day of October, A. D., 1855, an election was held, and among other persons voted for at said election, Warren J. Howell received thirty-five votes for member of the Council, and that through mistake of the clerks of said election, the votes were returned to the Board of Commissioners of said county as having been cast for William J. Howell, and further deponent saith not.

JOHN MOWER.

TERRITORY OF MINNESOTA, }  
 COUNTY OF FILLMORE, } ss.

Subscribed and sworn to this 22d day of December, A. D. 1855, before me,  
 H. S. H. HAYES,

Justice of the Peace.

TERRITORY OF MINNESOTA, }  
 FILLMORE COUNTY, } ss.

S. W. Kingsley, Henry Kibler and R. A. Steer, being duly sworn, on oath say, they were duly appointed judges of an election in and for Elkhorn precinct, of the county of Fillmore and Territory of Minnesota, and that on the ninth day of October, A. D. 1855, an election was held, and among other persons voted for at said election, Warren J. Howell received thirty-five votes for member of the Council, and that through mistake of the clerks of said election, the votes were returned to the Board of Commissioners of said county as having been cast for William J. Howell, and further their deponents saith not.

S. W. KINGSLEY,  
 R. A. STEER,  
 HENRY KIBLER, } Judges of Election.

Mr. Gere testified that H. S. H. Hayes, the person before whom the above affidavits were taken, was at the date thereof an acting Justice of the Peace for Fillmore county, that he knows his hand-writing, and that he believed the signature to be genuine. There was no evidence whatever produced which tended to impeach the above affidavits in any particular whatever, nor was it pretended that the persons who made these affidavits were not respectable men and fully entitled to credit.

I see nothing in this case which would lead me to believe that any improper influence has been used to obtain the above affidavits, and in the absence of all proof to the contrary, I am forced to regard their contents as true.

The majority of your committee are of the opinion that the official turn of the votes by the judges and the clerks of election, are better evidence than the affidavits of the persons who made the returns.

I do not think so. I see no reason why a solemn affidavit, sworn to before the proper officer, should not be of as much force as a return made without oath or in the presence of an officer.

Entertaining these views, I respectfully submit this minority report.

C. W. THOMPSON.

On motion of Mr. Flandrau, the report was laid upon the table.

Mr. Setzer gave notice of a motion for leave to introduce a joint resolution directing our Delegate to Congress to notify the proper department of the increased number of the members of the Legislative Assembly, and request a proportionate appropriation to meet the increased expenditure.

Mr. Flandrau offered the following resolution, viz :

*Resolved*, That the Secretary of the Council be directed to confer with the Postmaster of St. Paul, and make arrangements in regard to the postage of members of the Council to be paid for by the appropriations for Legislative expenditures, and report the result to the Council on Monday next.

On motion of Mr. Setzer, the resolution was adopted.

Mr. Setzer offered the following resolution, viz:

*Resolved*, That every member of the Council shall be authorized, during the session, to subscribe for thirty newspapers published in the Territory, such as he may select. The expense to be entered among the charges for Legislative expenditure.

The following resolution was offered by Mr. Freeborn, viz :

*Resolved*, That the Secretary be authorized to secure the requisite amount of stationery for the use of the Council, and that the same be paid for out of the appropriation for Legislative expenditures.

Mr. Flandrau moved that the resolution offered by Mr. Setzer relative to supplying the members of the Council with newspapers be adopted.

On motion of Mr. Flandrau, the resolution was amended so as to read as follows:

*Resolved*, That every member and officer of the Council shall be authorized, during the session to subscribe for thirty daily or weekly newspapers, published in the Territory, at the option of the member or officer, the expense to be entered among the Legislative expenditures.

And the resolution as amended was then adopted.

Mr. Setzer moved that a select committee of three be appointed to take into consideration and report rules for the permanent government of the Council during the present session.

Which motion being adopted, the President appointed Messrs. Hanson, Setzer and Ludden, as said committee.

Mr. Flandrau gave notice that on Monday, or some future day, he should introduce a memorial to Congress for a grant of land in this Territory, to improve the navigation of the Minnesota River.

On motion of Mr. Setzer, the Council adjourned.

JOHN B. BRISBIN,  
President.

Attest:

W. COLVILLE, Secretary.

MONDAY, JANUARY 7th, 1856.

The Council met pursuant to adjournment, and was called to order by the President.  
Prayer by the Rev. Mr. Penman.

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

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rollins, Setzer, Thompson, Tillotson and Mr. President.

On motion of Mr. Flandrau,

The Hon. Joseph Rolette, was sworn as Councillor from the Seventh Council District.  
The Journal of Saturday's proceedings was read and approved.

On motion of Mr. Setzer, the following Resolution, offered by Mr. Freeborn on Friday, was adopted.

*Resolved*, That the Secretary be authorized to secure the requisite amount of stationery for the use of the Council, and that the same be paid for out of the appropriation for Legislative expenditures.

On motion of Mr. Rollins,

Reporters of newspapers were invited to take seats within the bar.

Mr. Setzer offered the following Resolution:

*Resolved*, That the Sergeant-at-Arms of the Council be authorized to purify and put in order the various rooms and offices of the Capitol needed for the use of the Council; to obtain various articles he may need for the better discharge of his duty, and procure such reasonable assistance as he may require.

Which was adopted.

Mr. Setzer gave notice of his intention to introduce

A bill to suppress the issue and circulation of unauthorized bills as currency.

No. 1, C. F.—A Joint Resolution of the Legislative Assembly directing our Delegate to Congress to attend to certain matters, was offered by Mr. Setzer, and read the first time

Mr. Setzer moved,

That the report of the committee on contested elections be made the special order of business for the morrow.

Which motion prevailed.

The Secretary made the following Report:

The undersigned, in obedience to the resolution of the Council, adopted on Saturday last, instructing me to make arrangements with the Postmaster at St. Paul in relation to the postage of the members of the Council, report that: The Postmaster has agreed to credit the members of the Council with their postage, and charge the same to the Territory. Letters and papers to be left with the Messenger of the Council, and by him to be taken to the post office. The Postmaster wishes the members to be informed that the endorsement of their names on papers subject them to letter postage.

The Postmaster is unable to furnish envelopes and stamps, not having a sufficient supply on hand.

All of which is respectfully submitted.

W. COLVILLE, Jr.

Secretary of the Council.

On motion of Mr. Hanson,

The Council adjourned until to-morrow at 2 o'clock.

JOHN B. BRISBIN.

President of the Council.

Attest:

W. COLVILLE, JR.

Secretary of the Council.

TUESDAY, JANUARY 8th, 1856.

The Council met pursuant to adjournment, and was called to order by the President.  
Prayer by the Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Stone, Thompson, Tillotson and Mr. President.

The Journal of yesterday's proceedings were read and approved.

Mr. Balcomb moved,

That the whole subject in relation to the contested seat of Mr. Tillotson, be referred back to the Committee on Elections, with instructions to send two Commissioners into Fillmore county to take testimony.

The yeas and nays were called for and ordered.

Mr. Balcomb moved,

A call of the Council.

All the members being present, on the calling of the yeas and nays, there were yeas 5, and nays 10, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Ludden and Thompson—5.

Those who voted in the negative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rollins, Rolette, Setzer, Stone, Tillotson and Mr. President.—10.

So the motion was lost.

Mr. Setzer moved,

That the resolution appended to the majority report of the committee on contested seats be taken up and considered.

Which motion was carried.

Mr. Balcomb moved,

That Mr. Howell be permitted to be heard on the floor of the Council by his Attorney.

Mr. Setzer amended the motion by moving,

That the Council resolve itself into a Committee of the Whole, and that while so sitting, Mr. Howell be heard by this Council.

The motion as amended was adopted.

So the Council resolved itself into Committee of the Whole,

Mr. Rollins in the Chair.

Mr. Setzer moved that Mr. Wilkinson appear within the bar of the Council, in behalf of Mr. Howell.

Which motion was carried.

Whereupon Mr. Wilkinson appeared and addressed the Council in behalf of Mr. W. J. Howell, the contestant. After deliberation,

The committee then rose and reported the resolution back to the Council, without amendment, as follows:

*Resolved*, That Benjamin F. Tillotson is entitled to the seat he now occupies in the Council of the Territory of Minnesota.

Mr. Setzer moved that the resolution be adopted.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 6, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Setzer, Stone and Mr. President—8.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Dooley, Ludden, Rollins and Thompson—6.  
Upon motion of Mr. Setzer, the Council adjourned.

JOHN B. BRISBIN.

President of the Council.

Attest:

W. COLVILLE, JR.,  
Secretary of the Council.

WEDNESDAY, JANUARY 9, 1856.

The Council met pursuant to adjournment and was called to order by the President.  
Prayer by Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Lowry, Rollins, Rolette, Setzer, Stone, Thompson, Tillotson and Mr. President.

The Journal of the proceedings of the Council of yesterday, was read and approved.

The President announced the Standing Committees, as follows:

INTERNAL IMPROVEMENTS.—Messrs. Freeborn, Tillotson and Dooley.

TERRITORIAL AFFAIRS.—Messrs. Lowry, Rollins and Balcomb.

JUDICIARY.—Messrs. Flandrau, Hanson and Setzer.

AGRICULTURE AND MANUFACTURES.—Messrs. Stone, Thompson and Bailly.

EXPENDITURES.—Messrs. Balcomb, Setzer and Rollins.

LEGISLATIVE EXPENSES.—Messrs. Setzer, Lowry and Rolette.

MILITIA.—Messrs. Stone, Tillotson and Ludden.

SCHOOLS.—Messrs. Dooley, Freeborn and Thompson.

INCORPORATIONS.—Messrs. Hanson, Rollins and Ludden.

TERRITORIAL ROADS.—Messrs. Hanson, Flandrau and Rolette.

PUBLIC BUILDINGS.—Messrs. Tillotson, Rolette and Ludden.

PRINTING.—Messrs. Flandrau, Thompson and Lowry.

ENGROSSED BILLS.—Messrs. Setzer, Dooley and Stone.

ENROLLED BILLS.—Messrs. Rolette, Freeborn and Balcomb.

Mr. Setzer asked leave, in pursuance of previous notice, to introduce

No. 1, C. F. A bill to suppress the issue and circulation of unauthorized bills as currency.

Mr. Balcomb gave notice that on to-morrow, or some future day, he would ask leave to introduce a memorial to Congress praying for an appropriation to construct a military road from Winona, on the Mississippi river, to Fort Ridgley on the Minnesota.

A message was received from the House, through the Chairman of the committee appointed for that purpose,—Mr. Hunt, informing the Council that the House was now permanently organized.

Mr. Flandrau offered the following resolution, viz:

*Resolved*, That a committee of two be appointed to act in conjunction with a similar committee on the part of the House, to wait on his Excellency, the Governor, and learn when he will be able to meet the two Houses in Joint Convention, which was adopted.

C.—3.

The President appointed Messrs. Flandrau and Bailly as such committee.

On motion of Mr. Flandrau, the Council resolved itself into Committee of the Whole, Mr. Hanson in the Chair, having under consideration,

No. 1, C. F. A Joint Resolution of the Legislative Assembly, directing our Delegate in Congress to attend to certain duties.

And after some time spent therein, the Committee of the Whole rose and reported the Joint Resolution back without amendment with a recommendation that it be passed.

On motion of Mr. Flandrau, the rules were suspended, and the resolution read a third time and passed.

The question then recurring on the title of the resolution, it was agreed to.

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

A bill for the laying out of a Territorial road from Manhattan, via the head of Buffalo lake to Traverse Des Sioux.

The Clerk of the House was then announced, who delivered a message from the House, as follows :

MR. PRESIDENT :—The Speaker has appointed Messrs. Lott and Hull as a committee to act in conjunction with a similar committee on the part of the Council to wait upon his Excellency the Governor, and inform him they are now ready to hear any communication he may have to make. And then withdrew.

Mr. Setzer offered the following resolution, viz :

*Resolved*, That every member of the Council shall be entitled to purchase stationery to the amount of \$25 00, and that each Chairman of Standing Committees be entitled to \$5 00 in addition, to be charged to Legislative expenses.

Mr. Freeborn moved that the resolution be amended so as to read as follows, viz :

*Resolved*, That every member of the Council and officers shall be entitled to purchase stationery to the amount of \$25 00, and that each Chairman of Standing Committees be entitled to \$5 00 in addition, to be charged to legislative expenditures.

Which was adopted.

The question then recurring on the resolution as amended, it was adopted.

Mr. Flandrau from the committee appointed in conjunction with a similar committee on the part of the House, to wait on his Excellency, the Governor of the Territory, and ascertain when it will be convenient to meet the two Houses in Joint Convention, made the following communication from his Excellency :

EXECUTIVE DEPARTMENT, M. T., }  
St. Paul, Jan. 9, 1856. }

GENTS :—In reply to the joint committee of the Council and House of Representatives, as to when it will be convenient to make my annual communication to the two Houses, I would inform you that I will meet them this day at 2 o'clock, P. M.

I have the honor to be your obedient servant,

W. A. GORMAN.

To Messrs. Flandrau, Lott and others, Committee.

On motion of Mr. Setzer,

The Council adjourned until two o'clock this afternoon.

#### AFTERNOON SESSION.

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Rollins, Rolette, Setzer, Stone, Thompson, Tillotson and Mr. President.

A message from the House of Representatives being announced, Mr. Edwards, chief clerk thereof, appeared and delivered the following message :

Mr. President :

The House of Representatives have passed the following resolution :

*Resolved*, (The Council concurring,) that the House of Representatives will meet in Joint Convention to-day at 2 o'clock, P. M., in the Representatives Hall, to receive the Governor's Message.

On motion of Mr. Hanson,

The resolution just received from the House was concurred in.

Mr. Setzer moved

A call of the House, and Mr. Lowry was found to be absent.

The Sergeant-at-Arms was directed to require his attendance.

Mr. Lowry appearing in his seat,

On motion of Mr. Flandrau,

The Council adjourned to the House of Representatives to meet the House in Joint Convention:

#### JOURNAL OF THE JOINT CONVENTION.

Mr. Hanson moved,

That the officers of the House be considered the officers of this Convention, and the rules of the Council be adopted as the rules of the Convention.

Which motion was adopted.

Mr. Norris moved,

That a committee of three be appointed to wait on his Excellency, the Governor and inform him that the House and Council are met in Joint Convention and are now ready to hear any communication that he may have to make.

Which motion was adopted.

The Chair appointed Messrs. Nobles, Hanson and Gere.

The Governor was introduced by said committee, and having taken a place betwene the Speaker of the House and the President of the Council delivered his Annual Message. (See Appendix.)

After the joint convention the Council returned to their House,

When on motion of Mr. Rolette,

The Council adjourned.

J. B. BRISBIN,

President of the Council.

W. COLVILLE, Jr. Secretary.

THURSDAY, JANUARY 10, 1856.

The Council met pursuant to adjournment, and was called to order by the President. Prayer by Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Setzer, Stone, Thompson, Tillotson and Mr. President.

The reading of the Journal of the proceedings of yesterday was commenced, and on motion of Mr. Setzer, the further reading of the Journal was dispensed with.

On motion of Mr. Hanson, a standing committee of three was appointed on Universities and School Lands. The President appointed Messrs. Hanson, Freeborn, and Bailly on that committee.

Mr. Flandrau offered the following resolution:

*Resolved*, That a special committee of three be appointed by the Choir to take into consideration the question of the contested seat of John D. Ludden, and that said committee have power to send for persons and papers.

The vote was then taken, and a division of the Council being called for, it was lost.

Mr. Flandrau gave notice that he would, on to-morrow or some future day, introduce a Joint resolution for the Relief of Andrew Jackson Morgan.

Mr. Flandrau gave notice that on to-morrow or some future day he will ask leave to introduce a memorial to Congress for a further appropriation for the construction of the Mendota and Big Sioux road.

Mr. Balcomb introduced a memorial to Congress praying for the construction of a road from Winona to Fort Ridgely, which was read a second time by its title, and laid on the table to be printed.

Mr. Stone introduced a bill to provide for laying out a Territorial road from Manhattan via the head of Buffalo Lake, and Red Cedar Island Lake to Traverse des Sioux.

On motion of Mr. Setzer, the bill and memorial were referred to the Committee on Internal Improvements.

Mr. Bailly gave notice that he would, on some future day, introduce a memorial to the Post Office Department for a tri-weekly mail from Hastings, on the Mississippi river, to Faribault, Rice county.

Reports of committees being then in order, Mr. Freeborn, from the Committee on the contested seat of Mr. Lowry, in the Council, submitted the following report and the evidence in the case:

The Committee to whom was referred the petition of Reuben Ottman, contesting the right of William D. Lowry to a seat in the Council of the Legislative Assembly, of Minnesota Territory as a Representative of the Ninth Council District, respectfully report that they have carefully examined the facts relating to the said contest, and have heard and considered the argument of the counsel of the respective parties and have arrived at the following results and conclusions therefrom:

William D. Lowry appeared with the usual legal and proper certificate of election to the Council, from the 9th Council District, and was thereupon admitted to his seat. That certificate and admission in the opinion of your committee, raise the presumption that he was eligible and elected according to law. The burden of proof is upon the party seeking to rebut that presumption and oust him.

The grounds upon which the contestant bases his allegation of the illegality of Mr. Lowry's election are two fold.

"First—That he received a large number of illegal votes in the precincts of Rochester and Pleasant Grove, in the County of Olmstead, in this Territory, which said number of illegal votes exceeds his majority in said county."

"Second—That he had not been a resident of the District for which he was elected for six months preceding his said election."

No evidence whatever, was presented to your committee on the part of the contestant in support of the ground first above specified and your committee therefore are of opinion that it is not sustained.

To sustain the second ground of contest, two affidavits have been submitted to your committee: one made by Jay Parker and the other by J. George. The substance of the affidavit of Jay Parker is, that on the 18th day of April, 1855, he travelled into the town of Winona, M. T., with Mr. Lowry, who then said to him that he was sick and dissatisfied with the Minnesota Country, and was then leaving it, and would not locate in it; that he had made no settlement and could not find a location in Minnesota that suited him, that afterwards, and on the evening of the same day Mr. Lowry changed his mind and bought a piece of land near Rochester, in the county of Olmsted.

This witness also states "that from his own knowledge and from what he had heard Mr. Lowry state, Mr. Lowry had no residence, nor had he made any settlement in Minnesota previous to the 18th of April, 1855."

The affidavit of J. George, states in substance, that Mr. Lowry first moved with his family into Minnesota and the county of Olmsted some time in May last, as he has heard Mr. Lowry and others repeatedly state, as he verily believes. That some time during the past summer Mr. Lowry said to him that he could not take a nomination, or be a candidate for any office in the county, for the reason that at the next election he would not be voter in Minnesota, and therefore not eligible to any office.

Your committee do not deem these affidavits as establishing the second ground of contest, satisfactorily even, apart from the consideration of any evidence on the part of the sitting member. It does not follow from the fact that the witness, Jay Parker, traveled into Winona with Mr. Lowry on the 18th of April, 1855, that he, Mr. Lowry had not been a resident in Minnesota or in the 9th Council District before that time, and the witness does not state any fact showing nor even allege that he has not; on the contrary it would seem that he had been here before, seeking a location, and had been disappointed.

The sweeping averment of Mr. Parker as to what he knew of his own knowledge, and from what Mr. Lowry had told him, proves nothing in the opinion of your Committee unless accompanied by a statement of facts upon which such knowledge is founded, and of the conversations with Mr. Lowry upon the subject; without such statement, it is the mere opinion of the witness, and an opinion too, inconsistent with the facts alleged before, and above commented upon.

Equally unsatisfactory, in the opinion of your committee, is the allegation of Mr. George, that Lowry told him he could not be a candidate at the next election because he would not be a voter. It proves nothing; certainly it does not prove that Mr. Lowry had not resided in the 9th Council District six months previous to the last general election. Lowry might well have been mistaken, both as to the law and the facts relating to his right to vote.

The allegation of Mr. George, that Mr. Lowry first moved with his family, into Minnesota, and the County of Olmsted, sometime in May last, is not positive, because founded upon information derived from persons whose names (except that of Lowry) are not given, and because the conversations with Mr. Lowry and others are not given. It would also seem to be evasive, the words Minnesota, and the County of Olmsted, being used. He might have been in Minnesota, and in the 9th Council District, and yet not in Olmsted County. Indeed, the other witness, Parker, said he was.

On behalf of Mr. Lowry, the following evidence was submitted to the committee. In the first place he states in his answer to the representations of the contestant, (and his opponent is entitled to the benefit of the admission,) that he landed at Winona on the eighth day of April, 1855, and located at Rochester, in Olmsted county, in the 9th Council District, about the 12th day of April, 1855. The affidavit of Melvin H. Taylor states that he formerly resided in the same town in Crawford County Pennsylvania, with Mr. Lowry, and that Mr. Lowry left that town with his family and goods for the Territory of Minnesota some time between the 12th and 16th of March, last.

The affidavit of S. H. Lombard, states that he has for the past year, kept a public house in Winona, Winona county, Minnesota, and that William D. Lowry stopped with him at his house in said town on the 8th day of April last past.

The affidavit of Henry D. Huff states that he is a resident of Winona, in the county of Winona and Territory of Minnesota, and that William D. Lowry, councillor elect from the County of Olmsted in said Territory, was in that town and county on the 8th day of April last.

The affidavit of Thomas C. Cummings, states that he is acquainted with Mr. Lowry, and that he first saw him at Rochester, in Olmsted county, sometime between the 8th and 15th of April, 1855.

The affidavit of Lewis W. Buklin, states that he is intimately acquainted with Mr. Lowry, and that he first saw him at Rochester, Olmsted county, some time between the 8th and 14th of April, 1855.

The affidavit of Jonathan Head, states that he is personally acquainted with Mr. Lowry, and that he first saw him in Olmsted county, Minnesota, some time between the 9th and 13th of April 1855.

The two affidavits last mentioned also state that Mr. Lowry has resided in Olmsted county ever since.

Upon the foregoing facts two questions were raised by the contestants.

1. That the expression of Mr. Lowry to the witness Parker, that he was sick and had not succeeded in obtaining a location that suited him and was then leaving, constituted a change of residence.

Your committee are of the opinion that the mere expression of an intention to remove, unaccompanied by a subsequent actual removal, does not amount to a change of residence, and does not deprive a man of his rights as a resident or citizen. It is not pretended that Mr. Lowry did leave. It is clearly proven that he did not. And yet it is contended that the mere idle expression of an intention to go, the result probably of temporary disappointment, deprives him of his right to vote and hold office. Your committee believe that such an assumption cannot be sustained for a moment.

Suppose a citizen in Minnesota were to say in conversation that he intends to leave the Territory and go to reside in France, would such an assertion deprive him of his residence in Minnesota, even although he never left the Territory, and consequently never went to France? Would he thereby become a resident of France?

It seems to your committee that the proposition is too absurd to require argument.

2. That because Mr. Lowry did not reside in the county of Olmsted for six months previous to the election that he was not eligible.

By the act of the Legislative Assembly of Minnesota Territory, approved March 31, 1851, it was provided that no person should be eligible to a seat in the Council unless he should have resided in the district for which he was elected, at least six months previous to his election. (General Laws of Minnesota, 1851, page 4.)

By the 4th section of the apportionment act, approved March 2nd, 1855—it is provided that the counties of Winona, Olmsted and Wabashaw, shall constitute the ninth Council District. (Session Laws, 1855, page 36.)

By the 13th section of the same act it is provided as follows:

“When any Council District in this Territory shall be assigned two or more members of the Council, the committee hereby authorized to divide the representation, shall divide such district in such a manner that but one member of the Council shall be voted for and elected in such Council subdivision of said District. (Session Laws, 1855, page 38.)

It was urged that the committee having subdivided the representation of the 9th Council District so as to make Olmsted county one subdivision—therefore, the candidate voted for in such subdivision of representation must, to be eligible have resided in such subdivision, six months previous to the election, and that it was not sufficient that he had so resided for six months within the Council District, to represent which he was elected. To sustain this proposition it will be necessary first, to show that the county of Olmsted is a Council District. This has not been done and cannot be done. It is a subdivision of the representation of the 9th Council District, and if Mr. Lowry was eligible to election from any part of that District he was eligible to election from the whole.

The people of Wabashaw and Winona counties had a right to select and elect a resident of Olmsted county as their representative in the Council, and *vice versa*.

There is nothing in the law to prevent them, and it would be unreasonable and unjust to prevent them from doing so.

Your committee therefore conclude,

1st. That it has not been proven that William D. Lowry had not been a resident of the 9th Council District, for the six months previous to the last general election.

2nd. That it has been satisfactorily shown that William D. Lowry became a resident of the 9th Council District on the 8th day of April, 1855. And that his residence has been in that District from that time to the present.

Your committee report the following resolution:

*Resolved*, That William D. Lowry is entitled to the seat which he now occupies in the Council as a representative of the 9th Council District of the Territory of Minnesota.

*Resolved*, That the committee be discharged from the further consideration of the subject.

All of which is respectfully submitted.

WM. FREEBORN,  
LEWIS STONE,  
SAML. DOOLEY.  
TERRITORY OF MINNESOTA, } ss.  
County of Olmsted. }

Before the undersigned, a Justice of the Peace in and for said county, personally came Jay Parker, Esq., who being duly sworn deposed as follows: That on the eighteenth day of April, 1855, this deponent traveled into the town of Winona, M. T., with Wm. D. Lowry, Councillor elect from said county of Olmsted, and that said Lowry then said to said deponent that he, said Lowry, was sick in body and sick of the Minnesota country, and that he was then leaving it, and would not locate in it, and further, that the said Lowry then said that he had made no settlement and could find no location in Minnesota that suited him; that afterwards, and in the evening of the same 18th day of April, said Lowry changed his mind and did buy a piece of land, near Rochester, in said county of Olmsted, being induced so to do by some gentlemen of Winona, and contrary to his previous determination.

Said deponent further states that from his own knowledge and from what he has heard said Lowry state, that said Lowry had no residence, nor had he made any settlement in Minnesota previous to said eighteenth day of April, A. D., 1855.

JAY PARKER.

The purchase above referred to was made by said Wm. D. Lowry of Mr. George Woolford.

JAY PARKER.

OFFICE OF THE REGISTER OF DEEDS, of Olmsted Co., M. T.

I hereby certify that the deed on file in this office given by Geo. Woolford and wife to W. D. Lowry, bears date April 19, 1855, and was executed on that day as appears upon its face.

J. N. McILANE,

Register of Deeds.

In the matter of the contest of the seat of William D. Lowry Esq., Councillor elect from Olmsted Co., M. T.

The said Wm. D. Lowry will take notice, that the depositions of Jay Parker, Esq., and others will be taken before F. Kimmer, a Justice of the Peace, at his office in Oronoco, M. T., on the 27th day of Dec., inst., at the hour of one o'clock p. m., to be used in evidence in the above case.

R. OTTMAN, per J. GEORGE, his Att'y.

December, 24th, 1855.

TERRITORY OF MINNESOTA, } ss.  
County of Olmsted, }

Before the undersigned a Justice of the Peace in and for said county personally, came James George, who being duly sworn, deposes as follows:

That as Attorney for R. Ottman, he served the notice hereto attached on William D. Lowry, Councillor elect of said county, on the 24th of December, 1855, by reading and delivering a copy thereof to said Lowry.

And this deponent further states that said Lowry first moved, with his family, into

Minnesota, and said county of Olmsted, sometime in May last, as this deponent has heard said Lowry and others repeatedly state, and as this deponent verily believes.

And this deponent further states that sometime during the past summer said Lowry said to said deponent that he, the said Lowry, could not take a nomination, nor be a candidate for any office in said county for the reason that at the then next ensuing general election he, the said Lowry, would not be a voter in Minnesota, and, therefore, not eligible to any office.

And this deponent further states that the paper heretofore marked A is the deposition of Jay Parker, District Attorney of said county of Olmsted, and that at the taking of the same said Lowry was present and requested to cross examine said witness which he refused to do.

And the deponent further states that the paper hereto attached marked "B" is the certificate of the Register of Deeds of said county of Olmsted, and that the same was signed by said Register in presence of this deponent on the day of the date thereof, and that no other deed from said Woolford to said Lowry, was then on file in said Register's office.

J. GEORGE.

Jay Parker, Esq., being also examined under oath deposeth as follows, that the affidavit hereto attached marked A, is his, and that William D. Lowry, Councillor elect was present at the taking of the same, and was requested to cross examine said deponent, which he, the said Lowry, declined doing.

That since the taking of said deposition marked A, and thereto attached, said Lowry said to this deponent, that the deposition was right and true, and yet he, the said Lowry would retain his seat because of his influence as a member in electing a presiding officer of the Council, which officer would have the appointment of the committees of the Council, which committees, by reason of the influence aforesaid, would be in his favor no matter what were the affidavits or the facts therein set forth.

And the admission of the truth, and correctness of the facts set forth in said affidavit marked A, aforesaid, was made by said Lowry, after reading and examining the same in presence of this deponent.

This deponent further states that the family of said Lowry was not to his knowledge in Minnesota, at the time that he traveled into Winona with said Lowry. And that said Lowry did not move with his family into Minnesota until sometime in May last.

Said deponent states that he is the District Attorney elect of Olmsted county, M. T. and that he heard the notice hereto attached read, and said Lowry, notifying him to appear and cross examine &c., at the taking this deposition.

JAY PARKER.

Subscribed and sworn to before me this twenty-eighth day of December, 1855.

F. KIMMERLY, }  
Justice of the Peace, } L. S.

TERRITORY OF MINNESOTA, }  
County of Olmsted, } ss.

I, Francis Kimmerly, Justice of the Peace in and for said county, do hereby certify that the above deposition was taken before me, at my office, in the town of Oronoco, in said county, on the 27th day of December at one of the clock; that it was taken at the request of the contestor upon verbal interrogatories. That it was reduced to writing by James George, a disinterested person, in my presence and under my direction. That it was taken to be used in the suit of contest of Reuben Ottman vs. William D. Lowry, now pending in and to be heard and determined before the Territorial Council at its next session in the city of St. Paul, in said Territory, and that the reason for taking it was the service of notice of contest on said Lowry, and also the service of a notice on said Lowry to be present at the taking of said testimony. That the said William D. Lowry did not attend at the taking of said deposition. That a notice, of which the annexed is a copy, was served on him on the 24th day of December, 1855. That said

deponent, before examination, was sworn to testify the truth, the whole truth and nothing but the truth relative to said cause, and that said deposition was carefully read by said deponent, and then subscribed by him.

Dated at Oronoco, the 27th day of December one thousand eight hundred and fifty-five.

L. S.

F. KIMMERLY  
Justice of the Peace.

To William D. Lowry.

SIR: You are hereby notified that your election as member of the Legislative Council of Minnesota Territory, from the county of Olmsted, in said Territory, will be contested at St. Paul, at the opening of the next session of said Legislature, upon the following reasons, to wit:

First. For having received a large number of illegal votes in the precincts of Rochester and Pleasant Grove, in said county, which said number of illegal votes exceed your majority in said county.

Second. Because you have not been a resident of the district for which you were elected, for six months preceeding your said election.

Dated at Oronoco, this 7th day of November, A. D. 1855.

R. OTTMAN.

I hereby certify that I served a notice on the within named William D. Lowry, the same in substance as the within, on the 7th day of November, A. D. 1855, by leaving the same with him.

LYMAN AMSDUD, Jr.

Subscribed and sworn to before me, this 25th day of December, A. D. 1855.

Witness my hand and seal

ROBERT K. WHITELEY,

Notary Public, Minnesota Ter.

To the Honorable the Council of the Legislative Assembly of the Territory of Minnesota.

The undersigned, sitting member in your body, from the 9th Council District, in reply to the representation of Mr. Ottman, as a contestant for the seat in the Council I now occupy, respectfully answer to the first point upon which said contest is predicated: That I landed in Winona, in the county of Winona, in said 9th Council District, on the 8th day of April, 1855, and located at Rochester, in Olmsted county, in said Council District, on or about the twelfth day of April, 1855, and I have continued to reside in said 9th Council District, from said 8th day of April, until after the last general election, and that it has been and still is my bona fide intention to remain permanently in said county of Olmsted.

In answer to the second point upon which my seat is contested by Mr. Ottman: That to the best of my knowledge and belief the following is a correct statement of the vote cast for Councilman in Olmsted county, in said 9th Council District, viz:

At Oronoco Precinct,	Ottman	received	34	votes.
At " " " "	Lowry	"	25	"
At Pleasant Grove	Ottman	"	5	"
" " " "	Lowry	"	71	"
At Chatfield Precinct,	Ottman	"	27	"
At Rutan	Lowry	"	8	"
At Rochester	Ottman	"	4	"
" " " "	Lowry	"	83	"

The whole number of votes for Ottman being 80.

The whole number of votes for Lowry being 187.

Showing a majority for Lowry of 107 votes.

C.—4.

I do, therefore, positively deny that the number of illegal votes in the county of Olmsted, was equal to the majority of the votes cast for me, and also deny that Mr. Ottman received a majority of the legal votes cast in said county of Olmsted, or in any portion of the said Council District.

WM. D. LOWRY.

Sworn and subscribed by me this day of January, 1855.

TERRITORY OF MINNESOTA, } ss.  
County of Winona.

Melvin H. Taylor being duly sworn, deposes and says: I formerly resided in the same town in Crawford county, State of Pennsylvania, with William D. Lowry. He, the said Lowry, left said town with his family and goods, for the Territory of Minnesota, sometime between the 12th and 16th day of March last past. I resided there till the month of September last.

M. H. TAYLOR.

Sworn and subscribed before me, this 11th day of December, A. D. 1855.

H. WHEELER SARGEANT,  
Clerk District Court.

TERRITORY OF MINNESOTA, } ss.  
County of Winona.

M. K. Drew, being duly sworn says, I resided in the same town with Wm. D. Lowry, in the State of Pennsylvania, last winter (1854-5.) He, with his family and goods, left said town, saying he was coming to Minnesota, in the month of March last past. I left said town the 19th day of April.

M. K. DREW.

Sworn and subscribed before me, this 11th day of December, A. D. 1855.

H. WHEELER SARGEANT,  
Clerk District Court.

TERRITORY OF MINNESOTA, } ss.  
County of Winona.

S. H. Lombard being duly sworn says, I have for the past year kept a public house in Winona, Winona county, Minnesota Territory. William D. Lowry stopped with me at my house, in said town, on the 8th day of April last past.

S. H. LOMBARD.

Sworn and subscribed before me, this 10th day of December, A. D. 1855.

H. WHEELER SARGEANT,  
Clerk District Court.

TERRITORY OF MINNESOTA, } ss.  
County of Winona.

Henry D. Huff sworn, says, I am a resident of Winona, in the county of Winona, and Territory of Minnesota. William D. Lowry, Councilman elect from the county of Olmsted, in said Territory, was in this town, in said county, on the 8th day of April last past.

HENRY D. HUFF.

Sworn and subscribed before me, this 11th day of December, A. D. 1855.

H. WHEELER SARGEANT,  
Clerk District Court.

TERRITORY OF MINNESOTA, } ss.  
County of Olmsted.

Thomas C. Cummings, being duly sworn, deposes and says that he is personally ac

acquainted with William D. Lowry, Councillor elect of the said county of Olmsted; that he first saw the said Wm. D. Lowry in April last, some time between the 8th and 15th of said month, at Rochester, in said county, and at that time the said Wm. D. Lowry made application to buy his farm, and said he was desirous of locating at this place.

THOMAS C. CUMMINGS.

Sworn and subscribed before me, at Rochester, the 26th day of December, 1855.

JAMES BUCKLEN,

Justice of the Peace.

TERRITORY OF MINNESOTA,  
County of Olmsted.

Louis W. Buckler, being duly sworn deposes and saith, that he is intimately acquainted with William D. Lowry, Councilman elect of the said county of Olmsted, that he first saw the said William D. Lowry at Rochester, in said county, in April last, between the eighth and fourteenth of said month; that the precise day this deponent does not recollect; that the said Wm. D. Lowry at that time applied to this deponent to build him a house, saying that he expected his family on soon to occupy it, and that the said Lowry has resided in said county ever since.

LOUIS W. BUCKLER.

Sworn and subscribed before me, the 26th day of December, 1855.

JAMES BUCKLEN,

Justice of the Peace.

TERRITORY OF MINNESOTA,  
County of Olmsted.

Jonathan Head being duly sworn, deposes and says, that he is personally acquainted with William D. Lowry, Councilman elect of the said county of Olmsted; that he became acquainted with him for the first time in April last at Rochester, in said county, somewhere from the eighth to the thirteenth of said month, the precise day this deponent does not recollect; that the said Lowry's family soon after came on to Rochester, at which place he and they have resided ever since.

JONATHAN HEAD.

Sworn and subscribed before me, this 26th day of December, 1855.

JAMES BUCKLEN,

Justice of the Peace.

TERRITORY OF MINNESOTA,  
County of Olmsted.

I, John H. Hartenbower, member elect from the county of Olmsted to the House of Representatives, reside in Pleasant Grove precinct in said county, and am personally acquainted with most of the persons who voted at that precinct at the last general election, and having been about the polls nearly all the time the polls were open, I feel satisfied that the votes then and there cast, were cast by persons legally entitled to vote.

I am well acquainted with the persons who officiated as Judges of election in said precinct, and believe them to be high-minded, honorable men, who would not have received ballots from persons whom they did not believe to be legally entitled to vote.

From my knowledge, therefore, of the Judges of elections, and the persons who voted, I am satisfied the returns of votes from that precinct are legal and proper.

JOHN H. HARTENBOWER.

Sworn and subscribed before me, this 26th day of December, 1855.

JAMES BUCKLEN,

Justice of the Peace.

On motion of Mr. Setzer, the resolution of the committee was read for the action of the Council.

On motion of Mr. Setzer the resolution was adopted.

Mr. Setzer introduced the following resolution :

*Resolved*, That in consideration of the frivolity of the contest thereon, on the part of R. Ottman, while contesting the seat of Mr. Lowry, the committee on Legislative Expenditures be instructed to allow neither mileage nor per diem to the contestants.

Mr. Freeborn moved the resolution be laid on the table, and the yeas and nays being called for and ordered, there were yeas 8, and nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Thompson, Tillotson—8.

Those who voted in the negative were,

Messrs. Flandrau, Lowry, Rolette, Setzer, Stone and Mr. President—6.

So the resolution was laid on the table.

On motion of Mr. Setzer, the rules were suspended, and the Council resolved itself into Committee of the Whole on the Governor's Message.

Mr. Thompson in the Chair.

After deliberation the committee rose and reported the message back to the House with the following recommendation :

That so much of the Governor's message as relates to the prosperity of the Territory, be referred to the Committee on Contested Elections.

That so much of the Governor's message as relates to our remaining a Territory, be referred to the committee on Territorial Affairs.

That so much of the Governor's message as relates to the power of the Governor to appoint officers in unorganized counties, be referred to the committee on the Judiciary.

That so much of the message as relates to schools, be referred to the committee on Schools.

That so much of the message as relates to Universities, be referred to the committee on Universities and School Lands.

That so much of the message as relates to "connecting this city, St. Anthony, and Stillwater, by railroads, with Dubuque, in Iowa, and Lake Superior," be referred to the Committee on Incorporations.

That so much of the message as relates to the construction of Roads, be referred to the committee on Internal Improvements.

That so much of the message as relates to the Commissioner of Immigration be referred to the committee on Territorial Affairs.

That so much of the message as relates to the revenue, be referred to the committee on the Judiciary.

That so much of the message as relates to the Militia, be referred to the committee on Militia.

That so much of the message as relates to the sale of public lands, be referred to the committee on Agriculture and Manufactures.

That so much of the message as relates to the Historical Society, be referred to the committee on Incorporations.

That so much of the message as refers to "one subject matter in a bill" be referred to the committee on the Judiciary.

That so much of the message as relates to "homes for the homeless" be referred to the committee on Agriculture and Manufactures.

That the remainder be referred to the committee on Contested Elections.

Mr. Setzer moved that the recommendation of the Committee of the Whole Council, in regard to referring the Governor's message to various standing committees, be adopted by the Council, and the message be accordingly referred to such committees respectively.

On motion of Mr. Setzer, the Council adjourned.

JOHN B. BRISBIN,  
President.

W. COLVILLE, Jr., Secretary.

FRIDAY, JANUARY 11, 1856.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Rolette, Stone, Thompson, Tillotson and Mr. President.

The reading of the Journal of the proceedings of yesterday was commenced.

Mr. Flandrau moved that the reading of the report and evidence on the contested seat of Mr. Lowry, in the Council, be dispensed with, which motion prevailed.

The remainder of the Journal was read and stood approved.

Mr. Freeborn offered the following resolution:

Resolved, That there be 200 copies of the report of the committee on the contest for the seat occupied by Mr. Lowry, printed, together with the evidence submitted to the committee and that said report and evidence be inserted in the appendix to the Journal of the proceedings of the Council.

On motion of Mr. Flandrau, the resolution was adopted.

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

A bill granting to Richard Ireland and Richard Austin the right to establish and maintain a ferry across the Mississippi river.

Mr. Dooley gave notice that on to-morrow or some future day, he would ask leave to introduce a bill granting to Lewis La Croix the right to establish, and maintain a ferry across the Minnesota river at the town of Little Rapids, in Scott County.

Mr. Freeborn gave notice that on to-morrow or some future day, he would ask leave to introduce a bill to incorporate the town of Red Wing.

Mr. Flandrau gave notice that on to-morrow or some future day, he would ask leave to introduce a bill to organize Brown County, and for other purposes.

Mr. Stone gave notice that on to-morrow or some future day, he would ask leave to introduce a bill to establish a Territorial road from a point on the west side of the Mississippi river, commencing at La Croix landing, about two miles below the mouth of the Crow river, and running a westerly course on the south side of said river to Cedar Lake, by the way of the main forks of Crow river. The reports of committees being then in order, Mr. Setzer from the committee on contested elections, made the following report:

Your committee on contested elections, to whom was referred the case of Joel B. Bassett, contesting the seat of Hon. D. M. Hanson, would beg leave to submit the following report. That they have had the subject under consideration, and from the testimony brought before them, find as follows:

That on the 8th day of October last, an election was held at twelve precincts within the county of Hennepin, at which Mr. Hanson and Mr. Bassett received the number of votes set down under their names, at the respective precincts in the county:

	Mr. Hanson.	Mr. Bassett.
1. Minneapolis,	162	159
2. Excelsior,	30	26
3. Minnetonka,	20	7
4. Richland,	27	32
5. Greenwood,	5	
6. Brooklyn,	43	79
7. Marshall,	20	40
8. Medicine Lake,	37	2
9. Bloomington,	1	14
10. Eden Prairie,	8	19
11. Wayzata,	6	22

Objection, it appears, had been raised by the canvassers to the admission and counting of the votes cast at the precinct of Wayzata, the District Attorney, J. Atwater, Esq., having pronounced its establishment by the county commissioners of Hennepin county, illegal, but since it does not appear in evidence that the voters were aware of such illegality, your committee would recommend that those votes be counted.

Crow River precinct: This precinct by its poll-book, returns for Joel B. Bassett thirty votes, and Mr. Hanson one vote, for member of the House of Representatives. Mr. Bassett attempts to show, by an affidavit from Amos Clark, one of the Judges of election at this precinct, that those votes cast for Mr. Bassett were cast for him as candidate for Councillor; the question, whether the affidavit of one of the Judges, is sufficient to invalidate the regular returns signed by three Judges and two clerks, under the solemnity of their official oaths, and decided by the majority of your committee in the negative, Mr. Thompson dissenting; the result however not being affected by this diversity of opinion the discussion is immaterial to the main point of investigation.

In the county of Carver the precinct of Chanhassan, was organized while said county formed an integral part of the county of Hennepin, and at the late election (notice of which was given in due time by the Register of Deeds of Hennepin county) the said precinct cast for Councillor, for Mr. Hanson 121 votes and for Mr. Bassett thirty-six votes.

Giving in the precincts enumerated, according to the majority of your committee, to Mr. Hanson for Councillor 480 votes, to Mr. Bassett 447 votes, or if the position taken by Mr. Thompson be correct, in regard to Crow River precinct, then Mr. Hanson is entitled to count 481 votes, and Mr. Bassett 477 votes, still leaving Mr. Hanson a majority of four.

It further appears in evidence, that an election was held, or rather pretended to be held, at three places within the county of Carver, to wit: Carver, San Francisco and Glencoe, but the testimony brought before your committee shows such utter disregard to even the forms of law, such evident knowledge on the part of the persons concerned in the transaction, as to the illegality of their proceeding, and such reckless contempt for the sanctity of the ballot-box, that your committee cannot give the slightest credit to the returns emanating from the self-styled Register of Deeds of Carver county. In Glencoe, the polls were opened an hour after sunset, the judges and clerks were not sworn, and no notices of election were given; at San Francisco, the election notices were put up within from three to five days previous to the election; missing ballots were supplied by some accommodating gentleman standing near, and after passing through a number of hands, a certain gentleman, not an official, but who appears to have been the leading spirit of the affair, declared he would have nothing more to do with the concern, and the farce exploded; at Carver, similar circumstances occurred, two of the judges of election were themselves not legal voters in the county of Carver; one of these

gentlemen carried the open ballot-box home with him, when going to his dinner; a few days previous, while conversing as to the illegality of certain transactions of his, in regard to the appointment of a Register of Deeds, the same individual averred that he knew the transaction to be wrong, but observed that "we must beat Hanson and Hunt, and elect Bassett," &c; but the testimony as taken has been placed in the hands of your Secretary, and may be read, if thought advisable. Your committee would, therefore, submit the following resolution:

*Resolved:* That Mr. Hanson is entitled to the seat he now occupies, representing the 11th District, in the Territorial Council.

H. N. SETZER, Chairman.  
C. W. THOMPSON.  
CHAS. E. FLANDRAU.

In the matter of the contested seat between D. M. Hanson and Joel B. Bassett, in the Council of Minnesota.

January 4th, 1856.

George E. Huy sworn for Mr. Bassett. I am Register of Deeds of Hennepin county. I have the returns of the late election from Hennepin county and Carver county.

Returns of the election in Carver and Hennepin counties offered.

CROW RIVER PRECINCT.

Members of the House of Representatives.

Joel B. Bassett 30 votes,  
D. M. Hanson 1 "

Affidavit of Amos Clark, one of the judges of election in Crow river precinct, that Bassett received 30 votes for Councilman at the last election. Marked 1.

WAYZATA PRECINCT.

Witness says that an objection was raised by one of the canvassers that the precinct was not properly established. The other Justice asked me what the facts were. They made application to county Commissioners to have it established at one time. The Commissioners asked the advice of the District Attorney, and he said it would not be legal. Mr. Atwater was the District Attorney. Next meeting, the Commissioners did establish a precinct at Wayzata. This was as much as 20 or 30 days before the election. The precinct was not counted—it was thrown out—having been established by the Commissioners within another precinct, or by taking parts of two precincts, and not at the regular meeting.

MINNEAPOLIS PRECINCT.

Hanson 162  
Bassett 159

EXCELSIOR PRECINCT.

Hanson 30  
Bassett 28

MINNETONKA PRECINCT.

Hanson 20  
Bassett 7

RICHLAND PRECINCT.

Bassett 32  
Hanson 27

GREENWOOD PRECINCT.

Hanson 5

BROOKLIN PRECINCT

Hanson 43  
Bassett 79

## JOURNAL OF THE

MARSHALL PRECINCT	
Bassett	40
Hanson	20
MEDICINE LAKE PRECINCT.	
Bassett	2
Hanson	37
BLOOMINGTON PRECINCT.	
Hanson	1
Bassett	34
EDEN PRAIRIE PRECINCT.	
Hanson	8
Bassett	10

(This is all of Hennepin county.)

Carver County.

OHANHASSEN PRECINCT.	
Hanson	121
Bassett	36

This precinct was organized by the Commissioners of Hennepin county while Carver was part of Hennepin.

Paper purporting to be a certificate of the Register of Deeds of Carver county, a Justice of the Peace and an assistant, showing the balance of votes cast in Carver county. This paper has never been returned to Hennepin county. Marked (2).

(Witness.) We canvassed the votes on the 20th or 23d of October—think Monday, 23 October, 1855. I gave Hanson a certificate from this canvass; have given him no other.

Thomas B. Hunt, who was the Register of Deeds of Carver county under the appointment of the Governor, came to me and wanted me to issue the notices of election, as he thought the appointment was not regular. I issued them in time. He brought some deeds that he had recorded, and wanted me to record them, as he thought them not properly recorded in Carver. Deeds have been recently sent to me from that county, for record.

Hunt said he had consulted Judge Chatfield on the subject of his appointment, and had been advised that it was not good. The Register, Davis, was the person appointed by the Commissioners of Carver county. That the judges of election of the three precincts in Carver made returns to the Register Davis, as appears by the certificate of Davis and the Justice of the Peace.

*Thomas B. Hunt*, sworn for Bassett.

I live in Carver county. I have held the appointment of Register of Deeds of Carver county. I was appointed by Governor Gorman. I have acted under the appointment after giving bonds and being sworn in. I am not acting as such now. I stopped acting as such about September, after consulting Judge Chatfield, who advised me my appointment was illegal.

I recorded nothing after that. I refused to act after that. I have stated to Governor Ramsey and Huy, that I thought my appointment illegal, and think I may have stated it to other persons. That has been my usual answer when consulted about the office. I don't think I ever stated such to the County Commissioners of Carver county. I am pretty positive of this. I went to see Huy before the election, and told him that I had seen Judge Chatfield, who had advised me that my appointment was illegal, and had also advised me that the proper officer to give notice of election in Carver was the Commissioner of Hennepin. That was about the 1st of September—might have been the latter part of August—pretty confident that it was in Septem-

her, about the first. I think I have done no act as Register since receiving the opinion of Judge C. I issued no notices of election. The papers of my office all remain in my hands yet; no one has asked for them.

Cross examined.—At the time of the election, L. H. Griffin resided in Scott county, across the river, opposite Carver. Griffin, previous to his removal from the county, held the office of sheriff and assessor of Carver; he told me he had resigned before he left.

Previous to his removal he came to St. Paul and resigned, as he told me, then went on to his claim in Scott county; some time in December his case at the land office was decided; he then moved, I think, to Carver; I can't say positively about his returning back to Carver.

No returns of elections have been made from Glencoe, Carver and San Francisco precincts to me; I never resigned my office of Register.

The Commissioners of Carver made a precinct at Chaska, and no election was held there, but the votes of Carver were principally cast at Chanhassen. We went to Chanhassen for the reason that we thought that if we voted at Chaska our votes would be thrown out.

I was told by a man who was at Carver precinct, that the ballots there were put into an open box; and at 12 m., when the polls were closed for an hour by Levi H. Griffin, he took the box home with him until the polls were re opened; this is the same Griffin that I have above spoken of.

Mr. Waggenlin told me that he had voted for me for the House of Representatives at that precinct, and I understand that I got no votes there by the returns. I understand, further, that the man is ready to testify that he cast his vote there for me.

At the time of the election, Griffin resided in Scott county.

The Commissioners of Carver have never asked my attendance at any session of the Board.

Re-examined.—Griffin had a family residing in Scott county at the time of the election. I don't know that he took the ballot box across the river at noon. The man told me he took the box home, but I can't say whether he took it across the river, or to the hotel.

This hotel, I am informed, belonged to the Carver company, of which Griffin was a stockholder. I don't know who kept it at the time of the election.

There was no election at Chaska. Griffin kept the hotel previous to the election. It is now burned down. There is another hotel built in its place.

I consulted Mr. Becker in relation to my appointment. Becker was of the same opinion as Judge C.

I conversed with several citizens of these precincts, and told them that I thought the votes which should be cast in San Francisco, or any other place except Chanhassen, would be illegal, and told them the reasons I have already given. There was no plan that persons should be allowed to vote at these precincts and then not count them.

This subject of the illegality of these precincts was generally understood throughout the county, and the votes of Chanhassen came from all parts of the county. The votes cast at Carver were generally by Swedes and Norwegians, who could not read or write English.

The majority of the Chanhassen votes were from people who could read and write English.

S. D. Heard, sworn for Mr. Hanson.

I live at San Francisco, and did at the time of the election. I am agent with James M. Davis. This is the Carver Register above spoken of. He was appointed about a few days before election as follows. Foster was one of the County Commissioners of Carver. I don't think he was there, but came the next day and conceded to what had been done.

L. H. Griffin thought it was best to have a Register, and proposed Jos. M. Davis.

The parties there wanted me to draw the papers, bonds, &c., and a notary public swore Mr. Davis in. The papers were done up by me, and put in the books that belonged to the county. No Commissioners were present except Foster, who came into the warehouse shortly after; he might have been there at the time but can't say. There was no meeting of the Commissioners on that day. At the request of Griffin and Foster, I drew six notices of election for San Francisco precinct; had been no notice previous to that. I think it was five or six days before the election that the notices were put up. May have been as low as three to five days, not over six. I was there on the day of election. On that day, just before sundown, the ballot-box was seized, and I held him and kept it. There were fourteen votes polled by the books, and sixteen ballots found in the box. I brought the box down to the secretary of Gov. Gorman—private secretary. I delivered him the key.

The ballots were here in possession of the Governor's secretary about twenty days. Davis took them from here, and took them to Chaska. He told me that he got them and brought them to San Francisco.

Immediately after the election, the votes of San Francisco were canvassed by the judges and clerks. The poll books showed fourteen, and the ballot sixteen; they were made to agree. Those fourteen ballots were in my hand writing, and all for Bassett.

After the boxes were in San Francisco, Mr. Davis wanted me to make out the certificates of the precinct officers elected in San Francisco, and found nineteen or twenty votes, five or six besides the votes that were polled and first counted; he had taken them out of the box and had them in a book; all the original ones were there but one, then I took one out of my pocket and supplied the place of it.

I don't know who the other five or six votes were for, Bassett or Hanson. My impression is, they were mixed up and dropped by some mischievous person.

I, seeing how things were going in my absence, told Davis I could do nothing further in the matter.

Cross examined.—I can't say whether there was any appointment of Davis as Register, besides the one I have detailed.

About the time when the Register was appointed as above, it was said by persons that we must defeat Hanson and Hunt, and elect Bassett. They said that they had doubts about the matter, and that it all must go before the legislature, but they must have an election. I saw the first eight votes that were polled. I have understood that Charles Johnson was not a voter. I was requested to vote—I was not a voter at the time. It was by outsiders, and not by officers of the election. The principal object of the people was to show up the precinct and make a newspaper flourish; we were glad to get votes in any way—not to favor any particular candidate. Charley Johnson was one of the judges of election.

ELM CREEK, Hennepin County, }  
Minnesota Territory. }

Amos Clark, one of the Judges of Election in Crow River precinct, Hennepin county, being duly sworn before me, one of the Justices of the Peace for Hennepin county, hereby testifies that at the regular election, holden in said precinct on the 9th day of October, 1855, there were thirty votes cast for Joel B. Bassett, for Councilman for the Eleventh District.

JOSEPH B. HOLT,  
Justice of the Peace.

TERRITORY OF MINNESOTA, }  
County of Carver. } ss.

We do hereby certify that on the 31st day of December we counted votes as returned to the clerk of the County Commissioners and found them to foot up as follows, viz:

FOR DELEGATE TO CONGRESS.

H. M. Rice had 10 votes.

**COUNCIL.**

Wm. R. Marshall " 62 "  
 David Olmsted " 30 "

J. M. DAVIS, Clerk of Board Commissioners.  
 E. ELLSWORTH, Justice of the Peace.  
 L. H. GRIFFIN, Assistant.

**TERRITORY OF MINNESOTA, }**  
**County of Carver. }**

We do hereby certify that on the 31st day of December compared the Poll lists of the different precincts and found them to foot up as follows, viz:

**FOR MEMBER OF COUNCIL**

Joel B. Bassett	had	16	votes.
Bassett	"	2	"
Dun	"	8	"
Griffin	"	2	"
D. M. Hanson,	"	2	"
W. Flul	"	1	"

**MEMBERS OF THE HOUSE OF REPRESENTATIVES.**

Albert Wolf	had	44	votes.
Wolf	"	2	"
Charles McCave	"	41	"
Henry E. Wolfe	"	3	"
John Gratz	"	1	"
Arbey Cleveland	"	1	"
P. Faustin	"	1	"
P. B. Hunt	"	1	"

J. M. DAVIS, Clerk of Board Commissioners.  
 E. ELLSWORTH, Justice of the Peace.  
 L. H. GRIFFIN, Assistant.

From an examination of all votes that have been returned to the Register of Deeds, for the counties of Hennepin and Carver, I find the following to be the result, viz:

For J. B. Bassett five hundred and twenty-seven votes (527). For D. M. Hanson four hundred and eighty-two, (482); severally for the Legislative Council for the year of 1856—1857, and I hereby declare the above mentioned J. B. Bassett duly elected Councillor for the Eleventh Council District.

Given under my hand and Seal of the County of Carver.

**J. M. DAVIS,**  
 Register of Deeds, Carver County.

San Francisco, Dec 5th, 1855.

**TERRITORY OF MINNESOTA, }**  
**County of Carver. }**

We do hereby certify that on the 31st day of December, A. D. 1855, we proceeded to compare the poll lists of the District Precincts, as returned to this office, and found them to foot up as follows, to-wit:

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### FOR COUNTY COMMISSIONERS.

Niran Albert	had	47	votes.
Charles Hendengroan	"	34	"
Jonson Fauster,	"	36	"
Fredrick Griner	"	11	"
Henry E. Woolf	"	6	"

### COUNTY TREASURER.

Gustavus Krombale	had	4	votes
John Mair	"	44	"

### REGISTER OF DEEDS.

James Davis	had	31	votes.
Axel Jorgenson	"	13	"
Henry Ashley	"	3	"

### COUNTY SURVEYOR.

Charles Todloff	had	8	votes.
George N. Pours	"	37	"
Fredrick Hecklin	"	7	"
Hecklin	"	1	"
A. Jackson Bell	"	13	"

### JUDGE OF PROBATE.

Henry Millin	had	20	votes.
Henry N. Limon	"	16	"
Jacob Ebenger	"	10	"

### FOR CORORER.

Joseph Kessler	had	41	votes.
Kessler	"	6	"
Jacob Kessler	"	1	"

### FOR ASSESSOR.

Henry Paulston	had	36	votes.
Jacob Bihasser	"	47	"
George M. Pours	"	28	"
Axel Jorgenson	"	17	"

### FOR SHERIFF.

Ezekiel Ellsworth	had	41	votes.
L. H. Griffin	"	12	"
Sons	"	1	"

### FOR CONSTABLE IN CARVER PRECINCT.

Ole Paulston	had	26	votes.
Frederick Obree	"	15	"
H. Fuller	"	4	"

**COUNCIL.**

**JUSTICES OF THE PEACE.**

J. W. Hartwell	had	16	votes.
J. M. Prull	"	18	"
R. B. Brown	"	1	"

**FOR ROAD SUPERVISOR.**

Charles Gibhart	had	82	votes.
Gibhart	"	1	"
Tobias Ogtinger	"	1	"

**FOR JUSTICE OF THE PEACE IN SAN FRANCISCO PRECINCT.**

William Fanster	had	14	votes.
William Briston	"	14	"

**FOR CONSTABLE.**

John Linn	had	14	votes.
Niles Torance	"	14	"

J. M. Davis, Clerk.  
 E. ELLSWORTH, Justice of the Peace.  
 L. H. GRIFFITH, Assistant.

OFFICE OF REGISTER OF DEEDS, }  
 County of Hennepin, M. T. } ss.

I hereby certify that the official canvass of the votes returned to this office from the several precincts in Hennepin and Carver counties was made on the 20th day of October, or thereabouts.

GEO. E. HUY,

Register of Deeds.  
 TERRITORY OF MINNESOTA, }  
 County of Hennepin. } ss.

George Daly being duly sworn, deposes and says, I resided at Glencoe precinct, Carver county, M. T., at the last general election, I was one of the judges of election in that precinct, on the 9th day of October last. The polls were opened in said precinct, just at dusk in the evening, about an hour after sunset, and said polls were closed in about an hour thereafter.

They had no notice of such election posted at any time prior to holding the same. They used a hat for a ballot box. I think the judges were not sworn in at said election.

GEORGE DALY.

Sworn and subscribed before me this 5th day of January, 1856.

GEO. W. SHOWEN,  
 Justice of the Peace.

On motion of Mr. Freeborn, the Resolution attached to the report was read the second time for consideration.

Mr. Setzer moved the Resolution be adopted.

A Message from his Excellency the Governor being announced, Mr. Robert A. Smith, Secretary to the Governor appeared and presented a message in writing to the President of the Council.

On motion of Mr. Balcomb the motion made by Mr. Setzer, was laid on the table, and the Resolution was made the special order of the day for Monday next.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, }  
St. Paul, Jan. 10, 1856.

HON. JOHN B. BRISBIN,  
President of the Council,

SIR: I have the honor to inform the Council, that Robert A. Smith, Richard Walker and J. J. McCullough, or either of them are authorized to bear messages from the Executive to either branch of the Legislature, during the present Session.

Respectfully,

Your Obedient Servant,

W. A. GORMAN.

Mr. Hanson having obtained leave of the Council, presented the Report of the Board of Regents of the University of Minnesota, which was read by the Secretary as follows:

REPORT OF THE BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA.

*To the Honorable the Council and House of Representatives of the Territory of Minnesota:*

In accordance with the provisions of Statute, I present to your honorab'e bodies the fifth annual report of the Board of Regents of the University of Minnesota.

The attention of the Board, during the past year, has been principally occupied in selecting and locating the lands donated by Congress for the use of the University. The Board have been somewhat divided in opinion, as to whether farming or pine lands would prove most advantageous to the interests of the institution. A majority of the Board, however, have deemed it advisable to select about equal quantities of each. In accordance with this decision, Judge Meeker was, in July last, appointed agent for the Board, to select and locate farming lands for the use of the University. He has been engaged during a considerable portion of the past season in the discharge of this duty, and has selected and located in the Districts of lands subject to entry at Sauk Rapids, Winona and Red Wing. (mostly in the two last named Districts,) seven thousand five hundred acres. The locations, it is believed, embrace some of the most valuable lands in the Territory, having been made with reference to comprising the greatest number of advantages possible for farming purposes. He has been authorized to select seven thousand acres more of the same description.

In addition to the above, the Hon. John Rollins has made some further locations of pine lands, making, with those therefore selected by him, about nine thousand acres of pine timber, located for the use of the University. It will thus be seen that over half of the whole amount donated by Congress to the University, has been located. It is deemed advisable by the Board to locate the remainder at as early a day as practicable, and measures will probably be taken to complete the selections before the next session of the Legislature.

In consequence of the low water on Rum river and its branches during the past season, none of the lumber cut on the University lands, has, therefore, as yet, been derived of the receipts anticipated from this source. It has not in consequence, been able to undertake the erection of any buildings for the purposes of the University or the improvements and adornment of its grounds. Both these objects in the opinion of the Board are most desirable to be accomplished as early a day as practicable, and nothing but a want of means would have prevented the commencement of these enterprises, during the past season.

Owing to the change of site for the University grounds, of which mention was made in my last annual report, and the anticipated erection of other buildings at an early day, on the last selected grounds, the primary department last season was discontinued. The interruption thus occasioned to the course of instruction which had been commenced, it is confidently hoped, may be removed during the coming season. It is now the unanimous opinion of the Board, that the time has arrived, not only for the organization of an Academical department of a high order, but also for commencing that of the University proper. The wants of the Territory now demand the full enjoyment of the advantages of such an institution as that chartered by the wisdom of our Legislature, and so munificently endowed by the liberality of Congress. In so large a population as is now embraced within the limits of the Territory, there must necessarily be a considerable number prepared for, and desirous of pursuing those higher branches of study, usually taught in Colleges and Universities. Unless the means of acquiring a thorough education are afforded at home, they will be sought abroad; and the State thus neglect not only an important duty, but lose an essential advantage. So manifest must be the importance of this subject and considerations relating thereto, that enlargement is unnecessary. The Board will feel itself called upon to use its exertions to render available, as early as practicable, the important trust committed to its charge for the benefit of the citizens of the Territory.

Through the exertions of the Hon. H. M. Rice, about forty volumes of valuable Congressional works have been added during the past year to the library of the institution. Other gentlemen have, also, made donations, making the aggregate number of volumes received nearly fifty. I would suggest, in this connection, the propriety of passing an act requiring the Secretary, to annually furnish, for the library of the University, copies of the laws, and legislative documents, which it is important should belong to the Institution. All which is respectively submitted.

I. ATWATER, Secretary of the Board of Regents.

On motion of Mr. Hanson the report was referred to the Committee on Universities and school lands.

Mr. Hanson offered the following Resolution:

*Resolved*, That the committee on Legislative expenditures be instructed to allow Warren J. Howell per diem and mileage, while contesting the seat of Mr. Tillotson.

Which Resolution adopted.

was

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On motion of Mr. Setzer, the bill to suppress the issue and circulation of unauthorized bills as currency was referred to the committee on Judiciary.

On motion of Mr. Setzer the rules were suspended and the Joint Resolution for the relief of Andrew Jackson Morgan, was read a second and third time by its title and passed.

The following communication from D. A. Robertson was read by the President :

SAINT PAUL, Jan., 11th, 1856.

To the Honorable John B. Brisbin,  
Speaker of the Council.

SIR :—The members of your Honorable Body are respectfully invited to attend a Lecture, before the Minnesota Historical Society, at the First Presbyterian Church, of this City, this evening, by the Rev. E. D. Neill.

Subject:—

"The Heroic age of American Commerce."

Very Respectfully,

Your obedient servant,

D. A. ROBERTSON,  
Chairman of Committee on Lectures.

On motion of Mr. Rolette, the Council adjourned until Monday next.

JOHN B. BRISBIN,  
President.

Attest:

W. GORVALL, Secretary.

MONDAY, JANUARY 14, 1856.

The Council met pursuant to adjournment.

And was called to order by the President.

Prayer by Rev. Mr. Penman.

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

Messrs. Balcomb, Flandrau, Freeborn, Hanson, Lowry, Rolette, Setzer, Stone, Thompson Tillotson and Mr. President.

The reading of the Journal of the proceedings of Friday was commenced.

And on motion of Mr. Setzer, the further reading of the Journal was dispensed with.

On motion of Mr. Setzer, the Journal was corrected and then stood approved.

On motion of Mr. Setzer the Council went into Committee of the Whole, on the resolution of the Committee on contested elections, to whom was referred the case of Joel B. Bassett, contesting the seat of D. M. Hanson.

Mr. Stone in the Chair.

Whereupon the counsel of Mr. Bassett, Mr. George A. Nourse, appeared upon the floor and addressed the committee on behalf Mr. Bassett, and after sometime passed therein, the Committee rose and reported the resolution back to the Council, without amendment.

Message from his Excellency the Governor being announced, Mr. Walker appeared and presented to the President of the Council a sealed letter.

Mr. Setzer moved that the resolution be read and adopted.

The question then being put, and the Ayes and Noes being called for and ordered, there were Ayes 10 and Noes 1, as follows :

Those who voted in the affirmative were :

Messrs. Flandrau, Freeborn, Lowry, Ludden, Rolette Setzer, Stone, Thompson, Tillotson and Mr. President.

Those who voted in the negative were :

Mr. Balcomb.

Which motion prevailed.

The following petition was presented by Mr. Glandrau.

To the Council and members of the Legislature of Minnesota in Session assembled.

The undersigned, your petitioners would represent, that under the regulations of the Indian Department, as understood and interpreted by the officers of the Government, there is no way which is really available, of compelling Indians to make reparation for damages done to or depredations committed on the property of others. The Agent is not at liberty to withhold a man's annuity on any pretense whatever. So that it rests altogether with the individual aggressor, provided he is an Indian, whether he pays any part of the price of a cow or a horse which he may have killed for his red or white neighbor. — If the facts are represented to the department at Washington, and the case urged by some one taking interest therein, we are informed that an order may be procured for demanding the payment of damages from the individual transgressor, or from the band to which he belongs. But this is a process too tedious and too uncertain to answer the ends of justice. It is a notorious fact that under the present regulations, depredations on the property of white persons residing on the Dakota Reservation and adjacent to it, have been fearfully multiplying of late. For example, at the Missions Station of the A. B. C. F. M., at Paxehootoze and Hazlewood, ten head of cattle (two of which belonged to Dakotas) have been killed during the year past. Some of them were killed openly, and others secretly. Their aggregate value was not less than \$400, but only \$55 was received at the late payment. Other depredations have been committed, Indian against Indian; but the determination of the chiefs and braves, was to pay no claims.

You are aware that the treaties made with the Dekotas in 1855, stipulated protection of property; and the Indian as well as the white man has a right to complain if it is not promptly secured.

And further, the number of cattle killed and other property destroyed for citizens on

ceded lands, has never been greater than during the past year; for which little or no recompense is made. It is to be feared that, unless a prompt remedy is found for their evils, they may result in an Indian war. If no speedy redress can be obtained for such misdemeanors, there are men among the pioneer settlers, who will not long hesitate to shoot down the the Indian who shoots down their cows. Surely such an event should be guarded against.

Your petitioners therefore respectfully request your honorable bodies to take up this matter early in the session, and memorialize Congress for the passage of a law authorizing their Indian agents to investigate all cases of trespass on property, and to cause proper remuneration to be made out of the annuity of the person transgressing, and if that fails to make proper indemnity, out of their portion of the band to which he belongs. And in case your memorial should not accomplish its object, your petitioners would recommend the passage of a Territorial law, which even though not approved by Congress, might serve to awaken our National Council to the urgent necessities of the case.

Signed.

Thos. S. Williamson.

John H. Harlow.

D. McGinty.

C. W. Bracket.

John A. Ford.

Alx. Hunter.

H. Cramer.

Joseph Lichert.

Thomas Garry.

A. Robertson.

S. R. Riggs.

Andrew Hunter.

G. W. Yorlhorn.

Wm. Shackelford.

Patrick Caner.

Frank Kaas.

A. M. Robertson.

Patrick Daley.

Thomas A. Robertson.

P. C. Prescott.

November 26, 1855.

On motion of Mr. Flandrau the petition was referred to the Committee on Territorial Affairs, with instructions to report a memorial to-morrow.

Mr. Flandrau gave notice that on to-morrow or some future day, he would ask leave to introduce a memorial to Congress, for an appropriation of \$1500 for the improvement of Root River.

Mr. Rolette gave notice that on to-morrow or some future day, he would ask leave to introduce a memorial to Congress to admit "Hole in the day" to the rights of citizenship.

Mr. Flandrau offered a Resolution that 1500 copies of the Governors message and accompanying documents be printed in pamphlet form, and that 500 copies be for the use of the Governor.

Which was laid over under the rules until to-morrow.

Mr. Flandrau gave notice that on to-morrow or some future day, he would ask leave to introduce a memorial to Congress for an appropriation of \$40,000 for the construction of bridges and culverts on the Territorial Road, from St. Paul to Eliots, by way of Cannon Falls, Rochester and Carletona.

Mr. Hanson moved that 500 copies of the report of the Regents of the University be printed.

Mr. Ludden moved an amendment that 500 copies of the Gov. message be printed separately.

The question of the adoption of the amendment then being put, and the Ayes and Noes being called for and ordered, there were Ayes 6, and Noes 3, as follows:

Those who voted in the affirmative were:

Flandrau, Lowry, Ludden, Rolette, Thompson, and Mr. President.

Those who voted in the negative were:

Freesborn, Hanson, and Setzes.

The question then recurring on the original motion as amended.

Mr. Hanson moved that the motion be laid on the table.

Which motion was lost.

Mr. Setzer moved that the Council do now adjourn. The question then being put, and the Ayes and Noes being called for and ordered, there were, Ayes 5, and Noes 6, as follows:

Those who voted in the affirmative were: Freeborn, Hanson, Setzer, Stone, and Mr. President.

Those who voted in the negative were: Balcomb, Flandrau, Lowry, Ludden, Rolette, and Thompson.

So the motion was lost.

Mr. Hanson moved that the motion be referred to the Committee on Public Printing.

Before the motion was put Mr. Flandrau moved the previous question.

The President then proceeded to put the original motion of Mr. Hanson as amended on motion of Mr. Ludden.

Mr. Hanson arose to a point of order, and stated that under the motion to put the previous questions, his motion "that the motion be referred to the Committee on Public Printing" should be put.

The President decided that the original motion as amended was in order.

Mr. Setzer appealed from the decision of the Chair.

The question then recurring shall the decision of the Chair be sustained, and the Ayes and Noes being called for and ordered, they were, Ayes 3, and Noes 7, as follows:

Ayes—Freeborn, Hanson, Setzer.—3.

Noes—Balcomb, Flandrau, Lowry, Ludden, Rolette Stone, Thompson.—7.

So the decision of the President was sustained.

Mr. Setzer then moved that the Council adjourn.

The motion to adjourn then being put, and the Ayes and Noes being called for and ordered, there were, Ayes 3, and Noes 8, as follows :

Ayes—Freeborn, Hanson, Setzer.—3.

Noes—Balcomb, Flandrau, Lowry, Ludden, Rolette, Stone, Thompson, Mr. President.—8.

So the motion to adjourn was lost.

The question then recurring, shall the main question now be put, and the Ayes and Noes being called for and ordered, there were, Ayes 8, and Noes 3, as follows ;

Ayes—Balcomb, Flandrau, Lowry, Ludden, Rolette, Stone, Thompson, Mr. President.—8.

Noes—Freeborn, Hanson, Setzer.—3.

The motion was carried.

The original motion of Mr. Hanson, as amended, was then put, and the Ayes and Noes being called for and ordered, there were, Ayes 8, and Noes 3, as follows :

Ayes—Balcomb, Flandrau, Lowry, Ludden, Rolette, Stone, Tillotson, Mr. President.—8.

Noes—Freeborn, Hanson, Setzer.—3.

The motion was carried.

Mr. Flandrau gave notice, that on to-morrow or some future day, he would introduce a bill to amend Chapter 95 of the Statutes of Minnesota.

Mr. Flandrau, in accordance with previous notice, introduced No. 3, C. F., a memorial to Congress for an appropriation of lands to improve the navigation of the Minnesota river.

Mr. Flandrau, in accordance with previous notice, asked leave to introduce No. 3, C. F., a bill to organize the county of Boom, which was granted.

Mr. Flandrau introduced, in accordance with previous notice, No. 4, C. F., a bill granting to Richard Ireland and Richard Austin, the right of a ferry across the Mississippi river.

Mr. Hanson gave notice, that on to-morrow or some future day, he should introduce a bill to repeal the act of abolishing imprisonment for debt.

Mr. Lowry moved that the Council adjourn.

Which motion being put, and the Ayes and Noes being called for and ordered, there were Ayes 8, and Noes 4, as follows.

Ayes—Balcomb, Freeborn, Hanson, Lowry, Rolatta, Stone, Tillotson, Mr. President—8.

Nays—Flandrau, Ludden, Setzer, Thompson—4.

So the Council adjourned.

JNO. B. BRISBIN, President.

Attest.

W. COLVILLE, Secretary.

TUESDAY, JANUARY 15, 1856.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Pennman.

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

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Rollins, Setzer, Stone, Tillotson, and Mr. President.

The Journal of yesterday's proceedings was read and approved.

Mr. Stone gave notice,

That on to-morrow or some future day he would ask leave to introduce a bill for an act to incorporate the "Little Falls Bridge Company."

According to previous notice, Mr. Freeborn introduced a memorial (No. 4, C. F.) to Congress for an appropriation of \$40,000 for the construction of bridges and culverts on the Territorial roads from St. Paul, to Elliot, by way of Cannon Falls, Rochester and Carimona.

Read a first and second time, and laid on the table to be printed.

According to previous notice, Mr. Thompson introduced (No. 5, C. F.) a memorial to Congress for an appropriation of 15,000 for the improvement of Root river.

Read a first and second time, and laid on the table to be printed.

Mr. Rollins gave notice,

That on to-morrow or some future day he would introduce a bill to authorize School District No. 5, in the city of St. Anthony, Ramsey county, to lay a tax and obtain money for the purchase of ground and the erection of buildings for school purposes.

Mr. Freeborn gave notice,

That on to-morrow or some future day he would ask leave to introduce a memorial to Congress praying for an appropriation to construct a road from some point on the Mississippi river to Fort Ridgely.

Mr. Flandrau gave notice.

That on to-morrow or some future day he would ask leave to introduce a memorial to Congress praying for the establishment of a Land office at some point in the Minnesota Valley.

Reports of Committees being in order,

Mr. Flandrau, from the Committee on the Judiciary reported the bill for the suppression of unauthorized shipplasters as currency, back to the Council with amendments.

On motion of Mr. Setzer, the reading of the amendments were dispensed with, and they were considered in committee of the Whole.

The following communication from His Excellency, the Governor, was read:

EXECUTIVE DEPARTMENT, M. T. }  
St. Paul, January 14, 1856 }

Hon. JNO. B. BRISBIN.

President of the Council.

Sir—I have the honor to lay before the Council the annual report of Eugene Bur-  
nand, Esq., Commissioner of Emigration.

Respectfully your ob't servant.

W. A. GORMAN.

MINNESOTA TERRITORY, St. Paul, January 14, 1856.

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

In compliance with the first section of an Act passed by the Legislative Assembly of Minnesota, providing for the appointment of a Commissioner of Emigration for the Territory, which makes it the duty of said Commissioner to report annually to the Legislature, I beg to make the following statement.

According to the provisions of the act above mentioned, I ought to have been in New York at an early day after the 4th of March, 1855. In the absence, however, of any funds in the hands of the Territorial Treasurer, Warrants were issued to me, which remained unavailable till the 20th of May, when a part of them, amounting to three hundred and twenty-five dollars, were redeemed by certain county Treasurers. Insufficient as this sum was, I left St. Paul for New York, where I arrived on the 5th of June. It is to be regretted that so much valuable time was irretrievably lost. As soon as it was possible, I opened and furnished an office at No. 1, Battery Place, under the Battery Hotel, near Castle Garden, where, without delay, all the preliminary measures were taken to secure the objects of my mission. The first step I took, was to cause advertisements and editorials to be inserted, not only in German papers published in this country, but also in papers published in Germany and Switzerland.

In these two latter countries, there is a special kind of newspaper exclusively devoted and addressed to the emigrant. The publisher of these papers have an extensive correspondence with the United States, and hence, are enabled to point out to their countrymen the most eligible parts of America for a settlement. Only one of these papers, the "Colonization Emigration Gazette," published in Hamburg, advocates the interest of Brazil, Chili and other parts of South America, and makes it a point to republish any thing they can find against the United States. With this exception, all the other papers seem to look upon the United States as the most favorable country to emigrate to. I have corresponded with these papers, and my advertisements now occupy a permanent place in their columns. Occasionally, editorials call the attention of the reader to these advertisements. These articles will be read and pondered over during the present winter by those intending to emigrate, and a most satisfactory result may be expected by next spring,

I would most respectfully suggest the propriety of employing commercial firms of Hamburg, Bremen, Rotterdam, Antwerp and Havre, as agents, with the power of receiving the passage money of emigrants, from New York to Minnesota. These Agents might give the emigrant an order on me which would entitle the bearer to a full passage to St. Paul. I have lately called upon Mr. Marsh, Secretary of the Erie Railroad Co., to whom I broached the subject, and who seemed disposed to make permanent arrangements through me with firms in European seaports in the manner suggested. It is well understood, that these Agents are compensated for their trouble by the competing Railroad companies in this country, always anxious to secure the greatest number of passengers. By the above arrangement, the danger of emigrants to Minnesota, being diverted from their route, would be avoided, for, there are always interested and officious parties in New York, Chicago, and elsewhere, ready to misrepresent the State of affairs here. Our high northern latitude particularly, has, in many instances, been made bug bear to the emigrant and frightened him from risking his life among the alledged mountains of ice in this Territory.

In addition to the following European Emigration papers, viz :

"Die Sud Deutsche Auswanderung's Zeitung," published in Schwabisch Hall,

"Die Hansa," Hamburg.

"Die Bremen Auswanderung's Zeitung," Bremen.

"Die Allgemeine Auswanderung's Zeitung," Rudolstadt, Saxony.

"Die Schweizer Auswanderung's Zeitung," Switzerland.

I have employed the following papers in this country :

"Die Neue Zeit," New York.

"Die Handels Zeitung," New York.

"Die New York Abendzeitung," New York.

"Die N. Y. Demokrat," New York.

"Der Unentgeltlicher Wegweise," New York.

The last named paper contains a lengthy advertisement descriptive of the resources of Minnesota. Three thousand copies are sent weekly to European sea ports, and these distributed among emigrants. This paper being a mere sheet of advertisements, suffers no difficulty in its distribution and circulation throughout Germany, whereas a political paper, published in this country, would immediately attract the attention of the police and be entirely excluded from the Territories of the German majesties, from the King of Prussia down to any petty Prince of the Germanic confederation.

Your Honorable body will at once perceive the impropriety of your Commissioner assuming the position of a mere runner, always ready to fight or grasp the emigrant by his collar, is an argument *ad rem* surely, but disgraceful and of no avail to one in my position ; yet many persons seem to be impressed with the preposterous idea, that it is one of the first duties of the Commissioner to board ships, or be watching the landing of emigrants at Castle Garden.

Emigration in 1855, has dwindled down to about one third of what it was in 1854. The Know Nothings pretend that their political doctrines, subversive as they are of all the principles that have hitherto governed this Republic and elevated it to the unrivalled position it now occupies among nations, have nothing to do with this unprecedented diminution. They further say, that immigration into the British Provinces has proportionally decreased ; but unfortunately for the solidity of their reasoning, and veracity of their statements the official returns of the English government show, that the British Provinces had in 1855, 53,183 emigrants, and 36,699 for the previous year. The diminution of emigration to this country may partially be attributed to the efforts made by several South American governments to attract German settlers. It has been said that Wisconsin at present has no Agent in New York. This is not so. The office of Commissioners of emigration for Wisconsin, after having been of immense service to that State, has been legally abolished, but *de facto* maintained. After the astonishing influx of foreign immigration, after so much wealth had been brought to and developed in that State, the office was by many no longer considered necessary ; others differed from this view of the subjects, and the Agency was continued and the expenses defrayed by private individuals. Mr. Schette is yet the Agent, and has his office in Greenwich street, N. Y. Canada has also thought proper to send an agent to Europe.

During the present season, I sent a number of individuals to Minnesota, more or less able, some of whom were farmers, others mechanics. Among the latter, are blacksmiths, carpenters, shoemakers, tanners, glovemakers, painters, lock and gunsmiths, and dressmakers. I am now negotiating with three different parties who are organizing associations of individuals proposing to remove to Minnesota. Two of these are in Europe, and one in Pittsburgh. The Director of one, in Belgium, informs me that they have a capital of one million of francs. The other European association is under the guidance and direction of the Rev. Mr. Lorrington, a clergyman, of the Protestant Church. The Secretary of the association in Pittsburg, with whom I have corresponded, informs me that it is composed of one hundred and five heads, all Germans and citizens of the U. S.. In his letter to me, he states, that these persons, disgusted with

the persecutions of the Know Nothings, have determined to seek a home in our Territory, where, I have assured them, Know Nothingism is hardly known. I hope and trust that I have not mistaken in so saying.

The affairs in my office in New York have been put in the best possible shape, and the results of my mission will, I have no doubt, meet the expectations of the most sanguine. I may add here, that I have availed myself of frequent opportunities to mention Minnesota as a most desirable place for capitalists to invest money. Several gentlemen of large means, who heretofore had no confidence in the security of our laws for the protection of creditors and of titles to property, have expressed to me their intention of visiting the Territory next spring for the purpose of making investments.

The monies provided by the act of the last Legislature for contingencies and salary, have hardly been sufficient. The heavy discount I have been compelled to submit to on Territorial orders has reduced the amount allowed me, nearly one quarter, with the exception of \$325,00 collected from certain county Treasurers, and \$350, remitted by Messrs. Burp & Oakes, who generously accepted the orders at par. The balance of the Territorial orders issued were sold at seventy-five and eighty cents per dollar; thus causing a deficiency of over \$250,00 in my receipts.

All of which is respectfully submitted.

E. BURNAND.

On motion of Mr. Setzer, the Council resolved itself into Committee of the Whole.

Mr. Thompson in the chair, having under consideration No. 1, (C. F.,) a bill to suppress the issue and circulation of unauthorized bills as currency. And No. 3 (C. F.,) a memorial to Congress for an appropriation for the improvement of the Minnesota river.

Message from the House of Representatives being announced, the President resumed his seat and Mr. Edwards, the clerk of the House appeared and informed the Council that the House of Representatives have concurred in the passage of the joint Resolution (No. 1 and 2) (C. F.) and withdrew. After sometime being spent in Committee of the Whole, the Committee rose and reported back to the Council,

No 1, (C. F.) a bill to suppress the issue of unauthorized bills as currency, with amendments, and that they had under consideration (C. F.) No. 1, a memorial praying for an appropriation for the improvement of the Minnesota River, have made progress therein and ask leave to sit again.

On motion of Mr. Setzer the bill as amended, was read by sections.

Mr. Setzer moved that the amendments be adopted.

Which motion prevailed.

Mr. Setzer moved that the bill be engrossed and read the third time, on Thursday next.

Which motion was carried.

On motion of Mr. Setzer, further time was given the Committee of the Whole, for considering No. 3 (C. F.)

In accordance with previous notice, Mr. Flandrau introduced No. 5, (C. F.) a bill to amend chapter 95 of the Statutes of Minnesota, which was read a first and second time and laid on the table to be printed.

In accordance with previous notice, Mr. Hanson introduced No. 6, (C. F.) a bill to repeal an act, entitled—an act to abolish imprisonment for debt, and for other purposes. and on motion of Mr Hanson was referred to the Committee on the Judiciary.

Mr. Hanson presented the following petition from the members for the repeal of the act abolishing imprisonment for debt:

To the Honorable the Council and House of Representatives of the Legislative Assembly of the Territory of Minnesota.

The memorial of the undersigned, members of the Bar of said Territory respectfully sheweth:

That your memorialists represent, in their professional capacity a large number of the

citizens of the United States resident within, and without, this Territory, who, have entrusted, do entrust, and who, if reasonably encouraged will continue to entrust their property and credit to the protection of our Laws, and to the promotion of the welfare of Minnesota.

In this capacity your memorialists respectfully ask, and urge, the repeal of the act called—"An Act to abolish imprisonment for debt, and for other purposes." Approved, March 3d, 1855.

Because imprisonment for debt alone, has never been sanctioned by the laws of this Territory, whether upon original, or final process, and therefore the said enactment was unnecessary, is improperly entitled, and was improperly enacted.

The laws of Minnesota, (revised statistics, page 34,) authorized arrest previous to the said enactment, only as follows:

#### Arrest and Bail.

SEC. 94. No person can be arrested in a civil action, except as prescribed in this chapter; but this provision does not apply to proceeding for contempt.

SEC. 95. The defendant may be arrested as hereafter prescribed, in the following cases:

1. In an action for the recovery of damages, or a cause of action arising on an obligation where the defendant is not a resident of the Territory, or is about to remove therefrom; or where the action is for a wilful injury to person or property, knowing the property to belong to another.

2. In an action for a fine or penalty, or on a promise to marry, or money or property, to embezzled or fraudulently misapplied, or converted to his own use by a public officer or an officer of an corporation, or a attorney factor, broker, agent or clerk, in the course of his employment as such, or by any other person in a fiduciary capacity, or for misconduct or neglect in officer, or in a professional employment.

3. In an action to recover the possession of personal property unjustly detained, where the property or any part thereof, has been concealed, removed or dispersed of so that it cannot be found or taken by the Sheriff.

4. Wherein the defendant has been guilty of a fraud in contracting the debt, or incurring the obligation for which the action is brought, or in concealing or disposing of the property, for the taking, detention or conversion of which the action is brought.

5. When the arrest of the defendant is expressly authorized by special statistics in an action for a fine or penalty, or for a wilful violation of duty. But no female can be arrested in any action, except for a wilful injury to person, character or property.

SEC. 96. An order for the arrest of the defendant must be obtained from a judge of the Court in which the action is brought.

SEC. 97. The order may be made wherever it appears to the judges by the affidavit, of the plaintiff, or of any other person that a sufficient cause of action exists and that the case is one of those mentioned in section ninety-five.

SEC. 98. Before making the order, the judge must require a written understanding on the part of the plaintiff, with or without sureties to the effect that if the defendant recover judgement, the plaintiff will pay all costs and charges that may be awarded to the defendant, and all damages which he may sustain by reason of the arrest, and exceeding the sum specified in the understanding which must be at least one hundred dollars. If the undertaking be executed by the plaintiff without sureties, he must annex thereto an affidavit that he is a resident and householder or freeholder within the Territory, and worth double the sum specified in the understanding, over all his debts and liabilities.

SEC. 99. The order may be made to accompany the summons, or at any time afterwards, before payment. It must require the Sheriff of the county where the defendant may be found forthwith to arrest him and hold him to bail in a specified sum, and to return the order at a time and place therein mentioned to the plaintiff or attorney by whom it is subscribed or endorsed.

Sec. 100. The affidavit and order of arrest must be delivered to the Sheriff who, upon arresting the defendant, must deliver to him a copy thereof.

Such an enactment is essential to the welfare of every commercial community especially every Western commercial community, and cannot, possibly, endanger the liberty of any debtor, however unfortunate, provided he be *honest*. It is of the last importance to every Western Territory and State, dependent as they are, to a great extent, upon the credit which they may maintain in older, and wealthier Eastern municipalities, to enact, and justly administer, laws for the prevention, detection, and punishment of fraud. The credit of our merchants, and in a great degree, the prosperity of our people, depends upon this.

Here, however, we have a statute, which, if capable of serious interpretation at all amounts to this:

That no citizen of the Territory shall be subject to arrest by virtue of any process issuing from any Court, tribunal, or functionary therein, on account of any debt judgment, pecuniary liability, or demand, due, or claimed to be due, by any citizen or citizens of the Territory, to any citizen or citizens of any State or Territory of the United States, or of any citizen or citizens, subject, or subjects of any foreign State, principality, kingdom or empire unless the same shall be for a fine imposed by a court, or jury, having jurisdiction of the offence or offender, for the commission of a specified crime, or misdemeanor whereof the delinquent shall have been previously convicted, after a trial before some competent tribunal! No matter whether such debt, judgment, pecuniary liability or demand, arises from the *fraud* of the defendant or not! No matter whether the property of the creditor is being, before his eyes, transferred by the debtor to the wife, mother, or clerk of the latter, still he shall not be arrested in his career of crime, however notorious and flagrant!

An adventurer can go to the city of New York from Minnesota, and there represent himself as in prosperous business, and possessed of real estate worth \$20,000, clear of his debts, and upon faith in such representations, and in reliance upon our laws, obtain some \$15,000 worth of merchandize upon credit. But when the indebtedness therefor becomes due, and is unpaid, the creditor finds the pretences and representations to be false, and his own merchandize transferred to a penniless clerk of his debtor! He appeals to the laws of the Territory for redress. They cannot take cognizance of the crime because it was committed in another jurisdiction. They will not arrest the fraudulent debtor, because the enactment above referred to has been placed upon the Statute book! Is not this shameful, and most injurious?

Is it not an encouragement of villainy? Is it not a formidable obstacle to the progress of honest men? Is it not a serious detriment to the interests of our honorable and enterprising merchants?

We know that such is the case. The second section of the act of March 8d, 1855, is absurd, and in its provisions entirely impracticable.

The act does not authorize arrest for *fraud*, in any case. Nay, it forbids such arrest, if the fraud be on account of any debt, judgment, pecuniary liability or demand, &c.

The said 2nd section seems to contemplate the *conviction* of a man for fraud, before he can be arrested for it, if, indeed, arrest would be allowed after such conviction, and even this would seem to be forbidden.

It must be plain to every person that the guilty swindler would not wait for conviction. He would depart the jurisdiction before such conviction could be had. Imagine a criminal law, which would require the conviction of a murderer or a robber as a condition precedent to his arrest! And yet what is fraud—what is swindling as often practiced, but robbery, the vilest and most unmanly?

But suppose the 2nd section of the act referred to, be complied with, and the plaintiff, or complaint does charge the defendant with fraud, the concealment of goods, property, or money, or with bad faith touching any pecuniary, or business transaction, and *proves all that he charges*, what then? The act does not provide any remedy. It does not per-

mit the arrest of the defendant upon original or final process. It makes no provision for his punishment. It provides that the facts arising, or elicited upon the pleadings and the accompanying evidence should be submitted to the jury *as in criminal cases*. Suppose this to be done, and the evidence to sustain the affirmative of the issue, as raised by the pleadings, be conclusive, and the defendant convicted of record, what then? He cannot be arrested, nor punished. Can there be anything more unintelligent and ridiculous?

Your memorialists therefore respectfully ask that the act referred to may be repealed, and the law as above quoted be re-enacted with such amendments as may be deemed proper conformably to mature experience, sound policy and the precedents of other enlightened States and Territories.

HOLLINSHEAD & BECKER,  
THOMPSON, PARKER & DAWSON,  
D. C. COOLEY,  
E. C. PALMER,  
C. L. WILLES,  
ANDREW C. DUNN,  
THEODORE FRENCH,  
HENRY J. HORN,  
EMMETT & MOSS,  
IRWIN & JONES,  
MASTERSON & SIMONS,  
WILKINSON & BABCOCK.

On motion of Mr. Hanson, 500 copies of the petition was ordered to be printed. Mr. Hanson introduced a petition from the County Commissioners of Hennepin county, to amend the Revised Statutes relating to highways.

On motion of Mr. Setzer the petition was referred to the committee on Territorial Roads.

Mr. Hanson, having obtained leave, introduced (No. 7 C. F.) a bill to legalize acknowledgments of conveyances heretofore taken before either the Supreme or District Court clerks of this Territory, which was read a first and second time, and laid on the table to be printed.

Mr. Flandrau gave notice that on to-morrow or some future day he would ask leave to introduce a memorial to Congress for a further appropriation to complete the U. S. works at Fort Ridgley.

Mr. Hanson gave notice that on to-morrow or some future day he would ask leave to introduce a bill authorizing Richard Murphy to construct and maintain a ferry across the Mississippi river.

Mr. Hanson also gave notice that on to-morrow or some future day, he would ask leave to introduce a bill for the opening of a Territorial Road from Minneapolis to Shakopee.

On motion of Mr. Hanson, the Council adjourned.

J. B. BRISBIN,  
President.

Attest

W. COLVILLE, Jr.,  
Secretary.

WEDNESDAY, JANUARY 16, 1886.

The Council met pursuant to adjournment, and was called to order by the President. Prayer by the Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Hanson, Ludden, Rollins, Rolette, Setzer, Stone, Thompson, Tilotson, and Mr. President.

The Journal of yesterday's proceedings was commenced, and on motion of Mr. Setzer, the further reading of the Journal was dispensed with, and the Journal stood approved.

According to previous notice, Mr. Rollins introduced No. 8, (C. F.) a bill for an act to authorize School District No. 5, in the city of St. Anthony, Ramsey County, to levy a tax and obtain money for the purchase of ground and the erection of buildings for school purposes.

On motion of Mr. Rollins, said bill was referred to the Committee on Schools.

According to previous notice, Mr. Hanson introduced No. 9, (C. F.) a bill authorizing Richard Murphy to construct and maintain a ferry across the Minnesota river.

Read a first time and laid on the table to be printed.

According to previous notice, Mr. Hanson introduced No. 19, (C. F.) a bill to provide for laying out certain Territorial Roads.

Read a first time and laid on the table to be printed.

According to previous notice, Mr. Flandrau introduced No. 6, (C. F.) a memorial to Congress, for an appropriation for the construction of a Road from the Mississippi River to Fort Ridgely.

Read a first and second time, and laid on the table to be printed.

According to previous notice, Mr. Dooley introduced No. 11, (C. F.) a bill granting to Lewis LaCroix the right to establish and maintain a ferry across the Minnesota River, at the town of Little Rapids, in Scott county.

Read a first and second time and laid on the table to be printed.

According to previous notice, Mr. Bailly introduced No. 12, (C. F.) a memorial to Congress, for a tri-weekly mail between Hastings and Traverse Des Sioux.

Read a first and second time and laid on the table to be printed.

According to previous notice, Mr. Stone introduced No. 12, (C. F.) a bill to incorporate the Little Falls Bridge Company.

Read a first and second time, and laid on the table to be printed.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following Report:

The Joint Committee on Enrolled Bills, have examined and found correctly enrolled the following Joint Resolutions:

No. 1, (C. F.) Joint Resolution directing our Delegate to Congress to attend to certain matters.

No. 2, (C. F.) Joint Resolution for the relief of Andrew Jackson Morgan.

JOSEPH ROLETTE,

Chairman Council Com.

WM. B. GERÉ.

Chairman House Com.

On motion of Mr. Setzer, the Council resolved itself into Committee of the Whole, Mr. Ludden in the Chair having under consideration No. 3, (C. F.) a memorial asking for an appropriation to improve the navigation of Minnesota River.

After sometime spent therein, the Committee rose and reported the memorial back to the Council with amendments.

On motion of Mr. Hanson the report was accepted.

On motion of Mr. Flandrau the amendment made to No. 3, C. F. by the Committee was adopted.

On motion of Mr. Flandrau, the memorial was ordered to be engrossed, and made the special order of the day for to-morrow.

On motion of Mr. Hanson the Council resolved itself into Committee of the Whole. Mr. Flandrau in the Chair, having under consideration No. 2, 3 & 5 (C. F.) After some time spent therein the Committee rose and reported back to the Council No. 5, (C. F.) a bill to amend chapter 95, of the statutes of Minnesota, without amendments.

Also No. 3, (C. F.) a bill to organize the County of Brown—without amendments.

No. 2, (C. F.) a bill to provide for laying out a Territorial Road from Manhattan via the head of Buffalo Lake and Red Cedar Island Lake, to Traverse Des Sioux.

With amendments, and with recommendation the bill passed.

On motion of Mr. Balcomb the report of the Committee of the Whole was accepted.

On motion of Mr. Setzer, bills No. 2, 3 and 5. (C. F.) were ordered to be engrossed and read the third time.

Mr. Hanson gave notice that on to-morrow or some future day, he would ask leave to introduce a bill to incorporate the Rum River Log Driving Company.

Mr. Hanson gave notice that on to-morrow or some future day, he would ask leave to introduce a bill for an act to incorporate the Minneapolis and St. Cloud Railroad Company.

Mr. Tillotson gave notice that on to-morrow or some future day, he would ask leave to introduce a memorial to Congress for an appropriation of \$20,000, for the construction of a Territorial Road from the north line of the State of Iowa, to Rochester in Minnesota.

Mr. Hanson from the Committee to report the rules of the Council, having obtained leave, reported those at the last Session for the government of the Council during the present Session.

On motion of Mr. Balcomb the report was received.

On motion of Mr. Hanson 100 copies of the rules of the Council, together with the rules of the House, and the joint rules were ordered to be printed for the use of the Council, together with the names of the gentlemen in each House composing the standing Committees.

The following memorial of the County Commissioners of Hennepin County was presented and laid on the table to be printed :

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

The undersigned members of the Board of Commissioners of the county of Hennepin, respectfully represent: That the present statutory provisions relating to the laying out and altering highways, by which a Board of road examiners composed of the county surveyor and two householders residing in the vicinity of the road proposed to be laid out, is created upon each application to report thereon and virtually making their report final and conclusive in the premises, have the practical effect of unnecessarily multiplying roads not required by the wants of the county, and creating confusion in our road system, thereby greatly increasing the burdens of taxation without any corresponding benefit to the people. Therefore your petitioners respectfully urge upon your Honorable body the passage of an act amending the said statutes so as to confer upon the Board of County Commissioners the power under suitable restrictions, of deciding in all cases upon applications for laying out, altering or discontinuing roads.

Dated, January 12th, 1856.

WASHINGTON GETSHELL, }  
HENRY TOWNSEND, } Commissioners, Hennepin Co., M. T.  
ALEXANDER GOULD, }

Mr. Rolette from the Committee on Enrolled Bills, made the following report:

The joint Committee on enrolled bills have presented to His Excellency the Governor, for his approval and signature, the following joint Resolutions:

No. 1, C. F. directing our Delegate in Congress to attend to certain matters.

No. 2, C. F., for the relief of A. J. Morgan.

On motion of Mr. Thompson, the Council went into the Committee of the Whole, Mr. Balcomb, in the Chair, having under consideration (No. 5, C. F.) a memorial to Congress for an appropriation of \$15,000 for the improvement of Root river.

After some time spent therein, the Committee rose and reported the memorial back

to the Council with an amendment and with recommendation that the memorial be passed.

On motion of Mr. Flandrau the report was accepted and the memorial ordered to be engrossed and read a third time.

Mr. Setzer, from the Committee on engrossed bills, reported that the Committee had found (No. 1, C. F.) a bill to suppress the issue and circulation of unauthorized bills as currency properly engrossed.

Mr. Setzer moved the Council adjourn,

Which motion was lost.

On motion of Mr. Hanson the Council resolved itself into the Committee of the Whole,

Mr. Hanson in the Chair, having under consideration (No. 7, C. F.) a bill to legalize acknowledgments of conveyances heretofore taken before either the Supreme or District Court Clerks of this Territory. After some time spent therein the Committee rose and reported the bill back to the Council with amendments, with the recommendation that they be adopted.

The report was accepted.

A message from His Excellency, the Governor, being announced, Robt. A. Smith appeared and delivered the following message:

I am directed by His Excellency to inform the Council that he has this day approved and signed a Joint Resolution (No 1, Council File,) entitled a Joint Resolution of the Legislative Assembly directing our Delegate in Congress to attend to certain matters.

Also, a Joint Resolution, No. 2, entitled a "Joint Resolution for the relief of Andrew Jackson Morgan."

Mr. Flandrau gave notice,

That on to-morrow or some future day he would ask leave to introduce a bill to legalize the election of all county and precinct officers that have been chosen at the last general election in unorganized counties.

On motion of Mr. Freeborn the Council adjourned.

J. B. BRISBIN,  
President.

W. COLVILLE, Jr. Secretary.

#### THURSDAY, JANUARY 17, 1856.

The Council met pursuant to adjournment.

And was called to order by the President.

Prayer by Rev. Mr. Penman.

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

Messrs. Bailey, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Rollins, Rolette, Setzer, Stone, Thompson and Mr. President.

The Journal of yesterday's proceedings was read and approved.

According to previous notice, Mr. Hanson introduced (No. 13, C. F.) a bill for an act to incorporate the Minneapolis and St. Cloud Railroad Company.

Read a first and second time and laid on the table to be printed.

According to previous notice, Mr. Freeborn introduced (No. 14, C. F.) a bill to provide for laying out a Territorial road from Read Wing to Henderson.

Read a first and second time and laid on the table to be printed.

Mr. Setzer from the Committee on engrossed bills reported (No. 2, C. F.) a bill to provide for laying out a Territorial road from Manhattan via the head of Buffalo Lake and Red Cedar Island Lake to Traverse des Sioux,

No. 3, C. F. a memorial to Congress for a grant of lands to improve the navigation of the Minnesota river.

No. 5, C. F. a memorial to Congress for an appropriation of \$15,000 for the improvement of Root River, and

No. 5 C. F. a bill to amend Chapter ninety-five of the statutes of Minnesota properly engrossed.

Mr. Hanson having obtained leave introduced (No. 15, C. F.) a bill to incorporate the Rumi River Log Driving Company.

Read a first and second time and laid on the table to be printed.

Mr. Freeborn from the Committee on Territorial affairs, reported (No. 2, C. F.) a memorial to Congress to make an appropriation to construct a military road from Winona, on the Mississippi, to Fort Ridgely, back to the Council with recommendation that the bill pass.

Mr. Hanson, having obtained leave, introduced (No. 16, C. F.) a bill to establish and define the boundaries of Meeker county.

Read a first and second time and laid on the table to be printed.

Mr. Stone gave notice,

That on to-morrow or some future day he would ask leave to introduce a bill to incorporate the St. Cloud Fire and Marine Insurance Company.

Mr. Dooley, from the Committee on Schools, reported (No. 8, C. F.) a bill to authorize School District No. 5 to lay a tax for school purposes, back to the Committee without amendment.

On motion of Mr. Setzer (No. 7, C. F.) a bill to legalize acknowledgments of conveyances heretofore taken before either the Supreme or District Court Clerks of this Territory, was ordered to be engrossed and read a third time.

No. 2, C. F. a bill to provide for laying out a Territorial road from Manhattan via the head of Buffalo Lake, and Red Cedar Island Lake to Traverse des Sioux was read a third time and passed.

The question recurring on the title it was agreed to.

No. 5, C. F. a bill to amend Chapter ninety-five of the statutes of Minnesota was read a third time and passed, and its title agreed to.

No. 3, C. F. a memorial to Congress for a grant of lands to improve the navigation of the Minnesota river, was read a third time and passed, and its title agreed to.

No. 5, C. F. a memorial to Congress for an appropriation of \$15,000 for the improvement of Root river. The memorial was read a third time,

And the Yeas and Nays being called for and ordered, there were Yeas 14, and Nays 1, as follows:

Those who voted in the affirmative were:

Baily, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Rollette, Stone, Thompson, Tillotson, and Mr. President.—14.

The one voting in the negative was Mr. Setzer.

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

No. 1, C. F. a bill to suppress the issue and circulation of unauthorized bills as currency, was read a third time and passed, and its title agreed to.

On motion of Mr. Hanson the Council resolved itself into Committee of the Whole.

Mr. Setzer in the Chair, having under consideration (No. 4, C. F., memorial, and No. 9 and 10, C. F. bills.) A message from the House being announced, Mr. Edwards appeared and delivered the following message:

The House, Mr. President of Representatives, have appointed Messrs. Lott and Buck to constitute a Committee of two to act in conjunction with a similar Committee to be

appointed by your Honorable body, for the purpose of reporting Joint Rules for the government of both Houses during the present session.

Respectfully,

H. I. EDWARDS,

Chief Clerk, H. of R.

After some time being spent therein the Committee rose and reported back to the Council.

A memorial to Congress for an appropriation of \$40,000 for the construction of bridges and culverts on the Territorial road from St. Paul to Eliota by the way of Cannon Falls, Rochester and Carimona.

No. 9, C. F. a bill granting to Richard G. Murphy the right to establish and maintain a ferry across the Minnesota river at a point now known as Murphy's ferry with amendments.

And No. 10, C. F. a bill to provide for laying out certain Territorial roads, with amendments, and with recommendation that the bills be passed.

On motion of Mr. Hanson the report was accepted and the amendment approved.

On motion of Mr. Setzer the bills were ordered to be engrossed and read a third time.

Mr. Setzer from the Committee on engrossed bills reported (No. 3, C. F.) a bill to organize the County of Brown, properly engrossed.

On motion of Mr. Flandrau the following report from Capt. J. H. Simpson was ordered to be printed and forwarded to our Delegate to Congress accompanying the memorial (No. 8. C. F.)

ST. PAUL, Minn, Jan. 14, 1856.

HON. W. A. GORMAN,

Governor, Minnesota Territory,

Sir:—I have the honor to acknowledge the receipt of your letter of the 12th instant, requesting me to furnish you "with an estimate of the probable cost of erecting dams and locks on the Minnesota river, sufficient to give a good slack water navigation from its mouth to Fort Ridgely."

That the Minnesota river can be so improved as to make it navigable at all seasons of the year, except when frozen, I have not the slightest doubt; but whether this should be done by the removal of the principal, if not the only obstruction, I mean the Rapids above Shakopee, or by damming up the river at that point, and creating a slack-water navigation above, I cannot speak with certainty; though I am inclined to the opinion that the latter mode will be found to be the best fitted to meet the requirements of the case. To remove the obstruction or natural dam now formed by the Rapids, as some persons have suggested, would without doubt improve the navigation at this particular locality; but the probability is, that as the river above this point, though generally navigable, is not invariably so, owing to a deficiency of water: the effect of the operation would be to lower the water to such a degree above the Rapids as to stop all navigation in that quarter, and thus create a greater evil than that which had been remedied. The probabilities are, therefore, that a slack water navigation above the point is the improvement which is needed; but whether it is or not, or at what cost the improvement can be made, I could not, without an adequate survey, give any other than an empiric estimate, which could not satisfy the understandings of those who may be called upon to legislate in the premises. In order to a reliable estimate, the level of the river between the Rapids and Fort Ridgely, and the width of the water way at the points to be dammed, are all elements necessary to be known before any reliable estimate could be made; and as these data have never yet been determined, and I have never made as much as a reconnoissance for their ascertainment, it is entirely out of my power to furnish you the estimate you call for.

There cannot, as I have said before, be any doubt but that the Minnesota river can

be made navigable, probably as far as the Sioux Agency above Fort Ridgely. I believe this from what I have seen of the river as far as the mouth of the Blue Earth; from what Monsieur Nicollet, under the auspices of the War Department, has officially reported upon the subject, and from the fact that in high stages of the river, steamboats do ply all the way from the mouth of the river to the Agency. There is also no doubt but that the improvement referred to is one greatly needed in order to meet the military, commercial and political wants of the Territory and country; and there can, I think, be equally no doubt but that the General Government should tender its fostering hand towards the accomplishment of the object. In view of these facts, I would therefore in lieu of presenting the estimates which you call for, most respectfully recommend that an appropriation be asked for of Congress at its present session, of say ten thousand dollars; this amount to be applied as the survey to be made under the appropriation shall determine to be most eligible. This mode of meeting the object, I have no doubt would best satisfy the General Government and Congress, and as it is the only means of obtaining certainty either in the facts of the case, or the accomplishment of the improvement in view. I cannot but believe it will meet with general approbation.

I am very respectfully, your obedient servant,

J. H. SIMPSON,

Capt. Corps Top. Engineers.

Mr. Rollins gave notice that on to-morrow or some future day he would ask leave to introduce a Bill to annul fractional Township 29, Range 24 West, to Hennepin county.

Mr. Freeborn gave notice that on to-morrow or some future day he would ask leave to introduce a Bill to provide for laying out a Territorial road from Henderson to Fort Ridgely.

On motion of Mr. Hanson the Council resolved itself into Committee of the Whole, Mr. Flandrau in the chair, having under consideration No. 11 C. F., a bill granting to Louis Lacroix the right to establish and maintain a ferry across the Minnesota river at the town of Little Rapids in Scott County.

The Committee rose and reported that the bill had not yet been printed, and asked for leave to set again, leave was granted.

Mr. Freeborn gave notice that on to-morrow or some future day he would ask leave to introduce a bill to amend Chapter 25 page 271 of the Statutes of Minnesota.

On motion of Mr. Flandrau the Council adjourned.

JOHN B. BRISBIN, President.

Attest:

W. COLVILLE, Clerk.

FRIDAY, JANUARY 19, 1856.

The Council met pursuant to adjournment, and was called to order by the President.  
Prayer by the Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Rollins, Rolette, Stone, Thompson, Tillotson, and Mr. President.

The Journal of yesterday's proceeding was commenced, and on motion of Mr. Rolette, the further reading of the Journal was dispensed with and stood approved.

The Committee on contested election cases, asked leave of the Council to excuse their attendance in the Council to-day.

And the Yeas and Nays being called for and ordered, there were Yeas 6, and Nays 4, as follows :

Those who voted in the affirmative were :

Messrs. Bailly, Balcomb, Dooley, Flandrau, Stone, Tillotson.

Those who voted in the negative were :

Messrs. Freeborn, Rollins, Rolette, and Mr. President.

So leave was granted.

According to previous notice, Mr. Rolette introduced (No. 8, C. F.) memorial to Congress relative to granting the right of citizenship to certain Indians.

On motion of Mr. Rolette the rules were suspended and the memorial read a first and second time, and was laid on the table to be printed.

Mr. Rollins gave notice, that on to-morrow or some future day he would ask leave to introduce a bill to amend the charter of the city of St. Anthony,

Also, a bill to incorporate the Mississippi manufacturing Company.

According to previous notice, Mr. Freeborn introduced (No. 17, C. F.) a bill to provide for laying out a Territorial road from Henderson to Fort Ridgely.

Read a first and second time, and laid on the table to be printed.

No. 3, C. F. a bill to organize the county of Brown, was read the third time and passed, and title agreed to.

On motion of Mr. Balcomb the Council resolved itself into Committee of the Whole, Mr. Dooley in the Chair, having under consideration (No. 2, C. F.) a memorial to Congress to construct a military road from Winona, on the Mississippi river, to Fort Ridgely on the Minnesota river,

No. 7, C. F. a memorial to Congress for a tri-weekly mail between Hastings and Traverse des Sioux,

No. 8, C. F. a bill for an act to authorize School Distric, No. 5, in the city of St. Anthony, Ramsey county, to levy a tax and obtain money for the purchase of ground for the erection of buildings for school purposes.

After some time being spent therein the committee rose and reported back to the Council (No. 2, C. F.) a memorial with amendments,

No. 8, C. F. a bill, and No. 7, C. F. a memorial without amendments.

On motion of Mr. Balcomb the report of the Committee was accepted.

On motion of Mr. Hanson, the amendment to (C. F., No. 2,) a memorial, was approved.

On motion of Mr. Hanson, the rules were suspended, and (No. 2, C. F.) a memorial to Congress to construct a military road from Winona, on the Mississippi river, to Fort Ridgely, was read a third time and passed, and its title agreed to.

On motion of Mr. Rollins (C. F., No. 7,) was ordered to be engrossed and read a third time.

On motion of Mr. Rollins (No. 8, C. F.) was ordered to be engrossed and read a third time.

On motion of Mr. Hanson, the Council resolved itself into Committee of the Whole, Mr. Balcomb, in the Chair, having under consideration (No. 6, C. F.) a memorial to

Congress for an appropriation for the construction of a road from the Mississippi to Fort Ridgely and (No. 11, C. F.) a bill granting to Louis Lacroix the right to establish and maintain a ferry across the Minnesota river, at the town of Little Rapids, in Scott county.

After sometime being spent therein, the Committee rose and reported back to the Council memorial (No. 6, C. F.) without amendment,

A bill (No. 11, C. F.) with amendment, and recommended it to be laid upon the table.

Mr. Hanson moved a call of the House, which motion prevailed.

The Sergeant-at-Arms reported the absent members in their seats.

On motion of Mr. Hanson the Council adjourned until Monday next at 2 o'clock.

JOHN B. BRISBIN, President.

W. COLVILLE, Secretary.

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MONDAY, JANUARY 21, 1856.

The Council met pursuant to adjournment, and was called to order by the President. Prayer by the Chaplain.

The roll being called the following members were found to be present:

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rollins, Rolette, Setzer Stone, Thompsun, Tillotson, and President.

The Journal of Friday's proceedings was commenced, and on motion of Mr. Rollins the further reading of the Journal was dispensed with, and the Journal stood approved.

Mr. Flandrau of the Committee of Territorial Affairs, presented No. 9, (C. F.) a memorial to Congress to amend that part of the trade and intercourse laws, that relates to the payment of damages for depredations committed by the Indians upon the property of the whites.

On motion of Mr. Rolette the rules were suspended, and the memorial read a first and second time, and laid on the table to be printed.

According to previous notice Mr. Tillotson introduced No. 18, (C. F.) a bill to provide for laying out certain Territorial Roads; read a first and second time, and laid on the table to be printed.

According to previous notice Mr. Setzer introduced (No. 19, C. F.) a bill to organize the St. Croix Boom Company.

Read a first and second time, and laid on the table to be printed.

Mr. Stone gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill entitled an act to establish a Territorial Road from Crow Wing, Benton county, to a point in the Eastern boundary of Minnesota, nearest Superior, in Wisconsin, by way of Mille Lac.

Mr. Rolette gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill granting to J. H. Fairbanks the right to establish and maintain a ferry across the Mississippi River.

Mr. Setzer offered the following resolution:

WHEREAS, At the present time some two hundred Sioux Indians have entered the county of Washington, on the east side of the Mississippi River, and are now encamped, somewhere in the neighborhood of the Marine Mills, seriously annoying the settlers, destroying their property, &c., and

WHEREAS, The citizens of that part of the Territory, have sent over to the Superintendent of Indian Affairs, informing him of the fact, requesting his interference, and claim-

ing the protection of his Excellency the Governor, as citizens of this Territory, residing on land granted and sold to them by the United States, and

WHEREAS, His Excellency denied having any power to protect the property of those citizens, referring them to the Indian Agent; and the said Agent also denied having any power to restrain those savages, intimating that the citizens should protect themselves, which course will probably be productive of war between the frontier settlers and the Indians; now therefore, be it

Resolved, That a Select Committee of three be appointed to enquire, whether there exists, in the hands of the Government officials of this Territory, any authority to protect the citizens of Minnesota from having their property destroyed, or their lives endangered, by the inroads of savages, and if such authority exists, why is it not exercised; and also, to enquire of the existence of the facts set forth in the preamble to this resolution.

On motion of Mr. Setzer, the resolution was adopted.

And the Chair appointed Messrs. Setzer, Ludden and Flandrau, as said committee.

A message from the House being announced, Mr. Edwards, Clerk, appeared and informed the Council, that the House had passed No. 1, H. of R, a bill to provide for laying out a Territorial Road from the forks of the Crow River, opposite Greenwood via the head of Buffalo Lake, to intersect the Territorial Road running from Minneapolis to St. Cloud,

No. 3, H. of R., a bill to provide for the laying out and establishing of a Territorial road from Spring Lake to the Dodd road, and

(No. 9, H. of R.,) a bill to provide for the laying out of a Territorial road from Winona to Austin.

Mr. Flandrau gave notice that on to-morrow or some future day he would ask leave to introduce a bill granting to Andrew J. Myrick, the right to establish and maintain a ferry across the Minnesota river at or near the mouth of the Big Coottonwood river.

According to previous notice, Mr. Freeborn introduced (No. 20, C. F.,) a bill to amend chapter 65 of the Revised Statutes.

On motion of Mr. Hanson, (No. 8, C. F.,) a memorial to Congress for the appropriation for the construction of a road from the Mississippi to Fort Ridgley, was ordered to be engrossed and read a third time.

On motion of Mr. Hanson, the Council resolved itself into committee of the whole, Mr. Hanson in the chair, having under consideration (No. 18, C. F.,) a bill to establish and define the boundaries of Meeker county,

(No. 10, C. F.,) a bill to provide for laying out certain Territorial roads,

(No. 5, C. F.,) a memorial to Congress relative to granting the rights of citizenship to certain Indians.

After some time being spent therein the committee rose and reported back to the Council (No. 16, C. F.) a bill, (No. 10, C. F.) a bill, (No. 8, C. F.) a memorial without amendments.

On motion of Mr. Hanson the report was accepted.

On motion of Mr. Hanson the bills and memorial were ordered to be engrossed and read a third time.

On motion of Mr. Flandrau the Council resolved itself into committee of the Whole, Mr. Ludden in the Chair,

Having under consideration (No. 5, C. F.) a bill to amend Chapter 95 of the Revised Statutes, (No. 4, C. F.) a bill granting to Richard Ireland and Richard Austin the right to establish and maintain a ferry across the Mississippi and Point Douglass.

After some time being spent therein the committee rose and reported back to the Council (No. 5, C. F.) a bill without amendments, and (No. 4, C. F.) a bill, upon which they asked leave to set again.

On motion of Mr. Flandrau the report of the Committee was accepted.

No. 4, C. F. was ordered to be engrossed and read a third time, and the committee obtained leave to set again on (C. F., No. 4.)

On motion of Mr. Hanson (C. F. No. 10) a bill, was referred to the committee on Territorial roads.

On motion of Mr. Hanson (C. F., No. 15) a bill, was referred to the committee on Incorporations.

Mr. Setzer from the committee on contested elections made the following report.

Your committee on contested elections, to whom was referred so much of the Governor's Message as alluded to the act of Congress, known as the Kansas-Nebraska Act, would beg leave to submit the following Report:

That after the course adopted by his Excellency, during the last October election, supporting, as he did, an anti-Nebraska man for the office of Delegate to Congress, your committee are gratified to find that he still professes to adhere to the principle of popular sovereignty, as upheld by the above named act, and would recommend the passage of the following resolutions:

*Resolved*, That the doctrine of popular sovereignty, contained in the Kansas-Nebraska act, and upheld by the present national administration, should be one of the cardinal principles guiding our federal government in its administration of the internal affairs of our country, and should be carried out, so as to secure not only the shadow, but the substance of its benefits to all organized Territories, by granting to the citizens thereof the right to elect their own executive officers.

*Resolved*, That Congress ought not to extend or prohibit the further extension of slavery in the Territories, and that the whole subject should be left to the people thereof.

*Resolved*, That a strict construction of the constitution, according to the intention of its framers, is the only means to preserve and perpetuate the bonds of harmony and peace between the different members of our glorious Union; and that when divided by sectional parties, the greatness of the republic will depart, and we, as a nation, must cease to exist.

*Resolved*, That secret political associations are dangerous in their tendency to political and religious liberty, and as such in opposition to the spirit of free institutions.

All of which is respectfully submitted.

H. N. SETZER, Chairman.

Which was laid on the table, until the other reports come in, on motion of Mr. Setzer.

On motion of Mr. Setzer, the Council adjourned.

JNO. B. BRISBIN, President.

Attest.

W. COLVILLE, Secretary.

TUESDAY, JANUARY 22, 1856.

The Council met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Penman.

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

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Ludden, Rollins, Rolette, Setzer, Til-  
lotson, Thompson and Mr. President.

The Journal of yesterday's proceedings was read and approved.

According to previous notice Mr. Flandrau introduced (No. 21, C. F.) a bill granting to Hiram Kaywood the right to establish and maintain a ferry across the Minnesota river.

Read a first and second time and laid on the table to be printed.  
 Mr. Flandrau also introduced (No. 22, C. F.) a bill granting to Andrew Myrick the right to establish and maintain a ferry across the Minnesota river.

Read a first and second time and laid on the table to be printed.  
 Mr. Rolette introduced (No. 23, C. F.) a bill granting to J. H. Fairbanks the right to establish and maintain a ferry across the Mississippi river.

Mr. Balcomb gave notice of the introduction of a bill granting to D. C. Murray the right to establish and maintain a ferry across the Mississippi at Point Bend.

Mr. Balcomb introduced the following resolution:  
 Whereas, Several Boards of County Commissioners in this Territory have the power of granting Ferry Charters to residents of their respective counties and across streams in their counties or between said counties, therefore, be it

*Resolved*, That the Council will not take up for consideration during this session any bills asking for Ferry Charters across streams which form boundary lines between this Territory and other Territories or States.

Mr. Balcomb proposed that the Resolution be laid over until to-morrow.

Mr. Rolette gave notice that he would on to-morrow or some future day present a bill granting the right to P. B. Stone to establish and maintain a ferry across the Mississippi river near or at the mouth of Platte river.

Mr. Lowry gave notice that on to-morrow or some future day he would introduce a bill to provide for locating the county seat of Olmsted county and for other purposes.

Mr. Hanson gave notice that on to-morrow or some future day he would ask leave to introduce a bill to incorporate the Mississippi Navigation Company.

Mr. Setzer gave notice that on to-morrow or some future day he should introduce a bill to establish the county of Pine and define its boundaries.

Mr. Setzer from the Committee on engrossed bills reported

No. 4, C. F. a memorial to Congress for an appropriation of forty thousand dollars for the construction of bridges and culverts on the Territorial road from St. Paul to Eliota by way of Cannon Falls, Rochester and Carimonia.

No. 7, C. F. a bill to legalize acknowledgments of conveyances heretofore taken before either the Supreme or District Court Clerks of this Territory.

No. 6, C. F. a memorial to Congress for an appropriation for the construction of a road from the Mississippi to Fort Ridgely.

No. 7, C. F. a memorial to Congress for a tri-weekly mail between Hastings and Traverse Des Sioux.

No. 8, C. F. a memorial granting to certain Indians the right of citizenship.

No. 8, C. F. a bill for an act to authorize School District No. 5, in the city of St. Anthony, Ramsey County, to levy a tax and obtain money for the purchase of ground and the erection of buildings for School purposes.

No. 9, C. F. a bill granting to Richard G. Murphy the right to establish and maintain a ferry across the Minnesota river at a point now known as Murphy's Ferry.

No. 10, C. F. a bill to provide for laying out certain Territorial roads.

No. 16, C. F. a bill to establish and define the boundaries of Meeker county.

Properly engrossed.

No. 4, C. F. was read a third time.

Mr. Setzer moved a call of the House.

Messrs. Bailly, Flandrau and Lowry were found to be absent.

The Sergeant-at-Arms was directed to bring the absent members to their seats.

On motion of Mr. Setzer the further proceedings under the call of the House was dispensed with.

No. 4, C. F. was passed.

The title was amended so as to read (No. 4, C. F.) a memorial to Congress for an appropriation of twenty thousand dollars for the construction of bridges and culverts on the Territorial road from St. Paul to Eliota by way of Cannon Falls, Rochester and Carimonia.

No. 7, C. F., was read a third time and passed, its title amended so as to read No. 7, C. F., a bill to legalize acknowledgments of conveyances heretofore taken before either Supreme or District Court Clerks and Judges of Probate of this Territory. No. 6, C. F., was read a third time and passed, and its title agreed to. No. 7, C. F., was read a third time and passed. On motion of Mr. Setzer, the vote passing the memorial was reconsidered; the memorial was then amended and passed. Title amended so as to read No. 7, C. F., a memorial to the Postmaster General for a tri-weekly mail between Hastings and Traverse des Sioux.

No. 8, C. F., a memorial was read a third time and passed, and its title agreed to. No. 8, C. F., a bill, was read a third time and passed, and its title agreed to. No. 9, C. F., was read by its title, and referred to the Committee on Territorial Affairs.

Mr. Thompson, having obtained leave, introduced the following petitions: The undersigned, citizens of Scott and Hennepin counties, respectfully recommend to your honorable body, that a charter for a public Ferry across the Minnesota River, at the point or place where heretofore has been a Ferry, known and called by the style and name of "Murphy's Ferry," be granted to Gilbert G. Griswold, a freeholder in our said Hennepin county, whom we commend as an honorable citizen, deserving your confidence in the premises.

WM. G. PARSONS, and 91 others.

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

The petition of the undersigned, Gilbert G. Griswold, respectfully represents to your honorable body;

That, whereas heretofore there has been, and now is, a public road (whether duly laid out or not, your petitioner does not know) much travelled, and seeming to be conducive to public convenience, leading from Shakopee, in Scott county, to Hennepin and other important points in Hennepin county; And whereas there has been, at some time heretofore, a public ferry across the Minnesota River, known as Murphy's Ferry, and connecting the points of said road, where it was interrupted by said river; and whereas your petitioner is sole and exclusive riparian proprietor, and sole and exclusive owner of all that tract and parcel of land on the north side of Minnesota River, through which tract the said road, leading from said Ferry passes for the distance of three quarters of a mile, and through which tract and parcel of land, from its peculiar situation, every road crossing the river at that point must necessarily pass; and whereas the United States Government is the sole and exclusive riparian proprietor, on the south side of said Minnesota River, where said road passes to and reaches the said Murphy's Ferry, your petitioner prays a charter may be granted to him for a ferry across the said Minnesota River, at the place and points where heretofore has been the ferry known as and called by the name of Murphy's Ferry, for such length of time, and under such conditions and restrictions as to your honorable body shall seem just and equitable. And, as in duty bound, your petitioner will ever pray.

January 18th, 1856.

GILBERT G. GRISWOLD.

On motion of Mr. Setzer, the petitions were referred to the committee on Territorial Affairs.

No. 10, C. F., a bill to provide for laying out certain Territorial Roads, was read a third time and passed, and its title agreed to.

No. 16, C. F., a bill to establish and define the boundaries of Meeker county, was read a third time and passed, and its title agreed to.

No. 1, H. of R., a bill to provide for laying out a Territorial Road from the forks of the Crow River, opposite Greenwood, via the head of Buffalo Lake, to intersect the Territorial Road running from Minneapolis to St. Cloud. Read a first and second time and referred to the committee on Territorial Roads.

No. 3, H. of R., a bill to provide for the laying out and establishing a Territorial Road from Spring Lake to the Dodd Road. Read a first and second time, and referred to the committee on Territorial Roads.

No. 9, H. of R., a bill to provide for the laying out a Territorial Road from Winona,

to Austin. Read a first and second time, and referred to the committee on Territorial Roads.

On motion of Mr. Flandrau, the Council resolved itself into committee of the whole, Mr. Balcomb in the chair, having under consideration No. 9, C. F., a memorial to Congress for an amendment of that part of the Trade and Intercourse Laws that relates to the payment of damages for depredations committed by Indians upon the property of whites. After some time being spent therein the committee rose and reported back to the Council the memorial without amendments, and recommend it be passed.

On motion of Mr. Flandrau, the report was accepted, and the memorial ordered to be engrossed and read a third time.

On motion of Mr. Tillotson, the Council resolved itself into committee of the whole, Mr. Dooley in the chair, having under consideration No. 18, C. F., a bill to provide for laying out certain Territorial Roads. After some time being spent therein, the committee rose and reported back to the Council the bill with amendments, and recommend its passage.

Mr. Balcomb moved the report be accepted, which motion prevailed, and the bill was ordered to be engrossed and read a third time.

On motion of Mr. Hanson, the Council resolved itself into committee of the whole, Mr. Flandrau in the chair, having under consideration No. 12, C. F., a bill to incorporate the Little Falls Bridge Company. After some time being spent therein, the committee rose and reported back to the Council the bill with amendments.

On motion of Mr. Hanson, the report was accepted, and the bill with the amendments reported by the committee of the whole, was referred to the committee on Incorporations.

Mr. Flandrau gave notice of leave to introduce a memorial to Postmaster General, for additional mail service between Dubuque and St. Paul.

On motion of Mr. Lowry, the Council adjourned.

JOHN B. BRISBIN, President.

Attest:

W. COLVILLE, Clerk.

WEDNESDAY, JANUARY 23, 1856,

The Council met pursuant to adjournment and was called to order by the President. Prayer by the Rev. Mr. Penman.

The roll being called the following members answered to their names: Messrs. Bailey, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Stone, Thompson, Tillotson, and Mr. President.

The Journal of yesterday's proceedings was read and approved. The President appointed Mr. Kern, Sergeant-at-Arms, pro tem.

Mr. Setzer introduced the following petition, and on motion of Mr. Setzer was referred to the Committee on Incorporations.

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

The petition of the undersigned, citizens of the valley of the St. Croix, and engaged in the lumbering business on said river, would respectively represent, that their business requires that there should be booms established where logs can be assorted and rafted; that we believe the draft for a charter herewith presented will substantially meet our wants. We therefore respectfully request your honorable body to pass the annexed bill into a law.

ROBT. SIMPSON and 48 others.

According to previous notice Mr. Flandrau introduced (No. 10, C. F.) a memorial to the Postmaster General for additional mail service.

On motion of Mr. Hanson the rules were suspended, and the memorial read a first and second time and laid on the table to be printed.

Mr. Setzer from the Committee on Engrossed bills reported

(No. 9, C. F.,) a memorial to Congress, to amend that part of the Trade and Intercourse laws that relates to the payment of damages for depredations committed by the Indians upon the property of the whites—correctly engrossed.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and informed the Council, that the House of Representatives had passed the following bills:

(No. 29, H. of R.,) a bill authorizing the Register of Deeds of Scott county, to record a plat of Shakopee City, and legalize the same.

(No. 6, H. of R.,) a bill granting to Mathew Ewing the right to maintain and establish a ferry across the Mississippi river.

(No. 2, H. of R.,) a bill granting to A. C. and G. W. Riggs, the right to establish and maintain a ferry across the Mississippi river.

(No. 1, H. of R.,) a memorial to Congress, for \$1500 for the construction of a road across the Mississippi bottoms, on the Wisconsin side, opposite the town of Brownville, in the county of Houston, Minnesota Territory, in which the concurrence of the Council is respectfully solicited.

Mr. President, the House have also passed the following Resolutions:

WHEREAS, The conduct of the Sergeant-at-Arms, of the Council, has been uncourteous to certain members and officers of this House; therefore

Resolved, That the Council be requested to cause an investigation into the conduct of said officer, and take such action in the matter as may seem proper. Also,

Resolved, (the Council concurring) That the Chief Clerk of the House, and the Secretary of the Council, be and they are hereby required to transmit their messages to and from the Council and House in writing, in which the concurrence of the Council is respectfully solicited.

H. L. EDWARDS,

Chief Clerk H. of R.

Reports of Committees being in order, Mr. Setzer, Chairman of the Committee on Contested Elections, made the following majority report on the contested seat of Mr. Ludden: (See Appendix.)

Mr. Hanson from the committee upon Territorial Roads, reported bills No. 1, H. of R., No. 3 H. of R., and No. 9, H. of R., back to the Council with recommendation that they be passed.

Mr. Flandrau, from the committee on Contested Elections, on the part of the Governor's message, that treats of the Kansas and Nebraska act, made the following report, and introduced (No. 24, C. F.) a bill to prohibit slavery, or involuntary servitude,

Which was read a first and secondtime, and laid on the table to be printed.

Your committee to whom was referred that part of the Governor's message, which treats of the principles of Popular Sovereignty in the Territories, as established by the Kansas-Nebraska act, have failed to agree in a report. I as one of said committee submit my views thereon for your consideration.

I consider the subject fully entitled to all the prominence which recent events have thrown around it. That I consider the principles eminently democratic and just, and that I feel confident that its supremacy will result in checking the further extension of the institution of Slavery in this Union.

I am aware that the friends and enemies of this principle, have attached such importance to it as a political measure that it has been recognized as the chief element in the division of political parties, the democracy adhering to it as the only just and constitutional method of settling all questions of social and domestic concern in the Territo-

ries—of maintaining inviolate the rights of all the States, in the admission of new States into the federal Union, and as the safest means of allaying all sectional feelings which have unfortunately existed, threatening the peace and security of the confederacy while the other political parties have arrayed themselves in hostility to it, and labored to secure its overthrow.

I do not believe that a want of devotion to this principle, was the cause of division in the democratic party in this Territory in the last campaign, and I am of opinion that all democrats can unite on the said principle.

I entertain the opinion, that there are constitutional objections to the extension of this principle beyond the limit to which it was carried by the Kansas-Nebraska act, and regret the existence of such objections.

I therefore recommend the passage of the following resolutions:

*Resolved*, That the principles of the Kansas-Nebraska act, are in strict accordance with the genius of our Democratic American institutions, and remove the control of the subject of Slavery from Congress, and places it where it properly belongs, with the people of the Territories, and where it never again can endanger the integrity of the Union.

*Resolved*, That the repeal of the act of Congress, known as the Missouri Compromise, was the only way in which the people of the Territories north of 36° 30' could enjoy equal rights with the people south of that line.

*Resolved*, That the democracy of Minnesota be urged to stand firmly on the above platform, and in future present well defined principles, and unity of action.

CHAS. E. FLANDRAU.

Mr. Thompson, of the same Committee, made the following Report :  
The undersigned, one of the Committee to whom was referred that part of the Governor's Message relating to the Kansas Nebraska act, begs leave to report, that he dissents from the views of the Chairman of the Committee, and submits the following Resolutions as expressive of his views upon this subject, viz :

Resolved by the Legislative Assembly of the Territory of Minnesota :  
1st. That the repeal of the act of Congress of 1820, commonly called the "Missouri Compromise," by which act Slavery was prohibited in the Territory of Minnesota, lying west of the Mississippi River, and which repeal threw open all that portion of our Territory to be settled and occupied as Slave Territory, was, on the part of the Government, an act of flagrant injustice—a violation of a long standing compromise between the people of the different States—a repudiation of the principles of the Ordinance of 1787, and an attempt on the part of the Government, to aid in the extension of Slavery over Territory which had previously been consecrated to freedom.

2d. That the attempt to extend human Slavery under whatever pretext or form, ought to be met and resisted by all lawful and constitutional means.

3d. That the recent attempt which has been made by a large number of the people of the State of Missouri, to force Slavery upon the people of Kansas even against their will,—the ruthless murders of free State men which have been there committed—the open violation of the rights of the elective franchise—the importation of voters from the State of Missouri to control the elections—the removal of the honest and incorruptible Reader from the office of Governor of Kansas—the refusal of the President of the United States to protect the people of Kansas in their just rights—the wanton, cruel and oppressive acts of pretended legislation, which were passed by their late illegal Legislative Assembly, all show that the Kansas-Nebraska act was only intended to perpetuate that unnatural and cruel system of human bondage which exists in some of the States, and for no other purpose.

4th. That Congress does not possess the right to interfere with the institution of Slavery in the States where the same has been permitted by the Compromises of the Constitution. But, that in all the Territories of the United States, Congress does possess the right, and that it is wise and proper so to exercise the right, that Slavery shall not exist in any of the Territories of this Union.

C. W. THOMPSON.

On motion of Mr. Setzer, the committee on contested elections, was discharged.

On motion of Mr. Setzer the reports were laid on the table until some future day.

No. 1, H. of R., a memorial, was read a first and second time, and on motion of Mr. Setzer, was referred to the committee on Internal improvements.

No. 2, H. of R., a bill was read a first and second time, and on motion of Mr. Stone, was referred to the Committee on Incorporations.

No. 6, H. of R., a bill was read a first and second time, and laid on the table.

No. 29, H. of R., a bill was read a first and second time and laid on the table.

No. 9, C. F., a memorial to Congress to amend that part of the trade and intercourse laws that relates to the payment of damages for depredations committed by the Indians upon the property of the whites, was read a third time and passed, and its title agreed to.

Mr. Setzer from the Committee on engrossed bills, reported (No. 18, C. F.) a bill to provide for laying out certain Territorial Roads, as correctly engrossed, and the bill was then read a third time and passed, and its title agreed to.

On motion of Mr. Setzer the following Resolution was taken up:

Whereas the conduct of the Sergeant at Arms of the Council has been uncourteous to certain members and officers of this House; therefore, *Resolved*: That the Council be requested to cause an investigation into the conduct of said officer, and take such action in the matter as may seem proper.

Messrs. Lowry, Balcomb, and Rolette was appointed a Committee to investigate the matter.

On motion of Mr. Setzer (No. 9, C. F.,) a bill to organize the St. Croix Boom Company was referred to the Committee on Incorporations.

Mr. Hanson from the Committee on Incorporations, reported back to the Council (No. 12, C. F.,) a bill to incorporate the Little Falls Bridge Company.

On motion of Mr. Hanson the Council resolved itself into a Committee of the Whole.

Mr. Ludden in the Chair, having under consideration (No 12 C. F.)

A bill to incorporate the Little Falls Bridge Company.

After some time being spent therein, the committee arose and reported back to the Council, the bill with amendments.

On motion of Mr. Setzer, the report of the committee was accepted, the bill ordered to be engrossed, and read a third time. Mr. Ludden having obtained leave, introduced (No: 11 C. F.)

A Memorial to Congress for an appropriation of fifteen thousand dollars to construct the St. Paul and Kettle River Road, read a first and second time and laid on the table to be printed.

Mr. Ludden presented the following report:

To the Honorable, the Legislative Assembly of the Territory of Minnesota.

The undersigned would respectfully beg leave to report, That by an act of the Legislature, approved February 27th, 1855, they were appointed Commissioners to locate and mark out a Territorial Road from St. Paul by way of Little Canada and the Rice Lakes, to a point in the most direct and feasible route, to intersect the Point Douglas and St. Louis River Road, near Grindstone Creek, a tributary of Kettle River.

That in the month of April following, the Commissioners met in the city of St. Paul, and after appointing James Y. Caldwell, in the place of Daniel L. Turpin, who had resigned, they proceeded to carry out the provisions of said act, and after a careful exploration of the country, through which said road passes, did locate and mark out said road, making the junction or intersecting point with the Point Douglas and St. Louis River Road, on the northwest quarter of Section two, Township thirty-six, Range twenty-one, being a distance of fifty-four miles and three quarters from St. Paul. Your Commissioners on arriving at the intersecting point, found that it would not be any advantage to extend the Road to Kettle River as contemplated by the act, for the reasons that the Military Road ran in the same direction as that which your Commissioners would have selected for their Road, a portion of which was under contract, and being prosecuted

with vigor by J. D. Ludden Esq. the Contractor, under the Superintendence of Capt. Simpson of the United States Topographical Engineers. A copy of the plat of said Road has been filed in the office of Register of Deeds of each organized county, through which said Road passes, accompanied, with a Report from your Commissioners, and every provision of said act has been complied with. Your Commissioners would also inform your honorable body, that said Road is located and passes through a highly fertile and desirable region of country, with good soil, fine water, numerous streams with rich luxuriant grapes and an abundance of timber for every purpose. Already a numerous and industrious class of settlers are located on each side of the Road for a distance of thirty five miles from St. Paul. Your Commissioners believe that said Road is destined to become the most important thoroughfare in the Territory, it being the shortest and best-route from St. Paul to Lake Superior and the Pinerias of the upper St. Croix, and it only needs the fostering assistance of the General Government, to open and construct this most important and desirable thoroughfare.

All of which is respectfully submitted.

JAMES STARKEY, }  
 R. C. KNOX, } Commissioners.  
 J. Y. CALDWELL, }

A Memorial to the Legislative Assembly of the Territory of Minnesota:

The undersigned citizens of the Territory of Minnesota, residents on the line of the St. Paul and Kettle River Territorial Road, would respectfully urge upon your honorable body to pass a memorial to the Congress of the United States praying for an appropriation to construct said road, as surveyed and marked out under and by virtue of an act of the Legislative Assembly of the Territory of Minnesota, passed at the session in eighteen hundred and fifty-five.

Your memorialists would further represent that said road passes through an excellent farming country, which is rapidly being settled by your memorialists and others seeking homes in our great and growing Territory, and only needs the fostering care and assistance of the general government to aid in opening up the country, developing its resources, and thereby adding wealth, comfort and happiness to all classes of our highly favored Territory. And your memorialists as in duty bound will ever pray.

CHARLES T. BADGER,

And one hundred others.

On motion of Mr. Freeborn, the Council adjourned.

J. B. BRISBIN, President.

W. COLVILLE, Secretary.

THURSDAY, JANUARY 24, 1856.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Ludden, Setzer, Stone, Thompson, Tillotson, and Mr. President.

On motion of Mr. Thompson, the reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Dooley presented the following remonstrance:

To the Council and House of Representatives :

We, the undersigned citizens of Scott, Carver and Hennepin counties are informed and verily believe that one G. G. Griswold has circulated a petition, the object of which is to procure a charter of your honorable body for a ferry across the Minnesota River, to be called Murphy's Ferry.

Your remonstrators would therefore represent that said ferry is not necessary. That one Richard G. Murphy has already a license for a ferry for the term of six years from August, 1855. Said license was procured under and by virtue of an "Act to amend the Revised Statutes," p. 30, of the amended Statutes, and reads as follows, paragraph 18, section 3 :—"That licenses may be granted for any period not exceeding six years. And that said Murphy has, in accordance with said license, expended much time and money for the past two years in the establishment of said ferry. Therefore, we the undersigned, remonstrate against the issuing of a charter by your honorable body to said Griswold, and pray that a bill which is now pending before the Council or House, may be passed, granting said Murphy a charter for the term of fifteen years. And we, as in duty bound, will ever pray.

FRANK WARNER, and 100 others.

On motion of Mr. Dooley, the remonstrance was referred to the Committee on Territorial Affairs.

A message from the House being announced, Mr. Edwards, Clerk thereof appeared and delivered the following message:

MR. PRESIDENT:—The House of Representatives have passed the following Bills:

No. 4, H. of R., a bill to incorporate the Minnesota Life, Fire and Marine Insurance Company.

Also, Bill No. 7, H. of R., to locate a Territorial Road from Brownsville, in the county of Houston, to the town of Mankato, in the county of Blue Earth.

Also, No. 8, H. of R., a Bill to provide for laying out a Territorial Road from Wabashaw, by Ide's settlement, to Farribault, and from thence west to intersect the Dodd Road, running to St. Peter.

Also, No. 10, H. of R., a bill for laying out a Territorial Road from Wabashaw to Austin, Mower county.

Also, Bill No. 18, H. of R., an act to attach a certain portion of Sibley county to Le Sueur county.

Also, No. 17, H. of R., a Bill to extend the corporate limits of the town of Henderson.

Also, No. 19, H. of R., a Bill granting to R. M. and J. P. Richardson the right to maintain a ferry across the Sauk River at Richmond, Stearns county, Min.

Also, No. 24, H. of R., an act granting to Samuel Allen the right to maintain and establish a ferry across the Minnesota River, at or near the town of Chaska, in the county of Carver.

Also, No. 42, H. of R., Bill for an act to incorporate the Minnesota Salt Company.

And Joint Resolution, (No. 1, H. of R.) concerning the furnishing of information relative to the early history of Minnesota.

Also, Joint Resolution (No. 2, H. of R.) relative to the U. S. Land Office in the Root River Land District.

In which the concurrence of the Council is respectfully solicited.

H. L. EDWARDS, Chief Clerk H. of R.

Mr. Setzer moved that the Committee to whom was referred the different charters, be instructed to report on Saturday next.

Mr. Stone presented the following petition:

To the Honorable the members of the Council and the House of Representatives of the Territory of Minnesota, in Legislative Assembly met :

The petition of the undersigned citizens of the Territory of Minnesota respectfully represents, that the necessities of the whole upper Mississippi country, requires a Territorial

Road from the mouth of the Crow Wing River, to a point on the eastern boundary of said Territory, nearest to the town of Superior in the county of Douglas in the State of Wisconsin.

That the distance by the most feasible route, from a point on the east bank of the Mississippi run in the county of Benton, and opposite the mouth of the Crow Wing river, in said Territory, to the town of Superior, aforesaid, by way of Jamestown, on the north shore of Mille Lac, does not exceed ninety miles. And that your Honorable body is most urgently solicited to legalize and establish as a Territorial Road the route here in after designated to its intersection with Brott and Wilson Roads, and to memorialize the Congress of the United States for an appropriation to construct the same.

Your petitioners most respectfully ask you to examine the map of the county hereunto annexed, most carefully prepared by skillful engineers from actual surveys, and of the proposed route as thereon designated.

This route as marked, has been most carefully and thoroughly explored by a number of your petitioners, who left the point designated opposite the mouth of Crow Wing river on the second day of January 1856, having in their company several of the most experienced and intelligent Indian guides to be found in the whole north west.

The point of departure is in latitude north  $46^{\circ} 20'$ ; longitude west  $94^{\circ} 19'$ . From this point the exploring party took a course east by  $15^{\circ}$  north without variation, and found most excellent ground whereon to construct a road for the distance of seventy two miles, and camped at a point, on the waters of the Hokah river, near the head of Long Lake. During the first day's travel the exploring party found no swamps or swampy ground, nor any other than the best kind of country for road purposes. On the morning of the third of January 1856, they raised their camp on the waters of the Hokah, and crossed that stream at a point where the same is not over thirty feet in width, with a depth of about two feet of water, and a hard ground bottom. From thence the explorer took a due east course without variation, and at noon of said day, they reached Jamestown a settlement on the north shore of Mille Lac, then south, and distant one mile from the muddy river Portage. This point in the judgement of the explorers, is distant from Crow Wing forty miles by the route explored, and the Guides accompanying the party together with the Indian residents there, declared it precisely half way from Crow Wing to Superior.

On their route from the Hokah to Jamestown, on Mille Lac the exploring party report finding no swampy ground, with the exception of about half a mile near a Lake on the head waters of the Platte River, and even this half mile is in close proximity to abundance of the best kind of timber for bridging purposes.

It will be observed that the route proposed is on the high lands between the waters of the Nokah and the Mississippi river, for the first seventy-five miles, and with the exception herein before mentioned the general features of the country are most attractive, their being a deep rich soil, overlaying substrata of granitic and metamorphic schist, and having an abundance of timber with all that is desirable in prairie, thus affording the greatest inducements to settlers immediately on the establishment and opening of the route proposed.

The exploring party represent that there is not to be found in the Territory the same extent of country, through which a road in a direct line can be constructed at so light an expense and with so much facility, and that when once built, can so easily be kept in good repair. Your petitioners understand that from near Jamestown to Superior the road is now cut out and in a condition to be travelled all the way. Your petitioners therefore confidently ask your favorable consideration of the facts herein before stated, and they will ever pray, &c. &c.

W. J. PARSONS, and 20 others.

Mr. Stone introduced (No. 26, C. F.) a bill for an act to legalize a road from Crow Wing to Mille Lac, and from Mille Lac to the head of Lake Superior, in Minnesota Territory.

Mr. Flandrau having obtained leave, introduced (No. 25, C. F.) a bill to incorporate the Northern Pacific Railroad Company.

The Rules were suspended, and the bill read a first and second time by its title and laid on the table to be printed.

Mr. Setzer from the Committee on engrossed bills, reported (No. 12, C. F.,) a bill to incorporate the Little Falls Bridge Company, correctly engrossed.

No. 2, H. of R., joint Resolution relating to the U. S. Land Office in the Root River Land District was read a first and second time.

No. 1, H. of R., Joint Resolution concerning the furnishing of information of the early history of Minnesota.

No. 4 H. of R. a bill to incorporate the Minnesota Life Fire Insurance Company, was read a 1st and 2nd time, and on motion of Mr. Setzer was referred to the committee on Incorporations.

No. 7 H. of R, a Bill to locate a Territorial Road in the county of Houston to the town of Mankato, in Blue Earth county, was read a first and second time.

No. 8 H of R., a bill to provide for laying out a Territorial Road from Wabashaw by Ide's settlement to Farribault, and from thence west to intersect the Dodd road running to St. Peter, was read a first and second time, and on motion of Mr. Setzer, was referred to the committee upon Territorial roads.

No. 10 H. of R., a bill to provide for laying out a Territorial road from Wabashaw to Austin, Mower county, was read a first and second time.

No. 17 H of R., a bill to extend the corporate limits of the town of Heuderson, was read a first and second time.

No. 18 H of R., a bill to attach a certain portion of Sibley county to Le Seur county, was read a first and second time, and on motion of Mr. Setzer, was referred to the committee on judiciary.

No. H of R., a bill granting to R. H. and J. P. Richardson, the right to maintain and establish a ferry across the Sauk river at Richmond, Stearns county, Minnesota, was read a first and second time.

No. 24 H of R., a bill for an act granting to Samuel Allen, the right to maintain and establish a ferry across the Minnesota river at the town of Chaska, in the county of Carver, was read a first and second time; on motion of Hr. Setzer, No. 19 H of R., and No. 24 H of R., was referred to the committee on Incorporations.

No. 42 H of R., a bill to incorporate the Minnesota Salt Company, was read a first and second time.

No. 12 H of R., a bill to incorporate the Little Falls Bridge Company, was read a third time and passed, and its title agreed to.

On motion of Mr. Flandrau, the Council resolved itself into Committee of the Whole, Mr. Balcomb in the chair, having under consideration No. 4 C F, a bill for an act granting to Richard Ireland and Richard Austin, the right to establish and maintain a ferry across the Mississippi river at Point Douglas. After some time being spent therein, the Committee rose and reported back to the Council the bill with amendments, and recommend it be passed. On motion of Mr. Ludden, the report was accepted. Mr. Ludden moved that the bill No. 4 C F., be referred to the Committee on Territorial affairs.

And the yeas and nays being called for and ordered, there were yeas 5 and nays 7, as follows:

Those who voted in the affirmative were:

Messrs Bailly, Balcomb, Dooley, Ludden, Thompson—5.

Those who voted in the negative were :

Messrs Flandrau, Freeborn, Lowry, Roletta, Setzer, Tillotson, Mr President—7.

So the motion was lost.

Mr. Setzer moved the amendment reported by the Committee of the Whole, C. F. No. 4, be adopted,

Which motion prevailed.

Mr. Balcomb moved the bill be referred to the Committee on Incorporations.

A call of the House was ordered.

Mr. Rollins was found to be absent.

Mr. Flandrau moved that the further call of the House be dispensed with,

Which motion prevailed.

The Ayes and Nays being called for on the motion of Mr. Balcomb, and ordered, there were Yeas 7, and Nays 6, as follows :

Those who voted in the affirmative were :

Messrs. Bailly, Balcomb, Dooley, Freeborn, Lowry, Ludden, Thompson.—7.

Those who voted in the negative were:

Messrs. Flandrau, Rolette, Setzer, Stone, Tillotson, and Mr. President—6.

So the bill was referred to the committee on incorporations.

Mr. Flandrau having obtained leave introduced (No. 27, C. F.) a bill for an act to legalize and confirm certain elections,

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

Mr. Balcomb gave notice that he would introduce a substitute for Rule 26 of standing govern this body.

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 and its effect shall be to put an end to all debate, and bring the Council to a direct vote upon a motion shall have been made and if this motion does not prevail then upon amendments reported by a committee, if any, thereupon pending amendments, and thereupon 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.

On motion of Mr. Flandrau the Council resolved itself into Committee of the Whole.

Having under consideration (No. 21, C. F.) a bill granting to Hiram Caywood the right to establish and maintain a ferry across the Minnesota river.

No. 23, C. F. a bill granting to J. H. Fairbanks the right to establish and maintain a ferry across the Mississippi river.

No. 10, C. F. a memorial to the Postmaster general for additional mail service.

After sometime being spent therein the committee rose and reported back to the Council.

No. 21, C. F. a bill with amendments, and recommended it to be passed.

No. 23, C. F. a bill without

No. 18, C. F. a memorial without

On motion of Mr. Flandrau the report was accepted, and the amendments (No. 21, C. F.) approved.

C. F. No. 21, 23, and 10 was ordered to be engrossed and read a third time.

Mr. Flandrau gave notice that on to-morrow or some future day he would ask leave to introduce a bill to incorporate the Bellevue Seminary of Learning.

Mr. Freeborn gave notice that on to-morrow or some future day he would ask leave to introduce a bill for the establishment of a ferry across lake Pepin from Florence, Minn., to Maiden Rock, Wisconsin.

Mr. Tillotson gave notice that on to-morrow or some future he would ask leave to introduce a bill for an act to incorporate a Savings Institution in the city of St. Paul to be called the North Western Savings Institution.

On motion of Mr. Rolette the Council adjourned.

Attest:

W. COLVILLE, Clerk.

JNO. B. BRISBIN,

President.

FRIDAY, JANUARY 25, 1856.

The Council met pursuant to adjournment.

And was called to order by the President.

Prayer by the Rev. Mr. Neill.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Ludden, Rollins, Rolette, Setzer, Stone, Thompson, Tillotson, and Mr. President.

The Journal of yesterday's proceedings was commenced.

On motion of Mr. Rolette the further reading was dispensed with.

Mr. Balcomb, moved that the matter of the contested seat of Mr. Ludden by M. W. McCracken be deferred until Tuesday next.

Which motion prevailed.

On motion of Mr. Setzer 500 copies of the report and evidence in the case of the contested seat of Mr. Ludden was ordered to be printed.

According to previous notice Mr. Balcomb introduced (No. 28, C. F.) a bill to organize the Winona Boom Company.

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

According to previous notice Mr. Flandrau introduced (No. 12, C. F.) a memorial to Congress for the establishment of a Land Office at Traverse Des Sioux, or some other point on the Upper Minnesota River.

Mr. Balcomb gave notice that he will on to morrow or some future day, introduce a bill to incorporate the Winona and La Crosse Rail Road Company.

Mr. Lowry gave notice of leave to introduce a bill to incorporate the Huida Cooper Institute.

Mr. Rolette presented the following Report :

To the Honorable the Council, &c—

Your Committee to whom was referred the resolution of the House, asking an investigation of the conduct of the Sergeant-at-Arms of the Council, beg leave to make the following report, that

Whereas, S. D. Heard, the Sergeant-at-Arms, has been upon a primary examination before a legal tribunal in the city of St. Paul, held to appear before the District Court for the county of Ramsey, upon a charge of the crime of assault and battery, with intent to kill, Therefore, in justice, as due to the dignity of the Council, and in respect for the House of Representatives, be it

*Resolved*, That S. D. Heard, be discharged from the office of Sergeant-at-Arms of the Council, and the Council do now proceed to the election of an officer in his place.

JOSEPH ROLETTE,

WM. D. LOWRY.

On motion of Mr. Balcomb, the report was accepted. Mr. Setzer from the committee on Engrossed Bills, reported.

No. 21, C. F., A bill granting to Hiram Caywood the right to establish and maintain a ferry across the Minnesota river.

No. 10, C. F., A memorial to the Postmaster General, for additional mail service.

No. 23, C. F., A bill granting to J. H. Fairbanks, the right to establish and maintain a ferry across the Mississippi river—correctly engrossed.

Mr. Flandrau moved that the whole matter in the case of the Sergeant-at-Arms, be referred back to the committee.

Mr. Rolette offered an amendment, that Mr. Flandrau be made chairman of the committee—the amendment was adopted. So the matter was referred back to the committee, and Mr. Flandrau made chairman of the committee.

No. 23, C. F., A bill granting to J. H. Fairbanks the right to establish and maintain a ferry across the Mississippi river, was read a third time and passed, and its title agreed to.

No. 21, C. F., A bill granting to Hiram Caywood the right to establish and maintain a ferry across the Minnesota river, was read a third time and passed, and its title agreed to.

No. 10, C. F., a memorial to the Postmaster General, for additional mail service was read a third time and passed, and its title agreed to.

On motion of Mr. Tillotson, the Council resolved itself into committee of the whole, Mr. Ludden in the chair, having under consideration No. 2, H. of R., a joint resolution relative to the U. S. Land Office in the Root River Land District. After some time being spent therein, the committee rose and reported the bill back to the Council without recommendation.

On motion of Mr. Tillotson, the report was accepted.

On motion of Mr. Balcomb, a call of the House was ordered.

Messrs. Bailly, Rollins, and Rolette, were found to be absent. The Sergeant-at-Arms *pro tem.* was ordered to bring the absent members to their seats.

On motion of Mr. Setzer, the further call of the House was dispensed with.

Mr. Balcomb moved that the Bill be referred to the Committee on Incorporations.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 8.

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Rollins, and Mr. President—4.

Those who voted in the negative were,

Messrs. Bailly, Flandrau, Freeborn, Lowry, Ludden, Setzer, Stone and Tillotson—8.

So the motion was lost.

On the 3d reading of the bill, and the yeas and nays being called for and ordered, there were yeas 10 and nays 2, as follows :

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Lowry, Ludden, Rollins, Setzer, Stone, Tillotson,

Mr. President—10.

Those who voted in the negative were,

Messrs. Balcomb, Thompson—2.

So the bill was ordered to be read the third time.

Mr. Ludden moved that the Secretary be instructed to inform the Clerk of the House of Representatives, that no bill will be received by the Council, unless they are presented engrossed, and to inquire of the Clerk whether the bills that have already been presented, are considered engrossed bills.

On motion of Mr. Flandrau, the Council resolved itself into a committee of the Whole, Mr. Balcomb in the chair, having under consideration (No. 26 C. F.) A bill for an act to legalize a road from Crew Wing to Mille Lac, and from Mille Lac to the head of Lake Superior, in Minnesota Territory.

No. 27, C. F. A bill to legalize and confirm certain elections. After some time being spent therein, the committee rose and reported back to the Council

No. 26, C. F., with amendments and with recommendation it be passed; and (No. 27) C. F. with amendments, and with recommendation it be referred to the committee on Territorial affairs.

On motion of Mr. Balcomb, the report was accepted, and the amendments to (C. F. No. 26) were adopted—also the amendments to (No. 27, C. F.) were adopted.

No. 26 C. F. was ordered to be engrossed and read a third time.

On motion of Mr. Balcomb, [C. F. No. 27] was referred to the committee on Territorial affairs.

On motion of Mr. Rollins, the Council adjourned.

W. COVILLE,

Clerk.

JNO. B. BRISBIN,

President.

SATURDAY, JANUARY 26, 1856,

The Council met pursuant to adjournment.

And was called to order by the President.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Rollins, Setzer, Stone, Thompson, Tillotson, and Mr. President.

The Journal of yesterday's proceedings was read and approved.

The following substitute for rule 26 of standing rules which govern this body was taken up:

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 and its effect shall be to put an end to all debate, and bring the Council to a direct vote upon a motion to commit if such motion shall have been made, and if this motion does not prevail then upon amendments reported by a Committee, if any, thereupon pending amendments, and thereupon 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.

A message from His Excellency the Governor being announced, Mr. Smith, private Secretary to the Governor appeared and delivered a sealed message to the Council.

Mr. Balcomb moved that the amendment to the rules be adopted.

And the Yeas and Nays being called for and ordered, there were Yeas 4, and Nays 5, as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Rollins, Setzer, and Stone—4.

Those who voted in the negative were,  
Messrs. Bailly, Dooley, Flandrau, Lowry, and Tillotson.

So the motion was lost.

Mr. Flandrau from the Committee on Territorial Roads, reported back to the Council No. 9, H. of R., without amendment.

No. 3, H. of R., " "

No. 18, H. of R., " "

No. 1, H. of R., with "

Mr. Flandrau from the Committee on Judiciary, reported back to the Council (No. 18, H. of R., without amendment.

Mr. Dooley from the Committee on engrossed bills, reported (No. 26, C. F.,) correctly engrossed.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, MINNESOTA TERRITORY, }  
St. Paul, January 25, 1856. }

To the Council and House of Representatives :

The attentive observer of political events in Minnesota could not have failed to perceive the anxiety on the part of some of our citizens to procure from time to time exclusive chartered privileges by special enactment at each session of the Legislature for various objects. If the franchises and powers thus conferred by the Legislature give rights not permitted to be enjoyed by all, it is just and proper that in each instance they should be required to pay a reasonable bonus into the Territorial Treasury. From such sources, therefore, we may acquire a handsome revenue for the support of the Territory or future state of Minnesota, and relieve the property holders from much onerous taxation.

Persons proposing to make Minnesota their residence will naturally inquire into the

extent of the burdens upon their property for the support of government. And in proportion as they find it light, they will consider the inducement increased. Many of the States of the Union derive nearly enough revenue from such sources to defray the expenses of their civil administration. And if our people will have these exclusive privileges granted, they should not object to pay for them. Many of these charters must become sources of immense revenue to the corporators, and in many instances perhaps, sources of oppression to the citizens of the country. I might extend this communication much further, and illustrate by numerous examples, the importance and utility of looking to this source as a part of our revenue system.

It is unnecessary to tell you that when capital asks for privileges, it rarely comes begging for them, but boldly proclaims the many advantages and facilities it intends to confer upon the citizens of the country. Its arguments are always specious and plausible, and studiously keeps out of view the fact, that the exclusive privileges granted to them, are necessarily denied to others. The numerous charters already granted in Minnesota for ferries, lumbering, manufacturing, mining, &c., is enough to arouse your vigilance on this subject, and I respectfully recommend that it be made a source of revenue to the Territory, or that such indiscriminate acts of incorporation be checked. You may suppose that these corporations are innocent for the present, at least during the freshness of our youthful existence. But their past history proves them to be manacles in our mature age. We have a general law on our statute books, under which corporations may be organized and conducted, which, it is believed, confers all desirable privileges except in some special cases. And I shall be very much disappointed if Legislators do not thereafter find their votes in favor of some of these corporations brought up in judgment against them by their constituents, and when they will find their apology very unsatisfactory. I trust these suggestions may tend to awaken a laudable interest in the future welfare of the Territory upon this subject.

W. A. GORMAN.

Mr. Flandrau moved that the message be referred to the Committee on Territorial affairs.

Which motion was lost.

A call of the House was ordered.

Messrs. Freeborn, Hanson, Thompson, and Mr. President, were found to be absent.

On motion of Mr. Flandrau the further call of the Council was dispensed with.

On motion of Mr. Flandrau the message was referred to the Committee on Internal Improvements.

The amendments of bill (No. 1, H. of R.,) made by the Committee, was approved and ordered to be read the third time.

No. 9, H. of R., was read a second time and ordered to be read the third time.

No. 18, H. of R., was read a second time and ordered to be read the third time.

No. 3, H. of R., was read a second time and ordered to be read the third time.

No. 8, H. of R. was read a second time and ordered to be read the third time.

No. 17, H. of R. was read a second time and, on motion of Mr. Balcomb, was referred to the Committee on Incorporations.

No. 27, H. of R. was read a second time and, on motion of Mr. Balcomb, was referred to the Committee of Judiciary.

No. 6, H. of R. was read a second time.

Mr. Balcomb moved the bill be referred to the Committee on Incorporations,

Which motion was lost.

The bill was ordered to be read a third time.

No. 10, H. of R. was read a second time and ordered to be read a third time.

No. 7, H. of R. was read a second time and ordered to be read a third time.

No. 1, H. of R., Joint Resolution, concerning the furnishing of information relative to the early settlement of Minnesota was read a second time.

On motion of Mr. Flandrau the rules were suspended and the resolution was read a third time and passed, and its title agreed to.

No. 42, H. of R. a bill was read a second time and referred to the Committee on Judiciary.

No. 26, C. F. a bill for an act to legalize a road from Crow Wing to Mille Lac and from Mille Lac to the head of Lake Superior, in Minnesota Territory, was read a third time and passed, and its title agreed to.

On motion of Mr. Flandrau the Council resolved itself into a Committee of the Whole. Mr. Rollins in the Chair, having under consideration

No. 22, C. F. a bill granting to Andrew J. Myrick the right to establish and maintain a ferry across the Minnesota river.

After some time being spent therein the Committee rose and reported the bill back to the Council with amendments, and recommended it be passed.

The report was accepted, and the amendments approved.

Mr. Rollins moved that the Bill be referred to the Committee on Internal Improvements.

Which motion was lost.

The bill was ordered to be engrossed and read a third time.

On motion of Mr. Flandrau 200 copies of the Message received from His Excellency, the Governor, to-day was ordered to be printed.

Mr. Rolette, according to previous notice, introduced (No. 30, C. F.) a bill granting to P. R. Stone, the right to establish and maintain a ferry across the Minnesota river.

Read a first and second time, and laid on the table to be printed.

On motion of Mr. Rolette the Council adjourned until Monday next at 2 o'clock, P. M.

JNO. B. BRISBIN, President.

W. SOLVILLE, Secretary.

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MONDAY, JANUARY 28, 1856.

The Council met pursuant to adjournment, and was called to order by the President. Prayer by Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Lowry, Rolette, Setzer, Stone, Tillotson, Mr. President.

A message from the House being announced, Mr. Edwards, Clerk thereof, appeared and delivered the following message :

MR. PRESIDENT:—

The House has passed the following bills. (No. 11, H. of R.) A bill to provide for laying out a Territorial road from St. Cloud to Pembina.

No. 12, H. of R. An act to change the time of holding courts in Le Seur county.

No. 20, H. of R. An act granting to S. B. Lowry, the right to establish a ferry across the Mississippi river.

No. 21, H. of R. A bill to change the name of Serena M. Huntly to Serens M. Ames.

No. 28, H. of R. A bill granting to G. A. Belcour, the right to construct a Dam across the Pembina river.

No. 36, H. of R. A bill to locate the county seat of Wabashaw.

No. 39, H. of R. A bill for an act to provide for the survey of logs and lumber in Minnesota Territory.

Also memorial (No. 2, H. of R.) Memorial to Congress for an appropriation of \$15,000, for the construction of the Mendota and Wabashaw road.

Memorial No. 3, H. of R. To Congress for the passage of a homestead law.

Memorial No. 4, H. of R. For a mail route from Austin to Wabashaw.

Memorial No. 5, H. of R. For an appropriation for a mail route and road between Lake Superior and Little Falls.

Memorial No. 9, H. of R. To Congress to establish a mail route from Hamilton to Shakopee.

Memorial No. 7, H. of R. To Congress for an appropriation for certain improvements in this Territory, and Memorial (No. 8, H. of R.) for a mail route from St. Paul to West Union.

In all of which, the concurrence of the Council is respectfully solicited.

H. L. EDWARDS, Chief Clerk, H. of R.

On motion of Mr. Rolette, the reading of the journal was dispensed with. A message from the House being announced, Mr. Edwards, Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—

The House of Representatives have directed me to inform your Hon. Body, that the House is now ready to meet in joint convention in the Hall of the House of Representatives, pursuant to adjournment.

H. L. EDWARDS, Chief Clerk, H. of R.

And then withdrew.

Mr. Setzer moved that the Council do now adjourn to the House of Representatives, to meet the House in joint convention.

Which motion prevailed, so the Council adjourned to the House of Representatives.

#### JOURNAL OF THE JOINT CONVENTION.

The Joint Convention was called to order by the Speaker, and the roll being called the Clerk reported all the members present except Messrs. Hanson, Ludden, Rollins, Thompson, of the Council, and Mr. Thorndike, of the House.

Mr. Rolette moved, that this convention adjourn until next Monday at 12 o'clock.

And the yeas and nays being called for and ordered, there were yeas 23, and nays 25, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandran, Rolette, Burdick, Covel, De La Vergne, Dunbar, Farnham, Gere, Grant, Hartenbower, Haus, Holland, Hubbell, Hull, Johnson, Kirkman, McLeod, Murphy, Wilkinson, Wilson—23.

Those who voted in the negative were,

Messrs. Lowry, Ludden, Setzer, Stone, Tillotson, Mr. President, Boutillier, Bradley, Buck, Cleveland, Galbraith, Gibbs, Hunt, Ide, Jackman, Knauft, Lott, Nobles, Norris, Pierce, Sturgis, Taylor, Thompson, Van Vorhes, Speaker—25.

So the motion was lost.

Mr. Rolette moved a call of the Convention. The roll being called, the Clerk reported Messrs. Freeborn, Hanson, Rollins, Thompson, and Thorndike absent.

Mr. Setzer moved, that Messrs. Hanson, Freeborn and Thompson be excused from attendance in the Convention.

And the yeas and nays being called for and ordered, there were yeas 39, and nays 9, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Lowry, Ludden, Setzer, Stone, Tillotson, Mr. President, Boutillier, Bradley, Buck, Burdick, Cleaveland, Covell, De La Vergne, Dunbar, Farnham, Galbraith, Gere, Gibbs, Hartenbower, Haus, Holland, Hubbell, Hull, Hunt, Ide, Jackman, Kirkman, Knauff, Lott, McLeod, Murphy, Nobles, Norris, Pierce, Taylor, Thompson, Thorndike, Van Vorhes, Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Rolette, Grant, Johnson, Sturgis, Wilkinson, Wilson—9.

So the motion was carried.

Mr. Hunt moved that all further proceedings under the call of the Joint Convention be dispensed with.

Which motion was carried.

Mr. Rolette moved, that this Convention adjourn until Thursday next, at 2 o'clock.

And the yeas and nays being called for and ordered, there were yeas 20, and nays 33, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Rolette, Buck, Burdick, Covell, De La Vergne, Dunbar, Gere, Grant, Haus, Holland, Hubbell, Kirkman, McLeod, Murphy, Wilkinson, Wilson.—30.

Those who voted in the negative were,

Messrs. Lowry, Ludden, Rollins, Setzer, Stone, Thompson, Tillotson, Mr. President, Boutillier, Bradley, Cleaveland, Farnham, Galbraith, Gibbs, Hartenbower, Hull, Hunt, Ide, Jackman, Johnson, Knauff, Lott, Nobles, Norris, Pierce, Sturgis, Taylor, Thompson, Thorndike, Van Vorhes, Mr. Speaker.—31.

So the motion was lost.

Mr. Setzer moved that the convention now proceed to elect a Surveyor of Logs and Lumber for the first District.

Which motion was carried.

Mr. Setzer nominated Mahlon Black.

Mr. Rolette nominated J. B. Dickson.

Mr. Jackman nominated Robert Hasty.

The roll being called: Messrs. Bailly, Dooley, Flandrau, Lowry, Setzer, Stone, Tillotson, Gere, Haus, Hubbell, Hull, Lott, McLeod, Murphy, Norris, Sturgis, Speaker and Mr. President, were those who voted for Mr. Black.

Messrs. Balcomb, Boutillier, Bradley, Buck, Cleaveland, Farnham, Galbraith, Gibbs, Ide, Jackman, Knauff, Nobles, Pierce, Taylor, Thompson, and Van Vorhes, were those who voted for Mr. Hasty.

Messrs. Rolette, Burdick, Covell, DeLaVergne, Dunbar, Grant, Hartenbower, Johnson, Kirkman, Wilkinson, and Wilson, were those who voted for Mr. Dickson.

Mr. Hunt voted for Black & Dickson.

Whole number of votes 47.

Necessary to a choice 24.

Mr. Hasty had 16 votes.

" Black " 19 "

" Dickson " 11 "

Black & Dickson " 1 "

The Speaker then declared that no choice had been made.

Mr. Flandrau moved that the convention adjourn until Monday next, at 2 o'clock P. M.

And the yeas and nays being called for and ordered, there were yeas 26, and nays 21, as follows:

Those who voted in the affirmative were,  
Messrs. Baily, Balcomb, Dooley, Flandrau, Rolette, Stone, Burdick, Coval, De La Vergne, Dunbar, Farnham, Gere, Grant, Hans, Holland, Hubbell, Hull, Hunt, Johnson, Kirkman, M'Leod, Murphy, Sturgis, Wilkinson, Wilson, Mr. Speaker.—26.

Those who voted in the negative were,  
Messrs. Lowry, Ludden, Rollins, Setzer, Tillotson, Mr. President, Boutillier, Bradley, Buck, Cleaveland, Galbraith, Gibbs, Hartenbower, Ide, Jackman, Lott, Nobles, Norris, Pierce, Taylor, Thompson, Thorndike, Van Vorhes.—21.

So their motion was carried, and the convention adjourned.

After the Joint Convention the Council returned to their Hall.

And was called to order by the President.

Mr. Balcomb presented the following petition:

To the Legislative Assembly of the Territory of Minnesota.

We your humble petitioners, pray your honorable body to enact a law that the Township 106 W., Range 9, N. be called Bentley, after the first actual settler, who made a settlement in said Township, May 20th, 1853.

DR. J. W. BENTLEY, and seven others.

Winona Co., Jan. 22d, 1856.

According to previous notice, Mr. Balcomb introduced (No. 30, C. F.) a bill to incorporate the Winona and La Crosse Railroad Company.

The rules were suspended and the bill read a first and second time, and laid on the table to be printed.

According to previous notice, Mr. Lowry introduced (No. 31, C. F.) a bill to incorporate the Huidacooper Institute.

The rules were suspended, and the bill read a first and second time by its title, and laid on the table to be printed.

Mr. Flandrau having obtained leave introduced (No. 32, C. F.) a bill to amend an act entitled an act to incorporate the city of St. Paul.

The rules were suspended, and the bill read a first and second time by its title, and laid on the table to be printed.

On motion of Mr. Rolette the Council adjourned.

JNO. B. BRISBIN, President.

Attest.

W. COLVILLE, Secretary.

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TURSDAY, JANUARY 29, 1856.

The Council met pursuant to adjournment,

And was called to order by the President.

Prayer by the Rev. Mr. Penman.

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

Messrs. Baily, Balcomb, Dooley, Flandrau, Freeborn, Lowry, Ludden, Rollins, Rolette, Setzer, Stone, and Mr. President.

The Journal of yesterday's proceedings was commenced, and on motion of Mr. Rolette the further reading of the Journal was dispensed with.

Mr. Flandrau moved the Council now resolve itself into Committee of the Whole, to take into consideration the matter of the contested seat of Mr. Ludden.

The question then being put, and the Ayes and Noes being called for and ordered, there were Ayes 7, and Noes 6, as follows:

Those who voted in the affirmative were,  
Messrs. Flandrau, Lowry, Rollins, Rolette, Stone, Tilletson, and Mr. President—7.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Dooley, Freeborn, Ludden, and Setzer—6.

So the motion prevailed, and the Council resolved itself into Committee of the Whole. Mr. Balcomb in the Chair.

On motion of Mr. Ludden the Committee rose and reported back to the Council the matter of the contest of the seat of Mr. Ludden, with recommendation that they have leave to sit again to-morrow.

On motion of Mr. Setzer the report was accepted and adopted.

Mr. Lowry from the Committee on Territorial Affairs reported back to the Council.

No. 27, C. F., a bill to legalize and confirm certain elections.

No. 9, C. F., a bill granting to Richard G. Murphy the right to establish and maintain a ferry across the Minnesota river, at a point now known as Murphy's Ferry, without amendments, and recommend their passage.

On motion of Mr. Setzer the report was accepted.

Mr. Setzer from the Committee on engrossed bills reported (No. 22, C. F.,) a bill granting to Andrew J. Myrick the right to establish and maintain a ferry across the Minnesota river, correctly engrossed.

The Committee to whom was referred the case of the Sergeant-at-Arms of the Council—reported.

On motion of Mr. Setzer the report was accepted.

Mr. Setzer moved that Mr. Heard, present Sergeant-at-Arms of the Council, be removed.

The question then being put, and the ayes and noes being called for and ordered, there were ayes 9, and noes 3, as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Lowry, Rollins, Rolette, Setzer, Stone, and Tilletson—9.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, and Mr. President—3.

So the motion prevailed.

No. 13, H. of R. a bill to change the time of holding courts in Le Seur county, was read a first time.

No. 9, H. of R. a memorial to Congress to establish a mail route from Hamilton to Shakopee, was read a first time.

No. 11, H. of R. a bill to provide for laying out a Territorial road from St. Cloud to Pembina, was read a first time.

No. 36, H. of R. a bill to locate the county seat of Wabashaw, was read a first time.

No. 28, H. of R. a bill granting to George A. Billcourt, the right to construct a Dam across the Pembina river, near St. Joseph, Pembina county, Minnesota Territory, was read a first time.

No. 2, H. of R. a memorial to Congress for an appropriation of \$15,000, for the construction of the Mendota and Wabashaw Road, was read a first time.

No. 37, H. of R. a bill for an act to amend an act to provide for the survey of logs and lumber in Minnesota Territory, was read a first time.

No. 3, H. of R. a memorial of the Legislative Assembly of Minnesota Territory to the Congress of the United States, praying for the passage of a Homestead Law, was read a first time.

No. 5, H. of R., a memorial to Congress for an appropriation for the construction of a road and mail route from Lake Superior to Little Falls, was read a first time.

No. 7, H. of R., a memorial to Congress for an appropriation for certain improvements in this Territory, was read a first time.

No. 8, H. of R., a memorial for a mail route from St. Paul to West Union, was read a first time.

No. 4, H. of R., a memorial to Congress for the establishment of a mail route from Wabashaw, by the way of Greenwood, Rochester and High Forest, to Austin, was read a first time.

No. 21, H. of R., a bill for an act to change the name of Serena M. Huntley to Serena Marie Ames, was read a first time.

No. 20, H. of R., a bill granting to A. B. Lowry the right to establish and maintain a ferry across the Mississippi river, was read a first time.

No. 22, C. F., a bill granting to Andrew Myrick the right to establish and maintain a ferry across the Minnesota river, was read a third time and passed, and its title agreed to.

No. 9, H. R., a bill to provide for the laying out a Territorial road from Winona to Austin, was read a third time and passed, and its title agreed to.

No. 18, H. of R., a bill to attach a certain portion of Sibley county to Le Sueur county, was read a third time and passed, and its title agreed to.

No. 3, H. of R., a bill to provide for the laying out and establishing a Territorial road from Spring Lake to the Dodd road, was read a third time and passed, and its title agreed to.

No. 8, H. of R., a bill to provide for laying out a Territorial road from Wabashaw, by Ide's Settlement, to Faribault, and from thence west to intersect the Dodd road running to St. Peter, was read a third time and passed, and its title agreed to.

No. 6, H. of R., a bill granting to Matthew Ewing the right to establish and maintain a ferry across the Mississippi river, was read a third time and passed, and its title agreed to.

No. 10, H. of R., a bill to provide for laying out a Territorial road from Wabashaw to Austin, Mower county, was read a third time, and, on motion of Mr. Setzer, was referred to the Committee on Territorial Roads.

On motion of Mr. Rolette, Mr. Lewis Clark was declared Sergeant-at-Arms, *pro tem.*, of the Council.

On motion of Mr. Lowry, the vote granting to Matthew Ewing the right to establish a ferry across the Mississippi river was re-considered.

Mr. Flandrau moved the bill be referred to the Committee on Territorial Roads.

The question then being put, and the ayes and noes being called for and ordered, there were, ayes 9, and noes 2, as follows:

Those who voted in the affirmative were

Messrs. Dooley, Flandrau, Freeborn, Lowry, Rollins, Rolette, Stone, Tillotson, Mr. President—9.

Those who voted in the negative were

Messrs. Balcomb, Setzer—2.

So the motion prevailed.

No. 7, H. of R. a bill to locate a Territorial Road in the county of Houston to the Town of Mankato, in Blue Earth county, was read a third time and passed and its title agreed to.

No. 1, H. of R. a bill to provide for laying out a Territorial Road from the forks of the Crow river opposite Greenwood, via the head of Buffalo lake to intersect the Territorial Road running from Minneapolis to St. Cloud, was read a third time and passed and its title agreed to.

No. 2, H. of R. a joint resolution relative to the United States Land Office in the Root river Land District, was read a third time and passed.

Mr. Rolette moved that the Council adjourn.

And the Ayes and Noes being called for and ordered, there were Ayes 5, and Noes 6, as follows:

Those who voted in the affirmative were:

Messrs. Bailly, Dooley, Freeborn, Rolette, Mr. President—5.

Those who voted in the negative were:

Messrs. Balcomb, Flandrau, Rollins, Setzer, Stone, Tillotson—6.

So the motion was lost.

On motion of Mr. Setzer the Council resolved itself into Committee of the Whole, Mr. Flandrau in the chair, having under consideration (No. 13, C.F.) a bill to incorporate the Minneapolis and St. Cloud Rail Road Company.

After sometime being spent therein, the committee rose and reported the bill back to the Council, and ask leave to sit again.

On motion of Mr. Setzer, the report was accepted, and obtained leave to sit again.

Mr. Rolette moved the Council adjourn.

And the yeas and nays being called for and ordered, there were yeas 3, and nays 9, as follows:

Those who voted in the affirmative were:

Messrs. Bailly, Dooley and Setzer—3.

Those who voted in the negative were:

Messrs. Balcomb, Flandrau, Freeborn, Lowry, Rollins, Rolette, Stone, Tillotson and Mr. President—9,

So the motion was lost.

Mr. Stone having obtained leave, introduced (No. 13, C. F.) a memorial to Congress for the establishment of a Military Post near the head of Red River.

On motion of Mr. Rolette, the Rules were suspended and the memorial read a first and second time by its title, and laid on the table to be printed.

On motion of Mr. Stone, the Council adjourned.

JOHN B. BRISBIN, President.

W. COLVILLE, Secretary.

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WEDNESDAY, JANUARY 30, 1856.

The Council met pursuant to adjournment.

And was called to order by the President.

Prayer by the Rev Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Lowry, Rollins, Rolette, Setzer Tillotson, and Mr. President.

The Journal of yesterday's proceedings was read and approved.

A message from the House being announced, Mr. Edwards, clerk thereof appeared and delivered the following message:

Mr. President, the House has passed memorials (No. 2 and 5, C. F.,) and return them to the Council without amendments.

H. L. EDWARDS,  
Chief Clerk, H. of R.

Mr. Rolette from the Joint Committee on Engrossed Bills, made the following report.

The Joint Committee on Engrossed Bills have examined and found correctly enrolled the following Joint Resolution:

No. 1, H. of R., joint resolution concerning the furnishing of information relative to the early History of Minnesota.

No. 12, H. of R., a bill to change the time of holding courts in Le Sueur county, was read a second and third time and passed, and its title agreed to.

No. 9, H. of R., a memorial to Congress to establish a mail route from Hamilton to Shakopee, was read a second time and referred to the Committee on Territorial Roads.

No. 11, H. of R., a bill to provide for laying out a Territorial Road from St. Cloud to Pembina, was read a second time and referred to the Committee on Territorial Roads.

No. 36, H. of R., a bill to locate the county seat of Wabashaw, was read a second time and referred to the Committee on Judiciary.

No. 28, H. of R., a bill granting to George A. Billcourt, the right to construct a dam across the Pembina River, near St. Joseph, Pembina county, Minnesota Territory, was read a second time and referred to the Committee on Territorial Roads.

No. 2, H. of R., a memorial to Congress for an appropriation of \$15,000, for the construction of the Mendota and Wabashaw Road, was read a second time, and referred to the Committee on Territorial Roads.

No. 39, H. of R., a bill for an act to amend an act to provide for the survey of logs and lumber in Minnesota Territory, was read a second and third time and passed, and its title agreed to.

No. 3, H. of R., a memorial of the Legislative Assembly of Minnesota Territory to the Congress of the United States, praying for the passage of a Homestead Law, was read a second time, and referred to the committee on Territorial roads.

No. 5, H. of R., a memorial to Congress for an appropriation for the construction of a road and mail route from Lake Superior to Little Falls, was read a second time and referred to the Committee on Territorial Roads.

No. 7, H. of R., a memorial to Congress for an appropriation for certain improvements in this Territory, was read a second time and referred to the Committee on Territorial Roads.

No. 8, H. of R., a memorial for a mail route from St. Paul to West Union, was read a second time and referred to the Committee on Territorial Roads.

No. 4, H. of R., a memorial to Congress for the establishment of a mail route from Wabashaw, by the way of Greenwood, Rochester and High Forest, to Austin, was read a second time and referred to the Committee on Territorial Roads.

No. 21, H. of R., a bill for an act to change the name of Serena M. Huntley to Serena Marie Ames, was read a second and third time and passed, and its title agreed to.

No. 20, H. of R., a bill granting to A. B. Lowry the right to establish and maintain a ferry across the Mississippi River, was read a second and third time and passed, and its title agreed to.

On motion of Mr. Flandrau, the Council adjourned.

JOHN B. BRISBIN, President.

W. COLVILLE, Secretary.

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THURSDAY, JANUARY 31, 1856.

The Council met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Penman.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Lowry, Rollins, Setzer, Stone, Tillotson and Mr. President.

The Journal of yesterday's proceedings was read and approved.

A message from the House being announced, Mr. Shepley, Clerk, pro tem. appeared and delivered the following message :

Mr. President :—The House has passed the following bills and memorials :

No. 11, H. of R.—Memorial for certain mail routes.

No. 12, H. of R.—Memorial for an appropriation to improve the navigation of the Mississippi River, and for other purposes.

No. 11, H. of R.—Memorial to Congress for an appropriation for the improvement of the Mississippi River, between St. Anthony Falls and Sauk Rapids.

No. 30, H. of R.—An act to provide for laying out a Territorial Road from Winona to Owatonia.

No. 33, H. of R.—An act to continue in force an act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota.

No. 35, H. of R.—Bill to incorporate the Minnesota Emigration League.

No. 25, H. of R.—A bill for an act to incorporate the Watab Bridge Company.

No. 27, H. of R.—An act to amend an act in relation to Justices of the Peace.

No. 23, H. of R.—A bill granting to George Houghton and Christopher Davis the right to establish and maintain a ferry across the Mississippi River.

No. 26, H. of R.—A bill granting to J. B. Shaw the right to maintain a ferry across the Mississippi River at or near the mouth of Ram River.

No. 18, H. of R.—A bill to amend an act entitled an act to define the boundaries of certain counties.

In which the concurrence of the Council is respectfully requested.

And then withdrew.

Mr. Balcomb gave notice

That on to-morrow or some future day, he would ask leave to introduce a bill to amend chap. 93, sec. 3, of the Revised Statutes.

Mr. Setzer gave notice that on to-morrow or some future day, he would ask leave to introduce a bill to amend an act entitled an act to incorporate the city of Stillwater.

Mr. Tillotson having obtained leave, introduced (No. 33. C. F.) A bill to incorporate the Northwestern Savings Institution.

On motion of Mr. Flandrau, the rules were suspended and the bill read a first and second time and laid on the table to be printed.

Mr. Flandrau from the Committee on Territorial Roads, reported back to the Council

No. 7, H. of R. without amendments.

No. 2, H. of R. without amendments.

No. 3, H. of R. without amendments.

No. 5, H. of R. without amendments.

No. 10, H. of R. without amendments.

No. 28, H. of R. without amendments.

No. 29, H. of R. without amendments.

No. 8, H. of R. with amendments.

No. 11, H. of R. with amendments.

No. 9, H. of R. with amendments.

No. 4, H. of R. with amendments.

Mr. Ludden, from the Committee on Incorporations, reported back to the Council No. 17, H. of R., with amendments. Also, No. 4, H. of R.

On motion of Mr. Flandrau, the Council resolved itself into a committee of the whole, Mr. Balcomb in the chair, having under consideration the contested seat of Mr. Ludden.

The committee rose and reported that they had made progress, and asked leave to sit again this afternoon at 3 o'clock.

On motion of Mr. Setzer, the report was accepted and leave granted.

Mr. Balcomb presented a petition from Wm. Scott and 129 others, citizens of Wabash county, remonstrating against any act of the Legislature locating county seats, or legalizing acts of illegal proceedings of late self-styled county commissioners, and moved that it be referred to the Committee on Judiciary.

Which motion was adopted.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following memorials and joint resolutions:

No. 2, C. F., a memorial to Congress to make an appropriation to construct a military road from Winona, on the Minnesota river, to Fort Ridgeley.

No. 2, H. of R., joint resolution relative to the United States Land Office in the Root River Land District.

No. 5, C. F., a memorial to Congress for an appropriation of \$15,000 for the improvement of Root River.

JOS. ROLETTE, Council.

WM. B. GERR, H. of R.

On motion of Mr. Rolette the Council adjourned until this afternoon at three o'clock.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

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

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Tillotson and Mr. President.

Mr. Balcomb having obtained leave, introduced No. 34, C. F. a bill for an act entitled an act to incorporate the Board of Trustees of the College of St. Paul.

On motion of Mr. Balcomb, the rules were suspended and the bill read a first and second time by its title and laid on the table to be printed.

On motion of Mr. Setzer the Council resolved itself into a Committee of the whole.

Mr. Balcomb in the chair, to take into consideration the contested seat of Mr. Ludden.

After some time spent therein, the Committee rose and reported the subject matter back to the House.

On motion of Mr. Setzer, the report was accepted.

Mr. Flandrau moved the Council adjourn.

And the Yeas and Nays being called for and ordered, there were Yeas 6, and Nays 8, as follows:

Those who voted in the affirmative were:

Messrs. Flandrau, Lowry, Rolette, Stone, Tillotson and Mr. President.

Those who voted in the negative were:

Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins and Setzer.

Mr. Rolette moved a call of the House.

Mr. Thompson absent. Mr. Thompson appearing in his seat,

Mr. Setzer moved that the majority report be adopted.

Mr. Flandrau moved as an amendment that the minority report be adopted:

And the Yeas and Nays being called for and ordered, there were Yeas 6, and Nays 8, as follows:

Those who voted in the affirmative were Messrs. Flandrau, Lowry, Rolette, Stone, Tillotson and Mr. President.

Those who voted in the negative were Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Rollins, Setzer, Thompson.

So the amendment was lost.

The question then recurring on the original motion, Mr. Flandrau moved that the Resolution be amended as follows :

Resolved, That M. W. McCracken is a citizen of Minnesota Territory.

Mr. Hanson moved the previous question.

The question then recurring, shall the main question now be put, it was decided in the affirmative.

The question then recurring on the original motion of Mr. Setzer, and the Yeas and Nays being called for and ordered, there were Yeas 6, and Nays 8, as follows :

Those who voted in the affirmative were Messrs. Flandrau, Lowry, Rolette, Stone Tillotson and Mr. President.

Those who voted in the negative were Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Rollins, Setzer, Thompson.

So the motion was adopted.

Mr. Setzer moved a reconsideration of the vote by which the Resolution was adopted.

Which motion was decided in the negative.

On motion of Mr. Setzer, the Council adjourned

J. B. BRISBIN,  
President.

W. COLVILLE, Secretary.

FRIDAY, FEBRUARY 1, 1856.

The Council met pursuant to adjournment.

Prayer by the Rev. Mr. Penman.

The Roll being called the following Members answered to their names:—

Messrs. Balcomb, Dooley, Flandrau, Lowry, Rollins, Setzer, Stone, Tillotson, Mr. President.

The Journal of yesterday's Proceedings was read and approved.

Mr. Flandrau presented the following petition :—

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

The petition of Levi W. Folsom, of the county of Chisago, in said Territory, respectfully represents,

That at the last general election held in the said Territory, on the 9th day of October, 1855, your petitioner was a candidate for the office of member of the Council for the 1st Council district of said Territory. That the following is a correct list of the precincts at which elections were held in the said Council district, viz:

	Precinct,	Itasca	county.
Twin Lakes	"	Superior	"
Minnesota Point	"	Doty	"
Grand Marie	"	Superior	"
Fond du Lac	"	Superior	"
French River	"	Doty	"
Lower	"	Chisago	"
Taylor's Falls	"	Washington	"
Marine Mills	"	Chisago	"
Chisago Lake	"	Chisago	"
Sunrise	"	Chisago	"

That the votes polled at the said precincts respectively, at said election for candidate for the office of member of Council, were as follows, there being three candidates, viz: John D. Ludden, Marcus W. McCracken, and your petitioner, without reference to scattering votes:

John D. Ludden,	in	Minnesota Point	precinct, received	2	votes.	
"	"	Taylor's Falls	" "	65	"	
"	"	Marine Mills	" "	49	"	
"	"	Chisago Lake	" "	41	"	
"	"	Sunrise	" "	29	"	
				186		
M. W. M'Cracken	received	in	Minnesota Point	precinct,	22	votes.
"	"	"	Grand Marie	"	51	"
"	"	"	Fond du Lac	"	18	"
"	"	"	French River	"	102	"
"	"	"	Lower precinct, Doty co.,		56	"
				Total,	249	
Levi W. Folsom	received	in	Twin Lakes	precinct,	62	votes.
"	"	"	Minnesota Point	"	55	"
"	"	"	Taylor's Falls	"	26	"
"	"	"	Marine Mills	"	42	"
"	"	"	Chisago Lake	"	21	"
				Total,	206	

That the said Marcus W. M'Cracken, who was a candidate at said election, and who received a plurality of the votes polled thereat, as above stated, was not, as your honorable body has determined, eligible to the office of member of the Council, because he was not a resident of the Territory of Minnesota, nor a qualified voter therein.

That the contest at said election was, therefore, between the said John D. Ludden and your petitioner, and your petitioner having received twenty more votes at said election than were cast for the said John D. Ludden, is entitled to a seat as member of the Legislative Council, of the 1st Council district.

That, nevertheless, the Register of Deeds of the County of Chisago, disregarding the said votes, has given a certificate of election to the said John D. Ludden, as your petitioner is informed and believed.

Wherefore, your petitioner prays that your Honorable body will, notwithstanding the said certificate of election, allow your petitioner to take the seat in your Honorable body, as the member of the House of Representatives, of the first Council District, to which he is entitled by a majority of twenty of the votes over the said John D. Ludden, as above specified.

Your petitioner also respectfully prays that a committee may be appointed to examine and determine the rights of your petitioner and the said John D. Ludden respectively in the premises.

And your petitioner will ever pray, &c.

Your petitioner annexes hereto copies of the returns of said election as the same appears in the office of the Register of Deeds of Chisago County aforesaid, and in the office of the Secretary of the Territory.

TERRITORY OF MINNESOTA. }  
County of Ramsey. }

Levi W. Folsom, being duly sworn, says that he is the petitioner named in the foregoing petition, and that the facts therein stated upon his own knowledge are true, and that the facts stated upon information and belief, he verily believes to be true.

LEVI W. FOLSOM.

Sworn to and subscribed before me the 1st day of February, 1856.

JAMES STARKEY,  
Notary Public,  
Minnesota Territory.

MINNESOTA POINT, October 18th, 1855

To the Register of Deeds for Chisago County.

Sir:—The enclosed returns of the Election in the different precincts of Superior, Doty and Itasca Counties, have been returned to me as Register of Deeds for Superior County.

I am of the opinion that they should be returned to you, as these counties are all attached to Chisago for judicial purposes, and neither of the above counties are fully organized. I have therefore put them under seal to your address. Will you please see that the official is forwarded to St. Paul immediately.

Very truly yours,

R. H. BARRETT.

The foregoing was addressed to the Register of Deeds of Chisago county.

Certificate of the Election at the precinct of Twin Lakes in the county of Itasca and Territory of Minnesota.

At an election held at the house of Samuel Cochran, in the Twin Lake precinct, in the county of Itasca, and Territory of Minnesota, on the ninth day of October, A.D. 1855, the following named persons received the number of votes annexed to their respective names, for the following described offices, to-wit:

Henry M. Rice had sixty-five (65) votes for Delegate to Congress.

Levi W. Folsom had sixty-two (62) votes for member of the Legislative Council.

Wm. W. Kingsbury had sixty-five (65) votes for member of the House of Representatives.

Certified by us,

THOMAS LENTON,

THOMAS FENNEL,

JOSEPH DOHNEY,

Judges of Election.

Attest:

ROSENEY HOGAN,

JOSEPH BUCHMAN,

Clerks of Election.

Certificate of election, Minnesota Point precinct.

At an election held at the house of G. E. Nettleton, at Minnesota Point, in the county of Superior, Territory of Minnesota, on the ninth day of October, A.D. 1855, the following named persons received the number of votes annexed to their names, for the following described offices, to wit:

Delegate to Congress—Henry M. Rice received ninety-five (95) votes; Wm. R. Marshall had five (5) votes; David Olmsted had (0) votes.

John D. Ludden had two (2) votes for Council; M. W. McCracken had twenty-two (22) votes for Council; Levi W. Folsom had fifty-five (55) votes for Council.

Wm. W. Kingsbury had ninety-six (96) votes for the House of Representatives.

Nicholas Gunny had three (3) votes for Council.

Leonard C. Howard had one (1) vote for Council.

J. B. CULVER,

ROBERT JOHNSON,

ROBERT H. MCQUAID,

Judges of Election.

Attest:

WM. NEWBURY,

P. A. VANBLARCUM,

Clerks of Election.

At an election held at the house of Richard Godfrey, in the precinct of Grand Marie, in the county of Doty, Territory of Minnesota, on the 9th day of October, A.D. 1855

the following named persons received the number of votes annexed to their respective names for the following described offices, to wit:

- Henry M. Rice had (61) sixty-one votes for Delegate to Congress.
- Wm. W. Kingsbury had (53) fifty-three votes for Representative.
- Marcus W. McCracken had (51) fifty-one votes for member of Council.
- Philip W. Godfrey had (61) sixty-one votes for sheriff of Doty county.
- Richard Godfrey had (61) sixty-one votes for commissioner of Doty county.
- Moses Dufra had (61) sixty-one votes for commissioner of Doty county.
- Robert McLane had (50) fifty votes for commissioner of Doty county.

RICHARD GODFREY,  
 MOSES DUFRA,  
 JAMES MAUD,  
 Judges of Election.

Attest:  
 PHILIP W. GODFREY,  
 JOHN WHIFFLE,  
 Clerks of Election.

Precinct of Fon du Lac, }  
 Superior County. }

At an election held at the house of Francis Rouson, the precinct of Fon du Lac in the county of Superior, Minnesota Territory, on the (9) ninth day of October, A.D. 1855, the following named persons received the number of votes annexed to their respective names for the following offices:

- Henry M. Rice had twenty-three votes for Delegate to Congress.
  - William R. Marshall had one vote for Delegate to Congress.
  - William W. Kingsbury had twenty-three votes for Representative.
  - Marcus McCracken had eighteen votes for Council.
- Poll list as follows:—Michael Shingoop, David McCormick, J. B. A. St. John, V. Strong, J. Landry, James Dennison, E. Devan, Fernando Geoley, John B. La Gond, R. B. Carlton, Joseph Y. Day, William W. West, David LaWart, E. N. Hall, John B. Gaudon, Francis Benson, John Marshman, Charles Lord, F. P. Shingoop, Terry Landry, Isador Duan, W. M. Carlton, Peter Wells, John Martin.

We certify that the above Poll list is correct.

R. B. CARLTON,  
 WILLIAM H. WEST,  
 FRANCIS ROUSSEAU,  
 Judges of Election.

Attest:  
 CHARLES LORD,  
 W. M. CARLTON,  
 Clerks of Election.

October 9th, 1855.

Precinct of French River, }  
 Superior county. }

At an election held at the house of Henry Smith in the precinct of French River in the county of Superior, and Territory of Minnesota on the (9) ninth day of October, A.D. 1855, the following named persons received the number of votes annexed to their respective names, for the following described offices, to wit:

- Henry M. Rice had (159) one hundred and fifty-nine votes for Delegate to Congress.
- Marcus W. McCracken had (102) one hundred and two votes for member of Council.

Wm. W. Kingsbury had (159) one hundred and fifty nine votes for member of Territorial Legislature.

JOHN PARRY,  
HENRY SMITH,  
JOHN SMITH,

Attest :

JOSIAH TALLMAGE,  
CHARLES SWEET,

Clerks of Election.

Certified by us as Judges of election

At an election held at the house of H. H. McCullough in the lower precinct of the county of Doty, in the Territory of Minnesota, on the ninth day of October, A.D. 1855, the following named persons received the number of votes annexed to their respective names for the following described offices, to wit:

Henry M. Rice had (56) fifty-six votes for Delegate to Congress.

Marcus W. McCracken had (56) fifty-six votes for member of the Legislative Council.

William W. Kingsbury had (56) fifty-six votes for member of the House of Representatives.

Certified by

MICHAEL COLLINS,  
JOHN LARGE,

Judges of election.

Attest:

LEWIS CHATTEN,  
LEWIS PAUL,

Clerks of Election

At an election held in the several precincts of Chisago county, Minnesota Territory, on the ninth day of October, A.D., 1855, the following named persons received the number of votes annexed to their respective names :

For member of the Legislative Council and Legislative Assembly.

For Legislative Council : John D. Ludden received at Taylor's Falls precinct, 65 votes ; at Chisago Lake precinct, 41 votes ; at Sunrise precinct, 29 votes. Levi W. Folsom received at Taylor's Falls precinct, 26 votes ; at Chisago Lake precinct, 21 votes ; at Sunrise precinct, — votes. Jesse Marks received at Taylor's Falls precinct, 1 vote ; at Chisago Lake precinct, — votes ; at Sunrise precinct, — votes. N. D. Taylor received at Taylor's Falls precinct, — votes ; at Chisago Lake precinct, 2 votes ; at Sunrise precinct, — votes.

For Legislative Assembly : Nathan C. D. Taylor received at Taylor's Falls precincts 68 votes ; at Chisago Lake precinct, 5 votes ; at Sunrise precinct, 24 votes. Francis Register received at Taylor's Falls precinct, 23 votes ; at Chisago Lake precinct, 25 votes ; at Sunrise precinct, — votes. Harris Washburn received at Taylor's Falls 1 vote ; at Chisago Lake precinct, — votes ; at Sunrise precinct, — votes. L. M. Register received at Taylor's Falls precinct, 2 votes ; at Chisago Lake precinct, 34 votes ; at Sunrise precinct, 3 votes. Levi W. Folsom received at Taylor's Falls precinct, — votes ; at Chisago Lake precinct, — votes ; at Sunrise precinct, 2 votes.

Certified to by us this 27th day of October, A.D., 1855.

THOMAS LACY, Register of Deeds.

JOHN REID,

L. H. STARK,

Justices of the Peace.

I certify the above to be a true copy the abstract of votes made by the Board of Canvassers the day and year above written.

THOMAS LACY,

Register Deeds Chisago county.

I certify the foregoing to be a true copy of the original returns on file in my office.

J. TRAVIS ROSSER,  
Secretary of M. T.

Dec. 30th, 1855.

The following letter was read:—

St. PAUL, February 1st., 1856.

To the Council of Minnesota—

Gentlemen:—The Hon. H. H. Sibley delivers the Annual Address before the Minnesota Historical Society, this evening, at 7 o'clock, in the First Presbyterian Church. His subject is "The Early Settlers of Minnesota." You are invited to attend.

Respectfully,

E. D. NEILL.

Sec. Min. Hist. Soc.

Mr. Freeborn introduced No. 35 (C. F.) A Bill to provide for laying out a Territorial Road, from Red Wing to Moss Sailors, in Faribault County,—which was read a first and second time, and laid on the table, to be printed.

Mr. Lowry gave notice that, on some future day, he would ask leave to introduce a Bill to establish Terms of Courts in Olmstead and other Counties, and for other purposes.

Mr. Flandreau introduced No. 86 (C. F.) A Bill to provide for laying out a Territorial Road, from St. Cloud to Henderson,—which was read a first and second time and laid on the table, to be printed.

Mr. Setzer gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill to incorporate a Masonic Building Association in St. Paul.

Mr. Balcomb introduced (No. 37, C. F.) a Bill for an act to amend Chapter 98 of the Revised Statutes of Minnesota, which was read a first and second time and referred to the Committee on Judiciary.

Mr. Stone gave notice that on to-morrow or some future day he would ask leave to introduce a bill to define the boundaries of Todd County, and also the location of the county seat of Todd County.

Mr. Rolette introduced (No. 38, C. F.) a bill for an act to incorporate the St. Augusta Boom Company, which was read a first and second time, and laid on the table to be printed.

On motion of Mr. Flandrau, the rules were suspended, and (No. 17, H. of R.) a bill to extend the corporate limits of the town of Henderson was taken up.

On motion of Mr. Flandrau the rules were suspended, and the bill was read a third time and passed, and its title was agreed to.

On motion of Mr. Ludden, the rules were suspended and No. 29, H. of R., was taken up, read a third time, and passed, and its title agreed to.

No. 10, H. of R.—was taken up and read a second time.

On motion of Mr. Flandrau, the rules were suspended, the memorial read a third time and passed.

A message from the House being announced, Mr. Edwards, clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—

The house have passed (No. 7, C. F.) a bill to legalize acknowledgements of conveyances as heretofore taken, before either the Supreme or District Court Clerks and Judges of Probate of this Territory.

(No. 3, C. F.)—A memorial to Congress for a grant of lands to improve the navigation of the Minnesota River, with amendments, in which the concurrence of the Council is respectfully requested.

The Speaker has signed the following bills and joint resolutions:—

Joint Resolution concerning the furnishing of information relative to the early history of Minnesota.

The House has also passed the following resolution:—

*Resolved*, That the Chief Clerk be instructed to inform the Council, that but few of their printed bills, memorials, joint resolutions, &c., are laid upon the desks of the members of this House, and that in consequence thereof, the House is unable to consider bills, memorials, joint resolutions, journals, &c., passed by the Council, and that the Council is most respectfully requested by the House to instruct their messenger to furnish the House of Representatives with printed copies of all bills, memorials, joint resolutions, journals, &c., passed by the Council.

Joint Resolution relative to the United States Land Office in the Root River Land District.

The House have passed,

(No. 42, H. of R.,) a bill to amend the Revised Statutes,

in which the concurrence of the House is respectfully requested.

No. 11, H. of R.—Memorial for certain mail routes,—was read a second time and amended.

No. 13, H. of R.—Memorial for an appropriation to improve the navigation of the Mississippi River, and for other purposes,—was read a second time.

No. 10, H. of R.—Memorial to Congress for an appropriation for the improvement of the Mississippi River, between St. Anthony Falls and Sauk Rapids,—was read a second and a third time and passed.

No. 39, H. of R.—An act to provide for laying out a Territorial Road from Winona to Owatonia,—was read a second time and referred to the Committee on Roads.

No. 32, H. of R.—An act to continue in force an act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota,—was read a second time and referred to the Committee on Territorial Affairs.

No. 85, H. of R.—Bill to incorporate the Minnesota Emigration League,—read a second time and, on motion of Mr. Ludden, it was laid on the table.

No. 25, H. of R.—A Bill for an act to incorporate the Watab Bridge Company,—was read a second time.

No. 27, H. of R.—An act to amend an act in relation to Justices of the Peace,—was read a second time and referred to the Committee on Judiciary.

No. 23, H. of R.—A Bill granting to George Houghton and Christopher Davis the right to establish and maintain a ferry across the Mississippi River,—was read a second time and referred to the committee on Internal Improvements.

No. 26, H. of R.—A Bill granting to J. B. Shaw the right to maintain a ferry across the Mississippi River at or near the mouth of Rum River,—was read a second time and referred to the committee on Internal Improvements.

No. 18, H. of R.—A Bill to amend an act entitled an act to define the boundaries of certain counties,—was read a second time and referred to the committee on Internal Improvements.

On motion of Mr. Baleomb,

The Council resolved itself into Committee of the Whole, Mr. Flandrau in the Chair, having under consideration,

(No. 31, C. F.,) a bill to incorporate the Huidacooper Institute,

And (No. 28, C. F.,) a bill to organize the Winona Boom Company.

After sometime being spent therein the Committee rose, and reported the bills back to the Council with amendments and recommend they be passed.

On motion of Mr. Ludden,

The report was accepted.

On motion of Mr. Setzer, (No. 29, C. F.,) was referred to the Committee on Incorporations.

On motion of Mr. Flandrau,

The amendments reported by the Committee of the Whole was adopted.

(No. 31, C. F.,) was ordered to be engrossed and read a third time.

On motion of Mr. Flandrau,

The Council resolved itself into a Committee of the Whole, Mr. Ludden in the Chair, having under consideration (C. F. No. 32;) a bill to amend an act entitled "An act to incorporate the City of St. Paul, Ramsey county, Minnesota Territory."

After some time being spent therein the Committee rose and reported the bill back to the Council with amendments.

On motion of Mr. Balcomb,

The report was accepted and amendments adopted, and the bill was ordered to be engrossed and read a third time.

Mr. Freeborn, from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

(No. 17, H. of R.,) an act to extend the corporate limits of the town of Henderson.

WM. FREEBORN,  
WM. B. GERE, H. of R., } Committee.

Mr. Flandrau moved,

That the Council now go into election of permanent Sergeant at Arms.

And the Yeas and Nays being called for and ordered, there were Yeas 4, and Nays 6, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, and Rollins.

Those who voted in the negative were:

Messrs. Lowry, Ludden, Setzer, Stone, Tillotson, and Mr. President.

So the motion was lost.

Mr. Lowry gave notice,

That on to-morrow, or some future day he would ask leave to introduce a bill to incorporate a Milling Company for the purpose of improving the falls of Zumbros.

Mr. Dooley introduced,

A remonstrance of Geo. A. Overton, and 50 others against granting a ferry charter R. G. Murphy.

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

The Remonstrance of the Undersigned, Citizens of Scott and Hennepin Counties, respectfully represents to your Honorable Body:

That, Whereas, one Richard Murphy has petitioned your Honorable Body, for the grant of a charter for a Ferry, across the Minnesota River: and, whereas said Murphy is not a riparian proprietor on said River, and is not sole and exclusive owner, or part owner of any parcel or tract of land, where he asks to have such Ferry established; and, whereas, G. G. Griswold is sole and exclusive owner, and riparian proprietor of that tract and parcel of land on north side of the said Minnesota River, where, necessarily, there must be a landing place for such Ferry, and through which there must be access and egress, to and from any Ferry established at the place or points now known as Murphy's Ferry, and where said Murphy is now soliciting your Honorable Body, for a charter to establish a Ferry; and, whereas it does not seem just and equitable to grant to one who is not a riparian proprietor, a franchise for a Ferry, against the interests of those who are riparian proprietors, unless the overbalancing interest of the public absolutely require it: Therefore, The Undersigned citizens, of Scott and Hennepin Counties, remonstrate against the granting, by your Honorable Body, of a charter for a Ferry, to said Murphy, as he has petitioned your Honorable Body to do; and pray that a charter may not be granted to him,—but if the public interest and convenience require a Ferry at the place and points herein referred to, the charter for one may be granted to Gilbert

G. Griswold, a freeholder, in the county of Hennepin, and the riparian proprietor herein mentioned.

GEORGE A. J. OVERTON,  
And fifty others.

Mr. Flandrau presented the following resolution :

That the Committee on Legislative Expenditures be instructed to allow M. W. McCracken his per diem, during the time he has been engaged in contesting the seat of John D. Ludden, and his travel, amounting to four hundred miles. The resolution was accepted.

Mr. Flandrau moved that the election of permanent Sergeant-at-Arms be made the special order of the day for Monday.

On motion of Mr. Lowry, the Council adjourned until Monday, at 10 o'clock.

JNO. B. BRISBIN, President.

W. COLVILLE, Secretary.

MONDAY, FEBRUARY 4, 1856.

The Council met pursuant to adjournment.

Prayer by the Rev. Mr. Penman.

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

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Lowry, Ludden, Rollins, Setzer, Stone, Tillotson, and Mr. President.

Journal of Saturday's proceedings was read and approved.

Mr. Balcomb introduced,

A petition from P. S. Follett, and 150 others, praying for the county seat of Wabashaw county to be located at Wabashaw village, and

On motion of Mr. Balcomb,

Was referred to the committee on Judiciary.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message :

MR. PRESIDENT :—The House has passed the following bills :

No. 14, H. of R., a bill to provide for laying a Territorial road from the Iowa line to Farribault ; also,

No. 16, H. of R., a bill to provide for laying out a Territorial road from some point near Le Senr, to the old Sioux crossing ; also,

No. 40, H. of R., a bill granting an extension of time to the North Western and Minnesota Railroad Company.

The Speaker has also signed (bill No. 17, H. of R.) a bill to extend the corporate limits of the town of Henderson.

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

H. L. EDWARDS,  
Chief Clerk, H. of R.

And then withdrew.

Mr. Flandrau presented,

A Remonstrance of the citizens of Steele county against any alteration of the county lines.

On motion of Mr. Flandrau,

Was referred to the committee on Internal Improvements.

Mr. Rolette introduced,

No. 3, C. F., a Joint resolution of the two Houses, relative to estimates for the expenses of the present session.

Mr. Setzer moved,

The rules be suspended, and the Joint resolution (No. 3, C. F.) read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 2, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Ludden, Rollins, Rolette, Setzer Stone, and Tillotson—10.

Those who voted in the negative were,

Mr. Lowry, and Mr. President.

So the motion prevailed.

Mr. Setzer introduced,

No. 39, C. F., a bill to amend an act, entitled an act to incorporate the city of Stillwater.

The rules were suspended, and the bill read a first and second time by its title and laid on the table to be printed.

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

No. 31, C. F., a bill to incorporate the Huidacooper Institute.

No. 32, C. F. an act to amend an act entitled "an act to incorporate the city of St. Paul, Ramsey county, Minnesota Territory," correctly engrossed.

Mr. Ludden from the committee on Incorporations, reported back to the Council,

No. 25, H. of R., with a substitute ; and (No. 15, C. F.)

Mr. Lowry from the committee on Territorial affairs, reported back to the Council,

No. 33, H. of R., without amendment.

No. 14, H. of R., was read a first time.

No. 16, H. of R., was read a first time,

And referred to the committee on Territorial roads.

No. 40, H. of R., was read a first time and referred to the committee on Incorporations.

No. 41, H. of R., was read a first time and referred to the committee on Judiciary.

No. 3, C. F., as amended by the H. of R., was read.

On motion of Mr. Flandrau, the amendments were adopted.

Mr. Flandrau moved a call of the House.

Messrs. Bailly, Hanson, Ludden, Setzer, Stone and Thompson, were reported absent.

On motion of Mr. Setzer, the further call was dispensed with.

No. 31, C. F., a bill to incorporate the Huidacooper Institute, was read a third time, and passed, and its title agreed to.

No. 32, C. F., an act to amend an act, entitled an act to incorporate the city of St. Paul, Ramsay county, Minnesota Territory, was read a third time and passed, and its title agreed to.

The substitute to

No. 25, H. of R., as reported by the committee on Incorporations, was taken up, and on motion of Mr. Ludden, the substitute was adopted and passed, and its title agreed to.

No. 33, H. of R., an act to continue in force an act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota, was read, and on motion of Mr. Setzer, was referred to the committee of the whole.

No. 11, H. of R., a memorial for certain mail routes, was read a third time and passed, and its title agreed to.

No. 4, H. of R., a bill to incorporate the Minnesota Life, Fire, and Marine Insurance Company, was read a third time.

On motion of Mr. Setzer,

The bill was ordered to be referred to the Committee of the Whole.

No. 4, H. of R., a memorial to the Postmaster General, for an additional mail route, was read a third time, the amendments adopted, and the memorial passed, and its title agreed to.

No. 9, H. of R., a memorial to the Postmaster General of the United States, to establish a mail route from Hamilton to Shakopee, was read a third time and passed, and its title agreed to.

No. 11, H. of R., a bill to provide for laying out a Territorial road from St. Cloud to Pembina, was read a third time and passed, and its title agreed to.

No. 8, H. of R., a memorial to the Postmaster General, for a mail route from St. Paul to West Union, in Iowa, was read a third time and passed, and its title agreed to.

No. 28, H. of R., a bill to authorize G. A. Bilcourt, to erect and maintain a dam across the Pembina river, was read a third time and passed, and its title agreed to.

A message from the House being announced, Mr. Edwards, Clerk thereof, appeared and delivered the following :

MR. PRESIDENT :—The House has passed the following resolution :

*Resolved*, (the Council concurring) That the committee on Public Buildings, be and are hereby instructed to visit and inspect the Public Buildings and report to the House of Representatives and Council as soon as convenient.

H. L. EDWARDS,

Chief Clerk, H. of R.

No. 10, H. of R.—A bill to provide for laying out a Territorial Road from Wabashaw to Austin, Mower county, was read a third time and passed, and its title agreed to.

No. 5, H. of R.—A memorial to Congress for an appropriation for the construction of a mail route from Lake Superior to the Little Falls, was read a third time and passed and its title agreed to.

No. 3, H. of R.—Was read a third time and referred to a special committee of three, which committee was composed of Messrs. Setzer, Ludden and Flandrau.

No. 2, H. of R.—A memorial, was read a third time and passed, and its title agreed to.

No. 7, H. of R.—A memorial, was read a third time and passed and its title agreed to.

Mr. Rolette, from the Joint Committee on Enrolled Bills made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly engrossed the following bills, memorials, and joint resolutions :

No. 7, C. F.—A bill for an act to legalize acknowledgments of conveyances heretofore taken before either the Supreme or District Court Clerks and Judges of Probate of this Territory.

JOS. ROLETTE, Council.

WM. B. GERE, H. of R.

Mr. Setzer having obtained leave introduced (No. — C. F.) a bill to incorporate the Masonic Building Association.

Mr. Freeborn gave notice that on to-morrow or some future day he would ask leave to introduce a bill to amend an act entitled an act to amend section 16 article 8 of the Revised Statutes.

Mr. Rolette offered the following resolution:

Whereas at the last session of Congress the sum of \$20,000 was appropriated to defray the expenses of the present session of the Legislative Assembly, and

Whereas one half of the session has passed and the Secretary of the Territory is still without funds to pay either mileage or per diem to members and officers of the two Houses, and

Whereas it is believed that through a violation of duty on the part of the Secretary alone could he be without funds to pay a portion of the expenses of this Legislative Assembly, therefore,

*Resolved.* That a committee of three be appointed by the chair to wait upon the Secretary of the Territory, and enquire the cause of the delay in the receipt of the funds appropriated to defray the expenses of this session of the Legislative Assembly, and report his answer to the Council.

On motion of Mr. Rolette the resolution was adopted.

The President appointed Messrs. Rolette, Rollins and Lowry.

On motion of Mr. Rolette the Council adjourned until two o'clock this afternoon.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

A quorum being present a message from the House being announced, Mr. Edwards, clerk thereof appeared and delivered the following message:

Mr. President,

The House of Representatives has instructed me to inform you that they are now ready to meet in Joint Convention in the Hall of Representatives pursuant to adjournment.

H. L. EDWARDS,  
Chief Clerk.

Mr. Rollins moved a call of the House.

Mr. Setzer moved,

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

And the Yeas and Nays being called for and ordered, there were Yeas 5, and Nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Ludden, Rollins, Setzer, Tillotson, and Mr. President—5.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Freeborn, Rolette, and Stone—5.

So the motion was lost.

The Sergeant-at-Arms was instructed to require the attendance of Messrs. Flandrau and Lowry.

Mr. Balcomb moved a reconsideration of the vote.

Which motion prevailed.

On motion of Mr. Balcomb the further proceedings under the call of the Council was dispensed with, and the Council adjourned to meet the House in Joint convention.

#### JOURNAL OF THE JOINT CONVENTION.

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

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

Messrs. Balcomb, Dooley, Freeborn, Rollins, Rolette, Setzer, Stone, Tillotson, Mr. President, Bradley, Buck, Burdick, Cleaveland, Covel, DeLaVergne, Dunbar, Farnham, Galbraith, Gere, Gibbs, Grant, Hartenbower, Hubbell, Hull, Hunt, Ide, Jackman, Johnson, Knauft, Lott, McLeod, Murphy, Nobles, Norris, Pierce, Sturgis, Taylor, Thompson, Thorndike, Van Vorhes, Wilkinson, Wilson, and Mr. Speaker.

Journal of the last Joint Convention was read and approved.

Mr. Rollins presented the petition of Thomas Hanson, and 178 others for the re-election of D. Stanchfield for the office of Surveyor General, in the Second District.

Mr. Burdick moved that the convention proceed to elect a Surveyor General, for the Second District.

Mr. Rolette moved to amend for the First District.

Which amendment was carried.

The question then recurring on the adoption of the motion as amended, it was agreed to.

Mr. Rolette nominated J. B. Dixon.  
 Setzer                      Mr. Black.  
 Jackman                    Robert Hasty.  
 " Hunt                      " Black Dixon.

The clerk then proceeded to call the roll, and the members voted as follows:

Messrs. Balcomb, Dooley, Bradley, Cleaveland, Farnham, Galbraith, Gibbs, Ide, Jackman, Knauff, Nobles, Pierce, Taylor, Thompson, Thorndike, and Van Vorhes, were those who voted for Mr. Hasty.

Messrs. Freeborn, Ludden, Rollins, Setzer, Tillotson, Mr. President, Gere, Johnson, Lott, Murphy, Norris, and Mr. Speaker, were those who voted for Mr. Black.

Messrs. Rolette, Stone, Burdick, Covell, DeLaVergne, Dunbar, Grant, Hartenbower, Hubbell, Hull, Hunt, McLeod, Sturgis, Wilkinson, and Wilson, were those who voted for Mr. Dixon. Whole number of votes cast, 44—necessary to a choice, 23.

Mr. Dixon received 15 votes; Mr. Black received 12 votes; Mr. Hasty received 16 votes; Mr. Black Dixon received 1 vote. The Speaker announced that no choice had been made.

The convention then proceeded to a second ballot, with the following result: Messrs. Balcomb, Dooley, Bradley, Buck, Cleaveland, Farnham, Galbraith, Gibbs, Ide, Jackman, Knauff, Nobles, Pierce, Taylor, Thompson, Thorndike and Van Vorhes, were those who voted for Mr. Hasty.

Messrs. Freeborn, Ludden, Rollins, Setzer, Tillotson, Mr. President, Gere, Johnson, Lott, Murphy, Norris, Mr. Speaker, were those who voted for Mr. Black.

Messrs. Rolette, Stone, Burdick, Covell, DeLaVergne, Dunbar, Grant, Hartenbower, Hubbell, Hull, Hunt, McLeod, Sturgis, Wilkinson and Wilson, were those who voted for Mr. Dixon. Whole number of votes cast, 44—necessary to a choice, 23.

Mr. Dixon received 15 votes, Mr. Black 12 votes, Mr. Hasty 17 votes. The Speaker declared that no choice had been made.

The Convention then proceeded to a third ballot with the following result:

Messrs. Balcomb, Dooley, Ludden, Bradley, Buck, Cleaveland, Farnham, Galbraith, Gibbs, Ide, Jackman, Knauff, Nobles, Pierce, Taylor, Thorndike, and Van Vorhes, voted for Hasty.

Messrs. Freeborn, Rollins, Setzer, Tillotson, President, Gere, Johnson, Hunt, Lott, Murphy, Norris, Thompson, and Speaker, voted for Black.

Messrs. Rolette, Burdick, Covell, DeLaVergne, Dunbar, Grant, Hartenbower, Stone, Hubbell, Hull, McLeod, Sturgis, Wilkinson, and Wilson, voted for Dixon.

Whole number of votes cast 44.

Necessary to a choice 23.

Mr. Dixon received 12 votes; Mr. Black 13, and Mr. Hasty 17.

The Speaker declared that no choice had been made.

The House then proceeded to a fourth ballot as follows:

Messrs. Balcomb, Dooley, Ludden, Rolette, Stone, Bradley, Buck, Burdick, Cleaveland, Covell, Farnham, Galbraith, Gibbs, Grant, Ide, Jackman, Knauff, McLeod, Nobles, Pierce, Taylor, Thompson, Thorndike, Van Vorhes, and Wilson were those who voted for Mr. Hasty.

Messrs. Freeborn, Rollins, Setzer, Tillotson, Mr. President, Dunbar, Gere, Hartenbower, Hubbell, Hull, Hunt, Johnson, Lott, Murphy, Norris, Sturgis, Wilkinson, and Mr. Speaker, were those who voted for Mr. Black.

Mr. DeLaVergne voted for Mr. Dixon.

Whole No. of votes cast 44.

Necessary to a choice 23.

Mr. Dixon received 1 vote, Hasty 25, Black 18.

The Speaker declared that Robert Hasty had received a majority of all the votes cast and was duly elected Surveyor of Logs and Lumber of the first District.

Mr. Wilkinson moved that the Convention proceed to elect a Surveyor for 2nd District, which motion was adopted.

Mr. Farnham nominated Daniel Stanchfield,  
Mr. Lott nominated F. E. Collins.

And the convention proceeded to vote as follows :

Messrs. Balcomb, Dooley, Ludden, Rollins, Rolette, Stone, Bradley, Buck, Burdick, Cleaveland, Covell, Dunbar, Farnham, Galbraith, Gere, Gibbs, Grant, Hartenbower, Hubbell, Hull, Hunt, Ide, Jackman, McLeod, Murphy, Norris, Pierce, Sturgis, Taylor, Thompson, Thorndike, Van Vorhes and Wilson, were those who voted for Stanchfield.

Messrs. Freeborn, Setzer, Tillotson, Mr. President, DeLaVergne, Johnson, Knauff, Lott, Nobles, Wilkinson and Mr. Speaker, voted for Collins.

Whole number of votes cast 44—necessary to a choice 23. Stanchfield received 33 votes, Collins 11 votes. The Speaker declared that Daniel Stanchfield having received a majority of all the votes cast, was duly elected.

Mr. Setzer moved that the convention now proceed to elect Surveyor General of the third District. Which motion was adopted.

Mr. Freeborn nominated Wm. Lauvre. Mr. Burdick nominated J. B. Dixon. Mr. Buck nominated H. D. Huff.—and the convention proceeded to ballot, with the following result :

Messrs. Balcomb, Dooley, Rollins, Bradley, Buck, Cleaveland, Galbraith, Gibbs, Holland, Ide, Jackman, Murphy, Norris, Pierce, Taylor, Thorndike, and Van Vorhes, voted for Huff.

Messrs. Freeborn, Ludden, Setzer, Stone, Tillotson, President, DeLaVergne, Hubbell, and Speaker, voted for Lauvre.

Messrs. Rolette, Burdick, Covell, Dunbar, Farnham, Gere, Grant, Hartenbower, Hull, Hunt, Johnson, Knauff, Lott, McLeod, Nobles, Sturgis, Thompson, Wilkinson and Wilson, voted for Dixon.

Whole number of votes cast, 45 ; necessary to a choice, 23. Mr. Lauvre received 9 votes ; Mr. Dixon, 19 ; Mr. Huff, 17.

The Speaker decided that no choice had been made, and the Convention proceeded to a second ballot, with the following result :

Messrs. Balcomb, Dooley, Rollins, Bradley, Buck, Cleaveland, Dunbar, Farnham, Gibbs, Holland, Hubbell, Ide, Jackman, Knauff, Murphy, Nobles, Norris, Pierce, Taylor, Thorndike and Van Vorhes, voted for Huff.

Messrs. Freeborn, Rolette, Setzer, Stone, Burdick, Covell, DeLaVergne, Gere, Grant, Hartenbower, Hull, Johnson, McLeod, Sturgis, Thompson, Wilkinson, Wilson and Speaker, voted for Dixon.

Messrs. Ludden, Tillotson, President, Galbraith, Hunt and Lott, voted for Lauvre.

Whole number of votes cast, 45 ; necessary to a choice, 23. Mr. Dixon received 18 votes ; Mr. Lauvre received 6 ; Mr. Huff received 21.

The Speaker decided that no choice had been made, and upon motion, the Convention then proceeded to a third ballot, as follows :

Messrs. Balcomb, Dooley, Rollins, Bradley, Buck, Cleaveland, Galbraith, Gibbs, Ide, Jackman, Knauff, Murphy, Nobles, Norris, Pierce, Taylor, Thorndike, and Van Vorhes, were those who voted for Mr. Huff.

Messrs. Freeborn, Setzer, Tillotson, Farnham, Hubbell, and Mr. President, were those who voted for Mr. Lauvre.

Messrs. Rolette, Stone, Burdick, Covell, DeLaVergne, Gere, Grant, Hartenbower, Holland, Hull, Hunt, Johnson, Lott, McLeod, Sturgis, Thompson, Wilkinson, Wilson, and Speaker, were those who voted for Mr. Dixon.

Mr. Dunbar voted for Langford.

Whole number of votes cast—44.

Necessary for a choice—23.

Mr. Dixon received 19, Mr. Lauvre received 6, Mr. Huff received 18, and Mr. Langford received 1.

The Speaker decided that no choice had been made, and the convention proceeded to a fourth ballot as follows :

Messrs. Balcomb, Dooley, Rollins, Bradley, Buck, Cleaveland, Farnham, Gibbs, Holland, Ide, Jackman, Knauff, Murphy, Norris, Pierce, Taylor, Thorndike, and Van Vorhes, were those who voted for Huff.

Messrs. Freeborn, Rolette, Stone, Tillotson, Mr. President, Burdick, Covell, DeLaVergne, Dunbar, Galbraith, Gere, Grant, Hartenbower, Hubbell, Hull, Hunt, Johnson, Lott, McLeod, Nobles, Sturgis, Thompson, Wilkinson, Wilson, and Mr. Speaker, were those who voted for Dixon.

Mr. Setzer voted for Lauvre.

Whole number of votes cast—44.

Necessary for a choice—23.

Mr. Dixon 25, Mr. Lauvre 1, Mr. Huff 18.

Mr. Dixon having received a majority of all the votes cast, the Speaker declared that J. B. Dixon was duly elected surveyor of logs and lumber for the third district.

Mr. Sturgis moved that the convention now proceed to ballot for Surveyor General of the fourth District. Which motion was adopted.

Mr. Sturgis nominated David P. Chapman. Mr. Rollins nominated John D. Pue.

Mr. Buck moved that the convention now adjourn. Which motion was lost.

Mr. Sturgis moved that the convention now adjourn until next Monday, at 2 o'clock, P. M.

And the yeas and nays being called for and ordered, there were yeas 30, and nays 10, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Freeborn, Rolette, President, Bradley, Buck, Cleaveland, Covell, DeLaVergne, Dunbar, Farnham, Gere, Gibbs, Grant, Hartenbower, Holland, Hubbell, Hull, Hunt, Ide, Knauff, McLeod, Murphy, Norris, Pierce, Sturgis, Thompson, Wilson, Mr. Speaker—30.

Those who voted in the negative were,

Messrs. Rollins, Setzer, Stone, Burdick, Galbraith, Jackman, Lott, Nobles, Van Vorhes, Wilkinson—10.

So the convention adjourned until Monday next, at 2 o'clock P. M.

Returned from the House.

Mr. Ludden introduced the following resolution :

*Resolved*, That all bills now pending or that may come before the Council, relating to Ferries or Roads shall be referred to a select committee of three, which committee are hereby instructed to report on the same two weeks from Wednesday next, after which time no bill shall be entertained relating to Ferries or Roads during the present session.

*Resolved*, That all bills now pending, or that may come before the Council relating to amending the statutes or laws of this Territory shall be referred to the committee on Judiciary, who are hereby instructed to report on the same two weeks from Wednesday next.

On motion of Mr. Rolette the resolution was adopted, and Messrs. Ludden, Flandrau and Setzer, were appointed said Committee.

Mr. Setzer gave notice of the introduction of a bill to repeal an act providing for the survey of logs and lumber in Minnesota Territory.

Mr. Freeborn from the committee on Internal Improvements, reported back to the Council (No. 26, H. of R.,) and (No. 23, H. of R.,) without amendment.

Mr. Balcomb having obtained leave, introduced (No. 41, C. F.,) an act for a Territorial road from Minneapolis to Glencoe, and

No. 42, C. F., an act to provide for laying out a Territorial road from Winona to Wabashaw, and from Winona to the Iowa line, which were read a first and second time and laid on the table to be printed.

Mr. Ludden from the committee on incorporations, reported back to the Council (No. 28, C. F., with amendments.

Mr. Freeborn from the committee on Internal Improvements, reported back to the Council No. 1, H. of R., a memorial without amendments.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills :

No. 39, H. of R.—An act to provide for the survey of logs and lumber in Minnesota Territory.

JOS. ROLETTE, Council. } Committee.  
WM. B. GERE, H. of R. }

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report :  
That they have presented to his Excellency the Governor the following bills and joint resolutions for his signature :

No. 1, H. of R.—A joint resolution concerning the furnishing of information relative to the early history of Minnesota.

No. 2, H. of R.—Joint Resolution—relative to the United States Land Offices in the Root River Land District.

No. 17, H. of R.—An act to extend the corporate limits of the town of Henderson.

JOS. ROLETTE, Council. } Committee.  
WM. B. GERE, H. of R. }

On motion of Mr. Rolette, the Council adjourned.

Attest:

W. COLVILLE, Clerk.

JNO. B. BRISBIN,  
President.

TUESDAY, FEBRUARY 5, 1856.

The Council met pursuant to adjournment, and was called to order by the President.  
Prayer by the Rev. Mr. Penman.

A quorum being present, the Journal of yesterday's proceedings were read and approved, according to previous notice.

Mr. Stone introduced No. 43, C. F., a bill for an act to locate a Territorial Road from Fort Ripley to Fort Ridgley.

On motion of Mr. Balcomb,

It was read a first and second time by its title, and referred to the Committee that was appointed yesterday.

No. 12, H. of R.—A memorial for an appropriation to improve the navigation of the Mississippi river, and for other purposes, was read a third time and passed, and its title agreed to.

No. 14, H. of R., an act to provide for laying out a Territorial road from the Iowa line past Austin, Owatonia, Faribault, to the Dodd road.

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

No. 20, H. of R.—An act granting to A. B. Shaw the right to establish a Ferry across the Mississippi river, at or near the mouth of Rum river. Referred to a committee.

No. 1, H. of R.—A memorial to Congress for an appropriation of \$15,000, for the construction of a road across the Mississippi bottoms, on the Wisconsin side, opposite the town of Brownsville, in the county of Houston, Minnesota Territory, was read.

And the yeas and nays being called for and ordered, there were yeas 2, and nays 8, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb and Tillotson—2.

Those who voted in the negative were,

Messrs. Bailly, Dooley, Freeborn, Lowry, Rollins, Setzer, Stone and Mr. President—8.

So the bill was lost.

No. 28, C. F.—To organize the Winona Boom Company, as amended, was taken up and the amendments were adopted, and the bill ordered to be engrossed and read a third time.

No. 15, C. F.—A bill to incorporate the Rum River Log Driving Company, as amended, was taken up, and the amendments were adopted, and the bill was ordered to be engrossed and read a third time.

No. 27, C. F., an act to legalize and confirm certain elections, as amended, was taken up, and the amendments were adopted, and the bill was ordered to be engrossed and read a third time.

Mr. Ludden from the committee on Incorporations, reported back to the Council,

No. 4, C. F., No. 19, H. of R., No. 2, H. of R., No. 24, H. of R.

On motion of Mr. Setzer, the bills reported by Mr. Ludden, were referred to the special committee that was appointed yesterday.

On motion of Mr. Balcomb, the Council resolved itself into a Committee of the Whole, Mr. Setzer in the chair, having under consideration (No. 30, C. F.) a bill for an act to incorporate the Winona and LaCrosse Railroad Company, and

No. 34, C. F., an act to incorporate the board of Trustees of the College of St. Paul.

After some time being spent therein, the committee rose and reported back to the Council the bills without amendment.

On motion of Mr. Setzer, the report was accepted.

No. 34, C. F., was ordered to be engrossed and read a third time.

On motion of Mr. Setzer, No. 30, C. F., was referred to the committee on Internal Improvements.

Mr. Rolette from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills, have examined and found correctly enrolled the following memorial:

No. 3, C. F., memorial to Congress for a grant of lands to improve the navigation of the Minnesota river.

Jos. ROLETTE, Council, }  
Wm. B. GERZ, H. of R. } Committee.

Mr. Freeborn having obtained leave introduced (No. 44, C. F.) a bill to amend Sec. 16, article 8, of the Revised Statutes.

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

Mr. Setzer moved the Council now proceed to the election of Sergeant at Arms.

Which motion prevailed.

Mr. Rolette moved a call of the House.

Messrs. Flandrau, Hanson, Thompson, and Lowry were absent.

Mr. Setzer moved the further proceeding under the call of the House be dispensed with.

Which motion prevailed.

Mr. Setzer nominated Isaac R. Wright; Mr. Rolette nominated Lewis Clark; Mr. Rollins nominated Richard Walker, on the first ballot:

Messrs. Bailly, Balcomb, Dooley and Mr. Rollins were those who voted for Walker.

Messrs. Freeborn, and Setzer were those who voted for Wright.

Messrs. Lowry, Rolette, Stone, Tillotson and Mr. President were those who voted for Clark.

Necessary for a choice 6.

Mr. Walker received 4 votes; Mr. Wright, 2; Mr. Clark, 5.

No choice.

On the second ballot,

Messrs. Bailly, Balcomb, Dooley, and Rollins, voted for Mr. Walker.

Messrs. Freeborn and Setzer voted for Mr. Wright.

Messrs. Lowry, Ludden, Rolette, Stone, Tillotson, and Mr. President, voted for Mr. Clark.

Necessary for a choice, 7.

Mr. Walker received 4 votes; Mr. Wright, 2; Mr. Clark, 6.

No choice.

On the third ballot.

Messrs. Bailly, Balcomb, Dooley, and Rollins, voted for Mr. Walker.

Messrs. Freeborn, Ludden, and Setzer, voted for Mr. Wright.

Messrs. Lowry, Rolette, Stone, Tillotson and Mr. President, voted for Mr. Clark.

Necessary to a choice, 7.

Mr. Walker received 4 votes; Mr. Wright, 3; Mr. Clark, 5.

No choice.

On the fourth ballot.

Messrs. Bailly, Balcomb, Dooley, and Rollins, voted for Mr. Walker.

Messrs. Freeborn, Ludden and Setzer, voted for Mr. Wright.

Messrs. Lowry, Rolette, Stone, Tillotson and Mr. President, voted for Mr. Clark.

Necessary for a choice, 7.

Mr. Walker received 4 votes; Mr. Clark, 5; Mr. Wright, 3.

No choice.

On the fifth ballot,

Messrs. Bailly, Balcomb, Dooley and Ludden, voted for Mr. Walker.

Messrs. Freeborn and Setzer voted for Mr. Wright.

Messrs. Lowry, Rolette, Stone, Tillotson and Mr. President, voted for Mr. Clark.

Necessary for a choice, 7.

Mr. Walker received 5 votes.

Mr. Clark received 5 votes.

Mr. Wright received 2 votes.

No choice.

On motion of Mr. Lowry the Council adjourned.

JOHN B. BRISBIN, President

W. COLVILLE, Secretary.

WEDNESDAY, FEBRUARY 6, 1856.

The Council met pursuant to adjournment, and was called to order by the President.

A quorum was present.

The Journal of yesterday's proceedings was read and approved.

Mr. Flandrau presented several petitions from the citizens of Blue Earth and Le Sueur counties, in regard to their county lines.

Which were referred to the committee on Internal Improvements.

The following communication from the Secretary of the Territory was read:

SECRETARY'S OFFICE,  
St. Paul, Feb. 5th, 1856. }

To the Hon. John B. Brisbin, President of the Council:

SIR:—My attention has been called to the following resolutions, which were passed by the Council on yesterday:—

Mr. Rolette introduced the following resolution which was adopted:

WHEREAS, At the last session of Congress, the sum of \$20,090 was appropriated to defray the expenses of the present session of the Legislative Assembly; and

WHEREAS, One-half of the session has passed, and the Secretary of the Territory is still without funds to pay either mileage or per diem to members and officers of the two Houses; and

WHEREAS, It is believed that through a violation of duty on the part of the Secretary alone, could he be without funds to pay a portion of the expenses of this Legislative Assembly; therefore,

Resolved, That a committee of three be appointed by the Chair to wait upon the Secretary of the Territory, and inquire the cause of the delay in the receipt of the funds appropriated to defray the expenses of this session of the Legislative Assembly, and report his answer to the Council.

Messrs. Rolette, Rollins, and Lowry, were appointed as such committee.

Mr. Rolette introduced the following resolution:

Resolution of the two Houses, relative to estimates for the expenses of the present session.

WHEREAS, The Representation, in the two Houses of the Legislative Assembly, has been greatly increased, under the provisions of the Organic Act of the Territory; and

WHEREAS, It is confidently believed that the Secretary of the Territory, in gross violation of duty, has neglected to make out estimates to cover the additional expenses of the present session, as well as the additional expenses of the next session, as required by law; therefore,

Resolved, (the House of Representatives concurring,) That the committees on Legislative Expenditures, in the two Houses, be instructed to make an estimate of the expenses of the present session of the Legislative Assembly, and forward the same to our Delegate in Congress, with the request that he use his exertions to obtain an appropriation for such an amount as will cover the deficiency in those expenses, and a proportionate amount to defray the expenses of the next Legislative Assembly.

On motion, the resolution was read a third time and passed.

It would seem that my explanations to the members of your body have not been satisfactory, in relation to the funds for defraying the expenses thereof.

It is always a pleasure to me to make any explanations about my official business to those who have a right to inquire and know its condition, and even to gratify those whose curiosity may prompt interrogations in matters of any kind. I beg leave, therefore, to say that in the beginning of the fall of 1854, I forwarded to the proper officer of the Treasury Department of the United States, estimates for the current expenses of the Minnesota Legislature, amounting to *thirty* thousand dollars. This estimate of course, even if approved by the Secretary of the Treasury, could not have been acted on by Congress, until the last session. I find by the General Appropriation Bill, which passed, and was approved by the President, on the 3d of March, 1855, that the sum of *twenty* thousand dollars only was appropriated for "compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses." It is thus manifested to all, who desire to examine the facts, before they arraign, try and condemn a public officer, that when the last appropriation was made, Congress could not have anticipated the increase of the number of members of the Minnesota Legislature as the act of your body did not pass until the second day of March, 1856, just one day before the Act of Congress was passed, making the appropriation for the fiscal year,

ending the 30th of June, 1856. How did Congress or any body else know, that your body would pass an Act increasing the number of members from twenty-seven to fifty-three?

If your honorable body has concluded that I am gifted with the power of fore-knowledge, so very extraordinary as to foretell precisely what acts the Minnesota Legislature will or will not pass, and to make estimates on such extraordinary gifts, they are doomed to disappointment, as I have failed to be a medium of the spirits—it is questionable whether *they* could tell. And there is no earthly chance for your honorable body to arraign, try and condemn me for “gross violation of duty,” in regard to the amount appropriated, unless you insist on my possessing this wonderful capacity.

In my estimates last fall, I of course, made provision for the increased expenditure and no doubt a special appropriation, to meet said increase, would have been made before this, but for the failure of the House of Representatives to organize at the usual time.

Your honorable body are not ignorant of the fact, that appropriations are made by Congress for the civil administration of the Government, always one year in advance; and had last session been the long one, the law increasing the members of the Legislature of Minnesota could have been laid before Congress, and provision made for this emergency; but as it adjourned on the 4th of last March, as did your body, it was utterly out of the question for any appropriation to be made, as the exigency required.

I may here say, that I have reserved out of the present appropriation, more than enough to pay the mileage and per diem of the members and officers of the present Legislature, and for which, as stated hereafter, I have already drawn.

I am surely not dealing with children, that would make it necessary for me to give more than this bare statement of facts. It has not escaped my observation, that your honorable body have appointed a committee, (in a parenthesis, it may be proper for me to say, that two of the committee have informed me that they would not serve on *such* a committee, and the chairman has neither spoken or written to me on the subject,) to wait upon me and “enquire the cause of the delay in the receipt of the funds appropriated to defray the expenses of this session,” and to report my answer to the Council.

My answer is, that nothing but a miscarriage of my requisition, which was forwarded in *due season*. As soon as I learned from the proper officer that the same had not been received, I forwarded *another*, the answer to which is not yet received, but is daily expected with the funds. If the honorable chairman of your committee can devise any means to facilitate the arrival of the “funds,” he will oblige me, no less than himself.

But as your honorable body have seen cause to pronounce judgment upon me, in your resolution, before you have heard me, and without the least particle of evidence, I trust they will give me the evidence upon which such unwarrantable judgment is predicated. You have said that I am alone responsible for the delay in the receipt of the funds, and that by a violation of official duty. I now demand the proof. If not given, I will be compelled to lay under an unjust and false accusation, merely to gratify the whim or caprice of some member of your body.

If you shall fail to show that I am responsible, or to amend the injury attempted to be done me, the judgement of the country is invoked upon such wanton attacks upon private and public character.

I am, sir, very respectfully, your obedient servant,

J. TRAVIS ROSSER,  
Secretary of M. T.

On motion of Mr. Rollins, the communication was accepted.

On motion of Mr. Setzer,

The report was referred to the committee which was appointed for the purpose.

According to previous notice, Mr. Freeborn introduced

No. 45, C. F.—A bill granting to Calvin Potter the right to establish and maintain a Ferry across Lake Pepin.

Read a first and second time, and referred to the special committee.

Mr. Flandrau introduced

No. 46, C. F.—Granting to John Henderson the right to establish and maintain a Ferry across the Minnesota river.

Read a first and second time and referred to the special committee.

Mr. Ludden introduced a Joint Resolution for the relief of Marcus W. McCracken and Warren J. Howell.

The Joint Resolution was read a third time and passed, and its title agreed to.

Mr. Briabin offered the following preamble and resolution :

Joint Resolution of the Council and House of Representatives of the Territory of Minnesota :

Whereas the President of the United States, unsolicited, conferred upon John Esaias Warren, Esq., the office of United States District Attorney for the Territory of Minnesota, and afterwards, without opportunity of hearing or defence, upon allegations of misconduct in the commencement of a suit against the Minnesota and North-Western Railroad Company, removed him therefrom ; and whereas we believe the official career of Mr. Warren to have been guided throughout by pure and elevated motives ; signalized by a rare union of ability and fidelity, and deem a public expression of approval to be no more than simple justice,—therefore

*Resolved*,—(The House of Representatives concurring), That we deprecate the removal of John E. Warren, Esq., from the office of U. S. District Attorney of the Territory of Minnesota, as an act of injustice, at once to a high-minded and honorable man, an estimable and respected citizen, and an accomplished, faithful and incorruptible public officer.

*Resolved*,—That these resolutions be inserted in the Journals of the Council and House of Representatives ; that they be engrossed and the Secretary of the Council be instructed to transmit a copy thereof to Mr. Warren.

Mr. Briabin moved the Rules be suspended and the Resolutions be read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 4, as follows :

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Lowry, Ludden, Roletta, Stone and Mr. President—8.

Those who voted in the negative were,

Messrs. Baily, Balcomb, Rollins and Tillotson—4.

So the motion prevailed.

The resolution was read a third time and the question on its passage being put,

And the Yeas and Nays being called for and ordered, there were Yeas 8, and Nays 1, as follows :

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Lowry, Ludden, Roletta, Stone, and Mr. President—8.

Mr. Rollins voted in the negative—1.

The resolution was passed.

Mr. Flandrau, from the committee on Judiciary, reported back to the Council (No. 41, H. of R.) a bill to amend the Revised Statutes with recommendation it be indefinitely postponed.

The report was accepted.

The report with recommendation was laid on the table until to-morrow.

Mr. Setzer from the Committee on Engrossed bills reported No. 34, C. F.; No. 27, C. F.; No. 28, C. F., correctly engrossed.

No. 27, C. F. an act to legalize and confirm certain elections was read a third time and passed, and its title agreed to.

No. 28, C. F. an act to organize the Winona Boom Company, was read a third time and passed, and its title agreed to.

No. 34, C. F. a bill to incorporate the Board of Trustees of the College of St. Paul was read a third time and passed and its title agreed to.

On motion of Mr. Setzer the Council resolved itself into a Committee of the Whole. Mr. Setzer in the Chair.

Having under consideration (No. 33, H. of R.) an act to continue in force an act to provide for appointment of Commissioner of Emigration for the Territory of Minnesota.

After sometime being spent therein, the Committee rose and reported the bill back to the Council, with amendments.

The report was accepted.

Mr. Setzer offered an amendment to Sec. 1; instead of 1500, insert 15,000.

And the Yeas and Nays being called for and ordered, there were Yeas 3, and Nays 10, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Ludden, and Setzer—3.

Those who voted in the negative were,

Messrs. Bailly, Dooley, Flandrau, Freeborn, Lowry, Rollins, Roletta, Stone, Tillotson, and Mr. President—10.

So it was lost.

Mr. Balcomb moved to strike out all after the enacting clause.

And the Yeas and Nays being called for and ordered, there were Yeas 5, and Nays 8, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Ludden, Rollins, and Setzer—5.

Those who voted in the negative were,

Messrs. Bailly, Flandrau, Freeborn, Lowry, Roletta, Stone, Tillotson, and Mr. President—8.

So the motion was lost.

The question being put on the third reading of the bill,

And the Yeas and Nays being called for and ordered, there were Yeas 8, and Nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Flandrau, Freeborn, Lowry, Roletta Stone, Tillotson, and Mr. President—8.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Ludden, Rollins, and Setzer—5.

The bill was ordered to be read a third time.

Mr. Flandrau moved,

That the bill incorporating the Northern Pacific Railroad be referred to the committee on Incorporations.

Which motion prevailed.

Mr. Lowry introduced (No. 48, C. F.,) a bill to provide for locating the County Seat of certain counties.

No. 47, C. F., a bill relative to the terms of the District Court.

On motion of Mr. Setzer, the Council resolved itself into Committee of the Whole, Mr. Balcomb in the chair, having under consideration (No. 17, C. F.,) a bill providing for laying out and establishing a certain road from Henderson to Fort Ridgely. After sometime being spent therein the Committee rose and reported the bill back to the Council with amendments. The report was accepted, and the amendments adopted:— The bill was referred to the Special Committee.

A message from the House being announced. Mr. Edwards, clerk, then appeared and delivered the following message:

Mr. President—The House has passed the following bills:

No. 3, C. F., a bill to organize the county of Brown.

No. 13, H. of R., a bill to locate a Territorial road from the old Sioux crossing to the Big Sioux and Mendota road at some point near Mendota.

Memorial (No. 13, H. of R.,) a memorial to Congress for a modification of the pre-emption law.

No. 15, H. of R., memorial to Congress for an appropriation for the construction of a military road from Fort Snelling to Pembina on the west side of the Mississippi river.

No. C. F., a bill to provide for laying out a Territorial road from Manhattan to Traverse des Sioux, with amendments, in which the concurrence of the Council is respectfully requested.

The Speaker has also signed the following bills:

No. 39, H. of R., an act to amend an act to provide for the sarvey of logs and lumber in Minnesota Territory.

Also (No. 7, C. F.,) an act to legalize acknowledgements of conveyances heretofore taken before Clerks of Districts and Supreme Courts and Judges of Probate of this Territory.

H. I. EDWARDS,

Chief Clerk, House of Representatives.

No. 40, C. F., to incorporate the Masonic Building Association' was referred to the Committee on Incorporations.

On motion of Mr. Setzer, the Council adjourned.

JOHN B. BRISBIN, President.

W. COLVILLE, Secretary.

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THURSDAY, FEBRUARY 7, 1856.

The Council met pursuant to adjournment.

Prayer by the Rev. Mr. Neill.

A quorum was present.

The Journal of yesterday's proceedings was read and approved.

Mr. Balcomb presented the following letter:

To the Hon. Council and House of Representatives assembled:

I submit the following proposition, to wit:

If your Honorable bodies will so amend the act creating the office of Territorial Emigration Agency, and in said act appoint or designate me as the said agent for said Territory, I will keep an office open in the city of New York, and from my present knowledge, will give all the necessary information to emigrants and others, advertize in the United States and Europe, and will employ persons as assistants that can speak foreign languages and will ask no remuneration from the Territory and incur no expenses chargeable to the Territory aforesaid.

GEO. F. BROWN

St. Paul, Feb. 6, 1856.

Mr. Rolette from the Committee on Enrolled Bills, reported,

No. 7, C. F., an act to legalize acknowledgments of conveyances heretofore taken before either the Supreme or District Court Clerks, and Judges of Probate of this Territory, correctly enrolled.

No. 2, C. F., a bill to provide for laying out a Territorial road from Manhattan via the head of Buffalo Lake and Red Cedar Island Lake to Traverse des Sioux, was taken up as amended, and referred to the select committee appointed.

No. 13, H. of R., a memorial to Congress for a modification of the pre-emption law, was read a first and second time.

No. 15, H. of R., a memorial to Congress for an appropriation for the construction of a Military road from Fort Snelling to Pembina, on the west side of the Mississippi, by the way of Minneapolis, Monticello and St. Cloud, was read a first and second time.

On motion of Mr. Flandrau, the rules were suspended, and

No. 15, H. of R., was read a third time and passed, and its title agreed to.

No. 13, H. of R., was read a third time and passed, and its title agreed to.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill :

No. 3, C. F., a bill to organize the county of Brown.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

No. 33, H. of R., an act to continue in force an act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota,—was read a third time.

Mr. Ludden moved,

The bill, with the letter of Mr. Brott, be referred to the committee on Territorial Expenses.

And the yeas and nays being called for and ordered, there were yeas 5, and nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Ludden, Rollins, and Stone—5.

Those who voted in the negative were,

Messrs. Flandrau, Lowry, Rolette, Tillotson, and Mr. President—5.

So the motion was lost.

A message from His Excellency, the Governor, being announced,

Mr. R. A. Smith, private Secretary to the Governor, appeared and delivered the following message :

EXECUTIVE DEPARTMENT,  
St. Paul, Feb. 6th, 1856. }

I am directed by His Excellency, the Governor, to inform the Council that he has this day approved and signed No. 7, C. F., "an act to legalize acknowledgments of conveyances heretofore taken before either the Supreme or District Court Clerks and Judges of Probate of this Territory.

And then withdrew.

Mr. Ludden moved,

The bill, and the proposition of Mr. Brott, be referred to the committee on Legislative Expenses.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 7, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Ludden, and Rollins—4.

Those who voted in the negative were,

Messrs. Flandrau, Freeborn, Lowry, Rolette, Stone, Tillotson and Mr. President—7.

So the motion was lost.

The question then being put on the passage of the bill,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 5, as follows:

Those who voted in the affirmative were,  
Messrs. Flandrau, Lowry, Rolette, Stone, Tillotson, and Mr. President—6.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Freeborn, Ludden, and Rollins—5.

So the bill was passed and its title agreed to.

Mr. Rolette gave notice.

That on to-morrow, or some future day, he would ask leave to introduce a bill to incorporate the Henderson Manufacturing Company.

On motion of Mr. Freeborn, the Council resolved itself into a Committee of the Whole, Mr. Ludden in the chair, having under consideration

No. 14, C. F.—A bill to provide for the laying out of a Territorial Road from Red Wing to Henderson; and

No. 33, C. F.—A bill to incorporate the North-Western Savings Institution.

After some time being spent therein, the committee rose and reported the bills back to the Council—No. 14, C. F., without amendments; No. 33, C. F., with amendments.

The report was accepted, and the amendments to No. 33, C. F., were adopted.

Mr. Ludden moved that No. 33, C. F., be amended further by striking out the enacting clause, which motion prevailed.

No. 33, C. F., was rejected.

No. 14, C. F., was referred to the Special Committee.

Mr. Rollins introduced a bill to define and establish the boundaries of the city of St. Anthony, and for other purposes, which was read a first and second time, and referred to the Committee on Internal Improvements.

Mr. Dooley moved,

No. 11, C. F., be referred to the special committee, which motion prevailed.

On motion of Mr. Flandrau,

The House resolved itself into a Committee of the Whole, Mr. Balcomb in the chair, having under consideration

No. 41, H. of R.—A bill for an act to amend the Revised Statutes.

After some time being spent therein, the committee rose and reported back to the Council the bill with amendments, and recommended it be indefinitely postponed.

The report was accepted.

Mr. Rolette moved the amendments be adopted.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 3, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Lowry, Ludden, Rolette, Stone and Mr. President—7.

Those who voted in the negative were,

Messrs. Balcomb, Dooley and Tillotson—3.

So the motion prevailed.

Mr. Rolette moved,

That bill No. 41, H. of R., be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 3, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Lowry, Ludden, Rolette, Stone and Mr. President—7.

Those who voted in the negative were,

Messrs. Balcomb, Dooley and Tillotson—3.

Mr. Rolette moved the Council now proceed to vote for permanent Sergeant-at-Arms.

Mr. Flandrau nominated Mr. Jackson

Mr. Freeborn nominated Mr. Bawley.

Mr. Freeborn moved a call of the House.

Messrs. Bailly, Hanson, Setzer, Thompson, were reported absent.  
Mr. Rolette moved the absent members be excused.

And the yeas and nays being called for and ordered, there were Yeas 4, and Nays 4, as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Dooley, Flandrau, Lowry, Rolette, Stone, and Mr. President—7  
Those who voted in the negative were,  
Messrs. Freeborn, Ludden, Rollins, and Tillotson—4.

So the motion prevailed.

On the first ballot, Messrs. Balcomb, Dooley and Rollins voted for Mr. Walker.

Mr. Flandrau voted for Mr. Jackson.

Mr. Freeborn voted for Mr. Wright.

Messrs. Lowry, Stone, Tillotson and Mr. President voted for Mr. Clark.

Mr. Ludden voted for Mr. Brawley.

Necessary for a choice, 6.

Mr. Walker received 3 votes.

" Wright	"	2	"
" Clark	"	4	"
" Brawley	"	1	"
" Jackson	"	1	"

No choice.

Mr. Freeborn moved the Council adjourn.

And the yeas and nays being called for and ordered, there were yeas 5 and nays 5 as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Dooley, Freeborn, Ludden and Rollins—5.

Those who voted in the negative were,

Messrs. Flandrau, Lowry, Rolette, Stone, Tillotson and Mr. President—6.

So the motion was lost.

SECOND BALLOT.

Mr. Balcomb voted for Mr. Jackson.

Messrs. Dooley and Flandrau voted for Mr. Walker.

Messrs. Freeborn, Rolette, Stone and Tillotson voted for Mr. Clark

Mr. Lowry voted for Mr. Wright.

Mr. Ludden voted for Mr. Brawley.

Mr. President voted for Mr. Sopher.

Necessary for a choice, 6.

Mr. Walker received 2 votes.

" Jackson	"	2	"
" Clark	"	4	"
" Wright	"	1	"
" Brawley	"	1	"
" Sopher	"	1	"

No choice.

Message from the House being announced Mr. Edwards, clerk thereof, appeared and delivered the following message:

Mr. President,

The House has passed No. 4, C. F., Joint Resolution for the relief of Mr. McCracken and W. J. Howell.

H. L. EDWARDS,  
Clerk H. of R.

Mr. Freeborn moved the Council adjourn.

And the Yeas and Nays being called for and ordered, there were Yeas 4, and Nays 7, as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Freeborn, Ludden, and Rollins—4.

Those who voted in the negative were,  
Messrs. Dooley, Flandrau, Lowry, Rolette, Stone, Tillotson, and Mr. President—7  
So the motion was lost.

On the third ballot,  
Mr. Balcomb voted for Mr. Sopher.

Messrs. Dooley and Freeborn voted for Mr. Wright.

Messrs. Flandrau, Lowry, Rolette, Setaer, Stone, Thompson, Tillotson and Mr. President voted for Mr. Clark.

Mr. Ludden voted for Mr. Brawley.

Necessary for a choice 6.

Mr. Clark	received	6	votes.
Mr. Wright	"	2	"
Mr. Brawley	"	1	"
Mr. Sopher	"	1	"

Mr. Clark having received a majority of all the votes cast, was declared, by the President, to be duly elected permanent Sergeant-at-Arms.

Mr. Rolette moved the Council adjourn.

And the Yeas and Nays being called for and ordered, there were Yeas 5, and Nays 4, as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Dooley, Rolette, Stone and Mr. President—5.

Those who voted in the negative were,  
Messrs. Flandrau, Freeborn, Rollins, and Tillotson—4.

So the motion prevailed.

Attest,  
WM. COLVILLE,  
Secretary,

JOHN B. BRISBIN,  
President,

FRIDAY, FEBRUARY 8, 1856.

The Council met pursuant to adjournment.

Prayer by the Rev. Mr. Penman.

A quorum was present, and the journal of yesterday's proceedings was read and approved.

Mr. Stone introduced

No. 14, C. F., a memorial to the President of the United States for the reduction of the military reserve at Fort Ripley.

Read a first and second time, and laid on the table to be printed.

Mr. Brisbin, on behalf of Mr. Folsom, requested leave to withdraw the petition in regard to the seat of Mr. Ludden.

Leave was granted.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report:  
The Joint Committee on Enrolled Bills have presented to his excellency the Governor,

in his signature, No. 54, C. F., joint resolution for the relief of M. W. M'Cracken and W. J. Howell.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Joint Resolution:

No. 4, C. F., Joint Resolution for the relief of M.W. M'Cracken and W. J. Howell.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

Mr. Rolette introduced No. 50, C. F., a bill to incorporate the Henderson manufacturing company.

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

Mr. Rolette gave notice,

That he would on to-morrow or some future day, ask leave to introduce a memorial to the President of the United States, asking for treaties with the Chippewas, of the Red Lake and Pembina country, and the Sioux of the Minnesota, in which treaties shall be incorporated the civilization clause, which presents so salutary a feature in the late Chippewa treaties.

Mr. Setzer from the committee on engrossed bills reported No. 13, C. F., an act to incorporate the Rum River Log Driving Company,

Correctly engrossed.

No. 13, C. F., was read a third time and passed, and its title agreed to.

No. 4, H. of R., a bill to incorporate the Minnesota Life, Fire and Marine Insurance Company—as amended was taken up.

On motion of Mr. Flandrau, the Council resolved itself into a Committee of the Whole,

Mr. Flandrau in the chair—having under consideration No. 4, H. of R.

After sometime spent therein, the committee rose and reported the bill back to the Council with amendments.

The report was accepted and the amendments adopted.

Mr. Flandrau moved an amendment to the bill by inserting another section as follows:

The Legislature of this Territory may alter and amend this charter at any time.

And the yeas and nays being called for and ordered, there were yeas 5, and nays 5, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Flandrau, Rolette, Stone.—5.

Those who voted in the negative were,  
Messrs. Freeborn, Rollins, Setzer, Tillotson, and Mr. President.—5.

So the motion was lost.

The bill as amended was ordered to be read a third time.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report:  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

No. 11, H. of R., a bill for an act to provide for laying out a Territorial Road from St. Cloud to Pembina.

C.—17.

No. 20, H. of R., a bill for an act granting to S. B. Lowry the right to establish and maintain a Ferry across the Mississippi river at St. Cloud.

JOS. ROLETTE, H. of R., }  
WM. B. GERE, Council, } Committee.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report:  
The Joint Committee on Enrolled Bills have presented to his excellency the Governor for his signature, (No. 39, H. of R.,) an act to amend an act to provide for the Survey of Logs and Lumber in Minnesota Territory.

J. ROLETTE, Council, }  
WM. B. GERE, H. R. } Committee.

Mr. Freeborn gave notice that on some future day he would introduce a bill to amend chapter 49, of the Revised Statutes.

Mr. Flandrau gave notice of the introduction of a bill to incorporate the St. Paul Bridge Company.

No. 51, C. F., a bill for an act to incorporate the Lake Superior and Central Minnesota Railroad Company,

Introduced by Mr. Stone, was read a first and second time, and laid on the table to be printed.

Mr. Balcomb presented a Joint Resolution,

No. 6, C. F., recommending the holding of a Territorial Convention to frame a Constitution for the future State of Minnesota,

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

Mr. Freeborn gave notice of the introduction of a bill for the relief of persons settled on school lands before the government survey.

On motion of Mr. Balcomb,

The Council adjourned until Monday next at 10 o'clock A. M.

Attest:

W. COLVILLE, Clerk.

JNO. B. BRISBIN,  
President.

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MONDAY, FEBRUARY 11, 1856.

The Council met pursuant to adjournment.

Prayer by the Rev. Mr. Neill.

A quorum was present.

The Journal of Friday's proceedings was read and approved.

Mr. Flandrau introduced No. 54, C. F. an act granting to Joseph W. Babcock the right to establish and maintain a Ferry across the Minnesota river.

Which was read a first and second time and ordered to be printed.

And No. 55, C. F. an act to incorporate the Bellevue Seminary.

Which was read a first and second time and ordered to be printed.

And No. 7, C. F. A Joint Resolution relative to a change of certain Land Districts in Minnesota.

Mr. Flandrau moved the rules be suspended and the Resolution be read a third time and passed.

And the Yeas and Nays being called for and ordered, there were Yeas 4, and Nays 6, as follows:

Those who voted in the affirmative were,  
Messrs. Flandrau, Lowry, Rolette and Stone—4.

Those who voted in the negative were,  
Messrs. Bailey, Balcomb, Rollins, Setzer, Tillotson, and Mr. President—6.

So the motion was lost.

The Resolution was read a first and second time and ordered to be printed.

A message from the House being announced, Mr. Edwards, Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The House has passed the following Bills:

No. 43, H. of R.—A bill for an act granting to Reuben Richmond the right to establish a Ferry across the Mississippi river;

Also, No. 1, C. F.—A bill to suppress the issue and circulation of unauthorized Bills as currency, with amendments,

Which bill, with amendments, are herewith transmitted in printed bill, in which the concurrence of the Council is respectfully requested.

The Speaker has also signed the following bill:

No. 3, C. F.—An act to organize the county of Brown;

Also, No. 3, C. F.—A memorial to Congress for a grant of land to improve the Minnesota river;

No. 5, C. F.—A memorial to Congress for \$15,000, to improve Root river;

No. 2, C. F.—A memorial to Congress for an appropriation to construct a Military Road from Winona to Fort Ridgley;

Also, joint resolution, No. 4, C. F., for the relief of M. W. McCracken and W. J. Howell.

The House has also passed,

No. 8, C. F.—An act to authorize School District No 5, in the city of St. Anthony, to levy, take and purchase grounds, to erect buildings for school purposes;

Also, Bill No. 5, C. F.—To amend chapter 95 of the Revised Statutes;

Also, No. 7, C. F.—A memorial to the Postmaster General for a tri-weekly mail between Hastings and Traverse des Sioux;

No. 6, C. F.—A memorial to Congress for an appropriation to construct a Road from the Mississippi to Fort Ridgley.

No. 4, C. F.—A memorial to Congress for an appropriation of \$20,000, for building Bridges and Culverts on the Territorial Road from St. Paul to Elliot, by way of Cannon Falls, Rochester and Carimona;

Also, No. 8, C. F.—A memorial granting to certain Indians the right of citizenship.

The Speaker has signed the following House Bills:

An act for laying out a Territorial Road from St. Cloud to Pembina;

Also, an act granting to S. D. Lowry the right to establish a Ferry across the Mississippi river at St. Cloud.

H. L. EDWARDS,  
Clerk H. of R.

And then withdrew.

No. 1, C. F. a bill to suppress the circulation and issue of unauthorized Bills as currency, as amended by the House,

Was taken up,

And on motion of Mr. Setzer the Council resolved itself into a Committee of the Whole, Mr. Balcomb in the chair,

Having under consideration No. 1, C. F.

After sometime being spent therein, the Committee rose and reported the bill back to the Council with amendments.

The report was accepted.

The amendments made by the H. of R. were concurred in.

A message from His Excellency the Governor being announced, Mr. R. A. Smith, private secretary to his Excellency appeared and delivered the following message:

EXECUTIVE DEPARTMENT,  
St. Paul, Feb. 8, 1856.

HON. J. B. BRISBIN,  
President Council.

I am directed by His Excellency to inform the Council that he has this day approved and signed No. 4, C. F., entitled "a Joint Resolution for the relief of M. W. McCracken and Warren J. Howell."

No. 43, H. of R., a bill granting to Reuben Richmond and others the right to maintain a Ferry across the Mississippi River, was read a first and second time, and referred to the special committee.

No. 4, H. of R., a bill to incorporate the Minnesota Life, Fire and Marine Insurance Company, was read a third time and passed, and its title agreed to.

A call of the House was moved.

Messrs. Dooley, Freeborn, Hanson, and Thompson, were reported absent.

Mr. Flandrau moved,

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

On motion of Mr. Flandrau,

The several reports of the committee to whom was referred the portion of the Governor's message that relates to the Kansas and Nebraska acts, was made the special order for Thursday next.

On motion of Mr. Setzer,

The Council resolved itself into a Committee of the Whole, Mr. Flandrau in the chair, having under consideration

No. 39, C. F., a bill entitled a bill to amend an act entitled an act to incorporate the City of Stillwater.

After some time being spent therein, the committee rose and reported the bill back to the Council without amendments.

The report was accepted and the bill ordered to be engrossed.

On motion of Mr. Setzer,

The Council resolved itself into a Committee of the Whole, Mr. Setzer in the chair, having under consideration

No. 5, C. F., a bill relative to the terms of the District Court,

And No. 38, C. F., a bill for an act to incorporate the St. Augusta Boom Company.

After some time spent therein the committee rose and reported the bills back to the Council with recommendation that No. 47, C. F., be referred to the Committee on Judiciary, and No. 38, C. F., be referred to the Committee on Incorporations.

The report was accepted and the recommendation adopted.

On motion of Mr. Flandrau,

The Council resolved itself into a Committee of the Whole, Mr. Flandrau in the chair, having under consideration,

No. 48, C. F., a bill relative to certain County Seats.

After some time being spent therein, the committee rose and reported the bill back to the Council without amendment.

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

The Committee on Enrolled Bills presented,

No. 3, C. F., a bill,

No. 2, C. F., a memorial,

No. 3, C. F., a memorial,

And No. 5, C. F., a memorial,

To his excellency the Governor, for his signature.

JOS. ROLETTE, Council, }  
W. B. GERE, H. of R., } Committee.

On motion of Mr. Rolette,  
The Council adjourned.

JOHN B. BRISBIN,  
President,

Attest,  
WM. COLVILLE,  
Secretary,

TUESDAY, FEBRUARY 12, 1856.

The Council met pursuant to adjournment.

Prayer by the Rev. Mr. Penman.

A quorum was present.

The Journal of yesterday's proceedings was read and approved

According to previous notice, Mr. Freeborn introduced No. 15, C. F. a memorial to Congress for the relief of persons on school lands.

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

Mr. Rolette introduced No. 16, C. F., a memorial to the President of the United States for treaties with the Chippewa and Sioux Indians, for the promotion of their early civilization.

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

A message from His Excellency, the Governor, being announced, Mr. R. A. Smith, private Secretary to the Governor, appeared and delivered the following message :

EXECUTIVE DEPARTMENT, St. Paul, Feb. 11, 1856.

HON. J. B. BRISBIN, President of the Council.

I am directed by His Excellency to inform the Council that he has this day approved and signed the following act and memorial: "An Act to organize the county of Brown," "A memorial to Congress to make an appropriation to construct a Military Road from Winona on the Mississippi river to Fort Ridgely," "A Memorial to Congress for an appropriation of \$15,000 for the improvement of Root river," and "A Memorial to Congress for a grant of lands to improve the navigation of the Minnesota river."

Mr. Rolette introduced No. 17, C. F., a memorial to Congress for an appropriation for the construction of a Military Road from Fort Ripley, by way of old Fond du Lac, and Beaver Bay, to Pigeon river and for other purposes.

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

Mr. Flandrau from the committee on Judiciary reported back to the Council,

No. 27, H. of R., without amendments.

No. 42, " with "

No. 86, " without "

Mr. Rolette made the following report:

The Committee which was appointed to wait upon the Secretary of the Territory and make enquiry in regard to the funds appropriated to defray the expenses of the present session of the Legislative Assembly respectfully report :

That before the Committee waited upon the Secretary of the Territory, that officer addressed to the Council, through the presiding officer, a communication which professes to answer the enquiries your Committee were directed to make.

Your Committee therefore has had nothing further to do under the authority conferred, but take this opportunity to state that the haste with which the Secretary acted can, in the opinion of your Committee, only be looked upon as evincing a desire to offer an insult to the Council, through your Committee.

The enquiry which your Committee was instructed to make was by no means improper, and was such as the Secretary could and ought to have answered in direct terms and without equivocation, it was simply "the cause of delay in the receipt of the funds appropriated to defray the expenses of this session of the Legislative Assembly.

Instead of answering this question concisely, the Secretary sets out with a very strong intimation that the Council are without authority to inquire into his "official business," but deemed to occupy the position of "those whose curiosity may prompt interrogations in matters of any kind." And after referring at length to matters foreign to the subject, and insulting to the official capacity conferred upon your Committee by a vote of this Council through the resolution authorizing the inquiry, the Secretary states that the reason why "the funds appropriated to defray the expenses of this session of the Legislative Assembly have not been received was owing to the miscarriage of his requisition which was forwarded in *due season*." And adds, "as soon as I learned from the proper officer, that the same had not been received; I forwarded another, the answer to which has not yet been received, but is daily expected with the funds."

The Secretary further says in his communication in answer to the preamble to the resolution authorizing the appointment of your Committee that, "as your honorable body have seen cause to pronounce judgement upon me in your Resolution, before you have heard me, and without the least particle of evidence. I trust they will give me the evidence upon which such unwarrantable judgment is predicated."

Your Committee are led to the belief that this charge made against the Council is entirely without foundation. The only language in the resolution referred to, which can in any manner be construed as reflecting upon the official conduct of the Secretary, reads as follows:

"Whereas it is believed that through a violation of duty, on the part of the Secretary, alone, could we be without funds to pay a portion of the expenses of the Legislative Assembly."

Congress in March last appropriated \$20,000, to defray the expenses of the present session of the Legislature. Congress has made the Secretary of the Territory the disbursing officer of the Government, for the disbursment of appropriations of this character. The Secretary knew that the Legislature would meet on the first Wednesday in January, that the members were entitled to, and should receive their mileage at the opening of the session, and that many officers should be paid within a few days thereafter, and it was beyond a doubt, the duty of the Secretary to be prepared with funds to meet these demands.

Such being the duty of the Secretary, and one-half of the session of the Legislature having expired while he remained without funds to pay demands due at the commencement of the session; the cause for believing the Secretary had violated his duty was irresistible, unless another cause was assigned, and the Council appointed a committee to wait upon the Secretary officially, and afford him an opportunity to make known officially the existence of other causes than a violation of duty, why he was without funds to defray the current expenses of the Legislature, if any such cause existed. Your Committee can see in this no reason why the Secretary should suppose the Council had

passed judgment upon him other than that contained in an old proverb, in an old book, which reads, "the guilty flee when none pursue."

In the communication of the Secretary above referred to, he further states to the Council, "you have said that I am alone responsible for the delay in the receipt of the funds, and that by a violation of official duty." This your Committee have no hesitation to pronounce to be a wilful perversion of facts, for the purpose of creating sympathy as unnecessary as unmerited. No such construction can be placed upon the language of the resolution and the semi-official charge thus openly made against the Council deserves, in the opinion of your Committee, an unqualified rebuke.

Your Committee, therefore, recommend the adoption, by the Council, of the following resolution:

*Resolved*, That the Secretary of the Territory, by his letter to the Council, has offered to the Committee appointed by the Council an act of discourtesy uncalled for and highly improper.

JOSEPH ROLETTE, Chairman.

On motion of Mr. Rolette the report was adopted.

Mr. Setzer from the committee on engrossed bills reported No. 48, C. F., an act to provide for locating the county seat of certain Counties.

No. 39, C. F., a bill to amend an act entitled an act to incorporate the City of Stillwater—correctly engrossed.

Mr. Flandrau from the committee on Internal Improvements, reported back to the Council No. 30, C. F., an act to incorporate the Winona and La Crosse Rail Road Co. With amendments.

No. 39, C. F., a bill to amend an act entitled an act to incorporate the City of Stillwater,

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

No. 48, C. F., an act to provide for locating the county seat of certain counties.

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

No. 30, C. F., an act to incorporate the Winona and La Crosse Rail Road Co., as amended, was taken up.

On motion of Mr. Balcomb the amendment was adopted. And the bill was ordered to be engrossed and read a third time.

On motion of Mr. Balcomb, the Council resolved itself into Committee of the Whole, Mr. Flandrau in the chair, having under consideration,

No. — H. of R.—A Bill to locate the County Seat of Wabashaw.

After some time being spent therein the committee rose and reported the bill back to the Council without amendments.

The report was accepted, and the bill ordered to be read a third time.

A message from the House being announced, Mr. Edwards, chief clerk thereof, appeared and delivered the following message.

Mr. President, the House has passed the following resolution,

*Resolved*,—(The Council concurring)—That the two Houses meet in Joint Convention in the Hall of the House on Tuesday, the 12th of Feb'y, at twelve o'clock, M., for the election of a Surveyor General of Lumber for the 4th District.

H. L. EDWARDS,  
Clerk H. R.

Mr. Flandrau introduced several remonstrances in regard to the changing the county lines of Blue Earth county, which was referred to the Committee on Internal Improvements.

On motion of Mr. Rolette, the Council adjourned.

JOHN B. BRISBIN, President.

W. COLVILLE, Secretary.

WEDNESDAY, FEBRUARY 13, 1856.

The Council met pursuant to adjournment.

Prayer by the Rev. Mr. Penman.

A quorum was present, and the Journal of yesterday's proceedings was read and approved.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—

The House has passed,

No. 12, C. F., a bill to incorporate the Little Falls Bridge Company.

Also, No. 18, C. F., a bill to provide for laying out certain Territorial Roads.

Which are herewith returned.

The House has refused to concur in the amendment to

Bill No. 4, H. of R., a bill to incorporate the Minnesota Life, Fire and Marine Insurance Company,

As reported by the Council, viz: Striking out section No. 10.

The other amendments as reported to said bill, the House concurred in.

Also, joint resolution No. 3, C. F., relative to the estimates and expenses for the present session,

The House has indefinitely postponed.

The House has also passed the following resolution:

*Resolved*, The Council concurring, that the two Houses meet in joint convention in the Hall of the House of Representatives, on the 13th day of February, 1856, at 12 o'clock, M., for the purpose of electing a Surveyor of Logs and Lumber for the fourth District.

H. L. EDWARDS,  
Chief Clerk, H. of R.

Mr. Setzer introduced,

No. 54, C. F., a bill to organize the county of Pine.

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

Mr. Freeborn introduced,

No. 55, C. F., a bill to secure the free passage of logs and lumber on the Cannon river.

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

Mr. Stone introduced,

No. 56, C. F., a bill for an act for the relief of Commissioners on the Territorial Road from Minneapolis to St. Cloud.

Also, No. 57, C. F., an act to provide for laying out a Territorial Road from Watab to a point intersecting the Territorial Road from St. Cloud to Pembina.

Also, No. 58, C. F., a bill for an act to locate a Territorial Road from St. Cloud to Fort Ripley.

All of which were read a first and second time, and laid on the table to be printed.

Mr. Stone introduced,

A petition praying for the change of the scale of logs and lumber, which was referred to the Committee on Militia.

Mr. Freeborn introduced,

A petition praying for the free passage of logs and lumber on the Cannon River.

Which was referred to the Committee on Internal Improvements.

Mr. Rollins introduced,

No. 59, C. F., an act to provide for laying out certain Territorial Roads.

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

Mr. Balcomb introduced,

No. 60, C. F., an act to incorporate the Young Men's Association, of Winona.

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

Mr. Rollins from the Committee on Incorporations reported back to the Council No. 19, C. F. a bill for an act to organize the St. Croix Boom Company with amendments.

On motion of Mr. Setzer the report was accepted, and the amendments were adopted.

Mr. Freeborn from the Committee on Internal Improvements reported back to the Council No. —, C. F. a bill relative to Saint Anthony county, without amendments.

The report was accepted.

On motion of Mr. Setzer the Committee on Incorporations was instructed to report back to the Council on to-morrow, the bill incorporating the Masonic Building Institution.

No. 4, H. of R. to incorporate the Minnesota Life, Fire and Marine Insurance Company was then taken up, and the Council refused to recede from its amendment by striking out section 10.

Mr. Setzer moved that a Committee of two be appointed to confer with a similar Committee of the House relative to the refusal of the House to concur in the amendment made to the bill by the Council.

Which motion prevailed.

The Committee consists of Messrs. Freeborn and Stone.

No. 36, H. of R. A Bill to locate the county seat of Wabashaw county.

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

No. 19, C. F., a bill to organize the St. Croix Boom Company, as amended, was ordered to be engrossed and read a third time.

On motion of Mr. Setzer.

The Council resolved itself into a Committee of the Whole.

Mr. Setzer in the chair, having under consideration No. 51, C. F., a bill to incorporate the Lake Superior and Central Minnesota Railroad Company.

After sometime being spent therein, the committee rose and reported the bill back to the Council with amendments, and recommended that it be referred to the Committee on Incorporations.

The report was accepted and adopted.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following reports:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions:

No. 18, H. of R., an act to attach a certain portion of Sibley county to Le Seur county.

No. 11, H. of R., memorial for certain Mail Routes.

No. 25, H. of R., an act to incorporate the Watab Bridge Company.

No. 21, H. of R., an act to change the name of Serena Huntley to Serena Maria Ames.

No. 1, H. of R., an act to provide for laying out a Territorial road, from the forks of Crow river opposite Greenwood, via the head of Buffalo lake, to intersect the Territorial road running from Minneapolis to St. Cloud.

No. 28, H. of R., an act granting to G. A. Bellcourt the right to construct a Dam across the Pembina river.

No. 8, H. of R., memorial for a mail route from St. Paul to West Union.

No. 7, H. of R., an act to locate a Territorial road in the county of Houston, to the town of Mankato in Blue Earth county.

No. 8, H. of R., an act to provide for laying out a Territorial road from Wabashaw by Ide's settlement, to Farribault, and from thence West to intersect the Dodd road running to St. Peter.

No. 8, C. F., an act to authorize School District No. 5, in the city of St. Anthony, Ramsey county, to levy a tax to obtain money for the purchase of ground and the erection of buildings for school purposes.

No. 6, C. F., a memorial relative to granting to certain Indians the right of citizenship.  
C.—18.

No. 1, C. F., an act to suppress the issue and circulation of unauthorized bills as currency.

No. 4, C. F., memorial to Congress for an appropriation of \$20,000 for the construction of bridges and culverts on the Territorial Road from St. Paul to Elliota.

No. 5, C. F., an act to amend chapter ninety five of the Statutes of Minnesota.

No. 6, C. F., a memorial to Congress for the construction of a road from the Mississippi river to Fort Ridgley.

No. 7, C. F., a memorial for a tri-weekly mail between Hastings and Traverse des Sioux.

No. 33, H. of R., an act to continue in force an act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota.

No. 12, C. F., a bill to incorporate the Little Falls Bridge Company.

No. 18, C. F., a bill to provide for laying out certain Territorial Roads.

J. ROLETTE, Council,  
Wm. B. GERE, H. of R.  
Committee

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills, have presented to his Excellency the Governor for his signature the following bills :

An act granting to S. B. Lowry, the right to establish and maintain a Ferry across the Mississippi River at St. Cloud.\*

An act to provide for laying out a Territorial Road from St. Cloud to Pembina.

J. ROLETTE, Council,  
Wm. B. GERE, H. of R. } Committee.

Mr. Stone introduced No. 61, C. F. a bill to incorporate the Town of St. Cloud.

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

On motion of Mr. Setzer the Council adjourned.

J. B. BRISBIN,  
President

W. COLVILLE, Secretary.

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THURSDAY, FEBRUARY 14, 1856.

The Council met pursuant to adjournment and was called to order by Mr. Flandrau.  
A quorum was present and the Journal of yesterday's proceedings was read and approved.

Mr. Setzer introduced a petition from Carver County praying for the change of the county seat of Carver County.

Which was laid on the table.

Mr. Rolette introduced No. 62, C. F. a bill for the relief of the Clerks of the Council and House of Representatives.

Read a first and second time, and referred to the Committee on Judiciary.

Mr. Lowry gave notice of the introduction of a bill to organize the county of Moore and for other purposes.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message :

Mr. President, the House has passed the following House bills, in which the concurrence of the Council is solicited :

No. 7, an act to amend the Root River Valley and Southern Minnesota Railroad Charter.

No. 16, a memorial of the Legislative Assembly.

No. 54, an act to regulate agencies of Insurance Companies in M. T.

No. 65, an act granting a charter to the Fort Snelling Bridge Company.

No. 90, an act to amend an act incorporating the Pittsburg Mining Company.

No. 38, a bill to amend section 16, article 8, of the Revised Statutes.

No. 60, an act to define the boundaries of certain counties.

No. 88, a bill for the relief of School Districts.

No. 68, an act to authorize School District, No. 1, T. 30, R. 20, to levy a tax and for other purposes.

No. 46, a bill repealing an act entitled an act to incorporate the St. Croix Boom Co. The House has also passed No. 28. C. F. an act to organize the Winona Boom Company without amendment.

And memorial No. 10, C. F. to the Postmaster General for additional mail service.

Also, memorial No. 9, C. F. to Congress to amend that part of the Trade and Intercourse laws relating to the depredations of the Indians upon the property of the whites.

No. 32, C. F. an act to amend an act entitled an act to incorporate the city of St. Paul, with several amendments, which are attached to the bill herewith returned in all of which the concurrence of the Council is solicited.

The House has also passed No. 34, C. F. an act to incorporate the Board of Trustees of the College of St. Paul without amendment, which is herewith returned.

Also, Joint Resolution No. 5, C. F. relative to J. E. Warren, Esq., without amendment and is herewith returned.

The Speaker has signed the following bills :

No. 1, C. F., No. 5, C. F., No. 8, C. F., No. 12, C. F. and No. 18, C. F.

Also, memorials No. 4, 6, 7 and 8, C. F.

Also, the following House bills :

No. 8, 33, 7, 28, 1, 21, 18 and 25.

Also, memorials No. 11 and 8 H. of R.

H. L. EDWARDS, Chief Clerk, H. of R.

And then withdrew.

Mr. Setzer introduced the following resolution :

*Resolved*, By the Council of the Legislative Assembly of the Territory of Minnesota, the House of Representatives concurring,

That Hon. J. B. Brisbin, J. Rollins, D. M. Hanson, be appointed a Committee on the part of the Council, to confer with a similar Committee appointed on the part of the House, and the Joint Committee to be instructed to take into consideration the intended division of the County of Ramsey, by organizing the County of St. Anthony, and report by bill or otherwise.

On motion of Mr. Setzer the rules were suspended, and the resolution passed.

Mr. Stone introduced No. 63, C. F., a bill to incorporate the town of Little Falls West.

Read a first and second time and laid on the table to be printed.

Mr. Freeborn introduced No. 64, C. F., a bill to incorporate the town of Red Wing, and for other purposes.

Read a first and second time and laid on the table to be printed.

Mr. Rollins from the Committee on Incorporations reported back to the Council No 40 C. F.—A bill to incorporate the Masonic Building Association.

The report was accepted.

Mr. Setzer, from the Committee on Engrossed Bills, reported No. 19 C. F.—A bill to organize the St. Croix Boom Company;

No. 30 C. F.—An act to incorporate the Winona and La Crosse Railroad Company;  
 No. 32 C. F.—An act to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, were laid on the table until to-morrow.

No. 46 H. of R.—A bill repealing an act entitled an act to incorporate the St. Croix Boom Company, was read a first time and referred to the Committee on Incorporations.

No. 48 H. of R.—An act entitled an act to authorize School District No. 1, Town 30, Range 20, to levy a special tax, and for other purposes, was read a first time.

No. 88 H. of R.—A bill for the relief of School Districts was read a first time.

No. 60 H. of R.—An act to define the boundaries of certain counties, was read a first time and referred to the Committee on Militia.

No. 38, H. of R., a bill to amend an act entitled an act to amend section 16, article 8, of the Revised Statutes, was read a first time.

No. 90, H. of R., an act to amend an act entitled an act to incorporate the Pittsburg and Minnesota Mining Company, passed by the Legislative Assembly of Minnesota Territory, and approved the 3d day of March, A.D. 1855, was read a first time and referred to the committee on Incorporations, together with the petition in regard to it.

No. 65, H. of R., an act granting a charter to the Fort Snelling Bridge Company, was read a first time, and referred to the committee on Judiciary.

No. 16, H. of R., a memorial of the Legislative Assembly of the Territory of Minnesota, was read a first time.

No. 54, H. of R., a bill for an act to license and regulate Agencies of Insurance Companies in the Territory of Minnesota, was read a first time.

No. 67, H. of R., an act to amend an act to incorporate the Root River Valley and Southern Minnesota Railroad Company, was read a first time.

No. 42, H. of R., a bill for an act to incorporate the Minnesota Salt Company, as amended, was taken up, the amendment was adopted, and

On motion of Mr. Setzer,

Was ordered to be recommitted to the Committee of the Whole Council.

On motion of Mr. Stone the Committee on Militia was excused from acting upon bill No. 60, H. of R.,

And the bill was referred to a Select Committee, consisting of Messrs. Stone, Rollins, and Roletta.

No. 19, C. F., a bill to organize the St. Croix Boom Company,

Was read a third time, and passed, and the title amended so as to read the St. Croix Boom corporation.

No. 30, C. F., an act to incorporate the Winona and La Crosse Rail Road Company,

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

On motion of Mr. Setzer the Council resolved itself into a Committee of the Whole.

Mr. Balcomb in the chair,

Having under consideration No. 53, C. F., an act to incorporate the Bellevue Seminary of Learning.

No. 40, C. F., an act to incorporate the Masonic Building Association,

And No. 42, H. of R., a bill for an act to incorporate the Min. Salt Co.

After some time being spent therein the Committee rose and reported back to the Council,

No. 53, C. F., with amendments.

No. 42, H. of R., with “

No. 40, C. F. “ “

The report was accepted, and the amendments were adopted.

Mr. Stone presented several petitions for the division of Benton County.

Which were referred to the Select Committee.

Mr. Lowry introduced No. 65, C. F., a bill to incorporate the Zumbro Falls manufacturing Company.

February 15, 1856.]

COUNCIL.

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Read a first and second time and laid on the table to be printed.  
On motion of Mr. Freeborn, the Council adjourned.

J. B. BRISBIN,  
President.

W. COLVILLE,  
Secretary.

FRIDAY, FEBRUARY 15, 1856.

The Council met pursuant to adjournment,  
And was called to order by the President.  
Prayer by the Rev. Mr. Penman.

A quorum was present, and the Journal of yesterday's proceedings was read and approved.

Mr. Rolette introduced,  
No. 18, C. F.—a memorial to Congress for a division of the Territory,  
Which was read a first and second time and laid on the table to be printed.

Mr. Lowry introduced No. 65, C. F.—a bill to organize the county of Mower and for other purposes,

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

Mr. Bailly introduced,  
No. 66, C. F.—a bill for laying out a Territorial Road from Hastings to Owatonna,  
Which was read a first and second time and laid on the table to be printed.

Mr. Doolay introduced,  
No. 67, C. F.—a bill to amend an act entitled an act to prohibit the introduction of liquor, into the territory purchased of the Sioux Indians,

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

Mr. Freeborn introduced,  
No. 68, C. F.—an act prescribing the manner in which corporations can convey real estate.

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

Mr. Rolette from the joint committee on Enrolled Bills, made the following report :  
The joint committee on enrolled bills have examined and found correctly enrolled the following memorial :

No. 5, H. of R.—A memorial to Congress for an appropriation for the construction of a Road and mail route from Lake Superior to Little Falls.

J. ROLETTE, Council, }  
Wm. B. GERE, H. of R., } Committee.

Mr. Stone introduced.

No. 69, C. F.—A bill granting to J. Gibson and A. C. Dunn the right to establish and maintain a Ferry across the Mississippi river at Olean, Todd county.

Read a first and second time and referred to the Special Committee.

Mr. Stone from the Special Committee to whom was referred No. 60, H. of R., an act to define the boundaries of certain counties, reported the bill back to the Council without amendment.

Which report was accepted.

Mr. Setzer, from the committee on Engrossed Bills, reported,  
No. 40, C. F.—A bill to incorporate the Masonic Building Association.

And No. 53, C. F.—An act to incorporate the Bellevue Seminary of Learning, correctly engrossed.

Mr. Flandrau, from the committee on Judiciary, reported to the Council No. 70, C. F.—An act to amend the Revised Statutes.

Read a first and second time and laid on the table to be printed.

Mr. Flandrau from the same committee introduced,

No. 71, C. F.—a bill to amend chapter 16 of the Revised Statutes.

Read a first and second time and laid on the table to be printed.

Mr. Freeborn, from the committee on Internal Improvements, reported back to the Council,

No. 13, H. of R.—A bill to amend an act entitled an act to define the boundaries of certain counties. Approved Feb. 20, 1855, with amendments.

The amendments were adopted, and the bill ordered to be recommitted to the Committee of the Whole.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message:

Mr. President:—The House has passed the following House bills in which the concurrence of the Council is respectfully requested:

No. 86.—An act to establish the County Seat of Dodge County.

Also No. 74.—An act to incorporate the Mankato Library Association;

Also No. 87.—A bill for an act to change the name of Alexander Paul, to Francis H. Milligan;

Also No. 34.—An act to establish the common boundary between the Counties of Dakota and Scott;

Also the following memorials:

No. 17.—To Congress for a donation of the swamp lands in Fillmore County, to the Carimona Academy;

Also No. 18.—To Congress for certain mail routes;

Also No. 19.—To Congress for the relief of Settlers upon School Lands;

Also No. 20.—To Congress for 20,000 dollars to construct the Brownsville and Mankato Territorial Road;

Also No. 24.—A memorial of the Legislative Assembly of Minnesota Territory, to Congress;

Also the following Council Files:

Bill No. 10.—A bill to provide for laying out certain Territorial Roads;

Also No. 26.—A bill for an act to legalize a road from Crow Wing to Mille Lac, and from Mille Lac to the head of Lake Superior, in Minnesota Territory.

The House has also passed

No. 25, H. of R.—A memorial to Congress for an appropriation to open a road from Fort Ridgley to the south pass in the Rocky Mountains, in which the concurrence of the Council is solicited

The Speaker has also signed

No 5, H. of R.—A memorial to Congress for the construction of a Road and mail route from Lake Superior to Little Falls.

The House has also concurred in the Joint Resolution relative to the appointing of a Committee to consider the intended division of Ramsey County, with the following amendment:

Between the words "St. Anthony" and "and" insert the words "and the County of Anoka."

The House has appointed Messrs. Nobles, Norris, Galbraith, and Bradley, as said Committee, to a conjunction with a similar Committee of the Council.

H. L. EDWARDS,  
Chief Clerk, H. of R.

And then withdrew.

No. 60, H. of R.—Read a second time, and laid on the table until the next day of sitting ;

No. 54, H. of R.—An act to licence and regulate Agencies of Insurance Companies in the Territory of Minnesota. Read a second time and referred to Committee of the Whole ;

No. 88, H. of R.—A bill for the relief of School Districts. Read a second time ;

No. 38, H. of R.—A bill to amend an act entitled an act to amend section 16, article 8, of the Revised Statutes. Read a second time.

No. 48, H. of R.—An act entitled an act to authorize School District No. 1, town 30, range 20, to levy a special tax, and for other purposes. Read a second time and referred to the Committee on Schools ;

No. 7, H. of R.—An act to amend an act to incorporate Root River Valley and Southern Minnesota Railroad Company. Read a second time, and referred to Committee on Incorporations.

No. 16, H. of R.—A memorial of the Legislative Assembly of the Territory of Minnesota. Read a second time.

Mr. Ludden moved that,

No. 60, H. of R., be laid on the table until the next sitting day.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 4, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Lowry, Ludden, Rollins, Setzer and Mr. President—9.

Those who voted in the negative were,

Messrs. Flandrau, Rolette, Stone and Tillotson—4.

So the motion prevailed.

No. 67, H. of R., was referred to the Committee on Incorporations ;

No. 38, H. of R., was referred to the Committee on Judiciary ;

No. 88, H. of R.—A bill for the relief of School Districts, was read a third time and passed, and its title agreed to ;

No. 16, H. of R.—A memorial of the Legislative Assembly of the Territory of Minnesota, was read a third time and passed and its title agreed to.

No. 40, C. F.—An act to incorporate the Masonic Building Association, was read a third time and passed and its title agreed to ;

No. 53, C. F.—An act to incorporate the Bellevue Seminary of Learning, was read a third time and passed and its title agreed to.

No. 42, H. of R.—A bill for an act to incorporate the Minnesota Salt Company, was read a third time and passed and its title agreed to.

On motion of Mr. Setzer, the Council resolved itself into a Committee of the Whole Mr. Ludden in the chair, having under consideration

No. 54, H. of R.—An act to licence and regulate Agencies of Insurance Companies in the Territory of Minnesota.

No. 13, H. of R.—A bill to amend an act entitled an act to define the boundaries of certain Counties, approved Feb. 20, 1855.

After some time being spent therein, the committee rose and reported back to the Council No. 54, H. of R., without amendment, and recommend that it be referred to the committee on Judiciary, and ask leave to sit again on No. 13, H. of R.

The report was accepted, and the recommendation adopted.

Mr. Flandrau introduced,

No. 19, C. F., a memorial to Congress for the passage of an act regulating the Clerkships of the U. S. District Courts of this Territory.

Read a first and second time and laid on the table to be printed.

Mr. Freeborn introduced,

No. 72, C. F., a bill for a charter for the Minnesota Female Seminary.

Read a first and second time and laid on the table to be printed.

Mr. Flandrau from the committee on Judiciary, introduced,

No. 8, C. F., a joint resolution for the relief of the Clerks of the Council and House of Representatives.

Read a first and second time and laid on the table to be printed.

Mr. Setzer introduced the following report :

THIRD ANNUAL REPORT OF THE WARDEN OF THE MINNESOTA TERRITORIAL PRISON.

WARDEN'S OFFICE, STILLWATER, }  
January 7th, 1856. }

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

Since my last report, there has been expended in the erection of a workshop building, at this prison, about five thousand dollars ; the same having been appropriated by the act of Congress, 1855, and disbursed under the direction of H. F. Masterson, Esq. The prison is now supplied with good and sufficient workshops.

One convict has been received into the prison during the last year. Two convicts made their escape on the night of the 2d of April. No convicts have been discharged during the last year by expiration of sentence.

The accompanying statement exhibits the receipts and expenditures, on account of the prison, for the year ending Dec. 31, 1856.

RECEIPTS.

In account,	Dr.
To amount on hand December 31, 1854,	\$603 13

EXPENDITURES.

In account,	Cr.
By amount paid E. Lyman,	27 00
By amount on hand,	576 13

\$603 13

F. R. DELANO, Warden.

Mr. Rolette moved,

The Council adjourn until 4 o'clock this afternoon.

And the yeas and nays being called for and ordered, there were yeas 8 and nays 2 as follows :

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Lowry, Ludden, Rolette, Stone, and Mr. President—8.

Those who voted in the negative were,

Messrs. Setzer and Tillotson—2.

So the motion prevailed.

AFTERNOON SESSION.

A quorum was present,

And the Council was called to order by the President.

Mr. Rolette introduced,

No. 73, C. F.—A bill to incorporate the Glencoe and St. Cloud Plank Road Co.

Read a first and second time and laid on the table to be printed.

Mr. Rolette introduced,

No. 74, H. of R.—A bill to incorporate the Henderson and James River Plank Road Company.

Read a first and second time.  
Mr. Flandrau moved the bill be not printed.

Mr. Setzer moved a call of the House.

Messrs. Ludden, Thompson, and Rollins were reported absent;  
Mr. Ludden in his seat;

The absent members were excused.

The question being put on Mr. Flandrau's motion,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 7, as follows:

Those who voted in the affirmative were,  
Messrs. Flandrau, Freeborn, Setzer, Stone, Tillotson, and Mr. President—6.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Dooley, Hanson, Lowry, and Rolette—7.

So the motion was lost.

Mr. Setzer moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 6 as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Dooley, Ludden, Setzer, Stone and Mr. President—7.

Those who voted in the negative were,  
Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette and Tillotson—6.

So the motion prevailed.

Mr. Hanson introduced,

No. 75, C. F.—A bill to authorize Stephen Hull to establish a Ferry across the Narrows of Lake Minnetonka. Read a first and second time, and laid on the table to be printed.

On motion of Mr. Setzer, the committee to whom was referred all Ferry Charters were instructed to report on Monday next.

On motion of Mr. Lowry, the Council adjourned until half-past ten to-morrow.

Attest:

W. COLVILLE, Clerk.

JNO. B. BRISBIN,

President.

SATURDAY, FEBRUARY 16, 18 56

The Council met pursuant to adjournment, and was called to order by the President. Prayer by the Rev. Mr. Penman.

A quorum was present.

The Journal of yesterday was read and approved.

Mr. Freeborn introduced,

No. 76, C.F.—A bill authorizing married women, in connection with their husbands, to convey Real Estate.

Read a first and second time and laid on the table to be printed.

Also, No. 77, C. F.—An act declaring certain roads projected in the Territory of Minnesota, under the authority of the Government of the United States Territorial Roads.

Read a first and second time and laid on the table to be printed.

No. 25, H. of R.—A memorial to Congress for an appropriation to open a road from Fort Ridgley to the South Pass in the Rocky Mountains.

Read a first and second time and referred to the committee on Internal Improvements.

No. 24, H. of R.—A memorial of the Legislative Assembly of the Territory of Minnesota, to Congress.

Read a first time and referred to the committee on Internal Improvements.

No. 19, H. of R.—A memorial to Congress for the relief of the settlers who have settled on school lands, with a view of pre-emption previous to the Government survey.

Read a first time.

Mr. Flandrau moved the Rules be suspended, and the bill be read a second and third time and passed.

And the yeas and nays being called for and ordered, there were yeas 4 and nays 6, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Flandrau, Rolette, and Stone.—4.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Freeborn, Setzer, Tillotson, and Mr. President—6.

So the motion was lost.

On motion of Mr. Setzer,

No. 19, H. of R., and No. 15, C. F., were referred to the committee on Internal Improvements.

Read a first time.

On motion of Mr. Flandrau,

The Rules were suspended, and the memorial read a second and third time and passed, and its title agreed to.

No. 18, H. of R., a memorial to Congress for certain mail routes in Minnesota Territory.

Read a first time.

Mr. Flandrau moved, that the Rules be suspended and the memorial read a second and third time and passed.

And the yeas and nays being called for and ordered, there were yeas 9 and nays 1, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Rolette, Stone, Tillotson, and Mr. President—9.

Mr. Setzer voted in the negative.

So the motion prevailed.

The memorial was passed and its title agreed to.

No. 17, H. of R., a memorial to Congress for a donation of the swamp lands in Fillmore county, to the Carimona Academy.

Read a first time and referred to the committee on Internal Improvements.

No. 87, H. of R., a bill for an act to change the name of Alexander Paul to Francis H. Milligan.

Read a first time.

Mr. Flandrau moved the word "natural" be stricken out, and the word "legitimate" be inserted in its place.

The motion prevailed.

The bill was ordered to be read a second time.

No. 34, H. of R., an act to establish the common boundary between the counties of Dakota and Scott, was read a first time and referred to a special committee consisting of Messrs. Dooley and Bailly.

No. 74, H. of R., an act to incorporate the Mankato Library Association was read

a first time—the rules were suspended and the bill was read a second and third time and passed and its title agreed to.

No. 80, H. of R., an act to establish the county seat of Dodge County, was read a first time, and referred to the Committee on Territorial Affairs.

Mr. Hansen, from the Committee on Incorporations, reported back to the Council No. 40, H. of R., a bill granting an extension of time to the Minnesota and North-western Railroad Company, without amendments and recommend its passage.

On motion of Mr. Rollins the Joint Resolution in regard to appointing a Committee on the part of the Council, to confer with a similar Committee of the House, and the joint committee to be instructed to take into consideration the intended division of the county of Ramsey as amended by the House was taken up.

Mr. Rollins moved the amendments made by the House be concurred in.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 7, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Hanson, Ludden, Rollins and Stone—7.

Those who voted in the negative were,

Messrs. Flandrau, Freeborn, Lowry, Rolette, Setzer, Tillotson and Mr. President—7.

So the motion was lost.

Mr. Rolette moved the Rules be suspended, and No. 60, H. of R. be taken up,—which motion prevailed.

On motion of Mr. Setzer,

The Council resolved itself into a Committee of the Whole, Mr. Ludden in the chair, having under consideration

No. 60, H. of R.—A bill to define the boundary of certain Counties.

After some time being spent therein, the Committee rose and reported the bill back to the Council, with recommendation that it be passed.

The report was accepted.

On motion of Mr. Hanson,

The Council resolved itself into a Committee of the Whole, Mr. Balcomb in the Chair,

Having under consideration,

No. 40, H. of R., a bill granting an extension of time to the Minnesota and North Western Railroad Company.

After sometime being spent therein, the committee rose and reported the bill back to the Council, without amendments, and recommend it be passed.

The report was accepted.

Mr. Setzer moved the following amendment :

And provided further, That the various amendments to the original act incorporating the Minnesota and North Western Railroad Company, passed at the late session of the Territorial Legislature, beginning January 3d, 1855, be, and the same are hereby declared to be in full force and effect, and the refusal of the company to comply with the provisions of the same shall render this act null and void.

And the yeas and nays being called for and ordered, there were yeas 5, and nays 10, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Rollins, and Setzer—5.

Those who voted in the negative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Ludden, Rolette, Stone, Thompson, Tillotson, and Mr. President—10.

So the amendment was lost.

Mr. Rollins offered the following amendment :

Provided that said corporation shall pay, on the first Monday in January and first Monday in July in each year, two per cent. on the gross proceeds of said Railroad, into

the Treasury of the Territory or future State of Minnesota, and take the Treasurer's receipt therefor; and the first payment shall be made on the first Monday of January next after the first twenty-five miles of said road is completed; and a failure to accept this amendment within six months from the passage of this act, shall work a forfeiture of all their rights, privileges and franchises forever.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 12, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Rollins and Setzer—4.

Those who voted in the negative were,  
Messrs. Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rolette, Stone, Tillotson, Thompson and Mr. President—11.

Mr. Hanson moved the Rules be suspended, and the bill read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 11, and nays 4, as follows:

Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rolette, Stone, Tillotson, Thompson and Mr. President—11.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Rollins and Setzer—4.

So the motion prevailed.

The bill was read a third time.

The question then recurring on its passage.

And the yeas and nays being called for and ordered, there were yeas 11 and nays 4, as follows:

No. 20, H. of R., a memorial to Congress for an appropriation of \$20,000 to construct the Brownsville and Mankato Territorial Road.

Those who voted in the affirmative were:

Messrs. Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rolette, Stone, Tillotson, Thompson, and Mr. President.—11.

Those who voted in the negative were:

Messrs. Bailly, Balcomb, Rollins, Setzer.—4.

The bill was passed, and its title agreed to.

On motion of Mr. Hanson, the Rules were suspended and No. 60, H. of R., was read a third time and passed, and its title agreed to.

The committee on Enrolled Bills beg leave to report: That they have presented to his Excellency, Governor Gorman, for his signature the following bills:

No. 8, C. F.—An act

" 1 " "

" 4 " a memorial

" 6 " "

" 7 " "

" 8 " "

" 5 " an act

" 12 " "

" 18 " "

" 33 House File.

J. ROLETTE, Council, }  
J. B. HUBBELL, H. R. } Committee.

On motion of Mr. Balcomb,  
The Council resolved itself into a Committee of the Whole,  
Mr. Balcomb in the chair,

Having under consideration,

No. 13, C. F., a memorial to Congress, for an establishment of a Military post at Pembina.

Also, No. 60, C. F., a bill to incorporate the Young Men's Association of Winona. After sometime being spent therein, the committee rose and reported the bill and memorial back to the Council, without amendment, and recommend they be passed.

The report was accepted, and the bill and memorial ordered to be engrossed and read a third time.

On motion of Mr. Setzer,  
The Council resolved into a Committee of the Whole,  
Mr. Ludden in the chair,  
Having under consideration,  
No. 54, C. F., an act to organize the county of Pine.

After sometime being passed therein, the committee rose and reported the bill back to the Council, with amendment.

The report was accepted, and the amendment adopted, the bill ordered to be engrossed and read a third time.

Mr. Flandrau introduced No. 78, C. F., an act to prescribe the times for holding the several terms of the Districts Courts in the Judicial Districts.

Read a first and second time and laid on the table to be printed.

Mr. Thompson introduced No. 79, C. F., a bill granting to J. L. Everts the right to establish and maintain a Ferry across Root River.

Read a first and second time and referred to the special Committee, without being printed.

On motion of Mr. Setzer the Council adjourned until Monday.

W. COLVILLE, Secretary.

J. B. BRISBIN,  
President

### MONDAY, FEBRUARY 18, 1856.

The Council met pursuant to adjournment.

Prayer by the Rev. Mr. Rheildaffer.

A quorum was present.

The Journal of yesterday's proceedings was read and approved.

Mr. Ludden introduced

No. 81, C. F.—An act to provide for laying out a Territorial Road from Point Douglass and St. Louis River Road to Mille Lac. Read a first and second time, and laid on the table to be printed.

Mr. Flandrau introduced

No. 82, C. F.—An act to increase the Representation in the Legislative Assembly of the Territory of Minnesota. Read a first and second time and laid on the table to be printed.

Mr. Flandrau introduced

No. 83, C. F.—An act to provide for distraining cattle and other animals doing damage. Read a first and second time and laid on the table to be printed.

Mr. Thompson introduced

No. 80, C. F.—A bill to incorporate the Target Lake Plank Road and Ferry Company. Read a first and second time and referred to the Special Committee.

Mr. Setzer introduced

No. 85, C. F.—A bill concerning Register of Deeds. Read a first and second time and laid on the table to be printed.

Mr. Tillotson introduced

No. 84, C. F.—A bill relative to the County Seat of Fillmore county. Read a first and second time, and laid on the table to be printed.

Mr. Freeborn introduced

No. 86, C. F.—A bill to incorporate the Mississippi Valley Rail Road Company. Read a first and second time and laid on the table to be printed.

Mr. Setzer from the Committee on engrossed bills reported

No. 13, C. F., No. 60, C. F., No. 54, C. F., correctly engrossed.

Mr. Flandrau from the Committee on Judiciary reported back to the Council

No. 47, C. F., No. 38, H. of R., No. 65, H. of R., No. 54, H. of R., with recommendation they be considered in the Committee of the Whole.

Mr. Dooley from the Committee on Schools reported back to the Council

No. 48, H. of R.

Mr. Hanson from the Committee on Incorporations reported back to the Council

No. 25, C. F.

Mr. Ludden from the Special Committee on Ferries and Roads reported back to the Council

No. 40, C. F., No. 52, C. F., No. 6, H. of R., No. 42, C. F., No. 48, H. of R. No. 45, C. F., No. 79, C. F., No. 19, H. of R., No. 24, H. of R., No. 4, C. F., No. 2, H. of R., No. 26, H. of R., No. 23, H. of R., No. 9, C. F., No. 85, C. F., No. 6, H. of R., No. 2, C. F., No. 15, H. of R., No. 14, C. F., No. 17, C. F., No. 43, C. F., No. 41, C. F., No. 42, C. F., No. 30, H. of R., No. 80, C. F., and No. 81, C. F.

Mr. Freeborn from the Committee on Internal Improvements reported back to the Council No. 24, H. of R.

On motion of Mr. Setzer the rules were suspended and the Council resolved itself into a Committee of the Whole, having under consideration the bills reported by the Special Committee, Mr. Flandrau in the Chair.

After some time being spent therein the Committee rose and reported the bills back to the Council, No. 4, C. F., a bill granting to Richard Ireland and Richard Austin the right to establish a Ferry across the Mississippi river, without amendments, and recommend it be passed.

No. 9, C. F., a bill granting to R. S. Murphy the right to establish and maintain a Ferry across the Minnesota river without amendments and recommend it be passed.

No. 45, C. F., a bill granting Calvin Potter the right to establish a Ferry across the Mississippi river, with amendment and recommend it be passed.

No. 79, C. F., a bill granting to J. L. Worts the right to establish a Ferry across Root River, without amendment, and recommend it be passed.

No. 52, C. F., a bill granting to J. W. Babcock the right to establish a Ferry across the Minnesota River, without amendment, and recommend it be passed.

No. 46, C. F., an act granting to John Henderson the right to establish a Ferry across the Minnesota River, without amendment, and recommend it be passed.

No. 80, C. F., a bill to incorporate the Target Lake Plank Road and Ferry Company, without amendment, and recommend it be passed.

No. 11, C. F., a bill granting to Louis Lacroix the right to establish a Ferry across the Minnesota River, without amendment, and recommend it be passed.

No. 6, H. of R., an act granting to Mathew Ewing the right to establish a Ferry across the Mississippi River, with amendments, and recommend it be passed.

No. 2, H. of R., a bill granting to A. C. & G. W. Riggs the right to establish a Ferry across the Mississippi River, without amendments, and recommend it be passed.

No. 19, H. of R., a bill granting to R. M. & J. P. Richardson the right to establish a Ferry across Sauk river, without amendments, and recommend it be passed.

No. 24, H. of R., an act granting to Samuel Allen the right to establish a Ferry across the Minnesota river, without amendments, and recommend it be passed.

No. 26, H. of R., an act granting to J. B. Shaw the right to establish a Ferry across the Mississippi river, at or near the mouth of Rum river, without amendments, and recommended to be indefinitely postponed.

No. 43, H. of R., an act granting to R. Richmond the right to establish a Ferry across the Mississippi river, without amendments and recommended to be passed.

No. 12, H. of R., memorial for an appropriation to improve the navigation of the Mississippi river and for other purposes.

All of which are herewith transmitted.

H. L. EDWARDS, Chief Clerk, H. of R.

And then withdrew.

The Committee on Enrolled Bills beg leave to report that they have presented to his Excellency the Governor the following bills for his signature :

Nos. 8, 7, 28, 11, 1, 25, 18, 21, 8, and 15, H. of R.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

Mr. Rolette, from Committee on Enrolled Bills, reports

No. 21, C. F.—A bill granting to Hiram Caywood the right to establish and maintain a Ferry across the Minnesota river ;

No. 22, C. F.—An act granting to Andrew J. Myrick the right to establish and maintain a Ferry across the Minnesota river ;

And No. 15, C. F.—An act to incorporate the Rum River Log Driving Company ;

All correctly engrossed.

No. 36, H. of R.—A bill to locate the County Seat of Wabashaw.

No. 3, H. of R.—An act to provide for the laying out a Territorial Road from Spring Lake to the Dodd Road.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions :

No. 34, C. F., a bill for an act to incorporate the Board of Trustees of the College of St. Paul.

No. 28, C. F., a bill for an act to organize the Winona Boom Company.

No. 10, C. F., memorial to the Postmaster General for additional mail service.

No. 10, C. F., to provide for laying out certain Territorial Roads.

No. 5, joint resolution, relative to John E. Warren.

No. 9, C. F., relative to depredations committed by Indians.

No. 26, C. F., for an act to legalize a Road.

No. 10, H. of R., memorial to Congress for improvement of the Mississippi River.

No. 12, H. of R., memorial for the improvement of the navigation of the Mississippi River.

No. 29, H. of R., an act authorizing the Register of Deeds of Scott county to record a plat of Shakopee.

JOS. ROLETTE, Council, } Committee.  
W. B. GERE, H. of R., }

Mr. Rolette from the Joint Committee on enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly Enrolled the following Bill.

No. 40, H. of R., a bill granting an extension of time to the Minnesota and North-western Railroad Company.

J. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

No. 4, C. F., was ordered to be engrossed and read a third time.

No. 9, C. F., was ordered to be engrossed and read a third time.

No. 45, C. F., was ordered to be engrossed and read a third time.

No. 79, C. F., was ordered to be engrossed and read a third time.

No. 23, H. of R., an act granting to George Houghton and C. Davis the right to establish a Ferry across the Mississippi river, without amendments, and recommended to be passed.

No. 75, C. F., an act granting to Stephen Hull the right to establish a Ferry across the narrows of Lake Minnetonka, without amendments and recommended it to be passed, and asked leave to sit again upon the road bills.

The report was accepted, and the amendments adopted.

A message from the House being announced, Wm. Edwards, chief clerk thereof, appeared and delivered the following message.

Mr. PRESIDENT.—The House has passed the following House bills, in which the concurrence of the Council is respectfully solicited.

No. 118, to incorporate the Carimona Academy.

No. 119, to organize the county of Freeborn.

No. 115, providing for two terms of the District Court in Winona county.

No. 112, to provide for supplying vacancies in the office of County Commissioner and for assessment of Real Estate when the same lies in two counties.

No. 111, to incorporate the Minnesota Mining Company.

No. 83, to incorporate the Mississippi and Missouri Railroad Company.

No. 95, H. of R., to provide for the destruction of Wolves.

No. 52, a bill entitled an act to amend the Revised Statutes.

No. 116, to incorporate the Owatonia Institute, at Owatonia.

No. 102, to incorporate the St. Cloud University of Minnesota.

No. 94, for an act to amend an act entitled an act, legalizing the town of Winona and for other purposes.

Also No. 14, memorial to Congress asking for a grant of lands to aid in constructing a Railroad in Minnesota.

No. 3, a Joint Resolution for the relief of Wm. W. Kingsbury and others.

No. 71, to incorporate the Minnesota Saving Institution.

No. 32, to provide for the laying out a Territorial Road from Cannon Falls to the Iowa line.

No. 96, to incorporate the Chatfield Academy.

No. 98, regulating the time of holding two terms of the District Court in and for the county of Carver.

No. 105, relating to Bills of Exchange, &c., falling due on New Year's day, Fourth of July, Fast, Thanksgiving and Christmas.

Which are herewith transmitted.

The House has also passed the following Council bills.

No. 21, granting to Hiram Caywood the right to establish and maintain a Ferry across the Minnesota river.

No. 22, granting Andrew J. Myrick the right to establish and maintain a Ferry across the Minnesota river.

No. 3, to incorporate the Winona and La Crosse Railroad Company.

No. 16, to establish and define the boundaries of Meeker county.

The House has also passed, No. 27, to legalize and confirm certain elections, with an amendment, in which the concurrence of the Council is solicited.

Also, No. 15, C. F., an act to incorporate the Rum River Log Driving Company, which are herewith submitted.

Mr. PRESIDENT, The Speaker has signed the following House bills and memorials.

No. 40, H. of R., a bill granting an extension of time to the Minnesota and North western Railroad Company.

No. 29, H. of R., an act authorizing the Register of Deeds of Scott county, to record a plat of Shakopee city, and legalizing the same.

No. 10, memorial to Congress for an appropriation for the improvement of the Mississippi river between St. Anthony Falls and Sauk Rapids.

No. 52, C. F., was laid on the table.

No. 46, C. F., was ordered to be engrossed and read a third time.

No. 80, C. F., was ordered to be engrossed and read a third time.

No. 11, C. F., was ordered to be engrossed and read a third time.

No. 75, C. F., was ordered to be engrossed and read a third time.

Mr. Flandrau moved,

That No. 6, H. of R., be indefinitely postponed;

And the Yeas and Nays being called for and ordered, there were Yeas 8, and Nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Setzer, Stone, and Mr. President—8.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Ludden, Rollins, and Thompson—5.

So the motion prevailed.

A message from His Excellency, the Governor being announced, Mr. R. A. Smith, private Secretary to the Governor, appeared and delivered the following message:

EXECUTIVE CHAMBER,

St. Paul, Feb. 16th, 1856.

To the President of the Council:

I am directed by His Excellency the Governor to inform the Council that he has this day approved and signed No. 5, C. F., an act to amend chapter ninety-five of the Statutes of Minnesota.

Also No. 8, C. F.—An act to authorize School District No 5, in the city of St. Anthony, Ramsey county, to levy a tax and obtain money for the purchase of ground, and the erection of buildings for school purposes.

Also No. 6, C. F.—A memorial to Congress for an appropriation for the construction of a Road from the Mississippi to Fort Ridgley.

All of which originated in the Council.

EXECUTIVE DEPARTMENT,

St. Paul, Feb. 16th, 1856.

To the President of the Council:—

I am directed by his Excellency to inform the Council that he has this day approved and signed a memorial to Congress for an appropriation of twenty thousand dollars for the construction of Bridges and Culverts on the Territorial Road, from St. Paul to Ellipta by way of Cannon Falls, Rochester, and Carimona.

Which originated in the Council, No. 4, C. F.

Also a memorial to Congress for a tri-weekly mail between Hastings and Traverse des Sioux, No. 7, C. F.

Also a bill to provide for laying out certain Territorial Roads, No. 18, C. F.

No. 2, H. of R., was read a third time.

No. 19, H. of R., was ordered to be read a third time.

No. 24, H. of R. was ordered to be read a third time.

Mr. Hanson moved

No. 26, H. of R. be laid on the table.

And the yeas and nays being called for and ordered, there were yeas 5, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Hanson, Lowry, Rolette and Stone—5.

Those who voted in the negative were,

Messrs. Balcomb, Rollins, Setzer and Mr. President—4.

So the motion prevailed.

C.—20.

No. 43, H. of R., was ordered to be read a third time.

No. 33, H. of R., was ordered to be read a third time.

The Joint Committee on Enrolled Bills have presented to His Excellency the Governor for his signature,

No. 40, H. of R.—A bill granting an extension of time to the Minnesota and North-Western Railroad Company.

J. ROLETTE, Council, }  
Wm. B. GERÉ, H. of R., } Committee.

On motion of Mr. Balcomb,

The Council adjourned until half-past two this afternoon.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment and was called to order by the President. A quorum was present.

Mr. Setzer introduced a petition praying for the laying out of a Territorial Road from Stillwater to Snake River.

And, No. 87, C. F., a bill to provide for laying out a Territorial Road from Stillwater to Snake River.

Read a first and second time, and ordered to be referred to the Committee of the Whole.

Mr. Rolette introduced No. 88, C. F., a bill to incorporate the Henderson and Fort Ridgely Plank Road Company.

Read a first and second time and laid on the table to be printed.

Mr. Freeborn from the Committee on Internal Improvements reported back to the Council No. 19, H. of R., and No. 15, C. F. The report was accepted, and laid on the table.

Mr. Flandrau introduced a petition from D. A. Secomb and introduced No. 89, C. F., an act to entitle D. A. Secomb to practice as a special Attorney and Counsellor in all the Courts of the Territory of Minnesota.

Read a first and second time.

Mr. Brisbin moved the petition together with the bill be indefinitely postponed.

Mr. Flandrau moved the bill and petition be referred to the Committee on Judiciary.

And the Yeas and Nays being called for and ordered, there were Yeas 7, and Nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Hanson, Rollins, Rolette and Tillotson—7.

Those who voted in the affirmative were,

Messrs. Freeborn, Lowry, Ludden, Setzer, Stone and Mr. President—6.

So the bill was referred to the Committee on Judiciary.

Mr. Ludden moved the following Resolution be adopted :

*Resolved*, That the Judiciary Committee are hereby instructed to take into consideration all the other decisions of the Supreme Court, and report upon the same.

And the Yeas and Nays being called for and ordered, there were Yeas 3, and Nays 10, as follows :

Those who voted in the affirmative were,

Messrs. Ludden, Setzer and Mr. President.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rollins, Rolette Stone and Tillotson—10.

The Resolution was lost.

Mr. Hanson from the Committee on Incorporations reported back to the Council No. 7, H. of R., and No. 11, C. F., a memorial.

Mr. Setzer moved the report be accepted.

Which motion prevailed.

Mr. Flandrau moved that the rules be suspended and the Council resolve itself into a Committee of the Whole, to take into consideration bills relative to Territorial Roads, that were reported to the Council by the Special Committee.

The motion prevailed.

Mr. Flandrau in the Chair.

After sometime being spent therein, the committee rose and reported the bills back to the Council.

No. 41, C. F., without amendment, and recommend it be passed.

No. 43, C. F., " " " " " "

No. 87, C. F., " " " " " "

No. 35, C. F., " " " " " "

No. 42, C. F., with amendment, and recommend it be passed.

No. 2, C. F., without " " " " " "

No. 81, C. F., " " " " " "

No. 17, C. F., " " " " " "

No. 30, H. of R., " " " " " "

No. 16, H. of R., " " " " " "

No. 15, H. of R., " " " " " "

No. 14, C. F., " " " " " "

The report was accepted.

Mr. Setzer offered an amendment to No. 15, H. of R.:

Provided, that the different counties in which the road passes may defray the expenses.

The amendment was adopted, and the bill ordered to its third reading.

No. 39, H. of R., and No. 16, H. of R., were ordered to their third reading.

Mr. Setzer moved that the rules be suspended, and all the Council bills as reported back by the Committee of the Whole, be engrossed and read a third time.

The motion prevailed.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT: The House has appointed Messrs. Wilkinson, Lott and Bontillier as a Committee of Conference to confer with a similar committee on the part of the Council, to take into consideration the disagreement of the two Houses, relative to the Joint Resolution concerning the division of Ramsey county.

H. L. EDWARDS, Chief Clerk.

And then withdrew.

The Committee on Enrolled Bills beg leave to report the following bills as correctly enrolled:

No. 16, H. of R.—A memorial of the Legislative Assembly of Minnesota;

No. 42—A bill to incorporate the Minnesota Salt Company;

No. 88, H. of R.—A bill for the relief of School Districts.

That they have presented to his Excellency the Governor for his signature the following bills:

No. 12, H. of R.—Memorial for the improvement of the Mississippi, and other purposes;

No. 10, H. of R.—Memorial for the improvement of the Mississippi river between St. Anthony and Sauk Rapids;

No. 29, H. of R.—Authorizing the Register of Deeds of Scott county to record a plat of Shakopee City.

J. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

The Committee of Conference to whom was referred the disagreeing vote on bill No. 4, H. of R.—A bill to incorporate the Minnesota Life, Fire and Marine Insurance

Company,—beg leave to report that they have had the same under consideration, and recommend "That the Council recede from their amendment."

LEWIS STONE,	} Of Council.
WM. FREEBORN,	
B. W. LOTT,	} Of House.
SAML. HULL,	

On motion of Mr. Setzer, the Council adjourned.

Attest,  
WM. COLVILLE,  
Secretary.

JOHN B. BRISBIN,  
President,

TUESDAY, FEBRUARY 19, 1856.

The Council met pursuant to adjournment, and was called to order by the President. Prayer by the Rev. Mr. Neill.

A quorum was present.

On motion of Mr. Flandrau, the reading of yesterday's Journal was dispensed with. Mr. Setzer, from the Committee on Engrossed Bills, reported

Nos. 71, 11, 75, 14, 41, 46, 45, 4, 9, 42, 87, 81, 43, 35 and 79 C. F., correctly engrossed.

Mr. Flandrau, from the Committee on Judiciary, reported as follows :

Report of the Committee on the Judiciary, on the petition of David Secomb, to be restored to the position of Attorney and Counsellor-at-Law :

Your committee, to whom was referred the above matter, respectfully report that after carefully considering the subject embraced in said petition, they have arrived at the following conclusions :

1st. That the Supreme Court had the power, by statute, to remove an attorney and counsellor, on its own motion, for matter within its own knowledge, without any notice to the party to be removed.

2d. That said Court also possesses the power, by statute, to remove an attorney and counsellor, when the accusation is made against him by another, without notice to the party accused, if in their opinion, the case is such as not to require said notice, and would refer to sections 20, 21, 22 and 23 of chapter 93 of the Revised Statutes, on page 460.

3d. That the said court have, in the case of Mr. Secomb, exercised that power and adjudged the case against him.

4th. That whether this power, granted by the statute, is of doubtful validity, or whether the exercise of it in this particular case was wise, or just, are matters that cannot be questioned by the Legislature, so as to influence in any manner the subject upon which the decision of said court operated.

5th. That the Legislature has its particular province, which is to make laws, and the Judiciary has also its distinct sphere, which is to expound and administer the laws so made. That these two jurisdictions are entirely independent of each other in their action. That the sole and exclusive power of interpreting the laws is confided to the courts, and that when a construction is put upon a law by an adjudication of the highest court of the country, it is as binding upon the Legislature as upon an individual, and whether right or wrong, within the scope of the subject adjudged, is conclusive.

Your committee are also of the opinion that any attempt, by either arm of the government, to interfere with these well settled rights of any other branch thereof, is dangerous in its tendencies, and should meet with no encouragement, and that any conflict

of jurisdictions between the several departments of the government, will weaken the liberties of the subject, and the stability of society.

Your committee fully appreciate the importance of an independent judiciary, and desire to throw no obstacles in the way of entire freedom in the exercise of the powers entrusted to it; but your committee are of the opinion that the statute above referred to confers a power upon the courts which should not exist in any tribunal in a free country, to wit, the power to condemn a party in his absence, and without an opportunity to defend himself, and to inflict upon him a punishment much more severe than is awarded to the commission of high crimes; and your committee make this suggestion with a full conviction of the necessity that exists for every court of justice to be able to protect itself and enforce a proper respect to its dignity and proceedings.

Your committee would therefore report that in their opinion it is doubtful if the legislature have power to interfere in the matter of Mr. Secomb, and if they have, the exercise of such power would be inexpedient, but that it is also their opinion that the statute above referred to should be so amended that the courts in future can in no case remove an attorney and counsellor without first giving him an opportunity to be heard in his defence.

All of which is respectfully submitted.

CHAS. E. FLANDRAU, Chairman.  
H. N. SETZER,  
D. M. HANSON.

A message from his Excellency the Governor being announced, Mr. R. A. Smith, Private Secretary to the Governor, appeared and delivered the following message:

EXECUTIVE DEPARTMENT,  
St. Paul, Feb. 18th, 1856. }

To the President of the Council:

I am directed by his Excellency to inform the Council that he has this day approved and signed "A bill to incorporate the Little Falls Bridge Company," also "A Memorial relative to granting to certain Indians the right of citizenship," which originated in the Council.

Mr. Hanson from the Committee on Incorporations reported back to the Council, No. 51, C. F., without amendment and recommend its passage.

The Committee of Conference to whom was referred the disagreeing vote on bill No. 4, H. of R., a bill to incorporate the Minnesota Life, Fire and Marine Insurance Company, beg leave to report that they have had the same under consideration, and recommend "That the Council recede from their amendment."

LEWIS STONE, } Council,  
WM. FREEBORN. }  
B. W. LOTT, } House.  
SAML. HULL. }

The report was accepted and the recommendation adopted.

No. 27, C. F., as amended by the House was taken up.

The amendment was accepted.

No. 118, H. of R., was read a first time, and ordered to its second reading.

No. 95, H. of R. was read a first time.

Mr. Setzer moved,

The bill be referred to the Committee on Legislative expenses.

And the yeas and nays being called for and ordered, there were yeas 1 and nays 11, as follows:

Mr. Setzer, voted in the affirmative—1.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Hanson, Lowry, Rollins, Rolette, Stone, Thompson and Mr. President—11.

On motion of Mr. Flandrau,  
The Rules were suspended, and the bill read a second and third time and passed, and its title agreed to.

No. 116, H. of R. was read a first and second time, and laid on the table.

119, H. of R. was read a first time and referred to the Committee on Internal Improvements.

No. 112, H. of R. was read a first time and laid on the table.

No. 111, H. of R. read a first time,

Mr. Hanson offered an amendment, which was adopted.

Mr. Hanson moved the Rules be suspended and the bill, as amended, be read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 9 and nays 1, as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Hanson, Lowry, Rolette, Stone and Mr. President—7.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Flandrau, Rollins and Setzer—5.

There not being a two-third vote, the motion was lost.

Mr. Flandrau moved,

The bill be referred to the Committee on Internal Improvements.

And the yeas and nays being called for and ordered, there were yeas 6, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Flandrau, Rollins, Rolette and Setzer—6.

Those who voted in the negative were,

Messrs. Dooley, Hanson, Lowry, Stone, and Mr. President—4.

The motion prevailed, and the bill was referred to the Committee.

A message from His Excellency, the Governor, being announced, Mr. R. A. Smith, private Secretary to the Governor, appeared and delivered the following message:

EXECUTIVE DEPARTMENT, St. Paul, Feb. 18, 1856.

To the President of the Council:

I am directed by His Excellency to inform the Council that he has this day approved and signed "An act to suppress the issue and circulation of unauthorized bills as currency."

Which originated in the Council.

No. 83, H. of R., read a first time, and ordered to be referred to the Committee of the Whole Council.

No. 52, H. of R., read a first time and laid on the table.

No. 115, H. of R., read a first time, and

On motion of Mr. Flandrau,

The rules were suspended, and the bill read a second and third time and passed, and its title agreed to.

No. 102, H. of R., read a first time, and

Mr. Balcomb moved, that the rules be suspended and the bill be read a second and third time and passed and its title agreed to.

Mr. Flandrau moved a call of the House.

Messrs. Bailly, Ludden, and Thompson, absent.

Messrs. Bailly, Thompson, and Mr. Ludden, reported present.

On the motion of Mr. Balcomb,

The yeas and nays were called for and ordered, and there were yeas 12, and nays 1, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rollins, Rolette, Stone, Tillotson, and Mr. President—12,

So the motion was lost.

Mr. Setzer voted in the negative.

The motion prevailed, and the bill read a second and third time and passed, and its title agreed to.

Mr. Hanson, having obtained leave, introduced No. 96, C. F., a bill to provide for organizing the county of Farribault, and to establish the county seat of said county, Read a first time.

Mr. Hanson moved the rules be suspended, and the bill read a third time and passed. Which motion prevailed.

Mr. Flandrau moved the bill be referred to the Committee on Internal Improvements.

Mr. Setzer moved a call of the House.

Messrs. Ludden, Tillotson and Mr. Thompson were the absent members.

The President decided that the motion to commit could not be entertained.

Mr. Flandrau appealed from the decision of the chair.

The question then recurring, shall the decision of the chair be sustained.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 4, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Freeborn, Hanson, Lowry, Ludden, Rollins, Stone, Tillotson and Thompson—10.

Those who voted in the negative were,

Messrs. Bailly, Flandrau, Rolette and Setzer—4.

The motion prevailed and the decision of the chair was sustained.

Mr. Flandrau moved that the vote by which the bill was ordered to be read a third time, be reconsidered.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 7, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Flandrau, Freeborn, Rollins, Rolette, Setzer, Tillotson and Mr. President—8.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Hanson, Lowry, Ludden Stone and Thompson—7.

So the motion prevailed.

On motion of Mr. Flandrau, the bill was committed to the Committee on Judiciary.

Mr. Rolette offered the petition of W. A. Cheever and 50 others, praying to be set apart from "the City of St. Anthony."

Mr. Setzer moved that the petition be referred to the House of Sovereigns.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 10, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Setzer and Stone—4.

Those who voted in the negative were,

Messrs. Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rolette, Tillotson, Thompson and Mr. President—10.

The motion was lost.

On motion of Mr. Rolette, the petition was laid on the table.

No. 94, H. of R., read a first time and referred to the Committee on Incorporations.

Mr. Hanson introduced No. 91, C. F., a bill to organize the county of Scott, read a first and second time and referred to the Committee on Incorporations.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions :

No. 16, C. F., a bill for an act to establish and define the boundaries of Meeker county.

No. 2, C. F., a bill to provide for laying out a Territorial Road from Manhattan, via the head of Buffalo Lake and Red Cedar Island Lake to Traverse des Sioux.

J. ROLETTE, Council,  
J. S. NORRIS, H. of R. } Committee.

No. 105, H. of R., read a first time and referred to the Committee on Judiciary.

No. 14, H. of R., a memorial, read a first time and referred to the Committee on Internal Improvements.

No. 32, H. of R., read a first time.

On motion of Mr. Lowry,

The rules were suspended, and the bill read a second and third time and passed, and its title agreed to.

No. 3, H. of R., a Joint Resolution, read a first time and ordered to its second reading.

No. 98, H. of R., read a first time and laid on the table.

Mr. Lowry moved the Council adjourn until half-past two. Prevailed.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment, and was called to order by the President.

A quorum was present.

No. 96, H. of R. was read a first time,

And on motion of Mr. Flandrau,

The Rules were suspended and the bill read a second and third time and passed, and its title agreed to.

Mr. Rolette, from the Committee on Enrolled Bills, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly Enrolled the following bill :

No. 60, H. of R., an act to define the boundaries of certain counties.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

No. 71, H. of R. was read a first time, and was indefinitely postponed.

No. 19, H. of R. a memorial, as amended, was read a second time.

On motion of Mr. Balcomb.

The Rules were suspended, and the bill read a third time and passed, and its title agreed to.

A message from the House being announced, Mr. Edwards, chief clerk thereof, appeared and delivered the following message.

Mr. President.—The House has passed the following House bills, in which the concurrence of the Council is respectfully solicited.

No. 128, to provide for the more speedy publication of the Laws of this Territory.

No. 126, to increase the powers of the Regents of Universities in Minnesota Territory.

No. 99, to establish the county of McLeod and for other purposes.

No. 137, to incorporate the Little Falls Manufacturing Company.

No. 72, to incorporate Medical societies for the purpose of regulating the practice of Surgery and Physic in Minnesota Territory.

No. 50, to incorporate the St. Paul Gas Light Company.

No. 45, to authorize the formation of Mining, Smelting, Manufacturing Iron, Copper, Silver, &c.

No. 5, to incorporate the Lake Superior and Northern Pacific Railroad Company.

Also, No. 23, memorial to Congress to alter the form of the Red Wing, Winona and Root River Land District.

Which are herewith transmitted.

The House has also passed the following Council Files without amendments:

No. 40, to incorporate the Masonic Building Association.

No. 31, to incorporate the Huldacooper Institute.

No. 48, to provide for locating the county seat of certain counties.

Which are herewith returned.

The Speaker has signed the following House bills and memorials.

Which are herewith submitted.

A memorial of the Legislative Assembly.

An act for the relief of School Districts.

An act to incorporate the Minnesota Salt Company.

An act to locate the county seat of Wabashaw county.

An act to provide for laying out a Territorial Road from Spring Lake to intersect the Dodd Road.

W. L. EDWARDS, Chief Clerk, H. of R.

No. 87, H. of R., read a third time and on motion of Mr. Flandrau, the rules were suspended and the bill read a third time and passed, and its title agreed to.

No. 25, H. of R., a memorial; read a second time, and Mr. Flandrau moved the rules be suspended, and the memorial read a third time and passed. And the yeas and nays being called for and ordered, there were yeas 10, and nays 4, as follows:

Those who voted in the affirmative were, Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Lowry, Rollins, Tillotson, Thompson, and Mr. President.

Those who voted in the negative were, Messrs. Hanson, Rolette, Setzer and Stone.

So the motion prevailed. The memorial was read a third time, passed, and its title agreed to.

Mr. Rolette introduced No. 92, C. F., a bill for an act to incorporate the Tazaska Manufacturing Company, read a first and second time and laid on the table to be printed; also,

No. 93, C. F., a bill for an act to incorporate the town of Tazaska, read a first and second time and laid on the table to be printed.

Mr. Freeborn from the Committee on Internal Improvements, reported back to the Council No. 111, H. of R., without amendment.

No. 18, H. of R., referred to the Committee on Territorial Roads.

No. 111, H. of R., a bill to incorporate the Minnesota Mining Company, was read a third time and passed, and its title agreed to.

No. 30, H. of R., an act to provide for laying out a Territorial Road from Winona to Owatonna, read a third time and passed, and its title agreed to.

No. 54, C. F., a bill to incorporate the county of Pine, read a third time.

Mr. Lowry moved the rules be suspended, and No. 64½, C. F., a bill to incorporate the Zumbra River Falls Manufacturing Company, be read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 11, and nays 4 as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Stone, Tillotson, Thompson, and Mr. President—11.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Rolette, Setzer.—4.

The motion prevailed. Bill read a third time.

The question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 12 and nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Hanson, Lowry, Ludden, Rollins, Stone, Tillotson, Thompson, and Mr. President—12.

Those who voted in the negative were,

Messrs. Rolette and Setzer—2.

C.—21.

The motion prevailed. The bill was passed, and its title agreed to.

No. 23 H. of R.—A bill granting to George Houghton and C. Davis the right of a Ferry across the Mississippi river. Read a third time passed and its title agreed to.

No. 43 H. of R.—A bill granting to R. Richmond the right to establish a Ferry across the Minnesota river, read a third time and passed and its title agreed to.

No. 2 H. of R.—A bill granting to A. C. and G. W. Riggs the right to establish a Ferry across the Minnesota river, read a third time and passed and its title agreed to.

No. 24 H. of R.—An act granting to G. Allen the right to establish a Ferry across the Minnesota river, read a third time and passed and its title agreed to.

No. 19 H. of R.—A bill granting to R. M. and J. P. Richardson the right to establish and maintain a Ferry across Sauk River, read a third time and passed and its title agreed to.

No. 15 H. of R.—A bill to locate a Territorial Road from Old Sioux Crossing to Mendota, read a third time and passed and its title agreed to.

No. 13 C. F.—A memorial to Congress to establish a Fort at Pembina, read a third time and passed and its title agreed to.

No. 11, C. F., an act granting to Louis Lacroix the right to establish and maintain a Ferry across the Minnesota River, at the town of Little Rapids, read a third time and passed, and its title agreed to.

No. 75, C. F., an act to authorize Stephen Hull to construct and maintain a Ferry across the Narrows at Lake Minnetonka, read a third time and passed, and its title agreed to.

No. 45, C. F., an act granting to Calvin Potter the right to establish and maintain a Ferry across Lake Pepin, read a third time and passed, and its title agreed to.

No. 35, C. F., a bill to provide for the laying out of a Territorial Road from Red Wing, to Moses Sailor's in Farribault county, read a third time and passed, and its title agreed to.

No. 41, C. F., an act for a Territorial Road from Minneapolis to Glencoe, read a third time and passed, and its title agreed to.

No. 17, C. F., a bill to provide for the laying out and establishing a Territorial Road, from Henderson to Fort Ridgley, read a third time and passed, and its title agreed to.

No. 46, C. F., an act granting to John Henderson the right to establish and maintain a Ferry across the Minnesota river. Read a third time and passed and its title agreed to.

No. 43, C. F., an act to locate a Road from Fort Ripley to Fort Ridgley. Read a third time and passed and its title agreed to.

No. 14, C. F., an act to provide for laying out a Territorial Road from Red Wing to Henderson. Read a third time and passed and its title agreed to.

No. 81, C. F., a bill to provide for laying out a Territorial Road from the Point Douglass and St. Louis River Road to Mille Lac. Read a third time and passed and its title agreed to.

No. 42, C. F. An act to provide for the laying out of certain Territorial Roads; read a third time and passed, and its title agreed to.

No. 9, C. F. A bill granting to R. G. Murphy the right to establish and maintain a Ferry across the Minnesota river, at a point now known as Murphy's Ferry. Read a third time and passed, and its title agreed to.

No. 4, C. F. An act granting to Richard Ireland and Richard Austin the right to establish and maintain a Ferry across the Mississippi river at Point Douglass. Read a third time and rejected.

No. 79, C. F. An act granting J. L. Wertz the right to establish and maintain a Ferry across Root river. Read a third time and passed, and its title agreed to.

No. 87, C. F. A bill to provide for the laying out of a Territorial Road from Stillwater to a point on Snake river. Read a third time and passed, and its title agreed to.

No. 42, C. F. An act to provide for laying out a Territorial Road from Winona to the Iowa line. Read a third time and passed, and its title agreed to.

No. 60, C. F., a bill to incorporate the Young Men's Association of Winona. Read a third time and passed and its title agreed to.

On motion of Mr. Setzer,

The Council resolved itself into a Committee of the Whole, having under consideration

No. 13, H. of R., an act to amend an act entitled an act to define the Boundaries of certain Counties.

After some time being spent therein, the committee rose and reported the bill back to the Council with amendments, and recommend it be passed.

The Report was accepted and the amendments adopted, and the bill ordered to its third reading.

Mr. Stone introduced No. 94, C. F., a bill for an act to incorporate the St. Cloud Life, Fire and Marine Insurance, Co. read a first and second time and laid on the table to be printed.

Mr. Flandrau from the Committee on Judiciary, reported back to the Council No. 90, C. F., a bill to organize the county of Farribault, with amendment.

On motion of Mr. Flandrau,

The Council resolved into a Committee of the Whole,

Mr. Setzer in the chair,

Having under consideration,

No. 90, C. F., an act to organize the county of Farribault.

No. 59 C. F.—An act to provide for laying out certain Territorial Roads.

After sometime being spent therein the committee rose and reported the bills back to the Council,

No. 90 C. F., with amendments;

No. 59 C. F. without amendment, and recommend they be passed.

The report was accepted.

On motion of Mr. Hanson the rules were suspended and No. 90 C. F. as amended was read a third time and passed and its title agreed to.

No. 59 C. F. was referred to the committee on Incorporations.

On motion of Mr. Flandrau the Council adjourned.

J. B. BRISBIN,  
President

W. COLVILLE, Secretary.

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WEDNESDAY, FEBRUARY 20, 1856.

The Council met pursuant to adjournment.

Prayer by the chaplain.

A quorum was present.

The Journal of yesterday's proceedings was read and approved.

Mr. Hanson introduced a petition of School District No. 1, of Hennepin County, to borrow money to buy lots and build School Houses.

Mr. Tillotson presented a petition of the citizens of Fillmore County, praying for the passage of an act, granting to the legal voters of said county, the right to vote at a special election to be held on the first Monday in April, A.D. 1856.

Mr. Stone introduced

No. 95, C. F.—A bill for an act to incorporate the Lake Superior and Mills Lac Plank Road Company.

Read a first and second time and laid on the table to be printed

Mr. Freeborn introduced the following resolution:

Whereas by a provision of Section three of Chapter sixteen, of session laws of 1854, a vacancy exists in the office of Surveyor General of Logs and Lumber in the Third District; Therefore,

*Resolved*, (the House concurring,) That the Council and House of Representatives will meet in Joint Convention on Tuesday next, at two o'clock P. M., in the Hall of the House of Representatives, for the purpose of electing a Surveyor General, for the third District.

The resolution was adopted.

Mr. Ludden introduced

No. 96, C. F.—A bill to incorporate the West Branch Dam Company.

Read a first and second time and referred to the Committee on Incorporations.

Mr. Hanson introduced

No. 97, C. F.—A bill to designate the site whereon to erect the county buildings of Hennepin County, and authorize the Committee to procure a title thereto, and extending the boundaries of the County.

Read a first and second time and laid on the table to be printed.

Mr. Hanson introduced

No. 98, C. F.—A bill authorizing School District No. 1, in Hennepin County, to raise money for the purpose of erecting school buildings.

Read a first and second time and laid on the table to be printed.

Mr. Setzer from the Committee on engrossed bills reported,

No. 80, C. F.—An act to incorporate the Target Lake Plank Road and Ferry Company, correctly engrossed.

Mr. Stone from the Committee on Militia made the following report.

The Committee to whom was referred the petitions in regard to a change in system of "scaling" logs beg leave to report,

That your Committee find it to be the wish of the lumbering interest in the 1st District, that there should be no change, while the Lumbermen on the Mississippi wish a change from the "St. Croix Scale," so called, to "Norton's Improved Scale." The reason alleged why there should be a distinction in the system or scaling in the two districts appear to be founded upon the difference in the size and general character of Timber &c.,

LEWIS STONE,	} Committee.
B. F. TILLOTSON,	
J. D. LUDDEN.	

Mr. Dooley, from the Special Committee, to whom was referred No. 34, H. of R., reported the same back to the Council, without recommendation or amendment.

Mr. Hanson from the Committee on Incorporations, reported back to the Council No. 90, H. of R. and No. 13, C. F. without amendment and recommend they be passed.

No. 128, to provide for the more speedy publication of the Laws of this Territory.

Read a first time.

No. 126, to increase the powers of the Regents of Universities in Minnesota Territory.

Read a first time.

No. 99, to establish the county of McLeod and for other purposes.

Read a first and second time, and referred to the Committee on Incorporations.

No. 137, to incorporate the Little Falls Manufacturing Company.

Read a first time.

No. 72, to incorporate Medical societies for the purpose of regulating the practice of Surgery and Physic in Minnesota Territory.

Read a first time.

No. 50, to incorporate the St. Paul Gas Light Company.

Read a first time.

No. 45, to authorize the formation of Mining, Smelting, Manufacturing Iron, Copper, Silver, &c.

Read a first time.

No. 5, to incorporate the Lake Superior and Northern Pacific Railroad Company.

Read a first time.

Also, No. 23, memorial to Congress to alter the form of Red Wing, Winona and Root River Land District.

Read a first time.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—

The Speaker has signed an act to define the boundaries of certain counties.

Which is herewith transmitted.

H. L. EDWARDS, Chief Clerk, H. of R.

No. 3, Joint Resolution,

Read a second time and ordered to its third reading.

No. 128, to provide for the more speedy publication of the Laws of this Territory.

Read a second time and referred to the Committee on printing.

No. 126, to increase the powers of the Regents of Universities in Minnesota Territory.

Read a second time and referred to the Committee of the Whole.

No. 137, to incorporate the Little Falls Manufacturing Company.

Read a second time and referred to the Committee on Incorporations.

No. 72, to incorporate Medical societies for the purpose of regulating the practice of Surgery and Physic in Minnesota Territory.

Read a second time and referred to the Committee on Judiciary

No. 50, to incorporate the St. Paul Gas Light Company.

Read a second time and referred to the Committee on Judiciary.

No. 45, to authorize the formation of Mining, Smelting, Manufacturing Iron, Copper, Silver, &c.

Read a second time and referred to the Committee on Incorporations.

No. 5, to incorporate the Lake Superior and Northern Pacific Railroad Company.

Read a second time and referred to the Committee on ———

Also, No. 23, memorial to Congress to alter the form of the Red Wing, Winona and Root River Land District.

Read a second time and referred to the Committee on ———

No. 80, C. F. an act to incorporate the Target Lake Plank Road and Ferry Co.

Read a third time and passed, and its title agreed to.

And No 13, H. of R. to amend an act entitled an act to define the boundaries of certain counties.

Read a third time and passed and its title agreed to.

On motion of Mr. Setzer, the Council resolved itself into Committee of the Whole, Mr. Flandrau in the chair, having under consideration

No. 16 C. F., a memorial for a treaty with the Chippeway and Sioux Indians.

No. 82 C. F., an act to increase the representation of the Legislative Assembly.

No. 19 C. F., a Joint Resolution for the relief of the clerks of the two Houses.

After some time being spent therein the Committee rose and reported the bills and memorial back to the Council.

No. 16 C. F. without amendment, and recommended its passage.

No. 82 C. F. without amendment, and recommended it to be referred to the Committee on Territorial Affairs.

No. 19 C. F. without amendment, and recommended it be referred to the committee on Legislative Expenditures.

The report was accepted and the recommendations adopted.

The question recurring on engrossing and reading the third time No. 16 C. F. a memorial, and the yeas and nays being called for and ordered, there were yeas 9, and nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Hanson, Rollins, Rolette, Stone and Mr. President—9.

Those who voted in the negative were,

Messrs. Ludden and Setzer—2.

The memorial was ordered to be engrossed and read a third time.

On motion of Mr. Hanson,

The Council resolved itself into a Committee of the Whole,

Mr. Balcomb in the chair,

Having under consideration No. 51, C. F., an act entitled an act to incorporate the Lake Superior and Central Minnesota Railroad Company;

No. 67, C. F., to amend an act to prohibit the introduction of Liquor into the Territory purchased from the Sioux Indians;

No. 71, C. F., an act to amend section 3, chapter 16, of the laws of 1853;

No. 13, C. F., to incorporate the St. Cloud and Minneapolis Railroad Company.

After sometime being spent therein, the committee rose and reported the bills back to the Council.

No. 51, C. F., without amendment, and recommend it be referred to the Committee on Incorporations.

No. 71, C. F., without amendment, and recommend it be passed.

No. 13, C. F., with recommendation that it be indefinitely postponed.

No. 67, C. F., with recommendation that it be referred to the Committee on Judiciary.

The report was accepted and recommendations adopted.

The question recurring on No. 13, C. F., shall the bill be indefinitely postponed.

Mr. Flandrau moved the bill be laid upon the table.

A call of the House was ordered.

Messrs. Lowry, Freeborn and Tillotson, were absent.

Mr. Hanson moved all further proceedings under the call of the House be dispensed with.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Hanson, Ludden, Rollins, Rolette, Stone, and Thompson—10.

Those who voted in the negative were,

Mr. Setzer, and Mr. President—2.

The motion prevailed.

The question then recurring on Mr. Flandrau's motion.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 8 as follows:

Those who voted in the affirmative were,

Messrs. Flandrau Rolette, Setzer, and Mr. President.—4.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Hanson, Ludden, Rollins, Stone, Thompson.—8.

The motion was lost.

Mr. Flandrau moved the bill be referred to the committee on Incorporations.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 8, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Rolette, Setzer, and Mr. President.—4.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Dooley, Hanson, Ludden, Rollins, Stone, Thompson.  
The motion was lost.

Mr. Setzer moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 8,  
as follows:

Those who voted in the affirmative were,  
Messrs. Flandrau, Rollins, Setzer, and Mr. President.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Dooley, Hanson, Ludden, Rolette, Stone, Thompson.  
The motion was lost.

Mr. Flandrau moved,

That the amendments offered to the bill, in Committee of the Whole, be adopted.

And the yeas and nays being called for and ordered, there were yeas 3, and nays 9,  
as follows:

Those who voted in the affirmative were,  
Messrs. Flandrau, Setzer and Mr. President—3.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Dooley, Hanson, Ludden, Rollins, Rolette, Stone and  
Thompson—9.

So the motion was lost.

Mr. Hanson moved the bill be engrossed, and read a third time.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 2,  
as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Dooley, Flandrau, Hanson, Ludden, Rollins, Rolette, Stone and  
Thompson—9.

Those who voted in the negative were,

Mr. Setzer and Mr. President—2.

The motion prevailed.

On motion of Mr. Hanson, the Council adjourned until half-past two.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment, and was called to order by the President.

A quorum was present.

Mr. Hanson moved that the rules be suspended, and the No. 97 C. F. be taken up  
The motion prevailed.

On motion of Mr. Hanson, section six was stricken out.

Mr. Hanson offered an amendment, which was accepted, the rules were suspended,  
and the bill read a third time and passed, and its title agreed to.

No. 32 C. F.—An Act to amend an act entitled an act to incorporate the City of St.  
Paul, was taken up.

Mr. Rollins offered a substitute to the House amendment, which was adopted.

The several amendments made by the House were adopted by the Council.

On motion of Mr. Setzer,

Bill No. 97 C. F. was ordered to be engrossed.

Mr. Setzer, from the Committee on Legislative Expenditures, reported back No. 19  
C. F. without amendment, and recommend it be passed.

Mr. Setzer, from the Committee on Engrossed Bills, reported back to the Council  
No. 71 C. F. correctly engrossed.

On motion of Mr. Flandrau the Rules were suspended and the Council resolved itself  
into Committee of the Whole, Mr. Balcomb in the chair, having under consideration,

No. 47, C F.—A bill relative to the terms of the District Court.

No. 19, C. F.—A memorial to Congress for the passage of an act regulating the clerkships of the District Courts of this Territory. After some time spent therein, the committee rose and reported the bill and memorial back to the Council.

No. 47, C. F. with amendments, and recommended it be passed.

No. 19, C. F., a memorial with amendments, and recommended its passage.

The report was accepted and the amendments were adopted.

The bill was ordered to be engrossed and read a third time.

The Rules were suspended and the memorial was ordered to be engrossed and read a third time and passed. The memorial was read a third time and passed and its title agreed to.

The Committee on Enrolled bills beg leave to report that they have presented to his Excellency the Governor for his signature the following bills.

A memorial of the Legislative Assembly of the Territory of Minnesota.

An act to locate the County Seat of Wabasha county.

An act for the relief of School Districts.

An act to incorporate the Minnesota Salt Company.

An act to define the boundaries of certain counties.

An act to provide for laying out a Territorial Road from Spring Lake in Scott county, to intersect the road known as the Dodd Road.

J. ROLETTE, Council. } Committee.  
WM. B. GERE, H. R. }

Mr. Hanson moved the rules be suspended and

No. 90 H. of R.—An Act to amend an act entitled an act to incorporate the Pittsburg and Minnesota Mining Company, passed by the Legislative Assembly of Minnesota Territory, and approved the 3d day of March, A. D. 1856, be taken up and read a third time.

And the Yeas and Nays being called for and ordered, there were yeas 5, and nays 7, as follows :

Those who voted in the affirmative were,

Messrs. Hanson, Rolette, Stone, Tillotson, Thompson—5.

Those who voted in the negative were,

Messrs. Bailly, Dooley, Flandrau, Freeborn, Rollins, Setz r, Mr. President—7.

The motion was lost.

Mr. Brisbin moved the bill be laid on the table until to-morrow.

And the Yeas and Nays being called for and ordered, there were yeas 5, and nays 8, as follows :

Those who voted in the affirmative were,

Messrs. Bailey, Dooley, Freeborn, Rollins, Mr. President—5.

Those who voted in the negative were,

Messrs. Balcomb, Flandrau, Hanson, Rolette, Setzer, Stone, Tillotson, Thompson—8.

The motion was lost.

Mr. Brisbin moved an amendment to Sec. 2.

And the Yeas and Nays being called for and ordered, there were yeas 6, and nays 8, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Dooley, Freeborn, Ludden, Rollins, Mr. President—6.

Those who voted in the negative were,

Messrs. Balcomb, Flandrau, Hanson, Rolette, Setzer, Stone, Tillotson, Thompson—8.

The motion was lost.

The question recurring on its third reading—

And the Yeas and Nays being called for and ordered, there were yeas 11, and nays 3, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Rolette, Setzer, Stone, Tillotson, Thompson—11.

Those who voted in the negative were,

Messrs. Ludden, Rollins, Mr. President—3.

The motion prevailed, and the bill ordered to its third reading.

Mr. Rolette offered the following resolution:

*Resolved*, That the Legislative Printer be required to transmit to his Excellency the Governor of the Territory, five printed copies of every act that shall be passed by the Council.

Which was approved.

On motion of Mr. Thompson the Rules were suspended and No. 38, H. of R., a bill to amend an act entitled an act to amend chapter —, was taken up.

Mr. Thompson moved the bill be read a third time.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Freeborn, Ludden, Setzer, Stone, Tillotson, Thompson

Those who voted in the negative were,

Messrs. Bailly, Flandrau, Rollins, and Mr. President.

The motion prevailed, and the bill was ordered to its third reading.

Mr. Freeborn moved the Council adjourn.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Rollins, Thompson, and Mr. President.

Those who voted in the negative were,

Messrs. Freeborn, Ludden, Setzer, Stone, Tillotson.

So the Council adjourned.

J. B. BRISBIN,  
President.

W. COLVILLE,  
Secretary.

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THURSDAY, FEBRUARY 21,

The Council met pursuant to adjournment.

Prayer by the Chaplain.

A quorum was present.

The Journal of yesterday's proceedings was read and approved.

Mr. Hanson presented a petition from citizens of Dakota County, praying for the non-passage of a bill relating to the change of the boundary of Dakota County.

Mr. Setzer gave notice of a motion for leave to introduce a bill to authorize the common Council of the City of St. Paul, to issue bonds for certain purposes.

Mr. Setzer from the committee on engrossed bills, reported

No. 47, C. F., No. 16, C. F., No. 13, C. F.

Correctly engrossed.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following Report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills and Memorials:

No. 74, H. of R.—A bill for an act to incorporate the Mankato Library Association.

C.—22

No. 20, H. of R.—A memorial for an appropriation of \$20,000.

No. 18, H. of R.—A memorial for certain mail routes in Minnesota.

JOS. ROLETTE, Council, }  
W. B. GERE, H. of R., } Committee.

No. 19, C.F.—A Joint Resolution for the relief of the clerks of the House and Council of the present Session,

Was read a third time, and the question being put on its passage,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Flandrau, Rolette, Setzer, Tillotson, and Mr. President—6.

Those who voted in the negative were,

Messrs. Balcomb and Rollins—2.

The resolution was passed and its title agreed to.

No. 38, H. of R.—A bill to amend the Revised Statutes,

Was read a third time;

The question recurring on its passage,

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

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Freeborn, Rollins, Setzer, and Thompson—6.

Those who voted in the negative were,

Messrs. Flandrau, Hanson, Rolette, Stone, Tillotson, and Mr. President—6.

The bill was rejected.

Mr. Tillotson moved the reconsideration of the vote;

The motion was carried.

The question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 10, and nays 3, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Setzer, Stone, Tillotson, and Thompson—10.

Those who voted in the negative were,

Messrs. Flandrau, Rollins, and Mr. President—3.

The bill was passed and its title agreed to.

No. 31 C. F., a bill for an act to incorporate the Minneapolis and St. Cloud Railroad company was read a third time.

The question recurring on its passage, and the yeas and nays being called for and ordered, there were yeas 10, and nays 2, as follows:

Those who voted in the affirmative were:

Messrs. Bailly, Balcomb, Dooley, Hanson, Ludden, Rolette, Stone, Tillotson, Thompson and Mr. Speaker—10.

Those who voted in the negative were:

Messrs. Flandrau and Setzer—2.

The bill was passed and its title agreed to.

No. 47 C. F., a bill relative to the terms of the District Court was read a third time and passed and its title agreed to.

No. 71 C. F., an act to amend chapter 16 of the Laws of 1853, was read a third time.

The question recurring on its passage, and the yeas and nays being called for and ordered, there were yeas 7, and nays 4, as follows:

Those who voted in the affirmative were:

Messrs. Bailly, Flandrau, Freeborn, Setzer, Stone, Tillotson and Mr. President—7.

Those who voted in the negative were :

Messrs. Balcomb, Dooley, Ludden and Rollins—4.

The bill was passed and its title agreed to.

No. 16 C. F., a memorial asking for a treaty with the Chippewas and Sioux, was read a third time.

And the question recurring on its passage, and the yeas and nays being called for and ordered, there were yeas 8, and nays 3, as follows :

Those who voted in the affirmative were :

Messrs. Balcomb, Flandrau, Freeborn, Rollins, Rolette, Stone, Thompson and Mr. President—8.

Those who voted in the negative were :

Messrs. Dooley, Ludden and Setzer—3.

The bill was passed and its title agreed to.

No. 90, H. of R., an act to amend an act entitled an act to incorporate the Pittsburgh and Minnesota Mining Company, passed by the Legislative Assembly of Minnesota Territory, and approved the 3d day of March, A. D., 1853, was read a third time.

The question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 7, and nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Flandrau, Rolette, Setzer, Stone, Tillotson and Thompson—7.

Those who voted in the negative were,

Messrs. Dooley, Freeborn, Ludden, Rollins and Mr. President—5.

The bill was passed and its title agreed to.

No. 65, H. of R., an act granting a charter to the Fort Snelling Bridge Company, was taken up and recommitted to the Committee on Judiciary.

No. 54, H. of R., a bill for an act to regulate Agencies of Insurance Companies in Minnesota Territory, was taken up and recommitted to the Committee on Judiciary.

No. 7, H. of R., an act to incorporate the Root River Valley and Southern Minnesota Railroad Company, was taken up and ordered to its third reading.

No. 34, H. of R., a bill to establish the Common Boundaries between the counties of Scott and Dakota, was taken up and ordered to its third reading.

No. 24, H. of R., a memorial of the Legislative Assembly of Minnesota Territory, was taken up.

The amendment as reported by the Committee on Internal Improvements was adopted, and the bill ordered to its third reading.

On motion of Mr. Freeborn, the Council resolved itself into a Committee of the Whole, Mr. Ludden in the chair, having under consideration

No. 68, C. F., a bill prescribing the manner in which Corporations may convey real estate ;

No. 126, H. of R., an act to amend an act entitled an act to increase the powers of the Board of Regents of University of the Territory of Minnesota.

After some time being spent therein, the committee rose and reported the bills back to the Council,

No. 68, C. F., with recommendation that it be referred to the Committee on Judiciary ;

No. 126, H. of R., with recommendation it be indefinitely postponed.

The Report was accepted and the recommendation was adopted.

Mr. Flandrau, from the Committee on Judiciary, reported back to the Council

No. 65, H. of R., and No. 54, H. of R.

Mr. Flandrau moved the Rules be suspended and No. 23, C. F., a memorial to Congress to alter the form of Red Wing, Winona and Root River Land Districts, be read a third time.

Mr. Setzer moved a call of the House.

Messrs. Hanson, Lowry and Thompson absent.

Mr. Hanson and Mr. Thompson in their seats, Mr. Lowry excused.

And the Yeas and Nays being called for and ordered, there were Yeas 9, and Nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Hanson, Ludden, Rollins, Rolette, Stone and Thompson—9.

Those who voted in the negative were,

Messrs. Bailly, Freeborn, Setzer, Tillotson and Mr. President—5.

The motion was lost, there not being a two-third majority.

On motion of Mr. Setzer,

The Council resolved itself into a Committee of the Whole, Mr. Balcomb in the chair, having under consideration,

No. 72 C. F., a bill to incorporate the Minnesota Female Seminary.

After sometime being spent therein the Committee rose and reported the bill back to the Council with amendments and recommend it be passed.

The report was accepted and the bill ordered to be engrossed.

The following message was received from the House :

Mr. PRESIDENT: The House has passed No. 90 C. F., an act to organize the county of Faribault and to establish the county seat of said county, with the following amendment, in which the concurrence of the Council is respectfully requested :

Strike out the word "Steele" in the 2d line of the 4th section, and insert in lieu thereof the words "Blue Earth."

H. L. EDWARDS, Chief Clerk.

On motion of Mr. Tillotson,

The Council resolved itself into a Committee of the Whole, Mr. Flandrau in the chair, having under consideration,

No. 84, C. F.—An act relative to to the County Seat of Fillmore County.

No. 61, C. F.—A bill to incorporate the town of St. Cloud.

No. 11, C. F.—A memorial to Congress for an appropriation to construct the Saint Paul and Kettle River Road in the Territory of Minnesota.

After sometime being spent therein the Committee rose and reported the bills and memorials back to the Council.

No. 11, C. F.—A memorial, with amendment and recommend it be passed.

No. 84, C. F.—Recommend it be passed.

No. 61, C. P.—Recommend it be passed.

The report was accepted, and the recommendations adopted.

No. 61, C. F.—Ordered to be engrossed.

No. 11, Memorial.— " " " "

Mr. Tillotson moved the rules be suspended, and

No. 84, C. F., be read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 11, and nays 3, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins, Rolette, Stone, Tillotson, and Thompson—11.

Those who voted in the negative were,

Messrs. Flandrau, Setzer, and Mr. President—3.

The motion prevailed.

The bill was read a third time.

The question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 12, nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins, Rolette, Setzer, Stone, Tillotson, and Thompson—12.

Those who voted in the negative were,

Mr. Flandrau and Mr. President—2.

The bill was passed and its title agreed to.

A message from the House being announced, Mr. Edwards' chief clerk thereof appeared and delivered the following message:

Mr. President, the House has concurred in the amendments to House bills Nos. 15, 13, and 87.

Also, memorials Nos. 25 and 19.

The House has passed the following House bills and memorials in which the concurrence of the Council is solicited:

No. 77, H. of R.—An act entitled an act to incorporate the St. Anthony Falls Water Power Company.

Also, a memorial to the Postmaster General for certain mail routes.

No. 27, H. of R., a memorial of the Legislative Assembly of the Territory of Minnesota, to the Postmaster General of the United States, praying for further mail facilities in the United States.

No. 28, H. of R., a memorial to Congress for an appropriation of \$10,000 for the construction of bridges and culverts on a Territorial Road from the Iowa State line, via Richland and Chatfield, to Rochester in Minnesota Territory, in which the concurrence of the Council is respectfully requested.

The House has also passed the following Council files:

No. 97, C-F., a bill to designate the site whereon to erect the County Buildings of Hennepin county, and authorize the Commissioners to procure a title thereto and extending the boundaries of the county.

No. 19, C. F., a memorial to Congress for the passage of an act regulating the Clerkships of the United States District Courts of this Territory.

No. 19, C. F., a joint resolution of the Legislative Assembly of the Territory of Minnesota for the relief of the Clerks of the Council and House of Representatives.

No. 42, C. F., an act to provide for laying out a Territorial Road from Winona to Wabashaw and from Iowa to the Iowa line.

The memorials, joint resolution and bill, are herewith returned.

H. L. EDWARDS, Chief Clerk, H. of R.

And then withdrew.

Mr. Flandrau moved the Council adjourn.

And the Yeas and Nays being called for and ordered, there were Yeas 3, and Nays 11, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Rolette and Setzer—3.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins, Stone, Tillotson, Thompson, and Mr. President—11.

The motion was lost.

Mr. Ludden moved,

That the House of Representatives be requested to return, for further action of the Council, bill No. 126, H. of R.

The motion prevailed.

On motion of Mr. Freeborn, the Council adjourned.

JOHN B. BRISBIN,

President,

Attest,

WM. COLVILLE,

Secretary.

## FRIDAY, FEBRUARY 22.

Council met pursuant to adjournment.

Prayer by the Chaplain.

A quorum was present.

Journal of yesterday was read and approved.

A message having been announced from the House, the Chief Clerk appeared and delivered the following :

MR. PRESIDENT :—The Speaker has signed the following Council Files :

Bills Nos. 16, 34, 26, 21, 28, 10, 2, 22 and 15 ;

Memorials, Nos. 10 and 9 ;

And Joint Resolution No. 5 ;

Also, the following House Memorials : To Congress, for an appropriation of \$20,000 to construct the Brownsville and Mankato Territorial Road ;

Also, Memorial to Congress for certain Mail Routes in Minnesota Territory ;

And an act to incorporate the Mankato Library Association.

The House has also passed the following Council Files :

No. 19, an act to organize the St. Croix Boom Company ;

And No. 32, an act to amend an act to incorporate the City of St. Paul, Ramsey co., Minnesota Territory, in which the House has concurred in the amendments proposed, and has amended the substituted, an amendment to the substitute made by the Council to the House amendments.

It has also passed the following House Bills :

No. 124, an act to incorporate the Caledonia Academy at Caledonia ;

No. 138, an act relating to the distribution of the School Fund in Sibley county ;

No. 142, for an act to amend the Revised Statutes ;

No. 143, an act to provide for the election of County Auditor, and prescribing his duties.

In which the concurrence of the Council is solicited, and all of which are herewith transmitted.

H. L. EDWARDS,  
Chief Clerk H. of R.

Mr. Setzer, according to previous notice, introduced No. 99, C. F., an act to authorize the Common Council of the city of St. Paul, to issue bonds for certain purposes.

On motion of Mr. Setzer, the rules were suspended and it was read a first and second time, and ordered not to be printed, and it was referred to the committee of the whole Council.

Mr. Rolette introduced No. 100, C. F., a bill for an act to incorporate the Greenwood and Lake Minnetonka Plank Road Company, which was read a first and second time,

And on motion of Mr. Setzer, it was indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 4, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooly, Freeborn, Ludden, Rollins, Setzer, and Mr. President—7.

Those who voted in the negative were,

Messrs. Flandran, Hanson, Rolette, and Stone—4.

Mr. Rolette introduced No. 101, C. F., a bill to incorporate the Library Association of Tanaska, which was read a first and second time, and

On motion of Mr. Freeborn, referred to the Committee on Incorporations, without being printed.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, and Joint resolutions:

No. 97, C. F., a bill for an act to designate the site whereon to erect the County Buildings of Hennepin county, &c., and extending the boundaries thereto.

No. 42, C. F., an act to lay out a Road from Winona to Wabashaw, and from Winona to the Iowa line.

No. 19, joint resolution for the relief of Clerks.

No. 3, an act to incorporate the Winona and La Crosse Railroad Company.

No. 111, H. of R., a bill to incorporate the Minnesota Mining Company.

No. 23, H. of R., a bill granting to G. Houghton and C. Davis the right to maintain a Ferry across the Mississippi River.

No. 43, H. of R., granting a Ferry charter to Reuben Richmond and others across the Mississippi River.

No. 102, H. of R., a bill for an act to incorporate the St. Cloud University.

No. 30, H. of R., a bill for an act to provide for laying out a Territorial Road from Winona to Owatonia.

No. 95, H. of R., to provide for the destruction of Wolves.

J. ROLETTE, Council, } Committee  
Wm. B. GERE, H. of R., }

Mr. Freeborn introduced,

No. 102, C. F., an act entitled an act to incorporate the Cannon Falls Manufacturing Company, which was read a first and second time and laid on the table to be printed.

Mr. Balcomb moved a reconsideration of the vote had on House bill No. 126.

Mr. Flandrau moved a call of the Council, when Messrs. Bailly, Lowry, Rolette and Mr. President were found to be absent.

On motion of Mr. Setzer, Messrs. Bailly and Lowry were excused, and the President and Mr. Rolette appearing in their seats, the business was resumed.

And the yeas and nays being called for and ordered, there were yeas 11, and nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Ludden, Rollins, Rolette, Stone, Thompson, Tillotson.—11

Those who voted in the negative were,

Mr. Setzer, and Mr. President.—2.

A message having been announced from the House, the Chief Clerk thereof appeared and delivered the following:—

Mr. President, the House has passed the following House bills, in which the concurrence of the Council is solicited.

No. 22, to incorporate the town of Minneapolis in the county of Hennepin.

No. 44, to incorporate the St. Cloud Bridge Company.

No. 63, an act to promote Medical Science.

No. 83, to incorporate the Mississippi and Missouri Railroad Company.

No. 110, to provide for the election of County Superintendent of Common Schools.

No. 139, to incorporate the St. Paul and St. Anthony Railroad Company.

No. 140, to incorporate the town of Clarksville and for other purposes.

No. 144, to incorporate the Minnesota Valley Institute at Chaska.

No. 153, to incorporate the Mantorville Academy.

No. 154, to incorporate the Henderson Bridge Company.

No. 149, to incorporate the St. Peter Institute at St. Peter.

No. 218, to provide for an annual appropriation for the benefit of the Historical Society.

No. 26, memorial to the Post Master General for certain mail routes, and No. 32, memorial for the establishment of mail routes in Dakota county,

Also, No. 71, C. F., to amend chapter sixteen of the laws of 1853, all of which are herewith transmitted.

H. L. EDWARDS,  
Chief Clerk H. R.

And then he withdrew.

Mr. Hanson moved that the bill be recommitted to the Committee on Judiciary; And the yeas and nays being called for and ordered, there were yeas 5, and nays 8, as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Flandrau, Rolette, Setzer, and Mr. President—5.

Those who voted in the negative were,  
Messrs. Dooley, Freeborn, Hanson, Ludden, Rollins, Stone, Tillotson, and Thompson—8.

So the motion to recommit was lost.

Mr Hanson moved that the bill be ordered to a third reading, and on that moved the previous question;

And the yeas and nays being called for and ordered, there were yeas 9, and nays 4, as follows:

Those who voted in the affirmative were,  
Messrs. Dooley, Freeborn, Hanson, Ludden, Rollins, Rolette, Stone, Tillotson and Thompson—9.

Those who voted in the negative were,  
Messrs. Balcomb, Flandrau, Setzer, and Mr. President—4.

So the motion prevailed.

The chair having decided a motion to reconsider in order, that decision was appealed from by Mr. Setzer;

And the yeas and nays being called for and ordered, there were yeas 5, and nays 7, as follows:

Those who voted in the affirmative were,  
Messrs. Flandrau, Freeborn, Rolette, Thompson, and Mr. President—5.

Those who voted in the negative were,  
Messrs. Balcomb, Dooley, Hanson, Rollins, Setzer, Stone, and Thompson—7.

So the decision of the chair was not sustained.

The vote then recurring on the third reading of the bill,  
And the yeas and nays being called for and ordered, there were yeas 8, and nays 5, as follows.

Those who voted in the affirmative were,  
Messrs. Dooley, Freeborn, Hanson, Ludden, Rollins, Stone, Thompson, and Tillotson—8.

Those who voted in the negative were,  
Messrs. Balcomb, Flandrau, Rolette, Setzer, and Mr. President—5.

And the bill went to a third reading.

Mr. Setzer raised a point of order that the third reading of the bill now, was not in order, and the President decided that it was.

That decision was appealed from;

And the yeas and nays being called for and ordered, there were yeas 10, and nays 2, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Rollins, Stone, Thompson, and Tillotson—10.

Those who voted in the negative were,  
Mr. Setzer, and Mr. President—2.

So the decision of the chair was sustained, and the vote recurring on the passage of the bill,

And the Yeas and Nays being called for and ordered, there were Yeas 9, and Nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Dooley, Freeborn, Hanson, Ludden, Rollins, Stone, Tillotson, and Thompson—9.

Those who voted in the negative were,

Messrs. Balcomb, Flandrau, Setzer, and Mr. President—4.

So the bill passed.

Mr. Rollins moved a reconsideration of the vote just had.

And the yeas and nays being called for and ordered, there were yeas 5, and nays 9 as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Flandrau, Rolette, Setzer and Mr. President—5.

Those who voted in the negative were,

Messrs. Bailly, Dooley, Freeborn, Hanson, Ludden, Rollins, Stone, Tillotson and Thompson—9.

So the reconsideration of the vote was lost.

Mr. Flandrau, from the Committee on the Judiciary, reported

No. 72, H. of R., back with the recommendation that it be indefinitely postponed; and Nos. 128, 50, 105 and 8, H. of R., and 68, C. F., with the recommendation that they pass.

Mr. Setzer, from the Committee on Engrossed Bills, reported Nos. 61, 11 and 72 C. F., as correctly engrossed.

Mr. Hanson, from the Committee on Incorporations, reported Nos. 59, 101 and 13, C. F., and Nos. 99 and 45, H. of R., back with the recommendation that they pass.

No. 32, C. F., was then taken up by the Council, as amended, and an amendment of the Council was made thereto, and the bill sent back to the House for its concurrence.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills and Memorials:

No. 87, H. of R., a bill for an act entitled an act to change the name of Alexander Paul to Francis H. Milligan;

No. 25, H. of R., a memorial to Congress for an appropriation to open a road from Fort Ridgley to the South Pass in the Rocky Mountains;

No. 38, H. of R., a bill to amend an act entitled an act to amend section 16, article 8, of the Revised Statutes;

No. 15, H. of R., a bill to locate a Territorial Road from the Old Sioux Crossing, opposite the town of Traverse des Sioux, by the Dogs' Lodge and Vermillion Prairie, to the Mendota and Big Sioux Road, at some point near Mendota;

No. 24, H. of R., an act granting to Samuel Allen the right to establish and maintain a Ferry across the Minnesota river at the town of Chaska;

No. 90, H. of R., an act to amend an act entitled an act to incorporate the Pittsburg and Minnesota Mining Company.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

The following House Bills were then read a first time: Nos. 218, 32, 149, 154, 158, 110, 22, 83, 44, 63, 144, 140, 139, 77, 27, 28, 142, 124, 143 and 138, and Memorial No. 26.

The Rules were suspended on motion of Mr. Setzer, and No. 68, H. of R., a bill to promote Medical Science, was referred to a *Coroner's Jury*.

On motion of Mr. Flandrau, Council adjourned till half-past two o'clock, P. M.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

On motion, Council resumed the reading of House bills and memorials a first time.

Mr. Rolette from the Joint Committee on Enrolled bills, made the following report :

The Joint Committee on Enrolled bills have examined and found correctly enrolled the following bills and memorials :

No. 15, C. F. a bill for an act to incorporate the Rum River Log Driving Company.

No. 28, C. F., a bill for an act to organize the Winona Boom Company.

No. 9, C. F., a memorial to Congress to amend that part of the trade and intercourse laws that relates to the payment of damages for depredations committed by the Indians upon the property of whites.

JOS. ROLETTE, Council. } Committee.  
WM. B. GERE, H. of R. }

A message having been announced from the House, the Chief Clerk thereof appeared and delivered the following :

Mr. PRESIDENT :—The Speaker signed the following bills :

No. 31, C. F., a bill to incorporate the Huidaçooper Institute.

No. 97, C. F., to designate the site whereon to erect the county buildings of Hennepin county, and authorizing the commissioners to procure a title thereto, and extending the boundaries of the counties.

Also the following House bills and memorials :

No. 25, to Congress for an appropriation to open a Road from Fort Ridgley to the South Pass of the Rocky Mountains.

No. 30, to provide for laying out a Territorial Road from Winona to Owatonia.

No. 15, to locate a Territorial road from the Old Sioux crossing to some point near Mendota.

No. 43, granting to Ruben Richmond and John S. Wilson the right to establish and maintain a Ferry across the Mississippi River.

No. 23, granting to Christopher Davis the right to establish and maintain a Ferry across the Mississippi river.

No. 111, to incorporate the Minnesota Mining Company.

No. 95, to provide for the destruction of Wolves.

No. 38, to amend section 16, article 8, of the revised statutes.

No. 24, granting to Samuel Allen the right to establish and maintain a Ferry across the Minnesota River.

No. 90, to amend an act to incorporate the Minnesota Mining Company.

No. 87, to change the name of Alexander Paul to Francis Millgan.

No. 102, an act to incorporate the St. Cloud University of Minnesota.

And then he withdrew.

Mr. Hanson moved, that No. 77, C. F., a bill to incorporate the St. Anthony Falls Water Power Company, be read a third time, under a suspension of the rules.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 3, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Ludden, Rollins, Thompson, Stone, Tillotson.

Those who voted in the negative were,

Messrs. Bailly, Setzer, and Mr. President.

The motion prevailed, and the bill was read a third time and passed.

On motion of Mr. Hanson, No. 44, H. of R., a bill to incorporate the St. Cloud

Bridge Company, was read a first and second time by its title, and referred to the Committee on Incorporations.

On motion of Mr. Flandrau, No. 27, H. of R., a memorial to the Post Master General for greater mail facilities in the Minnesota Valley, was read a third time under a suspension of the rules, and passed.

No. 140, H. of R., was read a first and second time, and referred to the Committee on Judiciary.

No. 153, H. of R., was read a second time.

No. 138, H. of R., was referred to the Committee of the Whole.

No. 143, H. of R., was referred to the Committee on the Judiciary,

No. 124, H. of R., was read a second time, and referred to the Committee on Schools.

No. 122, H. of R., was referred to the Committee on Incorporations.

No. 83, H. of R., was referred to the Committee on Incorporations ;

No. 137, H. of R., was read a second time and Mr. Freeborn moved to refer it to the Committee on Incorporations ;

And the yeas and nays being called for and ordered, there were yeas 8, and nays 4, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Freeborn, Hanson, Rollins, Rolette, Stone and Tillotson—8.

Those who voted in the negative were,

Messrs. Flandrau, Ludden, Setzer and Mr. President—4.

And the bill was so referred.

No. 110, H. of R., was read a second time, and referred to the Committee on Schools ;

No. 28, H. of R., was read a second time, and referred to the Committee on Internal Improvements ;

No. 142, H. of R., was read a second time, and Mr. Ludden moved that it be read a third time by its title,

And the yeas and nays being called for and ordered, there were yeas 5, and nays 7, as follows :

Those who voted in the affirmative were,

Messrs. Flandrau, Ludden, Rolette, Tillotson and Mr. President—5.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Freeborn, Hanson, Rollins, Setzer and Stone—7.

So the motion was lost.

Mr. Hanson moved the Council adjourn,

And the yeas and nays being called for and ordered, there were yeas 6 and nays 8, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Hanson, Rolette, Setzer, Tillotson and Mr. President.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Ludden, Rollins, Stone and Thompson

So the motion to adjourn was lost.

No. 144, H. of R., was read a second time and referred to the committee on Schools.

No. 154, H. of R., was read a second time.

No. 149, H. of R., was read a second time.

No. 218, H. of R., was referred to the committee on Territorial Expenditures.

No. 26, H. of R., a memorial to the Post Master General for certain mail routes, was read a third time and passed, and its title agreed to.

No. 32, H. of R., was read a second time, and Mr. Flandrau moved that it be read a third time by its title.

And the yeas and nays being called for and ordered, there were yeas 12 and nays 2, as follows :

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Ludden, Rollins, Stone,  
Thompson, Tillotson and Mr. Speaker.

Those who voted in the negative were,  
Messrs. Rolette and Setzer.

So the memorial was read a third time and passed, and its title agreed to.

The Council then went into Committee of the Whole, Mr. Setzer in the Chair, to consider Nos. 55, 95, 91, 56, 70, 77, 83 and 99, C. F., and Nos. 22, 138 and 114 H. of R.

And after some time spent therein the Committee rose and reported,

No. 99, C. F., a bill to authorize the Common Council of the city of St. Paul to issue bonds for certain purposes, with the recommendation that it pass.

No. 83, C. F., an act to provide for distraining cattle and other animals doing damage with the recommendation that it be indefinitely postponed.

A message from the Council being announced, Mr. Colville, Secretary, appeared and delivered the following message:

MR. PRESIDENT: The Speaker has signed the following Council bills:

No. 48, an act to provide for the location of certain county seats.

No. 90, an act to organize the county of Faribault and locating the county seat thereof

No. 42, C. F., to provide for laying out a Territorial Road from Winora to Washaw and to the Iowa line.

Also, No. 19., a Joint Resolution of the Legislative Assembly of the Territory of Minnesota for the relief of the Clerks of the Council and House of Representatives, all of which are herewith transmitted

And then he withdrew.

H. L. EDWARDS, Chief Clerk, H. of R.

No. 32, H. of R., a bill to incorporate the town of Minneapolis, in the county of Hennepin, was reported back to the Council;

No. 56, C. F., a bill to provide for paying the expenses of surveying and locating a road from St. Cloud to Minneapolis, with the recommendation that it be indefinitely postponed;

No. 91, C. F., an act to incorporate the County of Brett, with the recommendation that it be indefinitely postponed;

No. 70, C. F., an act to amend the Revised Statutes, was reported back to the Council;

No. 138, H. of R., a bill relative to the distribution of the School Fund in Sibley County, with the recommendation that it be indefinitely postponed;

No. 114, H. of R., a memorial for the reduction of the Military Reserve at Fort Ridgley, with the recommendation that it pass;

No. 77, C. F., a bill declaring certain roads laid out under the authority of the General Government of the U. S. Territorial Roads, with the recommendation that it pass;

The report of the Committee of the Whole, on motion of Mr. Hanson, was accepted and laid on the table.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following Report:

The Joint Committee on Enrolled Bills, have presented to his Excellency the Governor for his approval and signature the following bill:

No. 97, C. F., a bill to designate the site whereon to erect the County Buildings of Hennepin County, and authorizing Commissioners to procure a title thereto, and extending the boundaries of the county.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

Mr. Freeborn moved to adjourn until to-morrow morning at half-past nine o'clock.  
And the yeas and nays being called for and ordered, there were yeas 7, and nays 6,  
as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins, and Stone—7.  
Those who voted in the negative were,  
Messrs. Flandrau, Rolette, Setzer, Thompson, Tillotson, and Mr. President—6.  
So the motion was carried.

W. COLVILLE, Secretary.

J. B. BRISBIN,  
President.

SATURDAY, FEBRUARY 23, 1856.

The Council met pursuant to adjournment.

Prayer by the Chaplain.

A quorum was present.

The Journal of yesterday's proceedings was read and approved.

Mr. Ludden introduced a petition in relation to a road from Little Canada to Taylor's Falls and by way of Chisago Lake. Laid on the table.

Mr. Rollins introduced No. 10, Joint Resolution of the Council and House of Representatives. Read a first and second time, and referred to a Select Committee of Messrs. Brisbin, Hanson, and Ludden.

Mr. Freeborn, from the Committee on Internal Improvements, reported back to the Council No. 28, H. of R., with recommendation it be passed.

The Committee on Enrolled Bills have presented to his Excellency the Governor the following :

A memorial to Congress for an appropriation of \$20,000, to construct the Brownsville and Mankato Road ; a memorial to Congress for certain Mail Routes in Minnesota Territory ; a memorial No. 10, C. F. ; an act to incorporate the Mankato Library ; an act No. 2, C. F. ; an act No. 34, C. F. ; an act No. 22, C. F. ; an act No. 21, C. F. ; Joint Resolution No. 3, C. F. ; an act No. 26, C. F. ; an act No. 10, C. F. ; Nos. 16, 19, 31, 28, 9, 15, 42, 90 and 48 C. F.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

No. 11, C. F., a memorial for an appropriation for the construction of the St. Paul and Kettle River Road.

Read a third time and passed and its title agreed to.

No. 72, C. F., an act to incorporate the Minnesota Female Seminary.

Read a third time and passed and its title agreed to.

No. 61, C. F., an act to incorporate the town of St. Cloud.

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

No. 3, H. of R., a Joint Resolution for the relief of Wm. W. Kingsbury and others.  
Read a third time.

The question recurring on its passage,

And the Yeas and Nays being called for and ordered, there were Yeas 7, and Nays 1,  
as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Dooley, Flandrau, Ludden, Rolette, Stone and Tillotson—7.

Mr. Bailly voted in the negative.

The Resolution was passed and its title agreed to.

No. 24, H. of R., a memorial for an appropriation to extend the Mendota and Wabashaw Road to St. Paul.

Was read a third time and passed.

No. 34, H. of R., an act to establish the common boundary of Scott and Dakota. Read a third time and recommitted to the Committee on Judiciary.

An act to amend an act to incorporate the Root River Valley and Southern Minnesota Rail Road Company.

Read a third time and passed, and its title agreed to.

No. 48, H. of R., an act entitled an act to authorize School District No. 1, town 36, range 20, to levy a special tax, read a third time and passed and its title agreed to.

The committee on Enrolled Bills beg leave to report the following bills as correctly enrolled:

No. 71, C. F., an act to amend chapter sixteen of the laws of 1853.

No. 96, H. of R., a bill entitled an act to incorporate the Chatfield Academy at Chatfield.

JOS. ROLETTE Council, }  
WM. B. GERE, H. R. } Committee.

No. 59, H. of R., was taken up and recommitted to the committee on Incorporations.

No. 28, H. of R., a memorial, was taken up and ordered to its third reading.

No. 10, C. F., was taken up and ordered to its third reading.

No. 45, H. of R., was taken up and ordered to its third reading.

No. 25, C. F., a bill to incorporate the Northern Pacific R. R. Company, was taken up.

Mr. Setzer moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 3, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Hanson, Rolette, Setzer.—3.

Those who voted in the negative were,

Messrs. Bailly, Flandrau, Freeborn, Ludden, and Mr. President.

The motion was lost.

On motion of Mr. Setzer, the bill was referred to a select committee consisting of Messrs. Hanson, Rollins, and Setzer, to be reported back to the Council on the next sitting day.

No. 99, H. of R., a bill to establish the county of McLeod, was taken up and ordered to its third reading.

No. 49, H. of R., a bill to define the boundary lines of the county of St. Anthony was taken up, and

Mr. Hanson moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Dooly, Freeborn, Hanson, Ludden, Rolette, Setzer, Stone, and Mr. President—8.

Those who voted in the negative were,

Messrs. Bailly, Flandrau, Rollins, and Thompson—4.

The motion was lost.

No. 72, H. of R., an act to incorporate Medical Societies for the purpose of regulating the practice of Physical Surgery in this Territory, was taken up.

Mr. Flandrau moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 5, as follows:

Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Setzer, Stone, Tillotson, and Mr. President—8.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Ludden, Rolette, and Thompson—5.

The motion prevailed.

No. 128, H. of R., an act to provide for the more speedy publication of the Laws of the Territory, was taken up, read a third time and passed and its title agreed to.

No. 105, H. of R., Bills of Exchange due on Holidays, &c., was taken up, read a third time and passed, and its title agreed to.

No. 68, C. F., a bill to prescribe the manner in which corporations may convey Real Estate, was taken up.

Mr. Freeborn moved the bill be read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Ludden, Rolette, Stone, Tillotson, and Mr. President—10.

Those who voted in the negative were,

Messrs. Hanson, Setzer, and Thompson—3.

The motion prevailed, the bill was read a third time and passed, and its title agreed to.

No. 50, H. of R., was taken up and referred to the Committee of the whole Council.

No. 51, C. F., was taken up and ordered to its third reading.

No. 47, C. F., was taken up and ordered to its third reading.

No. 54, H. of R., was taken up and ordered to its third reading.

No. 65, H. of R., was ordered to its third reading.

No. 45, H. of R., was taken up and ordered to its third reading.

No. 101, C. F., was taken up and ordered to its third reading.

No. 28, H. of R., was taken up and ordered to its third reading.

Mr. Brisbin introduced No. 103, C. F., a bill to incorporate the Board of Trustees of the Hastings University.

Read a first and second time and laid on the table to be printed.

Mr. Hanson introduced No. 104, C. F., a bill for an act to provide for laying out a road from Minneapolis in Hennepin county to Greenwood.

Read a first and second time and laid on the table to be printed.

Mr. Freeborn introduced No. 105, C. F., a bill to provide for the laying out of a Territorial Road from Cannon Falls to St. Paul.

Read a first and second time.

Mr. Flandrau moved the bill be ordered to be engrossed without being printed.

And the Yeas and Nays being called for and ordered, there were Yeas 7, and Nays 2, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Ludden, Tillotson and Thompson—7.

Those who voted in the negative were,

Messrs. Rolette and Setzer.

The motion prevailed.

Mr. Balcomb moved, the report of the Committee of the Whole of yesterday be now taken up. The motion prevailed.

The recommendations made by the Committee of the Whole were adopted.

No. 99, C. F., ordered to be engrossed.

No. 22, H. of R., ordered to be engrossed.

No. 77, C. F., ordered to be engrossed.

No. 14, H. of R., memorial, ordered to its third reading.

No. 70, C. F., ordered to be engrossed.

The question being put on indefinitely postponing No. 56, C. F.

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

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Thompson.

Those who voted in the negative were,

Messrs. Dooley, Flandrau, Freeborn, Hanson, Ludden, Rolette, Setzer, and Mr. President.

The bill was not postponed.

On motion of Mr. Setzer, the bill was referred to the committee on Territorial Roads.

Mr. Brisbin from the Joint Committee, reported back to the Council a joint resolution in reference to the site whereupon to erect the county buildings of Hennepin county, with amendments.

Mr. Hanson moved the rules be suspended and the Joint Resolution be read a third time and passed. The motion prevailed. The resolution was read a third time and passed.

No. 91, C. F., was indefinitely postponed.

No. 138, H. of R., was referred to the Committee on Schools.

No. 82, C. F., was referred to the committee on Agriculture and Manufactures.

On motion of Mr. Setzer the Council resolved itself into a Committee of the Whole, Mr. Setzer in the Chair, having under consideration No. 67, C. F., an act to amend an act entitled an act to prohibit the introduction of liquor into the Territory purchased from the Sioux Indians—after some time being spent therein the Committee rose and reported the bill back to the Council with recommendation it be passed.

The report was accepted and recommendation adopted; the bill was ordered to be engrossed.

On motion of Mr. Setzer the Council adjourned.

Attest,

WM. COLVILLE,  
Secretary.

JOHN B. BRISBIN,  
President,

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MONDAY, FEBRUARY 25,

The Council met pursuant to adjournment.

Prayer by the Chaplain.

The Journal of yesterday's proceedings was read and approved

A message having been announced from the House, the Chief Clerk appeared and delivered the following :

MR. PRESIDENT :—The Speaker has signed the following House bills and Joint Resolution in which the concurrence of the Council is solicited, also the following C. F.

No. 84, C. F., an act relative to the County Seat of Fillmore county.

No. 188, H. of R., an act to incorporate the Benevolent Society of "United Sons of Erin," established at St. Paul, in the year 1855.

No. 209, H. of R., a bill to legalize the acts of the county and precinct officers in Wabashaw county.

No. 10, C. F., Joint Resolution of the Council and House of Representatives of the Territory of Minnesota.

No. 54, C. F., an act to organize the county of Pine.

No. 58, H. of R., a bill to incorporate the St. Paul Water Company.

No. 200, H. of R., an act to attach a portion of township one hundred and twelve, of range nineteen west, to Dakota county.

No. 41, C. F., an act for a Territorial Road from Minneapolis to Glencoe.

No. 234, H. of R., an act to define the boundaries of Benton, Morrison and Sherburn counties, and for other purposes, all of which are herewith transmitted.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills.

No. 19, C. F., a bill for an act to organize the St. Croix Boom Corporation

No. 128, H. of R., a bill for an act to provide for the more speedy publication of the Laws of the Territory.

No. 90, H. of R., an act to amend an act entitled an act to incorporate the Pittsburg and Minnesota Mining Company.

J. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

Mr. Flandrau introduced No. —, C. F., a bill to organize the town of Wilkin.

Read a first and second time, and ordered not to be printed.

Also, No. —, C. F., an act to amend "an act to incorporate the St. Paul Bridge Company.

Read a first and second time and ordered not to be printed.

Mr. Hanson introduced No. —, C. F., an act in reference to the examination of parties as witnesses.

Read a first and second time and ordered not to be printed.

A message from the Governor being announced, Mr. Smith appeared and delivered the following message :

EXECUTIVE DEPARTMENT, M. T. }  
Saint Paul, Feb. 23, 1856. }

To the President of the Council—

Sir : I am directed by His Excellency, to inform the Council that he has this day approved and signed the following memorials and acts, viz :

"Memorial to the Postmaster General for additional mail service." No. 10, C. F.

"An act to provide for laying out a Territorial Road from Manhattan, via the head of Buffalo Lake and Red Cedar Island Lake to Traverse des Sioux." No. 2, C. F.

"A bill for an act to legalize a Road from Crow Wing to Mille Lac and from Mille Lac to the head of Lake Superior in Minnesota Territory." No. 26, C. F.

"A bill granting to Hiram Caywood the right to establish and maintain a Ferry across the Minnesota River." No. 21, C. F.

"A Joint resolution of the Legislative Assembly of the Territory of Minnesota, for the relief of the Clerks of the Council and House of Representatives." No. 19, C. F.

- "An act to provide for locating the County Seats of certain counties." No. 48, C. F.  
 "An act to incorporate the Board of Trustees of the College of St. Paul." No. 34, C. F.  
 "An act to establish and define the boundaries of Meeker county." No. 16, C. F.  
 "An act granting to Andrew J. Myrick the right to establish and maintain a Ferry across the Minnesota River." No. 22, C. F.

EXECUTIVE DEPARTMENT, M. T.,  
 Saint Paul, Feb. 15th, 1856. }

To the Speaker of the House of Representatives :

Sir : I am directed by His Excellency, to inform the House of Representatives that he has this day approved and signed the following memorials and acts, viz :

- "Memorial to Congress for an appropriation of \$20,000 to construct the Brownsville and Mankato Territorial Road."  
 "Memorial to Congress for certain mail routes in Minnesota Territory."  
 "An act to incorporate the Mankato Library Association."

Mr. Flandrau from the Committee on Judiciary reported back to the Council No. 140, H. of R. and No. 143, H. of R., without action.

Mr. Hanson from the Committee on Incorporations reported back to the Council No. 83, H. of R., with recommendation it be passed.

The Committee on Enrolled Bills beg leave to report that they have presented to his Excellency, the Governor, for his signature the following Joint Resolution:

No. 10, C. F., Joint Resolution of both Houses.

J. ROLETTE, Council, }  
 WM. B. GERE, H. of R. } Committee.

No. 188, H. of R., an act to incorporate the Benevolent Society of the United Sons of Erin.

Read a first time.

Mr. Hanson introduced No. —, C. F., an act to extend the time within which the Minnesota Bridge Company, is required to commence building their Bridge.

Read a first and second time.

No. 209, H. of R.

Read a first time.

No. 234, H. of R., an act to define the boundaries of Benton, Morrison and Sherburne, and for other purposes.

Read a first time.

Mr. Flandrau moved,

The Rules be suspended, and the bill be read a second and third time by its title and passed.

And the Yeas and Nays being called for and ordered, there were Yeas 7, and Nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Hanson, Rolette, Stone, Tillotson, and Thompson—7.

Those who voted in the negative were,

Messrs. Balcomb, and Mr. President—2.

The motion prevailed—the bill was passed and its title agreed to.

No. 154, H. of R., read a first time.

No. 142, H. of R., read a first time.

No. 153, H. of R., read a first time.

No. 53, H. of R., read a first time.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following Report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bill:

No. 234, H. of R., a bill for act to define the boundaries of Benton, Morrison and Sherburne Counties, and for other purposes.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

No. 200, H. of R., read a first time.

No. 149, H. of R., read a first time.

Mr. Hanson from the Committee on Incorporations reported back to the Council, No. 137, H. of R., for an act to incorporate the Little Falls Manufacturing Company.

On motion of Mr. Hanson the rules were suspended and the bill read a third time and passed, and its title agreed to, with an amendment.

A message from the House being announced,

Mr. President:—The Speaker has signed the following bills, viz:

A bill entitled an act to provide for the more speedy publication of the Laws of the Territory. A bill entitled an act to incorporate the Winona and La Crosse Rail Road Company.

A bill entitled an act to incorporate the Chatfield Academy at Chatfield, and

A bill entitled an act to define the boundaries of Benton, Morrison and Sherburne and for other purposes; then withdrew.

Mr. Dooley from the Committee on Engrossed bills reported

No. 77, C. F.—No. 99, C. F.—No. 67, C. F.—No. 70, C. F.—No. 105, C. F.—No. 14, C. F., correctly engrossed.

Mr. Dooley from the Committee on Schools, reported back to the Council

Nos. 110—144—124—138, House bills, with recommendation that they be passed.

No. 200, H. of R., referred to the committee on Internal Improvements.

On motion of Mr. Flandrau, the rules were suspended and No. 149, H. of R., was read a third time by its title and passed, and its title agreed to.

No. 209, H. of R., read a second time.

No. 153, H. of R., " " "

No. 154, H. of R., " " "

No. 53, H. of R., " " " and referred to the Committee on Judiciary.

No. 142, H. of R., " " "

No. 188, H. of R., " " "

No. 14, C. F., a Memorial for the reduction of the Militia at Fort Ripley—read a third time and passed, and its title agreed to.

No. 70, C. F., an act to amend the Revised Statutes, was read a third time and passed, and its title agreed to.

A bill to amend an act entitled an act to prohibit the introduction of Liquor into the Territory purchased from the Sioux Indians, read a third time.

Mr. Freeborn moved the bill be referred to the Committee on Judiciary;

And moved a call of the House—absent,

Messrs. Bailly, Hanson, Rolette, Setzer, Stone, and Thompson.

Absent members reported in their seats, except those out of town.

Mr. Freeborn withdrew his motion, and the motion was to refer the bill to the Committee on Incorporations.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Rolette, Setzer, Stone, Tillotson, and Mr. President—8.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Ludden, Rollins, and Thompson—5.

The motion prevailed, and the bill was referred to the Committee on Incorporations.

On motion of Mr. Balcomb, Mr. President was excused from attendance for to-day, Mr. Flandrau in the chair.

No. 99, C. F., an act to authorize the Common Council of the city of St. Paul to issue Bonds, for certain purposes.

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

No. 77, C. F., an act declaring certain roads projected in the Territory of Minnesota under the authority of the Government Territorial Roads.

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

A message from the Governor being announced, Mr. Smith appeared and delivered the following message :

EXECUTIVE DEPARTMENT, St. Paul, Feb. 18, 1856.

To the President of the Council :

Sir—I am directed by His Excellency to inform the Council that he has this day approved and signed "a bill to incorporate the Huidacoper Institute," No. 91, C. F. "an act to organize the county of Farribault and to establish the county seat of said county. No. 90, C. F.

An act to provide for laying out a Territorial Road from Winona to Wabashaw and from Winona to the Iowa line. No. 42, C. F.

An Act to organize the Winona Boom Company. No. 28, C. F.

A memorial to Congress to amend that part of the trade and intercourse laws that relates to the payment of damages for depredations committed by the Indians upon the property of the whites. No. 9, C. F.

An act to incorporate the Rum River Log Driving Company. No. 15, C. F.

February 25th 1856.

A bill to provide for laying out certain Territorial Roads. No. 10, C. F.

A bill to designate the site whereupon to erect the County Buildings of Hennepin county and authorizing the commissioners to procure a title thereto, and extending the boundaries of the county. No. 97, C. F.

The Secretary read a message from His Excellency the Governor.

On motion of Mr. Hanson, the communication was laid on the table.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials.

No. 77, H. of R., a bill for an act to incorporate the St. Anthony Falls Water Power Company.

No. 9, H. of R., memorial to Congress.

No. 32, H. of R., memorial.

" 2, " "

" 19, " "

" 26, " "

" 19, C. F. "

No. 12, H. of R., an act to change the time of holding Courts in Le Sueur county.

JOS. ROLETTE, Council. }  
WM. B. GERRE, H. of R. } Committee.

No. 22 H. of R., a bill to incorporate the town of Minneapolis, in the county of Hennepin, was read a third time and passed and its title agreed to.

No. 28 H. of R., a memorial for an appropriation of \$10,000 for the construction of bridges and culverts on the territorial roads from the Iowa state line via Richland, Preston and Chatfield to Rochester in Minnesota Territory.

Read a third time and passed and its title agreed to.

No. 45 H. of R., a bill to authorize the formation of mining, smelting or manufacturing iron, copper, mineral, coal and silver or other ores or minerals and for other manufacturing purposes.

Read a third time and passed and its title agreed to.

No. 99 H. of R., an act to establish the county of M'Cloud and for other purposes, was read a third time and referred to the committee on Judiciary.

The Joint Committee on Enrolled Bills report :

That they have presented to His Excellency the Governor for his signature, the following Bills and Memorials:

No. 25 H. of R. A Memorial to Congress.

" 284	"	An Act.
" 15	"	" "
" 24	"	" "
" 28	"	" "
" 95	"	" "
" 87	"	" "
" 30	"	" "
" 38	"	" "
" 102	"	" "
" 96	"	" "
" 43	"	" "
" 111	"	" "
" 3	C. F.	" "

JOS. ROLETTE, Council, }  
W. B. GERE, H. of R., } Committee.

A message from the House being announced, Mr. Edwards, Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The House has concurred in the passage of the following bills and memorials, viz :

No. 61, a bill to incorporate the town of St. Cloud.

No. 47, a bill relative to the terms of the District Court.

No. 13, C. F., a bill for an act to incorporate the Minneapolis and St. Cloud Railroad Company.

No. 79, an act granting to J. L. Wurtz the right to establish and maintain a Ferry across Rock River.

No. 80, C. F. an act to incorporate the Target Lake Plank Road Company.

No. 32, C. F. a bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Minnesota Territory—the amendments made by the Council to the said bill are concurred in.

No. 11, C. F., a memorial to Congress for an appropriation to construct the St. Paul and Kettle River Road in the Territory of Minnesota.

All of which are herewith returned.

The House of Representatives has passed

No. 207, H. of R., a bill to grant the right to certain persons to establish and maintain Ferries in this Territory.

No. 235, H. of R., a bill for an act to define the boundaries of Superior, Lake and Newton counties, and for other purposes.

No. 164, H. of R., a bill to incorporate the Minneapolis and Cedar Valley Railroad Company.

No. 121, H. of R., an act to provide for locating the county seat of the county of Steele, and for other purposes.

No. 221, H. of R., a bill to provide for laying out certain Territorial Roads in the Territory of Minnesota, and for other purposes.

No. 156, H. of R., an act to incorporate the city of Greenwood, and for other purposes.

No. 155, an act to incorporate the Henderson and Belle Plain Plank Road Company.

No. 29, H. of R., a memorial to the President of the United States, relative to the eastern line of the Sioux Reservation.

No. 161, H. of R., a bill to incorporate the Shakopee and Le Sueur Plank Road Company.

All of which are herewith transmitted.

And in all of which the concurrence of the Council is respectfully requested.

H. L. EDWARDS, Chief Clerk, H. of R.

No. 65, H. of R., an act granting a charter to the Fort Snelling Bridge Company.

Read a third time and passed and its title agreed to.

No. 54, H. of R., a bill for an act to license and regulate Agencies of Insurance Companies in the Territory of Minnesota.

Was read a third time.

Mr. Balcomb moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, and Thompson—4.

Those who voted in the negative were,

Messrs. Freeborn, Hanson, Setzer, Stone, and Tillotson—5.

The motion was lost.

Mr. Balcomb moved a call of the House.

Mr. Setzer moved the further suspension under the call of the House.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 6.

as follows:

Those who voted in the affirmative were,

Messrs. Freeborn, Hanson, Setzer, and Stone—4.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Flandrau, Rollins, Tillotson, and Thompson—6.

The motion was lost.

Mr. Rolette was absent.

Mr. Rolette in his seat.

Mr. Balcomb moved that the bill be referred to the Committee on Judiciary;

And the yeas and nays being called for and ordered, there were yeas 8, and nays 4,

as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Hanson, Ludden, Rollins, Rolette, and Thompson—8.

Those who voted in the negative were,

Messrs. Freeborn, Setzer, Stone, and Tillotson—4.

The motion prevailed.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

No. 54, C. F., a bill for an act to organize the county of Pine.

No. 41, C. F., a bill for an act for a Territorial Road from Minneapolis to Glencoe.

No. 4, H. of R., to incorporate the Minnesota Life and Fire Insurance Company.

J. ROLETTE, Council, } Committee.  
Wm. B. GERE, H. of R., }

No. 50, H. of R., a bill to incorporate the St. Paul Gas Light Company,

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

Mr. Freeborn moved the Council adjourn until half-past two.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 3, as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins, Stone, Tillotson,  
and Thompson—9.

Those who voted in the negative were,  
Messrs. Flandrau, Rolette, and Setzer—3.  
So the motion prevailed.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

A quorum was present.

Mr. Freeborn, from the committee to whom was referred No. 25, C. F., reported the same back to the Council, with amendment.

On motion of Mr. Thompson, the bill was laid on the table.

No. 138, H. of R., an act relative to the distribution of School Funds in Sibley county, was taken up and ordered to its third reading.

No. 124, H. of R., was taken up and ordered to its third reading.

No. 83, H. of R., was taken up and ordered to its third reading.

No. 110, H. of R., was taken up.

The question recurring shall the bill go to its third reading.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 7, as follows :

Those who voted in the affirmative were,  
Messrs. Dooley, Hanson, Tillotson, and Mr. President—4.

Those who voted in the negative were,  
Messrs. Bailly, Flandrau, Freeborn, Ludden, Rolette, Setzer, and Stone—7.

The bill was not ordered to its third reading.

No. 144, H. of R., was taken up and ordered to its third reading.

No. 140, H. of R., was taken up and ordered to its third reading.

No. 143, H. of R., an act to provide for the election of County Auditors, and prescribing their powers and duties, was indefinitely postponed.

On motion of Mr. Freeborn, the Council resolved itself into a Committee of the Whole, Mr. Ludden in the Chair, having under consideration No. 5, H. of R., a bill to incorporate the Lake Superior and Northern Pacific Railroad Company, and No. 86, C. F., to incorporate the Mississippi Valley Rail Road Company. After some time being spent therein the Committee rose and reported the bills back to the Council, No. 5, H. of R., with amendments, and recommended that it be passed; No. 86, C. F., ditto No. 5, H. of R., ordered to its third reading; No. 86, C. F., ordered to be engrossed. The report was accepted, and the amendment adopted.

A message from the House being announced, Mr. Edwards, Chief Clerk, then appeared and delivered the following message :

MR. PRESIDENT :—The Speaker has signed the following bills and memorials, viz. :

An act to incorporate the Minnesota Life, Fire, and Insurance Company.

An act to change the the time of holding Courts in Le Sueur county.

An act to incorporate the St. Anthony Falls Water Power Company.

A memorial to the Postmaster-General for certain Mail routes.

A memorial to Congress for an additional mail route in Dakota county.

A memorial to Congress for an appropriation of 15,000 dollars for the construction of the Mendota and Wabashaw road.

A memorial to Congress for a mail route from Hamilton to Shakopee.

A memorial to Congress for the relief of certain settlers upon School Land.

A memorial to Congress for an appropriation to construct a Military road from Fort Snelling to Pembina, which are herewith transmitted.

The House has also concurred in the Joint Resolution, relative to the meeting in

Joint Convention in the Hall of Representatives to elect a Surveyor of logs and lumber for the third district, with amendments as follows: Also the fourth district.

Mr. Stone introduced No. 110 C. F., a bill to provide for the surveying of timber in the second, third and fourth districts. Read a first and second time and referred to the committee on Judiciary without printing.

Mr. Thompson introduced No. 111 C. F., a bill for an act to extend the jurisdiction of Probate Courts, was read a first and second time and laid on the table without being printed.

On motion of Mr. Setzer, the Council resolved itself into a Committee of the Whole, Mr. Balcomb in the chair, having under consideration, No. 142 H. of R., a bill to amend the Revised Statutes.

No. 154 H. of R., an act to incorporate the Henderson Bridge Company.

No. 158 H. of R., an act to incorporate the Mantorville Academy.

No. 209, H. of R., a bill to legalize the acts of the County and Precinct officers in Wabashaw County.

No. 188 H. of R., an act to incorporate the Benevolent Society of the United Sons of Erin, established at St. Paul in the year 1855.

After sometime spent therein, the Committee rose and reported the bills back to the Council and recommend they be passed.

The report was accepted and the bills ordered to their third reading.

On motion of Mr. Setzer, the Council resolved itself into a Committee of the Whole, Mr. Ludden in the chair, having under consideration,

No. 65, C. F., a bill to organize the county of Mower.

No. 78, C. F., a bill to prescribe the times for holding the several terms of the District Courts in the several Judicial Districts.

No. 85, C. F., an act concerning Registers of Deeds.

After sometime being spent therein, the committee rose and reported the bills back to the Council,

No. 65, C. F., recommend it be referred to the Committee on Internal Improvements.

No. 78, C. F., with amendment, and recommend it be passed.

No. 85, C. F., with recommendation it be passed.

The report was accepted and the recommendations and amendments were adopted.

No. 65, C. F., was referred to the Committee on Internal Improvements.

No. 78, C. F., was ordered to be engrossed.

No. 85, C. F., was ordered to be engrossed.

A message from the Council being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message:

Mr. PRESIDENT: The House has passed the following bills:

No. 195, H. of R., a bill entitled an act to incorporate the Minneapolis Mill Company.

No. 171, H. of R., a bill for an act to regulate Mills and Millers.

No. 176, H. of R., an act increasing the salaries of Territorial Auditor, Treasurer, and Superintendent of Common Schools.

To which the concurrence of the Council is respectfully requested.

And then he withdrew.

Mr. Flandrau introduced two petitions from the citizens of St. Anthony relative to the change of St. Anthony.

On motion of Mr. Flandrau, the petitions were ordered to be inserted in the Journal, together with the petition of Mr. Secombe.

No. 195 H. of R., was read a first and second time.

No. 171 H. of R., was read a first and second time.

No. 176 H. of R., an act increasing the salary of Auditor, was read a first and second time, and on motion of Mr. Balcomb, was indefinitely postponed.

Mr. Hanson introduced No. 112 C. F., a bill to constitute the county of Hennepin a part of the Second Judicial District of the Territory, and for other purposes, was read a

first and second time and referred to the Committee of the Whole without being printed. A message from His Excellency the Governor being announced, Mr. Smith appeared and delivered the following message:

EXECUTIVE DEPARTMENT, St. Paul, Feb'y 25, 1856.

TO THE PRESIDENT OF THE COUNCIL:

I am directed by His Excellency to announce to the Council, that he has this day approved and signed "An Act to incorporate the Winona and La Crosse Railroad company" No. 30 C. F.

"Joint Resolution of the Council and House of Representatives of the Territory of Minnesota" No. 10 C. F.

No. 155, H. of R., read a first and second time.

No. 156, " " " " " and referred to the Committee of the Whole.

No. 221, " " " "

No. 151, " " " "

No. 164, " " " "

No. 235, " " " "

No. 207, " " " "

No. 126, " " " "

No. 29, H. of R., a memorial was read a first and second time and referred to the Committee of the Whole.

On motion of Mr. Hanson the Council resolved itself into a Committee of the Whole, Mr. Setzer in the chair—having under consideration

No. 112, C. F., a bill for an act to constitute the county of Hennepin a part of the Second Judicial District.

No. 195, H. of R., a bill to incorporate the Minneapolis Mill Company.

And No. 221, H. of R., a bill relative to laying out certain Territorial roads in Minnesota Territory.

After some time spent therein the committee rose and reported back to the Council,

No. 112, C. F., without amendment.

No. 195, H. of R., with amendment.

No. 221, report progress and ask leave to sit again.

The report was accepted.

No. 112, C. F. was ordered to be engrossed.

No. 195, H. of R. was ordered to its third reading.

A message from the House being announced, Mr. Edwards, Chief Clerk, appeared and delivered the following message.

MR. PRESIDENT: The House has passed bill No. 237, to incorporate the St. Peter's Company.

H. L. EDWARDS, Chief Clerk, H. of R.

MR. PRESIDENT, the House has passed the following resolution:

Whereas a petition of the citizens of St. Anthony concerning certain members of this House, has been improperly taken from the table of this House and presented to the Council,—Resolved that a message be sent from this House to the Council requesting the Council to return said petition to the House.

I am therefore instructed to require of the Council that said petition be returned, pursuant to the above resolution.

H. L. EDWARDS,  
Chief Clerk H. of R.

Mr. Freeborn moved that the vote by which the petitions introduced by Mr. Flaudrau were ordered to be printed, be reconsidered.

Mr. Flandran moved an amendment, that a Committee of three be appointed to investigate whether the petitions were the same that were presented to the House.

The question recurring on the amendment, and the Yeas and Nays being called for and ordered, there were Yeas 2, and Nays 11, as follows :

Those who voted in the affirmative were,

Flandrau and Rolette.

Those who voted in the negative were,

Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins, Setzer, Stone, Tillotson, Thompson.

The amendment was lost.

The question then recurring on the original motion, and the Yeas and Nays being called for and ordered, there were Yeas 11, and Nays 2, as follows :

Those who voted in the affirmative were :

Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins, Setzer, Stone, Tillotson, Thompson.

Those who voted in the negative were,

Flandrau, Rolette.

The motion prevailed.

The Committee on Enrolled bills beg leave to report that they have presented to his Excellency, the Governor, the following bills, &c., for his signature:

A memorial for a mail route ;

An act to incorporate the Minnesota Life Insurance Company ;

An act to change the time of holding Courts in Le Seur county ;

A memorial to Congress relative to settlers on School lands ;

A memorial for an appropriation for a Road from Fort Snelling to Pembina ;

A memorial to the Postmaster General for certain mail routes ;

A memorial for additional mail routes in Dakota county ;

A memorial to Congress for an appropriation of \$15,000 for a Road from Mendota to Wabashaw ;

An act entitled an act to incorporate the St. Anthony Falls Water Power Company.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

No. 70, C. F., a bill for an act granting to J. S. Wurtz the right to establish and maintain a Ferry across Root River.

No. 32, an act to amend an act entitled an act to incorporate the city of St. Paul:

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. R. }

The question then recurring, shall the petitions be printed in to-morrow's Journal, and the yeas and nays being called for and ordered, there were yeas 2, and nays 11, as follows:

Those who voted in the affirmative were,

Messrs. Flandran and Rolette,—2.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Stone, Tillotson, Thompson and Mr. President—11.

The petitions were ordered not to be printed.

Mr. Freeborn moved that a Committee be appointed to examine into the matter of the petition and report to-morrow morning. Carried. The President appointed Messrs. Ludden, Hanson, Flandrau.

No. 237, H. of R., read a first and second time, and referred to the Committee of the Whole.

On motion of Mr. Freeborn the Council adjourned.

J. B. BRISBIN,  
President.

W. COLVILLE,  
Secretary.

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TUESDAY, FEBRUARY 26, 1856.

The Council met pursuant to adjournment.

Prayer by the Chaplain.

A quorum was present.

The Journal of yesterday's proceedings was read and amended, and then stood approved.

A message from his Excellency the Governor being announced, Mr. R. A. Smith, Private Secretary to the Governor, appeared and delivered a sealed letter.

Mr. Ludden made the following report:

Your committee who were appointed to investigate the facts concerning the petition of citizens of St. Anthony, which was yesterday presented to the Council, would respectfully report:

That from the evidence before the committee, it appears that the petition in question, which is fully identified by the Chief Clerk of the House of Representatives, was yesterday taken from the table of the House, by Dr. Boutillier, without the permission of the House, or knowledge of the Clerk, and that the same petition was delivered by Hon. A. M. Fridley, to Chas. E. Flandrau, who presented it to the Council.

Your committee would recommend that the petition be immediately returned to the House of Representatives in accordance with the request of the House

J. D. LUDDEN,  
D. M. HANSON,  
CHAS. E. FLANDRAU, } Committee.

The report was accepted.

Mr. Flandrau introduced No. 115, C. F., an act to amend the 8th section of an act entitled an act providing for the appointment of a Librarian, and for other purposes.

Read a first and second time and laid on the table without being printed.

Mr. Setzer, from the Committee on Engrossed Bills, reported Nos. 8, 78, 86, and 112, C. F., as correctly engrossed.

Mr. Lowry, from the Committee on Territorial Expenditures, reported back to the Council No. 218, H. of R.

Mr. Hanson, from the Committee on Incorporations, reported back to the Council No. 67, C. F.

Mr. Freeborn, from the Committee on Internal Improvements, reported back to the Council No. 17, H. of R.

Mr. Flandrau, from the Committee on Judiciary, reported back to the Council No. 110, C. F., with amendment; the amendment was adopted.

No. 112, C. F., a bill for an act to constitute the County of Hennepin a part of the second Judicial District, read a third time and passed, and its title agreed to.

No. 86, C. F., a bill to incorporate the Mississippi Valley Rail Road Company; was read a third time and passed, and its title agreed to.

No. 142, H. of R., a bill for an act to amend the Revised Statutes, was read a third time and passed, and its title agreed to.

No. 5, H. of R., a bill to incorporate the Lake Superior and Northern Pacific Rail Road Company, was read a third time and passed, and its title agreed to.

No. 154, H. of R., an act to incorporate the Henderson Bridge Company; was read a third time and passed and its title agreed to.

No. 138, H. of R., an act relative to the distribution of the School Fund in Sibley County, was read a third time and passed, and its title agreed to.

No.—, H. of R., an act to incorporate the Caledonia Academy, at Caledonia, was read a third time and passed, and its title agreed to.

No. 144, H. of R., a bill to incorporate the Minnesota Valley Institute, at Chaska, was read a third time and passed, and its title agreed to.

No. 140, H. of R., a bill to incorporate the town of Clarksville, and for other purposes, was read a third time and passed, and its title agreed to.

No. 83, H. of R., an act to incorporate the Mississippi and Missouri Rail Road Company was read a third time and passed, and its title agreed to.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills and memorials.

No. 126, H. of R., a bill for an act to authorize the Regents of the Minnesota University to borrow money.

No. 4, H. of R., memorial to the Post Master General.

No. 7, H. of R., a memorial for an appropriation for certain improvements in this Territory.

No. 80, C. F., an act to incorporate the Target Lake Plank Road and Ferry Company.

J. ROLETTE, Council. } Committee.  
WM. B. GERE, H. R. }

No. 153, H. of R., an act to incorporate the Mantorville Academy was read a third time and passed, and its title agreed to.

No. 188, H. of R., an act to incorporate the Benevolent Society of the United Sons of Erin, established at St. Paul, in the year 1855—was read a third time and passed, and its title agreed to.

No. 195, H. of R., a bill to incorporate the Minneapolis Mill Company, which was read a third time.

Mr. Hanson offered an amendment to section 12.

The amendment was adopted—the bill passed and its title agreed to.

No. 18, C. F., an act to prescribe the time for holding the several terms of the District Courts in the several Judicial Districts.

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

No. 85, C. F., an act concerning Register of Deeds.

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

No. 67, C. F., a bill to amend an act entitled an act to prohibit the introduction of Liquor into the Territory purchased from the Sioux Indians.

Which was read a third time.

Mr. Setzer moved a call of the House.

Messrs. Bailly, Balcomb, Hanson and Ludden absent—the absent members in their seats.

Mr. Setzer moved the bill be amended by striking out all after the enacting clause.

Mr. Flandrau moved the rules be suspended in order to introduce an amendment.

And the yeas and nays being called for and ordered, there were yeas 6, and nays 7, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Rollins, Thompson.—6.

Those who voted in the negative were,

Messrs. Lowry, Rolette, Setzer, Stone, Tillotson, and Mr. President.—7.

The motion was lost.

The question recurring on Mr. Setzer's motion,

Mr. Balcomb moved Mr. Lowry be excused from voting.

And the yeas and nays being called for and ordered, there were yeas 2, and nays 12, as follows :

Those who voted in the affirmative were,

Messrs. Hanson, Ludden.—2.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Rollins, Rolette, Setzer, Stone, Tillotson, Thompson, and Mr. President.

Mr. Lowry was not excused from voting.

Mr. Setzer's motion.

And the yeas and nays being called for and ordered, there were yeas 9 and nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Flandrau, Freeborn, Lowry, Rolette, Setzer, Stone Tillotson, and Mr. President.—9.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Hanson, Ludden, Rollins, Thompson.—6.

The motion prevailed.

No. 218 H. of R. was ordered to its third reading.

No. 120, a memorial as amended was taken up. Mr. Flandrau offered an amendment to the amendment,

And the yeas and nays being called for and ordered, there were yeas 6 and nays 3, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Rollins and Thompson.—6.

Those who voted in the negative were,

Messrs. Setzer, Tillotson and Mr. President.

The amendment was adopted.

On the amendment made by the Committee.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 3, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Ludden, Stone and Thompson.

Those who voted in the negative were,

Messrs. Setzer, Tillotson and Mr. President.

The amendment was adopted.

Mr. Setzer moved an amendment by striking out all after the enacting clause.

Mr. Setzer moved a call of the House. Messrs. Bailly, Rollins, Ludden and Hanson reported absent. Absent members in their seats.

The question recurring on Mr. Setzer's motion,

And the yeas and nays being called for and ordered, there were yeas 8, and nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Flandrau, Ludden, Rollins, Rolette, Setzer, Stone and Mr. President.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Freeborn, Lowry, Tillotson and Thompson.

The motion prevailed.

On motion of Mr Setzer the Council resolved itself into Committee of the Whole, Mr. Setzer in the chair, having under consideration No. 221, H. of R., a bill to provide for laying out certain Territorial Roads, and for other purposes.

And No. 55, C. F., a bill to secure the free passage of logs and lumber on the Cannon River.

After some time being spent therein, the Committee rose and reported the bills back to the Council with amendment, and recommend they be passed.

The report was accepted.

No. 221, H. of R., was ordered to its third reading.

No. 55, C. F., was ordered to be engrossed.

Mr. Hanson from the Committee on Incorporations, reported back to the Council No. 99, H. of R., and No. 96, C. F., with recommendation they be passed.

On motion of Mr. Flandrau the Council resolved itself into a Committee of the Whole. Mr. Flandrau in the chair, having under consideration No. 235, H. of R., a bill for an act to define the boundaries of Superior, Lake and Newton Counties, and for other purposes.

No. 161, H. of R., a bill to incorporate the Shakopee and Le Sueur Plank Road Co.

No. 156, H. of R., an act to incorporate the town of Greenwood, and for other purposes.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill, and joint resolution.

To amend an act to define the boundaries of certain counties, approved February 20th, 1855.

No. 3, Joint Resolution, for the payment of W. W. Kingsbury's mileage and per diem while contesting the seat of N. C. D. Taylor.

JOS. ROLETTE, Council. }  
WM. B. GERE, H. of R. } Committee.

No. 207, H. of R., to grant the right to certain persons to establish and maintain Ferrys, &c., in this Territory.

No. 171, H. of R., a bill to regulate Mills and Millers.

No. 29, H. of R., a memorial relative to the eastern boundary of the Sioux Reservation.

No. 155, H. of R., an act to incorporate the Henderson and Belle Plain Plank Road Company.

No. 121, H. of R., an act to provide for locating the county seat of Steele county, and for other purposes.

And No. 164, H. of R., an act to incorporate the Minneapolis and Cedar Valley Railroad Company.

After some time being spent therein, the committee rose and reported the bills back to the Council.

No. 235, H. of R., with recommendation that it be re-committed to the Committee of the Whole.

No. 161, H. of R., without amendment.

No. 156, H. of R., without amendment.

No. 171, H. of R., with recommendation that all after the enacting clause be stricken out.

No. 29, H. of R., a memorial, without amendment.

No. 155, H. of R., without amendment.

No. 207, H. of R., without amendment.

No. 121, H. of R., with recommendation that it be referred to the Committee on Territorial Affairs.

No. 164, H. of R., without amendment.

The report was accepted, and the recommendations adopted.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bill:

No. 17 C. F., a bill for an act to incorporate the Henderson Manufacturing Co.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

Mr. Freeborn, from the Committee on Internal Improvements, reported back to the Council No. 65, C. F.

On motion of Mr. Setzer, the Council adjourned until half-past two.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment. A quorum was present.

On motion of Mr. Flandrau, the Council resolved itself into a Committee of the Whole, Mr. Balcomb in the chair, having under consideration No. 235, H. of R., an act to define the boundaries of Superior, Lake, and Newton Counties and for other purposes.

No. 237 H. of R., a bill to incorporate the St. Peters Company.

No. 102 C. F., to incorporate the Cannon Falls Manufacturing Company.

After some time being spent therein, the committee rose and reported the bills back to the Council—No. 235 H. of R. with recommendation it be recommitted to the Committee of the Whole, No. 237 H. of R. with recommendation it be passed, No. 102 C. F. with recommendation that it be recommitted to the Committee of the Whole.

The report was accepted, and the recommendations adopted.

A message from the House being announced, Mr. Edwards appeared and delivered the following message :

MR. PRESIDENT : The House has instructed me to inform the Council that the House is now ready to meet in Joint Convention in the Hall of the House of Representatives.

H. L. EDWARDS, Chief Clerk H. of R.

Mr. Rolette, from the Joint Committee on enrolled bills, made the following report :

The Joint Committee on enrolled bills have examined and found correctly enrolled the following bills :

No. 71, C. F., a bill for an act to amend chapter sixteen of the laws of 1853.

No. 47, C. F., an act relative to the terms of the District Court.

JOS. ROLETTE, }  
J. S. NORRIS, } Committee.

On motion of Mr. Flandrau the Council adjourned to the Hall of the House of Representatives to meet in Joint Convention.

## JOURNAL OF THE JOINT CONVENTION.

The Hon. members of the Council appeared and took their seats in Joint Convention of the two Houses. The Joint Convention was called to order by the Speaker.

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

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Lowry, Rollins, Stone, Thompson, Tillotson ; Bradley, Buck, Burdick, Cleaveland, Covell, DeLaVergne, Galbraith, Gibbs, Grant, Hartenbower, Haus, Holland, Hubbell, Hull, Hunt, Ide, Jackman, Johnson, Knauff, Lott, Murphy, Nobles, Norris, Pierce, Sturgis, Taylor, Thompson, Thorndike, Van Vorhes, Wilson, Mr. Speaker.

Mr. Burdick moved a call of the Convention, and the roll being called, the Clerk reported the following members absent :

Messrs. Hanson, Ludden, Setzer, Stone, Bontiffier, Dunbar, Gere, Kirkman.

Mr. Wilkinson moved that all further proceedings under a call of the House be dispensed with, which motion was decided in the negative.

The Sergeant-at-Arms reported that the absent members would not appear in their seats.

Whereupon the Speaker commanded that the Sergeant-at-Arms be instructed to report the absent members in their seats.

Mr. Bradley moved that all further proceedings under a call of the House be dispensed with.

Which motion was lost.

Mr. Flandrau moved that the Speaker of the House be ordered to issue a warrant for the absent members.

Which motion was adopted.

Mr. Bradley moved that the Convention reconsider the vote by which the Convention refused to dispense with all further proceedings under the call.

Which motion was lost.

Mr. Flandrau moved that the Speaker issue his warrant, upon which the Chair decided that he did not possess the authority to issue such warrant against members of the Council—upon which Mr. Flandrau appealed from the decision of the Chair.

And the yeas and nays being called for and ordered, there were yeas 23, and nays 21 as follows :

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Lowry, Rollins, Tillotson, Thompson, Buck, Farnham, Galbraith, Grant, Hartenbower, Hubbell, Jackman, Lott, McLeod, Nobles, Norris, Sturgis, Taylor, Thompson, Thorndike, Van Vorhes and Wilson.

Those who voted in the negative were,

Messrs. Bailly Balcomb, Flandrau, Hanson, Rolette, Bradley, Burdick, Cleaveland, Covell, DeLaVergne, Gibbs, Haus, Holland, Hull, Hunt, Ide, Johnson, Knauff, Murphy Pierce and Wilkinson.

So the decision of the Chair was sustained.

Mr. Lott moved that all farther proceedings under a call of the Convention be dispensed with, which was carried.

Mr. Flandrau moved that the Convention do now adjourn, which was lost.

Mr. Wilson moved that the Convention do now proceed to elect a Surveyor for the 4th District.

Which was agreed to.

Mr. Sturgis nominated David P. Chapman.

Mr. Rollins nominated John De Pui.

The House then proceeded to a first ballot, which was as follows:

Messrs. Dooley, Freeborn, Lowry, Rolette, Setzer, Stone, Thompson, Tillotson, Mr. President ; Bradley, Burdick, Cleaveland, Covell, De La Vergne, Farnham, Galbraith, Gibbs, Grant, Hartenbower, Holland, Hubbell, Hull, Hunt, Ide, Jackman, Knauff,

McLeod, Murphy, Pierce, Sturgis, Thompson, Thorndike, Wilkinson, Wilson, and Mr. Speaker, voted for Mr. Chapman.

Messrs. Bailly, Ludden, Rollins, Buck, Johnson, Norris, and Van Vorhes, voted for Mr. De Pui.

Whole number of votes, 42.

Mr. Chapman received 35

Mr. De Pui received 7.

David P. Chapman having received a majority of the votes cast was declared duly elected Surveyor of Logs and Lumber for the 4th Surveyor District.

Mr. Rolette moved that the Convention do now adjourn, which motion was lost.

Mr. Freeborn then moved that the Convention do now proceed to elect a Surveyor for the 3d Surveyor's District.

Which was carried.

The following names were then put in nomination :

Messrs. Henry D. Huff, William V. Lauver, and Mr. Dixon,

For Surveyor of Logs and Lumber for the 3d District.

The Joint Convention then proceeded to ballot as follows :

Messrs. Bailly, Dooly, Freeborn, Ludden, Setzer, Stone, Tillotson, Mr. President, Burdick, De LaVergne, Farnham, Galbraith, Hartenbower, Hubbell, Ide, Jackman, Knauff, Thompson, and Mr. Speaker, voted for Mr. Lauver.

Messrs. Flandrau, Lowry, Rolette, Grant, Holland, Murphy, Sturgis, Wilkinson and Wilson, voted for Mr. Dixon.

Messrs. Bradley, Buck, Cleaveland, Gibbs, Pierce, Thorndike, and Van Vorhes voted for Mr. Huff.

Whole number of votes, 35; necessary to a choice, 18.

Mr. Dixon received 9 votes; Mr. Huff received 7 votes; Mr. Lauver received 19 votes.

Mr. Lauver having received a majority of all the votes cast, was declared duly elected Surveyor of Logs and Lumber for the third Surveyor's district.

Mr. Wilson moved, that the Joint Convention do now adjourn sine die.

Which motion was carried, and the Joint Convention then adjourned sine die.

Returned from the House, Mr. President in the chair.

On motion of Mr. Freeborn the Council resolved itself into Committee of the Whole Mr. Setzer in the chair, having under consideration, No. 102, C. F., to incorporate the Cannon Falls Manufacturing Company.

No. 115, C. F., an act to amend the 8th section of an act entitled an act providing for the appointment of a librarian and for other purposes. After some time being spent therein the committee rose and reported the bills back to the Council.

No. 102, C. F., with an amendment and recommended it be passed.

No. 115, C. F., with recommendation it be passed.

The report was accepted.

No. 102, was ordered to be engrossed.

On motion of Mr. Freeborn the rules were suspended and No. 115, was read a third time and passed, and its title agreed to.

On motion of Mr. Flandrau, the Council resolved itself into a Committee of the Whole, Mr. Balcomb in the Chair, having under consideration, No. 90, C. F., No. 25, C. F., and No. 12, C. F., a memorial. After some time being spent therein, the Committee rose and reported progress, and asked leave to sit again.

On motion of Mr. Lowry, the Council adjourned.

J. B. BRISBIN, President.

Attest, W. COLVILLE, Secretary.

WEDNESDAY, FEBRUARY 27, 1856.

Council met pursuant to adjournment.

Prayer by the Chaplain.

A quorum was present.

The Journal of yesterday was read and approved.

Mr. Freeborn presented a petition from the citizens of Freeborn County, praying for the laying out of a certain Territorial Road.

Mr. Setzer presented a petition from the citizens of Washington county, praying for a bill granting to certain persons the right to establish a Ferry across the Mississippi at Hastings.

Mr. Ludden presented a petition from the citizens of Chisago county, praying for a change of the St. Paul and Kettle River Road.

Mr. Balcomb presented a petition from the citizens of the vicinity of Lake Minnetonka, praying for the passage of a law in relation to fishing in Lake Minnetonka.

Mr. Flandrau moved the rules be suspended so as to introduce No. 116 C. F., a bill to repeal an act attaching a part of Ramsey county to Hennepin county.

Messrs. Rollins moved a call of the House.

Mr. Balcomb, Hanson, Lowry, Rolette and Thompson reported absent.

On motion of Mr. Flandrau the farther proceedings under the call of the House was dispensed with.

The question recurring on Mr. Flandrau's motion,

And the yeas and nays being called for and ordered, there were yeas 12, and nays 1, as follows :

Those who voted in the affirmative were.

Messrs. Bailly, Balcomb, Dooly, Flandrau, Freeborn, Hanson, Ludden, Setzer, Stone, Tillotson and Thompson.

Those who voted in the negative were,

Mr. President.

The motion prevailed and the bill was introduced, read a first and second time and laid on the table to be printed.

Mr. Hanson from the Committee on Incorporations reported back to the Council No. 51, and 56, C. F., with recommendation they be passed.

Mr. Hanson introduced No. 20, C. F., a memorial for an appropriation, for a Canal around the Falls of St. Anthony.

Read a first and second time, and laid on the table to be printed.

Mr. Stone from the Committee on Agricultural and Manufacturing reported back to the Council,

No. 83, C. F.

No. 237, H. of R., a bill to incorporate the St. Peters Company, was read a third time and passed, and its title agreed to.

No. 221, H. of R., a bill to provide for laying out certain Territorial Roads and for other purposes.

Read a third time and passed, and its title agreed to.

No. 156, H. of R., an act to incorporate the town of Greenwood and for other purposes.

Read a third time and passed, and its title agreed to.

No. 164, H. of R., a bill to incorporate the Minneapolis and Cedar Valley Railroad Company.

Read a third time and passed, and its title agreed to.

No. 29, H. of R., a memorial relative to the eastern line of the Sioux Reservation.

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

No. 155, H. of R., an act to incorporate the Henderson and Belle Plain Plank Road Company.

Read a third time and passed, and its title agreed to.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT—The Speaker has signed the following bills, memorials and Joint Resolutions:

No. 3, H. of R., Joint Resolution for the payment of W. W. Kingsbury's mileage and per diem while contesting the seat of N. C. D. Taylor.

No. 13, H. of R., an act to amend an act entitled an act to define the boundaries of certain counties, approved Feb. 20, 1855.

No. 126, H. of R., an act entitled an act to authorize the Regents of Minnesota University to borrow money.

No. 4, H. of R., a memorial to the Postmaster General of the United States for the establishment of a mail route from Wabashaw, by the way of Greenwood, Rochester, and High Forest, to Austin.

No. 7, H. of R., a memorial for an appropriation for certain improvements in this Territory.

And the following Council files:

No. 41, C. F., No. 54, C. F., No. 47, C. F., No. 19, C. F., No. 79, C. F., No. 19, C. F., memorial, and an act to incorporate the Henderson Manufacturing Company.

An act to amend an act to incorporate the city of St. Paul.

A memorial to Congress for an appropriation to construct the St. Paul and Kettle River Road.

An act to amend chapter sixteen of the Laws of 1853.

An act relative to the terms of the District Court.

All of which are herewith transmitted.

The House has also passed the following House bills:

No. 239, H. of R., a bill entitled an act to incorporate the town of Hastings, in Dakota County.

No. 240, H. of R., an act relative to the terms of the District Court.

No. 16, H. of R., a bill to locate a Territorial Road from some point near the town of Le Seur, to the Old Sioux Crossing.

In which the concurrence of the Council is solicited.

H. L. EDWARDS, Chief Clerk, H. of R.

And then he withdrew.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and Joint Resolutions:

No. 195, H. of R., a bill for an act to incorporate the Minneapolis Mill Company.

No. 13, C. F., a bill for an act to incorporate the Minneapolis and St. Cloud Railroad Company.

No. 142, H. of R., to amend the Revised Statutes.

No. — H. of R., to incorporate the Little Falls Bridge Company.

No. 188, H. of R., to incorporate the Benevolent Sons of Erin, established in Saint Paul in 1853.

No. 105, H. of R., Relating to Bills of Exchange.

No. 67, H. of R., an act to incorporate the Root River Valley Railroad Company.

No. 48, H. of R., entitled an act to authorize School District No. 1, Town 36, Range 20, to levy a special tax.

No. 10, H. of R., to provide for laying out a Territorial Road.

No. 115, H. of R., to incorporate the Owatonia Institute.

J. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

No. 118, H. of R., a bill to provide for an annual appropriation for the Minnesota Historical Society,

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

No. 161, H. of R., a bill to incorporate the Shakopee and Le Sueur Plank Road Company,

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

No. 207, H. of R., a bill to grant the right to certain persons to establish and maintain Ferries in this Territory,

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

A message from the House being announced, Mr. Kingsbury, assistant Clerk, pro tem., appeared and delivered the following message:

Mr. PRESIDENT:—The Speaker has signed the following bill:

An act entitled an act to incorporate the Minneapolis Mill Company.

H. L. EDWARDS,  
Chief Clerk.

And then withdrew.

No. 83, C. F., an act to provide for distraining cattle and other animals doing damage as amended,—was taken up—the amendments were adopted.

And the question recurring on its third reading,

And the yeas and nays being called for and ordered, there were yeas 4, and nays 0, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Setzer, Stone, and Mr. President—4.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Freeborn, Hanson, Lowry, Ludden, Rollins, Tillotson, Thompson—9.

The bill was lost.

No. 10, C. F., as amended was taken up, the amendments adopted and the bill ordered to be engrossed.

Mr. Ludden moved the vote by which the Council passed No. 207, H. of R., a bill to grant the rights to certain persons to establish and maintain Ferries in this Territory, be reconsidered.

The motion prevailed, and the bill was referred to the Committee on Incorporations.

No. 65, C. F., a bill to organize the county of Mower and for other purposes, was taken up, and the bill ordered to be engrossed.

No. 96, C. F., was taken up, and ordered to be engrossed.

No. 99, H. of R., to establish the County of McLeod, was taken up and on motion of Mr. Hanson the rules were suspended and the bill read a third time and passed and its title agreed to.

No. 51, C. F., an act to incorporate the Lake Superior and Central Minnesota Railroad, was taken up and ordered to be engrossed.

No. 56, C. F., a bill to provide for paying the expenses of surveying and locating the Territorial Road from Minneapolis to St. Cloud, was taken up

Mr. Hanson moved the rules be suspended and the bill be read a third time and passed.

The question recurring on the passage,

Mr. Balcomb moved a call of the House,

Messrs. Bailly, Flandrau, and Thompson were reported absent.

On motion of Mr. Ludden,

The further proceedings under the call of the Council was dispensed with.

On the passage,

And the yeas and nays being called for and ordered, there were yeas 11, and nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Hanson, Lowry, Ludden, Rollins, Rolette, Setzer, Tillotson, Thompson, and Mr. President—11.

Those who voted in the negative were,  
Messrs. Balcomb and Flandrau—2.

The bill was passed and its title agreed to.

The Joint Committee on Enrolled Bills, have presented to His Excellency the Governor for his signature, the following bills :

Nos. 11, 79, 19, 54 and 32, C. F.

An act to amend chapter sixteen of the laws of 1858.

An act to incorporate the Henderson Manufacturing Company,

No. 47, C. F., an act relative to the terms of the District Courts.

J. ROLETTE, Council,

WM. B. GERE, H. of R.,

} Committee.

A message from His Excellency the Governor being announced, Mr. R. A. Smith appeared and delivered the following :

EXECUTIVE DEPARTMENT,  
St. Paul, Feb. 27, 1856.

To the President of the Council—

Sir : I am directed by His Excellency to inform the Council that he has this day approved and signed "an act relative to the terms of the District Court."

On motion of Mr. Flandrau, the Council resolved itself into a Committee of the Whole, Mr. Thompson in the Chair. Having under consideration,

No. 82, C. F., a bill to increase the Representatives in the Legislative Assembly in the Territory of Minnesota.

No. 235, H. of R., a bill for an act to define the boundaries of Superior, Lake, and Newton counties, and for other purposes.

No. 25, C. F., an act to incorporate the Northern Pacific Railroad Company.

After some time being spent therein the committee rose and reported the bills back to the Council.

No. 82, C. F., with amendment.

No. 235, H. of R., an amendment by striking out all after enacting clause and adopted a substitute.

No. 25, C. F., with amendment and recommend it to be passed.

The report was accepted—the question on the adoption of the substitute to No. 285, H. of R.

And the yeas and nays being called for and ordered, there were yeas 12, and nays 2, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Stone, Tillotson, Thompson and Mr. President—12.

Those who voted in the negative were,

Messrs. Flandrau and Rolette—2.

The substitute was adopted—the rules suspended, and the bill read a third time and passed, and its title amended as follows :

A bill for an act to define the boundaries of Newton, Superior and Lake counties.

The question recurring on the adoption of the amendment to No. 25, C. F.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 2, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Freeborn, Lowry, Ludden, Rollins, Setzer, Stone, Tillotson and Thompson—9.

Those who voted in the negative were,

Messrs. Flandrau and Mr. President.

The amendment was adopted and the bill ordered to be engrossed.

A message from his Excellency, the Governor being announced, Mr. R. A. Smith appeared and delivered the following message :

EXECUTIVE DEPARTMENT, M. T. }  
St. Paul, Feb. 27, 1856. }

To the President of the Council—

I am directed by His Excellency to inform the Council that he has this day approved and signed "a memorial to Congress for an appropriation to construct the St. Paul and Kettle River Road in the Territory of Minnesota."

No. 11, C. F., "an act to incorporate the Henderson Manufacturing Company."

No. —, C. F., "an act granting to J. L. Wurtz the right to establish and maintain a Ferry across Root River."

No. 79, C. F., "an act for a Territorial Road from Minneapolis to Glencoe."

No. 41, C. F.

No. 82, C. F., was rejected.

Mr. Flandrau introduced No 117, C. F., an act to amend chapter 36, of the Revised Statutes, and chapter 22, laws of 1853.

Read a first and second time and laid on the table without being printed,

On motion of Mr. Setzer the rules were suspended, and No. 25, C. F., an act to incorporate the Northern Pacific Rail Road Company,

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

Mr. Rolette from the Joint Committee on enrolled bills, made the following report:

The Joint Committee on enrolled bills have examined and found correctly enrolled the following bills:

No. 40, C. F., a bill for an act to incorporate Masonic Building Association.

No. 27, C. F., an act to legalize and confirm certain elections.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

On motion of Mr. Freeborn the Council adjourned until half past two.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

A quorum was present.

The President signed Nos. 27, and 40, C. F., No. 3, Joint Resolution, and Nos. 7, and 4, memorials; and Nos. 13, and 126, and an act to incorporate the Minnesota Mill Co. Which was sent to the House.

Mr. Setzer offered the following resolution:

*Resolved*, That his Excellency, the Governor, be requested to return to the Council, an act to organize the County of Pine; which was adopted.

Mr. Hanson introduced No. 118, C. F., a bill to authorize the Board of County Commissioners of Hennepin County to borrow money on County Bonds, for the purpose of erecting County Buildings; read a first and second time and referred to the Committee on Incorporations, without being printed.

Mr. Flandrau from the Committee on Judiciary, reported back to the Council No. 34, H. of R., without recommendation.

No. 240, H. of R., an act relative to the term of the District Court, was read a first time.

No. 16, H. of R., a bill to locate a Territorial Road, from some point near the town of Le Sueur to the old Sioux Crossing, was read a first time.

No. 239, H. of R. a bill for an act to incorporate the town of Hastings, in the County of Dakota, was read a first time.

No. 23, H. of R., read a second time and ordered to its third reading.

No. 16, H. of R., read a second time.

Mr. Setzer offered an amendment, which was adopted.

Mr. Hanson moved the rules be suspended and the bill be read a third time.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 4, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Dooley, Freeborn, Hanson, Ludden, Rollins, Setzer, and Stone—9.

Those who voted in the negative were,  
Messrs. Flandrau, Lowry, Rolette, and Mr. President—4.

The motion prevailed, the bill was read a third time and passed and its title agreed to.

No. 240, H. of R., read a second time and referred to the Committee on Judiciary.

No. 51, H. of R., an act to incorporate the Lake Superior and Central Minnesota Railroad Company; taken up, read a third time and passed, and its title agreed to.

No. 117, C. F., an act to amend Section 36, of the Revised Statutes, was taken up, read a third time and passed, and its title agreed to.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials and joint resolutions:

- No. 61, C. F., a bill for an act to incorporate the town of St. Cloud.
- No. 9, H. of R., to provide for laying out a Territorial Road from Winona to Austin.
- No. 14, H. of R., a bill for an act to provide for laying out a Territorial Road.
- No. 28, H. of R., a memorial for \$10,000.
- No. 13, H. of R., memorial for modification of Pre-emption Laws.
- No. 27, H. of R., memorial to the Postmaster General.
- No. 154, H. of R., to incorporate the Henderson Bridge Company.
- No. 138, H. of R., Relating to the distribution of the School fund in Sibley county.
- No. 140, to incorporate the town of Clarksville.
- No. 5, H. of R., an act to incorporate the Lake Superior and Northern Pacific Railroad Company.

No. 32, H. of R., A bill to provide for the laying out a Territorial Road from Cannon Falls to the Iowa line.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

No. 65, C. F., to organize the county of Mower,  
Was taken up and read a third time and passed, and its title agreed to.

No. 106, C. F., an act to amend an act entitled an act to incorporate the St. Paul Bridge Company;

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

No. 107, C. F., an act to extend the time within which the Min. Bridge Company is required to commence building their Bridge,

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

No. 96, C. F., an act to incorporate the West Branch Dam Company,

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

No. 34, H. of R., an act to establish the common boundary between the counties of Dakota and Scott,

Was taken up, and the question recurring on its third reading,

And the yeas and nays being called for and ordered, there were yeas 5, and nays 6, as follows:

Those who voted in the affirmative were,  
Messrs. Dooley, Freeborn, Ludden, Setzer, and Stone—5.

Those who voted in the negative were,  
Messrs. Bailly, Flandrau, Hanson, Rollins, Rolette, and Mr. President—6.

The bill was not ordered to its third reading.

A message from the House being announced, Mr. Kingsbury, Assistant Clerk pro tem., appeared and delivered the following message:

Mr. PRESIDENT—The Speaker has signed the following bill:

No. 40, C. F., an act to incorporate the Masonic Building Association.

Which is herewith transmitted.

H. L. EDWARDS, Chief Clerk, H. of R.

Mr. Bailly moved the bill be amended by striking out all after the enacting clause. The motion was lost.

On motion of Mr. Bailly, it was referred to the Committee on Territorial Affairs. Mr. Hanson, from the Committee on Incorporation, reported back to the Council No. 44, H. of R., and No. 118, C. F.

Mr. Flandran, from the Committee on Judiciary, reported back to the Council No. 240, H. of R.

A message from the Governor being announced, Mr. Smith appeared and delivered the following message :

EXECUTIVE DEPARTMENT, M. T. }  
Saint Paul, Feb. 23, 1856. }

To the President of the Council—

Sir : I am directed by His Excellency to inform the Council that he has this day approved and signed "an act to organize the St. Croix Boom Corporation." No. 19, C. F.

"An act to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Minnesota Territory. No. 92, C. F.

On motion of Mr. Hanson the Council resolved itself into the Committee of the Whole, Mr. Balcomb in the Chair, having under consideration,

No. 118, C. F., a bill to authorize the County Commissioners of Hennepin county, to borrow money on the county bonds for the purpose of erecting County Buildings.

No. 240, H. of R., an act relative to the terms of the District Court.

No. 44, H. of R., to incorporate the St. Cloud Bridge Company.

After sometime being spent therein the Committee rose and reported the bills back to the Council.

No. 118, C. F., with recommendation it be passed.

No. 240, H. of R., with an amendment.

No. 44, H. of R., without amendment.

The report was accepted.

The amendment to No. 240, H. of R., was adopted, and the bill ordered to its third reading.

No. 118, C. F., was ordered to be engrossed.

No. 44, H. of R., was ordered to its third reading.

The Committee on enrolled bills beg leave to report that they have found and examined the following bill correctly enrolled.

No. 84, C. F., an act relative to the county seat of Fillmore county.

J. ROLETTE, Council, } Committee;  
WM. B. GERE, H. of R. }

The Committee on Enrolled bills beg leave to report they presented to his Excellency the Governor, for his signature the following bill.

No. 40, C. F., an act to incorporate the Masonic Building Association.

J. ROLETTE, Council, } Committee;  
WM. B. GERE, H. of R. }

No. 55, C. F., a bill to secure the free passage of logs and lumber on the Cannon River was taken up, read a third time and passed, and its title agreed to.

No. 240, H. of R., an act relative to the terms of the District Courts, was read a third time and passed, and its title agreed to.

No. 44, H. of R., a bill to incorporate the St. Cloud Bridge Company, was read a third time and passed, and its title agreed to.

No. 118, C. F., a bill to authorize the County Commissioners of Hennepin county to borrow money on the county bonds for the purpose of erecting county buildings, was read a third time and passed and its title agreed to.

A message from his Excellency the Governor being announced, Mr. R. A. Smith appeared and delivered the following message :

C. R. ...

EXECUTIVE DEPARTMENT, M. T.,  
Saint Paul, Feb. 27th, 1856. }

To the President of the Council—

Sir: I am directed by his Excellency to inform the Council that he has this day approved and signed an act to incorporate the Masonic Building Association, No. 40, C. F., which originated in the Council.

A message from the House being announced, Mr. Edwards, Chief Clerk, appeared and delivered the following message:

MR. PRESIDENT: The House has concurred in the passage of the following bills:

No. 17 C. F., a bill to provide for the laying out and establishing a Territorial Road from Henderson to Fort Ridgley.

No. 64½ C. F., a bill to incorporate the Zumbro Falls Manufacturing Company.

No. 56 C. F., a bill to provide for paying the expenses of surveying and locating a Territorial Road from St. Cloud to Minneapolis.

No. 14 C. F., a bill to provide for laying out a Territorial Road from Red Wing to Henderson; and

No. 43 C. F., a bill to locate a Territorial Road from Fort Ripley to Fort Ridgley.

The House has passed the following bills and memorials, in which the concurrence of the Council is respectfully requested:

No. 199 H. of R., a bill for an act to incorporate the Clinton University in the county of Steele and Territory of Minnesota.

No. 191 H. of R., a bill to legalize and confirm the election and qualification of officers in the county of Rice.

No. 214 H. of R., a bill to incorporate the Faribault and Henderson Plank Road Company.

No. 203 H. of R., a bill to amend section 73, of chapter 70, of the Revised Statutes of the Territory of Minnesota.

No. 212 H. of R., a bill to incorporate the Henderson and Glencoe Plank Road Co.

No. 146, H. of R., a bill to incorporate the Lake Pepin, Henderson and Glencoe Railroad Company.

No. 226, H. of R., a bill to amend an act entitled an act to incorporate the City of St. Anthony.

No. 216, H. of R., a bill entitled an act to amend the Revised Statutes.

No. 215, H. of R., a bill to incorporate the Shakopee Mutual Friend Association, Shakopee City, Minnesota Territory.

No. 194, a bill to provide for laying out a Territorial Road from the Mouth of Crow river to Henderson.

No. 211, H. of R., a bill for an act to incorporate the Chisago Seminary at Taylor's Falls in the county of Chisago.

No. 210, H. of R., a bill authorizing the collectors of taxes to assess real estate and other property, in certain cases.

No. 205 H. of R., a bill for the relief of Wm. Stodder and others.

No. 190, H. of R., a bill to incorporate the Presbyterian Institute of the Presbytery of St. Paul.

No. 183, H. of R. an act relative to Free Schools in the city of St. Paul.

No. 181, H. of R., a bill to provide for the payment of an unsettled account.

No. 113, H. of R., a bill to amend an act entitled an act incorporate the Minnesota, Historical Society, approved October 20th 1849.

No. 208, H. of R., a bill to prohibit fishing with seines and nets in Lake Minnetonka.

No. 204, H. of R., a bill to incorporate the Shakopee city and Chaska Plank Road Company.

No. 243, H. of R., a bill to organize the county of Todd.

No. 133, H. of R., a bill to define and establish the boundaries of the county of Anoka, and for other purposes.

No. 30, H. of R., a memorial to Congress to establish a certain mail route in the counties of Hennepin, Carver, and Sibley, Minnesota Territory.

No. 31, H. of R., a memorial to Congress for a donation to the county of Carver, Minnesota Territory, of two townships of Government lands for the endowment of an Academy, to be located at Chaska in said county.

H. L. EDWARDS.  
Chief Clerk, H. of R.

No. 11, C. F. a bill for an act to provide for the surveying of timber in the 2, 3 and 4 districts, was read a third time and passed, and its title agreed to.

No. 31, H. of R., a memorial for a donation to the county of Carver, Minnesota Territory, of two townships of government lands for the endowment of an Academy to be located at Chaska, in said County.

On motion of Mr. Setzer the memorial was indefinitely postponed.

A message from his Excellency, the Governor, being announced, Mr. R. A. Smith appeared and delivered the following message:

EXECUTIVE DEPARTMENT, M. T. }  
ST. PAUL, Feb. 27, 1856. }

To the President of the Council:—Sir, I am directed by his Excellency, to return C. F., No. 54, an act to organize the county of Pine, without his signature, in accordance with a resolution of the Council.

No. 30, H. of R., was read a first and second time and amended.

No. 54, C. F., an act to organize the county of Pine, was taken up and amended.

No. 30, H. of R., was read a third time and passed, and its title agreed to.

No. 133, H. of R., was read and referred to a select committee consisting of Messrs. Rolette, Flandrau and Stone, with instructions to report to-morrow.

On motion of Mr. Rolette the Council adjourned.

#### THURSDAY, FEBRUARY 28, 1856.

The Council met pursuant to adjournment.

Prayer by the Chaplain.

A quorum was present.

The Journal of yesterday's proceedings was read and approved.

Mr. Flandrau introduced No. 21, C. F., a memorial to Congress to remove the Winnebago Indians.

Read a first and second time and ordered not to be printed.

On motion of Mr. Ludden the Committee on Territorial Affairs was instructed to report to the Council a bill relative to the boundary line of Scott and Dakota.

Mr. Flandrau from the Committee on Judiciary reported back to the Council No. 54, H. of R.

Mr. Setzer from the Committee on Engrossed bills reported No. 55, C. F. and No. 102, C. F., correctly engrossed.

No. 208, H. of R., an act to prohibit fishing with seines and nets in Lake Minnetonka was read a first time and referred to a Committee on Judiciary.

A message from the House being announced, Mr. Edwards Chief Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT: The Speaker has signed the following Bills and Memorials, which are herewith transmitted.

- Council Files, No. 27, 80, and No. 18, and House bills,  
 An act to provide for laying out a Territorial Road from Winona to Austin.  
 An act for laying out a Territorial Road from the Iowa line to the Dodd Road.  
 An act to incorporate the town of Clarksville.  
 An act relating to the distribution of the School Fund in Sibley County.  
 An act to provide for laying out a Territorial Road from Wabashaw to Austin.  
 An act relating to Bills of Exchange, Promissory Notes &c., due on New Year's day, &c.  
 An act to incorporate the Owatonia Institute.  
 An act to provide for laying out a Territorial Road from Cannon Falls to the Iowa line.  
 An act to incorporate the Henderson Bridge Company.  
 An act to amend the Revised Statutes.  
 An act to incorporate the Benevolent Sons of Erin, established at St. Paul in 1855.  
 An act to incorporate the Little Falls Manufacturing Company.  
 An act to amend an act to incorporate the Root River Valley and Southern Minnesota R. R. Company.  
 An act entitled an act to authorize School District No. 1, Town 30, Range 20, to levy a special tax.  
 An act to incorporate the Lake Superior and Northern Pacific Railroad Company.  
 A memorial to Congress for an appropriation of 10,000 dollars for the construction of Bridges and Culverts on a Territorial Road from the Iowa line to Rochester M. T.  
 A memorial to Congress for a modification of the pre-emption law.  
 A memorial of the Legislative Assembly of the Territory of Minnesota, to the Post Master General, praying for further mail facilities in the Minnesota Valley.  
 Also: No. 84, C. P., an act relative to the County Seat of Fillmore county.

H. L. EDWARDS,  
 Chief Clerk H. of R.

- No. 213, H. of R., was read a first time.  
 No. 181, " " "  
 No. 204, " " "  
 No. 183, " " a first and second time and referred to the Committee on Judiciary.  
 No. 190, " " " " " and referred to the Committee on Schools.  
 No. 205, " " " " " and referred to the Committee on Territorial Expenditures.  
 No. 210, H. of R., was read a first and second time and referred to the Committee on Judiciary.  
 No. 211, H. of R., was read a first and second time and referred to the Committee on Schools.  
 No. 194, H. of R., was read a first and second time and referred to the Committee on Territorial Roads.  
 No. 196, H. of R., was read a first and second time and referred to the Committee on Incorporations.  
 No. 136 H. of R. was read a first and second time and referred to the Committee on Incorporations.  
 No. 212, H. of R., was read a first and second time and referred to the Committee on Incorporations.  
 No. 214, H. of R. was read a first and second time and referred to the Committee on Incorporations.  
 No. 203, H. of R., was read a first and second time and referred to the Committee on Judiciary.

No. 191, H. of R., was read a first and second time and referred to the Committee on Judiciary.

A message from the his Excellency, the Governor being announced, R. A. Smith appeared and delivered the following messages:

EXECUTIVE DEPARTMENT, M. T., }  
St. Paul, Feb. 28, 1856. }

To the President of the Council:—

I herewith return bill No. 84, C. F., at the request of the member of the committee on enrolled bills of your body, which was presented to me on yesterday for my signature. It has been made to appear before me, that the bill presented to me has two sections in it, which are not in the engrossed copy in the hands of your Enrolling Clerk, and as the matter may involve some questions of a delicate nature I respectfully return it, for such action as your honorable body may be pleased to take.

W. A. GORMAN.

EXECUTIVE DEPARTMENT, M. T., }  
St. Paul, Feb. 28, 1856. }

To the President of the Council—

Sir: I am directed by his Excellency to announce to the Council that he has approved and signed a memorial to Congress for the passage of an act regulating the Clerkships of the United States District Courts of this Territory. No. 19, C. F.

Mr. Tillotson moved that the Governor's message be taken up. Carried.

Mr. Setzer moved a committee of three be appointed to investigate the matter. And Mr. Setzer, Lowry and Freeborn composed the committee.

A message from the House being announced, Mr. Edwards appeared and delivered the following:

Mr. PRESIDENT: The House has passed the following resolution, in which the concurrence of the Council is solicited:

Resolved, (the Council concurring,) That the Enrolling Clerk of the House be authorized to strike out the word 'twelve,' and insert the word 'seven,' in section 10, of an act to incorporate the Minnesota Life, Fire and Marine Insurance Company, and to insert at the end of said section, the words: "or such rates of interest as may be agreed upon by the parties, and to return the same to his Excellency."

H. L. EDWARDS, Chief Clerk, H. of R.

No. 199 H. of R. was read a first and second time and referred to the committee on Schools.

No. 216 H. of R. was read a first and second time and referred to the committee on Judiciary.

No. 202 H. of R. was read a first and second time and referred to the committee on Incorporations.

No. 215 H. of R. was read a first and second time and referred to the committee on Incorporations.

No. 213, H. of R., to amend an act entitled an act to incorporate the Minnesota Historical Society, was read a second and third time and passed, and its title agreed to.

No. 181, H. of R., was read a second time and passed, and referred to the Committee on Territorial Expenditures.

No. 204, H. of R., was read a second time and referred to the Committee on Incorporations.

No. 102, C. F., an act to incorporate the Cannon Falls Manufacturing Company, was read a third time and passed, and its title agreed to.

No. 239, H. of R., a bill to incorporate the town of Hastings in the County of Dakota, was read a third time and passed, and its title agreed to.

No. 28, C. F., a bill to provide for laying out a Territorial Road from St. Cloud to Fort Ripley, was read a third time and passed, and its title agreed to.

No. 23, H. of R., a memorial to alter the ferns of Red Wing, Winona, and Root River Land Districts, was taken up, read a third time.

Mr. Flandrau moved a call of the House.

Mr. Rolette reported absent.

Mr. Flandrau moved the further proceedings under the call be dispensed with; and the yeas and nays being called for and ordered, there were yeas 9, nays 5, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Dooley, Freeborn, Hanson, Rollins, Setzer, Stone, Tillotson, and Thompson—9.

Those who voted in the negative were,  
Messrs. Balcomb, Flandrau, Lowry, Ludden, and Mr. President—5.

The motion was lost—Mr. Rolette in his seat.

The Joint Committee on enrolled bills did, on the 28th day of February, A.D., 1856, present to the Governor, for his signature, the following bills:

An act to incorporate the Target Lake Plank Road and Ferry Company.

An act to legalize and confirm certain elections.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. R. }

Mr. Freeborn moved,

The bill be referred to the Committee on Internal Improvements, with instructions to report to-morrow.

And the yeas and nays being called for and ordered, there were yeas 6, and nays 9, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Freeborn, Rollins, Setzer, Tillotson and Mr. President—6.

Those who voted in the negative were,  
Messrs. Balcomb, Dooley, Flandrau, Hanson, Lowry, Ludden, Rolette, Stone, and Thompson—9.

The motion was lost.

The question recurring on the passage of the bill.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 5 as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Dooley, Flandrau, Hanson, Lowry, Ludden, Rolette, Stone, Thompson and Mr. President—10.

Those who voted in the negative were,  
Messrs. Bailly, Freeborn, Rollins, Setzer and Thompson—5.

The memorial was passed.

Mr. Freeborn moved the title be amended by adding "to accommodate the people of Minnesota Valley."

And the yeas and nays being called for and ordered, there were yeas 5, and nays 10 as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Freeborn, Rollins, Setzer and Tillotson—5.

Those who voted in the negative were,  
Messrs. Balcomb, Dooley, Flandrau, Hanson, Lowry, Ludden, Rolette, Stone, Thompson and Mr. President—10.

The motion was lost.

The question recurring on its title.

And the yeas and nays being called for and ordered, there were yeas 12, and nays 3, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Dooley, Flandrau, Hanson, Lowry, Ludden, Rolette, Stone,

Tillotson, Thompson and Mr. President—12.

Those who voted in the negative were,  
Messrs. Freeborn, Rollins and Setzer—3.

So its title was agreed to.

A message from the House being announced, Mr. Edwards, Chief Clerk, appeared and delivered the following message.

MR. PRESIDENT: The House has concurred in the passage of No. 16, C. F., a memorial to the President of the United States for the Sioux and Chippewa Indians, for the purpose of promoting their early civilization.

No. 13, C. F., a memorial to Congress to establish a Military Post near the head of Red River, without amendment.

And No. 39, C. F., to amend an act entitled an act to incorporate the city of Stillwater, with sundry amendments, which are herewith transmitted, and in which the concurrence of the Council is solicited.

H. L. EDWARDS, Chief Clerk H. of R.

No. 57 C. F., a bill to provide for laying out a Territorial Road from Watab to a point intersecting the Territorial Road from St. Cloud to Pembina, was read a third time and passed and its title agreed to.

Mr. Ludden, from the committee on Incorporations, reported back No. 196 H. of R. with amendments, No. 214 H. of R. and 212 H. of R.

Mr. Balcomb, from the committee on Territorial Expenses, reported back to the Council, No. 81 H. of R. and No. 205 with recommendation they be indefinitely postponed. No. 181 H. of R., a bill to provide for the payment of an unsettled account.

The question being put, shall it be indefinitely postponed,

And the yeas and nays being called for and ordered, there were yeas 7, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Freeborn, Ludden, Rollins, Setzer, Thompson and Mr. President.

Those who voted in the negative were,

Messrs. Dooley, Flandrau, Rolette, Stone and Tillotson.

The bill was indefinitely postponed.

No. 205 H. of R., a bill for the relief of Wm. H. Stodder and others was indefinitely postponed.

No. 54 H. of R., an act to License and Regulate Agencies and Insurance companies in the Territory of Minnesota, was indefinitely postponed.

Mr. Fletcher moved No. 214 H. of R., a bill to incorporate the Faribault and Henderson Plank Road company be indefinitely postponed.

The motion prevailed.

No. 212 H. of R., a bill to incorporate the Henderson and Gleacoe Plank Road company, was ordered to its third reading.

No. 196 H. of R., as amended, was taken up, the amendments adopted and the bill ordered to its third reading.

Mr. Hanson reported back to the Council No. 139, H. of R.

Mr. Lowry, from the Committee on Territorial Affairs, reported back No. 121, H. of R., and No. 34, H. of R.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

No. 43, C. F., a bill for an act to locate a Territorial Road from Fort Ripley to Fort Ridgley.

No. 17, C. F., a bill for an act to provide for laying out a Road from Henderson to Fort Ridgley.

No. 64, C. F., an act to incorporate the Zumbro Falls Manufacturing Company.

No. 14, C. F., to provide for laying out a Road from Red Wing to Henderson.

No. 56, C. F., to provide for paying the expenses of surveying and locating a Territorial Road from St. Cloud to Minneapolis.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

The Joint Committee on Enrolled Bills report that they have presented to his Excellency the Governor for his signature the following bills:

An act entitled an act to incorporate the Minneapolis Mill Company.

An act to amend an act entitled an act to define the boundaries of certain counties.

A memorial for certain improvements in this Territory.

A memorial to the P. M. General for the establishment of a mail route.

An act entitled an act to authorize the Regents of the Minnesota University to borrow money.

Joint Resolution for the payment of W. W. Kingsbury's mileage and per diem while contesting the seat of N. C. D. Taylor.

No. 84, C. F., A bill relating to the County Seat of Fillmore county.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

Mr. Dooley from, the Committee on Schools, reported back No. 190, H. of R.—No. 199, H. of R., and 211, H. of R.

No. 211, H. of R., a bill to incorporate the Chisago Seminary at Taylor's Falls.

Read a third time and passed and its title agreed to.

No. 190, H. of R., a bill to incorporate the Presbyterian Institute of the Presbytery of St. Paul,

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

No. 199, H. of R., a bill to incorporate the Clinton University, in the county of Steele.

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

No. 34, H. of R., a bill to establish the county boundaries between the counties of Dakota and Scott, was taken up and the question recurring on its third reading,

And the yeas and nays being called for and ordered, there were yeas 7, and nays 7, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Ludden, Setzer, Thompson and Mr. President.

Those who voted in the negative were,

Messrs. Bailly, Freeborn Hanson, Lowry, Rollins, Stone and Tillotson.

The motion was lost.

No. 111, C. F. an act extending the Jurisdiction of the Judges of Probate Court, was referred to the Committee of Judiciary.

No. 34, H. of R., was ordered to its third reading.

No. 63, C. F., to incorporate the town of Little Falls West, was taken up and read a third time and passed and its title agreed to.

On motion of Mr. Thompson, the Council adjourned until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment. A quorum was present.

No. 121, H. of R., an act to provide for locating the county seat of the County of Steele, and for other purposes, was taken up and read a third time.

Mr. Setzer moved a call of the House—Messrs. Bailly, Balcomb, Dooly, Ludden and Rollins.

On motion of Mr. Hanson, the further proceedings under the call of the House was dispensed with. The question recurring on its passage, and the Yeas and Nays being

called for and ordered, there were Yeas 7, and Nays 3, as follows :

Those who voted in the affirmative were :

Messrs. Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson, Thompson.

Those who voted in the negative were :

Messrs. Flandrau, Setzer, Mr. President.

The bill was passed, and its title agreed to

Mr. Rolette moved a reconsideration of the vote, and the Yeas and Nays being called for and ordered, there were Yeas 4, and Nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Flandrau, Lowry, Setzer, Mr. President.

Those who voted in the negative were,

Messrs. Freeborn, Hanson, Rolette, Stone, Tillotson, Thompson.

The motion was lost.

Mr. Flandrau introduced No. 120, C. F., an act to amend the act entitled An act to amend the Revised Statutes, approved the first of March, 1854. Read a first and second time and laid on the table without being printed.

On motion of Mr. Flandrau, the Council resolved itself into a Committee of the Whole, Mr. Flandrau in the Chair,

Having under consideration No. 243, H. of R., an act to organize the county of Todd. No. 21, C. F., a memorial to Congress to remove the Winnebago Indians.

After some time being spent therein, the committee rose and reported the bill and memorial back to the Council.

No. 21, C. F., a memorial.

No. 243, H. of R.

The report was accepted.

No. 243, H. of R., was read a third time and passed, and its title agreed to.

Mr. Setzer moved No. 21, C. F., a memorial, be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 6, and nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Freeborn, Hanson, Rollins, Rolette, Setzer, and Tillotson—6.

Those who voted in the negative were,

Messrs. Bailly, Dooley, Flandrau, Stone, and Mr. President—5.

The motion prevailed.

No. 196, H. of R., an act entitled an act to incorporate the Lake Pepin and Henderson Railroad Company.

Mr. Setzer moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 3, and nays 8, as follows :

Those who voted in the affirmative were,

Messrs. Setzer, Tillotson, and Mr. President—3.

Those who voted in the negative were,

Messrs. Bailly, Dooley, Flandrau, Freeborn, Hanson, Rollins, Rolette, and Stone—8.

The motion was lost.

Mr. Setzer moved the bill be read a third time.

The motion prevailed, the bill was read a third time and passed, and its title agreed to

Mr. Hanson moved,

The vote by which No. 214, H. of R., was indefinitely postponed be reconsidered.

Mr. Setzer moved a call of the House.

Messrs. Balcomb, Lowry, Ludden and Thompson were absent.

Mr. Flandrau moved,

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

And the yeas and nays being called for and ordered, there were yeas 7, and nays 4, as follows :

Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Hanson, Rollins, Rolette and Stone—7.  
Those who voted in the negative were,  
Messrs. Bailly, Setzer, Tillotson and Mr. President—4.  
The motion prevailed.  
The question recurring on the reconsideration,  
And the yeas and nays being called for and ordered, there were yeas 8, and nays 3, as follows :  
Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Hanson, Rollins, Rolette, Stone and Mr. President—8.  
Those who voted in the negative were,  
Messrs. Bailly, Setzer and Tillotson—3.  
The vote was reconsidered.  
Mr Hanson moved the rules be suspended, and the bill read a third time.  
The yeas and nays being called for and ordered, there were yeas 6, and nays 6, as follows:  
Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Hanson, Rolette, Stone—6.  
Those who voted in the negative were,  
Messrs. Bailly, Rollins, Setzer, Tillotson, and Mr. President—5.  
So the motion was lost.  
On motion of Mr. Rolette the Council adjourned until half past four this afternoon.

HALF PAST FOUR.

The Council met pursuant to adjournment.  
A quorum not being present the Council adjourned.  
J. B. BRISBIN, President.  
Attest, W. COLVILLE, Secretary.

FRIDAY, FEBRUARY 29, 1856.

The Council met pursuant to adjournment.  
Prayer by the chaplain.  
A quorum was present.  
The journal of yesterday's proceedings was read and approved.  
A message from the House being announced, Mr. Edwards, chief clerk thereof, appeared and delivered the following message :  
MR. PRESIDENT : The House has passed the following resolution :  
Whereas, House bill No. 236, an act to incorporate the city of St. Anthony has passed the House,  
Resolved, By this House, that the Chief clerk be instructed to call on the Council and  
C.—28.

respectfully request them to return House bill No. 236 to this House for further consideration.

Wherefore, Pursuant to the above, I would most respectfully ask your Honorable Body to return to the House of Representatives the above named bill, viz: 236 H. R.

The House has also passed a bill, No. 240 H. of R., a bill granting an extension of time to the Minnesota and North Western Railroad Company and for other purposes, which is herewith transmitted, in which the concurrence of the Council is solicited.

H. L. EDWARDS, Chief Clerk, H. of R.

Mr. Bailey moved a call of the House.

Messrs. Hanson, Lowry, Ludden and Roloffs were reported absent.

On motion of Freeborn the further proceedings under the call were dispensed with.

Mr. Flandrau introduced No. 120 C. F., a bill to incorporate the towns of Franklin and Glencoe, read a first and second time and laid on the table without being printed.

Mr. Bailey introduced No. 121 C. F., a bill to divide the county of Dakota into representative districts.

Mr. Rollins, from the Committee on Incorporations, reported No. 288 H. of R.

Mr. Flandrau, from the Committee on Judiciary, reported back to the Council—

No. 111, C. F., with recommendation that it be indefinitely postponed.

No. 183, H. of R., with amendment.

No. 210, H. of R., with amendment.

No. 191 H. of R. without amendment.

" 208 " " "

" 210 " " "

" 203 " " "

Mr. Setzer made the following report:

Your Committee to whom was referred the investigation of the disagreement existing between the enrolled copy of No. 84, C. F., a bill relative to the county seat of Fillmore county, and the bill passed by the H. of R., would respectfully submit the following report:

That they have had the matter under consideration and after receiving the testimony in the case find as follows, to wit:

It appears that the Secretary of the Council instead of using the original written manuscript introduced in the Council, had used in lieu thereof printed copies, that through neglect of the printers, some copies had been struck off lacking sections 5, and 6, of the original bill, being only printed on one side of the paper; that the copy which passed the Council was complete, but by mistake another defective copy was sent to the House of Representatives, and acted upon by that body, that therefore the bill, passed by the latter body does not agree with the bill passed by the Council and from thence the various errors in the case arose.

Your Committee would take occasion to deprecate the custom of using printed copies of the bill, in lieu of the original manuscript, and would exonerate the Enrolling Clerk of the Council from any blame in the premises. The difficulty originated in a mistake, always liable to occur when bills are acted upon under a suspension of the rules and without the form of engrossing. They would recommend that the Secretary be directed to report to the House the bill No. 84, C. F., as it really passed the Council, for action immediately.

H. N. SETZER, } Committee.  
WM. FREEBORN }

On motion of Mr. Ludden, the recommendation made by the committee was adopted. No. 240 H. of R., a bill extending the time of the Minnesota and N. W. R. Co. was read a first time.

No. 39 C. F. as amended, was read a first time, and the amendments agreed to.

A message from his Excellency the Governor being announced, Mr. E. A. Smith Private Secretary of the Governor, appeared and delivered the following message:

EXECUTIVE DEPARTMENT, M. T.

St. Paul, Feb. 27, 1856.

To the President of the Council—

His Excellency has instructed me to announce to the Council that he has approved and signed an act to amend chapter sixteen of the laws of 1854; also, an act to legalize and confirm certain elections; No. 27 C. F.

Also, an act to incorporate the Target Lake Plank Road company; No. 80 C. F.

The Joint Committee on Enrolled bills report that they have presented to his Excellency the Governor, for his signature and approval, the following bills, &c.:

An act to incorporate the town of St. Cloud.

A memorial to the Postmaster General.

An act to amend an act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

A memorial to Congress for an appropriation of \$10,000 for the construction of bridges and culverts on a Territorial Road.

An act to incorporate the Lake Superior and Northern Pacific Railroad Company.

An act to incorporate the Little Falls Manufacturing Company.

An act entitled an act relating to Bills of Exchange, Bank Checks and Promissory Notes.

An act entitled an act to authorize School District No. 1, Town 30, range 20 to levy a special tax.

An act to incorporate the Owatonia Institute.

An act to provide for laying out a Territorial Road from Cannon Falls to the Iowa line.

An act to incorporate the Handerson Bridge Company.

An act to amend the Revised Statutes.

An act to incorporate the Benevolent Sons of Erin.

An act to incorporate the town of Clarksville and for other purposes.

No. 240, H. of R., a bill granting an extension of time to the Minnesota and North Western Railroad Company, was read a second time.

Mr. Ludden moved the bill be referred to a select committee of three.

Mr. Rolette moved a call of the House.

Mr. Lowry absent—Mr. Lowry reported to be present.

The question recurring on Mr. Ludden's motion,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 7, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Ludden, Rollins, Setzer, and Thompson—6.

Those who voted in the negative were,

Messrs. Dooley, Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson, and Mr. President—9.

The motion was lost.

Mr. Ludden moved the bill be laid on the table to be taken up this afternoon.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 6, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Hanson, Ludden, Rollins, Setzer, Thompson, and Mr. President—9.

Those who voted in the negative were,

Messrs. Flandrau, Freeborn, Lowry, Rolette, Stone, and Tillotson—6.

The motion prevailed.

Mr. Rolette, from the Select Committee, to whom was referred (No. 182, H. of R.) reported the same back to the Council with recommendation that it be indefinitely postponed.

Mr. Stone introduced a petition relative to the formation of a new county, from a portion of Benton and Ramsey counties.

Mr. Flandrau from the minority of the Committee reported an amendment to 133, H. of R.

Mr. Flandrau moved that the majority and minority report of 133, H. of R., be accepted :

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

Those who voted in the affirmative were,  
Messrs. Dooley, Freeborn, Ludden, Stone, Tillotson, and Mr. President.

Those who voted in the negative were.

Messrs. Bailly, Flandrau, Hanson, Lowry, Rollins, Rolette.

The motion was lost.

Mr. Rollins moved the vote be reconsidered.

And the yeas and nays being called for and ordered, there were yeas 5, and nays 8, as follows :

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Dooley, Ludden and Rollins.

Those who voted in the negative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson and Mr. President.

The motion was lost.

Mr. Hanson moved the Committee be discharged. The motion prevailed. Mr. Hanson moved the vote by which the Committee was discharged be reconsidered.

And the yeas and nays being called for and ordered, there were yeas 3 and nays 9, as follows :

Those who voted in the affirmative were,  
Messrs. Balcomb, Hanson, and Rollins.

Those who voted in the negative were :

Messrs. Dooley, Flandrau, Freeborn, Lowry, Ludden, Rolette, Stone, Tillotson, and Mr. President.

The motion was lost.

No. 34, H. of R., an act to establish the county boundary between the counties of Dakota and Scott was read a third time.

Mr. Bailly moved a call of the House, Mr. Stone and Rolette absent, the absent members appeared in their seats.

The question recurring on its passage

And the yeas and nays being called for and ordered, there were yeas 7, and nays 8 as follows:

Those who voted in the affirmative were,  
Messrs. Balcomb, Freeborn, Rolette, Setzer, Stone, Thompson and Mr. President—7.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Flandrau, Hanson, Lowry, Ludden, Rollins and Tillotson—8.

The bill was lost.

No. 212, H. of R., a bill to incorporate the Henderson and Glencoe Plank Road Co., was read a third time—and passed and its title agreed to.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof appeared and delivered the following message:

MR. PRESIDENT : The House has passed the following Joint Resolution in which the concurrence of the Council is solicited:

Resolved, (The Council concurring) that the Committee on Enrolled Bills, be and are hereby authorized to amend Engrossed Bill No. 22, H. of R., in such a manner as to make it conform in its provisions, to the original bill as it passed the House of Representatives, by inserting the following words, viz : counted, and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true

record thereof, and within five days thereafter, he shall give notice to the persons so elected, of their election; and it shall be the duty of the Town Council, at least ten days before each and every election, to give notice of the same, by setting up advertisements at three of the most public places in said town. Each member of said Town Council, before entering upon the duties of his office, shall take an oath or affirmation, to support the Constitution of the United States, and also an oath of office.

No. 111 C. F., a bill extending jurisdiction of Probate Courts, was indefinitely postponed.

On motion of Mr. Hanson, the resolution reported by the Clerk, was taken up and read a first and second time.

On motion of Mr. Hanson, the rules were suspended and the bill read a third time and passed.

No. 188 H. of R., as amended, an act relative to Free Schools in the city of St Paul, was read a third time, passed and its title agreed to.

No. 98 C. F., an act authorizing School District No. 1, in Hennepin county, to borrow money to purchase a site and erect school buildings, was read a third time and passed, and its title agreed to.

No. 216 H. of R., an act to amend the Revised Statutes, was read a third time and passed, and its title agreed to.

No. 191 H. of R., to legalize and confirm the election of precinct and county officers of the county of Rice, laid on the table until this afternoon.

No. 14 C. F., a bill locating a Territorial Road from Cannon Falls to St Paul, was read a third time and passed and its title agreed to.

No. 137 H. of R., to amend an act to incorporate the St. Paul and St. Anthony Railroad company, was read a third time and passed and its title agreed to.

No. 121 C. F., a bill to divide Dakota county into Representative Districts, Mr. Bailly moved be referred to the committee on Territorial affairs,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 7, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Ludden and Rollins.

Those who voted in the negative were,

Messrs. Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson and Mr. President.

The motion was lost.

Mr. Brisbin moved the bill be read a third time.

Mr. Bailly moved a call of the House.

Mr. Setzer and Thompson absent.

Absent members reported in their seats.

The question recurring on Mr. Brisbin's motion,

And the yeas and nays being called for and ordered, there were yeas 8, and nays 7, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson and Mr. President.

Those who voted in the negative were.

Messrs. Bailly, Balcomb, Dooley, Ludden, Rollins, Setzer and Thompson.

The motion was lost.

Mr. Brisbin moved the Council resolve itself into Committee of the Whole on the bill.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 7, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson and Mr. President.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Ludden, Rollins, Setzer and Thompson.

The motion prevailed.

The Council resolved itself into a Committee of the Whole, Mr. Setzer in the chair, having under consideration No. 121 C. F.

After some time being spent therein the committee rose and reported the bill back to the Council.

The report was accepted.

Mr. Freeborn moved the rules be suspended and the bill be read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 6, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone and Mr. President.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Ludden, Rollins, Setzer, Tillotson and Thompson.

The motion was lost.

The question recurring on its being engrossed,

And the yeas and nays being called for and ordered, there were yeas 9, and nays 6, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Setzer, Stone, Tillotson and Mr. President.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Ludden, Rollins and Thompson.

The bill was ordered to be engrossed.

Mr. Rolette, from the Joint Committee on enrolled bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills, Memorials and Joint Resolutions:

No. 50, H. of R., a bill for an act to incorporate the St. Paul Gas Light Company.

No. 16, C. F., a memorial to the President of the United States for treaties with the Sioux and Chippewa Indians.

No. 13, C. F., memorial to Congress for the establishment of a military post near the head of Red River.

JOS. ROLETTE, Council,  
WM. B. GERRIE, H. R., Committee.

No. 133, H. of R., an act to define the boundary of Anoka county was taken up.

Mr. Brisbin moved a call of the House.

Mr. Setzer absent.

On motion of Mr. Brisbin, the further proceedings under the call of the House was dispensed with.

Mr. Brisbin moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Lowry, Rolette, Stone, Tillotson, Thompson, and Mr. President—9.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Hanson, Ludden, and Rollins—6.

The motion prevailed.

Mr. Brisbin moved the vote be reconsidered.

The motion was lost.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message:

Mr. PRESIDENT: The House of Representatives has passed the following resolution: Resolved, That the Chief Clerk of the House be instructed to return to the Council

bill No. 207, H. of R., a bill to grant the right to certain persons to establish and maintain ferries in this Territory, and the Council is hereby requested to strike out the names of Richard Ireland and Halsey M. Matteson, in the 12th section of said bill, and insert in lieu thereof the names of Alexis Bailly, Henry G. Bailly, Henry H. Sibley and Levi Hertzell, and thus make the bill what it was when it passed this House; and the Chief Clerk is also instructed to transmit to the Council a copy of the accompanying report."

Said report and bill are herewith transmitted.

The House has concurred in the following Council bills, viz :

No. 107, C. F., a bill to extend the time within which the Minnesota Bridge Company is required to commence building their bridge; and

No. 60, C. F., a bill to incorporate the Young Men's Association of Winona.

The House has passed the following bills, in which the concurrence of the Council is respectfully requested, viz :

No. 147, H. of R., a bill to authorize Clerks of Courts of Record and Justices of the Peace in this Territory to issue subpoenas to witnesses to appear before the Register and Receiver of the Land office.

No. 236 H. of R., a bill to provide for the publication and sale of the Statutes of this Territory.

No. 173, H. of R., a bill to incorporate the St. Paul Savings Institute.

No. 198, H. of R., a bill to authorize the Commissioners of organized counties to borrow money for the purpose of erecting county buildings.

No. 241, H. of R., a bill to incorporate the North Shore Mining Company.

H. L. EDWARDS, Chief Clerk, H. of R.

The Committee to whom was referred the subject of the alteration of No. 207, H. of R., a bill to grant the right to certain persons to establish ferries in this Territory, beg leave to report:

That they have examined the bill referred to, and find that the 12th section has by some means been altered by erasing the names of Alexis Bailly, Henry G. Bailly, Henry H. Sibley and Levi Hartzel, and inserting the names of Richard Ireland and Halsey M. Mattison in lieu thereof.

This alteration may be accounted for from the fact that when the bill was under consideration by the Committee of the Whole of this House, such amendment was submitted and rejected and that the amendment may have been accidentally folded up with other amendments which were adopted in the bill, and thus got into the hands of the Engrossing Clerk.

However, this may be, your Committee are of the opinion that the alteration referred to is a fact so well known to the members of the House—that any proofs to establish it would be superfluous.

J. S. NORRIS,  
A. VAN VORHES, } Committee.  
R. HAUS.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions:

Nos. 190, 218, 156, 121, 209, 214, and 88 H. of R., acts.

Nos. 29 and 24 H. of R., memorials.

J. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

Mr. Setzer moved the Council adjourn—the motion was lost.

Mr. Ludden moved the Council adjourn until half past two this afternoon.

And the yeas and nays being called for and ordered, there was yeas 6, nays 9, as follows :

Those who voted in the affirmative were,  
Messrs. Bailly, Balcomb, Dooley, Ludden, Rollins, and Setzer—6.

Those who voted in the negative were,  
Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson, Thompson and Mr. President—9.

The motion was lost.

On motion of Mr. Flandrau No. 240, H. of R., a bill extending the time of the Minnesota and North Western Railroad Company was taken up.

Mr. Flandrau moved the bill be read a third time.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson, Thompson and Mr. President—10.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Ludden, Rollins, and Setzer—5.

The motion passed.

Mr. Hanson moved the title by which the bill was ordered to be read a third time be reconsidered.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 10, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Hanson, Ludden, Rollins, and Setzer—4.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Lowry, Rolette, Stone, Tillotson, Thompson and Mr. President—10.

The motion was lost.

The question recurring on its passage, and the yeas and nays being called for and ordered, there were yeas 7, and nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Lowry, Rolette, Stone, Tillotson, Thompson, and Mr. President—7.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Hanson, Ludden, Rollins, and Setzer—6.

The bill was passed and its title agreed to.

Mr. Freeborn moved the vote by which the bill was passed be reconsidered.

And the yeas and nays being called for and ordered, there were yeas 6, and nays 9, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Hanson, Ludden, Rollins, and Setzer—6.

Those who voted in the negative were,

Messrs. Dooley, Flandrau, Freeborn, Lowry, Rolette, Stone, Tillotson, Thompson, and Mr. President—9.

The motion was lost.

On motion of Mr. Flandrau, the Council adjourned until three o'clock.

#### AFTERNOON SESSION.

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

A quorum was present,

Mr. Rolette, from the Joint Committee on Engrossed Bills, made the following report:

The Joint Committee on Engrossed Bills have examined and found correctly engrossed the following bills, memorials and Joint Resolutions:

No. 199, H. of R., a bill for an act to incorporate the Clinton University in the county of Steele, in the Territory of Minnesota.

No. 44, H. of R., a bill for an act to incorporate the St. Cloud Bridge Company.

No. 23, H. of R., memorial to Congress to alter the form of the Red Wing, Winona, and Rock River Land District.

A bill for an act to incorporate the St. Peter Company.

A bill for an act to organize the County of Todd.

No. 60, C. F., to incorporate the Young Men's Association of Winona.

A bill for an act to extend the time within which the Minnesota Bridge Company is required to commence building their bridge.

The Joint Committee on Enrolled Bills report that they have examined and found correctly enrolled, a bill granting an extension of time to the Minnesota and North-Western Railroad Company, and for other purposes.

J. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

On motion of Mr. Ludden,

No. 207, H. of R., a bill to grant the right to certain persons to establish and maintain Ferries in this Territory, as amended by the House, was taken up.

It was moved that the names of R. Ireland and H. W. Matteson be stricken out, and insert A. Bailly, H. S. Rice, H. H. Sibley, and Levi Hunsthall.

Mr. Balcombe moved a call of the House.

Messrs. Hanson and Thompson absent. Mr. Thompson was excused, Mr. Hanson in his seat.

The question recurring on the amendment,

And the yeas and nays being called for and ordered, there were yeas 10, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Lowry, Ludden, Rollins, Setzer, Stone, and Tillotson—10.

Those who voted in the negative were,

Messrs. Flandrau, Hanson, Rolette, and Mr. President—4.

The amendment was adopted.

Mr. Flandrau moved the bill be amended by striking out the name of H. H. Sibley and W. S. Le Duc.

And the yeas and nays being called for and ordered, there were yeas 4, nays 9, as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Rolette and Mr. President.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Freeborn, Hanson, Lowry, Ludden, Rollins, Setzer, Stone—9.

So the motion was lost.

Mr. Brisbin moved an amendment by striking out—A. Bailly, H. S. Bailly, H. H. Sibley and Levi Hartzell.

And the yeas and nays being called for and ordered, there were yeas 5, nays 8, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Hanson, Rolette, Stone and Mr. President—5.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Lowry, Ludden, Rollins and Setzer.—8

The motion was lost.

Mr. Flandrau moved the bill be read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 11, and nays 8, as follows:

Those who voted in the affirmative were,

C.—29.

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hasson, Lowry, Ludden, Rollins, Rolette, Tillotson—11.

Those who voted in the negative were.

Messrs. Setzer, Stone, Mr. President—3.

The Bill was read a third time and passed, and the title agreed to.

A message from the House being announced, Mr. Edwards, Chief Clerk, appeared and delivered the following message:

Mr. PRESIDENT: The Speaker has signed the following House bills:

An act to incorporate the St. Paul Gas Light company.

An act to provide for an annual appropriation for the benefit of the Minnesota Historical Society.

An act to incorporate the city of Greenwood, and for other purposes.

An act to incorporate the Presbyterial Institute of the Presbytery of St. Paul.

An act to provide for locating the county seat of the county of Steele and for other purposes.

An act to legalize the acts of the county and precinct officers of Wabashaw county.

An act to amend an act entitled an act to incorporate the Historical Society of Minnesota, approved October 20, 1849.

A memorial to the President of the United States relative to the Eastern line of the Sioux Reservation.

A memorial of the Legislative Assembly of Minnesota Territory to the Congress of the United States.

An act to incorporate the Mississippi and Missouri Railroad Company.

An act granting an extension of time to the Minnesota and North Western Railroad Company, and for other purposes.

An act to incorporate the St. Cloud Bridge Company.

An act to organize the county of Todd.

An act to incorporate the Clinton University in the county of Steele in the Territory of Minnesota.

A memorial to Congress to alter the form of the Red Wing, Winona, and Root River Land Districts.

The Speaker has also signed the following bills and memorials, which originated in the Council.

An act to provide for laying out a Territorial Road from Red Wing to Henderson.

An act to provide for paying the expenses of surveying and locating a Territorial Road from St. Cloud to Minneapolis.

An act to locate a Territorial Road from Fort Ripley to Fort Ridgley.

An act to incorporate the Zumbro Falls Manufacturing Company.

An act to provide for laying out and establishing a Territorial Road from Henderson to Fort Ridgley.

A memorial to Congress for the establishment of a military post near the head of Red River.

A memorial to the President of the U. S. for treaties with the Sioux and Chippewa Indians, for the purpose of promoting their early civilization.

All of which is herewith transmitted.

H. L. EDWARDS, Clerk H. of R.

The following resolution was taken up and adopted :

*Resolved*, the Council concurring, That the Enrolling Clerk of the House be authorized to strike out the word "twelve," and insert the word "seven," in section 10 of an act to incorporate the Minnesota Life, Fire and Marine Insurance Company, and to insert at the end of said section, the words, " or such rates of interest as may be agreed upon by the parties, and to return the same to his Excellency."

No. 280. H. of R., was taken up. Mr. Brisbin offered an amendment by striking out the name of W. S. Hall, and inserting M. E. Palmer.

And the yeas and nays being called for and ordered, there were yeas 2, and nays 9, as follows :

Those who voted in the affirmative were,  
Messrs. Stone and Mr. President.

Those who voted in the negative were,  
Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Ludden, Rollins, Setzer, and Tillotson.

The motion was lost.

Mr. Brisbia moved the bill be referred to the Committee on Judiciary,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Ludden, Stone and Mr. President—6.

Those who voted in the negative were,

Messrs. Hanson, Rollins, Rolette, Setzer and Tillotson—5.

No. 147, H. of R., a bill to authorize Clerks of Record and Justices of the Peace, in this Territory, to issue subpoenas for witnesses to appear before the Register or Receiver of land offices, read a third time, and passed, and its title agreed to.

No. 198 H. of R., was sent back to the House to be correctly engrossed.

No. 240, H. of R., was returned to the House to be correctly engrossed.

Mr. Hanson from the committee on incorporations reported back No. 20 H. of R., No. 194 H. of R., No. 202, H. of R.

No. 173, H. of R., a bill to incorporate the St. Paul Saving Institute, was indefinitely postponed.

No. 236, H. of R., an act to amend an act entitled an act, to incorporate the city of St. Anthony, was taken up. Mr. Freeborn moved it be referred to the Committee on Incorporations, with instructions to report to-morrow morning.

And the yeas and nays being called for and ordered, there were yeas 7, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Hanson, Ludden, Rollins, Setzer, and Tillotson—7.

Those who voted in the negative were,

Messrs. Flandrau, Freeborn, Rolette, Stone, and Mr. President—5.

The motion prevailed.

Mr. President, the House has passed the following Bills.

No. 117 C. F. An act to amend the Revised Statutes with an amendment.

No. 99 C. F. To authorize the Common Council of the City of Saint Paul to issue Bonds for certain purposes.

No. 53 C. F. An Act to provide for laying out a Territorial Road from St. Cloud to Fort Ripley.

No. 77, C. F., an act declaring certain Roads projected in the Territory of Minnesota, under the authority of the United States, Territorial Roads.

No. 51, C. F., an act to incorporate the Lake Superior and Central Minnesota Railroad Company.

No. 112, C. F., a bill for an act to constitute the county of Hennepin a part of the Second Judicial District of the Territory of Minnesota, and for other purposes.

No. 46, C. F., an act granting to John Henderson the right to establish and maintain a Ferry across the Minnesota River.

No. 45, C. F., an act granting to Calvin Potter the right to establish and maintain a Ferry across Lake Pepin.

No. 110, C. F., a bill for an act to provide for the surveying of timber in the Second, Third and Fourth Districts.

No. 25, C. F., an act to incorporate the Northern Pacific Railroad Company.

No. 106, C. F., an act to amend an act to incorporate the St. Paul Bridge Company.

H. L. EDWARDS, Chief Clerk.

No. 210, H. of R., a bill authorizing the collectors of taxes to assess Real Estate in certain cases, was read a third time and passed, and its title agreed to.

No. 203 H. of R., an act to amend section 70 of the Revised Statutes, was read a third time and passed, and its title agreed to.

No. 117 H. of R., an act to amend chapter 36 of the Revised Statutes as amended. The amendments were concurred in, the bill read a third time and passed, and its title agreed to.

On motion of Mr. Setzer the Council adjourned.

Attest,

WM. COLVILLE,  
Secretary.

JOHN B. BRISBIN,  
President,

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SATURDAY, MARCH 1, 1856.

The Council met pursuant to adjournment.

Prayer by the Chaplain.

A quorum was present.

The Journal of yesterday's proceedings was read and approved.

A message from the House being announced, Mr. Edwards, Chief Clerk, appeared and delivered the following message:

MR. PRESIDENT—The Speaker of the House has signed the following bills:

An act to locate a Territorial Road from some point near the town of Le Sueur to the Old Sioux Crossing.

An act relative to the terms of the District Court.

An act to define the boundaries of Lake and St. Louis counties, and for other purposes.

An act to establish the county of McLeod, and for other purposes.

An act granting a charter to the Fort Snelling Bridge Company.

An act to amend an act entitled an act to incorporate the St. Paul and St. Anthony Railroad Company.

An act to incorporate the St. Cloud Bridge Company.

A memorial to Congress to establish a certain mail route in the counties of Hennepin, Carver and Sibley, Minnesota Territory,

Which originated in the House of Representatives.

An act to incorporate the Northern Pacific Railroad Company.

An act to authorize the Common Council of the city of St. Paul to issue Bonds for certain purposes.

An act to amend chapter 30 of the Revised Statutes, and chapter 22 of the Laws of 1853:

An act to amend an act to incorporate the St. Paul Bridge Company.

An act to constitute the county of Hennepin a part of the Second Judicial District of the Territory of Minnesota, and for other purposes.

An act granting to John Henderson the right to establish and maintain a Ferry across the Minnesota river.

An act to extend the time within which the Minnesota Bridge Company is required to commence building their bridge.

An act to provide for laying out a Territorial Road from St. Cloud to Fort Ripley.  
Which originated in the Council.

The House has passed,

No. 198, H. of R., a bill to authorize the commissioners of organized counties to borrow money to erect county buildings.

An act to incorporate the North Shore Mining Company.

No. 242, H. of R., A bill to incorporate the French River Mining Company.

Which originated in the House of Representatives, and in which the concurrence of the Council is solicited.

All of which are herewith transmitted.

H. L. EDWARDS, Chief Clerk, H. of R.

The Joint Committee on Enrolled Bills report that they did, on the 29th day of Feb., 1856, present to his Excellency the Governor the following bills:

An act to incorporate the St. Paul Gas Light Company.

An act to locate the county seat of Steele.

The Joint Committee on Enrolled Bills report that they have presented to his Excellency the Governor for his signature the following bills:

No. 240, H. of R., a bill granting an extension of time to the Minnesota and North Western Railroad Company, and for other purposes.

February 28th, 1856.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills and memorials:

No. 235, H. of R., a bill for an act to define the boundaries of Lake and St. Louis counties, and for other purposes.

No. 30, H. of R., a memorial.

No. 139, H. of R., an act.

No. 65, H. of R., an act.

No. 240, H. of R., an act.

No. 16, H. of R., a bill.

No. 99, H. of R., an act.

JOS. ROLETTE, Council } Committee.  
WM. B. GERE, H. of R. }

Mr. Flandrau introduced,

No. 20, C. F., a Joint Resolution in reference to the Western Boundary of Minnesota. Read a first and second time.

Mr. Flandrau moved the rules be suspended, and the resolution be read a third time and passed.

And the yeas and nays being called for and ordered, there were yeas 11, and nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcombe, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rollins, Rolette, Stone and Mr. President—11.

Those who voted in the negative were,

Messrs. Ludden and Sater—2.

The motion prevailed.

The bill was read a third time.

The question recurring on its passage, and the yeas and nays being called for and ordered, there were yeas 9, and nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone and Mr. President—9.

Those who voted in the negative were,

Messrs. Ludden and Setzer—2.

The Bill was passed and, its title agreed to.

Mr. Hanson from the Committee on Incorporations reported back, No. 236, H. of R. with recommendation it be returned to the House.

Mr. Setzer reported back No. 121, C. F., as correctly engrossed.

The Committee on Judiciary reported back No. 236, H. of R.

The Committee on Incorporations reported back No. 215, H. of R.

Mr. Freeborn introduced a petition in relation to the corporation of Red Wing.

No. 230, H. of R., as amended, was taken up and the amendments adopted.

Mr. Setzer moved a committee of three be appointed to receive the bills referred by the House, and see that no foreign matters are attached.

The motion prevailed.

The committee consisted of Messrs. Setzer, Flandrau and Ludden.

Mr. Rolette from the Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

No. 46, C. F., an act granting to John Henderson the right to establish and maintain a Ferry across the Minnesota River.

No. 106, an act to amend an act to incorporate the St. Paul Bridge Company.

An act to amend chapter 36 of the Revised Statutes.

No. 112, C. F., an act to constitute the county of Hennepin a part of the Second Judicial District of the Territory of Minnesota, and for other purposes.

No. 99, C. F., an act to authorize the Common Council of the city of St. Paul to issue Bonds for certain purposes.

No. 117, C. F., an act.

No. 58, C. F., an act to provide for laying out a Territorial Road from St. Cloud to Fort Ripley.

No. 45, C. F., an act granting to Calom Potter the right to establish and maintain a ferry across Lake Pepin.

No. 77, C. F., an act declaring certain roads projected in the Territory of Minnesota, under authority of the Government of the United States, Territorial Roads.

No. 110, C. F., an act to provide for the Surveying of Timber in the second third and fourth districts.

JOS. ROLETTE, Council,

WM. B. GERE, H. of R.

} Committee.

No. 121, C. F., to divide Dakota County into two Representative districts.

Was read a third time.

The question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 7, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone and Setzer—7.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Ludden and Rollins—5.

The bill was passed and its title agreed to.

No. 194, H. of R., to provide for laying out a Territorial Road from Crow River to Henderson,

Was read a third time and passed.

No. 208, H. of R., to prohibit Fishing in Lake Minnesota,

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

No. 202, H. of R., granting to H. Burkey the right to establish a Ferry across the St. Croix River,

Read a third time and passed, and its title agreed to.

On motion of Mr. Hanson the Joint Resolution of the House in reference to a new section in the bill granting an extension of time to the Minnesota and North Western Railroad.

Was taken up.

The question recurring on its passage,

And the yeas and nays being called for and ordered there were yeas 11, and nays 4, as follows :

Those who voted in the affirmative were,  
Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rolette, Stone, Tillotson, Thompson and Mr. President—11.

Those who voted in the negative were,  
Messrs. Bailey, Ludden, Rollins and Setzer—4.

The Resolution was passed.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills :

No. 25, C. F., a bill for an act to incorporate the Northern Pacific Railroad Co.

No. 211, H. of R., a bill to incorporate the Chicago Seminary at Taylor's Falls.

No. 22, H. of R., an act to incorporate the town of Minneapolis.

JOS. ROLETTE, Council. } Committee.  
WM. B. GERR, H. of R. }

No. 204, H. of R., to incorporate the Shakopee city and Chaska Plank Road Co.,  
Mr. Ludden offered an amendment,

And the yeas and nays being called for and ordered, there were yeas 10, and nays 1, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Ludden, Rollins, Setzer, Stone and Tillotson—11.

Mr. President voted in the negative.

The amendment was adopted.

The question recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were yeas 8, and nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Ludden, Rollins and Mr. President—8.

Those who voted in the negative were,

Messrs. Setzer and Stone—2.

The bill passed and its title was agreed to.

No. 215, H. of R., a bill to incorporate the Shakopee Mutual Friends Association.

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

No. 236, H. of R., was taken up.

Mr. Ludden moved it be laid on the table.

And the yeas and nays being called for and ordered, there were yeas 4, and nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Ludden and Rollins—4.

Those who voted in the negative were,

Messrs. Rollins, Freeborn, Hanson, Stone, Tillotson and Mr. President—6.

The motion was lost.

Mr. Flandrau moved a call of the House.

Messrs. Flandrau, Lowry, Setzer and Thompson were reported absent.

The question recurring on its third reading,

And the yeas and nays being called for and ordered, there were yeas 11, and nays 4, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rolette, Setzer, Stone, Tillotson and Mr. President—11.

Those who voted in the negative were,

Messrs. Balcomb, Ludden, Rollins and Thompson—4.

The bill was read a third time.

The question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 11 and nays 4, as follows:

Those who voted in the affirmative were,  
Messrs. Bailly, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rolette, Setzer, Stone, Tillotson and Mr. President—11.

Those who voted in the negative were,

Messrs. Balcomb, Ludden, Rollins, and Thompson—4.

The bill was passed, and its title agreed to.

The select Committee reported back

No. 102, C. F.—60, C. F.—63, C. F.—245, H. of R.—70, C. F.

No. 102, C. F.—the amendments of the House were concurred in.

No. 70, C. F.—was taken up.

Mr. Flandrau moved the amendments be concurred in,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 8, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Ludden, Rollins and Thompson—6.

Those who voted in the negative were,

Messrs. Bailly, Freeborn, Lowry, Rolette, Setzer, Stone, Tillotson, and Mr. President—8.

The motion was lost.

No. 245, H. of R.—was read a third time and passed.

No. 63, C. F.—the amendments of the House were concurred in.

A message from the House being announced, Mr. Edwards appeared and delivered the following message:

Mr. President—

The House of Representatives has concurred in the passage of the following Council Files, with amendments, in which the concurrence of the Council is respectfully solicited:

No. 70, C. F., an act to amend the Revised Statutes.

No. 102, C. F., an act entitled an act to incorporate the Cannon Falls Manufacturing Company.

No. 63, C. F., a bill to incorporate the town of Little Falls West, and for other purposes.

The House has passed the following Council Files without amendment, which are herewith returned.

No. 81, C. F., a bill to provide for laying out a Territorial Road.

No. 57, C. F., A bill to provide for laying out a Territorial Road from Watb. to the St. Cloud and Pembina Road.

No. 9, a bill granting to Richard G. Murphy the right to establish and maintain a Ferry.

No. 72, an act to incorporate the Minnesota Female Seminary.

No. 87, a bill to provide for a Territorial Road from Stillwater to Snake river.

No. 65, C. F., an act to organize the county of Mower.

No. 53, C. F., an act to incorporate the Bellevue Seminary of Learning.

No. 68, C. F., an act prescribing the manner in which corporations may convey Real Estate.

No. 15, C. F., a memorial of the Legislative Assembly of the Territory of Minnesota to the President of the United States for a reduction of the Military Reserve at Fort Ripley.

No. 115, C. F., an act to amend the eighth section of an act entitled an act to provide for the appointment of a Librarian, and for other purposes.

No. 86, C. F., a bill to incorporate the Mississippi Valley Railroad Company.

No. 118, C. F., a bill to authorize the county commissioners of Hennepin county to borrow money on the county bonds for the purpose of erecting county buildings.

No. 42, C. F., an act to provide for the laying out of certain Territorial Roads.

No. 96, C. F., a bill to incorporate the West Branch Dam Company.

No. 55, C. F., a bill to provide for the free passage of logs and lumber down the Cannon river.

No. 85, C. F., an act concerning Registers of Deeds.

No. 11, C. F., An act granting to Louis LaCroix the right to establish and maintain a Ferry across the Minnesota River at the town of Little Rapids.

No. 35, C. F., a bill to provide for laying out a Territorial Road from Red Wing to Moses Sailor's, in Faribault county.

The Speaker has signed,

An act to incorporate the St. Peter Company.

H. L. EDWARDS,

Chief Clerk H. of R.

A message from the House being announced, Mr. Edwards appeared and delivered the following message:

Mr. President:—

The House has passed the following bills, in which the concurrence of the Council is respectfully requested:

No. 226, H. of R., a bill for an act to incorporate the Lake Minnetonka Free Bridge Company.

No. 229, H. of R., a bill to incorporate the Little Rapids Manufacturing Company.

No. 239, H. of R., a bill to incorporate the town of Monticello.

231, H. of R., a bill to incorporate the Minnetonka University.

224, H. R., a bill to incorporate the town of Mille Lac.

245, H. R., an act to organize the county of Crow Wing.

228, H. R., a bill to incorporate the town of Geneva.

223, H. R., a bill for an act to incorporate the Henderson University.

230, H. R., an act to incorporate the Nicellet Mining Company.

109, H. R., an act to establish the county of Orleans.

238, H. R., a bill to incorporate the Chaaska and Glencoe Plank Road Company.

232, H. R., an act to incorporate the Minnesota and Minnetonka Plank Road Company.

246, H. R., an act regulating Precinct Officers.

206, H. R., a bill to incorporate the Minnesota Central Railroad Company.

No. 5, H. R., a Joint Resolution relative to the Printing and Distributing of the School Laws.

No. 132, H. R., an act to dissolve the marriage contract between Ellen McKenzie and her husband Wallace McKenzie.

Also, No. 54, C. F., an act to organize the county of Pine.

The House has concurred in the amendments.

No. 84, C. F., an act relative to the county seat of Fillmore county.

All of which are herewith returned.

The House has instructed me to return bill No. 70, with an amendment, which

through mistake was not transmitted with the bill, and has not been acted upon by the Council, which is hereunto annexed.

The Speaker has signed,

No. 204, a bill to incorporate the Shakopce City and Ohaska Plank Road Company.

H. L. EDWARDS.

Chief Clerk, H. of R.

A message from the House being announced, Mr. Edwards appeared and delivered the following:

Mr. President—The House has passed,

No. 245, H. of R., a bill to authorize the commissioners of Scott county to borrow money.

In which the concurrence of the Council is respectfully requested.

H. L. EDWARDS,

Chief Clerk H. of R.

Mr. Ludden moved the vote by which No. 34, H. of R. was indefinitely postponed, be reconsidered.

Mr. Balcomb moved a call of the House.

Messrs. Freeborn, Hanson, Rolette, Stone and Thompson, absent.

On motion of Mr. Freeborn, the further proceedings under the call was dispensed with.

The question recurring on Mr. Ludden's motion,

And the yeas and nays being called for and ordered, there were yeas 7, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Freeborn, Hanson, Ludden, Setzer, and Mr. President—7.

Those who voted in the negative were,

Messrs. Bailly, Lowry, Rollins and Rolette—4.

The motion prevailed.

The Joint Committee on Enrolled Bills beg leave to report that they have presented to his Excellency the Governor for his signature the following Bills, &c. :

Memorial to the President of the United States, relative to Treaties with the Chipewa and Sioux Indians.

An act to locate a Territorial Road from Fort Ripley to Fort Ridgley.

An act for a Road from Red Wing to Henderson.

An act for a Territorial Road from Henderson to Fort Ridgley.

An act to incorporate the Zumbro Falls Manufacturing Company.

An act to provide for paying the expenses of surveying and locating a Territorial Road from St. Cloud to Minneapolis.

A memorial for a Military Post at the head of Red River.

An act to organize the county of Todd.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills :

No. 81, C. F.—a bill for an act.

No. 118, C. F.—a bill for an act.

No. 87, C. F.—a bill for an act.

No. 115, C. F.—a bill for an act.

No. 35, C. F.—a bill for an act.

No. 11, C. F.—a bill for an act.

No. 42, C. F.—a bill for an act.

No. 51, C. F.—a bill for an act.

JOS. ROLETTE, Council. } Committee.  
WM. B. GERE, H. of R. }

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills :

No. 45, H. of R., a bill for an act to authorize the formation of companies for the purpose of Mining, Smelting, or Manufacturing Copper, Mineral, Iron, Coal, &c.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

The question then recurring, shall the bill be indefinitely postponed?

And the yeas and nays being called for and ordered, there were yeas 8, and nays 7, as follows :

Those who voted in the affirmative were,

Messrs. Flandrau, Freeborn, Hanson, Rolette, Setzer, Stone, Tillotson, and Mr. President.—8.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley, Lowry, Ludden, Rollins, Thompson.—7.

The motion prevailed.

The question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 8, and nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Dooley, Freeborn, Hanson, Ludden, Rolette, Setzer, Stone, Thompson.—8.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Flandrau, Lowry, Rollins.—5.

The bill was passed, and its title agreed to.

On motion of Mr. Setzer, the Council adjourned until three o'clock.

AFTERNOON SESSION.

The Council met pursuant to adjournment.

A quorum was present.

Mr. Freeborn, from the Committee on Internal Improvements, reported back No. 53, H. of R.

On motion of Mr. Setzer,

The Council went into an Executive Session. (Doors closed.)

After the Executive Session, No. 130, C. F., a bill to incorporate the Town of Wilton,

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

No. 98, H. of R., relative to holding one term of the District Court in the Town of Carver.

Mr. Setzer offered an amendment to the amendment, which was adopted.

The bill was read a third time and passed; its title amended by inserting "and for other purposes," after "Carver."

To incorporate the Town of Franklin and Glencoe,

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

Mr. Freeborn, from the committee on Incorporations, reported back No. 200, H. of R. with an amendment.

The amendment was adopted.

The question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 9, and nays 3, as follows:

Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Hanson, Lowry, Ludden, Rollins, Rolette, and Stone—9.

Those who voted in the negative were,  
Messrs. Bailly, Setzer, and Mr. President.—3.

The bill was passed.

Mr. Freeborn moved its title be amended, by striking out "Dakota" and inserting "Rice."

And the yeas and nays being called for and ordered, there were yeas 7, and nays 5, as follows:

Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Hanson, Ludden, Rolette, and Stone—7.

Those who voted in the negative were,  
Messrs. Bailly, Lowry, Rollins, Setzer, Mr. President—5.

Which motion prevailed.

The question recurring on its title as amended,

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

Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Rolette, and Stone—6.

Those who voted in the negative were,  
Messrs. Bailly, Lowry, Ludden, Rollins, Setzer and Mr. President.—6.

Its title was not agreed to.

Mr. Rolette from the Committee on Enrolled Bills reported as follows:

We the undersigned, Joint Committee on Enrolled Bills, have compared the engrossed with the enrolled bills and find that the Enrolling Clerk has inserted a section as directed by the Council and House of Representatives, in the act entitled "an act granting an extension of time to the Minnesota and North Western Railroad Company, and for other purposes, before it was signed by the Governor.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

Joint Resolution:

*Resolved*, by the House of Representatives, (the Council concurring) that the Enrolling Clerk be authorized to insert the following additional section to the "bill granting an extension of time to the Minnesota and North Western Railroad Company, and for other purposes:

Sec. 4. Said Company shall construct and put in operation, a branch thereof to a point within one and a quarter miles of the eastern limits of the city of Stillwater: Provided, it is consistent with the act of Congress, approved 29th of June, 1854, "granting land to aid said Territory in the construction of a road therein."

MARCH, 1st 1856.

A true copy.

Attest:

H. L. EDWARDS,  
Chief Clerk, H. of R.

In obedience to the forgoing Joint Resolution, I have inserted the preceding section and marked it Section 4.

J. P. WILSON,  
Enrolling Clerk, H. of R.

The Joint Committee on Enrolled Bills report that they have presented to his Excellency the Governor for his approval, the following bills, and memorials:

No. 213, H. of R., an act.

No. 156, H. of R., an act.

No. 218, H. of R., an act.

- No. 199, H. of R., an act.
- No. 209, H. of R., an act.
- No. 83, H. of R., an act.
- No. 29, H. of R., a memorial.
- No. 190, H. of R., an act.
- No. 23, H. of R., a memorial.

A memorial of the Legislative Assembly of Minnesota Territory to the Congress of the United States.

An act to incorporate the St. Peter Company.

Also, No. 25, C. F.

Also, No. 99, C. F.

Also, No. 117, C. F.

Also, No. 112, C. F.

Also, No. 107, C. F.

And an act to provide a road from St. Cloud to Fort Ripley.

An act granting a Ferry Charter to John Henderson.

An act to amend an act to incorporate the St. Paul Bridge Company.

JOS. ROLETTE, Council. } Committee.  
 WM. B. GERE, H. of R. }

Mr. Roletta from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following Bills:

- No. 102, C. F., a bill for an act to incorporate the Cannon Falls Co.
- No. 96, C. F., a bill for an act to incorporate the West Branch Dam Co.
- No. 68, C. F., an act prescribing the manner in which corporations may convey Real Estate.
- No. 53, C. F., an act to incorporate the Bellevue Seminary of Learning.
- No. 65, an act to organize the county of Mower.
- No. 55, an act to provide for the free passage of Logs and Lumber down Cannon River.
- No. 85, an act concerning Registers of Deeds.
- No. 57, an act for a Territorial Road.
- No. 72, an act to incorporate the Minnesota Female Seminary.
- No. 14, memorial for a reduction of the Military Reserve at Fort Ripley.

JOS. ROLETTE, Council, } Committee.  
 WM. B. GERE, H. of R., }

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

- No. 204, H. of R., a bill for an act to incorporate the Shakopee city and Chaska Plank Road Company.

JOS. ROLETTE, Council, } Committee.  
 WM. B. GERE, H. of R., }

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

- No. 84, C. F., a bill for an act relative to the county seat of Fillmore county.

JOS. ROLETTE, Council, } Committee.  
 WM. B. GERE, H. of R., }

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report :  
The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

No. 54, C. F., an act to organize the county of Pine.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

The Joint Committee on Enrolled Bills report that they have presented to his Excellency the Governor for his signature the following bills :

An act relative to the terms of the District Court.

An act to locate a Territorial Road.

An act to define the Boundaries of Lake and St. Louis counties.

An act to establish the county of McLeod.

An act to amend an act entitled an act to incorporate the St. Paul and St. Anthony Railroad Company.

An act granting a charter to the Fort Snelling Bridge Company.

A memorial to Congress to establish a Mail Route.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

No. 9, H. of R., an act granting to Richard G. Murphy the right to establish and maintain a Ferry across the Minnesota river at a point now known as Murphy's Ferry.

J. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

No. 210, H. of R., an act,

No. 203, H. of R., an act.

No. 84, H. of R., "

No. 216, H. of R., "

No. 147, H. of R., "

No. 124, H. of R., "

No. 239, H. of R., "

No. 78, C. F., an act.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

The Joint Committee on Enrolled Bills report that they have presented to his Excellency the Governor, for his signature, the following bills:

No. 51, C. F., an act to incorporate the Lake Superior and Central Railroad Company.

No. 84, C. F., an act relative to the county seat of Fillmore county.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

Mr. Rolette from the Committee on enrolled bills, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills :

No. 207, H. of R., a bill for an act to grant the right to certain persons to establish and maintain Ferries in this Territory.

No. 215, H. of R., a bill to incorporate the Shakopee Mutual Friends Association.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

MR. PRESIDENT: The House has passed the following Joint Resolution, in which the concurrence of the Council is respectfully solicited.

Resolved, By the House of Representatives, (the Council concurring,) that the Enrolling Clerk be authorized to insert the following additional section to the bill granting an extension of time to the Minnesota and North Western Railroad Company, and for other purposes:

"Said Company shall construct and put in operation a branch thereof to a point within one and a quarter miles of the eastern limits of the city of Stillwater, provided it is consistent with the act of Congress, approved 29th day of June, 1854, granting lands to aid said Territory in the construction of a road therein.

H. L. EDWARDS, Chief Clerk, H. of R.

Mr. Flandrau introduce a bill to incorporate the town of Manhattan—read a first and second time.

On motion of Mr. Flandrau the rules were suspended, and the bill read a third time and passed, and its title agreed to.

Mr. Flandrau offered the following resolution which was adopted:

Resolved, That the Governor is hereby requested to return No. 106, C. F. to the Council in order that they may correct a mistake made by the Enrolling Clerk, in writing the word "plan" for the word "place," in said bill.

No. 20, C. F., a memorial for an appropriation of land to construct a canal around the Falls of St. Anthony, was read a third time and passed, and its title amended by inserting, "and for other purposes."

No. 239, H. of R., to incorporate the town of Monticello, was read a third time and passed.

No. 53, H. of R., a bill to incorporate the St. Paul Water Company, as amended, was read a third time and passed.

No. 12, C. F., to prohibit slavery or involuntary servitude in the Territory of Minnesota.

Mr. Rolette moved it be indefinitely postponed,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 7, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Ludden, Rollins, Rolette, Setzer and Mr. President—6.

Those who voted in the negative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Stone and Tillotson—7.

The motion was lost.

A message from the Governor being announced, Mr. Smith, private Secretary, appeared and delivered the following:

EXECUTIVE DEPARTMENT,  
St. Paul, March 1, 1856. }

To the President of the Council:

SIR:—I am directed by his Excellency to inform the Council that he has this day approved and signed

"An act to incorporate the Northern Pacific Railroad Company."

An act to constitute the county of Hennepin a part of the second Judicial District, of the Territory of Minnesota and for other purposes," C. F.

An act to incorporate the Minneapolis and St. Cloud Railroad Co., No. 13, C. F.

An act to organize the county of Pine.

A message from his Excellency the Governor being announced, Mr. R. A. Smith, appeared and delivered the following:

EXECUTIVE DEPARTMENT,  
St. Paul, March 1, 1856. }

To the President of the Council:

Sir—I am directed by his Excellency to inform the Council that he has this day approved and signed

An act to incorporate the Zumbro Falls Manufacturing Company,  
A message from the House being announced, Mr. Kingsbury, appeared and delivered the following message:

MR. PRESIDENT :—The House has refused to reconsider bill No. 236½, H. of R., to amend an act entitled an act to incorporate the city of St. Anthony, and is herewith returned without amendment and the concurrence of the Council is solicited.

The House has also passed Joint Resolution No. 6,

The concurrence of the Council is solicited.

The Speaker has signed No. 84, C. F., an act relative to the county seat of Fillmore county.

Which are herewith returned. H. L. EDWARDS, Chief Clerk H. of R.

The question recurring on the passage of No. 12, C. F.

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

Those who voted in the affirmative were,  
Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson and Tillotson—6.

Those who voted in the negative were,  
Messrs. Bailly, Ludden, Rollins, Rolette, Setzer and Mr. President—6.

The motion was lost.

No. 224, H. of R., to incorporate the town of Mille Lac.

Mr. Ludden moved it be laid on the table.

And the yeas and nays being called for and ordered, there were yeas 5, and nays 4, as follows :

Those who voted in the affirmative were,  
Messrs. Balcomb, Ludden, Rollins, Setzer and Mr. President—5.

Those who voted in the negative were,  
Messrs. Bailly, Dooley, Hanson and Tillotson—4.

The motion was lost.

Mr. Hanson moved the Council adjourn,

The motion was lost.

Mr. Hanson moved the Council adjourn until half past seven.

The motion was lost.

Bill No. 116, H. of R., was read a third time and passed, and its title agreed to.

No. 239, H. of R., to incorporate Little Rapids Manufacturing Co.

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

No. 224, H. of R., to incorporate the town of Mille Lac,

Was read a third time.

Mr. Ludden moved the Council adjourn until 8.

The motion prevailed.

#### EVENING SESSION.

EIGHT O'CLOCK.

The Council met pursuant to adjournment.

A quorum was present.

Mr. Freeborn introduced the following petition :

To the Legislative Assembly of the Territory of Minnesota :

The undersigned citizens of Red Wing respectfully represent, that they desire the passage of the bill to incorporate the Town of Red Wing, and that they believe it would be greatly beneficial to their best interests.

Philander Sandford,

John Watson,

S. P. Gambia,

J. P. Whelan.

John Day,

C. J. F. Smith,

E. Dennison,

RED WING, Feb. 13, 1856.

A message from the Governor being announced, Mr. Smith appeared and delivered the following message :

EXECUTIVE DEPARTMENT, M. T.,  
Saint Paul, March 1, 1856. }

President of the Council :

Sir—I am directed by his Excellency to return to the Council “an act to amend an act to incorporate the St. Paul Bridge Company,” in accordance with resolution.

The Committee on Enrolled Bills beg leave to report the following bill as correctly enrolled :

No. 236, H. of R., to provide for the publication and sale of the Statutes of the Territory.

JOS. ROLETTE, Council, } Committee.  
W. B. GERE, H. of R., }

Mr. President :

The House has passed the following House bill :

An act to defray the expenses of the Legislative Assembly of the Territory of Minnesota, for the seventh session, A.D. 1856.

In which the concurrence of the Council is solicited.

H. L. EDWARDS,  
Chief Clerk, H. of R.

The following letter from his Excellency the Governor was read :

EXECUTIVE DEPARTMENT, M. T. }  
St. Paul, March 1, 1856. }

I herewith return a bill entitled “an act to provide for paying the expenses of surveying and locating a Territorial Road from St. Cloud to Minneapolis,” with my objections to its becoming a law.

This bill provides for paying out of the Territorial Treasury, five Commissioners for laying out said road, under an act passed at your last session. The same act of last year provided for four other roads and four other sets of Commissioners, who would be equally entitled to pay, out of the Territorial Treasury.

The policy is detrimental to the public good, and establishes a principle which forces the people of the Southern part of the Territory to pay for locating common roads in the North, and *vice versa*.

I have signed two bills this session for paying such Commissioners out of the Territorial Treasury under peculiar circumstances, but the law that these Commissioners acted under, made no provision for their pay, and they therefore were fully aware of the uncertainty of their compensation, and acted only at their peril, and with their eyes open.

It is too late in the session to give further reasons on the manifest impolicy of such acts.

Respectfully,

W. A. GORMAN.

Mr. Ludden moved the bill be passed, the Governor's objections notwithstanding.

Mr. Balcomb moved a call of the Council.

Messrs. Hanson, Lowry, and Rollins absent.

On motion of Mr. Balcomb,

The call of the Council was dispensed with.

The question being put, on the passage of the bill,

And the yeas and nays being called for and ordered, there were yeas 7, and nays 6, as follows :

Those who voted in the affirmative were,

Messrs. Deoley, Flandrau, Lowry, Roletta, Setzer, Stone, Mr. President—7.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Freeborn, Ludden, Rollins, Tillotson—6.

The bill was lost.

A message from the House being announced, Mr. Edwards, Chief Clerk thereof, appeared and delivered the following message:

Mr. President:—The Speaker has signed the following bills:

An act to grant the right to certain persons to establish and maintain Ferries in Minnesota Territory.

An act to authorize Clerks of Courts, and Justices of the Peace in this Territory to issue subpoenas to witnesses to appear before Registers and Receivers of Land Offices.

An act to incorporate the Caledonia Academy, at Caledonia.

An act authorising the collector of taxes to assess Real Estate and other property in certain cases.

An act to amend the Revised Statutes.

An act to amend section 73, chapter 70, of the Revised Statutes of the Territory.

An act to establish the common boundary between the boundaries of Scott and Dakota.

An act to incorporate the Town of Monticello.

A bill to incorporate the Shakopee Mutual Friends Association, of Shakopee City, Minnesota Territory.

Also, an act to provide for the publication and sale of the Statutes of the Territory.

All of which are herewith transmitted.

H. L. EDWARDS, Chief Clerk, H. of R.

Mr. Speaker:—

The House of Representatives has postponed No. 75, C. F.

The Speaker has signed the following Council Files:

Acts No. 55, 65, 68, 85, 72, 96, 102; 14, C. F., a memorial; 57, 53, 35, 87, 42, 115, 118, 81, 11, 45.

No. 60, C. F., an act to incorporate the Young Men's Association of Winona.

An act declaring certain roads projected in the Territory of Minnesota under the authority of the United States Government, Territorial Roads.

An act to provide for the surveying of timber in the second, third and fourth districts, All of which originated in the Council.

Also the following House bills:

An act to incorporate the St. Cloud Bridge Company.

An act to authorize the formation of Smelting, Mining, and the Manufacturing of Iron, &c.

An act to incorporate the Chicago Seminary at Taylor's Falls in the county of Chicago.

And an act to incorporate the town of Minneapolis, in the county of Hennepin.

All of which are herewith transmitted.

H. L. EDWARDS, Chief Clerk, H. of R.

An act to amend an act to incorporate the St. Paul Bridge Company,

Was taken up and amended by inserting plan instead of place.

A message from his Excellency the Governor being announced, Mr. R. A. Smith appeared and delivered the following message:

EXECUTIVE DEPARTMENT,  
St. Paul, March 1, 1856. }

To the President of the Council:—

Sir—I am directed by his Excellency to inform the Council that he has this day approved and signed

An act relative to the county seat of Fillmore County.

An act to extend the time within which the Minnesota Bridge Company is required to commence building their bridge.

An act to authorize the Common Council of the city of St. Paul to issue bonds for certain purposes.

An act granting to John Henderson the right to establish and maintain a Ferry across the Minnesota River.

An act to provide for laying out a Territorial Road from St. Cloud to Fort Ripley.

An act to organize the county of Todd.

A memorial to Congress for the establishment of a Military Post near the head of Red River.

Memorial to the President of the United States for treaties with the Sioux and Chipewewa Indians, for the purpose of promoting their early civilization.

An act to amend the Revised Statutes

Was taken up.

Mr. Ludden moved,

A committee of conference be appointed to confer with a similar committee of the House, to take into consideration the several amendments made to the bill.

The motion prevailed.

The President appointed Mr. Ludden as the committee of the Council.

On motion of Mr. Ludden,

The bill to defray the expenses of the Legislative Assembly, and for other purposes,

Was taken up, amended, and laid on the table.

Mr. President:—

The House of Representatives has passed the following House bills, in which the concurrence of the Council is solicited:

An act to increase the salaries of certain Territorial officers.

A bill to attach certain portions of the county of Nicollet to Blue Earth county.

A bill granting to Elijah A. Bissell the right to establish and maintain an Omnibus Line in the city of St. Paul.

H. L. EDWARDS, Chief Clerk, H. of R.

The Committee on Enrolled Bills beg leave to report that they have presented to his Excellency the Governor for his signature, the following bills:

No. 87, 42, 35, 53, 57, 14, 102, 96, 72, 85, 68, 65, 55, 115, 118, 81, 11, 45, and 60 C. F.

An act to provide for the surveying of timber in the second, third and fourth districts.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill :

No. 164, H. of R., a bill for an act to incorporate the Minneapolis and Cedar Valley Railroad Company.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

Mr. President—

The Speaker has signed an act to incorporate the Minneapolis and Cedar Valley Railroad Company, which originated in the House.

Also, the following Council Files :

An act to authorize School District No. 1, in Hennepin County, to raise money for the purpose of purchasing a site and erecting School Buildings.

An act granting to Richard G. Murphy the right to establish a Ferry across the Minnesota river.

Which are herewith returned.

H. L. EDWARDS,  
Chief Clerk, H. of R.

Mr. Rolette from the Joint Committee on Enrolled Bills, made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill :

No. 86, C. F., a bill for an act to incorporate the Mississippi Valley Railroad Co.

JOS. ROLETTE, Council, } Committee,  
WM. B. GERE, H. of R. }

The Joint Committee on Enrolled Bills report that they have presented to his Excellency, the Governor, for his signature, the following bills:

An act to provide for the publication of the Statutes of the Territory.

An act to incorporate the town of Monticello.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

The undersigned Joint Committee of conference, to whom was referred bill No. 70, C. F., a bill for an act to amend the Revised Statutes, report the same back, with the following recommendation, that the bill shall be passed with the following amendments:

1st. Relative to striking out the tenth section of said bill, and, also,

2nd. The amendment last made by the House, relative to time of residence required as a qualification for voters.

All of which is respectfully submitted.

J. D. LUDDEN, } Committee.  
B. W. LOIT, }

The Committee on Enrolled Bills beg leave to report that they have presented to his Excellency, the Governor, for his signature the following bills:

No. 9, C. F.

No. 98, C. F., an act to grant the right to certain persons to establish and maintain Ferries.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

The Committee of Conference to whom was referred No. 70, C. F., reported the same back, with recommendations.

The report was accepted, and recommendations adopted.

The select Committee to whom was referred House Bills, reported back to the Council No. 64, H. of R., be indefinitely postponed.

To attach certain portions of the county of Nicolett to Blue Earth county, be indefinitely postponed.

An act to increase the salaries of certain Territorial officers, be laid on the table.

The report was accepted, and the recommendations adopted.

Mr. Hanson moved No. 224, H. of R., a bill to incorporate the town of Mille Lac, be taken up.

The motion prevailed.

Mr. Flandrau moved the bill be laid on the table.

The motion prevailed.

Mr. Rolette moved the Joint Resolution of the House, relative to the Lake Superior, and N. P. R. R. Co., be taken up, and it be adopted.

The motion prevailed.

Mr. Flandrau moved the resolution of the House in relation to the Lake Superior and Central Railroad Company, be adopted,

And the yeas and nays being called for and ordered, there were yeas 9, and nays 4, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Ludden, Rolette, Stone and Tillotson—9.

Those who voted in the negative were,  
Messrs. Bailly, Rollins, Setzer and Mr. President.  
The motion prevailed.

Mr. Flandrau introduced a Joint Resolution relative to the printing of the Session Laws and Journals of the Legislature.  
Which was adopted.

Mr. Rolette from the Joint Committee on Enrolled Bills made the following report:  
The Joint Committee on Enrolled bills have examined and found correctly enrolled the following bills :

No. 200, H. of R., an act to attach a portion of Township 112, of Range 19 West, to Dakota county.

No. 118, H. R., a bill for an act to incorporate the Carimona Academy.

No. 13, C. F., an act to incorporate the town of Little Falls West, and for other purposes.

No. 116, H. of R., an act providing for two terms of the District Court in Winona, Olmstead and Goodhue counties.

No. 229, H. of R., an act to incorporate the Little Rapids Manufacturing Company.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

Mr. Rolette from the Joint Committee on Enrolled Bills made the following report:  
The Joint Committee on enrolled bills have examined and found correctly enrolled the following bill :

No. 39, C. F. a bill to amend an act entitled an act to incorporate the city of Stillwater.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

An act to increase the Salaries of certain officers,  
Was taken up.

Mr. Flandrau moved it be amended by striking out all after the enacting clause, and insert the contents of the bill entitled an act to amend the Revised Statutes.

The question then being put,

And the yeas and nays being called for and ordered, there were yeas 10, and nays 2,  
as follows:

Those who voted in the affirmative were,  
Messrs. Dooley, Flandrau, Freeborn, Hanson, Ludden, Rollins, Setzer, Stone, Tillotson and Mr. President—10.

Those who voted in the negative were,

Messrs. Bailly and Rolette—2.

The amendment was adopted.

No. 236½, H. of R., to amend an act to incorporate the city of St. Anthony,

Was taken up.

Mr. Flandrau moved it be passed.

The question then being put,

And the yeas and nays being called for and ordered, there were yeas 8, and nays 2,  
as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Rolette, Setzer, Stone, Tillotson and Mr. President—8.

Those who voted in the negative were,

Messrs. Hanson and Rollins—2.

The bill was passed, and its title agreed to.

The Joint Committee on Enrolled Bills, report that they have presented to his Excellency the Governor for his approval and signature, the following bills:

No. 45, H. of R., an act to authorize the formation of a Company for Mining, Smelting, or Manufacturing Iron, Copper, Mineral, Coal, and Silver, and other Minerals, and for other Manufacturing purposes.

No. 44, H. of R., an act to incorporate the St. Cloud Bridge Company.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

No. 53, H. of R., a bill for an act to incorporate the St. Paul Water Company.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

MR. PRESIDENT—The House has rejected the report of the committee of conference relative to the amendments to bill No. 70, C. F.

The Speaker has signed.

No. 86, C. F., an act to incorporate the Mississippi Valley Railroad Company.

An act to incorporate the St. Paul Water Company.

Which are herewith returned.

H. L. EDWARDS, Chief Clerk H. of R.

No. 224, to incorporate the Town of Mills Lac.

Mr. Hanson moved that the bill be passed.

The question then being put,

And the yeas and nays being called for and ordered, there were yeas 9, and nays 1, as follows:

Those who voted in the affirmative were,

Messrs. Dooley, Flandrau, Freeborn, Hanson, Ludden, Rollins, Setzer, Stone, Tillotson—9.

Those who voted in the negative were,

Mr. President.

The bill was passed.

No. 132, H. of R., an act to dissolve the marriage contract between Ellen McKenzie and her husband, Wallace McKenzie, was taken up.

Mr. Balcomb moved, the bill be made the special order of the day for the 4th of July next.

The question then being put,

And the yeas and nays being called for and ordered, there were yeas 4, and nays 8, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Ludden, Setzer, Mr. President—4.

Those who voted in the negative were,

Messrs. Bailly, Dooley, Flandrau, Freeborn, Hanson, Rollins, Stone, Tillotson.—8.

So the motion was lost.

On motion of Mr. Flandrau, the bill was laid on the table.

Mr. Hanson introduced a resolution entitled a Joint Resolution relative to unsettled accounts.

Mr. Ludden moved that the resolution be indefinitely postponed.

The motion prevailed.

A message from his Excellency the Governor being announced, Mr. R. A. Smith, appeared and delivered the following message:

EXECUTIVE DEPARTMENT,

St. Paul, March 1, 1856.

To the President of the Council:

SIR—I am directed by his Excellency to inform the Council that he has this day approved and signed,

An act declaring certain Roads projected in the Territory of Minnesota, under authority of the Government of the United States, Territorial Roads.

An act authorising School District No. 1, in Hennepin county, to raise money for the purpose of purchasing a site and erecting School Buildings.

An act to amend an act to incorporate the St. Paul Bridge Company.

An act granting to Richard G. Murphy the right to establish and maintain a Ferry across the Minnesota river at a point now known as Murphy's Ferry.

An act entitled an act to incorporate the Cannon Falls Manufacturing Company.

The Joint Committee on Enrolled Bills report:

That they have presented to his Excellency the Governor, for his signature, the following bills:

An act to incorporate the St. Paul Water Company.

An act to incorporate the Minneapolis and Cedar Valley Railroad Company.

An act to incorporate the Town of Minneapolis.

No. 204, H. of R., an act to incorporate the Shakopee City and Chaska Plank Road Company.

WM. FREEBORN, Council, } Committee.  
WM. B. GERE, H. of R. }

The Committee on Enrolled Bills beg leave to report that they have presented to his Excellency, the Governor, for his signature the following bill:

No. 86, an act to incorporate the Mississippi Railroad Company.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R. }

Mr. Bailly moved,

The Council adjourn *sine die*.

Mr. Rolette moved,

A call of the Council.

Messrs. Hanson and Lowry were absent.

On motion of Mr. Rollins the further proceedings under the call of the Council were dispensed with.

The motion to adjourn was lost.

Mr. Balcomb moved,

A Committee of two be appointed to wait on his Excellency, the Governor, to enquire whether he has any more messages to make to the Council.

The motion prevailed.

The President appointed Mr. Flandrau and Freeborn.

Mr. Setzer offered the following resolution:

*Resolved*, That the thanks of this Council be tendered to Hon. J. B. Brisbin for the able and impartial manner in which he discharged his duties as presiding officer of this body.

The question being put, and the yeas and nays being called for and ordered, there were ayes 11.

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Rollins, Rolette, Setzer, Stone, Thompson and Tillotson—11.

The resolution was unanimously adopted.

The Joint Committee on Enrolled Bills report that they have presented to his Excellency the Governor for his signature the following Bills:

An act to incorporate the Ohisago Seminary, at Taylor's Falls.

No. 216, H. of R., an act to amend the Revised Statutes.

A bill to incorporate Shakopee Mutual Friends Association of Shakopee.

Also, No. 34, 147, 210, 203 and 124, H. of R.

JOS. ROLETTE, Council. }  
WM. B. GERE, H. of R. } Committee.

A message from the House being announced, H. L. Edwards, Chief Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—

The Speaker has signed the following bills, which originated in the House of Representatives:

An act to incorporate the Little Rapids Manufacturing Company,

An act to attach a portion of Township 112, of Range 19 West, to Dakota county.

An act to incorporate the Carimona Academy.

An act providing for two terms of the District Court in Winona, Olmsted and Goodhue counties.

Also the following Council Files:

An act to incorporate the town of Little Falls West, and for other purposes.

Also an act to amend an act entitled an act to incorporate the city of Stillwater.

All of which are herewith transmitted.

H. L. EDWARDS, Chief Clerk H. of R.

MR. PRESIDENT:—

The House has concurred in the Council amendments to

No. —, H. of R., an act to increase the Salaries of certain Territorial Officers.

Also Joint Resolution of the Council (the House of Representatives concurring) instructing the Enrolling Clerk of the Council to add an additional section to a bill incorporating the Superior and Minnesota Central Railroad Company.

H. L. EDWARDS, Chief Clerk H. of R.

The Committee on Enrolled Bills beg leave to report that they have presented to his Excellency the Governor for his signature the following bills:

No. 39, C. F.

No. 63, C. F.

JOS. ROLETTE, Council. }  
WM. B. GERE, H. of R. } Committee.

No. 132, H. of R., the question recurring on its passage,

And the yeas and nays being called for and ordered, there were yeas 6, and nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Dooley, Hanson, Rolette, Stone and Tillotson—6.

Those who voted in the negative were,

Messrs. Balcomb, Flandrau, Freeborn, Thompson and Mr. President—5.

The bill was lost on its reading a third time.

A message from the House being announced, Mr. Edwards, Chief Clerk, appeared and delivered the following message.

MR. PRESIDENT—The House has concurred in the passage of the Joint Resolution, relative to printing the Journals and Session Laws.

The House has also passed a Joint Resolution relative to the St. Cloud Bridge Company.

The House has also passed a Joint Resolution relative to the organization of Mower county.

Which is herewith transmitted, and in which the concurrence of the Council is solicited.

H. L. EDWARDS, Chief Clerk, H. of R.

The resolution of the House relative to the St. Cloud Bridge Company was taken up and adopted.

A message from his Excellency, the Governor, being announced, Mr. R. A. Smith appeared and delivered the following message:

EXECUTIVE DEPARTMENT, M. T.,  
St. Paul, March 1, 1856.

Sir—I am directed by his Excellency to inform the Council that he has this day approved and signed,

An act to amend the eighth section of an act providing for the appointment of a Librarian and for other purposes—115, C. F.

An act to authorize the County Commissioners of Hennepia County to borrow money on the County Bonds for the purpose of erecting County buildings—118, C. F.

An act to amend chapter 30. of the Revised Statutes—117, C. F.

An act to incorporate the town of Little Falls West, and for other purposes.

The Resolution of the House in relation to Mower county was taken up.

The question recurring on its adoption,

And the yeas and nays being called for and ordered, there were yeas 9, nays 6, as follows:

Those who voted in the affirmative were,

Messrs. Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Stone, Thompson and Tillotson.

Those who voted in the negative were,

Messrs. Bailly, Ludden, Rollins, Rolette, Setzer and Mr. President.

It requiring a two-third vote for its adoption the vote was lost.

Mr. Hanson moved a call of the House.

Messrs. Balcomb, Lowry and Rolette, absent—absent members in their seats.

Mr. Bailly moved the vote, by which the Council refused to adopt the resolution, be reconsidered.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Dooley, Flandrau, Hanson, Lowry, Rollins, Stone, Thompson and Tillotson—9.

Those who voted in the negative were,

Messrs. Ludden, Rolette, Setzer and Mr. President—4.

The motion prevailed.

The question recurring on its adoption,

And the yeas and nays being called for and ordered, there were yeas 11, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Flandrau, Freeborn, Hanson, Lowry, Rollins, Stone, Thompson and Tillotson.

Those who voted in the negative were,

Messrs. Ludden, Rolette, Setzer and Mr. President.

The resolution was adopted.

MR. PRESIDENT:—

The Speaker has signed the following bills, which originated in the House of Representatives:

An act to amend act entitled an act to incorporate the City of St. Anthony.

An act relative to Free Schools in the City of St. Paul.

An act to authorize the Commissioners of Scott County to borrow money for the erection of County Buildings.

An act for laying out a Territorial Road from the mouth of Crow River to Henderson.

An act to incorporate the Lake Pepin, Henderson and Glencoe Railroad Company.

An act to provide for laying out certain Territorial Roads in the Territory of Minnesota, and for other purposes.

An act to incorporate the Town of Manhattan.

Also, Joint Resolution relative to the Printing of the Laws and Journals of the Seventh Session.

All of which are herewith transmitted.

H. L. EDWARDS,  
Chief Clerk, H. of R.

The Joint Committee on Enrolled Bills, beg leave to report that they have examined and found the following Joint Resolution correctly enrolled:

Joint Resolution relative to the Printing of the Laws and Journals of the Seventh Session.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

Mr. Rolette, from the Joint Committee on Enrolled Bills, made the following report: The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

No. 183, H. of R., a bill for an act relative to Free Schools in the city of St. Paul.

No. 124, H. of R., a bill for an act to provide for laying out a Territorial Road from the mouth of Crow river to Henderson.

No. 245, H. of R., an act to authorize the Commissioners of Scott county to borrow money for the purpose of erecting county buildings.

No. 236, H. of R., an act to amend an act entitled an act to incorporate the city of St. Anthony.

No. 131, H. of R., an act to incorporate the town of Manhattan.

No. 196, H. of R., an act to incorporate the Lake Pepin, Henderson and Glencoe Railroad Company.

No. 221, H. of R., an act to provide for laying out certain Territorial Roads, and for other purposes.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee.

No. 191, H. of R., to confirm the election and qualification of officers in Rice county was passed and its title agreed to.

No. 242, H. of R., a bill to incorporate the French River Mining Company.

Mr. Ludden moved an amendment.

The question then being put,

And the yeas and nays being called for and ordered, there were yeas 8, and nays 2, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Balcomb, Dooley, Freeborn, Ludden, Rollins, Setzer and Mr. President—8.

Those who voted in the negative were,

Messrs. Flandrau and Hanson—2.

The amendment was adopted.

Mr. Brisbin moved,

The bill be amended by striking out all after the enacting clause.

The question then being put,

And the yeas and nays being called for and ordered, there were yeas 4, and nays 7, as follows :

Those who voted in the affirmative were,

Messrs. Balcomb, Ludden, Setzer and Mr. President—4.

Those who voted in the negative were,

Messrs. Bailly, Dooley, Flandrau, Freeborn, Hanson, Rollins and Tillotson—7.

The amendment was lost.

The question recurring on the passage of the bill,

The question then being put,

And the yeas and nays being called for and ordered, there were yeas 8, and nays 5, as follows :

Those who voted in the affirmative were,

Messrs. Bailly, Dooley, Flandrau, Freeborn, Hanson, Rollins, Stone, and Tillotson—8.

Those who voted in the negative were,

Messrs. Baleombe, Lowry, Ludden, Setzer and Mr. President—5.

The bill was lost.

Mr. Ludden offered the following resolution :

Resolved, By the Council, (House concurring) that the practice heretofore, in some cases, adopted by his Excellency, Gov. Gorman, of appointing county officers without authority conferred by Legislative enactment, is an assumption of power not authorized by the Organic Act, or any law now in force in this Territory.

Mr. Brisbin moved,

The rules be suspended, and the resolution read a third time and passed.

The motion was lost.

The Committee on Enrolled Bills beg leave to report that they presented to his Excellency, the Governor, for his signature, the following Joint Resolution :

Joint Resolution relative to the printing of the Laws and Journals of the seventh session.

JOS. ROLETTE, Council, } Committee.  
W. B. GERE, H. of R., }

The Joint Committee on Enrolled Bills beg leave to report that they have found a bill to provide for the increase of the salary of certain Territorial officers, to be correctly enrolled.

JOS. ROLETTE, } Committee.  
WM. B. GERE, }

The Joint Committee on Enrolled Bills beg leave to report that they have presented to his Excellency the Governor the following bills for his signature:

No. 183, 245, 286, 131, 106, 194 and 221, H. of R.

JOS. ROLETTE, Council, } Committee.  
WM. B. GERE, H. of R., }

The Joint Committee on Enrolled Bills report that they have examined and found correctly enrolled the following bill :

No. 191, H. of R.

JOSEPH ROLETTE, Council } Committee.  
WM. B. GERE, House }

EXECUTIVE DEPARTMENT, M. T. }  
ST. PAUL, March 1, 1856. }

To the President of the Council,

Sir: I am directed by his Excellency to inform the Council that he has this day approved and signed,

An act to incorporate the Lake Superior and Central Minnesota Railroad Company, 51, C. F.

An act to amend an act to incorporate the city of Stillwater, 39, C. F.

An act to locate a Territorial Road from Fort Ripley to Fort Ridgley.

A Joint Resolution relative to printing the Journal and Session Laws of the seventh session.

An act to incorporate the Young Mens Association at Winona.

An act to provide for laying out certain Territorial roads, 42, C. F.

An act to organize the county of Mower.

An act to incorporate the Bellevue Seminary of Learning.

An act to provide for the laying out and establishing a Territorial Road from Henderson to Fort Ridgley.

A memorial from the Legislative Assembly of the Territory of Minnesota to the President of the United States for a reduction of the Military Reserve at Fort Ripley.

An act to provide for the free passage of Logs and Lumber down the Cannon river.

An act concerning the Registers of Deeds.

Mr. PRESIDENT : The Speaker has signed,

No. 191, H. of R.—a bill to legalize and confirm the election of certain officers in the county of Rice.

No. 224, H. of R.—a bill to incorporate the town of Mille Lac.

An act to increase the salaries of certain Territorial officers,

Which are herewith transmitted.

MR. PRESIDENT :

The Governor has notified the House, that he has this day approved and signed a bill granting an extension of time to the M. & N. W. Railroad Company, and for other purposes.

H. L. EDWARDS,

Chief Clerk, H. of R.

Mr. Freeborn, by leave, offered the following resolution, which was read by the Secretary, viz:

Whereas, Willis A. Gorman, the present Governor of Minnesota, is not identified with the people of the Territory, and has no feelings in common with them, and

Whereas, By an arbitrary course in his connection with the Representatives of the people, he has manifested a disposition to trample upon the rights of the people, and

Whereas, His continuance in office is an insult to the people, and injurious to the present administration of the General Government, and

Whereas, The people of the Territory hold that where an officer is obnoxious, they possess an undoubted right to petition the General Government for his removal, with a hope that their prayer will be granted, therefore

*Resolved*, By the Legislative Council of the Territory of Minnesota, that his Excellency, President Pierce, be and he is hereby respectfully, but most urgently requested to remove Willis A. Gorman from his position as Governor of Minnesota Territory.

*Resolved*, That the Delegate in Congress, be and he is hereby requested to urge upon his Excellency the President, the anxiety of the people of this Territory for the removal above referred to.

*Resolved*, That the Secretary of the Council, be and he is hereby instructed to forward a copy of the above resolution to Hon. H. M. Rice, Delegate in Congress.

And the yeas and nays being called for and ordered there were yeas 7, and nays 4, as follows:

Those who voted in the affirmative were,

Messrs. Freeborn, Hanson, Ludden, Rolette, Setzer, Stone and Mr. President—7.

Those who voted in the negative were,

Messrs. Bailly, Balcomb, Dooley and Rollins—4.

So the resolution was passed.

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bill:

An act to incorporate the town of Mille Lac.

JOS. ROLETTE, Council,  
WM. B. GERE, H. of R.,

} Committee.

Mr. Freshorn introduced the following resolution:

Resolved, That the proceedings of the Committee appointed to appertain the Representatives of the Territory be inserted in the Appendix of the Council Journal. Which was adopted.

EXECUTIVE DEPARTMENT,  
St. Paul, March 1, 1856.

To the President of the Council:

Sir—I am directed by his Excellency to inform the Council that he has this day approved and signed,

An act for the surveying of timber in the second, third and fourth districts.

A bill to provide for laying out a Territorial Road from Stillwater to a point on the Snake river:

A bill to provide for laying out a Territorial Road from Watab to a point intersecting the road from St. Cloud to Pembina.

A bill to provide for the laying out of a Territorial Road from Red Wing to Moses Sailor's, in Faribault county.

A bill to provide for laying out a Territorial Road from the Point Douglas and St. Louis River Road to Mille Lac.

An act granting to Calvin Potter the right to establish and maintain a Ferry across Lake Pepin.

An act granting to Louis Lacroix the right to establish and maintain a Ferry across the Minnesota river, at the town of Little Rapids.

An act to provide for laying out a Territorial Road from Red Wing to Henderson.

Mr. PRESIDENT—The House has indefinitely postponed the following Council Files:

An act to divide Dakota county into Representative Districts.

A bill to lay out a Territorial Road from Cannon Falls to St. Paul.

An act to incorporate the town of Wilton.

No. 20, a memorial.

A Joint Resolution in reference to the Western Boundary of Minnesota.

An act to incorporate the towns of Franklin and Glencoe.

All of which originated in the Council:

H. L. EDWARDS, Chief Clerk H. of R.

Mr. PRESIDENT:—

The Joint Committee on Enrolled Bills report that they have presented to his Excellency, the Governor, for his signature, the following bills:

An act to increase the salaries of certain Territorial Officers.

No. 224, to incorporate the town of Mille Lac.

No. 229, H. of R.

No. 118, "

J. ROLETTE, Council, }  
WM. B. GERE, H. of R. } Committee.

The Joint Committee on Enrolled Bills would report:

That they have presented to his Excellency the Governor for his signature the following bill.

A bill to legalize and confirm the qualifications of officers in the county of Rice.

JOS. ROLETTE, Council, }  
WM. B. GERE, H. of R., } Committee,

Mr. Flandrau moved,

A committee of Conference be appointed to confer with a similar committee of the House, to take into consideration the matter of adjournment.

The President appointed Mr. Flandrau,

The committee reported that the Council should not adjourn until his Excellency the Governor have time to examine the bills before him.

The report was accepted.

The Joint Committee on Enrolled Bills have presented to his Excellency the Governor the following bills:

No. 200, H. of R.

No. 116, H. of R.

J. ROLETTE, Council,  
WM. B. GERE, H. of R., } Committee.

A message from the Governor being announced Mr. Smith appeared and delivered the following message:

EXECUTIVE DEPARTMENT,  
St. Paul, March 1, 1856. }

To the President of the Council:—

Sir—I am directed by his Excellency to inform the Council that he has approved and signed,

An act to incorporate the West Branch Dam Company.

An act prescribing the manner in which corporations may convey Real Estate.

An act to incorporate the Minnesota Female Seminary.

Mr. Lowry and Mr. Freeborn were appointed a committee to inform the House that the Council had no further business before it, and is ready to adjourn.

The committee returned, and the minority reported that the House was ready to adjourn.

The majority made no report.

Committee from the House (Mr. Gere) appeared and reported that the House was ready to adjourn, and requested the pleasure of the Council.

The Council instructed the Secretary to inform the committee that the Council had no further business and was ready to adjourn.

The Secretary so instructed the committee,

And on motion of Mr. Freeborn,

The Council adjourned *sine die*.

J. B. BRISBIN,  
President Council.

Attest:

W. COLVILLE, JR., Secretary.

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**COUNCIL APPENDIX.**

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**SEVENTH SESSION**

**OF THE**

**MINNESOTA LEGISLATURE.**

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COMMITTEE ON

THE LEGISLATION

MINNESOTA LEGISLATURE

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# MESSAGE.

EXECUTIVE DEPARTMENT,  
MINNESOTA TERRITORY.

*Gentlemen of the Council and House of Representatives:*

You have appeared at this Capitol as the people's representatives for the seventh session of the Legislature of Minnesota. At no former period has there been so much cause to be thankful to the Giver of all Good, for all his blessings. On every side we see the signs of increased prosperity in every branch of business. The soil has yielded abundant crops, commerce and the mechanic arts have flourished, and morality and education have kept pace with the other elements of greatness and success. Every section of this Territory has increased in population, general improvement and wealth, to such an extent as to give us the fullest confidence that our country is rapidly becoming the attractive point for the heavy body of emigration from nearly all the older States of the Union, and for the industrious and enterprising portion of the foreign-born citizens.

The salubrity of the climate of Minnesota is now being understood and appreciated almost everywhere. No epidemics have ever prevailed here to an extent causing the least check to business, or alarm to the citizens. Every section of the Territory has enjoyed comparative uninterrupted good health.

I am aware that it is more usual in annual messages of this kind, to speak of the prosperity of the country, and to place it in a more conspicuous light, than to record events less agreeable to the people. Yet this is not the light in which truth and justice demand it shall be viewed in this communication. When it shall be written, that the people of this Territory are blessed with good health, and the physical man invigorated and braced up to a wonderful capacity of endurance, the citizens of other parts of the country are to understand it as a fact demonstrated by the experience of our whole population. In my last annual communication to the Legislature, it gave me great pleasure to record the rapid growth of every part of our favored Northwest. Then our hopes and expectations of the future were seemingly wrought up to a very extravagant degree, but the

most sanguine among us did not anticipate more than half that the truth has realized. It was then stated that the population was about thirty-five thousand. One year has passed since that estimate, based upon statistics then in my possession, and our population during that period, has more than doubled. We know from a census taken the past season, in pursuance of law, and from statistics gathered from other reliable sources, that Minnesota this day contains fully seventy-five thousand souls—an increase in 1855 of forty thousand, being more than one hundred and fourteen per cent. Should this ratio of increase continue for two years longer, the population of the Territory or State will be over three hundred and forty-three thousand; and should such a result continue for three years, our population would reach the astounding number of seven hundred and thirty-five thousand souls. Such an increase would astonish the whole country as much as it would you and myself, and therefore we are incredulous of what our past experience warrants us in expecting for the future. And yet this result is not to be rejected without calculating the circumstances which are combining each year to stimulate immigration to new homes in the West. When we reflect that the organization of the new States and Territories is attracting the attention of the whole American mind, each political contest relating thereto serving as an advertisement of our Western empire to the citizens of each State, and bringing before the rising generation a new world of enterprise and tempting opportunities to wealth and healthy speculation, we must not be too hasty in fixing the same standard for the future, which has governed us in the past. It must be borne in mind that the soil of the old thirteen Colonies or States has been, in most part, under cultivation for nearly three quarters of a century, and the excess of their population, within the last ten years, has been moving westward, each year making greater and more stringent the necessity for their seeking new avenues to support comfort and wealth.

The vast amount of rich soil not yet occupied in our Territory; the unsurpassed water power for propelling machinery of every kind; the extensive pineries for supplying lumber; the inexhaustible copper mines of Lake Superior; the invaluable commerce of the Mississippi, Minnesota and St. Croix rivers; all combine in an eminent degree to invite population, capital and wealth, and it requires no excess of credulity to anticipate the most wonderful progress in the next five years. I trust I shall be pardoned, if in this connection, I suggest the propriety and public policy of our remaining a Territory for a few years, without manifesting too much eagerness to assume the mantle of State sovereignty. Our progress is rapid, but healthy and permanent, and we can afford to be called political infants, while we are enlarging and developing the bone and muscle which are to give us energy, vigor, and power, when we arrive at manhood.

It is a source of satisfaction to be able to say, that, while the Indian tribes of many of our neighboring Territories are showing signs of hostility, and in several instances, of actual and open war upon the white population, we are secure from such dangers. The three tribes within our borders are now, and ever have been, peaceful and quiet. The location of one tribe does not seem to be satisfactory to a highly respectable portion of our people. Yet the Government at Washington, after having fully considered a written communication in the nature of a remonstrance from myself against the location of the Winnebago Indians on the Blue Earth river, have instructed me that no change can be made, that the policy of pushing these children of nature further west will have to be

abandoned ; that the people should be advised to reconcile themselves to the existing state of things, and encourage the Indians to settle down to such industrial pursuits as will best comport with a speedy civilization of their race. I have endeavored faithfully to encourage the whole of the tribes within this superintendency to abandon their warfare against each other ; to impress upon them the manifest necessity of their adopting the habits of civilized citizens ; and it has been my constant effort, with the active and full co-operation of the Agents, to restrain them from annoying the white settlers with their presence and petty depredations. If we have not been entirely successful, it certainly is not chargeable to a want of disposition or effort. The contact of the savage with civilized man always produces a state of things, which, in its effects and tendencies is most trying and difficult to manage to the satisfaction of the public. Yet, I am glad to say, all thus far has resulted in maintaining peace and friendship, without the least interruption since the beginning of the Territorial administration. It is believed that, by a tender regard for the welfare of these Indians, and maintaining a steady and firm policy in protecting them from the wrongs they sometimes suffer, we shall be able to secure the continuance of a permanent peace, until they and their whole race shall melt away before that "manifest destiny" which surely awaits them.

Your attention is called to the urgent necessity of increasing the salaries of the Auditor, Treasurer, and Superintendent of Common Schools. It has been with the utmost difficulty that competent persons have been induced to accept and hold these offices.— Heretofore I have refrained from pressing this matter on your attention, owing to our supposed inability to meet any increased demand upon the treasury. But now no such apology can be urged, as we have ample population and wealth to pay five or six times the present meagre compensation of these officers, without placing heavier burdens upon the tax payers than at the time of the passage of the law regulating the salaries. The sum paid to each at present is as follows :

|                                                                                      |          |
|--------------------------------------------------------------------------------------|----------|
| Treasurer per annum,                                                                 | \$100 00 |
| Auditor " " "                                                                        | 100 00   |
| Superintendent of Common Schools,                                                    | 100 00   |
| Making the whole amount to be paid by the people of the Territory for these officers | \$300 00 |

When these salaries were fixed by law, the taxable property of the Territory amounted to a little over one and a half million dollars ; while in 1856 it is estimated at more than fifteen millions.

The duties of the Auditor, Treasurer, and Superintendent of Common Schools continue to increase with the increase of population. The absolute necessity of increasing their salaries to at least five hundred dollars each, cannot therefore be too strongly urged upon your consideration. It is my conviction that no competent persons can be prevailed upon to hold these positions, so important to the interest of the Territory, for a less sum, unless they are expected to disregard the requirements of the law, and give them no attention except incidentally. It is also necessary that the law regulating the payment of Territorial taxes into the Treasury be amended.

And it is hoped you will consider this subject at an early day. And it will be seen that your revenue laws in many particulars are radically defective and inefficient. You

will find also, that there exists a stern necessity for requiring more promptness and fidelity in the discharge of the duties of the several county officers, and you will materially subserve the interest of the people by providing for Auditors in each county.

Since the last session of the Legislature, it has been deemed necessary under the Territorial laws, and under the provisions of the Organic Act, to appoint certain officers in the several unorganized counties. The Congress of the United States has given us an Organic Act, and we, as a Territory, have accepted it, and proceeded to the discharge of governmental duties under its provisions. It is therefore our Constitution. The 7th section reads as follows:

"That all township, district and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Minnesota. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance, the Governor alone may appoint all said officers, who shall hold their offices until the end of the next session of the Legislative Assembly."

Under this section, officers have been appointed in the counties of Dodge, Steel, Olmsted, Rice, Carver, Superior, Wright and Stearns. The power to do so has been supposed to be given by the terms of the foregoing section. It is clear that the Legislature may provide for the election of all township, district and county officers. But if it should fail to do so, after constituting the counties metes by and bounds, and after giving them a name, where does the power to give the instruments to execute the laws, reside? If they are counties, they must be supposed to be inhabited; for if they were not, no Legislature would be likely to lay off unoccupied Territory by metes and bounds and call them Counties? In some instances, the law required the Governor to appoint; in others, it did not, but left it in doubt, nor did it attach the unorganized to any organized county for judicial purposes, whereby under existing laws, they could be protected in their civil right, or properly exercise any political privileges. Thus, the question was presented to me, How are these people to secure their rights as legal voters and citizens of the Territory? It surely was not the design of the law making power that the citizens of eight or nine counties should be disfranchised. The 7th section of the Organic Act provides that "in the first instance the Governor alone may appoint all such officers." What officers are here meant, was decided by the Supreme Court of the Territory in 1849, (see Journal House of Representatives, 1849, page 225,) to be Township, District and County officers.

Then the power to appoint, turns upon the words, "in the first instance." Is it, then, when the Territory was first organized, or when the Counties were first erected? It is confidently believed that the power is in the Governor to appoint county officers "in the first instance," should the law make no provisions on the subject. These words, "in the first instance," in my judgment, refer to the creation of a County, and the power remains with the Governor, if neglected by the Legislature, as each new county is laid off by law. It has been assumed that these words in the Organic Act, "in the first instance the Governor may appoint, &c," are to be construed to mean, that the Governor may appoint &c., first after and upon the organization of the Territory. If this construction obtain, then the Legislature has only to neglect to provide for the election of officers,

&c., and five or ten thousand citizens may (by creating districts in which they reside into counties) be disfranchised and left without protection of the law, for nearly one year, or until the meeting of the next Legislature. In my opinion, Congress intended, that upon the organization of new counties, the Legislature should provide by law for the election of such county, township and district officers. And if they failed to do so, the Governor, who is a constituent part of the law making power, should step forward and "in the first instance" appoint them until the meeting of the next Legislature, or until such time as the law authorized the people to elect them.

It should be borne in mind, that under our laws, *unorganized* counties can only be attached to organized counties for judicial purposes, as an organized county has its own jurisdiction, which is inconsistent with any other jurisdiction unless special provision is made in the act itself. In one instance the Legislature declared the county of Carver an organized county, and attached it to Hennepin county for judicial purposes. The same Act prescribed the time and manner of electing all county and township officers, thus depriving the people of Carver county an organization for more than eight months; and upon the petition of a large number of the citizens of that county, I ("in the first instance") appointed their officers, to serve until the time prescribed by law for electing them by the people. In view of all these circumstances, it was deemed proper to appoint officers to execute the laws, during the period for which the Legislature had left many of their privileges as citizens in obedience, thinking then, as I do now, that it was never intended to disfranchise any part of our fellow-citizens, or leave them without the means to preserve the public peace and execute the laws. If however, this county had not been declared an organized county, the county of Hennepin might lawfully have extended her jurisdiction to all matters connected with the civil rights of the citizens, the collection of taxes and establishment of election precincts, &c.

Seeing them, then, in this peculiar position of doubt and uncertainty, I exercised the power of appointment; which was conceived to be given under the Organic Act. It is therefore proper that you should direct your attention to this matter, and amend the laws on the subject of unorganized counties, in such manner as to exclude all doubt.

I regret to say that no report has been made to me of the condition of our Common Schools, or their progress in our Territory, owing to the resignation, several months since, of the Superintendent, who was unable to devote the requisite time and attention to the duties of his office, for the meagre salary of one hundred dollars per year; and as yet, I have not been able to find any person willing to accept it, for the same reason. The late incumbent, Mr. M. C. Baker, was well qualified, and did most faithfully discharge the duties while he continued to hold the office.

Notwithstanding I have had no report from the Superintendent, yet I have been able to learn that nearly every village in the Territory has a school for the education of small children, all of which have been well attended. The Hamline University at Red Wing has completed a large brick building, designed for the preparatory department of that institution, which is now in operation under the charge of accomplished professors. The colleges and seminaries of learning in St. Paul are in a flourishing condition, and compare favorably with like institutions in the older States. The Territorial University, located at St. Anthony, has not progressed since last year, for want of funds. You are aware that two entire townships of land were granted for the exclusive use of this insti-

tution. The Secretary of the Interior having authorized the selection of the lands to be made, the Regents have appointed Hon. B. B. Meeker and Hon. John Rollins to discharge that duty, each of whom has been industriously engaged in making the selections during the past season. I am informed that twenty-four thousand acres, partly agricultural, and partly pine lands, have already been chosen. I am fully satisfied, from reliable information, that these lands, when the patents are issued, will be available at from five to fifteen dollars per acre, as they are no doubt of the best quality, owing to the early period of their selection, by gentlemen eminently fitted for the duty, from long residence and intimate acquaintance with every part of the Territory. When the whole is selected, amounting to forty-six thousand and eighty acres, it is not too high an estimate to say, they will bear an average value of ten dollars per acre in less than five years, and at least five dollars per acre the day the patents are issued by the Government. At ten dollars per acre it gives this institution an endowment of four hundred and sixty thousand eight hundred dollars. It therefore becomes a matter for your consideration whether something should not be done to place a part of this fund in some available shape for the purpose of erecting the necessary buildings and engaging the services of suitable professors. It is no ordinary work to found an institution endowed like this with such a munificent grant. If you should devise a plan to accomplish even the beginning of this great work on a permanent basis, it will connect the name of each member of the seventh Legislature with the history of his country, in a form of which he may well be proud.

For the last eighteen months much solicitude has been felt on the subject of connecting this city, St. Anthony and Stillwater, by railroad with Dubuque, in Iowa, and Lake Superior. A charter was granted to a company styled the Minnesota and Northwestern Railroad Company, as believed then and now, with powers most extraordinary and dangerous to the future welfare and security of the people. At the last session, this charter was re-enacted and amended. Among other things the amendments required the deposit in stocks or money, of one hundred and fifty thousand dollars, with certain gentlemen of the Territory, who were required to give security for its safe keeping, &c. This deposit was designed as security for the faithful performance of the requirements of their charter. The fifth section of said act provides, that if said "company do not accept of this act and the act to which this is a supplement within six months from the passage hereof, then all lands before mentioned, together with the property and franchises of said company, shall be forfeited to the Territory.

It becomes my duty to inform you that no such deposit of one hundred and fifty thousand dollars, as required, has been made, nor has the said company, so far as I am informed, accepted said amendments. By the annual report of the said company it appears they have "not as yet expended any sum whatever in the construction of the Road contemplated in, and by its charter, or in the machinery therefor, or the appurtenances belonging thereto." Nor has any sum been received by the company during the past year. But they have expended, during the past year, seven thousand nine hundred and five dollars and twenty-six cents—for what particular object is not stated, nor have I been advised that any authorized recognizance, survey, or location of said contemplated road has been commenced, nor any thing done in constructing the telegraph between Dubuque and St. Paul, as required by their charter.

It remains now with you to take such action as may seem proper and just in the premises.

It is not in my power, as at present advised, to inform you what will be the probable result of the suit now pending between the United States and this company touching the question of title to the lands heretofore granted by the Congress of the United States to this Territory to aid in constructing said road, and afterwards repealed. If the company should fail in the said suit, then it will be for our Territory to adopt measures to procure the aid of Congress to assist us in constructing a road, on the line heretofore proposed, at least from this city to the Iowa line. It is further my opinion that if the old charter to the M. & N. W. R. R. Co., was out of the way, the present Congress could be prevailed upon to repeal their repealing act and restore the land to the Territory. In the next place, should this fail us, I would suggest the propriety of memorializing Congress to permit our Territory to enter at one dollar and twenty-five cents per acre, on five years credit, alternate sections, in like manner and to like amount as before, for the line of road originally proposed. This will secure the completion of the road quite as speedily as the first grant, as I am advised and believe. In my opinion this latter plan will be favorably considered and promptly acted upon by Congress, and if active measures are taken, it will in all probability succeed.

If the suit now pending, involving the title to the late grant of lands, should be decided against the present organized company, we need not expect them to build the road as contemplated. I feel it my duty also to say that if the late amendments to the charter of this company are in force and of any binding validity, the old charter and all its grants, powers and privileges are forfeited to the Territory, unless you should restore them by a new charter. Or if the amendments of the last session are inoperative, then the old charter is forfeited for the non-fulfillment of its requirements: that is to say, if the first amendment passed last session is to stand without reference to the second amendment, the franchises of said company are yet in force. If the second amendment is a nullity, or not binding on the company, it still leaves the franchises of the company in force. But if the second amendment is to be held valid and binding on the company, then all their franchises are forfeited to the Territory. But if both amendments are in force, then their franchiseements are forfeited; or if both amendments are invalid, then their franchises are forfeited under the old charter, unless you should again amend it so as to restore to them what they have lost by their own default. I trust, therefore, that you will take definite action for some new plan to obtain aid from Congress, to assist in opening a speedy communication by railroad from this place to the Iowa line, or to such other more convenient point as you may deem best. If you should deem it best to stand still and wait for the M. & N. W. R. R. Co. to build the road, and until the pending suit involving the title to these lands is settled, be it so; but it is feared the result will prove a severe tax on our credulity. I should be glad to see an outlet by railroad from our winter prison home to the nearest point of uninterrupted communication with the East and South at any sacrifice of individual opinion as to policy, and indeed at any other reasonable sacrifice save the honor of the Territory and the enthrallment of those who are to take our places.

There are several projects in contemplation to reach this Territory by Railroads. One from Green Bay was spoken of by my predecessor. Another, from Manitowoc, on Lake

Michigan, to this point. A third, from Milwaukee to La Crosse, about one hundred and twenty miles by land, and one hundred and fifty-five by water, below this city. A fourth approaching the Mississippi River at Prairie du Chien, distant from this place by water about two hundred and ninety miles. A fifth, from the Iowa line, by way of St. Paul, to Lake Superior. The lines of road which reach the Mississippi River at La Crosse and Prairie du Chien, will no doubt be completed at an early day, as they are, to some extent, under contract and partly finished. It is essential to the future prosperity of Minnesota that we should avail ourselves of the route which promises to let us out during the winter season in the shortest possible period. It is evident then, to my mind, that if we can command any means, through the action of Congress or otherwise, we should seize the opportunity to join hands with that route pointing to Minnesota most likely to reach us first.

The difficulty with which we have to contend in waiting for any line proposed from Lake Michigan to this point, is, that St. Paul is but eighteen miles distant from the Wisconsin line in that direction, and could command but little assistance from a grant of aid by Congress to aid us. On the other hand, if we desire to meet the road coming from the interior of Wisconsin to La Crosse, by running the road from opposite St. Paul, on the west side of the Mississippi to a point opposite La Crosse, we have the distance of one hundred and twenty miles in our Territory passing through a beautiful country eminently adapted for a Railroad, and where the government has large tracts of vacant land which may be made available for our assistance. In this project, we secure the wealth, prosperity and growth of our own Territory from one end of the line to the other.

It has seemed to be the object of much former legislation in this Territory on the subject of Railroads, to provide for reaching Lake Superior, before we reach the lines of communication East or South. It appears incomprehensible to me how this sort of legislation will get us out from the valley of the Mississippi in winter. Such a connection has incalculable advantages for summer travel and transportation, but it brings us no nearer New York or Chicago in the winter than we are now. Thus it is evident, we must look either South or East of Lake Superior for a winter road. From the Lake to Green Bay is farther than from St. Paul to Green Bay, and much farther than St. Paul is from Manitowoc, Milwaukee, Madison or Chicago.

A speedy connection with Lake Superior is highly desirable, and its importance fully appreciated. Our people, however, want a winter communication South-east with the older States first, or I have misapprehended the true interest of a large portion of the people of Minnesota. It is worthy of observation that a line of Railroad from St. Paul, by way La Crosse, to Madison and Chicago, is the most direct route by which we can reach the great Railroad City of the North-west. But at the same time, we must keep steadily in view the importance of a speedy connection with Dubuque by a road west of the Mississippi river.

The Chicago and Rock Island Railroad Company are pushing forward their road into the interior of Iowa, with much rapidity; and I am informed by some of their officers, that they design at an early period to tap the agricultural valley of the Minnesota, at or near its great bend. It behooves, then, the citizens of the valley of the Upper Mississippi to guard their interests as to be able to command the trade of the Upper Minnesota. It will be snatched from them by some point on the Mississippi, at or below Dubuque.

This can only be done to some extent for a few years, by procuring an additional appropriation for the Mendota and Big Sioux Government Road, now being rapidly constructed under the charge of a highly competent and efficient officer, Capt. J. H. Simpson, of the corps of Topographical Engineers, by which means permanent bridges can be built over the streams; and also, by taking measures to have substantial improvements made in the navigation of the Minnesota river. To accomplish the latter object, a plan can be adopted which will place the matter beyond any reasonable doubt.

While I am bringing to your attention some of the improvements necessary to the development of our resources, I would further suggest the necessity of a Government Road from Lake Superior to the Mississippi river at some point above the Falls of St. Anthony. This would not only be a great convenience to the National Government as a means of reaching her military stations at Fort Ripley and Pembina, but would also connect the agricultural valley of the Upper Mississippi river with the Lake, where mining and manufacturing must soon spring up, demanding for the subsistence of the laboring classes, the products of that agricultural region. The present is an appropriate occasion for the suggestion that a military road is necessary to reach Fort Ridgley, the Sioux Agency, and the new Fort at Pembina, from some point below Lake Pepin. Its utility and paramount public importance are made clearly manifest by a glance at the map of our Territory. It is hoped that some action will be taken for its construction by the Government.

Under the act of Congress granting certain swamp and overflowed lands to the States in which they respectfully lie, it has been held by the Commissioner of the General Land Office, that Territories, upon becoming States, are entitled to share in the benefits of the grant. It is believed, therefore that some action may and should be taken to secure to our future State the benefits accruing under said act. What is deemed necessary to be done by you, will be for your consideration, and it is hoped it will not be overlooked.

The Commissioner of Immigration, Eugene Burnand, Esq., appointed under the act of the last Legislature, proceeded to New York as soon after his appointment as funds could be procured from the Territorial Treasury to defray the incidental expenses of his mission. I am happy to say, that he has most faithfully devoted himself to the objects intended to be accomplished by the creation of the office. He has opened an office at No. 1 Battery Place, opposite Castle Garden, New York, and has also entered into a correspondence with the prominent and leading newspapers published in Germany, and caused advertisements to be inserted in the principal journals of New York, some of which are sent to Europe to be put on board every vessel carrying emigrants to the United States, by which means they are read during the voyage. His reports are made to the Executive quarterly, from which it will be seen, that no great effect can be produced until the spring of 1856. It is also stated that up to September, 1854, there arrived in New York 215,452 emigrants. To the same date in 1855, 95,945, showing a decrease from the previous year of 119,507. This diminution is attributed partly (and as I conceive very justly) to the political excitement in this country, created by the unjust and intolerant spirit of Know Nothingism towards foreigners and Catholics; but the unconstitutional and anti-republican measures proposed by this secret order will soon be overwhelmed by the good sense and "sober second thought" of our people, and the confidence of the foreigner in the permanency and liberality of our Government restored.—

Our great and growing West is deeply interested in the speedy consummation of this desirable end. It is believed that the ensuing Spring will bring to our Territory a much larger population than any previous season.

The financial condition of the Territory will fully appear by reference to the Report of the Auditor and Treasurer, to which you are respectfully referred.

By the Auditor's Report it will be seen that the taxable property of fourteen counties (being all that have made returns to that office,) amounts to nine millions, twenty-five thousand, one hundred and fifty-seven dollars, while the estimate for the past year, including all the counties, only amounted to seven millions dollars; yet the returns from fourteen counties alone show an increase over the estimate for the whole, of two million twenty-five thousand, one hundred and fifty-seven dollars; and the estimate for 1856 is fifteen million dollars. Thus you will perceive, that not only has our population doubled in 1855, but the taxable property has increased in a like ratio.

Therefore it will be seen that no returns have been received from the counties of Winona, Olmsted, Mower, Dodge, Steele, Farribault, Brown, Pierce, Davis, Scott, Carver, Wright, Todd, Wabashaw, Rice, Itasca, Doty, Superior, Freeborn, Renville and Pembina; and as they were not all attached to other counties for judicial purposes, most probably have paid no taxes, or at least with but a few exceptions; yet they are represented in this Legislature. From this I conclude that twenty millions dollars would not be too large an estimate for the taxable property of the Territory for 1856.

It appears from the report of the Treasurer, that

|                                                          |   |   |             |
|----------------------------------------------------------|---|---|-------------|
| Ramsey County owes the Territory a balance yet unpaid of | - | - | 466 98      |
| Sibley " " " " " " " "                                   | - | - | 42 82       |
| Scott " " " " " " " "                                    | - | - | 164 37      |
| Stearns " " " " " " " "                                  | - | - | 102 54      |
| Benton " " " " " " " "                                   | - | - | 786 45      |
| Blue Earth " " " " " " " "                               | - | - | 71 21       |
| Chisago " " " " " " " "                                  | - | - | 466 98      |
| Dakota " " " " " " " "                                   | - | - | 505 88      |
| Fillmore " " " " " " " "                                 | - | - | 355 88      |
| Goodhue " " " " " " " "                                  | - | - | 199 82      |
| Hennepin " " " " " " " "                                 | - | - | 505 78      |
| Houston " " " " " " " "                                  | - | - | 412 40      |
| LeSeur " " " " " " " "                                   | - | - | 58 68       |
| Nicolett " " " " " " " "                                 | - | - | 198 14      |
| Making in all " " " "                                    | - | - | \$13,171 95 |

Such a state of things evidently needs a remedy, and it is presented for your consideration, with the hope that such provisions may be made by law as will equalize the taxes, and enforce their collection, and not allow the counties which have faithful and competent officers to pay more than their just share of the public burdens.

As yet there has been no general organization of the militia of the Territory, but from the most reliable information it has been possible to obtain, the number of persons

over eighteen and under forty-five years of age, and capable of bearing arms, is about twelve thousand.

During the past year, I have corresponded with the Chief of the Ordnance Department at Washington City, and find that there is due this Territory about nineteen hundred stand of arms. Upon my requisition lately forwarded to that office, we are to receive one thousand muskets and the necessary accoutrements, by the first boats in the spring.

During the past year a sale of the public lands has taken place at the several Land Offices in the Territory, and in most instances they have been purchased by actual settlers, yet, in some cases large quantities have gone into the hands of men of heavy means to be held for purposes of speculation. It is very desirable, in my judgment, to have the lands offered for sale in small quantities, and not until the actual settler has had ample opportunity to pre-empt his home. If your honorable body should concur in this view, you may no doubt be able to prepare such a memorial to the President of the United States as will induce him to have the sales conform to the wishes of the people of the Territory. You are presumed to know their wants and interests, and should not fail to express your views on this subject.

It is a source of much satisfaction to observe the laudable efforts being made by our people in the cause of literature and science, and particularly in the reorganization of the Minnesota Historical Society, under circumstances that give the fullest assurance that no effort will be spared to place it upon a basis of the most honorable distinction. It will be a matter of much interest to the coming generation to have perpetuated the monuments of our early history, not only in this Territory, but for the whole North West; and no institution at present promises to accomplish so much as this Society. It is recommended that a small appropriation be made for the purpose of aiding in the advancement of these objects.

One of the most important means to prevent fraud and imposition upon the law-making power, and indeed upon the country, is, to have but one subject matter in each bill, and that clearly indicated in the title; otherwise many very objectionable laws may be enacted, entirely escaping the attention of the most watchful members. It is earnestly hoped that this matter will receive your attention. In many instances your body may fully concur in every section of the bill, although matters are therein contained, utterly dissimilar in every respect, and the Executive disposed to concur in part most cheerfully, yet be opposed to others. It is therefore forcing that officer to approve what to him may be objectionable, or defeat a part of a bill highly important to the country. This notice would not have been taken of the matter had not previous legislation abounded in such evils. In some of the States, this subject has been deemed of sufficient importance to have a place in their Constitution, to the effect that no bill shall contain more than one subject matter, and that clearly expressed in the title.

The policy of procuring an act of Congress granting a homestead to settlers in this Territory, of one hundred and sixty acres of land upon condition of actual settlement and cultivation for a limited period, and without cost, has been heretofore brought to the attention of the Legislature, and the reason and necessity of such a law is yet of paramount importance to the speedy settlement of the North-western country. Nearly all

the organized Territories have received large donations to settlers, and it is believed that no satisfactory reasons exist why Minnesota should be made an exception. The increase of facilities for procuring free homes to settlers, rises above every other consideration to Minnesota. There is not a member of the present Legislature but could induce from ten to twenty families from the States to make this their permanent home, if they could write, or tell them, that here they could have one hundred and sixty acres of land free of cost, upon the condition alone of settlement and cultivation; and a vigorous population of producers from Europe would crowd here in such numbers, as never before has been known. Nothing so eminently contributes to the commerce of the world as the products of Agriculture, and nothing could be done by you to expedite the building of Railroads, or opening and improving the various channels of communication, so much as your success in procuring free homes for the people. Nor can you ever expect to confer a more permanent blessing than this upon our citizens.

But it is sometimes said we cannot succeed in getting a homestead. This is certainly true, if you despond before you try. Such a prize is worthy of your most vigorous efforts. Others occasionally say, if we get the homestead for settlers, we cannot get a grant for railroads. To this I would say, *homes for the people first*, and railroads afterwards.

The people of Minnesota must, at no very distant day, expect to be admitted into the Union as a State; and it behooves us, as sentinels on the watch-tower of National patriotism, to cling to those cherished principles of the equality and rights of the States under the Constitution.

No portion of the habitable globe has ever before formed a Government where so much power has been left to the people, nor where so much freedom has been secured to the citizens; none where mankind has enjoyed so eminently civil and religious liberty; none that has ever inspired so much patriotism; and none, perhaps, that requires the exercise of so much toleration and forbearance toward our fellow men.

The excitement on the subject of slavery, is perhaps the most dangerous of all others.—Its tendency to array political parties by geographical lines was seen, felt and feared by Washington and Jefferson in the earlier days of the Republic, and is yet exercising the minds of our wisest and best men.

The annexation of new territory to the United States has given rise to new sources of agitation and alarm. The act of Congress passed the 6th of March, 1820, fixing the parallel of 36 deg. 30 min. North latitude as a boundary line to govern this vexed question, was regarded by the most eminent statesman of his age, Mr. Jefferson, as "a barrel thrown out to the whale by the federal party," to ultimate in the dissolution of our Union, and it would seem that this language, uttered somewhat in the spirit of prophecy, is to become the truth of history, unless the prudent and conservative counsels of statesmen of enlarged and national views shall soon prevail.

If the experiment of man's capacity to govern himself, as inaugurated by Jefferson, shall be permitted to succeed, all limits of latitude restricting the people to a fixed line on any particular subject, must be abolished and never again established, until the world acknowledges the experiment in America as a failure. The organization of Territorial governments in Kansas and Nebraska was a fit and appropriate occasion to remove all

obstacles in the way of the people governing themselves in their own manner. If the American people are capable of forming their own domestic institutions South of 36 deg. 30 min. North latitude, it is to me incomprehensible why they are not equally capable of doing so North of that line. And to deny this position pre-supposes less mental, moral or physical capacity North of 36 deg. 30 min. North latitude, than there is South of it. It has therefore been wisely ordered by Congress that this question of Slavery shall forever hereafter be left to the people of the States and Territories, to dispose of as they may decide best, and although any privilege of the citizens, either civil or religious, may be abused, yet this is very far from proving that it should be entirely taken from them on one side of a geographical line, and permitted on the other. It is to be hoped that our experience of the past, and the threatening dangers of the present, will moderate the fanatical spirit of the times, and leave the question of Slavery to the people, to whom it properly belongs, if man is capable of self-government.

It is a source of satisfaction to witness the steady progress of all the elements necessary to develop the numerous resources of our Territory, and elevate our moral, social and political condition. While most of our neighboring Territories are being convulsed with Indian wars and internal political strife, almost verging upon civil war, we are calmly moving forward to the accomplishment of a high destiny, by faithfully observing the laws of our country, and resting our hopes upon the virtue and moderation of the people, with a firm reliance upon their capacity for self-government.

As citizens of a common country, we have observed with deep interest the strict adherence of our National Administration to the principles of the Constitution of the United States, and their maintenance of a strict neutrality toward the present belligerent powers of Europe. Not only have they maintained peace at home, and with all the civilized world, but they have infused into the Administration of the various departments of the government the highest regard for integrity and fidelity.

It will be gratifying to me to concur and co-operate with you in all measures which you may devise for promoting the prosperity of our Territory.

I trust your deliberations may be characterized by moderation; that each may look upon mere difference of opinion in political questions with a liberal spirit, and that each of your legislative acts may be a triumph of principle, and right and justice, over passion and prejudice.

W. A. GORMAN.

NOTE.—At the bottom of an act entitled “an Act for a line of Telegraph from Saint Paul to St. Anthony and Minneapolis,” I find that the name of the County of Superior was changed to “St. Louis,” which Act passed on the night of the third of March, 1855, and the laws not being printed until within the last few days, it was not before discovered, and therefore the County of Superior was recognized by me as such, until the morning of the 4th inst.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented, including the date, amount, and purpose of the transaction. This ensures transparency and allows for easy reconciliation of accounts.

The second part of the document provides a detailed breakdown of the financial data. It includes a table with columns for various categories and rows for different periods. The data shows a steady increase in revenue over time, while expenses remain relatively stable. This indicates a positive financial trend.

The third part of the document discusses the overall financial health of the organization. It notes that the current budget is being adhered to, and there is no significant debt. The organization is well-positioned to handle any future challenges and to invest in growth opportunities.

The fourth part of the document provides a summary of the key findings and recommendations. It suggests that the organization should continue to focus on improving efficiency and reducing costs. Additionally, it recommends that the organization should explore new markets and products to diversify its revenue streams.

The fifth part of the document concludes with a statement of confidence in the organization's future. It expresses the belief that with continued hard work and strategic planning, the organization will achieve its long-term goals and maintain its position as a leader in the industry.

## REGENTS' REPORT.

To the Honorable, the Council and House of Representatives of the Territory of Minnesota.

In accordance with the provisions of Statute, I present to your Honorable bodies, the fifth annual Report of the Board of Regents of the University of Minnesota.

The attention of the Board during the past year, has been principally occupied in selecting and locating the lands donated by Congress for the use of the University. The Board have been somewhat divided in opinion, as to whether farming or pine lands would prove most advantageous to the interests of the institution. A majority of the Board, however, have deemed it advisable to select about equal quantities of each. In accordance with this decision, Judge MEEKER was in July last appointed agent for the Board to select and locate farming lands for the use of the University. He has been engaged during a considerable portion of the past season in the discharge of this duty, and has selected and located in the Districts of lands subject to entry at Sauk Rapids, Winona and Red Wing, (mostly in the two last named Districts,) seven thousand five hundred acres. The locations it is believed embrace some of the most valuable lands in the Territory, having been made with reference to comprising the general number of advantages possible for farming purposes. He has been authorized to select seven thousand acres more of the same description.

In addition to the above, the Hon. JOHN ROLLINS, has made some further locations of pine lands, making with those heretofore selected by him, about nine thousand acres of pine timber, located for the use of the University. It will thus be seen that over half of the whole amount donated by Congress to the University, has been located. It is deemed advisable by the Board to locate the remainder at as early a day as practicable, and measures will probably be taken to complete the selections before the next session of the Legislature.

In consequence of the low water on Rum river and its branches during the past season, none of the lumber cut on the University lands has been run out, and the University has, therefore, as yet, been deprived of the receipts anticipated from this source. It has not, in consequence, been able to undertake the erection of any buildings for the purposes of the University or the improvement and adornment of its grounds. Both these objects in the opinion of the Board, are most desirable to be accomplished at as early a

day as practicable, and nothing but a want of means would have prevented the commencement of these enterprises during the past season.

Owing to the change of site for the University grounds of which mention was made in my last annual report, and the anticipated erection of other buildings at an early day, on the last selected grounds, the primary Department last season was discontinued. The interruption thus occasioned to the course of instruction which had been commenced, it is confidently hoped, may be removed during the coming season. It is now the unanimous opinion of the Board, that the time has arrived, not only for the organization of an Academical department of a high order, but also for commencing that of the University proper. The wants of the Territory now demand the full enjoyment of the advantages of such an institution as that chartered by the wisdom of our legislature, and so munificently endowed by the liberality of Congress. In so large a population as is now embraced within the limits of the Territory, there must necessarily be a considerable number prepared for, and desirous of pursuing those higher branches of study usually taught in Colleges and Universities. Unless the means of acquiring a thorough education are afforded at home, they will be sought abroad; and the Territory thus neglect not only an important duty, but lose an essential advantage. So manifest must be the importance of this subject and considerations relating thereto, that enlargement is unnecessary. The Board will feel itself called upon to use its exertions to render available, as early as practicable, the important trust committed to its charge for the benefit of the citizens of the Territory.

Through the exertions of the Hon. H. M. Rice, about forty volumes of valuable Congressional works have been added during the past season to the library of the institution. Other gentlemen have also made donations, making the aggregate number of volumes received nearly fifty. I would suggest, in this connection, the propriety of passing an Act requiring the Secretary to annually furnish for the library of the University, copies of the laws, and legislative documents, which it is important should belong to the institution. All which is respectfully submitted.

I. ATWATER, Secretary of the Board of Regents.

# AUDITOR'S REPORT.

OFFICE OF THE TERRITORIAL AUDITOR, }  
St. Paul, Jan. 10, 1855. }

*To the Honorable the Legislature of the Territory of Minnesota :*

In obedience to the requirements of the Statute, I have the honor to report to you the condition of the financial department of the Territory as exhibited by the books of this office ; for a statistical detail of which you are referred to Schedules A. B. C., herewith annexed.

The amount of Territorial tax, assessed for the year ending December 31, 1855, is nine thousand and twenty five dollars and ten cents ; for the details of which see Schedule marked A.

The salaries of the officers of the Territory for the year ending 1855, amounts to \$2,651. This amount includes the sum of seven hundred and fifty dollars, or three quarter's salary, and four hundred and twenty-five dollars for office rent, Clerk, etc., of the Commissioner of Emigration, which office was created since the making of the last Annual Report.

The amount of drafts drawn on said Territory during said year is four thousand one hundred and fifty-six dollars and seventy-five cents ; for a detail of which see Schedule marked B.

The amount of taxes assessed for the year 1854, and applicable to the above liabilities was four thousand seven hundred and twenty-eight dollars and two cents ; to this sum might be added as assets, the delinquent taxes, amounting on the first day of January, 1854, to the sum of four thousand three hundred and ninety-eight dollars and forty-three cents.

Only fourteen counties, to-wit : Ramsey, Washington, Benton, Hennepin, Dakota, Fillmore, Houston, Chicago, Goodhue, Nicollet, Stearns, Le Seur, Blue Earth and Sibley, have made returns to this office of the taxable property of their respective counties, as required by law. Whether further legislation is necessary to secure a more prompt discharge of duty, is respectfully submitted to the wisdom of the Legislature.

The taxable property of the counties for the year 1855, amounts in the aggregate to \$2,025,157, showing an increase over the preceding year of \$4,297,124.

An estimate of the ordinary expenses for the present year will be found in Schedule marked C.

All of which is respectfully submitted,

JULIUS GEORGI, Territorial Auditor.

## SCHEDULE A.

AMOUNTS OF TERRITORIAL TAX FOR THE YEAR ENDING DECEMBER 31, 1855.

| Counties.        | Am't of Taxable Property. | Tax.       |
|------------------|---------------------------|------------|
| Ramsey .....     | \$4,544,117               | \$4,544 11 |
| Washington ..... | 1,362,854                 | 1,362 85   |
| Benton .....     | 658,471                   | 658 47     |
| Hennepin .....   | 505,781                   | 505 78     |
| Dakota .....     | 494,424                   | 494 42     |
| Fillmore .....   | 355,899                   | 355 48     |
| Houston .....    | 385,453                   | 385 45     |
| Goodhue .....    | 144,521                   | 144 52     |
| Nicollet .....   | 119,421                   | 119 72     |
| Chisago .....    | 259,096                   | 259 09     |
| Stearns .....    | 102,545                   | 102 45     |
| Le Sueur .....   | 55,850                    | 55 86      |
| Blue Earth ..... | 43,609                    | 43 60      |
| Sibley .....     | 42,826                    | 42 82      |
| Total .....      | \$9,025,157               | \$9,025 10 |

Those from which there were no returns, were Scott, Davis, Wabashaw, Carter Wright, Doty, Pierce, Superior, Todd, Brown, Olmsted, Winona, Dodge, Mower, Freeborn, Faribault, Steele, Benville, and Rice.

## SCHEDULE B.

AMOUNT OF DRAFTS DRAWN ON THE TREASURY DURING THE YEAR ENDING DECEMBER 31, 1855.

|                                                             |          |            |
|-------------------------------------------------------------|----------|------------|
| Attorney-General, one year's salary, .....                  | \$250 00 |            |
| "    "    extra services .....                              | 907 34   | \$1,247 34 |
| Superintendent of Common Schools, salary in part. ....      |          | 50 00      |
| Adjutant General, one year and a half's salary, .....       |          | 225 00     |
| Warden of Penitentiary, one year's salary, .....            | 600 00   |            |
| Inspector, .....                                            | 312 00   | 912 00     |
| Sheriff of Supreme Court .....                              |          | 14 90      |
| Expenses Lake Pepin and St. Peter Road .....                |          | 197 43     |
| Commissioner of Emigration .....                            |          | 1,175 00   |
| O. A. Tuttle, for warrant No. 117; returned, .....          |          | 50 00      |
| Territorial Treasurer, one and three-quarters years' salary |          | 175 00     |
| "    Auditor, one year's salary .....                       |          | 100 00     |
| Stationery, Auditor's Office .....                          |          | 10 00      |
| Total .....                                                 |          | \$4,156 67 |



## SCHEDULE A.

AMOUNTS OF TERRITORIAL TAX FOR THE YEAR ENDING DECEMBER 31, 1855.

| Counties.       | Am't of Taxable Property. | Tax.       |
|-----------------|---------------------------|------------|
| Ramsey .....    | \$4,544,117               | \$4,544 11 |
| Washington..... | 1,892,354                 | 1,362 85   |
| Benton .....    | 658,471                   | 658 47     |
| Hennepin .....  | 505,781                   | 505 78     |
| Dakota.....     | 494,424                   | 494 42     |
| Fillmore.....   | 355,899                   | 355 48     |
| Houston.....    | 335,453                   | 335 45     |
| Goodhue.....    | 144,521                   | 144 52     |
| Nicollet.....   | 119,721                   | 119 72     |
| Chisago.....    | 259,096                   | 259 09     |
| Stearns.....    | 102,545                   | 102 45     |
| Le Sueur.....   | 55,850                    | 55 85      |
| Blue Earth..... | 43,609                    | 43 60      |
| Sibley.....     | 42,826                    | 42 82      |
| Total.....      | \$9,025,157               | \$9,025 10 |

Those from which there were no returns, were Scott, Davis, Wabasha, Carter, Wright, Doty, Pierce, Superior, Todd, Brown, Olmsted, Winona, Dodge, Mower, Freeborn, Faribault, Steele, Renville, and Rice.

## SCHEDULE B.

AMOUNT OF DRAFTS DRAWN ON THE TREASURY DURING THE YEAR ENDING DECEMBER 31, 1855.

|                                                                  |          |            |
|------------------------------------------------------------------|----------|------------|
| Attorney General, one year's salary,.....                        | \$250 00 |            |
| "    "    extra services.....                                    | 907 34   | \$1,247 34 |
| Superintendent of Common Schools, salary in part.....            |          | 50 00      |
| Adjutant General, one year and a half's salary,.....             |          | 325 00     |
| Warden of Penitentiary, one year's salary,.....                  | 600 00   |            |
| Inspector, " " ".....                                            | 312 00   | 912 00     |
| Sheriff of Supreme Court.....                                    |          | 14 90      |
| Expenses Lake Pepin and St. Peter Road.....                      |          | 197 43     |
| Commissioner of Emigration.....                                  |          | 1,175 00   |
| O. A. Tuttle, for warrant No. 117, returned,.....                |          | 50 00      |
| Territorial Treasurer, one and three-quarters years' salary..... |          | 175 00     |
| "    Auditor, one year's salary.....                             |          | 100 00     |
| Stationery, Auditor's Office.....                                |          | 10 00      |
| Total.....                                                       |          | \$4,156 67 |

**SCHEDULE C.**

**DRAFTS ON THE TREASURY FOR THE YEAR ENDING DECEMBER 31, 1855.**

**1st. Salaries of Officers.**

|                                    |            |
|------------------------------------|------------|
| Territorial Treasurer              | \$100,00   |
| "    Auditor                       | 100,00     |
| Attorney General                   | 250,00     |
| Adjutant General                   | 150,00     |
| Warden of Penitentiary             | 600,00     |
| Inspectors                         | 216,00     |
| Superintendent of Common Schools   | 100,00     |
| Commissioner of Emigration, salary | 1000,00    |
| "    "    office rent, Clerk, etc. | 850,00     |
|                                    | <hr/>      |
|                                    | \$3,366,00 |

**2d. Miscellaneous.**

|                                                    |          |
|----------------------------------------------------|----------|
| Salaries of Inspectors of Prison for 1855          | 60,00    |
| Adjutant General for 1855, one quarter             | 37,50    |
| Sup't of Common Schools, salary in part for 1854-5 | 125,00   |
|                                                    | <hr/>    |
|                                                    | \$231,50 |

Total \$3,597,50

**REVENUE FOR 1856.**

|                                         |              |
|-----------------------------------------|--------------|
| Estimated valuation of taxable property | \$15,000,000 |
| Tax, one mill on the dollar             | 15,000       |

**REPORTS OF SURVEYORS GENERAL.**

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

Agreeably to the requirements of law, the undersigned, Surveyor General of Logs and Lumber, in and for the First District, M.T., would respectfully report to your Honorable Body: That the whole amount of logs surveyed and measured by himself and his deputies during the year ending December thirty-first, A.D. 1855, as per books of his office is twenty-two millions seven hundred and eighty-five thousand nine hundred and seventy (22,785,970) feet, board measure. That he has not been called upon to survey or measure any sawed lumber, during the term for which he reports.

All of which above report is respectfully submitted,

ROBERT HASTY, Surveyor General,  
Per ROBERTSON.

Stillwater, Minnesota Territory,

January 1st, 1856.

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

In compliance with Section 14, Chapter 16, of the Session Laws of 1854, I have the honor to transmit for your consideration the Second Annual Report of the Surveyor General of the 2nd District.

The total amount of logs surveyed in this District from January 1st, 1855, to December 31st, 1855, is thirty-eight millions two hundred and seven thousand two hundred and seventy-one (38,207,271) feet, board measure.

The total amount of lumber surveyed in this District during the same period, was four millions two hundred and two thousand, six hundred and fifty-two feet, (4,202,652.)

In connection with the above report, I respectfully submit to your Honorable Body, a statement of the amount of fees resulting from the aforesaid surveys, as established by Legislature, together with the expenses attending the same.

|                                                                      |            |
|----------------------------------------------------------------------|------------|
| Amount received from surveying 38,207,271 feet logs,                 | \$1,910 35 |
| Amount received from surveying 4,202,652 feet boards,                | 420 26     |
| Amount of expenses attending the survey of 38,207,271 feet of logs,  | 1,518 00   |
| Amount of expenses attending the survey of 4,202,652 feet of lumber, | 1,071 00   |

It will thus appear to your Honorable Body that the expenses of surveying the above quantity of lumber exceed the fees allowed by law, in the sum of six hundred and fifty dollars and seventy-four cents, (\$650,74.)

In Section 11, Chapter 16, of the Session Laws of 1854, it is provided that the Surveyor General shall be entitled to receive, and may sue for and collect, the sum of ten cents per thousand feet for surveying and making survey bills for lumber.

Under the laws of Illinois, Maine and New York, a much larger sum is allowed.

In the State of New York, twenty-five cents per thousand.

In the State of Maine, twenty-three cents per thousand.

In the State of Illinois, twenty cents per thousand.

Taking this into consideration, the actual loss experienced by the Surveyor General in surveying lumber, under the laws of this Territory, and the high rates of wages demanded by the laborer, as compared with those allowed in the States above cited, I would most respectfully represent to your Honorable Body the necessity and justice of amending the said Section 11, Chapter 16, of the Session Laws of 1854, so that it shall authorize the collection of at least twenty-five cents per thousand for surveying and making survey bills for lumber.

I would further suggest to your Honorable Body a still further amendment of the aforesaid Section, and one which I respectfully submit to be just and reasonable, viz: that for all services performed by said Surveyors by virtue of their office, there shall be allowed the sum of ten cents per mile travelling fees for every mile actually travelled.

Under the present provision of the law, it being imperative upon, and not optional with the Surveyor to repair to any place within his District to survey logs or lumber when requested so to do, it frequently happens that the expenses far exceed the amount received for services. I would therefore respectfully present to your consideration the amendment as above mentioned.

All of which is respectfully submitted,

**DANIEL STANCHFIELD,**  
Surveyor General of the 2nd District.

# REPORT

OF THE

## COMMISSIONER OF EMIGRATION.

MINNESOTA TERRITORY, St. Paul, January 14, 1856.

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

In compliance with the first section of an Act passed by the Legislative Assembly of Minnesota, providing for the appointment of a Commissioner of Emigration for the Territory, which makes it the duty of said Commissioner to report annually to the Legislature, I beg to make the following statement :

According to the provisions of the act above mentioned, I ought to have been in New York at an early day after the 4th of March, 1855. In the absence, however, of any funds in the hands of the Territorial Treasurer; warrants were issued to me, which remained unavailable to the 20th of May, when a part of them amounting to three hundred and twenty-five dollars, were redeemed by certain county Treasurers. Insufficient as this sum was, I left St. Paul for New York, where I arrived on the 5th of June. It is to be regretted that so much valuable time was irretrievably lost. As soon as it was possible, I opened and furnished an office at No. 1, Battery Place, under the Battery Hotel, near Castle Garden, where, without delay, all the preliminary measures were taken to secure the objects of my mission. The first step I took, was to cause advertisements and editorials to be inserted, not only in German papers published in this country, but also in papers published in Germany and Switzerland.

In these two latter countries, there is a special kind of newspaper, exclusively devoted and addressed to the emigrant. The publishers of these papers have an extensive correspondence with the United States, and hence, are enabled to point out to their countrymen the most eligible parts of America for a settlement. Only one of these papers, the "Colonization Emigration Gazette, published in Hamburg, advocates the interest of Brazil, Chili and other parts of South America, and makes it a point to republish anything they can find against the United States. With this exception, all the other papers seem to look upon the United States as the most favorable country to emigrate to. I have corresponded with these papers, and my advertisements now occupy a

permanent place in their columns. Occasionally, editorials call the attention of the reader to those advertisements. These articles will be read and pondered over during the present winter by those intending to emigrate, and a most satisfactory result may be expected by next spring.

I would most respectfully suggest the propriety of employing commercial firms of Hamburg, Bremen, Rotterdam, Antwerp, and Havre, as agents, with the power of receiving the passage money of emigrants, from New York to Minnesota. These Agents might give the emigrant an order on me which would entitle the bearer to a full passage to St. Paul. I have lately called upon Mr. Marsh, Secretary of the Erie Railroad Co., to whom I broached the subject, and who seemed disposed to make permanent arrangements through me with firms in European seaports in the manner suggested. It is well understood that these agents are compensated for their trouble by the competing Railroad companies in this country, always anxious to secure the greatest number of passengers. By the above arrangement the danger of emigrants to Minnesota being diverted from their route, would be avoided, for, there are always interested and officious parties in New York, Chicago, and elsewhere, ready to misrepresent the state of affairs here. Our high northern latitude particularly has, in many instances, been made a bugbear to the emigrant, and frightened him from risking his life among the alleged mountains of ice in this Territory.

In addition to the following European Emigration papers, viz:  
 "Die Süd Deutsche Auswanderung's Zeitung," published in Schwabisch Hall,  
 "Die Hansa," Hamburg,  
 "Die Bremen Auswanderung's Zeitung," Rupoldsdat Saxony,  
 "Die Schweizer Auswanderung's Zeitung," Switzerland,  
 I have employed the following papers in this country,  
 "Die Zene Zeit," (The New Time) New York,  
 "Die Handels Zeitung," New York,  
 "Die New York Abendzeitung," New York,  
 "Die N. Y. Demokrat," New York,  
 "Der Unentgeldlicher Wegweise," New York.

The last named paper contains a lengthy advertisement descriptive of the resources of Minnesota. Three thousand copies are sent weekly to European seaports, and there distributed among emigrants. This paper being a mere sheet of advertisements, suffers no difficulty in its distribution and circulation throughout Germany, whereas a political paper, published in this country, would immediately attract the attention of the police and be entirely excluded from the Territories of the German majesties, from the King of Prussia down to any petty Prince of the German confederation.

Your honorable body will at once perceive the impropriety of your Commissioner assuming the position of a mere runner; always ready to fight or grasp the emigrant by his collar, is an argument *ad rem* surely, but disgraceful and of no avail to one in my position; yet many persons seem to be impressed with the preposterous idea, that it is one of the first duties of the Commissioner to board ships or be watching the landing of emigrants at Castle Garden.

Emigration in 1855, has dwindled down to about one-third of what it was in 1854. The Know Nothings pretend that their political doctrines, subversive as they are of all

the principles that have hitherto governed this Republic and elevated it to the unrivaled position it now occupies among nations, have nothing to do with this unprecedented diminution. They further say, that immigration into the British Provinces has proportionally decreased; but unfortunately for the solidity of their reasoning, and veracity of their statements, the official returns of the English government show, that the British Provinces had in 1855, 53,183 emigrants, and 36,699 for the previous year. The diminution of emigration to this country may partially be attributed to the efforts made by several South American governments to attract German settlers. It has been said that Wisconsin at present has no Agent in New York. This is not so. The office of Commissioner of Emigration for Wisconsin, after having been of immense service to that State, has been legally abolished, but *de facto* maintained. After the astonishing influx of foreign emigration, after so much wealth had been brought to and developed in that State, the office was, by many, no longer considered necessary; others differed from this view of the subject, and the Agency was continued and the expenses defrayed by private individuals. Mr. Schette is yet the Agent, and has his office in Greenwich street, N. Y. Canada has also thought proper to send an agent to Europe.

During the present season, I sent a number of individuals to Minnesota, more or less able, some of whom were farmers, others mechanics. Among the latter, are blacksmiths, carpenters, shoemakers, tanners, glove-makers, painters, lock and gunsmiths, and dressmakers. I am now negotiating with three different parties who are organizing associations of individuals proposing to remove to Minnesota. Two of these are in Europe, and one in Pittsburg. The Director of one in Belgium, informs me that they have a capital of one million of francs. The other European association is under the guidance of the Rev. Mr. Loring, a clergyman of the Protestant Church. The Secretary of the association in Pittsburg, with whom I have corresponded, informs me that it is composed of one hundred and five heads, all Germans and citizens of the United States. In his letter to me, he states, that these persons, disgusted with the persecutions of the Know-Nothingism, have determined to seek a home in our Territory, where I have assured them, Know-Nothingism is hardly known. I hope and trust I have not been mistaken in so saying.

The affairs in my office in New York have been put in the best possible shape, and the results of my mission will, I have no doubt, meet the expectations of the most sanguine. I may add here, that I have availed myself of frequent opportunities to mention Minnesota as a most desirable place for capitalists to invest money. Several gentlemen of large means, who heretofore had no confidence in the security of our laws for the protection of creditors and of titles to property, have expressed to me their intention of visiting the Territory next spring for the purpose of making investments.

The monies provided by the act of the last Legislature for contingencies and salary, have hardly been sufficient. The heavy discount I have been compelled to submit to on Territorial orders has reduced the amount allowed me, nearly one quarter, with the exception of \$325.00 collected from certain county Treasurers, \$350.00, remitted by Messrs. Borup & Oakes, who generously accepted the orders at par. The balance of the Territorial orders issued me were sold at seventy-five and eighty cents per dollar; thus causing a deficiency of over \$250.00 in my receipts.

All of which is respectfully submitted.

EUG. BURNAND.

# ANNUAL REPORT

OF THE

## M. & N. W. RAILROAD COMPANY.

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

SIR:—The Minnesota and North Western Railroad Company have the honor to make the following statement:

*First,* The said Company has not yet expended any sum whatever in the construction of the Railroad contemplated in and by its charter, or in the machinery therefor, or the appurtenances belonging thereto.

*Second,* No sum whatever has been received by the said Company during the present year.

*Third,* The said Company has expended during the current year, the sum of seven thousand nine hundred and five dollars and twenty-six cents.

In witness whereof the said Company has caused this instrument to be signed by Robert W. Lowber, its Acting President, and attested by its corporate seal, this seventeenth day of December, eighteen hundred and fifty-five.



**ROBERT W. LOWBER,**

*Acting President of the Minnesota and North Western Railroad Company.*

STATE OF NEW YORK, }  
CITY AND COUNTY OF NEW YORK. } ss.

Robert W. Lowber, the acting President and Treasurer of the Minnesota and North Western Railroad Company, being duly sworn, says that the foregoing statement is in all respects correct and true.

**ROBERT W. LOWBER.**

Sworn and subscribed this 17th day of December, 1854, before me,

**JAMES P. HYATT,**  
*Commissioner of Deeds.*

# REPORT OF THE TERRITORIAL TREASURER,

FOR THE YEAR ENDING 1855.

The amount for Benton, Chisago, Dakota, Hennepin, Le Sueur, Nicollet and Washington Counties are as follows :

| BENTON COUNTY.                                                    |         |                 |                           |      |      |
|-------------------------------------------------------------------|---------|-----------------|---------------------------|------|------|
| Date.                                                             | Rec'ts. | When drawn.     | To whom payable.          |      |      |
| May 19th.                                                         |         | April 17, 1855  | E. Burnand salary.        | 2    | 5 00 |
| Rec'd from Treas'r.<br>of Benton County,<br>in Auditors war'ts.   | \$50 00 | " "             | do do                     | 35   | 00   |
| Rec'd in cash as per<br>above.                                    | 70      |                 |                           |      |      |
|                                                                   |         |                 | Cash balance on hand      | \$00 | 70   |
| CHISAGO COUNTY.                                                   |         |                 |                           |      |      |
| June 4th.                                                         |         | April 17, 1855. | E. Burnand salary.        | 25   | 00   |
| Rec'd from Treas'r.<br>of Chisago county in<br>Auditors warrants. | 200 00  | " "             | do do                     | 25   | 00   |
| Rec'd in cash as per<br>above.                                    | 7 78    | " "             | do do                     | 25   | 00   |
|                                                                   |         | " "             | do do                     | 25   | 00   |
|                                                                   |         | " "             | do do                     | 25   | 00   |
|                                                                   |         | " "             | do do                     | 25   | 00   |
|                                                                   |         | " "             | do do                     | 25   | 00   |
|                                                                   |         |                 | Cash balance on hand      | \$7  | 78   |
| DAKOTA COUNTY.                                                    |         |                 |                           |      |      |
| Sept. 1855.                                                       |         | Feb. 24, 1854.  | L. A. Babcock ex. serv's. | 100  | 00   |
| Rec'd from Treas'r<br>of Dakota county in<br>Auditor's warrants.  | 100 00  |                 |                           |      |      |
| June 11th.<br>Rec'd as per above<br>in cash.                      | 11 00   |                 |                           |      |      |
|                                                                   |         |                 | Cash balance on hand      | \$11 | 00   |

**APPENDIX.**

**HENNEPIN COUNTY.**

| Date.                                                             | Rec'ts. | When Drawn. | To whom payable.             |
|-------------------------------------------------------------------|---------|-------------|------------------------------|
| May 5th.<br>Rec'd from Treas'r.<br>of Hennepin county<br>in cash. | 92 38   |             |                              |
|                                                                   |         |             | Cash balance on hand \$92 38 |

**LE SUEUR COUNTY.**

|                                                                    |       |  |                              |
|--------------------------------------------------------------------|-------|--|------------------------------|
| May 29th.<br>Rec'd from Treas'r.<br>of Le Sueur county<br>in cash. | 19 85 |  |                              |
|                                                                    |       |  | Cash balance on hand \$19 85 |

**NICOLETT COUNTY.**

|                                                                     |       |  |                              |
|---------------------------------------------------------------------|-------|--|------------------------------|
| June 11th.<br>Rec'd from Treas'r.<br>of Nicollet county<br>in cash. | 78 41 |  |                              |
|                                                                     |       |  | Cash balance on hand \$78 41 |

**WASHINGTON COUNTY.**

|                                                                    |        |                |                        |                              |
|--------------------------------------------------------------------|--------|----------------|------------------------|------------------------------|
| Rec'd from Treas'r.<br>of Washington co. in<br>Auditor's warrants. | 681 00 | Dec. 22, 1854. | F. R. Delano's salary. | \$50 00                      |
|                                                                    |        | " "            | do do                  | 50 00                        |
|                                                                    |        | " "            | do do                  | 50 00                        |
|                                                                    |        | Nov. 20 "      | do do                  | 25 00                        |
|                                                                    |        | " "            | do do                  | 25 00                        |
|                                                                    |        | " "            | do do                  | 25 00                        |
|                                                                    |        | " "            | do do                  | 50 00                        |
|                                                                    |        | " "            | do do                  | 50 00                        |
|                                                                    |        | " "            | do do                  | 100 00                       |
|                                                                    |        | " "            | do do                  | 50 00                        |
|                                                                    |        | " "            | do do                  | 100 00                       |
|                                                                    |        | Dec. 20, 1853. | do do                  | 50 00                        |
|                                                                    |        | " 23 "         | do do                  | 25 00                        |
| Rec'd as per above<br>in cash.                                     | 22 48  | Nov. 7, 1855   | Jacob Mosier.          | 6 00                         |
|                                                                    |        |                |                        | Cash balance on hand \$22 48 |

By act of Legislature said county was ordered to be credited with the further sum of \$63 96.

**AUDITOR'S WARRANTS COUNTERSIGNED, AND TO WHOM.**

|                           |         |
|---------------------------|---------|
| L. Emmett—Extra services, | \$25,00 |
| " " "                     | 12,50   |
| " " "                     | 25,00   |
| " " "                     | 25,00   |
| " " "                     | 25,00   |
| " " "                     | 25,00   |
| " " "                     | 25,00   |
| " " "                     | 25,00   |
| " " "                     | 6,54    |
| " " "                     | 148,00  |
| " " "                     | 278,25  |



**APPENDIX**

|                            |       |
|----------------------------|-------|
| Eugene Burnand, salary,    | 50,00 |
| " "                        | 50,00 |
| " "                        | 50,00 |
| " "                        | 50,00 |
| I. Van Etten, salary,      | 75,00 |
| " "                        | 75,00 |
| " "                        | 75,00 |
| F. R. Delano, salary,      | 50,00 |
| " "                        | 50,00 |
| " "                        | 50,00 |
| " "                        | 59,00 |
| " "                        | 50,00 |
| " "                        | 50,00 |
| " "                        | 50,00 |
| " "                        | 50,00 |
| " "                        | 50,00 |
| E. Case, salary,           | 20,00 |
| " "                        | 25,00 |
| L. Emmett, extra services, | 17,00 |
| " "                        | 25,00 |
| " "                        | 25,00 |
| " "                        | 25,00 |
| " salary,                  | 25,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " extra services,          | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| " "                        | 20,00 |
| C. E. Leonard, salary,     | 25,00 |
| " "                        | 25,00 |
| " "                        | 25,00 |
| Eugene Burnand, salary,    | 25,00 |
| " "                        | 25,00 |

**\$3664,60**

|                                                                                                      |           |
|------------------------------------------------------------------------------------------------------|-----------|
| Whole amount of Auditor's Warrants, received for the year 1855, and cancelled as per account stated, | \$1031,00 |
| Whole amount of cash received, as per account,                                                       | 232,60    |
| Balance on hand beginning of present year,                                                           | 92,98     |
| Cash paid on Auditor's Warrant in favor of C. A. Tuttle.                                             | 10,00     |
| Cash paid on Auditor's Warrant in favor of E. Burnand,                                               | 75,00     |
| Cash paid on Auditor's Warrant in favor of J. Georgii,                                               | 75,00     |
| Cash Balance on hand,                                                                                | 165,58    |

The Territorial Treasurer submits the above Report of the Auditor of the Finances of the Territory, for the year ending 31st December 1855.

**CHAS. E. LEONARD,**  
Territorial Treasurer.

# LIBRARIAN'S REPORT.

TERRITORIAL LIBRARY, }  
St. Paul, January 21st, 1856. }

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

In compliance with the duty required of him by law, the Librarian would submit the following Report:

No additions have been made to the Library since last Report, except those usually received by way of exchange, and those will be found in the accompanying list.

Insurance has been effected on the Library to the amount of \$6,000—four thousand in the St. Paul Mutual Insurance Company, and two thousand in the *Ætna*.

No fines have been assessed or collected during the past year.

The condition of the books in the Library is as good as could be expected, under the circumstances, as under the present law, almost every person is privileged to use them. And in this connection I would respectfully submit to the Legislature the propriety of making different regulations in regard to the privileges of the Library. Under the existing law, members and officers of the Legislature have access, and may give orders to whom they please for books. ~~Ex-members and ex-officers~~ have equal privileges with the sitting members. This liberal provision of the law is abused; the books are let out to irresponsible persons; and the consequence is, many of them are lost, and many of them mutilated in such a manner as to be unfit to appear upon the shelves of the Library. And indeed many of the miscellaneous works, such as *Waterley* and *Cooper's* novels, and books of like character, seldom, if ever, grace the shelves of the Library, for the reason that orders for them are constantly on hand.

The attention of the Legislature has been directed, from year to year, by the former and present Executive, to the necessity of an annual appropriation to the Library. For the purpose of keeping up the Reports of the United States Supreme Court and State Courts, I therefore trust there is no impropriety in the Librarian bringing this subject before the present Legislature, that they may take such action upon the matter as they may deem proper.

There are received, for the use of the Library, by way of exchange each year, from some fourteen of the States and all the Territories except Washington, Reports of the Supreme Court, Laws, Public Docs., &c. The object of these exchanges is reciprocal. They expect in return the Laws, Docs., &c., of this Territory. And as there is no provision of law (that I am aware of) in this Territory, regulating such exchanges, I would suggest that the Legislature direct the Secretary of the Territory to provide the Librarian or some other person with a sufficient number of Supreme Court Reports, Revised

Statutes, Session Laws, and Journals of the Assembly, so as to furnish a copy to each of the States and Territories, and request of them a like exchange.

ROBERT A. SMITH,  
Territorial Librarian.

BOOKS RECEIVED AT THE TERRITORIAL LIBRARY SINCE LAST REPORT OF  
LIBRARIAN, JANUARY, 1855.

REPORTS.

|                         |                  |
|-------------------------|------------------|
| New Hampshire Reports,  | Vol. 4, 5, 6, 7. |
| Maine, " "              | " 36, 37.        |
| Indiana, " "            | " 4,             |
| California, " "         | " 1, 2.          |
| Kentucky, " "           | " 13, 14,        |
| Illinois, " "           | " 14, 15.        |
| Alabama, " "            | " 23, 24, 25.    |
| Digest N. Carolina, " " | " 1,             |
| Wisconsin, " "          | " 3, 4,          |
| Tennessee, " "          | " 1,             |
| Massachusetts, " "      | " 8,             |
| Texas, " "              | " 12,            |
| Virginia, " "           | " 11,            |
| Ohio, " "               | " 2,             |
| Digest Kentucky, " "    | " 1, 2.          |

LAWS, LOCAL AND GENERAL.

Revised Statutes of Ohio.  
 Statutes of Rhode Island, 1854.  
 Kentucky Code of Practice.  
 Laws of North Carolina, 1854 and '55.  
 Revised Statutes of Kentucky.  
 Laws of Kentucky, 1853 and '54—2 sets—2 vols. each.  
 " of Ohio, 1854.  
 New Hampshire Compiled Statutes.  
 Laws of Oregon, 1853.  
 Laws of Vermont, 1853 - 2 copies.  
 Constitution of Vermont, 1852—2 copies.  
 Laws of New Mexico, 1854.  
 Acts, Resolutions, &c., of Florida, 1854 and '55.  
 Private and Local Acts Wisconsin, 1854.  
 Statutes of Connecticut, 1854.  
 Laws of Pennsylvania, 1854.  
 Laws of Indiana, 1855—2 copies.  
 Public Laws of Rhode Island, from 1853 to 1855—2 copies.  
 Acts and Resolves of Rhode Island, 1855.  
 Laws of Georgia, 1853 to 1854.

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Acts and Resolves of Maine, 1855.  
 Laws of Pennsylvania, 1855.  
 Statutes of California, 1855—3 copies.  
 Acts and Resolves, Iowa, 1855—2 copies.  
 Public Acts Connecticut, 1855.  
 Laws of New Jersey, 1855.  
 Statutes of Utah Territory, 1855.  
 School Laws of Pennsylvania, 1854 and '55.

PUBLIC DOCUMENTS, JOURNALS, ETC.

House Journal, 1st Session 33d Congress—3 copies.  
 Journal House of Representatives, Oregon, 1854.  
 Documents 1853 and 1854, Kentucky.  
 Senate Journal, Kentucky, 1853 and 1854.  
 Annual Report of Kentucky.  
 Journal of the House, Florida—3 sets,  
     "      "      Senate,      "  
 Oregon Archives, 1854  
 Journal of the Assembly, California, 1852—2 copies.  
 Journal of the Senate and House, New Hampshire—2 copies.  
     "      "      Council, New Mexico, 1854—2 copies.  
 Diario del Coureso del Territorio Nenevo Mexico—2 copies.  
 Journal of the Senate of California, 1854—2 copies.  
 Reports, Journals, &c., South Carolina, 1854—2 copies.  
 House Journal, Kentucky, 1854.  
     "      "      Vermont, 1853.  
 Miscellaneous Documents, Pennsylvania, 1855.  
 Senate Journal, Iowa, 1855.  
 Journal of the House, Iowa, 1855.  
 Senate Journal of Connecticut, 1855.  
 House      "      "      "  
 Maine Legislative Documents, 1855.  
 Journal of the Council and House, Oregon.  
 Executive Doc's. 1st Session 33d Congress.  
 Senate,      "      "      "      "      "  
 Journal Senate,      "      "      "      "      "  
 House Journal,      "      "      "      "      "      " } 48 Vols.—2 sets.  
 Annals of Congress, 8 volumes.

MISCELLANEOUS.

Documentary History of New York, Vols. 1, 2, 3, 4.  
 United States Exploring Expedition, Vol. 16.  
 Smithsonian Contributions to Knowledge, Vol. 6.

# PRISON REPORT.

INSPECTORS' OFFICE, TERRITORIAL PRISON, }  
April 2nd, 1855.

To His Excellency, the Governor of Minnesota Territory;

Board met. No quorum being present, adjourned to meet the first Monday in July.

J. B. DIXON,  
President Board.

Attest,  
F. R. DELANO, Clerk.

INSPECTORS' OFFICE, TERRITORIAL PRISON, }  
July 2nd, 1855.

Board met. No quorum being present, adjourned to meet the first Monday in October.

J. B. DIXON,  
President Board.

Attest,  
F. R. DELANO, Clerk.

INSPECTORS' OFFICE, TERRITORIAL PRISON, }  
October 1st, 1855.

Board met. Present, Messrs. Dixon and Cave. No business of importance, requiring the action of the Board. Adjourned to meet the first Monday in January next.

Attest:  
F. R. DELANO, Clerk.

J. B. DIXON,  
President Board.

INSPECTORS' OFFICE, TERRITORIAL PRISON, }  
January 7th, 1856.

Board met. Present, Messrs. Dixon and Cave. The accounts of the Warden, with the Prison, for the past year, were presented and approved; a communication was received from the Warden, notifying the Board of the removal of Roswell B. Johnson from the office of Deputy Warden thereof. No further business being before the Board, adjourned to meet the first Monday in April next.

J. B. DIXON,  
President Board.

Attest,  
F. R. DELANO, Clerk.

TERRITORIAL PRISON, STILLWATER, }  
January 7th, 1856.

I hereby certify that the above is a correct transcript of the doings of the Board of Inspectors for the year 1855.

F. R. DELANO, Warden.

THIRD ANNUAL REPORT OF THE BOARD OF INSPECTORS OF THE MINNESOTA TERRITORIAL PRISON.

INSPECTORS' OFFICE, STILLWATER, }  
January 7th, 1856.

Sir: Since our last report, there has nothing of particular importance been transacted in connection with the affairs of the prison. Under the management of the present Warden, every care and attention has been paid to the wants of the prison and convicts. Under the present management of the prison, we can think of no alterations or amendments which will be beneficial to the institution.

J. B. DIXON,  
Chairman of Board Inspectors.

# REPORT

OF THE COMMITTEE TO WHOM WAS REFERRED THE CASE OF

## MARCUS W. M'CRACKEN,

CONTESTANT FOR THE SEAT IN THE COUNCIL OF

## JOHN D. LUDDEN.

The majority of your committee, to whom was referred the matter of the contested seat between John D. Ludden and Marcus W. McCracken, would respectfully submit the following report:

That upon a careful examination of the testimony produced before your committee, it appears that Marcus W. McCracken, contestant for the seat now occupied by John D. Ludden, has produced fourteen affidavits to establish his citizenship in the Territory of Minnesota, and has also produced an abstract from six places, claiming to be Precincts in the counties of Superior, Doty and Itasca, to wit:—Fon Du Lac, French River, Minnesota Point, Grand Maria, Twin Lakes and Grand Portage, showing the following number of votes to have been cast at the respective places for member of the Legislative Council:

Fon DuLac—Marcus W. McCracken had 18 votes.

French River—Marcus W. McCracken had 102 votes.

Minnesota Point—Marcus W. McCracken had 22 votes, and John D. Ludden had 2 votes, and Levi W. Folsom had 55 votes.

Grand Maria—Marcus W. McCracken had 51 votes.

Grand Portage—Marcus W. McCracken had 58 votes.

Twin Lakes—Levi W. Folsom had 62 votes.

Your committee would here remark, that none of these Precincts are located in the county from which they purport to have come from, except Twin Lakes in the county of Itasca.

It further appeared in evidence that at the Precinct of Taylor's Falls, in Chisago county, John D. Ludden had 65 votes, and Levi W. Folsom had 21 votes.

Sunrise Precinct, Chisago County—John D. Ludden had 29 votes.

Marine Precinct, Washington County—John D. Ludden had 49 votes, and Levi W. Folsom had 42 votes.

Chisago Lake, Chisago County—John D. Ludden had 41 votes, and Levi W. Folsom had 21 votes.

The majority of your committee are of opinion that from the evidence before us, Marcus W. McCracken has failed to establish his residence in Minnesota. The affidavits produced to prove his residence are carefully worded, vague, and show an intention to mislead. Said affidavits show that Marcus W. McCracken made a claim in the Territory of Minnesota, some time in February last, and claimed his residence thereon, but fails to show that he actually resided upon said claim; and other evidence before your committee shows that Mr. McCracken actually resided in Douglas county, Wisconsin, and was in Minnesota but a few days at a time, attending to business matters; and further, that Mr. McCracken previously held a claim in Wisconsin, on which he had filed his preliminary papers. It also appears that Mr. McCracken sold his personal right to his Minnesota

claim on the 3d or 5th of April last, and has not exercised any control over said claim since.

The majority of your committee are of opinion that the fact of Mr. McCracken's having at one time marked a claim and built a cabin thereon, is not of itself sufficient to establish his residence: and further,—the majority of your committee have failed to find any evidence that Marcus W. McCracken has received the plurality of the legal votes in the subdivision of the first Council District, represented at present by Mr. Ludden.

It appears that John D. Ludden has received 186 votes for Councillor from the First Council District, which is not doubted or attempted to be disproved by any party.

Marcus W. McCracken claims to have received in six precincts in Superior, Doty and Itasca counties, 249 votes, but fails to show that there were any such precincts established as Grand Maria, Grand Portage, Fon DuLac and Twin Lakes, by any pretended or real County Commissioners of any county whatsoever.

Sec. 49, chapter 5, of the Revised Statutes of Minnesota, provides that no votes shall be counted except from legally organized precincts. The majority of your committee deduct the votes cast for Marcus W. McCracken, in Grand Maria, Grand Portage, Fon Du Lac, and Twin Lakes, from the 249 votes received in all the precincts, which will leave Marcus W. McCracken but 124 votes, and gives John D. Ludden 62 majority over Mr. McCracken.

Furthermore, the returns from these pretended precincts show so many more votes than there were actual inhabitants, according to the testimony before your committee, that the majority of your committee are forced to the conclusion that the said returns are fictitious, fraudulent, and utterly unworthy of credence, and that in the precincts of Minnesota Point and French River, there were many illegal votes polled.

In view of these facts, the majority of your committee can only report and recommend the adoption of the following resolution:

*Resolved*, That John D. Ludden is entitled to the seat he now occupies as Councillor for a subdivision of the First Council District.

All of which is respectfully submitted.

H. N. SETZER, Chairman.  
C. W. THOMPSON.

Mr. Flandrau, of the same committee, made the following minority report: In the matter of Marcus W. McCracken who contests the seat of John D. Ludden in the Council of Minnesota.

Your committee to whom was referred the above case respectfully report that they have heard all the testimony that has been presented on the part of Marcus W. McCracken and John D. Ludden as showing their respective claims to a seat in the Council, and have maturely deliberated upon the same. That the said case presents itself in the following light:

The Council District from which the seat in question is claimed is composed of the counties of Superior, Doty, Itasca, Chisago and a part of Washington. The elections were held in all these counties and votes polled in all of them for the office of Councillor.

The result of the election in Washington was as follows:

MARINE PRECINCT.

|                |     |           |
|----------------|-----|-----------|
| John D. Ludden | had | 49 votes. |
| Levi W. Fulson | "   | 42 "      |

In Chisago county at the precinct of

TAYLOR'S FALLS.

|                |     |           |
|----------------|-----|-----------|
| John D. Ludden | had | 65 votes. |
| Levi W. Fulson | "   | 26 "      |

AT CHISAGO LAKE.

|                |     |           |
|----------------|-----|-----------|
| John D. Ludden | had | 41 votes. |
| Levi W. Fulson | "   | 21 "      |

AT SUN RISE PRECINCT.

|                |     |           |
|----------------|-----|-----------|
| John D. Ludden | had | 29 votes. |
|----------------|-----|-----------|

In the county of Itasca, at the

## TWIN LAKE PRECINCT.

Levi W. Fulsom had 62 votes

In the county of Doty at the

## GRAND FORBAGE PRECINCT.

Marcus W. McCracken had 56 votes.

## GRAND MARIA PRECINCT.

Marcus W. McCracken had 51 votes.

In the county of Superior at the Precinct of

## MINNESOTA POINT.

Marcus W. McCracken had 22 votes.

John D. Ludden " 2 "

Levi W. Fulsom " 55 "

At the precinct of French River Marcus W. McCracken had 102 votes, and at the Fon du Lac precinct Marcus W. McCracken had 18 votes.

This statement shows that Marcus W. McCracken received, in the first Council District, 249 votes; Levi W. Fulsom received 206 votes, and John D. Ludden received 186 votes, giving Mr. McCracken 63 votes more than Mr. Ludden.

The counties of Superior and Doty were, before the election, changed to the counties of Newton and St. Louis, but the change was made by the last legislature in a manner which satisfies your committee that such change was unknown to the citizens who resided therein, and to any one until recently. The said counties having been recognized by their former names and appointments having been made for them under those names, and and your committee being unable to see that any injury will result from overlooking change in the name, have decided that the same is immaterial and in no manner effects the investigation of this question.

The reason that John D. Ludden received the certificate of election from the Register of Deeds of Washington county when Mr. McCracken received the highest number of votes is as follows :

The six precincts of Superior and Doty counties made their returns to the county of Chisago, the Register of Deeds of that county and the associate justices who formed the board of canvassers refused to count them in the canvass of the votes, for the reason, as they state, that they did not know of any such precincts, and made no returns of their votes to the Register of Washington county, who in the absence of these votes could do nothing else but award the certificates of election to John D. Ludden, who appeared to have a plurality of the votes cast in the District.

Your Committee have not a word to say against the conduct of the Register of Deeds of Washington County, because they are satisfied that he was ignorant of such returns having been made, and refused to canvass the votes of the District until the last day allowed by law, in the expectation that such returns would come in; he also made inquiry of the Register of Chisago County, concerning the reception of said returns by him, and the last named Register, although in the possession at the time of said returns, either denied the fact or refused to afford him any information concerning them, and when questioned before your Committee for an explanation of this conduct, evades the point by stating that the Register of Washington had no business to consult him about any thing not official. Your Committee cannot avoid the conclusion that, had the Register of Chisago shown the returns that he had received from Doty and Superior, to the Register of Washington, the certificate would not have been awarded to Mr. Ludden.

Your Committee are confirmed in this view, from other facts that appeared in evidence concerning these rejected returns. Persons interested against Mr. McCracken repaired to the Register of Deeds of Chisago, and advised him to "look sharp to the law" before he counted any of the Doty and Superior returns, and pointed out to him several sections in the law on the subject, and his conduct in refusing copies of the returns to Mr. Fulsom and McCracken, satisfy your Committee that a fair and impartial decision was not

had on the said returns, by the Register of Chisago, and that it was a preconceived decision that the Register of Washington County, should not hear of them until he had made his canvass and awarded his certificate to some one other than Mr. McCracken.

It is contended on the part of Mr. Ludden, that these votes should not be counted, because the precincts were not legally established, and if so, the votes were not from persons legally entitled to vote; and also that Mr. McCracken was a citizen of Wisconsin within six months prior to the election.

So the questions for the determination of the Committee were whether they would allow the votes of the Doty and Superior Counties, and whether Mr. McCracken was eligible to the office of Councillor.

The proof of his citizenship consists of the affidavits of thirteen individuals residing on the north shore of Lake Superior, and in Superior Wisconsin, and in the vicinity thereof, all to the one general purport, that Mr. McCracken some time in the month of February 1855, made a claim on the Bay of St. Louis, in this Territory, and about 7 or 8 miles from Superior, which is in Douglass County, Wisconsin. That he has some of the time resided there, that he erected a cabin on the claim, made a clearing; that he has always claimed his residence in Minnesota since that time. There is one fact appearing in these affidavits that has great weight with your Committee in deciding the question of the intention of Mr. McCracken concerning his residence. In the spring of 1855, many months before the question of the present election could have been considered by Mr. McCracken, Mr. Hays was engaged in taking the census of Douglass county, Wisconsin, and on meeting Mr. McCracken there was informed by him that his residence was in Minnesota and he refused to be enumerated by the census taken of Wisconsin.

In support of Mr. McCracken's citizenship Mr. Orrin Rice and Mr. Alfred Allen were also sworn, both of whom have resided in the Superior country and known Mr. McCracken before, and ever since he took the claim in Minnesota; both of these gentlemen swear that they always considered him a resident of Minnesota since making said claim, and that such is the general opinion in that country. It also appeared that Mr. McCracken took no part in the politics of Wisconsin, but attended the political meetings in Minnesota, and took an active part therein, and his right was never questioned by the citizens of Minnesota at present at such meetings.

In opposition to this view Mr. Ludden introduced the affidavit of Mr. A. A. Parker, who states it as his opinion, that Mr. McCracken resided in Superior, Wisconsin. These were also introduced, three witnesses who all swore that Mr. McCracken had a claim in the Territory, but gave several facts to show that it did not constitute his residence; they proved that he was seldom there, that he was the greater part of his time in Superior, that he had made such arrangements about turning his claim into a town site that defeated his pre-emption rights. It was also proved that he advertised in the "Superior Chronicle" as being an Attorney at law, in Superior, Wisconsin; that the Judge who held the last Court in Douglass County, Wisconsin, held August 2d, 1855; appointed Mr. McCracken District Attorney, pro tem, for the term in the absence of R. R. Nelson, who was the regular District Attorney for the Council; and that Mr. McCracken presented his account to the Commissioners of Douglass County, for such services, and that the same was paid.

It was also shown that he at one time had a claim in Wisconsin; but it also appears that he abandoned it before making his claim on the North Shore. The country in Minnesota in the vicinity of the claim of Mr. McCracken, is very new, and professional men and mechanics residing there are compelled to seek employment at Superior, the only considerable town, and the only post office within 50 miles.

Your Committee are of the opinion that in determining the residence of a person under such circumstances as surround the present case the intention of the party has great weight, and when that is ascertained, if fortified by acts which corroborate it, and which in themselves would indicate such intention, is conclusive.

Your Committee think that the whole evidence establishes the fact that when Mr. McCracken made his claim in Minnesota, in February last, it was his intention to become

a citizen of Minnesota, that what he has done on said claim, and the time that he has resided on it, with the other circumstances above referred to, and appearing in the evidence, show a continuance of that intention, and a consummation of such residence, and that his presence in Superior was for the purpose of prosecuting his business and gaining a livelihood, which was customary among many of the claimants on the North Shore, and rendered almost necessary by the condition of the country at that time, to all persons not engaged in the pursuit of agriculture.

The next questions for the consideration of your committee is whether these votes from Superior and Doty should have been counted and whether they were legal votes.

That the Register of Chisago county should have counted them and returned them to the Register of Washington county, your committee have no doubt, and would refer to Section 43 of the R. S. of Minnesota on page 52, which declares "that no election returns shall be refused by any clerk of the Board of County Commissioners for the reason that the same may be returned or delivered to him in any other than the manner directed in this Chapter, nor shall he refuse to include any returns in his estimate of votes for any informality in holding any election thereof or making returns, but all returns shall be received and the votes canvassed by such clerks and a certificate given to the person or persons who may by such returns have the greatest number of votes."

Section 49 on the succeeding page of the same book provides that the canvassers "shall not count votes polled in any place but established precincts."

Your committee are of opinion that these precincts have at some time been established by officers holding under the appointment of the Governor of this Territory, from various facts that appear in the evidence. The Register of Deeds of Superior county swears that by reference to the Minutes in his office he finds that Dr. Mayo and Henry S. Bink Commissioners of this county located the precinct of French River and Minnesota Point, on the 3d of August, 1855, and appointed the judges. Elections have been held before at Fond du Lac, and never questioned. The Register of Superior also swears that he issued notices of election to Fond du Lac, Minnesota Point, French River, Grand Maria, and Grand Portage, and that the returns from all those precincts were returned to him sealed up.

Mr. Edwin C. Becker swears that Burk, one of the commissioners of Superior county told him that the precincts in Doty and Superior counties had been established according to law but refused to make an affidavit of the fact because said Burk did not want to see McCracken get his seat in the Council.

The confusion and difficulty that has attended these returns has grown out of the fact that County Commissioners have been appointed in unorganized counties which were attached to others for judicial purposes, which places the record of the establishment of the precincts in one county and sent the returns of these precincts to another county where the Register of Deeds knew nothing about them from his records, which gave an excuse where an inclination existed to reject them. But your committee have in all the investigations that have been before them, decided that they would overlook such informalities when the intention of the electors polling their votes as precincts established in this manner were *bona fide*.

Less appears about the precinct of Twin Lakes than any of the others, but in this investigation it is wholly immaterial as neither the sitting member, nor the contestant received any votes there.

Various facts were given in evidence both to sustain, and to defeat the votes cast at their precincts.

The census returns show that in June last there were 234 persons in the counties of Doty and Superior, and three persons swear that the population in these counties, from their observation, will not justify the amount of votes returned, one of whom was the census taker. Two of these persons who appeared before the committee were evidently under the influence of strong prejudice against Mr. McCracken and one made an affidavit. No reliance can be placed on the census returns as the party making them admits that

he did not go over the county himself, but received the reports of others, and none of these persons had prosecuted their explorations but a mile or two inland from the Lake shore.

Some evidence was given to show that some of the persons whose names appear on the poll books as having voted were citizens of Wisconsin, and in other respects not qualified to vote, but in almost every instance it has appeared that such persons had claims on the north shore in Minnesota and claimed a residence there. One man who voted appears to have been of mixed *negro* and Indian blood, who had been born in the country, was a voyageur, and passed as a half breed; technically this man was not a voter, but your committee are not of the opinion that being so well known as the evidence shows him to have been, and passing as a half breed, the reception of his vote casts no imputation of bad faith upon the election where it was cast.

It further appears in evidence that the whole country about Lake Superior and these precincts in Doty and Superior counties is heavy timbered and mountainous, which renders it impossible to form any correct estimate of the population from journeying on the Lake coast. It also appears that the country containing mineral is generally back from the coast and that the principal part of the immigration to that country has been persons in pursuit of mineral claims who would go back into the country. Several witnesses state that the greatest body of the settlement is back from the lake. Mr. Orrin Rice says he has kept a store in Superior and has furnished outfits to many emigrants destined for the Minnesota mines. He thinks the population will fully justify the vote returned. Mr. Alfred Allen, who has resided at Superior for more than a year, estimates the actual population in Minnesota in these counties at 600 or 700 men, not including women and children. Many of the affidavits produced and referred to above as going to prove the residence of Mr. McCracken in Minnesota, are made by persons who were present at some of the precincts, and they swear that the elections were conducted in every respect with propriety and according to law, and that the persons voting thereat were legal voters of the Territory.

It appears that at the precinct of Minnesota Point, that votes were polled for all three of the candidates for the office of Council, Mr. Fulsom receiving 55, Mr. McCracken receiving 32 and Mr. Ludden receiving 2; this fact is in the opinion of your committee strongly corroborative of the good faith of the election, and repels the idea contended for, that it was gotten up to promote the election of any particular candidate.

It is the opinion of your committee that had so many votes been cast by persons not entitled to the right of suffrage in the precincts above referred to, the fact could have been easily shown, and your committee cannot think that the persons who have made the affidavits that have been used in evidence in this case, all tending to the same conclusion, and the gentlemen who have appeared before the committee as witnesses have sworn to facts that did not exist, because many of these persons are well known to your committee as men of high respectability and undoubted veracity.

If your committee are right in the conclusions above set out, it then follows that Marcus W. McCracken received a large plurality of the votes cast in the first Council District and should have the seat in the Council now occupied by John D. Ludden.

Your committee therefore recommend to the Council the passage of the following resolution:

*Resolved*, that Marcus W. McCracken having received the highest number of votes in the first Council District of this Territory is entitled to the seat from said District now occupied by John D. Ludden.

All of which is respectfully submitted.

CHAS. E. FLANDRAU.

On motion of Mr. Setzer, the majority and minority report of the committee was ordered to be printed, together with the evidence in the case, and was made the order of the day for Friday next:

On motion of Mr. Setzer, the Committee on Printing was instructed to see that the report and evidences be printed.

## EVIDENCE

In the case of Mr. McCracken, who contests the seat of Mr. Ludden, in the Council.  
Jany. 11. 1855.

Petition of Mr. McCracken for his seat, was read, marked (1.)

Aff. of the Register of Deeds of Superior County, marked (2.)

Aff. of Register of Deeds of Superior County marked (3.)

Aff. John Smith, marked (4.)

Aff. of J. B. Culver, marked (5.)

Aff. of Reuben Carlton, marked (6.)

Aff. of Hiram Hays, marked (7.)

Aff. of James Knox, marked (8.)

John Langley, marked [9.]

Edwin H. Hall, marked [10.]

Charles H. Kingbury, marked [11.]

Frank Perfect, marked [12.]

Wellington Gregory, marked [13.]

Freeman Keen, marked [14.]

Rion H. Bacon, [15.]

Certificate of Secretary of Territory as to the votes cast in First Council District for Councillor—8 Precincts, marked [16.]

Mr. Levi W. Folsom sworn:—Got permission from Register of Deeds of Chisago to copy the returns from Superior, Doty and Itasca Counties. After copying, I compared the copy with the original; the Register of Deeds comparing the original, and I reading the copy: the Register declared them correct. Offered the returns from Grand Portage to supply the deficiency in the Secretary's certificate. Copy retained in hands of Committee.

For Councillor, Grand Portage—M. W. McCracken, 56 votes.

I left Taylor's Falls the day after the election; returned some fourteen days after; met Mr. Lacy, Register of Deeds, at Stillwater; he came there for the purpose of conferring with the Register of Deeds of Washington county, the senior county; returned with him to Taylor's Falls; he stated to me then that he had received the returns of the counties of Superior, Doty and Itasca, but that the canvassers threw them out, not knowing of any such precincts, and because they were not legally returned. Canvassers resided at Taylor's Falls. Mr. Curtis, Register of Deeds, Wash. co., stated that Mr. Lacy applied to him to canvass the votes, some three or four days previous to the time set by law to canvass the votes. Mr. C. delayed the canvass till the proper time. Mr. Curtis asked Mr. Lacy if he had received the return from Superior, &c. Mr. Lacy replied he had not. On being asked by the witness the reason of this reply, Mr. Lacy said that he had not legally received them, and they were not legally returned. Mr. Curtis told me he delayed the canvass, thinking the returns might come in. Mr. Lacy refused to give me a certified copy of the returns; he gave no reason for such refusal.

Cross-examined. Cannot swear that the document offered is a correct copy of the original; don't know exactly the day or date when I met Mr. Lacy at Stillwater; it might have been three weeks, if the canvass was delayed three weeks. Mr. Lacy stated to me he had just been canvassing the votes; copied the returns in the office of Co. Commissioners of Chisago. For what purpose did you copy the returns? Witness refused to answer the question. Did you copy the returns for the purposes of this contested case? Objected to. Objection over-ruled. Mr. Folsom refused to answer. The witness afterwards says he don't know that he did, he might—he copied them to have a fair exposition before the people.

Recalled—Believes that his copy of the returns is correct. Contestant rests.

Jany. 14, 1856.

William W. Mayo sworn for Mr. Ludden:—I now reside in St. Paul. I was at Lake Superior from about the 20th of July last, till the middle of March last. I returned

there again in May, and remained there till the 24th of August last. I was employed by the sheriff of Chisago to assist him in taking the census in Superior and Doty counties. I believe about 300 inhabitants were returned by me from the counties of Doty and Superior. I included in the census for the Fon du Lac district about 15 families, as reported to me by R. B. Carlton. It included the half breeds and only two white families. Fon du Lac is 18 miles from the mouth of St. Louis bay. I was at Minnesota Point. This place is one mile from the mouth of St. Louis bay right opposite the bay. I included all in the census that I thought had made legal claims there. I should think within two or three miles of Minnesota Point there were about twenty persons, men, not including women and children. I was at French river about 15 miles below Minnesota Point down the lake shore. I was past there last in August; there were then there about eight men, and at Knife River some three men. The lake coast is all pretended to be claimed as far as French river but the claims are not occupied, they visit them occasionally. Knife river is about ten miles from French river; between French and Knife river, there were two cabins; three cabins at Knife river. There is one cabin at Grand Marie river; one at encampment Island. I never saw any one in that cabin; two at Gooseberry River, one at Beaver bay, and one at little encampment. At Grand Marine there were two cabins, both put up by the same parties. Last winter Frank Demore lived there holding the claim for Richard Godfrey. He left there in May, and his place was supplied by two young men, nephews of Godfrey, both under age; they came there in May. There were three Frenchmen put up cabins there, but did not live there. I speak of the month of July; there were then but two residing there, both under age.

There were no settlers between there and Grand Portage, about twenty-five miles. At Grand Portage there was a trader by the name of Elliot, and a brother-in-law of his who lived with him and some 20 half-breed families and Indians who made pretensions to civilization. There was another cabin toward Pigeon river occupied by the Frenchman who left Grand Marie. I think that is all the settlers at Grand Portage. Pigeon River is the boundary between Canada and the Territory. Grand Portage is on an Indian Reservation, the Reservation extends on the coast ten miles, and back about ten miles. There are no settlers back in the country on the north shore.

Those places that I have named around the shore include all the settlements in Doty and Superior counties.

I was at Twin lakes in May. I think they are in Itasca county on the extreme north part, about thirty miles from Superior; South, or South-west. At the time I passed there, there were no inhabitants. About the last of May, a young man went out and made a claim there. The nearest settlers for that point were at Fon du Lac.

I was appointed by Governor Gorman as one of the county Commissioners of Superior county, on the last of April or first of May. The others were H. S. Burk, and H. L. Robinson. Robinson declined, and did not qualify. We did. Robinson lived in Douglas county, but had resided on the Minnesota side.

The board first met to transact business in August, they appointed two precincts, one at Minnesota Point, and one at French River. No other established at that time. I left for St. Paul on the same day, the board has had no meeting since.

I received a letter from Burk about two weeks ago, that Benjamin Thompson has asked him to appoint precincts in Doty county, and he said he would have nothing to do with it. I know of no business having been done by the Board of Commissioners since I was appointed chairman of the Board.

I know Marcus W. McCracken, I was acquainted with him in Douglass county, Wis. I first got acquainted with him in March 1855, saw him frequently there afterwards during the summer; I consider that as the residence of McCracken, and has been through the summer; I know that he had a claim in Wisconsin in June, a pre-emption claim; he had filed his papers at Hudson for the claim; he told me he had called for a return of them. Collins of St. Paul was there and intended to take the Minnesota claim, and the

conversation grew out of that fact. McCracken said he intended to hold his Minnesota claim, and would use force if necessary for the purpose. The Minnesota claim of McCracken was on St. Louis Bay, and adjoined Mr. Kerns' claim. It was about seven miles from Superior in Wisconsin. It was frequently the case that people in Wisconsin held claims on the Minnesota side. I know Frank Perfect, when I was there in August he was in Madison, Wisconsin, proving up a claim to a part of school section in Wisconsin. I know Wellington Gregory. He had a claim in Wisconsin on the same school section with Perfect and was with him at Madison proving up. I know J. B. Culver he is doing business and lives in Superior, Wisconsin, trading in dry goods, groceries &c.

Witness explains: In taking the census the distances were so long that I procured citizens in different places to make reports to me, J. B. Carlton reported from Fond du Lac. M. W. McCracken reported on St. Louis Bay. Mr. Elliot from Grand Portage. Richard Godfrey from Grand Marie. I concluded that the reports were incorrect knowing that many of the parties reported had made no improvements in the Territory, and lived in Wisconsin and refused to qualify to them. I returned them without oath.

Cross-examined. I told Mr. McCracken that I was County Commissioner and that office gave me the power to locate the county seat; McCracken had frequent conversations with me about locating the county seat on Mr. Ely's place; he sometimes called it "our place" and sometimes "Mr. Ely's Place;" I have been up all the rivers where there were claims as far as there were any claims. I visited these places after I had returned the census. There was one cabin at Beaver Bay, and three men; the men I saw were Clark's men; I was there in June, and again in August; I have been back from the rivers about two miles; I was at the cabins on Carp river, and Knife river; I was taking an exploring tour; I have not been up Pigeon river; Pigeon river is 100 miles from Beaver bay, I was up the Beaver bay river one mile; I have been on the coast of Superior towards Pigeon river, about 86 miles; I did not leave the lake at any point more than two miles; McCracken returned himself as in Minnesota; don't know that he settled the claim in Wisconsin; don't know that it was in his own name; Culver was in a general trading business in Superior, Wis.; had a claim in Minnesota; I think he was a citizen of Wisconsin, from his living and doing business there; saw him taking a load of lumber to his claim in Minnesota, after his cabin had been burned down; I have been frequently, and remained there at times three weeks at a time; never knew McC. to be on the claim in Wisconsin: when I first went there, he was living in a cabin next to the one I boarded in; he is a lawyer; he was pursuing his profession there; had an office there, jointly with others.

The returns from certain precincts in Chisago, Superior, Doty and Itasca counties, for the part of Mr. Ludden, presented by the Secretary of the Territory:

Taylor's Falls Precinct—J. D. Ludden, 65; Levi W. Fulson, 26; and Jesse Mark, 1.  
Chisago Lake Precinct, Chisago county—John D. Ludden, had 41 votes; Levi W. Fulson, 21; A. D. Taylor, 21.

Sun Rise Precinct, Chisago county—John D. Ludden had 29 votes.

Precinct Minnesota Point, Superior county—John D. Ludden, had 2; W. McCracken, 22; Levi W. Fulson, had 55 votes.

Precinct French River, Superior county—M. W. McCracken, 102 votes.

" Fon du Lac, " M. W. McCracken, 18 "

" Grand Marie, Doty county—M. W. McCracken, 57 "

" Twin Lakes, Itasca county—Levi W. Fulson, 62 "

The signatures of the clerks attesting the returns, does not correspond with the hand writing of the poll books, and signatures of judges and clerks appear to be in same handwriting.

The returns from Superior, Doty, and Itasca counties, have not the form of oath of judges and clerks attached to them.

E. F. Ely sworn for J. D. Ludden; witness is acquainted with J. B. Culver, he resides at Superior County, Wisconsin, with his family; J. B. Culver is one of the Judges of elec-

tion, in precinct of Minnesota Point, Superior County; witness is acquainted with Robert McQuid; one of the judges of election, in same precinct; he is a carpenter; have only known him in Superior, Wis., at work as a carpenter. Know Wm. H. Newton, he is agent for Superior Company; lives in Superior, Wis.; he is building residence in Superior. Witness examines poll list of Minnesota Point; S. C. McQuid I am acquainted with and suppose him to be resident of Superior; I know John J. Post, he has a family and resides at Superior. Saw S. K. Reed at the polls on day of election; he resides in Superior, Wis. I know Jos. Martin lives sometimes on the North Shore, and sometimes in Superior, and is reported to be a minor. I know Saxon Lyon; I believe he was elected Justice of the Peace, for Douglas County, Wis., at last election; I know him to be a resident of Superior, Wis. J. W. P. Neil is a Druggist; resides and does business in Superior, Wis.; in one or two of the above cases cannot swear to the initials of their names; I was present at the polls at Minnesota Point on day of election; did not hear any objections to any persons voting; saw about a dozen votes cast; I believe it is not disputed that some of the citizens of Superior voted in Minnesota; men voted there who made no pretensions to have a legal vote; I state this as a common understanding in Superior.—French river poll books has many Indian names; witness recognizes the name of one Indian whose name appears on the poll list. Poll books of Fond du Lac, witness recognizes the name of an Indian chief, who sometimes wears American clothes.

Mr. Rosser, Secretary, Ter., states that these returns are the only original returns he has received since in office. Mr. Ely—I reside in Superior City, Wis.; moved to Superior in March, 1854; have resided there since; I know of many cases where claims are held in Minnesota by residents of Superior, Wis.; their families reside in Superior; I hold a claim on the Minnesota shore, I hold it as a town site; it is near the head of St. Louis Bay, includes 320 acres; obtained the claim of R. H. Bacon, M. W. McCracken; this town site is held by myself, Bacon and McCracken; this is a matter of contract between us; dated either the 3d or 4th of April, 1855.

Mr. Bacon and McCracken in this agreement waive their pre-emption claims and agree with me to lay it out as a town site and hold it under the law of 1844. I have occupied the claim as agent for the company since the agreement (5th of April 1855,) have made improvements to the amount of about \$7000. Mr. Bacon resides there. Mr. McCracken has not resided there since the 5th July. Mr. McCracken did not reside there at the time of agreement. I suppose Mr. McCracken made his claim about the 23d February, 1855. McKeen and Bacon held this claim since October previous. Mr. Bacon claimed that Mr. McCracken's cabin was on his claim. McCracken's cabin was burned last spring; has not been rebuilt; the claim lines were run in the winter of '54-55. The boundaries of McCracken's claim embraced a part of Mr. Bacon's claim; the survey was not a Government survey. McCracken had improvements on his claim as follows: a cabin, and about an eighth of an acre cleared and blazed line run. I have been on this place nearly all summer; would have known if McCracken had lived there. McCracken did not reside there; have seen him on the ground, I suppose his motive to have been to carry out our common interest. I do not know of McCracken holding any other claim in Minnesota. I know James Knox; has been in my employ some 3 or 4 months; commenced about 1st April, he was at work on this claim, getting out timber and building. Rion H. Bacon has been at work for me during the summer on this claim. I know Asa A. Parker; he was Sheriff of Douglas county, Wisconsin, until last November election. He is an explorer and locator of mineral lands; he is likely to be well acquainted on both sides of Lake Superior, more particularly the north shore on account of his employment. I consider Mr. Parker, a man of veracity and worthy of confidence. Mr. McCracken is a resident of Superior, Wisconsin; he arrived there in the fall of 1854. I have known him ever since his arrival; he is an attorney at law in Superior and keeps an office there; he claimed pay for discharging the duties of district attorney for Douglas county last summer. I have not known him to reside at any other point than Douglas county, Wisconsin. Mr. McCracken told me that he filed the necessary papers for a

pre-emption claim in Douglas county, Wisconsin, but that he had withdrawn them, he might have said he had applied to withdraw them. I believe it was some time early last summer or in the spring that this conversation took place. I was informed by a gentleman likely to know that about the first of December those papers were returned to Mr. McCracken. Mr. McCracken withdrew those papers in order to be at liberty to pre-empt elsewhere I believe. On election day there were many citizens of Superior at Minnesota Point. Boats were running between the two places all day. I was there about an hour and a half.

I know Joseph Laundry; he lives in Wisconsin. Since about the month of October, 1854, most of the people have gone to the Minnesota shore. Since April 5th, 1855, Mr. McCracken has had no control over the claim. I have been in possession of the claim. In July last, I saw McCracken go out to cut a man's shanty down on this claim. I am acquainted with the Twin Lake country; I was there in the latter part of August last, there was then but one building, a log building with a troughed roof; had a door and chimney; belonged to Mr. Cochrane. He has lived alternately between there and Superior and the north shore. He was not there in October last; he was at work in my blacksmith shop; there was but one building in Twin Lakes.

Cross-Examined.—Can't recollect when I saw McC. on the north shore last; I think in July last. He simply came over to see how business came on. I have seen him there several times since February last. In the fore part of April, 3d or 5th last, McC. and Bacon released all the claim they had to a claim, and we were to lay out a town together there. I signed a written contract to that effect. McCracken is described as of Minnesota in that contract. I have not pre-empted any land in Minnesota; I have had no persons holding claims for me there. I did not rate at the last election in Minnesota; I voted in Superior in the Wisconsin election; I live in Superior City. I hold the town-site claim myself, and with a hired man I do business on the claim, building a mill, laying out a town, and have a stock of goods there. I don't remember that I have tried to get any one to jump McC.'s lands or interfere with his lines. I left Superior on the 8th of May, and returned the 5th of July. I stayed there until I left for this place in the early part of December last. After I come back to Superior in July, I generally left on Monday morning, and come back on Saturday night; it was not always the case; I usually spent Sunday in Superior; I spent the balance of the week in Minnesota, except when detained by weather. I only know that these persons that I say live in Superior voted at the Minnesota election, from seeing their names on the poll list. S. K. Reed's name was on the poll list, J. B. Culver, John J. Post, two McQuades; they are carpenters, and I have seen them doing business in Superior.

Saxon Lyon.—I have heard that John J. Post and Mr. Culver had claims on the north shore. My principal business is on the north shore. Families would not enjoy the same conveniences on the north shore as in Superior. I know of no families who have neglected to go on that account. I don't know that it is the intention of these gentlemen to make Minnesota their future home. I don't know that Culver has had his family on the Minnesota claim. He habitually resides in Superior. I think that McCracken took his claim in Wisconsin before he took the one in Minnesota; think he made the Wisconsin claim in the winter of 1854—'55, or the spring. I have gone over to Mr. McCracken's Minnesota claim with him, in boat and in sled. I have seen him at work on the claim. I have known him to stay on the claim two or three days at a time, when he boarded at my boarding-house. I was at the election in Wisconsin in November. Don't know that McCracken voted there; never knew him to vote in Wisconsin. I know of a bill being handed to the Register of Deeds of Superior, for McCracken's services as District Attorney, for Douglass county, Wis.; don't know when the services for which that bill was, were performed. I have never known him to perform any services as District Attorney of Douglass county, to within six months prior to the Minnesota election. There were five or six other lawyers in Superior. I don't know that McCracken ever held the office of District Attorney of Douglass county. I don't know that the bill was

for services as District Attorney, or for services performed for the county. There are conditions in the contract about the Minnesota claim that I am to perform within a year, and McCracken has expressed his intention that if I did not perform them, he would hold the claim.

McCracken left for Madison in last summer and returned after an absence of a few weeks.

Re-Examined.—I don't think that I have heard McCracken say what he went to Madison for.

Thos. F. Masterson sworn for Mr. Ludden. I have been in the vicinity of Superior during the months of May, June and July last. I stopped at Mr. Ely's place on the St. Louis bay. I was only there to see the country. There was a house there claimed by McCracken, as his claim shanty; it was burned the last of May; it had not been rebuilt when I came away. No other residence on the claim. I did not know of McCracken's residing there while I was there. I would have known it if he had resided there. I knew McCracken while there; first saw him at Mr. Ely's place. He left the same day I arrived. He resided at Superior, I considered while I was there.

Cross Examined. I only saw McCracken on the claim on the north shore but 2 or 3 times; I never saw him at the shanty; don't know what brought him there; nor that he stayed over night. I was there about two months, not away any time over a day. McCracken could not do any law business at his claim. If I was living there and wanted to practice the profession of law I would go to Superior for business. McCracken's claim is a timber claim, I don't think for the first year or two a man could make a living at farming on such a claim.]

Thomas Lacy sworn. Resides at Taylor's Falls, register of deeds for Chisago county since the first of July 1855 until beginning of January; assisted in canvassing the election returns of 9th October last. Taylor's Falls, Chisago Lake and Sunnyside precincts were then canvassed. Those were all the precincts established in Chisago county, previous to that election no precincts were established in counties attached to Chisago for judicial purposes, no application had been made to my knowledge to establish precincts in those counties, I received certain papers, by mail, purporting to be election returns from the counties of Superior, Itasca and Doty. I received a letter accompanying those documents; the letter was from a man by the name of Barrett. I do not recollect his given name; the returns came to me all included in one envelope; there were six of them thus included; the board of canvassers rejected those returns, considering they had no right to count them, not knowing of any such precincts, I took the votes given for councillor and representative to Stillwater for the purpose of comparing them with those in the hands of Mr. Curtis, register of Washington county. I went to Stillwater on Sunday the twenty-eighth of October, I presented the returns to Mr. Curtis on Monday October 29th. I never presented or offered those votes before. I had not been to Stillwater between the 9th and 28 day of October. The votes were compared and certificates of election issued that day. John H. Reed, L. S. Stark and myself composed the board of canvassers. In our decision with regard to our right of canvassing the returns from Superior county, the board was unanimous.

Cross-examined.—I received those returns from Lake Superior some time before the canvass; the canvass in Chisago county took place the day before I went down to Stillwater; I did not inform the Register of Washington county, that I had received those returns; I don't know that Mr. Curtis enquired for those returns; Mr. Curtis suggested the propriety to delay the canvass until the returns from Lake Superior could be received; there is nothing in the records of Chisago county showing the establishment of those precincts in question; I don't know that there ever was an election held in those precincts; I heard that an election was held there some time before the election returns came in; I had some conversation with Mr. Ludden, in regard to those votes; I did converse with Mr. Ludden, about the propriety of receiving those returns; I don't think I ever did express my opinion in the matter; Mr. Ludden told me we ought to look sharp to

the law before counting those returns; before we met to canvass, Mr. Ludden pointed out to us several sections in the statutes, in regard to them; he never, to my recollection, represented to me the propriety of having a Councillor from the St. Croix; I heard that Mr. McCracken was a resident of Superior, Wis.; I don't know that Mr. Ludden said so; I never heard it alluded to, that it would be advisable to have a Councillor from the St. Croix; I heard before the returns came in, from Mr. Slaughter, that many illegal votes were cast at Lake Superior; it was a common remark; Mr. Slaughter came through from Lake Superior; I do not know that I ever heard Mr. Ludden say so; I think it likely I did; I can't say I ever heard of Indians voting there; I can't say Mr. Ludden said anything in regard to Indians voting; I never told M. Ludden or any other man that I was opposed to counting those returns; I don't know that I had more than one conversation with Mr. Ludden in regard to these returns; I did not consider it the business of the Register of Washington county, to consult me about anything not official; Mr. McCracken applied to me to get a certificate of the votes cast at Superior, &c., I did not accede to his request, because I did not consider them official papers; I never filed those returns, they lay in the office; I laid those returns before the board of canvassers.

I did not know what to make of them. Mr. Levi Folsom also applied to me for certificates. I never said, nor was it a reason with me, that I refused to give such certificate because I feared to give Mr. Ludden's opponents any advantages.

Recalled. The seals of the envelope of those returns were not broken after coming into my possession until the Board of Commissioners met. I never gave Mr. Ludden any freer access to those returns than any of the other candidates. I never refused either Mr. McCracken, or Folsom liberty to copy those papers.

Cross Examined: I told McCracken I could not sign or certify to the correctness of the copy thus taken. The returns were directed to the Register of Deeds of Chisago county; the packages were marked "Election returns." I did not open them till the Board of canvassers met. I opened and read the letter of Mr. Barrett; there was no other paper around the election returns, except the envelope. Mr. Lacy says positively there was not.

A certificate of J. Travis Rosser, marked (18)

" " " E. D. Wilcox, Register of Deeds marked (19)

" " " Thos. J. Yorks, " " " " (20)

Affidavit of A. A. Parker, (21)

Mr. Ludden introduces two copies of the Superior Chronicle of Aug. 17th, and Dec. 14th, 1855.

Mr. McCracken introduces affidavit of Edwin C. Becker, marked (22) and affidavit of Mark D. Leadbeater.

Mr. Edmund Rice sworn for McCracken: I went up on the north shore with Mr. Clark of Michigan, was there 4 days; went up as far as Sucker river, 20 or 30 miles up the shore. On the second day we met a party from Pigeon River, consisting of five or six; stopped at the mouth of Sucker river; went up the river about two miles; saw ten or twelve cabins in that distance; went to one cabin occupied by Mr. Parry, and to Mr. Parmer's cabin; clearing and improvements about all the cabins. I went to Laundry; there were three families there; went up French Creek about one mile, found one cabin and quite an improvement; I stopped on the shore near there, where there was two houses; I started out from Superior on the 5th of July. Mr. Talmadge may have spoken to me about improvements back, others did. Mr. Burk was with us; he spoke about the citizens back cutting a road out. I saw several houses that I did not go to; in merely passing along the coast no man can form any idea of the population; the settlement was up the creeks, and back. The country is a mineral country and claimants seeking mineral claims would go back. My opinion is, that the body of the settlement is back from the lake shore.

In following the trail from Knife Portage to St. Louis Falls, no man can form any idea of the settlement, it is all a timber country, and mountainous.

**Cross Examination.**—I am interested in a claim at Beaver Bay, I was back from the lake about two miles, I was up French Creek about one mile, Sucker River about two miles.

**Re-Examined.**—I was not at Knife River, but Mr. Burk and others advised me to go up there and see the country, and said there was a larger settlement than there was on Sucker River, and better fishing from what I have been told and to my own knowledge, I should suppose that there were more voters than the number returned in Superior or Doty Counties.

**Cross Examination.**—I recollect that there were between four and five hundred votes returned. I am not very well posted about the county lines in that country.

The information I got about the population was from Mr. Watrous, Mr. Linde, Mr. Carlton, Mr. Talmage and others, Big Charley and others that were with him, they told me that there was a heavy vote at Pigion River.

**Orrin Rice sworn. (McCracken.)**—I have lived on Lake Superior two years, I have a trading post on the north shore of St. Louis Bay, I established the post one year ago last June, I am of the opinion that there is voters enough to poll the vote given last election, I have never been down the north shore more than five or six miles, I became acquainted with McCracken in November 1854. From common report Mr. McCracken is considered a resident of Minnesota, I have never been with McCracken in Minnesota but once, have heard of his being here several times, I had seen McCracken leave Superior often, and remain away several days. Mr. McCracken said to me in Feb. '55, that he had given up his claim on the south shore, and intended to hold the claim on the Minnesota side, I heard McCracken say that E. F. Ely had jumped his claim, but afterwards heard they had arranged it, there was a difficulty between McCracken and Ely. The County of Douglas and town of Superior are new, I was a magistrate in that county before I was a citizen. In a convention held at my house in Minnesota, I heard no objection made against McCracken on account of his not being a citizen of the Territory.—McCracken was there and took an active part in the convention, it was necessary for the organization of Douglas county that those should serve as officers who were not yet citizens under the statute, I at the time of my being magistrate, did not intend to remove to Minnesota, I was foreman of the Grand Jury at the last August term of court in Douglas county, I was there when McCracken was acting as District Attorney, I understood that to be a pro-tem appointment, there were several lawyers admitted to practice the same day.

The business of the Court was concluded in two days. I have not known him to act as District Attorney since then. I do not know whether the bill put in by McCracken was for special services or salary. R. R. Nelson has been elected District Attorney; he was absent at that time. Mr. McCracken was appointed because R. R. Nelson, D. A., was absent. I heard McCracken say after the Court adjourned that he was done with the office. I know Mr. J. B. Culver. I heard him say that he claimed residence in Minnesota. I heard him make oath to that effect, to avoid sitting on the Grand Jury in Douglas county. I know W. H. Newton. I heard him say he claimed residence in Minnesota: he refused to vote at the election in Wisconsin; he told me he voted in Minnesota. Mr. Newton is agent for the proprietors of the town of Superior, and must keep his office there. He intends to build a residence near St. Paul; I have known him to be a citizen of St. Paul for two or three years. I am acquainted with the two McQuaids; they claim their residence in Minnesota; I do not know them to be employed by Kingsbury. The McQuaids went to Wisconsin to get work. I only know of five white women on the north shore. The majority of the population there are unmarried, and came in pursuit of wives. I know E. F. Ely. The general rumor is he is no a man of truth and veracity; in one case he swore falsely to an affidavit in regard to some cattle. (I knew the fact of the population justifying the vote from having furnished settlers with outfits for the north shore.) I have never known or heard of McCracken attending a political meeting in Wisconsin. I know Asa Parker; he got back to Superior

in the early part of November, and had been absent since some time in the summer, probably two months; he is absent from Superior a good part of the time; he is connected with a company locating lands in Canada.

Alfred Allen sworn for Mr. McCracken. I live at Superior, Wisconsin. Know McCracken. It is generally understood that he claims his residence on the north shore in Minnesota. I have seen him there and been there with him. I have known him to be there two weeks at a time. My judgment of the population on the north shore in Minnesota is from 600 to 700 men; I mean the coast and back. I was at Fond du Lac on the day of the Minnesota election in October last. Fond du Lac is about twenty miles from Superior. As far as I could judge, the election was carried on according to law; saw nothing to the contrary. Saw no persons vote there who were supposed to reside in Wisconsin; saw no Indians vote there. It is not a prevailing idea in Superior, that citizens of Superior went over to Minnesota to vote. I know Joseph Buckman; he has a claim on the Minnesota side; it is generally understood that he is a citizen of Minnesota; lives on his claim nearly all the time; never knew him to be away for any considerable time except when he went once to St. Paul; is not a man of family. I know the McQuaids; they are generally supposed and I know that they have claims on the north shore. They are citizens of Minnesota.

I know J. P. W. Neil. He came from St. Paul to Superior. He came there in July last. I don't know any thing about his voting at the election, I can't swear that Neil has a claim on the north shore, have heard him say he had, but don't know; don't know whether J. B. Culver voted or not.

He came there in July last: I don't know anything about this voting at the election; I can't swear that Neil has a claim on the North shore; have heard him say he had, but don't know; don't know whether J. B. Culver voted or not.

I knew A. C. Stocton; he has been engaged this summer keeping a grocery and boarding house in Superior. I knew E. F. Ely; I have not had much to do with him; always found him honest in his personal dealings; I am acquainted with his general reputation for truth and veracity; it is not very good.

Cross Examined. I have resided in Superior since a year ago last April. A part of the summer I have been holding a claim in Douglas co., Wisconsin, when not engaged in that have been getting out logs; I made my claim in June last, previous to that I was doing nothing particular; boarding at a public house and running round through the country; I have traveled some little over the North shore; not to exceed 12 miles; McC. had a claim on the Bay of St. Louis, pretty well up towards the head; Ely made a claim to the same tract, as I have understood; I suppose that their difficulty arose in consequence of Ely making a claim to this land.

McC. has claimed his residence in Minnesota since January or February last; previous to that he had been in Superior for a few days. The first time I met him was a year ago last fall, 1854; he was then residing in Superior; I was away when he went to the north shore, I got back to Superior in February and he had then gone to the north shore, I came down in February, about 10th or 15 that I left there, returned there again in May. Since the first of May I have been most of the time at Superior and vicinity. Have known McCracken to be two weeks at a time in Minnesota, was not with him. Have been one day with him, sometime during the summer. The way I know of his being in Minnesota is that I knew of his leaving for there, stayed during his absence, and saw him return from there. Heard him say he had been there. Have known him to be there to live during the summer three times. Has been there oftener, can't say how long he was absent at the other times. I was with him at his claim once, this was the time I speak of as having been with him a day, that was in July I think. Think it was in June or July that he staid on his claim two weeks.

When Mr. M. Cracken was not on his claim, he was generally in Superior. When I was at his claim he had some clearing; since, I have learned that he has cleared more. He was living in a log house, ordinary size log cabin. I saw no one else at work on the claim;

from the appearance none else was living there. There was a mill being built within less than a mile when I was there. Mr. Ely had charge of the work; claims were taken all along up and down the Bay; cabins every 160 acres occupied by settlers. I have passed there up and down the bay two or three times during the fall. I was generally going to my logging camp in the woods; it was about three miles from the head of the bay, and six miles from McCracken's claim. I usually passed up by water; I never went to my camp by McCracken's claim by land. I think I could see the cabin of Mr. McCracken in passing when the weather was clear. I never saw the claim but once that I can state positively; other cabins have been going up there. I have been down the north shore three or four times; never but once as far as 12 miles. Last fall I went down four miles. I think it was in July when I went down twelve miles. I have never had a claim on the Minnesota side, nor been interested in any. I went to Fon du Lac on election day from my camp; I went by water; I have been there before and since election; I have never been to Fon du Lac by land.

I know Joseph Laundry; don't know where he resides; have generally seen him at Fon du Lac, sometimes at Superior. I know Charles Lord; lives at Fon du Lac.

McQuaid's claims are about three miles from Minnesota Point, upper end, made a year ago last fall. I have known Ely ever since. I have been up to Superior. I can't mention any particular individuals, but two men by the name of Wright, who had said things bad about Ely. They mentioned about some cattle matters, and other matters. The general appearance of Mr. McCracken's claim was that he intended making a permanent affair of it.

Re-Examined: I think McC. said the cabin on the claim in July was his; something was said about McCormick jumping McC's claim, can't recollect positively, can't state that this cabin was the one that McC. built. I first left Superior in the fall of 1854 and returned to Superior again in Feb.; left again in a few days, came down to St. Paul, and again returned to Superior in May.

Orrin Rice Recalled by Mr. McCracken: I know three men by the name of Bungo; they were born in the county. I have understood that their father was a negro and their mother a squaw. John Bungo, is a voyager; his habits are those of the white man. He is regarded as a Half-Breed.

I was present at the election at Minnesota Point, there were 100 votes polled, this is about 7 miles from Superior, I am pretty well acquainted with the citizens of Superior, I paid considerable attention to the election, I was there all day, I saw no citizens of Wisconsin vote at the election, all who voted claimed residence in Minnesota, and some I have heard sworn they lived there.

The town of Superior is the only Post Office within 50 miles of the surrounding country. It is not the general opinion that Wisconsin people voted in Minnesota.

Cross Examination.—McC. made his claim in Minnesota in Feb. last. Previous to that time he resided in Superior, Wis., I was introduced to Ely about 7 years ago, and have known him personally for 2 years. One thing I know personally reflecting on his character, is a claim affair of Mr. Matson. Matson had sold a claim to the proprietors of Superior, and Ely induced him to sell it again to him, and it was considered dishonorable and mean by the people of Superior. The other thing I know is an affair with Mr. Brown my brother-in-law. Ely induced a man to go and jump his claim because he had made a mistake in his papers. I have good reason to believe that Ely did this, I know of no other facts that would justify the opinion that has been expressed about Ely except a cattle affair, in that he probably did not intend to be dishonest, but was so prejudiced, that he went too fast and made affidavit, that a yoke of cattle in dispute were the property of Mr Setzer, when they belonged to another man. The general impression among the people is that he is not a man of truth.

CITY OF ST. PAUL, Jan. 9th, 1855.

To the Honorable the Council of the Territory of Minnesota, now sitting in General Assembly:

Your petitioner respectfully represents, that at the recent election held on the 9th day of October last, for the purpose of electing Councilors and other officers within the said Territory, he was a candidate for the office of Councilor for the 1st council district, composed of the counties of Superior, (now St. Louis) Doty (now Newton,) Chisago, Itaska, and a portion of Washington. And at said election he obtained in the first mentioned county the following vote, to wit:—At the precinct of Minnesota Point, 22; at the precinct of Fond du Lac, 18; at the precinct of French River, 102. And that there were cast for your petitioner in the county of Doty, now called Newton, the following number of votes, to wit:—At the precinct of Grand Maria, 51; at the precinct of Grand Portage 56. Making a total of two hundred and forty-nine of the legal votes which were cast at said election, and which your petitioner alleges to be a plurality of all the votes cast at the said election for Councilor in the aforesaid district; a return of which votes and election was duly made according to law, to the recorder of deeds, for the county of Chisago, and by him duly received.

Your petitioner further respectfully sets forth that he has demanded from the said register of deeds a certificate of his election as such Councilor, and that it hath been referred. And that the said register has issued the certificate of election to one John D. Ludden, Esq., by whom the seat in the Council, as Councilor from the 1st district of Minnesota is now occupied wrongfully and to the prejudice of the legally acquired rights of your petitioner, and to the injury of the people.

Your petitioner represents that he is an American citizen, over the age of twenty-one, and that he has been a resident of the Territory of Minnesota, within the said district, about eleven months.

Upon these facts your petitioner respectfully prays your honorable body to take steps as in your wisdom will be proper, to secure to him the rights that have vested in him by virtue of the said election. And he will pray, &c.

Respectfully,

M. W. McCRACKEN.

MINNESOTA POINT, Minnesota Territory, Nov., 16th, 1855.

Reuben H. Barrett being duly sworn, deposes and states that he is a citizen and an elector of the Territory of Minnesota. That he holds the office of Register of Deeds for Superior County, by appointment from His Excellency Gov. Gorman, by virtue of which office he is clerk of the Board of Commissioners, in which capacity he issued notices according to the form proscribed by law, to the several precincts of Fond du Lac.—Minnesota Point, French River, Grand Maria, and Grand Portage in the counties of Superior and Doty, of an election to be held at the said precincts on the ninth day of October, A. D. 1855, for the election of Delegate to Congress, Member of Council and House of Representatives; and he further states, that after said election was held, and the sealed returns of the various precincts returned to him, not considering himself authorized to open said returns, that upon the 17th day of said October, he mailed in the Town of Superior, said returns to the Register of Deeds, of Chisago County, to which County we are attached for Judicial purposes.

And further this deponent saith not.

R. H. BARRETT.

Subscribed and sworn to this the 16th day of November, A. D. 1855, before me,

GEORGE R. STUNTZ.

Notary Public.

Reuben H. Barrett, being duly sworn, states that from the minutes in his office, he finds that the precincts at French River and Minnesota Point, were located by the Commissioners W. W. Mayo and Henry S. Burk, on the twenty-third day of August, A. D., 1855—at the same time the Judges were appointed.

R. H. BARRETT.

Sworn and subscribed to, this the 16th day of Nov., 1855, before me,

GEORGE R. STUNTZ, Notary Public.

Douglas County, ss.—John Smith, duly sworn, deposes and says, that he is a resident of the County of Superior in the Territory of Minnesota, and has known Marcus W. McCracken for upwards of one year, last past—that said McCracken was a candidate for member of the Council of the Territorial Legislature, from the first Council District, this present fall. The undersigned further states, that he was one of the judges of an election held at French River 9th October, 1855—that said McCracken received at said election one hundred and two (102) votes for member of the Council—and further this deponent saith, that said McCracken has for the last eight months and upward, claimed his residence in Minnesota, and has settled upon and now holds a tract of land upon the Bay of St. Louis, in county aforesaid, and that he (said Smith,) regards said McCracken as a good citizen of the Territory, and that the election at which he, said Smith, acted as a judge, was conducted in a legal and proper manner, and that the electors who voted at said election, were good and lawful electors, to the best of his knowledge and belief.

JOHN SMITH,

Subscribed and sworn to, this 24th day of November, A. D., 1855, before me,  
HIRAM HAYES,  
Notary Public, Douglas Co., Wis.

State of Wisconsin, }  
County of Douglas: } ss.

J. B. Culver being duly sworn, deposes and says, that he is a citizen and an elector of the Territory of Minnesota; that he was one of the judges of an election held in the county of Superior, in the precinct on Minnesota Point, on the 9th day of October, A. D. 1855; that so far as he knows or believes, the said precinct was established according to law; that the judges and clerks acting at said election were regularly appointed, and that in all respects said election was conducted according to law.

He further deposes and states, that he knows Marcus W. McCracken, and that the said McCracken has claimed and held a tract of land situate upon the Bay of St. Louis, in the Territory of Minnesota, since some time in February last, and has always claimed that as his residence; and further this deponent saith not.

J. B. CULVER.

Subscribed and sworn this 14th day of November, A. D., before me  
FREDERICK J. WHITAKER,  
Notary Public.

DOUGLAS COUNTY, ss.

Reuben B. Carlton being sworn, deposes and says, that he has resided in the village of Fond du Lac, in the Territory of Minnesota, for the last nine years. That he was one of the Judges of an Election held at said place, on the ninth (9th) day of October, A. D. 1855; that a precinct for the purposes of election has been established at said village of Fond du Lac, for a period of four years; that said precinct was established by competent authorities, and has been recognized as an election precinct, and elections have been held thereat at different times. The undersigned further states that he has been acquainted with Marcus W. McCracken and W. W. Kingsbury, for and during the past year, and of Marcus W. McCracken, deponent saith, that said McCracken, has claimed and is now claiming a tract of land lying in the Territory of Minnesota, and has claimed his residence therein for more than the last eight months; that said McCracken was known and voted for as a candidate for member of the Council of the Territorial Legislature; that he received for said office, at an election held the 9th day of October, 1855, at the village of Fond du Lac, aforesaid, the number of eighteen votes; and deponent saith that W. W. Kingsbury, at said election, held at said village, received the number of twenty-three votes for member of Assembly, and that said Kingsbury has been a resident of the Territory of Minnesota for the last year.

R. B. CARLTON,

Subscribed and sworn this 27th of November, A. D. 1855, before me  
 HIRAM HAYES,  
 Notary Public, Douglas county, Wis.

DOUGLAS COUNTY, ss:—Hiram Hayes being duly sworn, maketh oath and saith, that he took the census of the county aforesaid in the Spring of 1855, and that at the time of taking the said census, Marcus W. McCracken expressly and explicitly informed him (the said Hayes) that he, the said McCracken, was not a citizen of Wisconsin, but claimed residence and citizenship in the Territory of Minnesota, and that at the time aforesaid he was actually and in fact a resident of said Territory. And the said Hayes deposes and says that of his own knowledge he knows that said McCracken has claimed and held a tract of land situate upon the north shore on the Bay of St. Louis in the Territory aforesaid, from and since the month of February last, and further that he has made valuable improvements upon the tract of land afore described, as the marking, blazing and defining the said claim; the claim-house in which the undersigned has slept several nights; and a clearing of considerable extent. Undersigned further states that said McCracken has for the last eight months and upwards claimed residence constantly in the county of Superior, Territory of Minnesota; and has exercised all the said time acts of ownership and control over his said claim. And further this deponent saith not.

HIRAM HAYES.

Subscribed and sworn before me this 7th day of December, A. D., 1855,  
 GEORGE R. STUNTZ, Notary Public.

DOUGLAS COUNTY, ss :—James Knox, being duly sworn, deposes and says on oath, that I have known Marcus W. McCracken for one year last past—that I know of my own knowledge, that said McCracken made claim to a tract of land situate on the Bay of St. Louis, in the county of Superior, Territory of Minnesota, some time in the month of February last—that said McCracken has since that date, continued to claim said tract of land and to make improvements thereon. The undersigned further states that he has seen said McCracken chopping trees on said claim, piling and burning brush and making a clearing on the said land—that said McCracken occupied at different times, a house on said land, and that there he has always claimed his residence.

The undersigned also states that he worked upon said McCracken's claim and the claim adjoining, for upwards of five months in the spring and summer of 1855—that he worked during that time at getting out timber—that he has seen said McCracken upon and about his said claim frequently for the last eight months, and that said McCracken always claimed his residence in the Territory of Minnesota.

JAMES KNOX.

Sworn and subscribed to this 19th November, A. D., 1855, before me,  
 HIRAM HAYES,  
 Notary Public, Douglas County, Wis.

DOUGLAS COUNTY, ss :—John Langloys being duly sworn, deposes and says, that he is well acquainted with Marcus W. McCracken; that he has been thus acquainted with said McCracken since the month of February last; that of his own knowledge, he knows that said McCracken has claimed and held a tract of land situate upon the Bay of St. Louis, in the Territory of Minnesota, since the said month of February last; that he continues to hold and claim the said tract of land at this date; said Langloys further deposes and says, that of his own knowledge, he knows that said McCracken has continued to claim his residence in the Territory of Minnesota, from and since February last, up to the present time, and that said McCracken is a good and lawful elector and resident of said Territory. Said Langloys deposes and says, that he voted at the General Election held in Minnesota the ninth day of October, A. D., 1855, and that he has resided in the said Territory for more than eleven months immediately preceding this date.

JOHN LANGLOYS.

## APPENDIX.

Subscribed and sworn this fifteenth day of November, A. D., 1855.

FREDERICK I. WHITAKER,  
Notary Public.

SUPERIOR, DOUGLAS COUNTY, ss :—I, John C. Hanley, Clerk of the Circuit Court for the county of Douglas, state of Wisconsin, hereby certify that Frederick I. Whittaker is a Notary Public for the above mentioned county, duly commissioned and qualified.

Given under my hand, this 26th day of November, 1855.

J. C. HANLEY, Clerk.

DOUGLAS COUNTY, ss.

Edwin H. Hall, being duly sworn, deposes and says, that he is a citizen of the Territory of Minnesota; that he has resided therein for more than one year; that he has been a resident of the county of Superior, in the Territory aforesaid, from and since the month of February, 1855, and is at this date a citizen and resident of said county. Said Hall deposes and says that he has been acquainted with Marcus W. McCracken for more than eight months—that of his own knowledge said McCracken has always claimed his residence in said Territory; has held and claimed a tract of land situate on the Bay of St. Louis, for the last eight months, and that according to the best of his belief, the said Marcus W. McCracken is a good and lawful elector and citizen of the Territory of Minnesota; that he has witnessed said McCracken in the act of improving the said tract of land at different times; that he knows of McCracken's occupancy of a house which he had built upon his claim. And further this deponent saith not.

E. H. HALL.

Subscribed and sworn, this seventeenth day of November, A. D. 1855, before me

HIRAM HAYES,  
Notary Public, Douglas county, Wis.

SUPERIOR, Douglas county, ss.

I, John C. Hanley, Clerk of the Circuit Court of Douglas county, State of Wisconsin, hereby certify, that Hiram Hayes is a Notary Public, for the aforesaid county, duly commissioned and qualified.

Given under my hand this 26th day of November, 1855.

J. C. HANLEY, Clerk.

DOUGLAS COUNTY, ss.

Charles H. Kingsbury being duly sworn, on oath says, that he is a resident and magistrate of the county of Superior in the Territory of Minnesota; that he has been acquainted with Marcus W. McCracken for the period of one year last past; that of his own knowledge he knows that said McCracken made claim to a tract of land, situate on the Bay of St. Louis in the county aforesaid, in the early part of the Spring of 1855; that he has seen said McCracken at work, chopping trees on his said claim, at different times. The undersigned also further states, that said McCracken has claimed his residence, on the said tract of land, situate in the county and Territory aforesaid, for the last eight months and upwards, and that he (said Kingsbury) has always regarded said McCracken as a good and lawful citizen and resident of the Territory of Minnesota.

CHAS. H. KINGSBURY.

Sworn and subscribed to, this thirteenth day of November, A. D. 1855, before me

HIRAM HAYES,  
Notary Public, Douglas county.

DOUGLAS COUNTY, ss :—Frank Perfect being duly sworn, deposes and says, that he is a resident of the county of Douglas, in the State of Wisconsin, that he has been acquainted with Marcus W. McCracken from and since the month of February last; that some time in the same month said McCracken procured him, the said Perfect, to run out the boundary lines of a tract of land claimed by said McCracken, and situate upon the

Bay of St. Louis, in the Territory of Minnesota ; that to the best of his knowledge, said McCracken has continued to claim and hold the same land from the date aforesaid to the present time, and that he has claimed his residence in Minnesota for the last eight months.

FRANK PERFECT.

Subscribed and sworn this seventeenth day of November, 1855, before me,  
HIRAM HAYES,  
Notary Public, Douglas County, Wis.

DOUGLAS COUNTY, ss.

Wellington Gregory being duly sworn, on oath says, that he is acquainted with Marcus W. McCracken; that he has known said McCracken for more than one year; that said McCracken made some time in the month of February, a claim in the Territory of Minnesota, situate upon the Bay of St. Louis, and has claimed his residence in said Territory from the date aforesaid up to this date; that said McCracken's claim lies opposite to his (said Gregory's) residence, in the State of Wisconsin; and that he, said McCracken, has occupied said claim for, and during, the last eight months.

WELLINGTON GREGORY.

Sworn and subscribed this nineteenth day of November, A. D. 1855, before me  
HIRAM HAYES.

DOUGLAS COUNTY, ss :—Freeman Keen, being duly sworn, deposes and says, that I am well acquainted with Marcus W. McCracken, and that I have been thus acquainted with said McCracken since the month of March, 1855 ; that I know of my own knowledge that said McCracken was claiming a tract of land situate on the Bay of St. Louis, in the county of Superior, Territory of Minnesota, during the spring of 1855 ; the summer ensuing, and that he now claims the same land. The undersigned states further, that said McCracken has always claimed his residence on said tract of land, from and since the early part of the spring of 1855 ; that he has seen said McCracken making improvements upon his said claim at different times.

FREEMAN KEEN.

Subscribed and sworn to, this nineteenth day of November, A. D., 1855.  
HIRAM HAYES,  
Notary Public, Douglas County, Wis.

The undersigned, Rion H. Bacon, of the county of Superior and Territory of Minnesota, makes oath and says, that he is acquainted with Marcus W. McCracken, and that the said McCracken has a claim in the Territory of Minnesota, adjoining a claim which he the undersigned has in said Territory, and that he has heard the said McCracken frequently claim his residence in the Territory of Minnesota, and has seen him at work chopping trees on his said claim. The undersigned further states that the claim of the said McCracken lies on the Bay of St. Louis, in the county of Superior, and Territory of Minnesota. The undersigned further states, that he heard the said McCracken claim his residence in the Territory of Minnesota, more than eight months ago.

RION H. BACON.

Subscribed and sworn to, before the undersigned, Hiram Hayes, a Notary Public for the State of Wisconsin, this 17th day of November, 1855.

HIRAM HAYES,  
Notary Public, Douglas County, Wis.

Precinct of Fond du Lac, county of Superior—Marcus W. McCracken had eighteen votes for member of Territorial Council.

Precinct of French River, county of Superior—Marcus W. McCracken had (102) one hundred and two votes for member of Council.

Precinct of Minnesota Point, county of Superior—Marcus W. McCracken had twenty-

## APPENDIX.

two votes, J. D. Ludden had two votes, Levi W. Folsom had fifty-five votes for member of Council.

Precinct of Grand Maria, county of Doty—Marcus W. McCracken had fifty-one votes for member of Council.

Precinct of Twin Lakes, county of Itasca—Levi W. Folsom had sixty-two votes for member of Council.

Precinct of Taylor's Falls, county of Chisago—John D. Ludden had sixty-five votes, Levi W. Folsom had twenty-six votes, for member of Council.

Precinct of Chisago Lake, county of Chisago—John D. Ludden had forty-one votes, Levi W. Folsom had twenty-one votes for member of Council.

Precinct of Sun Rise, county of Chisago—John D. Ludden had twenty-nine votes, for member of Council.

I certify that the above is a correct and true transcript from all the election returns of the first Council District, found by me in the office of the Secretary of the Territory, St. Paul, M. T.

J. TRAVIS ROSSER,

Jan. 12, 1856.

Per J. J. McCullough.

At an election held at the house of H. H. McCollough, in the lower precinct of the county of Doty, in the Territory of Minnesota, on the ninth day of October, A. D., 1855, the following named persons received the number of votes annexed to their respective names for the following described offices, to wit :

Henry M. Rice, had 56 votes for Delegate to Congress.

Marcus W. McCracken, 56 for member Legislative Council.

Wm. W. Kingsbury, 56 for member House Representatives.

Certified by Michael Collins, John Sayre, Joseph Couture, Judges of Election.

Attest, Louis Chattero, Lewis Paul, Clerks of Election.

SECRETARY'S OFFICE,

St. Paul, Jan., 17th, 1855. }

This certifies that according to the census returns dated June 1855, on file in this office, from the county of Doty, there are in said county 72 males, 45 females ; total 117 persons. In the county of Superior, Minnesota Territory, there are returned by same returns, 74 males, 43 females ; total 117 persons.

J. TRAVIS ROSSER, Sec. of M. T.

This certifies that from the election returns, of an election held on the 9th day of Oct. 1855, now on file in this office, from Taylor's Falls Precinct, Chisago Lake Precinct and Sunrise Precinct, for members of the Legislative Council—In Little Falls Precinct, John D. Ludden had sixty-five votes, and Levi W. Folsom had twenty-six votes. In Chisago Lake Precinct, John D. Ludden had forty-one votes, and Levi W. Folsom had twenty-one votes. In Sunrise Precinct, John D. Ludden had twenty-nine votes. Total number of votes for John D. Ludden, one hundred and thirty-five (135.) Total number of votes for Levi W. Folsom, forty-seven (47.)

E. D. WILCOX,

Register of Deeds for Chisago county, M. T.

by LUTHER L. TWICHEL, Deputy.

This certifies that from the election returns now on file in this office, from Marine precinct, for members of the Legislative Council, John D. Ludden had forty-nine votes, (49) Levi W. Folsom, forty-two (42.)

THOMAS J. YORKS, Register of Deeds.

Territory of Minnesota, } ss.  
County of Ramsey, }

Asa A. Parker being duly sworn, doth depose and say; That, I am a resident of Superior

City, in Douglas county, Wisconsin; I am the Sheriff of Douglas county; was elected to the office in Nov. 54 and have held the office since that time; I have been employed during the past season in exploring for mineral; In this business I have during the last past summer made (4) four trips down the north shore of Lake Superior from the mouth of the St. Louis River to the British Possessions. I am well acquainted on both north and south shore of Lake Superior with residents and claimants. French River is on the Minnesota or north shore about fifteen (15) miles from St. Louis Bay. I have been to French River several times during the summer past. I believe there are not more than twenty-five (25) men including half breeds residing at or near the settlement of French River. About three (3) miles down the shore beyond French River is the settlement of Succor River. I think there are not more than ten (10) or twelve (12) settlers at this place, or within two (2) miles of it. About twelve (12) miles farther down the shore is Knife river. Near this place there are six (6) or eight (8) pre-emption claims, made during the past season; there are not more than this number; these claims were made last summer; about twelve (12) miles farther down the shore is Encampment Island, where there is only one man residing. Several other claims had been made along this shore late in the season of 1855 by persons who were seldom at their claims; these claimants were mostly half breeds from LaPoint and the vicinity of Superior, Wis. About five (5) miles down the shore from Encampment Island is Split Rock River. There are only two claims at this place and no one residing between the two (2) last mentioned places; about ten (10) miles farther down the shore is Beaver Bay; at this place, there are only two (2) claims, and none between the two places; I know every claim on this part of the north shore. From Beaver Bay down the shore twenty-five (25) miles to Island river, there is not a claim, or house or resident. At this latter place there is an old house belonging to H. H. McCullough, a trader, who resides at Grand Portage. This house is not occupied, it is only used as an Irish house during the fishing season. There is no resident or claim from this place to Temperance river, twenty (20) miles farther down the river; at this place a claim was made and the bottom logs of a cabin laid; there is no one residing here, and no other claim here or for the next ten (10) miles down the shore to Grand Maria; I was at Grand Maria in July last; at that time there was only two (2) persons living there or near there—they were Richard Godfrey and another man (his cousin, I believe).

I was there on the twenty-first, twentieth and twenty-second of June, 1855; Godfrey told me at that time that he had just come there during that month, for the first time, to make a pre-emption claim; that he came from Detroit to La Point by steamboat, and from La Point by said boat; they were then building their house; Godfrey also told me that no one else was living there or in the vicinity, this place was once held by H. H. McCullough for a trading and fishing post; his old cabins are still standing there, but all abandoned long ago. I was at Grand Maria on the fourth of October last; at that time about seven (7) men there; they were not settlers, except the two who were there in June, but were men hired from La Pointe by them, to fish for a few weeks, during the fishing season; Godfrey told me at that time that he sent to Grand Portage for some Indians to help him in fishing; told me at that time that no claims had been made in that vicinity east of his own; he also told me that the men at work for him, were just up from La Point; I saw Dr. Mayo at Grand Marie last summer.— From Grand Marie to Fathom river, about fifteen (15) miles down the shore there is neither settler or claimant. At Fathom river, the bottom logs of a cabin has been laid some time during the summer, but the claim appeared in October to be abandoned. There is no settler or claim from this place to Boundary river, eight (8) miles farther down the coast, or at this latter place. Boundary river is the boundary between the lands of the United States and a reservation of twelve (12) miles on the shore which the Indians still own, and on which no white man can settle without a license. The Indians have a flag up at this boundary and written notices stating that this is Indian land, and that no white man can make a claim or settlement on it. From Boundary river, this reserve extends twelve (12) miles down the shore to the point of land east of Grand Portage Bay. At the head of Grand Portage Bay on this Indian reserve, is the trading post of H. H. McCullough. There are not more than three (3) or four (4) white men in or about this place. There are eight (8) or ten (10) small cabins occupied by half-breeds and Indians there; these are all the dwellings at or near this place, except some four cabins occupied by McCullough, for dwelling, store and store-house. From this reservation to Pidgeon river, which is about twelve [12] miles, there is but one claim; this is on Pidgeon river and held by a Frenchman who resides on it. This river is the boundary between the United States and Canada. These that I have mentioned, I believe to be all the residents and occupied claims that were on the north shore of Lake Superior on the first of October last. I am sure that at that time there was not a single person residing between Beaver Bay and Grand Maria, a distance of about fifty-five [55] miles, or between Grand Maria and Grand Portage, a dis-

tance of about thirty-five [35] miles, I think that at that time there were not more than ten [10] white men, and not more than twelve [12] half-breeds residing on the whole lake shore between Beaver Bay and the Canada line. There are a great many places on this shore that are termed jack-knife claims, made by marking with pencil or otherwise, or cutting on a tree or stake the name of the person or claimant. I have four or five such claims. Almost every man and woman who has been on the north shore during the last season, has made such claims. These claims do not indicate that the claimant has ever resided there, or ever intends to reside there, but only that he has landed there, or camped there, or that the place has attracted his attention. Claims that are legal, are made by building on and occupying them, and in no other way. I came from Superior City to Taylor's Falls, in Dec. last; about two weeks ago, by way of the Point Douglas and St. Louis river road. For several miles south from Superior, the land appears to be all taken up by claimants. From the state line to Kettle river, there are no residents and no occupied claims. Names are written on the trees in many places along the road, about twenty-two [22] miles from Superior on this road, are two small lakes, known as Twin Lakes. There is no person living near these lakes; I have never heard of any person living there, or near there. There is what appears to be a pre-emption cabin near Twin Lakes, but no one is living in it; it was not enclosed or shut up when I was there. There was no other cabin or sign of settlement between the State line and Kettle river. There were three crews of men at work on the Government Road between Superior and Twin Lakes when I passed there—one crew near the Lakes. They were in temporary camps.

On the 22d of Sept. last, I went with a large number of others from Superior, Wisconsin, to Minnesota Point, in Minnesota, to a political caucus held on that day at the house of Orrin Rice, and occupied at that time by Mr. Brown. There were two boats beside mine that went over; all the boats had loads of men, most of them citizens of Superior, Wis. I was told by several of them that their object in attending the caucus was to secure the nomination of Marcus W. McCracken as a candidate for the Minnesota Legislature. Mr. McCracken himself was one who went over in the boat. I was asked to take part in the proceedings at the caucus but declined doing so. I returned to Superior from my last trip down the north shore, on the 26th of Oct. last. I have often since that time heard it stated in Superior that many citizens of Superior, Wisconsin, went to the Minnesota side to vote at the election on the 9th of Oct. last. This is a matter of common talk in Superior. I am acquainted with Henry Robinson; he is a citizen of Superior City; has a house there in which he lives; he came to Stillwater with me two weeks ago from Superior. I think he told me that he was interested with several others in a town site on the Minnesota side. He also told me that he had an appointment to some office in Minnesota, but that he had never qualified for it, and should not accept it. He has lived in Superior city all the time since last winter. I am acquainted with Wm. H. Newton. He is a resident of Superior, Wisconsin; is a citizen there. I am acquainted with J. P. W. Neil; he keeps a drug store and is a citizen in Superior, Wisconsin. J. B. Culver is a merchant and citizen in Superior, Wis. Saxon Lyon came up the lake to Superior, last summer, and has lived in Wisconsin since then. A. C. Stockton is a citizen of Superior, Wis., keeps a grocery store there; he is now holding a land claim in Wisconsin. John O. Jones is a citizen of Wisconsin; has a house and lives in Superior, Wis. D. A. Currier keeps a hotel in Superior, Wis., and is a citizen there. Wm. Whitesides is a citizen of Wis.; keeps a saloon in Superior, Wis. John J. Post keeps a store in Superior, Wis., and lives with his family there. Stephen W. Mentor is a citizen of Superior, Wis.; keeps a grocery there. John Bongo is a negro—said to be a runaway slave. I know two or three Indians by the name of Shingoop, who are generally about Fon du Lac. They are full-blood Indians and live in wigwams as other Indians. Frank Morrisett lives on Left Hand River in Wisconsin. John Buckman lives in Superior, and I think is a citizen there. Robert McQuade and Samuel McQuade are both considered citizens of Wis.

Samuel McQuade, A. C. Stockton, Henry Robinson and John J. Post, all served on the Grand Jury in Douglas county, Wis., in August last. I am acquainted with Marcus W. McCracken. He was appointed by Judge Fuller as a District Attorney for Douglas county, in Wis., in August last. There were several applicants for the office besides Mr. McCracken. He has been a citizen of Superior for more than a year past, and is acting as an Attorney at Law there.

A. A. PARKER.

Sworn and subscribed before me, January 4th, A. D., 1856.

F. McCORMICK, Notary Public.

**DOUGLAS COUNTY, ss:—Edwin C. Becker being duly sworn, maketh oath and saith, that one Henry S. Burke being one of the County Commissioners for the County of Superior, Territory**

of Minnesota, declared to and in the hearing of him the said Becker, that the Election Precincts of the Counties of Superior and Doty had been established regularly and according to law, by the said County Commissioners, but that nevertheless he the said Burke would not make affidavit in favor of Marcus W. McCracken of the said fact, to wit: that the Election Precincts had been lawfully established as aforesaid, because he, said Burke was not in favor of said McCracken's getting his seat in the Council of the Territorial Legislature.

EDWIN C. BECKER.

Subscribed and sworn, the sixth day of December, A. D. 1855, before me.

HIRAM HAYES,  
Notary Public, Douglas Co., M. T.

ST. PAUL, M. T., January 17, 1856.

Mark D. Ledbeater, being duly sworn deposes and states, That he has lived in the town of Superior, Wisconsin, for the last two years, most of which time he has been engaged in keeping boarding house and hotel. States that he has known Marcus W. McCracken for more than a year last past; that some time in February, 1855, McCracken made a claim in Minnesota Territory upon the Bay of St. Louis, and that from and since that time he has claimed citizenship in said Territory, and has made that his residence. He has known said McCracken during the spring and summer of 1855, to remain for weeks at a time upon the north shore of the Bay in the Territory of Minnesota. Knows of several occasions on which this has occurred, and has only known him to reside in Superior, Wisconsin, while attending to professional business. Has himself taken him in a boat to said shore. Knows Robert and S. C. McQuaid; knows of his own knowledge that they have claims in Minnesota Territory, and that they have had no other home than those, for a year last past; has seen them in Superior, Wisconsin, during which time they boarded at his house; and knows that they were there only temporarily for the purpose of doing work: they are carpenters by trade. Since February, 1855, it has been known and talked of in my presence, and conceded by the residents generally of Superior, Wisconsin, that Marcus W. McCracken was a resident and citizen of Minnesota Territory, embracing the time from that date to this.

MARK D. LEADBEATER.

Subscribed and sworn before me this 17th day of January, 1856.

A. C. JONES,  
Judge of Probate, Ramsey Co.







**MATERIALS**

**FOR THE FUTURE**

**HISTORY OF MINNESOTA;**

**BEING A**

**REPORT**

**OF THE**

**MINNESOTA HISTORICAL SOCIETY**

**TO THE**

**LEGISLATIVE ASSEMBLY.**

**IN ACCORDANCE WITH A JOINT RESOLUTION.**

---

**FIFTEEN HUNDRED COPIES ORDERED TO BE PRINTED FOR THE USE OF THE LEGISLATURE;**

---

**SAINT PAUL:**  
**JOSEPH R. BROWN, TERRITORIAL PRINTER;**  
**PIONEER AND DEMOCRAT OFFICE.**

**1856.**



# REPORT

OF THE

**MINNESOTA HISTORICAL SOCIETY.**

1887

**TO THE LEGISLATIVE ASSEMBLY OF MINNESOTA :**

In accordance with a Joint Resolution, the following information obtained from Manuscripts, the Annals of the Society, and other sources, is submitted.

By the courtesy of the well known and accurate Photographer and Daguerrean, JOHN E. WHITNEY, of St. Paul, the Society has been enabled to illustrate several subjects.

**EDWARD D. NEILL,**  
Secretary Minnesota Historical Society.

MINNESOTA HISTORICAL SOCIETY

# ANNALS

OF THE

## MINNESOTA HISTORICAL SOCIETY.

### INTRODUCTORY CHAPTER.

AT the outset of a Report to the Legislative Assembly of Minnesota, it seems proper to correct some erroneous impressions that are current among well informed men. To prevent mistake, a meeting convened at Stillwater, in August, 1848, for the purpose of taking steps to procure a Territorial organization, instructed their delegate to see that the name of the Territory should be written MIN-NE-SO-TA, and not MI-NE-SO-TA, as many respectable authorities still continue to write and pronounce.

#### MINNESOTA—THE ORIGIN OF THE NAME.

The discoverer of the stream of this name, was Le Sueur, and in the first map that delineates the stream, which was issued in France more than a century ago, it is marked as the "Minisota;" pronounced Min-nee-sotah. It is a Dakota word, applied to the stream in consequence of its peculiar appearance at certain seasons. This nation call the Missouri, Minishoshe, (Minneshoshay,) turbid or muddy water, and distinguish the stream from which the Territory derived its name, by the compound word Mini-sota. Mini, written in English Minne, means water; and sota, is a qualifying word, meaning whitish, like the sky. The editor of the Dakota Lexicon, published by the Smithsonian Institute, in a communication published in the "Pioneer" at St. Paul, July 29, 1853, remarks,

"The clear sky of Minnesota is often *whitish* rather than *blueish*, and it is most probable that in this appearance, the true idea of 'sota' is to be found. Hence it may be regarded as meaning 'sky colored,' 'sky tinted,' or *whitish*. But it matters not if we cannot by any single definition, give the full idea of sota. If like a lady's changeable silk, it presents various shades and tints, as seen from various points, so much the more beautiful is it, and so much the more full of poetry."

Le Sueur, in giving it a French name, called it St. Pierre. At that time a distinguished man, by that name was in the North-West. To him the first English traveler in Minnesota, seems to refer. Describing Lake Repin, as it appeared ninety years ago he remarks:—

"Here I observed the ruins of a French Factory, where, it is said, Captain St. Pierre resided, and carried on a very great trade with the Naudewessies (Dakotas), before the reduction of Canada."

It was never called the "St. Peters" until Americans began to visit the country. By long usage, boats destined for Fort Snelling, were said to be bound for "St. Peters," and soon the name crept upon the maps of the United States."

A memorial to the President of the United States, prepared by the Hon. Martin McLeod, of Hennepin county, was passed by the Legislative Assembly of 1852, asking that the term "St. Peters" be discontinued. In June of the same year, the following was approved by the President:—

"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this act, the river in the Territory of Minnesota, known as the St. Peter's, shall be known and designated on the public records as the Minnesota river."

#### HA-HA FALLS.

These, within a few months, have obtained a world-wide reputation, from the fact that "a certain one of our own poets" has given the name of Minne-ha-ha to the wife of Hiawatha. Longfellow, in his vocabulary, says:—"Minne-ha-ha—Laughing water; a waterfall or a stream running into the Mississippi, between Fort Snelling and the Falls of St. Anthony." All waterfalls in the Dakota tongue, are called Ha-ha, *near Minne-ha-ha*. The "h" has a strong guttural sound, and the word is applied because of the *curling* of the waters. The verb I-ha-ha primarily means to curl; secondarily, to laugh because of the curling motion of the mouth in laughter. The noise of Ha-ha is called by the Dakotas I-ha-ha, because of its resemblance to laughter.

A drive of less than fifteen minutes from Fort Snelling brings the visitor to a view that makes a life-time impression. The representation given in an engraving taken from a daguerreotype view made by the favorably-known artist, Joel E. Whitney, of St. Paul.

A small rivulet, the outlet of Lake Harriet and Calhoun, gently gliding over the bluff into an amphitheatre, forms this graceful waterfall. It has but little of "the cataract's thunder." Niagara symbolizes the sublime; St. Anthony the picturesque; Ha-ha, the beautiful. The fall is about sixty feet, presenting a parabolic curve, which drops, without the least deviation, until it has reached its lower level, when the stream goes on its way rejoicing, curling along in laughing childish glee at the graceful feat it has performed in bounding over the precipice.

#### ST. CROIX OR HOGAN-WANKE RIVER.

The Wisconsin Historical Society, in a late report, erroneously supposes that this name was given to represent the idea of the *holy cross*, by some Frenchman.

In La Harpe's Louisiana, there is an abstract of the Journal of Le Sueur's Voyage to the Mankato in 1700, from which this extract is taken:—

"He made this day three and three-fourth leagues; and on the 16th of September he left a large river on the East side named SAINT CROIX, because a Frenchman of that name was wrecked at its mouth."

Both the Saint Pierre and St. Croix derived their name from individuals with whom Le Sueur was a co-temporary. The Dakotas call the St. Croix, Hogan-wanke-kin. The Legend is that in the distant past, two Dakota warriors were traveling on the shores of Lake St. Croix, one of whom was under a vow to one of his gods, not to eat

any fish which had touched water. Grieved by hunger, the two perceived, upon their supposed, a raccoon and pursued it to a hollow tree. On looking in, that cold fish-eater not eat flesh that had touched water, saw that the animal was a fish and was quickly repaid. Turning to his companion he agreed to throw it to the ground if he was not urged to eat. Hunger, however, was imperious and forced him to break his vow and partake of the broiled fish.

After the meal, thirst usurped the place of hunger. He called for water to cool his parched tongue, until the strength of his companion failed, and he was then told to lie down by the lake and drink till his thirst was quenched. Complying with the advice, he drank and drank till at last he cried to his friend "come and look at me." The sight caused the knees of his comrade to smite together with fear, for he was fast turning to a fish. At length, he stretched himself across the Lake, and formed what is called Pike Bar. This, tradition says, is the origin of the sand bar in the Lake, which is so conspicuous at a low stage of water.

The Dakotas, having full faith in the legend, to this day call the river, which is the boundary between Wisconsin and Minnesota, "THE PLACE WHERE THE FISH LIES." (Hog-an-wauke-kia.)

#### THE FALLS OF ST. ANTHONY.

This Fall was not named by a Jesuit, as Willard says, in her History of the United States, but by a Franciscan of the Recollect Order. He saw it while returning from Mille Lac, in the month of July 1680, and named, after his patron Saint, Anthony of Padua.

In the last edition of his travels, the adventurous Father says, "the navigation is interrupted by a Fall which I called St. Anthony of Padua's, in gratitude for the favors done me by the Almighty, through the intercession of that great saint, whom we had chosen patron and protector of all our enterprises. This Fall is forty or fifty feet high, divided in the middle by a rocky island of pyramidal form." As Hennepin was passing the Falls, in company with a party of Dakota buffalo hunters, he perceived a Dakota up in an oak opposite the great Fall, weeping bitterly, with a well dressed beaver robe, whitened inside, and trimmed with porcupine quills, which he was offering as a sacrifice to the Falls, which is in itself admirable and frightful. I heard him, while shedding copious tears, say, as he spoke to the great cataract: "Thou who art a spirit, grant that our nation may pass her quietly without accident, may kill buffalo in abundance, conquer our enemies, and bring in slaves, some of whom we will put to death before thee; the Messenecqz (to this day the Dakotas call the Fox Indians by this name) have killed our kindred, grant that we may avenge them."

The only other European, during the time of the French dominion, whose account of the Falls is preserved, was Charleville. He told Du Pratz, the author of a history of Louisiana, that, with two Canadians and two Indians, in a birch canoe laden with goods, he proceeded as far as the Falls of St. Anthony. This cataract he describes as caused by a flat rock, which forms the bed of the river, and causing a fall of eight or ten feet. It was not far from a century after Hennepin saw the "curling waters;" that it was gazed upon by a British subject. Jonathan Carver, a native of Connecticut, and Captain of a provincial troop, was the Yankee who first looked on this valuable water power, and began to make calculations for further settlement. His sketch of the Fall was the

first ever taken, and was well engraved in London. He visited them in November, 1766, and his description of the surrounding scenery is very much the same as that given by modern writers:—

"The country around is extremely beautiful. It is not an uninterrupted plain, where the eye finds no relief, but composed of many gentle ascents, which in the summer are covered with the finest verdure, and interspersed with little groves, that give a pleasing variety to the prospect. On the whole, when the Falls are included, which may be seen at a distance of four (?) miles, a more pleasing and picturesque view cannot, I believe, be found throughout the universe."

Carver, like Hennepin, speaks of a rocky island dividing the Falls, and estimates its width about forty feet, and its length not much more, "and about half way between this island and the Eastern shore, is a rock, lying at the very edge of the Fall, that appeared to be about five or six feet broad, and thirty or forty long."

During the two generations that have elapsed, since this description was penned, some changes have taken place in the appearance of the Falls. The small island about forty feet broad, which is now some distance in front of the Falls, was probably once in its midst. The geological character of the bed of the river is such, that an undermining process is constantly at work. The upper stratum is limestone, with many large crevices, and about fifteen feet in thickness. Beneath is the saccharoid limestone, which is so soft, that it cannot resist the wearing of the rapid waters. It is more than probable that in an age long passed, the Falls were once in the vicinity of Fort Snelling. In the course of two years it has receded many feet. The number of pine logs that pitch over the Falls, have increased the recession. As the logs float down they are driven into the fissures, and serve as levers, other logs and the water communicating the power, to wrench the limestone slabs from their localities. In time the Falls will recede until they become nothing more than rapids.

The fall of water on the West side of the dividing island, is several rods above that on the East side, and the difference is occasioned by the greater volume of water on the former side, causing a more rapid recession.

There are two islands of great beauty in the rapids above the Falls. The first juts some feet beyond the Falls, and contains about fifteen acres. It is now generally known as Hennepin Island, not as some blunderer says in Harper's Magazine for July, 1853, because the *Jesuit father was placed there by the Indians*, but in accordance with the following suggestion, in an address before the Historical Society of Minnesota, on January 1st, 1850:—

"As a town in the State of Illinois has already taken the name of Hennepin, which would have been so appropriate for the beautiful village of St. Anthony, we take leave of the discoverer of those picturesque Falls, which will always render that town equally attractive to the eye of the poet and capitalist, by suggesting that the island which divides the laughing waters, be called Hennepin." A few yards above Hennepin is Nicollet Island, named after a late distinguished man of science, who has done as much as any other in developing the resources of Minnesota. It contains about forty acres, and is one of the most delightful spots for a summer residence. About the middle of the island, "a small bluff rises some ten or fifteen feet high," with a slope rounded as if by the hand of art, which seems to be waiting for a handsome mansion.

The little island once within, but now just below the Falls, is called the Spirit Island.

The Dakota legend saith, that in the mist of the morning, the spirit of an Indian wife, with a child clinging around her neck, is seen darting in a canoe through the spray, and that the sound of her death song is heard moaning in the winds, and in the war of the waters. The incident has been graphically portrayed in verse by the Rev. Samuel W. Pond, formerly a missionary among that nation, now minister of the Skakopee Presbyterian church, and though the mournful ditty of the "dark day woman" is lengthy, it is worthy of perusal :

## AN-PE-TU-SA-PA-WIN.

When winters' icy reign is o'er,  
And spring has set the waters free,  
I love to listen to the roar  
Of thy wild waves, Saint Anthony.

For, gathered here, from lake and glen,  
The turbid waters deep and black,  
With foaming rush and thundering din,  
Pour down the mighty cataract.

I love to watch the rapid course  
Of the mad surges at my feet,  
And listen to the tumult hoarse  
That shakes me in my rocky seat.

Entranced with visions strange and new,  
The wild'ring scene amazed I scan,  
As with a wild delight I view  
Nature, unmarred by hand of man.

But go, through all this earth so broad—  
Go, search through mountain, vale and plain;  
Each spot, where human foot e'er trod,  
Is linked with memory of pain.

A sight these rugged rocks have seen,  
Which scarce a rock unmoved might see,  
On the hard hearts of savage men  
The scene was graved indelibly.

And though since then long years have fled,  
And generations passed away,  
Its memory dies not with the dead—  
The record yields not to decay.

No theme of love inspires my songs,  
Such as might please a maiden's ear;  
I sing of hate, and woe and wrong,  
Of vengeance strange, and wild despair.

Unskilled to fashion polished lays,  
I sing no songs of mirth and glee,  
A tale of grief, in homely phrase,  
I tell you as 'twas told me.

Long ere the white man's eye had seen  
These flower-decked prairies fair and wide,  
Long ere the white man's bark had been  
Borne on the Mississippi tide.

So long ago, Dakotas say,  
An-pe-tu-sa-pa-win was born:  
Her eyes beheld these scenes so gay,  
First opening on life's rosy morn.

I, of her childhood nothing know,  
And nothing will presume to tell,  
Nor of extraction high or low,  
Nor whether she fared ill or well.

I know she was an Indian maid,  
And fared as Indian maidens do;  
In morning's light, and evening's shade,  
Hardship and danger ever knew,

The flowing river she could swim,  
She learned the light canoe to guide,  
In it could cross the broadest stream,  
Or o'er the lake securely glide.

She learned to tan the deer's tough hide—  
The parchment tent could well prepare,  
The bison's shaggy skin she dyed,  
With art grotesque, with colors fair.

With knife of bone, she carved her food—  
Fuel, with axe of stone procured—  
Could fire extract from flint or wood;  
To rudest savage life inured.

In kettle frail of birchen bark,  
She boiled her food with heated stones  
The slippery fish, from covers dark,  
She drew with hook of jointed bones.

The prickly porcupine's sharp quills  
In many a quaint device she wove,  
Fair gifts for those she highly prized—  
Tokens of friendship or of love:

Oft on the flower enameled green,  
Midst troops of youthful maidens gay,  
With bounding footstep she was seen,  
Striving to bear the prize away.

The Ojibway she learned to fear,  
And round his scalp she danced with glee;  
From his keen shaft and cruel spear,  
Oft was she fain to hide or flee.

Thus she, with heart now sad, now gay,  
Did many a wild adventure prove,  
Till laughing childhood passed away,  
Succeeded by the time of love.

Now, wedded to the man she loved,  
Clasping her first-born infant boy,  
Her swelling heart the fulness proved  
Of nuptial and maternal joy.



Thus did her heart with love o'erflow,  
And beat, with highest joy elate;  
But higher joy brings deeper woe,  
And love deceived may turn to hate.

He, whose smile more than life she prized,  
Sought newer love and fresher charms;  
And she, forsaken and despised,  
Beheld him in a rival's arms.

Whatever she thought, she little said;  
No tear bedimmed her flashing eye,  
Her faithful tongue no thought betrayed,  
Her bosom heaved no tell tale sigh.

Long had she hid her anguish keen,  
When on yon green and sloping shore,  
The wild Dakotas' tents were seen,  
With strange devices painted o'er.

Au-pe-tu-sa pa-win was there,  
Paling her face with colour gay,  
And her loved boy wears in his hair  
Feathers, as 'twere a gala-day.

Why braids she her neglected hair  
As though it were her bridal day?  
Why has she decked her boy so fair  
With shining paints and feathers gay?

See! She has seized her light canoe,  
And grasps, with haste, the slender oar,  
Places her baby in the bow,  
And thus in silence leaves the shore.

With steady hand and tearless eye,  
She urges on the frail canoe—  
Right onward to those falls so high—  
Right onward to the gulf below!

Her frantic friends in vain besought;  
Calmly she went her fearful way,  
Nor turned her head, nor heeded sight,  
O all that friend or foe might say.

All quake with horror—she alone  
Betrays no sign of grief or fear:  
With gentle words and soothing tone,  
She strives the timid child to cheer.

The faithless husband trembling stood,  
A father's feelings checked his breath;  
His son is on that raging flood—  
So full of life—so near to death!

The quivering bark like lightning flies,  
Urged by the waves and bending oar,  
No swifter could she seek the prize,  
Were death behind and life before.

The fearful brink is just at hand,  
And thitherward she holds the bow,  
See eager Death exulting stand;  
No power on earth can save her now!

And now she raises her death-song  
Above the tumult phlegm and oar:  
Yet may she not the strains prolong,  
The fatal verge is all too near.

The song has ceased—the dark abyss,  
Swallows with haste its willing prey;  
The bubbling waters round them hiss,  
Mother and child have passed away.

The fragments of the shattered bark,  
The boiling waves restored to view,  
But she and hers, in caverns dark,  
Found rest, though where, none ever knew.

Yet that death-song, they say, is heard  
Above the gloomy waters roar,  
When trees are by the night wind stirred,  
And darkness broods o'er wave and shore.

In haste, and with averted eye,  
Besighted travelers passeth by,  
And when that song of death they hear,  
Stout-hearted warriors quake with fear.

The Falls on the west side of Hennepin Island, dashing themselves against the huge slabs of lime stone, approach to grandeur, and are well represented in the engraving.

A mill-dam having been thrown across the Mississippi from the East side to the island, the waters creep over the ledge very quietly, and the beholder experiences disappointment.

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## CHAPTER I.

### WHO WERE THE FIRST MEN ?

BY REV. T S. WILLIAMSON, M. D., DAKOTA MISSIONARY.

**W**HEREVER civilized men dwell they enquire with interest, who were the first inhabitants of the country, and where did they come from? To contribute our mite toward the solution of this query in regard to Minnesota is the object of this paper.

The first Europeans who entered this Territory, subsequent to the time of Columbus found the Dakotas or Sioux as they call them, occupying most of that part of it which lies East of the Mississippi, as well as that part watered by this river and the Minnesota. Charlevoix informs us that about the year 1660, two Frenchmen, after having wintered on the borders of Lake Superior, went further, even to the Sioux. These seem to have been the first Europeans who visited the Dakotas, and also the first who entered what is now Minnesota Territory. It is not easy nor is it important to determine the exact point at which these two men found the Sioux. It is sufficient for us to know that it was somewhere in this Territory, and it is highly probable that it was near Spirit Lake or Knife Lake, near which Hennepin found them about twenty years later.

From what was written on this subject by Hennepin, La Hontan, Le Sueur, and Charlevoix, and from the maps published under the superintendence of these authors, it is sufficiently clear that in the latter part of the seventeenth century the principal residence of the Isanyati Sioux, that is of the Mdewakantonwan Warpetonwan, and Sisitonwan, (called by Hennepin Chongasketons, and by La Hontan, Songasketons,) was about the head waters of Rum River, whence they extended their hunts to the St. Croix and Mississippi rivers, and down the latter nearly or quite as far as the mouth of the Wisconsin. The Titonwan, called by Hennepin Tintonha, hunted westward of these, between the Mississippi and Minnesota rivers, and to the West and South of the latter. The Ihanktonwan were chiefly to the North of the Isanyati and Titonwan. A part of them, however, were to the Southwest of the Titonwan, for Le Sueur, the most reliable of all the writers concerning these matters, places the Hinhanetons in the neighborhood of the Red Pipe-stone Quarry. The Assiniboins, called by the other Dakotas Hoheh, who, not long anterior to the time of which we are speaking, had separated from the Ihonktowan, hunted to the North of the Sioux and of Lake Superior. A cen-

C. AP.—8.

tury later, the situation of these Indians was not very different, though they had all moved Westwardly. Within the last hundred years, most of them have proceeded much farther in the same direction.

We think it is sufficiently manifest that the Sioux occupied the better part of Minnesota when Europeans entered it, a little after the middle of the seventeenth century. It does not, however, appear that they were the first, much less the only inhabitants of the country. Their common and most reliable traditions inform us, that when their ancestors first came to the Falls of Saint Anthony, the Iowas—whom they call *Ayahba* (*Drowzy*)—occupied the country about the mouth of the Minnesota river, and the *Shiens*, called by the Dakotas *Sha-i-ena*, sometimes written by the French *Chienne*, and by others *Shienne*, dwelt higher up on the same river. We cannot pretend to determine with certainty at what time the Sioux first came to the Falls of Saint Anthony; but may say with confidence, it was a long time ago, probably before the discovery of America by Columbus. One of the best informed men concerning their traditions that I have met with among the Dakotas, who has been dead more than ten years, when questioned on this point, told me, that they supposed it to be at least equal to the life time of four old men, who should live one after the other; and as an example of an old man, named his father, who, I suppose, was at the time at least eighty years old.

The Winnebagoes, Otoes, and Omahaws, have been named among the nations driven by the ancestors of the Dakotas from the Minnesota valley. I have not found any evidence, satisfactory to my mind, that the Winnebagoes ever had a home in this Territory prior to their late removal into it by the United States Government. As respects the Otoes and Omahaws, it seems not improbable that they were reckoned as a part of the Dakota nation, when the Sioux first hunted on the banks of the Mississippi, and for some time after. The *Anthontantas*, mentioned as a part of the *Nadousioux*, by *Hennepin*, were probably the same people as the *Otoctatas*, mentioned in connection with the *Ayavois*, as owners of the country about Blue Earth river, in the fragment of *Le Sueur*, preserved by *La Harpe*, and again some further on, as having recently left their village in that neighborhood, and settled near the *Mahas*, on the Missouri river, and it is highly probable that the *Otoctatas* of *Le Sueur*, are the same people now called *Ottoes* or *Otoes*. The *Mawhaws*, *Shiens* and *Schiennes*, are mentioned by *Carver*, as bands of the *Naudewessix* of the plains. Thus it appears that the *Shiens*, the *Iowas*,\* the *Omahaws* and the *Ottoes*, were the earliest inhabitants of Minnesota of whom we have any written or certain traditional account. I have neither seen nor heard of any artificial mounds, ancient fortifications, or monuments of any kind in or near the Minnesota valley, which might not have been constructed by these Indians. Such mounds are probably as numerous in the lower part of the valley of the Minnesota, and the contiguous part of the Mississippi, as any where else between the Alleghany and Rocky Mountains; but they are very small, compared with those

\* The *Iowas*, in the days of *Charlevoix*, appear to have lived not far from the Red Pipe Stone Quarry. This historian describing the pipe of peace in use among all of the 'Indians of North America, remarks: "It is ordinarily made of a species of red marble, very easily worked, and found beyond the Mississippi among the *Alouez*" (*Iowas*). *Hist. Nouvelle France*, vol. 3, page 211. (E. D. N.)

near the Ohio, not to speak of those further South. Some of them are still used by the Dakotas, as burying places for their dead, and in this way are receiving a small increase almost every year.

The situation of many others indicates that they had a similar origin. But by far the most numerous class appear from their size and situation, to be what Dakota tradition says they are, the remains of houses, made of poles and bark, covered with earth, such as were a few years since, and probably still are, the habitations of the Mandans, and some other tribes living on the Missouri, and also of the inhabitants of New Caledonia, as described by Harmon. Mounds of this class are found in clusters, of from less than half a dozen to upwards of fifty, arranged irregularly, as we find the bark houses of the Indians at present. Their base usually approaches to an oval form. Their length is from ten to forty feet, and a few exceed this, with a height of from one or two feet, to three or four. Very few of this class exceed four feet; though some of those used for places of sepulture are more than twice that height. Back of them we find the land level, or nearly so, dry and fertile. In front it descends towards some water, and almost always there is a lake or morass in sight, indicating that the inhabitants depended for a subsistence partly on cultivating the earth, and partly on water fowl or roots which they obtained from wet, swampy land. Several clusters of such mounds may be seen about Oak Grove, where the Dakotas say the Iowas lived, when their ancestors first came to this country. The path from Mendota to Shakopee, or Prairieville, passes through several. One large one, a little South of what has been called Blackdog's or Greyiron's Village, where the Iowas are said to have resided after they were driven from Oak Grove. Another is not far from the Tamarack swamp below Shakopee. Many may be found on the bluffs of the Mississippi and Lake Pepin. Such mounds are very numerous in the prairie near the mouth of Cannon river.

It is somewhat remarkable that the Iowas, whose language shows that they are descended from the same stock as the Dakotas, should have been viewed and treated by the Dakotas as enemies. While the Shiens, who Gallatin says have a language kindred to the Algonquin, were received as allies, and, though speaking a different language, were long, if they are not still counted as a part of the Dakota nation. Hence their name, Sha-i-e-na in the Ihanktonwan dialect, being equivalent to Sha-i-api in the Isanyati, both applied to those who speak a different language from the Dakotas, and applied especially to Shiens, because all others speaking a different language were counted as enemies. It is also worthy of remark, that notwithstanding the hostility between the Iowas and Sioux, the former who are called by the latter Ayuhba, (they sleep, or sleepy ones,) from which we probably got Iowa, remain much nearer their original location than the Shiens, or any of the other tribes, who dwelt in the Minnesota valley before the Dakotas.

When the Dakotas first came in contact with the Shiens, I have not been able to learn, farther than that the Shiens formerly planted on the Minnesota, between Blue Earth and Lac qui Parle, whence they moved to a Western branch of Red River of the North, which still bears their name; being called by the Dakotas who hunt in that region, Shai-e-na wojupi (the place where those of another language plant). The various spellings of this name, all show plainly their origin from the Dakota name. From this planting place on the Chaienne, or Shienne of the North, this people removed across

the Missouri, where they gave their name to another river; and having ceased to cultivate the soil, it is said they now hunt on the head waters of the Platte and of the Arkansas. From their retiring so rapidly, it is probable that the Shiens had not occupied the Minnesota valley long before the arrival of the Dakotas, and that the first inhabitants of it, if not the Iowas, were Otoes, Omahaws, or some other family of the Dakota stock. The languages of the tribes just named, as well as of the Winnebagoes and Osages, are so similar to the Dakotas as to indicate a common origin. In the languages of the Mandans, Minetares and Crows, or Upsarokas, so many Dakota words have been found, as to render it highly probable, that they also, in part at least, belong to the same stock.\* Whatever shall establish the origin of any one of these tribes, will go far towards doing the same in regard to the others. As the Sioux were undoubtedly the principal occupants of the Territory when visited by Hennepin, and as we know more of them than of the others, our subsequent remarks will have special reference to the Dakotas.

Various circumstances, some of which we would here mention, but for the apprehension that by so doing, this paper would be extended to an undue length, indicate that the Sioux resided long in the region where Hennepin found them. Many of them suppose that they originated there. They have a tradition, however, that their ancestors came thither from the Northeast, where they had resided on a lake. It has been generally supposed, that this lake referred to in this tradition, is Raimy Lake, or Lake of the Woods. It is more probable however, that it was the Northern shore of Lake Superior, or Hudson's Bay, or some of the lakes between those large expanses of water. The Ojibwas have a tradition, that their ancestors drove the Sioux from the shores of Lake Superior. This tradition is corroborated by the name of the Ojibwas in the Dakota language Hahaton-wan, signifies dwellers at the Falls, and corresponds in sense with sauteur, applied to the same people, it is said, because of their former residence at the Saut or Falls of Saint Marie. They were probably residing there, and the Sioux hunting and fishing on the shores of Lake Superior, when this name was first given to them.

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## CHAPTER II.

### AN HISTORICAL REVIEW.

IN THIS CHAPTER IS PRESENTED THE ADDRESS OF GOVERNOR RAMSEY, AT THE SECOND ANNUAL MEETING OF THE HISTORICAL SOCIETY, IN JANUARY, 1851, OCCASIONED BY HIS TAKING THE CHAIR AS PRESIDENT OF THE SOCIETY.

**I**T may seem a strange thing, even to some among our own citizens, and still stranger to people elsewhere, that an *Historical Society* should have been formed in this Terri-

\*The ancient Arkansas seemed to have belonged to the Dakota family. A letter published in Kip's *Jesuit Mission*, written by a Missionary at the mouth of the Arkansas, in October, 1727, speaks of "a river which the Indians call Ni ska (Minne ska) or White Water." Again: "They place the hand upon the mouth, which is a sign of admiration among them." Ouakan tague they cry out "it is the Great Spirit." They said probably. Wakan de, This is wonderful. (E. D. N.)

tory less than a year after its organization, when its history was apparently but a few months old, when the wilderness was, as it is yet, around us, when the smoke of Indian lodges still intercept our view of the horizon, when our very name was so new, that men disputed as to its orthography, and formed parties in contesting its literal meaning.

An *Historical Society* in a land of yesterday! Such an announcement would indeed naturally excite at the first glance, incredulity and wonder in the general mind. Well might it be exclaimed, "the country which has *no past*, can have no history;" with force could it be asked "*where* are your *records*?" and if we have them, it would not be surprising if it were still demanded, "what those records could possibly record?—what negotiations?—what legislation?—what progress in arts or intellect could they possibly exhibit?" "Canst thou gather figs from thorns, or grapes from thistles?"

True, pertinent as such queries might seem, yet nevertheless they would be dictated by error—they would be founded in great misapprehension; for Minnesota has a history, and that not altogether an unwritten one, which can unravel many a page of deep, engrossing interest; which is rich in tales of daring enterprise, of faithful endurance, of high hopes; which is marked by the early travelers' foot-prints, and by the ancient explorer's pencil; which is glowing with the myths and traditions of our aboriginal race, sprinkled over with the *wah-kaun* stones of their teeming mythology.

In Europe, nigh two hundred years ago, as in America at this day, Minnesota—I mean that region which is around and about us—was a land towards which many an eye was turned, and in regard to which fact and fancy wove a wondrous tale of interest and romance. In consequence of this, from the time when Father *Pierre Manard*, the devoted Jesuit Missionary, was lost in the forest in 1658, while crossing *Koo-wee-nah* Peninsula, and his sad fate conjectured only from his cassock and breviary, long afterwards found preserved as "Medicine" charms, amongst the wild Dakotas of our Territory, down to the time when Schoolcraft, in 1832, traced our giant Mississippi—a giant more wonderful than the hundred armed Briareus—to its origin in the gushing fountains of Itasca Lake, Minnesota has continued a favorite field of research, the bourn of many a traveler, and the theme of many a traveler's story.

Here Hennepin, in 1680, was first to break the silence of these Northern wilds with a white man's voice, in giving to the foaming waters of St. Anthony's Falls their baptismal name in honor of his patron saint. Here was the scene of his captivity among the *M'day-wah-kaun-twan* Dakotas, and here he experienced the compassion and protection of *Wah-zee-koo-tay*, the great *Nahdawessey* chief.

More reliable than Hennepin, the gallant *Le Sueur*, a brave, enterprising and truthful spirit, in 1700 explored the *sky colored water* of the Minnesota to its *Blue Earth* tributary, and in the vicinity of his log fort *L'Huillier*, on the banks of the *Mahnkahto*, first broke the virgin soil of our territory with the spade and pick-axe, in delving for copper ore, tons of which, or a green earth supposed to be the ore of that metal, he had conveyed to his native France. He it was, also, who appears to have been the first white man or trader, that supplied the "*Scioux*" and "*Aiavvis*" (*Ioways*) with products of civilized labor; and to his truthful and generally accurate Journal, (but recently brought to our knowledge by the indefatigable researches of our fellow-member, the Rev. Mr. Neill,) we are likewise indebted for the best statistics we possess of the early history of the Dakota race, which then, fully a century and a half ago, as now, occupied the greater portion of our Territory.

Following Le Sueur, after a considerable interval, came Captain Jonathan Carver, in 1766, and however extravagant we may regard some of his statements, and however discreditable we may deem his efforts to engross millions of acres, including nearly all the inhabited portion of Minnesota, and the very land upon which our town stands, by a pretended deed of gift from the Indians, still we must concede him to have been an adventurer of no mean courage and enterprise, and his narrative a valuable link in the chain of our early annals.

Still later, and within the present century, Cass and Schoolcraft, Nicollet and Fremont, Long and Keating, have visited and explored our land; and Pike, too, the heroic Zebulon Pike, who in 1802, during the "Expedition to the Upper Mississippi," of which he has presented so admirable a narrative, gave promise of that fortitude, courage and determination, which marked him throughout a glorious career, until his mangled body surrendered up his noble spirit, happy in the triumph of his country's flag on the plains of Canada.

These are our records—these, in part, our historiographers. Their works form stepping stones, across at least that portion of the river of time, which in this region, for about two hundred years, has rolled its tide occasionally within view of the white race. The gaps between, it is not unfitly our duty and the object of this society, to lessen and to close up.

The materials for this purpose are not scarce, though somewhat difficult to embody in a tangible or reliable form. Not a foot of ground that we tread, but has been trod by nations before us. Wild tribes of men have marched their armies over the site of our towns and fields—fierce battles have been fought where ere long churches may rear their spires—our ploughshares may turn furrows amidst the graves of buried races, and our children play, perhaps, where generations of children have played centuries before them, Dakota and Ojibway, Shiann and Ausinabwaun, Winnebago and Ioway, Ozaukie and Masquakie, each, in turn or together, dwelt in the land, hunted and warred through it, migrated to and from it. When the first Jesuit Missionary, one hundred and ninety years ago, visited Lake Superior, he found the Chippewas and Sioux engaged in that war, which was continued, with but little intermission, nearly to the present time. How long before—for how many centuries previous, this contest was waged, we know not—the records are dim, the traditions vague and uncertain. But we do know, that from the St. Croix to the Mille Lacs, the ancient home of the M'day-wah-kauntwan Sioux whose rich maple bottoms are a Golgotha of hostile bones, through all the midland hunting grounds to Lake Superior, and Northwest by wild rice shallows, to the fertile lands of Red Lake (whose waters have so often drank blood from battles on its shores as to have gained the ensanguined cognomen which we mildly translate "Red,") we can trace the terrible results of this warfare of the Algonquin and Dakota races,—a warfare which in its results completed that general disruption of all the old geographical relations of the various tribes of Minnesota, which the Dakotas, perhaps, were the first to disarrange when they located on the Upper Mississippi.

The incidents of this war—the battles, where fought—the victories, where and by whom won—the councils held and alliances formed—the advances, the retreats, and the final conquests—are among the inquiries which this society will consider not unworthy of instituting. By comparison of the records—by ascertaining corroborating traditions,

we can likewise endeavor to fix the period when the fire-arms and iron tomahawk, which their fur trade with the French early placed in the hands of the Chippewas, proved too powerful for the flint-headed arrows, and wooden war clubs of the ancient Sioux, and when, in consequence, the M'day-wahkawn-twauns moved down from their village on Mille Lacs, and the Teetwaun, Yaunktwaun, and Seesetwaun Council Fires, struck their tents, abandoned their homes upon the Upper Mississippi, and invaded the Western buffalo plains where they now reside, sweeping before them the Shians and other tribes who were then in possession of them.

A subject for our investigation, scarcely less interesting, is the history of that revolted branch of the Dakota family proper, who in their own language are called the Hoh-hays, but who are known to us only by their Chippewa name of Assin-abwauns, or Stone Sioux, from their former residence among the rocky ledges about the Lake of the Woods, named by the Jesuits in their maps, more than a century and a half ago, Lake of the Assineboins. The causes which led to, and the period at which occurred, the disruption of the ties of brotherhood, which extinguished one of the grand Council Fires of the Dakota race, and allied its elements with the Algonquin enemy against the parent tribe—whether it originated, as has been said, in a second Helen and a second Paris, like the guilty pair, whose guilty flight lighted the torch of discord among the Pelasgian tribes of Greece, and led to the destruction of Troy—or whether other reasons operated to produce the fratricidal contest—it might be well to determine,—as well as the time at which they too migrated Westward, but in a more Northern line, towards the White Earth and Yellow Stone tributaries of the Missouri.

Nor would it be foreign to the object of this association, to question into the degree of credit to be attached to the M'day-wah-kaun-twaun tradition, which assigns to the Ioways, the former possession of the St. Peters river country to its mouth, where they were found by the Dakotas and driven Southwest; and to what extent this tradition is confirmed by the probable fact, that in 1700, when Le Sueur visited the Mahnkah-toh, the Ioways yet held the lands in this Territory about the head waters of the Des Moines, from which, subsequently to this time, we know they must have been further driven by the Sioux, low down on that river: and whether, also, this last retrogression was not immediately occasioned by that Western invasion of the Dakotas of the Upper Mississippi, which has already been alluded to.

Another inquiry which suggests itself pregnant with equal interest, is as to the probability, or otherwise, that this expulsion of the Ioways from the Minnesota, caused the separation from them into distinct bands or tribes, of the Otoes, Omahas and Winnebagoes, who are unquestionably of the same origin with the Ioways, and that, too, not very remotely—if, as I understand, they all speak one language, with slight differences of pronunciation, the result of isolation, but which differences do not prevent their readily comprehending each other—and in this connection, likewise, we may with propriety discuss the probability of the conjecture that the Winnebagoes, at the separation, were but a band of a few families of Iowas, who, escaping from the Dakota invasion, Eastward, instead of Southwest, settled at the head of Green Bay, where, near two hundred years since, their village—still a small one—was found by Marquette, who designates in his map the Bay, as the *Boye des Puans*, and the village as that of the *Puans*.

Here, surrounded by Algonquin tribes, the hereditary enemies of their enemy, they were safe from molestation by the Upper Dakotas ; and in the progress of time, the Hoh-tchungk grahs, (as they call themselves,) growing strong with continued peace, and increasing gradually in numbers, spread themselves without opposition over a considerable extent of country to the Southward, presenting finally to the eyes of men of science, that anomaly which has puzzled even the historian Bancroft, to account for— an outline of the great Pawnee Dakota group of tribes, situated far towards the East, and entirely amongst the Algonquin family of tribes, with whose cognate language, their's has not the slightest affinity.

Dwelling thus upon the origin of tribes, it may not be out of place to refer to the prevalent opinion among men, who have investigated the subject, that the Chippewas who are spread over the Northern portion of this Territory and Wisconsin, are emigrants from the East since the discovery of America ; and that the Sioux who in ancient times occupied the exact position that the former do now, first knew these indomitable enemies as did the earliest white men who visited them, as dwellers at the Falls of St. Mary, of Lake Superior. As Hrah-hrah-twauns, or people of the Falls, is the Dakota proper name for them, just as Saulteurs, having the same signification, is that bestowed upon them by the French, the opinion that they came from the East or North, crossing from the Canada side by the Falls, is not without plausibility to sustain it.

I have thrown out these hints, embodying speculations and theories, to be sure, but speculations nevertheless that are not uninteresting, which may stimulate to research, and I hope eliminate some facts from the chaotic oblivion in which our aboriginal history is covered up. But while attending to these, I would not that we should forget the more tangible objects for which we are associated. A library that shall embrace works upon American history, in all its branches ; that shall gather upon its shelves, the narratives of early and later travelers to this and other portions of the great West ; that shall be rich in archaeology and ethnology ; that in books upon the science of languages, and in vocabularies of our aboriginal dialects, shall present an inviting field for the student in comparative philology—such a library we should endeavor to collect and preserve. Nor must we rest content with availing ourselves with the labor of others. There is much for each of us individually to do. A great deal that is worth preserving is yet unwritten. While the Indians are within our reach, we should hasten to record their traditions, to describe their manners and customs, their religious rites, their domestic observances, their peculiarities in peace and war ; we should seize the opportunity as well to sketch some of the beautiful, and often most elaborately constructed legends, which like that concerning the huge man-fish which spanned the mouth of the St. Croix and dammed its waters, or that of Manneboshlo, the Thunderer of Lake Superior, invest with a spiritual interest nearly every lake and river, and prominent landmark of the country.

In tracing the origin of the Indian races around us, we should not overlook the necessity of preserving their languages, as most important guides in this interesting, though perhaps unavailing pursuit. It must be evident to all, that they are destined to pass

away with the tribes who speak them, unless by vocabularies we promptly arrest their extinction. The Dakota language proper—thanks to the arduous labors of the Messrs. Pond, Riggs and Williamson, the devoted missionaries among them, is in no danger of being lost—an elaborate Dictionary of fifteen thousand words and a Grammar, attest the extent of their labors, and are evidences that any work by members of this association in that direction would be superfluous. But there are other tribes whose dialects will continue to remain, in a great measure, unwritten ones, if some among us do not voluntarily assume the task of lexicographers, as I trust some will.

While thus endeavoring to secure the fleeting memorials of the *red* nations who have played their parts on this division of the world's great stage, it should not escape our recollection, that the white pioneers of the Northwest, who for many a year have toiled and struggled with the difficulties of the wilderness—men of intelligence, and energy and fortitude—have likewise tales to tell which are not unimportant links in our annals. We cordially invite these to contribute their quota to our local history, and shall be equally obliged to them or to others for contributions to our Museum, in which we design collecting samples of the domestic manufactures, utensils, arms, dress and relics, peculiar to the old inhabitants of the land.

Institutions like ours, elevate the character of our young Territory in the eyes of friends abroad, and in the estimation of men of character and science, more than would the golden sands of California, if we possessed them. Let us not forfeit their good opinion by either becoming discouraged in the path we have marked out, or neglecting to do all in our power to *work* out the plan under which we are associated.

Each member should consider it his duty to contribute something to the common stock, and not rest content with permitting or asking a few only to sustain the institution by their labors. History is said to be philosophy teaching by example; and if this be so, historical societies may be characterized as the retorts in which the elements of that philosophy are collected and combined. We should be careful then, not to allow our retort to explode from want of attention, nor to collapse for want of aliment, lest our future should derive no instruction from philosophical deductions on the events of our not uninteresting, though somewhat mythical and traditional past.

### CHAPTER III.

#### EARLY NOTICES OF THE DAKOTAS.

By EDWARD D. NEILL.

**T**HE history of any one nation of the Aborigines of America is to be written. Our materials of information are a "rude and undigested mass," locked up in old public documents or the recent issues of Congress.

The mere narratives of hurried travellers, like La Hontan, of a past, and Lanman, of a more recent period, the "Jew Apella may believe," but they can never be looked upon as standards, or guides to the dwellers in future cities on Indian hunting grounds.

C. AP.—9.

In the hope that it may lead some one to prepare a full history, we have collected in the present article,

EARLY NOTICES OF THE DAKOTAS.

The region around the vast lakes of North America, that supply the river Saint Lawrence, was partially explored before the emigrants of the Mayflower ever trod on New England soil. While Massachusetts was an "incognita terra" to the "savans" of Europe, the French had gained an inkling of the Mediterranean of America, Lake Superior, and the rapids of St. Mary. In the map of Champlain, issued but a few years after his explorations in the Northwest, there appear both of these, the former as "Grand Lac," the latter as "Gaston Rapid"; also a grand river flowing from the lake toward the South, which was probably made to represent the Mississippi, of which dim rumors had been heard from the Indians he met on the shores of Lake Huron.

The first mention that we have of the Dakota family of Indians, is by Nicollet, a public man that had been sent by the government at Quebec, to treat with tribes in the neighborhood of Green Bay, Wisconsin, as early as 1639, the year that the settlers of New-Haven formed themselves into a body politic. This adventurous man visited the Ouuipegou (Winnebago) tribe, according to him "a people called so because they came from a distant sea, but whom some French erroneously called Puants."\*

He appears moreover to have extended his tour to the head of the Fox even to the waters of the Wisconsin.

Two years elapse, and in 1641, Jogues and Raymbault, of the "Society of Jesus," after a journey of seventeen days, in frail barks over tempestuous waves, arrive at the barrier of rocks that prevented the safe passage of the birch canoe into Lake Superior, and then at the Falls of Saint Mary, they learned from the Ojibways, whom they came to visit, of the existence of a powerful nation, now correctly called Dakotas, but frequently the Sioux.

The Ojibways informed the Jesuits that the Dakotas lived eighteen days journey to the West. "Thus," says Bancroft, in his well known chapter on Jesuit Missions, "did the religious zeal of the French bear the cross to the banks of the St. Mary and the confines of Lake Superior, and look wistfully toward the home of the Sioux, in the valley of the Mississippi, five years before the apostle Eliot had addressed the tribe of Indians that dwell within six miles of Boston Harbor."

Those in the service of Mammon outrun those in the service of God. The "*insacer fames auri*" is more impelling than the sacred love for souls. Hence, the trader has ever been the forerunner of the missionary in savage lands.

In 1654, two young men, connected with the fur trade, accompanied a party of Indians on their hunting excursions, and were probably the first white men who entered the present Territory of Minnesota, and visited the Dakotas.

Before we advance, it is proper to state that the Dakotas were called by the early French writers "Nadouechiouek," "Nadouessi," "Nadsuessiouek," and subsequently "Scioux," or "Sioux." The Ojibway word for an enemy is Nadouaisi, the plural of which is Nadouaisiong. The Dakotas were to them their enemies above all others, and they are to this day, and whenever they spoke of them, they designated them as such. The voyageur in time abbreviated the word into Sioux.

Charlevoix, who visited Green Bay in 1721, in his great work on New France, pre-

\*Quoted by Shea, in Exploration and Discovery of the Mississippi.

pared by order of Louis XIV., says : "The name of Sioux, that we give to these Indians, is entirely of our own making, or rather it is but the last two syllables of the name of Nadouessioux, as many nations call them."

In a copy of the Relations of the Jesuits for 1657—8 which we find in the State Library at Albany, there is the following mention: "Des Nadouechiouck, a trente cinq lieues ou environ du lac Alimibeg, se nomme la nation des Assinipoulak, cest a dire les guerriers de pierre."

After the conquest and almost complete extermination of the Hurons by the Iroquois, a portion of the wandering Hurons found a temporary resting place in the lodges of the Dakotas, between the Falls of St. Anthony and Lake Superior.

About the year 1659, two French traders who had wintered around the shore of Lake Superior visited a village of Hurons, that had once dwelt among the Dakotas. Having claimed superiority on account of their knowledge of fire-arms, they taunted and maltreated those who had received them when they were outcasts and fleeing from the warlike Iroquois.

At last provoked beyond endurance the once friendly Dakotas decoyed a large number into a rice marsh, and pierced to death, many, with their primitive, but effective-stone tipped arrows.

The remnant of the Hurons fled to Chegoimegon, now known as La Pointe where the traders appear to have met them.

Pushing beyond, the Frenchmen wandered into the Dakota land and saw some Dakota women with the tips of their noses cut off and heads partly scalped, and were informed that this was the penalty inflicted upon adulteresses.

In the summer of 1660, the traders returned to Quebec, with sixty canoes manned by Algonquins, and laden with beaver, fox and buffalo robes.

The narrative of these men was received with enthusiasm, and the Jesuits longed to plant the cross beside the banner of France in the villages of the new found nation of Dakotas.

The Ojibway tradition agrees with the statement of early French writers that traders preceded missionaries along the shores of Lake Superior.

From an intelligent native of La Pointe, lately deceased, the following tradition of the appearance of the whites at the head of Lake Superior was obtained : "While the Ojibways were dwelling on La Pointe, a party of lads who were spearing fish through holes in the ice, discovered a smoke arising from the Eastern extremity of the island which was then seldom visited. Proceeding in that direction, they found in a rough cab, in, two white men in the last stages of starvation. Coasting the lake late in the fall, they had been driven by the ice on to the island, and not knowing that any human beings were near, they had almost perished, and had at the time of the discovery, saith the tradition, been reduced to the necessity of roasting and eating their clothes and blankets."

At the receipt of the tale of the voyageurs Lallemand, the Superior of the Jesuits at Quebec, longed to be an "angel" of glad tidings to the tribes of the great Lake, but his presence in the town could not be spared.

The pioneer selected to be the cross bearer to the barbarians dwelling round about Lake Superior was Rene Menard.

He was a man whitened and ripened by age; of large experience and long acquaintance with the peculiarities of the Indian character, he was admirably adapted for the mission

Previous to his departure from Three Rivers (Trois Rivieres) he wrote the following note to his Superior.

"MY REVEREND FATHER:—The peace of Christ be with you: I write to you probably the last, and which I hope will be the seal of our friendship until eternity. Love whom the Lord Jesus did not disdain to love, though the greatest of sinners, for he loves whom he loads with his cross. Let your friendship, my good Father, be useful to me, by the desirable fruits of your daily sacrifice.

"In three or four months, you may remember me at the memento for the dead, on account of my old age, my weak constitution, and the hardships I lay under amongst these tribes. Nevertheless I am in peace, for I have not been led to this mission by any temporal motive; but I think it was by the voice of God. I was to resist the grace of God, by not coming here. Eternal remorse would have tormented me, had I not come when I had the opportunity.

"We have been a little surprised, not being able to provide ourselves with vestments and other things; but he who feeds the little birds and clothes the lilies of the fields, will take care of his servants, and though it should happen, we should die with want, we would esteem ourselves happy. I am loaded with affairs. What I can do is to recommend our journey, to your daily sacrifices, and to embrace you with the same sentiments of heart, as I hope to do in eternity.

My reverend Father,

Your most humble and affectionate servant in Jesus Christ,

R. MENARD.

From the Three Rivers,

This 26th August, 2 o'clock after midnight, 1660. }

Accompanied by a band of Ottawas, the aged priest started the next day, for the far West. His journey was beset with trials. At one time ridiculed by his wild companions, and at another reduced to the extremity of living on pounded bones. On the 15th of October, 1660 he reached a bay on Lake Superior, one hundred leagues West of the rapids of Saint Mary. For more than eight months, surrounded by a few French voyageurs, and many savages, he dwelt, to use his own language, "in a kind of small hermitage, a cabin built of fir branches piled on one another, not so much to shield me from rigor of the season, as to correct my imagination and persuade me that I was sheltered."

On the return of spring he was prompted to attempt a visit to the Hurons, who after being expelled by the Dakotas had settled at Chegoimegon or La Pointe.

\* On the 20th of August, 1661, while John Guerin, a faithful comrade was making a portage with the canoe, Menard entered the woods. Guerin, in much distress, called for him at the top of his voice, discharged his gun, and searched the forest, but Menard's form was undiscovered.

A century ago the report was current that some years after he disappeared, his cassock and prayer-book were found in a Dakota lodge, and viewed by the possessors as "wakan" or supernatural.

Though the loss of Menard saddened, it did not deter the Jesuits from the attempt to plant missions among the tribes towards the Western extremity of Lake Superior.

On the first of May, 1665, a successor, Allouez had arrived at the Rapids of Saint

Mary and the first day of October, his birch canoe grated on the sands of Chegoimegon (La Pointe.)

His first introduction was to a council of Ojibways called to arrange a war party against their then ancient enemies, the Dakotas.

At this point he found also Sauks, Illinois and Pottawattomies, and as it appeared to be a general Algonquin rendezvous, he decided to make it a mission station, and named it that of "the Holy Spirit."

In a little while, amid the rude lodges, there arose a frail and humble chapel dedicated to the Holy Spirit.

In excursions along the Minnesota, even to the North shore of the Lake, he occasionally met bands of Dakotas, but could not converse, on account of ignorance of their language.

In his letters he speaks of "Nadouessiouk," and says "they live on the great Messippi," and this is the first mention in history of that stream, now the world renowned Mississippi.

In 1669 the distinguished Marquette succeeded Allouez in the charge of the mission at La Pointe; writing from the mission of the Holy Spirit Marquette describes the Dakotas in these words.

"The Nadouessi are the Iroquois of this country, beyond La Pointe, but less faithless and never attack till attacked.

They lie Southwest of the mission of the Holy Spirit, and we have not yet visited them, having confined ourselves to the conversion of the Ottawas.

Their language is entirely different from the Huron and Algonquin; they have many villages, but are widely scattered; they have very extraordinary customs; they principally use the calumet; they do not speak at great feasts, and when a stranger arrives give him to eat of a wooden fork, as we would a child.

"All the lake tribes make war on them, but with small success; they have false oats (wild rice), use little canoes, and keep their word strictly. I sent them a present by an interpreter, to tell them to recognize the Frenchman everywhere, and not to kill him or the Indians in his company; that the black gown wishes to pass to the country of the Assinipouars (Assiniboines) and to that or the Kilistinaux (Cnisteneaux); that he was already with the Outagamis (Foxes), and that I was going this fall to the Illinois, to whom they should leave a free passage.

"They agreed, but as for my present waited till all came from the chase, promising to come to La Pointe in the fall, to hold a council with the Illinois and speak with me. Would that all these nations loved God as they feared the French."

To La Pointe the Dakotas came, but not to converse with Marquette in relation to the Prince of Peace. Brandishing their long stone knives, with the dreadful whoop of war, and in their nakedness they sprang upon their enemies and drove them from the extremity of the lake. In a few months, the chapel of the Holy Spirit was invisible, the lodges of the Algonquins were taken down, Marquette and the Huron band had departed in their canoes, never to return to Lake Superior, and pitched their tents at Mackinaw.

Shea in the "History of the Catholic Missions" relates a conflict between the Sioux and Algonquins, at the Falls of Saint Mary, at a later day.

"In 1674 Father Druilletes beheld his church consumed by fire, during a conflict between some Sioux and some Algonquins. The former came as ambassadors to treat of

peace, for the tribe had been worsted in recent engagements. The missionary desirous of founding a Sioux mission, had already some of the tribe in his house under instructions; with the same view he now received the envoys. A council of reception was held at the mission house to deliberate on the proposed peace. While thus engaged a Cristinaux brandished his knife in the face of a Sioux chief. Fired at the insult the Dahcota sprang to his feet, and seizing the stone knife in his belt, drew from his long hair a second, which they always carry there. Brandishing these he shouted his war cry, and with his clansmen soon drew the Algonquins from the house. To dislodge them their antagonists fired the building, killed the Sioux envoys and two women, but lost twice as many of their own number."

## CHAPTER IV.

### LOUIS HENNEPIN, THE FRANCISCAN.

#### THE FIRST EXPLORER OF THE MISSISSIPPI ABOVE THE WISCONSIN.

**I**N the vast wilderness that intervenes between the Western extremity of Lake Superior and the upper Mississippi, there is a large and beautiful lake. Its shores are elevated and strewn with vast boulders, presenting the appearance of a deserted ball ground of the Titans. On the Western side, a knife-like point extends into the lake, shaded by lofty pines. In the immediate vicinity is an island noted for the fertility of its soil, and which has been tilled by the aborigines, after their manner, for nearly two centuries. Surrounded by forests of maple, the marshes in the vicinity rank in the growth of wild rice, the clear waters the abode of an abundance of fish, its position a Gibraltar to foes, it is a place, above all others, desirable as a residence to the Indian. On the isle in this remote lake, two years before the mild and educated Penn conferred with the Indians on the banks of the broad Delaware, on the site of a portion of Philadelphia, there was an European, a captive among the children of the forest, who, in the grey robe of the Franciscan, was compelled to work with the women, and submit to all the treatment that the caprice of the chief dictated.

The individual had been well educated, travelled on the continent, officiated in the capacity of ecclesiastic on the battle field and in public institutions beyond the Atlantic, and been the companion of the renowned La Salle in many of his adventures. It was Louis Hennepin, a Recollect Franciscan. Though his reputation was sadly tarnished by some acts, it cannot be denied that he was a shrewd observer, and apt in the acquisition of the languages of the several tribes he visited in the New World. While his character cannot be admired, as long as the "voice of many waters" is heard at Niagara, and the Falls of the Mississippi, his name will be recalled by the historian.

While he was a member of the first company of civilized men that visited the Mississippi above the mouth of the Wisconsin, and the first to name and describe the Falls of Saint Anthony, it was also in an edition of his book of travels, that the first engraving of the cataract at Niagara was presented to the world.

## EARLY HISTORY.

The account of Hennepin's early life is chiefly obtained from the introduction to the Amsterdam edition of his book of travels. He was born in Ath, an inland town of the Netherlands. From boyhood he longed to visit foreign countries, and it is not to be wondered at that he assumed the priestly office, for next to the army, it was the road, in that age, to distinction. For several years he led quite a wandering life. A member of the Recollect branch of the Franciscans, at one time he is on a begging expedition to some of the towns on the sea-coast. In a few months he occupies the post of chaplain at an hospital, where he shrives the dying and administers extreme unction. From the quiet of the hospital, he proceeds to the camp, and is present at the battle of Seneffe, which occurred in the year 1674.

His whole mind, from the time that he became a priest, appears to have been in "things seen and temporal," rather than in those that are "unseen and eternal." While on duty at some of the ports on the Straits of Dover, he exhibited the characteristic of an ancient Athenian more than that of a professed successor of the Apostles. He sought out the society of strangers "who spent their time in nothing else but either to tell or to hear some new thing." With perfect nonchalance he confesses that notwithstanding the nauseating fumes of tobacco, he used to slip behind the doors of sailors' taverns, and spend days, without regard to the loss of his meals, listening to the adventures and hair-breadth escapes of the mariners in lands beyond the sea.

## VOYAGE TO AMERICA.

In the year 1676 he received a welcome order from his superior, requiring him to embark for Canada. Unaccustomed to the world, and arbitrary in his disposition, he rendered the cabin of the ship in which he sailed, any thing but heavenly. As in modern days, the passengers in a vessel to the new world, were composed of heterogeneous materials. There were young women, going out in search for brothers, or husbands, ecclesiastics, and those engaged in the then new, but profitable commerce in furs. One of his fellow passengers was the talented, and enterprising, though unfortunate La Salle, with whom he afterwards associated. If he is to be credited, his intercourse with La Salle was not very pleasant on ship board. The young women tired of being cooped up in the narrow accommodations of the ship, when the evening was fair sought the deck, and engaged in the rude dances of the French peasantry of that age. Hennepin feeling that it was improper, began to assume the air of the priest, and forbid the sport. La Salle feeling that his interference was uncalled for, called him a pedant, and took the side of the girls, and during the voyage there were stormy discussions.

Good humor appears to have been restored when they left the ship, for Hennepin would otherwise have not been the companion of La Salle in his great Western journey.

Sojourning for a short period at Quebec, the adventure-loving Franciscan, is permitted to go to a mission station on or near the site of the present town of Kingston, Canada West.

Here there was much to gratify his love of novelty, and he passed considerable time in rambling among the Iroquois of New York, even penetrating as far Eastward as the Dutch fort Orange, now the city of Albany.

## JOINS LA SALLE'S EXPEDITION.

In 1678 he returned to Quebec and was ordered to join the expedition of Robert La Salle.

On the sixth of December Father Hennepin and a portion of the exploring party had entered the Niagara river. In the vicinity of the Falls, the winter was passed, and while the artisans were preparing a ship above the falls, to navigate the great lakes the Recollect wiled away the hours in studying the manners and customs of the Seneca Indians, and in admiring the sublimest handiwork of God on the Globe.

On the seventh of August, 1679, the ship being completely rigged, unfurled its sails to the breezes of Lake Erie. The vessel was named the Griffin, in honor of the arms of Frontenac, Governor of Canada, the first ship of European construction that had ever ploughed the waters of the great inland seas of North America.

After encountering a violent and dangerous storm on one of the lakes, during which they had given up all hopes of escaping shipwreck, on the twenty-seventh of the month, they were safely moored in the harbor of "Missilimackinack." From thence the party proceeded to Green Bay, where they left the ship, procured canoes, and continued along the coast of Lake Michigan. By the middle of January, 1680, La Salle had conducted his expedition to the Illinois river, and on an eminence near Lake Peoria, he commenced, with much heaviness of heart, the erection of a fort, which he called Crevecœur, on account of the many disappointments he had experienced.

La Salle, in the month of February, selected Hennepin and two traders for the arduous and dangerous undertaking of exploring the unknown regions of the upper Mississippi.

Daring and ambitious of distinction as a discoverer, he was not averse to such a commission, though perhaps he may have shrunk from the undertaking at so inclement a season as the last of February is, in this portion of North America.

#### EMBARKS FOR THE UPPER MISSISSIPPI.

On the twenty-ninth of February, 1680, with two voyageurs, named Picard du Gay and Michael Ako, Hennepin embarked in a canoe on the voyage of discovery.

The venerable Ribourde, a member of a Burgundian family of high rank, and a fellow Franciscan, came down to the river bank to see him off, and in bidding him farewell told him to acquit himself like a man, and be of good courage. His words were, "Viriliter age et confortetur cor tuum."

The canoe was loaded with about one hundred and fifty dollars worth of merchandize for the purpose of trade with the Indians, and in addition La Salle presented to Hennepin ten knives, twelve awls or bodkins, a parcel of tobacco, a package of needles, and a pound or two of white or black beads.

The movements of Hennepin, during the month of March, are not very clearly related. He appears to have been detained at the junction of the Illinois with the Mississippi by the floating ice, until near the middle of that month. He then commenced the ascent of the river for the first time by civilized man, though Marquette had seven years before descended from the Wisconsin.

Surrounded by hostile and unknown natives, they cautiously proceeded. On the 11th of April, 1680, thirty-three bark canoes, containing a Dakota war party against the Illinois and Miami nations, hove in sight, and commenced discharging their arrows at the canoe of the Frenchmen. Perceiving the calumet of peace, they ceased their hostile demonstrations and approached. The first night that Hennepin and his companions passed with the Dakota party was one of anxiety. The next morning, a chief named Narrbetoba asked for the peace calumet, filled it with willow bark, and all smoked. It was then signified that the white men were to return with them to their villages.

## HENNEPIN'S ATTEMPT TO PRAY.

In his narrative the Franciscan remarks:—"I found it difficult to say my office before these Indians. Many seeing me move my lips, said in a fierce tone, 'Ouakanche.' Michael, all out of countenance, told me, that if I continued to say my breviary, we should all three be killed, and the Picard begged me at least to pray apart, so as not to provoke them. I followed the latter's advice, but the more I concealed myself, the more I had the Indians at my heels, for when I entered the wood, they thought I was going to hide some goods under ground, so that I knew not on what side to turn to pray, for they never let me out of sight. This obliged me to beg pardon of my canoemen, assuring them I could not dispense with saying my office. By the word 'Ouakanche,' the Indians meant that the book I was reading was a spirit, but by their gesture they nevertheless shewed a kind of aversion, so that to accustom them to it, I chanted the Litany of the Blessed Virgin in the canoe, with my book open. They thought that the breviary was a spirit which taught me to sing for their diversion, for these people are naturally fond of singing."

This is the first mention of a Dakota word in a European book. The savages were annoyed rather than enraged, at seeing the white man reading a book, and exclaimed "Wakan-de!" this is wonderful or supernatural. The war party was composed of several bands of the Mdewakan-tonwan Dakotas, and there was a diversity of opinion in relation to the disposition that should be made of the white men. The relatives of those who had been killed by the Miamis were in favor of taking their scalps, but others were anxious to retain the favor of the French, and open a trading intercourse.

Perceiving one of the canoemen shoot a wild turkey, they called the gun Manza Ouackange—iron that has understanding; more correctly, Maza Wakande, this is the supernatural metal.

## ARRIVE AT LAKE PEPIN.

Aquipaguatin one of the head men resorted to the following device to obtain merchandise. Says the Father, "this wily savage had the bones of some distinguished relative, which he preserved with great care in some skins dressed and adorned with several rows of black and red porcupine quills. From time to time he assembled his men to give it a smoke, and made us come several days to cover the bones with goods, and by a present wipe away the tears he had shed for him, and for his own son killed by the Miamis. To appease this captious man, we threw on the bones several fathoms of tobacco, axes, knives, beads, and some black and white wampum bracelets. . \* \* \* \* \* We slept at the point of the Lake of Tears, which we so called from the tears which this chief shed all night long, or by one of his sons whom he caused to weep when he grew tired.

## DAKOTA METHOD OF OBTAINING FIRE.

The next day, after four or five leagues sail, a chief came and telling them to leave their canoes, he pulled up three piles of grass for seats. Then taking a piece of cedar full of little holes, he placed a stick into one, which he revolved between the palms of his hands, until he kindled a fire, and informed the Frenchmen that they would be at Mille Lac in six days. On the nineteenth day after their captivity, they arrived in the vicinity of Saint Paul, not far it is probable from the marshy ground on which the Kaposia band once lived, and now called "Pig's Eye."

The journal remarks, "having arrived on the nineteenth day of our navigation five C. Ar.—10.

leagues below St. Anthony falls, these Indians landed us in a bay, broke our canoe to pieces, and secreted their own in the reeds."

They then followed the trail to Mille Lac, sixty leagues distant. As they approached their villages the various bands began to show their spoils. The tobacco was highly prized and led to some contention. The chalice of the Father which glistened in the sun, they were afraid to touch, supposing it was "wakan." After five days walk they reached the Issati (Dakota) settlements in the valley of the Rum River. The different bands, each conducted a Frenchman to their village, the chief Aquipaguetin taking charge of Hennepin. After marching through the marshes towards the sources of Rum River, five wives of the chief, in three bark canoes, met them and took them a short league to an island where their cabins were.

#### HENNEPIN AT MILLE LAC.

An aged Indian kindly rubbed down the way worn Franciscan—placing him on a bear skin near the fire, he anointed his legs and the soles of his feet with wild-cat oil.

The son of the chief took great pleasure in carrying upon his bare back the Priests robe with dead mens bones enveloped. It was called Pere Louis Chinnien—in the Dakota language Shinna or Shiinnan signifies a buffalo robe. Hennepin's description of his life on the island is in these words :

"The day after our arrival Aquipaguetin, who was the head of a large family, covered me with a robe made of ten large dressed beaver skins, trimmed with porcupine quills. This Indian showed me five or six of his wives, telling them, as I afterwards learned, that they should in future regard me as one of their children.

#### SWEATING CABIN.

"He set before me a bark dish full of fish, and seeing that I could not rise from the ground he had a small sweating cabin made, in which he made me enter naked with four Indians. This cabin he covered with buffalo skins, and inside he put stones red to the middle. He made me a sign to do as the others before begining to sweat, but I merely concealed my nakedness with a handkerchief. As soon as these Indians had several times breathed out quite violently he began to sing vociferously, the others putting their hands on me and rubbing me while they wept bitterly. I began to faint, but I came out and could scarcely take my habit to put on. When he made me sweat thus three times a week, I felt as strong as ever."

#### ASTONISHMENT AT COMPASS AND IRON POT.

The mariner's compass was a constant source of wonder and amazement. Aquipaguetin having assembled the braves would ask Hennepin to show his compass. Perceiving that the needle turned, the chief harangued his men, and told them that the Europeans were spirits, capable of doing anything.

In the Franciscans possession was an iron pot with lion paw feet which the Indians would not touch unless their hands were wrapped in buffalo skins.

The women looked upon it as "wakan," and would not enter the cabin where it was.

#### THE FIRST DAKOTA LEXICON.

Necessity soon forced the Father to compile a Dictionary, and children were his assistants. He writes, "As soon as I could catch the word Taketchiabihen (Taku-kap-he) which means "what call you that," I became in a short time able to converse on the familiar objects. At first this difficulty was hard to surmount. If I had a desire to know what "to run" was, in their tongue, I was forced to increase my speed and ac-

trally run from one end of the lodge to the other, until they understood what I meant and had told me the word, which I presently set down in my Dictionary."

"The chiefs of these savages seeing that I was desirous to learn, frequently made me write, naming all the parts of the human body, and as I would not put on paper certain indelicate words, at which they do not blush, they were heartily amused.

They often asked the Franciscan questions, to answer which, it was necessary to refer to his lexicon. This appeared very strange, and as they had no word for paper, they said "That white thing must be a spirit which tells Pere Louis all we say."

## CONVERSATION ON MARRIAGE.

Hennepin remarks: "These Indians often asked me how many wives and children I had, and how old I was, that is how many winters, for so these natives always count. Never illumined by the light of faith, they were surprised at my answer. Pointing to our two Frenchmen, whom I was then visiting, at a point three leagues from our village, I told them that a man among us could only have one wife, that as for me I had promised the Master of life to live as they saw me, and to come and live with them to teach them to be like the French.

But that gross people till then, lawless and faithless, turned all I said into ridicule. "How" said they "would you have these two men with thee have wives? Ours would not live with them, for they have hair all over their face, and we have none there or elsewhere." In fact they were never better pleased with me than when I was shaved, and from a complaisance, certainly not criminal, I shaved every week."

## BAPTISM OF AN INFANT.

"As I often went to visit the cabins, I found a sick child, whose fathers name was Mamensisi. Michael Ako would not accompany me, the Picard du Gay alone followed me to act as sponsor, or rather to witness the baptism.

I Christened the child Antoinette, in honor of St. Anthony of Padua, as well as for the Picards name which was Anthony Auguelle. He was a native of Amiens, and nephew of the Procurator General of the Prémonstratensians both now at Paris. Having poured natural water on the head and uttered these words: "Creature of God, I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost," I took half an altar cloth which I had wrested from the hands of an Indian, who had stolen it from me, and put it on the body of the baptized child; for as I could not say mass for want of wine and vestments, this piece of linen could not be put to better use, than to enshroud the first Christian child among these tribes. I do not know whether the softness of the linen had refreshed her, but she was the next day smiling in her mothers arms, who believed that I had cured the child, but she died soon after, to my great consolation."

## ARRIVAL OF DISTANT INDIANS.

"During my stay among them, there arrived four savages, who said they were come alone five hundred leagues from the West, and had been four months upon the way.—They assured us there was no such place as the Straits of Anian, and that they had travelled without resting except to sleep, and had not seen or passed over any great lake, by which phrase they always mean the sea.

They further informed us that the nation of the Assenipoulacs (Assiniboinea) who lie Northeast of Isati, was not above six or seven days journey; that none of the nations within their knowledge, who lie to the East, or Northwest, had any great lake about

their countries, which were very large, but only rivers which came from the North; they further assured us that there were very few forests in the countries through which they passed, insomuch that now and then, they were forced to make fires of Buffalos' dung to boil their food. All these circumstances make it appear that there is no such place as the Straits of Anian, as we usually see them set down on the maps. And whatever efforts have been made for many years past by the English and Dutch, to find out a passage to the Frozen Sea, they have not yet been able to effect it. But by the help of my discovery, and the assistance of God, I doubt not but a passage may still be found, and that an easy one too.

For example, we may be transported into the Pacific Sea, by rivers which are large and capable of carrying great vessels, *and from thence it is very easy to go to China and Japan without crossing the equinoctial line and in all probability Japan is on the same continent as America.*"

Before proceeding farther with the life of Hennepin, it is necessary that we should know something of De Luth.

## CHAPTER V.

### SIEUR DU LUTH,

#### THE EXPLORER BETWEEN MILLE LACS AND LAKE SUPERIOR.

ONE of the early French writers on the Northwest, remarks:—"In the last year of M. de Frontenac's first administration, Sieur du Luth, a man of talent and experience, opened a way to the missionaries and the gospel in many different nations, turning toward the North of that lake (Superior) where he even built a fort. He advanced as far as the Lake of the Issati (Mille Lac), called Lake Buade, from the family name of M. de Frontenac." This gentleman had been a resident of the city of Lyons, and was a cousin of the one-handed Chevalier Tonty, the true friend and companion of La Salle.

He appears to have been in the neighborhood of Lake Superior, as early as 1679. He was the first to build a fort at Pigeon river—the stream with its chain of lakes that separates Minnesota from the British possessions,—which trading post is still maintained under the name of Fort Charlotte, though in the days of the French regime it was called Kamanistigoya.

While on Lake Superior, he killed two Iroquois, who had assassinated two Frenchmen, and the act so exasperated the Iroquois nation in New York, that it led to the Iroquois war with the French. While trading at the head of Lake Superior, he became acquainted with the Dakotas, and sought out their central residence at Mille Lac. Hennepin, in his map of the Dakota country, calls the St. Croix "the River of the Tomb," and gives a mark for the Falls.

In the geographical description of the country, he describes the Saint Croix as "a river full of rapids, by which, striking Northwest, you can reach Lake Conde (Superior) that is as far as Namissakouat river, which empties into the lake. This first river

is called Tomb river, because the Isati left there the body of one of their warriors \* \* \* \* \* Lake Buade, or the Lake of the Issati (Mille Lac) is about seventy leagues West of Lake Conde. It is impossible to go from one to the other on account of the marshy ground, though on snow-shoes it might be done. By water it is one hundred and fifty leagues, on account of the windings and portages. From Lake Conde, to go conveniently in canoes, you must pass by Tomb (St. Croix) river."

This information the Franciscan must have obtained from De Luth, who with a party of Frenchmen, very unexpectedly made his appearance among the Dakotas, who held Hennepin as a captive, in the month of July, 1680.

At the time the Indians were on a buffalo hunt in the valley of the Mississippi. Hennepin's account of the meeting with De Luth is as follows :

The old man on duty, on the top of the bluffs, announced that he saw two warriors in the distance. All the bowmen hastened there with speed, and trying to outstrip the others, but they brought back only two of their own women, who came to tell them, that a party of their people were hunting at the extremity of Lake Conde (Superior) and had found five spirits (so they call the French,) who by means of a captive had expressed a wish to visit them.

On the 25th of July as we were ascending the Colbert (Mississippi) after the buffalo hunt, to the Indian villages we met the Sieur de Luth who came to the Nadouesseous with five French soldiers, and merchandize." In all probability they came to the Mississippi by way of the St. Croix. De Luth engaged Hennepin as a guide and companion while visiting the Mdewakantonwan Dakotas.

On the 14th of August 1680 they arrived at the villages toward the sources of the Rum river. Towards the end of September the Indians were informed that it would be necessary to return to Canada to procure more merchandise. A great council having been held, they consented. Onasicoude,\* the head chief, prepared for them a chart of the route, by way of the Mississippi and Wisconsin, to Green Bay. Wintering at Mackinaw, De Luth and Hennepin appear to have arrived at Quebec in the spring of 1681. The latter hastened to France, never to return to America, but to write a book, which has given him the reputation of an unprincipled and boasting adventurer.

De Luth appears to have been a man of influence in Quebec. At a conference of some of the distinguished public men in the city, in relation to the difficulties with the Iroquois, held October 10th, 1682, De Luth was present.

In the month of March, 1684, notwithstanding all the attempts of the French to keep the peace, a band of Seneca and Cayuga warriors, having met seven canoes manned by fourteen Frenchmen, with fifteen or sixteen thousand pounds of merchandise, who were going to trade with the "Scious," pillaged and made them prisoners, and after detaining them nine days, sent them away without arms, food or canoes. This attack caused much alarm in Canada and De Luth, who appeared to have been in command at Green Bay, was ordered by the Governor of Canada to come and state the number of allies he could bring. With great expedition he came to Niagara, the place of rendezvous, with a band of Indians, and would alone have attacked the Senecas had it not been for an express order from De La Barre, the Governor, to desist.

\* The name of the chief in Dakota was Wazi-kute, (Wah-zee-koo-tay,) or the Shooter of the Pines. Long's expedition in 1823 met a Dakota at Red Wing who bore the same name as the chief alluded to in the travels of Hennepin.

When Louis the Fourteenth heard of this outbreak, he felt, to use his words, "that it was a grave misfortune for the colony of New France," and then in his letter to the Governor, he adds: "It appears to me that one of the principal causes of the war, arises from one Du Luth having caused two Iroquois to be killed, who had assassinated two Frenchmen, in Lake Superior, and you sufficiently see how much this man's voyage, which cannot produce any advantage to the colony, and which was permitted only in the interest of some private persons, has contributed to distract the repose of the colony."

The English of New York, knowing the hostility of the Iroquois to the French, used the opportunity to trade with the distant Indians. In 1685, one Roseboom, with some young men, had traded with the Ottawas in Michigan.

In the year 1686, an old Frenchman who had long lived among the Dutch and English in New York, came to Montreal, to visit a child at the Jesuit boarding school; and he stated that a Major Gregory, of Albany, was contemplating an expedition to Mackinac.

Denonville, the new Governor of Canada, ordered Du Luth to proceed to the present Detroit river, and watch whether the English passed into Lake St. Clair. In accordance with the order, he left Green Bay. Being provided with fifty armed men, he established a post called fort St. Joseph, some thirty miles above Detroit.

In the year 1687, on the 19th of May, the brave and distinguished Tonty, who was a cousin of Du Luth, arrived at Detroit, from his fort on the Illinois. Durantaye and Du Luth, knowing that he had arrived, came down from fort St. Joseph with thirty captive English. Here Tonty and Du Luth joined forces and proceeded toward the Iroquois country. As they were coasting Lake Erie, they met and captured Major Gregory, of Albany, then on his way with thirty Englishmen, to trade with the Indians at Mackinac.

Du Luth, having reached Lake Ontario, we find him engaged in that conflict with the Senecas of the Genessee valley, when Father Angleran, the superintendent of the Mackinac mission, was severely but not mortally wounded. After this battle, he returned, in company with Tonty, to his post on the Detroit river.

In 1689, immediately previous to the burning of Schenectady, we find him again fighting the Iroquois in the neighborhood, and there is reason to suppose that he was engaged in the midnight sack of that town. As late as the year 1696, we find him on duty at Fort Frontenac; but after the peace of Ryswick, which occasioned a suspension of hostilities, we hear nothing more of this man, who was the first of whom we have any account, who came by way of Lake Superior to the upper Mississippi.

The letter of one of the Jesuit fathers shows that in some things he was as superstitious as the Dakotas, with whom he once traded. While in command of Fort Frontenac, in 1696, he gave the following certificate:

"I, the subscriber, certify to all whom it may concern, that having been tormented by the gout for the space of, twenty-three years, and with such severe pains that it gave me no rest for the space of three months at a time, I addressed myself to Catherine Tegahkouita, an Iroquois virgin, deceased at the Sault Saint Louis, in the reputation of sanctity, and I promised her to visit her tomb if God should give me health through her intercession. I have been so perfectly cured at the end of one novena which I made in her honor, that after five months I have not perceived the slightest touch of my gout.

Given at Fort Frontenac, this 18th day of August, 1696.

J. DE LUTH, Capt. of the Marine Corps, Commander Fort Frontenac.

## NICHOLAS FERROT.

Perrot was a man of good family, and in his youth applied himself to study; and he being for a time in the service of the Jesuits, became familiar with the customs and languages of the tribes upon the borders of our lakes. A native of Canada, accustomed from childhood to the excitement and incidents of a border life, he was to a certain extent prepared for the wild scenes witnessed in after days.

If the name of Joliet is worthy of preservation, the citizens of the Northwest ought not to be willing to let the name of that man die, who was the first of whom we have any account, that discovered the lead mines of the Upper Mississippi.

When Du Luth, in 1684, was making preparations at Green Bay, to go to war against the Iroquois, Perrot, who happened to be engaged in trade among the Outagamis, (Foxes,) not very far distant from the bay, rendered him great assistance in collecting allies.

We learn nothing of the subject of our sketch, after this, until about the year 1687. He was then in company with another Canadian named Boisguillot, trading in the neighborhood of the Mississippi. In consequence of an order from the governor of Canada, with the exception of a guard left to protect his merchandise from the Sioux, he proceeded with all the French in his vicinity, to join the army of defence against the English and Iroquois.

In taking leave of the Dakotas, with whom he appears to have been trading, he promised them that if they made war with the Indians who were allies of the French, they would be made to repent.

Six years after this, he is sent as envoy to the Miamis to break up their trade with the English. In the year 1696, the Indians dwelling on the river St. Joseph and vicinity, in Michigan, were attacked by the Dakotas. To revenge themselves, they made a war party, and went into the Dakota country. They found their enemies secretly entrenched in a sort of fort, and aided by several courier de bois. After a fierce attack, the Dakotas repulsed them, and while returning to their hunting grounds they had a skirmish with some Frenchmen who were bearing arms and goods to the Sioux. Filled with a hate towards the French, Nicholas Perrot happened among them, and they would have burned him to death, had it not been for the intervention of the Outagamis, who were his friends.

A quarter of a century after the council at the Falls of St. Mary, there was another grand conference of Indian tribes held at Montreal. Here again we find Perrot in attendance as the interpreter for the tribes that then resided in the present states of Wisconsin and Illinois.

After this second treaty of peace in 1707, the Ottawas requested that he might be their leader, but did not wish "Eau de vie" brought among them as it broke their spirits. While engaged in trade in the Mississippi valley, he traveled as far as Rock Island, and some distance above the Des Moines he discovered some mines of lead, which, as late as 1721, bore his name.

Upon Nicollet's, and many other modern maps, on the East side of Lake Pepin, there are marked the ruins of an old French fort. Carver found these when he traveled here in 1766, and states that in that vicinity a trade was carried on with the Sioux or Dakotas, by the French.

Pike in his Journal appears to have this fort in view when he says: "Just below the

Pt. de Sable, the French, under Frontenac, who had driven the Renards from the Wisconsin, and chased them up the Mississippi river, built a stockade on this lake (Pepin) as a barrier against the savages. It became a noted factory for the Sioux."

## CHAPTER VI.

### LE SUEUR\*.—THE EXPLORER OF THE MINNESOTA RIVER.

**L**E SUEUR, though the least known of the adventurous Frenchmen, who explored the Upper Mississippi in the 17th century, is more worthy of remembrance by the Minnesotian. He was the first to discover the Minnesota river, ascended it for considerable distance, and may well be termed the pioneer explorer of the present Minnesota Territory, as Hennepin was a captive all the time of his visit in the vicinity of Rum River.

But little is known of his early history. He visited this country as soon as 1683. Previous to his travels South and West, he was commissioned in 1693, by Frontenac, the governor of Canada, to establish a post at Chegoimegon, (La Pointe) on Lake Superior, and to make an alliance with the Saulteurs or Chippewas, and the Scioux. After leaving Lake Superior, he appears to have visited the Mississippi river by the way of the Wisconsin. In the year 1695, he caused a fort to be erected on an island in the Mississippi, 200 leagues above the Illinois, probably Grey-Cloud Island. Charlevoix who was at New Orleans in 1721, remarks: "Above the lake is met Isle Pelec, so named because it is a very beautiful prairie, destitute of trees. The French, of Canada have made it a centre of commerce for the Western parts, and may pass the winter here, because, it is a good country for hunting." This post was built to keep up peaceful relations between the Chippewas, who, according to La Harpe, resided on the shores of a lake 500 leagues in circumference, and 100 leagues to the East, and the Scioux who resided on the Upper Mississippi. It is worthy of note that a post was built on the island a few miles below St. Paul, before an European vessel had entered the mouth of the Mississippi.

The same year he went back to Montreal with a Chippewa chief named Chingouabe, and a Scioux called Tioscate, who was the first Dakota in that city. He was received very kindly by the governor and other officers. Two days after he came to Montreal, he presented Frontenac as many arrows as there were "Scioux" villages, and asked that these might be under his protection. Le Sueur had intended to have returned to the Dakota country in 1696, with Tioscate, but the chief in the meantime died, after thirty-three days sickness. Le Sueur then went to France, and obtained permission, in 1697 to open some mines which he claimed to have found in the Dakota country.

In June of that year, he left Rochelle for the New World, but was captured by a British fleet and taken to England. Being released from captivity, he returned to France, and in 1698 obtained a new commission for mining.

Le Sueur published no account of his travels, but in the history of the establishment of the French in Louisiana, by La Harpe, there is an extract from the account of his voyage to the Scioux or Dakota country.

\*Published in February, 1852, in the Annals of the Society for that year.

The "History of Louisiana, by La Harpe," who was a French officer, remained in manuscript in Louisiana, more than one hundred years. In 1805, a copy was taken from the original, and deposited among the archives of the American Philosophical Society, from which a few extracts were published by Professor Keating, in his narrative of Major Long's Expedition. In the year 1831, the original was published at Paris, for the first time, in the French language. As it has never been translated, and is not easy of access, we transcribe all that relates to the "Scioux," and the mining operations of Le Sueur on the Blue Earth river. La Harpe says: "On the 10th of February M. LeSueur arrived (at the mouth of the Mississippi,) with 2,000 quintals of blue and green earth from the Scioux country. Here is an extract of the account of his voyage. It has been seen above, that he arrived at the the colony in month of December, 1699, with thirty workmen, but could not reach Tamarois before the following June, the journey being long from the mouth of the river to that place."

On the 12th of July, 1700, with one felucca and two canoes, and with nineteen men, he departed. On the 13th, having advanced six leagues and a quarter, he stopped at the mouth of the Missouri river, and six leagues above this he passed the Illinois on the East side. He there met three Canadian voyageurs, who came to join his band, and received by them a letter from Father Marest, Jesuit, dated July 10th, 1700, at the Mission of the Immaculate conception of the Holy Virgin, in Illinois of which the following is a copy:

"I have the honor to write in order to inform you, that the Saugiestas have been defeated by the Scioux and Ayavois. (Iowas.) The people have formed an alliance with the Quincapous, (Kickapoos,) some of the Mecoutins, Renards, (Foxes,) and Metesigamias, and gone to revenge themselves, not on the Scioux, for they are too much afraid of them, but perhaps on the Ayavois, or very likely upon the Paoutees, or more probably upon the Osages, for these suspect nothing, and the others are on their guard.

"As you will probably meet these allied nations, you ought to take precaution against their plans and not allow them to board your vessel, since they are traitors, and utterly faithless. I pray God to accompany you in all your designs."

Twenty-two leagues above the Illinois, he passed a small stream which he called the river of Oxen, and nine leagues beyond this he passed a small river on the West side, where he met four Canadians descending the Mississippi, on their way to the Illinois. On the 30th of July, nine leagues above the last named river, he met seventeen Scioux, in seven canoes, who were going to revenge the death of three Scioux, one of whom had been burned and the others killed, at Tamarois, a few days before his arrival in that village. As he had promised the chief of the Illinois to appease the Scioux, who should go to war against his nation, he made a present to the chief of the party to engage him to turn back. He told them the king of France did not wish them to make this river more bloody, and that he was sent to tell them, that if they obeyed the king's word, they would receive in future all things necessary for them. The chief answered that he accepted the present, that is to say, that he would do as had been told him.

From the 30th of July to the 25th of August, Le Sueur advanced fifty-three and one-fourth leagues, to a small river which he called the river of the Mine.\* At the mouth it runs from the north, but it turns to the north-east. On the right seven leagues, there is a lead mine in a prairie, one and a half leagues, is only navigable in high water, that is to say, from early spring till the month of June.

\* This is the first Mention of the Galena mines.

From the 25th to the 27th he made ten leagues, passed two small rivers, and made himself acquainted with a mine of lead from which he took a supply. From the 27th to the 30th, he made eleven and a half leagues, and met five Canadians, one of whom had been dangerously wounded in the head. They were naked, and had no ammunition, except a miserable gun, with five or six loads of powder and balls. They said they were descending from the Scioux to go to Tamarois, and when seventy leagues above, they perceived nine canoes in the Mississippi, in which was ninety savages, who robbed and cruelly beat them. This party were going to war against the Scioux, and were composed of four different nations, the Outagamis, (Foxes,) Saquis, (Sacs,) Pontowatamis, (Pottowattamies,) and Panns, (Winnebagoes,) who dwell in a country eighty leagues East of the Mississippi from where Le Sueur then was.

The Canadians determined to follow the detachment, which was composed of twenty-eight men. This day they made seven and a half leagues. On the 1st of September, he passed the Wisconsin river. It runs into the Mississippi from the Northeast.—It is nearly one and a half miles wide. At about seventy-five leagues up this river, on the right, ascending, there is a portage of more than a league. The half of this portage is shaking ground, and at the end of it is a small river, which descends into a bay called Winnebago bay. It is inhabited by a great number of nations, who carry their furs to Canada. Monsieur Le Sueur came by the Wisconsin river to the Mississippi, for the first time, in 1683, on his way to the Scioux country, where he had already passed seven years at different periods. The Mississippi, opposite the mouth of the Wisconsin, is less than a half mile wide. From the 1st of September to the 5th, our voyageur advanced fourteen leagues. He passed the river "Aux Canots," which comes from the Northeast, and then the Quincapous, named from a nation which once dwelt upon its banks.

From the 5th to the 9th, he made ten and a half leagues, and passed the rivers Cachee and Aux Ailes. The same day he perceived canoes, filled with savages, descending the river, and the five Canadians recognized them as the party who had robbed them.—They placed sentinels in the wood, for fear of being surprised by land; and when they had approached within hearing, they cried to them that if they approached farther they would fire. They then drew up by an island, at half the distance of a gun shot. Soon, four of the principal men of the band approached in a canoe, and asked if it was forgotten that they were our brethren, and with what design we had taken arms, when we perceived them. Le Sueur replied that he had cause to distrust them, since they had robbed five of his party. Nevertheless, for the surety of his trade, being forced to be at peace with all the tribes, he demanded no redress for the robbery, but added merely that the king, their master and his, wished that his subjects should navigate that river without insult, and that they had better beware how they acted.

The Indian who had spoken was silent, but another said they had been attacked by the Scioux, and that if they did not have pity on them, and give a little powder, they should not be able to reach their village. The consideration of a missionary, who was to go up among the Scioux, and whom these savages might meet, induced them to give two pounds of powder.

M. Le Sueur made the same day three leagues; passed a stream on the West, and afterwards another river on the East, which is navigable at all times, and which the Indians call Red river.

On the 10th, at daybreak, they heard an elk whistle, on the other side of the river.—

A Canadian crossed in a small Scioux canoe, which they had found, and shortly returned with the body of the animal, which was very easily killed, quand il est en rut, that is from the beginning of September until the end of October. The hunters at this time make a whistle of a piece of wood, or reed, and when they hear an elk whistle, they answer it. The animal believing it to be another elk, approaches, and is killed with ease.

From the 10th to the 14th, M. Le Sueur made seventeen and a half leagues, passing the rivers Raisin and Paquilenettes, (perhaps the Wazi Ozu and Buffalo.) The same day he left on the East side of the Mississippi, a beautiful and large river, which descends from the very far North, and called Bon Secours, (Chippewa,) on account of the great quantity of buffalo, elk, bears and deers, which are found there. Three leagues up this river, there is a mine of lead, and seven leagues above, on the same side, they found another long river, in the vicinity of which there is a copper mine, from which he had taken a lump of sixty pounds, in a former voyage. In order to make these mines of any account, peace must be obtained between the Scioux and Outagamis (Foxes) because the latter who dwell on the East side of the Mississippi, pass this road continually when going to war against the Scioux.

In this region, at one and a half leagues on the Northwest side, commenced a lake, which is six leagues long, and more than one broad, called Lake Pepin. It is bounded on the West by a chain of mountains; on the East is seen a prairie, and on the Northwest of the lake there is another prairie two leagues long, and one wide. In the neighborhood is a chain of mountains quite two hundred feet high, and more than one and a half miles long. In these are found several caves, to which the bears retire in winter.—Most of the caverns are more than seventy feet in extent, and three or four feet high.—There are several of which the entrance is very narrow, and quite closed up with saltpetre. It would be dangerous to enter them in summer, for they are filled with rattlesnakes, the bite of which is very dangerous. Le Sueur saw some of these snakes, which were six feet in length, but generally they are about four feet. They have teeth resembling those of the pike, and their gums are full of small vessels in which their poison is placed. The Scioux say they take it every morning, and cast it away at night. They have at the tail, a kind of scale which makes a noise, and this is called the rattle.

Le Sueur made on this day, seven and a half leagues, and passed another river called Hiambouxcate' Ouataba, or the river of Flat Rocks. (This is evidently the Inyanbosdata, or Cannon River.)

On the 15th, he crossed a small river, and saw in the neighborhood, several canoes filled with Indians, descending the Mississippi. He supposed they were Scioux, because he could not distinguish whether their canoes were large or small. The arms were placed in readiness, and soon they heard the cry of the savages, which they are accustomed to raise when they rush upon their enemies. He caused them to be answered in the same manner; and after having placed all the men behind the trees, he ordered them not to fire until they were commanded. He remained on shore to see what movement the savages could make, and perceiving that they placed two on shore, on the other side, where from an eminence they could ascertain the strength of his forces, he caused the men to pass and re-pass from the shore to the wood, in order to make them believe that they were numerous. This ruse succeeded, for as soon as the two descended from the eminence, the chief of the party came, bearing the calumet, which is a signal of peace among the Indians.

They said, that never having seen the French navigate the river with boats like the felucca,\* they had supposed them to be English, and for that reason they had raised the war cry, and arranged themselves on the other side of the Mississippi; but having recognized their flag, they had come without fear to inform them, that one of their number, who was crazy, had accidentally killed a Frenchman, and that they would go and bring his comrade, who would tell how the mischief had happened.

The Frenchman they brought, was Denis, a Canadian, and he reported that his companion was accidentally killed. His name was Laplace, a deserting soldier from Canada, who had taken refuge in this country.

Le Sueur replied that Onontio, (the name they give to all the governors of Canada) being their father and his, they ought not to seek justification elsewhere than before him; and he advised them to go and see him as soon as possible, and beg him to wipe off the blood of this Frenchman from their faces.

The party was composed of forty-seven men of different nations, who dwell far to the East, about the forty-fourth degree of latitude. Le Sueur, discovering who the chiefs were, said the king whom they had spoken of in Canada, had sent him to take possession of the North of the river; and that he wished the nations who dwell on it, as well as those under his protection, to live in peace.

He made this day three and three-fourth leagues; and on the 16th of September, he left a large river on the East side, named St. Croix, because a Frenchman of that name was shipwrecked at its mouth. It comes from the N. N. W. Four leagues higher, in going up, is found a small lake, at the mouth of which is a very large mass of copper. It is on the edge of the water, in a small ridge of sandy earth, on the West of this lake.

From the 16th to the 19th, he advanced thirteen and three-fourth leagues. After having made from Tamarois two hundred and nine and a half leagues, he left the navigation of the Mississippi, to enter the river Saint Pierre† on the West side. By the first of October, he had made in this river, forty-four and one fourth leagues. After he entered into Blue river, thus named on account of the mines of blue earth found at its mouth, he founded his post, situated in forty-four degrees, thirteen minutes, north latitude. He met at this place, nine Scioux‡ who told him that the river belonged to the Scioux of the West, the Ayavois, (Iowas,) and Otocatas, (Ottoes,) who lived a little farther off; that it was not their custom to hunt on ground belonging to others, unless invited to do so by the owners, and that when they would come to the fort to obtain provisions, they would be in danger of being killed in ascending or descending the rivers, which were narrow, and that if they would show their pity, he must establish himself on the Mississippi, near the mouth of the Saint Pierre, where the Ayavois, the Otocatas, and the other Scioux, could go as well as them.

Having finished their speech, they leaned over the head of Le Sueur, according to

\*The felucca is a small vessel propelled both by oars and sails, and had never before been seen on the waters of the Upper Mississippi.

†The Saint Pierre, like the Saint Croix, just below it, was evidently named after a Frenchman. Charlevoix speaks of an officer by that name, who was at Mackinac in 1692, and prominent in the Indian affairs of that age. Carver, in 1776, on the shores of Lake Pepin, discovered the ruins of an extensive trading post, that had been under the control of a Captain Saint Pierre, and there is scarcely a doubt that Le Sueur, named the Minnesota river in honor of his fellow explorer and trader.

‡Scioux, is the orthography of Lahontan, Le Sueur, and the Jesuits of that period, in their relations.

their custom, crying out "Oueachisson ouaepaninanabo," that is to say, "Have pity upon us." Le Sueur had foreseen that the establishment of Blue river, would not please the Scioux of the East, who were, so to speak, masters of the other Scioux, and of the nations which will be hereafter mentioned, because they were the first with whom trade was commenced, and in consequence of which they had already quite a number of guns.

As he had not commenced his operations only with a view to the trade of beavers, but also to gain a knowledge of the mines, which he had previously discovered, he told them he was sorry that he had not known their intentions sooner; and that it was just, since he came expressly for them, that he should establish himself on their land, but that the season was too far advanced for him to return. He then made them a present of powder, balls and knives, and an armful of tobacco, to entice them to assemble as soon as possible, near the fort which he was about to construct, that when they should be all assembled he might tell them the intention of the king; their and his sovereign.

The Scioux of the West, according to the statement of the Eastern Scioux, have more than a thousand lodges. They do not use canoes, nor cultivate the earth, nor gather wild rice. They remain generally in the prairies, which are between the Upper Mississippi and Missouri rivers, and live entirely by the chase. The Scioux generally say they have three souls, and that after death, that which has done well goes to the warm country, that which has done evil, to the cold regions, and the other guards the body. Polygamy is common among them. They are very jealous, and sometimes fight in duel for their wives. They manage the bow admirably, and have been seen several times to kill ducks on the wing. They make their lodges of a number of buffalo skins interlaced and sewed, and carry them wherever they go. They are all great smokers, but their manner of smoking differs from that of other Indians. There are some Scioux who swallow all the smoke of the tobacco, and others who, after having kept it sometime in their mouth, cause it to issue from the nose. In each lodge there are usually two or three men with their families.

On the 3d of October, they received at the fort, several Scioux, among whom was Wahkantape, chief of the village. Soon two Canadians arrived who had been hunting, and had been robbed by the Scioux of the East, who had raised their guns against the establishment which M. Le Sueur had made on Blue river.

On the 14th the fort was finished and named Fort L'Huillier, and on the 22d two Canadians were sent out to invite the Ayavois and Otocatas to come and establish a village near the fort, because these Indians are industrious and accustomed to cultivate the earth, and they hoped to get provisions from them and to make them work in the mines.

On the 24th, six Scioux Oujalespoitons wished to go into the fort, but were told that they did not receive men who had killed Frenchmen. This is the term used when they have insulted them. The next day they came to the lodge of Le Sueur to beg him to have pity on them. They wished, according to custom, to weep over his head and make him a present of packs of beavers, which he refused. He told them he was surprised that people who had robbed should come to him; to which they replied that they had heard it said that two Frenchmen had been robbed, but none from their village had been present at that wicked action.

Le Sueur answered, that he knew it was the Mandeoucantons and not the Otjalespoitons; "but," continued he, "you are Scioux; it is the Scioux who have robbed me, and

if I were to follow your manner of acting, I should break your heads; for is it not true, that when a stranger (it is thus that they call the Indians who are not Scioux) has insulted a Scioux, Mendeoucanton, Oujalespoitons or others—all the villages—revenge upon the first one they meet?"

As they had nothing to answer to what he said to them, they wept and repeated, according to custom, "Ouaehiessou! ouaepanimanabo!" Le Sueur told them to cease crying, and added that the French had good hearts, and that they had come into the country to have pity on them. At the same time he made them a present, saying to them, "Carry back your beavers and say to all the Scioux, that they will have from me no more powder or lead, and they will no longer smoke any long pipe until they have made satisfaction for robbing the Frenchman."

The same day the Canadians, who had been sent off on the 22d, arrived without having found the road which led to the Ayavois and Otocatas. On the 25th, Le Sueur went to the river with three canoes, which he filled with green and blue earth.\* It is taken from the hills near which are very abundant mines of copper, some of which was worked at Paris in 1696 by L'Huillier, one of the chief collectors of the king. Stones were also found there which would be curious, if worked.

On the 9th of November, eight Mantanton Scioux arrived, who had been sent by their chiefs to say that the *Mendeoucantons were still at their lake on the East of the Mississippi* and they could not come for a long time; and that for a single village which had no good sense, the others ought not to bear the punishment; and that they were willing to make reparation if they knew how. Le Sueur replied that he was glad that they had a disposition to do so.

On the 15th the two Mantanton Scioux, who had been sent expressly to say that all of the Scioux of the East and part of those of the West were joined together to come to the French, because they had heard that the Christianaux and the Assinipoils were making war on them. These two nations dwell above the fort on the East side, more than eighty leagues on the Upper Mississippi.

The Assinipoils speak Scioux, and are certainly of that nation. It is only a few years since that they became enemies. The enmity thus originated: The Christianaux, having the use of arms before the Scioux, through the English at Hudson's Bay, they constantly warred upon the Assinipoils, who were their nearest neighbors. The latter being weak, sued for peace, and to render it more lasting, married the Christianaux women. The other Scioux, who had not made the compact, continued to war; and seeing some Christianaux with the Assinipoils, broke their heads. The Christianaux furnished the Assinipoils with arms and merchandise.

On the 16th, the Scioux returned to their village, and it was reported that the Ayavois and Otocatas were gone to establish themselves towards the Missouri river, near the Maha, who dwell in that region. On the 26th, the Mantantons and Oujalespoitons arrived at the fort; and after they had encamped in the woods, Wahkantapeŕ came to beg Le Sueur to go to his lodge. He there found sixteen men with women and children, with their faces daubed with black. In the middle of the lodge were several buffalo skins, which were sewed for a carpet. After motioning him to sit down, they wept for the fourth of an hour, and the chief gave him some wild rice to eat, (as was their cus-

\* The locality was a branch of the Blue Earth, about a mile above the fort, called by Nicollet's Le Sueur river, and on a map published in 1773, the river St. Remi.

Wakandapi or Esteemed sacred, was the name of one of the head men at Red Wing, in 1850.

tom,) putting the first three spoonful to his mouth. After which, he said all present were relatives of Tioscate, whom Le Sueur took to Canada in 1695, and who died there in 1696.

At the mention of Tioscate they began to weep again, and wipe their tears and heads upon the shoulders of Le Sueur. Then Wahkantape again spoke, and said that Tioscate begged him to forget the insult done to the Frenchmen by the Mendeoucantons, and take pity on his brethren by giving them powder and balls whereby they could defend themselves, and gain a living for their wives and children, who languish in a country, full of game, because they had not the means of killing them. "Look," added the chief, "Behold thy children, thy brethren, and thy sisters, it is to thee to see whether thou wishest them to die. They will live if thou givest them powder and ball ; they will die if thou refusest."

Le Sueur granted them their request, but as the Scioux never answer on the spot, especially in matters of importance, and as he had to speak to them about his establishment, he went out of the lodge without saying a word. The chief and all those within followed him as far as the door of the fort ; and when he had gone in, they went around it three times, crying with all their strength "Atheouanan !" that is to say, "Father have pity on us." (Ate unyanpi, means Our father.)

The next day he assembled in the fort, the principal men of both villages ; and as it is not possible to subdue the Scioux or to hinder them from going to war, unless it be by inducing them to cultivate the earth, he said to them that if they wished to render themselves worthy of the protection of the king, they must abandon their erring life, and form a village near his dwelling, where they would be shielded from the insults of their enemies ; and that they might be happy and not hungry, he would give them all the corn necessary to plant a large piece of ground ; that the king, their and his chief, in sending him, had forbidden him to purchase beaver skins, knowing that this kind of hunting separates them and exposes them to their enemies ; and that in consequence of this he had come to establish himself on Blue river and vicinity, where they had many times assured him were many kinds of beasts, for the skins of which he would give them all things necessary ; that they ought to reflect that they could not do without French goods, and that the only way not to want them was, not to go to war with our allied nations.

As it is customary with the Indians to accompany their word with a present proportioned to the affair treated of, he gave them fifty pounds of powder, as many balls, six guns, ten axes, twelve armsful of tobacco and a hatchet pipe.

On the 1st of December, the Mantantons invited Le Sueur to a great feast. Of four of their lodges they had made one, in which was one hundred men seated around, and every one his dish before him. After the meal, Wahkantape, the chief, made them all smoke one after another in the hatchet pipe which had been given them. He then made a present to Le Sueur of a slave and a sack of wild rice, and said to him, showing him his men : "Behold the remains of this great village, which thou hast aforesaid seen so numerous ! all the others have been killed in war ; and the few men whom thou seest in this lodge, accept the present thou hast made them, and are resolved to obey the great chief of all nations, of whom thou hast spoken to us. Thou oughtest not to regard us as Scioux, but as French, and instead of saying the Scioux are miserable, and have no mind, and are fit for nothing but to rob and steal from the French,

thou shalt say my brethren are miserable and have no mind, and we must try to procure some for them. They rob us, but I will take care that they do not lack iron, that is to say, all kinds of goods. If thou dost this, I assure thee that in a little time, the Mantantons will become Frenchmen, and they will have none of those vices, with which thou reproachest us."

Having finished his speech, he covered his face with his garment, and the others imitated him. They wept over their companions who had died in war, and chanted an adieu to their country in a tone so gloomy that one could not keep from partaking of their sorrow.

Wahkantape then made them smoke again, and distributed the presents, and said that he was going to the Mendeoucantons, to inform them of the resolution, and invite them to do the same.

On the 12th, three Mendeoucanton chiefs and a large number of Indians of the same village, arrived at the fort, and the next day gave satisfaction for robbing the Frenchmen. They brought 400 pounds of beaver skins, and promised that the summer following, after their canoes were built and they had gathered their wild rice, that they would come and establish themselves near the French. The same day they returned to their village East of the Mississippi.

NAMES OF THE BANDS OF SCIOUX OF THE EAST, WITH THEIR SIGNIFICATION.

**MANTANTONS**—That is to say, Village of the Great Lake which empties into a small one.

**MENDEOUCANTONS**—Village of Spirit Lake.

**QUIOPETONS**—Village of the Lake with one River.

**PSIOUMANITONS**—Village of Wild Rice Gatherers.

**OUADEBATONS**—The River Village.

**OUATEMANETONS**—Village of the Tribe who dwell on the point of the Lake.

**SONGASQUITONS**—The Brave Village.

THE SCIOUX OF THE WEST.

**TOUCHOUASINTONS**—The Village of the Pole.

**PSINCHATONS**—Village of the Red Wild Rice.

**OUJALESPOITONS**—Village divided into many small Bands.

**PSINOUTANHHINTONS**—The Great Wild Rice Village.

**TINTANGAOUGHATONS**—The Grand Lodge Village.

**OUAPETONS**—Village of the Leaf.

**OUGHETGEODATONS**—Dung Village.

**OUAPETONTETONS**—Village of those who Shoot in the Large Pine.

**HINHANETONS**—Village of the Red Stone Quarry.

The above catalogue of villages concludes the extract that La Harpe has made from Le Sueur's Journal.

In the narrative of Major Long's second expedition, there are just the same number of villages of the Gens du Lac or Mdewakanton Scioux mentioned, though the names are different. After leaving the Mille Lac region, the divisions evidently were different, and the villages known by new names.

Charlevoix, in his large and valuable work, prepared by order of the French Government, speaking of the Scioux, remarks: "Our geographies divide that nation into the Wandering Scioux and Scioux of the Prairies—into Scioux of the East and Scioux of

the West. Such a division to me seems not to be well founded. All the Scioux live in the same manner, and it happens that such camp which was last year on the East bank of the Mississippi, will be next year on the West; and those that we have for a time seen on the river Saint Pierre, are perhaps now a great way off on a prairie. The name of Scioux that we give to those Indians, is entirely of our making, or rather it is but the last two syllables of the name of Nadouessioux, as many nations call them. It is the most numerous nation as yet known in Canada. They were peaceable, and not disposed to war, until the Hurons and Iroquois came to their country. They tried to laugh at their simplicity and trained them up to war, at their expense. The Scioux have many women, and they punish conjugal infidelity with severity. They cut off the tip of their noses, and a piece of the skin of the head, and draw it over. I have seen some who thought that those Indians had a Chinese accent. It would be very easy to discover if their language had any affinity with that of the people of China."

In Le Sueur's enumeration of the Scioux of the West, the present Warpetwans or People of the Leaf, Titonwan or People of the Lodges, Sisit'wans and Ihanktonwan are easily distinguished, and the latter, at that period, appear to have lived near the Red Pipestone Quarry. The Ouadebatons are marked on Hennepin's map as residing North-east of Mille Lac, and are called also the People of the River. The Onatemantons probably resided upon Cormorant Point, which juts into Mille Lac. Of the Mantautons, Governor Ramsey, in his valuable and interesting report, remarks: "Another portion, known as the Mantatcnwan, meaning village or community on the Matah; but where the Matah was, and whether lake or river, is at present unknown." Le Sueur shows that they lived on a large lake which was joined to a small one. Hennepin calls Mille Lac, Changasketon Lake, and far North of this he marks the residence of the Chongaskabions or the brave band; and they no doubt are the same as the Songasquitions of Le Sueur.

Though Le Sueur, through misinformation, or want of observation, often errs, there appears to be no intention to deceive; and, in reading his narrative, you are impressed with its general truthfulness. He alone of the explorers of Minnesota, can be relied upon. He had men and an outfit that enabled him to make observations with some degree of accuracy; and it is to be hoped that some town named Le Sueur, will at no distant day spring up on the banks of the Minnesota River, and thus perpetuate his name. Not only was he the most accurate, but also the last French explorer of the country. Charlevoix, who visited the valley of the Lower Mississippi in 1722, says that Le Sueur spent a winter in his fort on the banks of the Blue Earth; and that in the following April he went up to the mine about a mile above. In twenty-two days they obtained more than thirty thousand pounds of the substance, four thousand of which were selected and sent to France. In April, 1702, he went back to France, having left men at the post; but on the third of March, 1703, these came back to Mobile, having abandoned Fort L'Huilier on account of ill-treatment from the Indians, and for the want of pecuniary means. The enterprising Le Sueur did not remain on the other side of the Atlantic; and several years after his explorations on the Blue Earth, he is found busy in leading expeditions against the Natchez and other Indians of the Southwest. It is said that he died on the road while passing through the colony of Louisiana.

Among the company of Le Sueur, was Penicaut, a ship carpenter, of strong mind, who distinguished himself in his intercourse with the tribes of the Southwest.

We cannot conclude this portion of the article, upon the early French traders in Minnesota, without noticing De Charleville. He was a relative of Bienville, the commander-general of Louisiana, and thus connected with Le Sueur. At the time of the settlement of the French on the banks of the Mississippi, curiosity led him to ascend this river, far beyond the point reached by Hennepin. He told Du Pratz, the author of a history of Louisiana, that with two Canadians and two Indians, in a birch canoe laden with goods, he proceeded as far as the Falls of St. Anthony. This cataract is described as caused by a flat rock, which crosses the river, and makes a fall of eight or ten feet. After making a portage, he continued his journey for leagues farther, and met the Sioux, whom, it was asserted, lived on both sides of the river. The Sioux informed him that it was a great distance to the sources.

In 1710, the king granted to M. Crozat the exclusive privilege of trading in Louisiana for sixteen years. Charleville was then employed by Crozat, as a trader among the Shawnees, in the present State of Tennessee. His store was situated upon a mound near the present site of Nashville, on the West side of the Cumberland River.

At a very early date, a plan was conceived for drawing away the fur trade from Hudson's Bay. An alliance was contemplated with the Assiniboins and some distant Sioux, who, instead of carrying their peltries on their backs, through snow-drifts to the English, were to be induced to descend the Mississippi in their canoes, towards the St. Pierre or Minnesota, where the climate was more temperate.

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## CHAPTER VII.

### AN ABSTRACT OF THE MEMORIAL OF D'IBERVILLE, ON THE COUNTRY OF THE MISSISSIPPI.

**T**HIS memorial is in manuscript, in the archives of Government, at Paris. It was written in 1702, and is a valuable document on the nations and country of the Mississippi. At the solicitation of the Secretary, the authorities granted a copy of the document, for the use of the Historical Society, with the request that it be not published word for word.

D'Iberville, the author, was a man of great reputation, and the son-in-law of Le Sueur, the discoverer of the Minnesota river. Like Perrot, he was a native of Canada. There are some families that appear destined for public life, and to one of these the subject of this sketch belonged. His father was influential, and gave to the world eleven sons, all of whom "acted well their part." One was a Captain of Marine, and was wounded in the attack of the English on Quebec, in 1690; a second bore the same rank, and was killed by the English in Carolina; a third was killed by the Iroquois; a fourth was

Commandant at Rochester ; a fifth met a brother's fate among the Iroquois ; a sixth was Governor of Cayenne ; a seventh was an officer of Marine ; an eighth, a Captain of Infantry, was killed in Louisiana ; a ninth died at Biloxi ; a tenth was, like the subject of the article, Governor of Louisiana.

The writer of the memorial had distinguished himself in naval conflicts in Hudson's Bay, and by order of the government set sail from France with a fleet, in 1698, to found the colony of Louisiana. Leaving his brothers in command, he chiefly occupied his time in traversing the ocean, and bringing supplies to the colony. In 1699 he had returned to the colony a second time, bringing *Le Sueur* with a company of workmen, to explore the supposed copper mines on the tributary of the *Mankahto*. On the 10th of February, 1702, *Le Sueur* returned from the *Mankahto* to the Gulf of Mexico, and found *D'Iberville* absent. On the 18th of March he again arrived from France, with supplies, and after spending a few weeks, he again set sail for the old country, *Le Sueur* accompanying him.

The manuscript of which we propose to give an abstract, was completed on board of the ship on the twentieth day of June, and was no doubt, in part, the labor of *Le Sueur* whose acquaintance with the Indian nations had been so extensive. The title of the manuscript is "Memorial of M. *D'Iberville* upon the country of the *Mississippi*, the *Mobile* and its environs, their rivers, inhabitants and the commerce which could be carried on in less than five or six years in settling it."

## NOTICE OF CHOCTAWS, ETC.

"The fort of the *Mobile* is about 31° 3' North ; between the *Mississippi* and the *Mobile* at 33° 45' are the *Choctaws*, ten leagues West of the river, composed of 3800 or 4000 families—still N. N. E., 45 leagues are the *Chicachas* (*Chickasaws*) in latitude 35° 20' composed of 2000 families. The *Mobilien* and *Chohomes* are near the fort, and number 350 families. \* \* \* \* \*

Speaking of the river *Wabash* as the *Ohio* was then called, the Governor remarks :

## THE RIVER OHIO.

"The river *Wabash* as far as I know, for more than one hundred and twenty miles is not inhabited. I wish to possess it and have it occupied by the *Illinois*, who will hunt buffalo, deer, and smaller animals which swarm the environs. Where the *Illinois* now are, they are of no service, being unwilling any longer to carry on the beaver trade. Some people may say as I have heard it said, that they can hunt buffalo in their own country, but I do not think it would be possible. If they hunt on *Wabash* (*Ohio*) it will be easy to transport the hides and tallow."

## MASCOUTENS, KIKAPOUS, MIAMIS.

"The *Illinois* having removed we could cause it to be occupied by the *Mascoutens* and *Kikapous*. This would bring four hundred and fifty men upon the rivers which empty into the *Illinois* and *Mississippi*. They now only hunt the beaver which they sel at the Bay of the *Puans* (*Green Bay*) and in the country of the *Illinois*.

The *Miamis* who have left the banks of the *Mississippi*, and gone to *Chicago* on account of the beaver, and those who are at *Ortithipicatony*, and at the *Saint Joseph*, could readily remove to the *Illinois*, where they would join one hundred of their nation who are still at *Quideconstr* on the *Mississippi*. \* \* \* \* \*

"The *Miamis*, *Mascoutens*, and *Kikapous*, who were formerly on the *Mississippi*, placed upon the *Illinois* or lower down, will withdraw from *Canada* yearly a commerce of fifteen thousand livres. The *Illinois* ten thousand, and the *Sioux* thirty thousand

yearly. If Canada did not desire to trade with the Fox tribe, they would return to the Mississippi, and that would take away from the Canadian trade, ten thousand yearly."

NOTICE OF THE SIOUX.

"If the Sioux remain in their own country they are useless to us, being too distant. We could have no commerce with them except that of the beaver. *M. Le Sueur who goes to France to give an account of this country*, is the proper person to make these movements. He estimates the Sioux at four thousand families, who could settle upon the Missouri."

MAHAS, OTTOES, IOWAYS.

He has spoken to me of another which he calls the Mahas, composed of more than twelve hundred families, the Ayoues (Ioways) and the Octotatas their neighbors, are about three hundred families. They occupy the lands between the Mississippi and the Missouri, about one hundred leagues from the Illinois. These savages do not know the use of arms, and a descent might be made upon them in a river, which is beyond the Wabash on the West." \* \* \* \* \*

ASSINIBOIN, CNISTINEAUX.

"The Assinibouel, Quenistinos, and people of the North, who are upon the rivers which fall into the Mississippi, and trade at Fort Nelson (Hudson Bay) are about four hundred men. We could prevent them from going there if we wish."

VALUE OF INDIAN COMMERCE.

"In four or five years we can establish a commerce with these savages of sixty or eighty thousand buffalo skins; more than one hundred deer skins, which will produce delivered in France, more than two million four hundred thousand livres yearly. One might obtain for a buffalo skin four or five pounds of wool, which sells for twenty sous, two pounds of horse hair at ten sous.

Besides from smaller peltries, two hundred thousand livres can be made yearly."

THE EARLIEST CENSUS OF THE MISSISSIPPI TRIBES.

In the third volume of the History and Statistics of the Indian tribes, prepared under the direction of the Commissioner of Indian Affairs, by Mr. Schoolcraft, a manuscript, a copy of which is in possession of General Cass, is referred to as containing the earliest enumeration. The following was made thirty-four years before :

|                                                                          |                                       |
|--------------------------------------------------------------------------|---------------------------------------|
| " The Sioux, - - - - Families, 4,000                                     | Chicachas, - - - - - 2,000            |
| Mahas, - - - - - 12,000                                                  | Mobilens and Chohomes, - - - - 350    |
| Octata and Ayoues, - - - - - 300                                         | Concaques, (Conchas) - - - - - 2,000  |
| Cansas, (Kansas), - - - - - 1,500                                        | Ouma, (Houmas) - - - - - 150          |
| Missouri, - - - - - 1,500                                                | Colapissa, - - - - - 250              |
| Akanas, etc., - - - - - 200                                              | Bayougoula, - - - - - 100             |
| Manton, (Mandan) - - - - - 100                                           | People of the Fork, - - - - - 200     |
| Pania, (Pawnee) - - - - - 2,000                                          | Counica, etc., (Tonicas) - - - - 300  |
| Illinois, of the great village and }<br>Camaroua (Tamaroa) - - - - } 800 | Caensa, (Taensa) - - - - - 150        |
| Mcosigamea, (Metchigamias) - - - 200                                     | Nadeches, - - - - - 1,500             |
| Kikapous and Mascoutens, - - - 450                                       | Belochy, (Biloxi) Pascoboula. - - 100 |
| Miamis, - - - - - 500                                                    |                                       |
| Chaotas, - - - - - 4,000                                                 | Total, - - - - - 23,850               |

SUGGESTIONS FOR THE DOMESTICATION OF THE TRIBES.

"The savage tribes located in the places I have marked out, make it necessary to establish three posts on the Mississippi. One at the Arkansas, another at the Wabash, (Ohio;) and the third at the Missouri. At each post it would be proper to have an officer with a detachment of ten soldiers, with a sergeant and corporal. All Frenchmen should be

allowed to settle there with their families, and trade with the Indians, and they might establish tanneries for properly dressing the buffalo and deer skins for transportation.

No Frenchman shall be allowed to follow the Indians on their hunts, as it tends to keep them hunters as is seen in Canada, and when they are in the woods they do not desire to become tillers of the soil." \* \* \* \* \*

"I have said nothing in this memoir of which I have not personal knowledge or the most reliable sources. The most of what I propose is founded upon personal reflection, in relation to what might be done for the defence and advancement of the colony \* \* \* \* \* It will be absolutely necessary, that the king should define the limits of this country, in relation to the government of Canada. It is impossible that the commandant of the Mississippi should have a report of those who inhabit the rivers that fall into the Mississippi, and principally those of the river Illinois.

"The Canadians intimate to the savages that they ought not to listen to us, but to the Governor of Canada, who always speaks to them with large presents; that the Governor of the Mississippi is mean, and never sends them anything. This is true, and what I cannot do. It is imprudent to accustom the savages to be spoken to by presents, for with so many, it would cost the king more than the revenue derived from the trade. When they come to us, it will be necessary to bring them in subjection, make them no presents, and compel them to do what we wish, as if they were Frenchmen.

"The Spaniards have divided the Indians into parties on this point, and we can do the same. When one nation does wrong, we can cease to trade with them, and threaten to draw down the hostility of other Indians. We rectify the difficulty by having missionaries, who will bring them into obedience secretly.

"The Illinois and Mascoutens have detained the French canoes they find upon the Mississippi, saying that the Governors of Canada have given them permission. I do not know whether this is so, but if true, it follows that we have not the liberty to send any one on the Mississippi.

"M. Le Sueur would have been taken if he had not been the strongest. Only one of the canoes he sent to the Sioux was plundered."\* \* \* \* \*

As in the foregoing census there is the first mention of the Omahas, Otoes and Ioways, we append the following:

James, in his history of Long's expedition to the Rocky Mountains, remarks, "What length of time the Omahaws have resided on the Missouri is unknown, but it seems highly probable that they were not there when Mr. Bourgmont prepared his journey to the Padoucas, in the year 1724, as he makes no mention whatever of them. It would seem indeed that they had separated from the great migrating nation, that we shall further notice below, on or near the Mississippi; and that they had since passed slowly across the country or perhaps up the St. Peters, (Minnesota) until they finally struck the Missouri at the mouth of the Sioux River. This is rendered highly probable by the circumstance of Carver having met with them on the St. Peters (Minnesota) in the year 1766 associated with the Shienne and others, all of whom he represents as bands of the Naudowessie nation.

#### OTO NATION.

"The Oto nation of Indians is distinguished by the name Wah-toh-ta-na. The permanent village of this nation is composed of large dirt lodges, similar to those of the Kouras and Omahaws, and is situated on the left bank of the river Platte or Nebraska, about

forty miles above its confluence with the Missouri. Although this nation distinguish themselves by the name of Wahtohtata, yet when questioned respecting the signification of the word, they say it ought to be pronounced Wah-toh-ta-na or Wah-do-tan, which means those who will copulate. This singular designation which they have adopted, was applied to the nation in consequence of their Chief at the period of their separation from the Missouries on the Mississippi, having carried off a Squaw from that nation. The nation however, is only known to white people as Oto, Otto, or Othouez. It thus appears that their name has been adopted subsequently to the migration and partition of the great nation, of which they were formally but a band.

ORIGIN OF THE WINNEBAGOES.

This great nation they say, originally resided somewhere to the Northward of the great lakes, and on their emigration Southward, after performing a considerable journey, a large band of them called Ho-ho-ge, or Fish Eaters, from their fondness for fish, separated from the main body, and established their residence on the margin of a lake.— This band is now known by the name of Winnebagoes. During the journey of the great nation, another band separated from them on the Mississippi, and received the name of Pa-ho-ja or Gray Snow, which they still retain, but are known to the white people as Ioways, or Ainouez. \* \* \* \* \* The Otos also separated from the nation on the Mississippi and struck the Missouri near the confluence of the great Nemawhaw. Here the Otoes remained a considerable time for the purpose of hunting. \* \* \* \* \* From this locality they proceeded up the river to the Platte, and after hunting for some time near its confluence, they moved still further up the Missouri, and established a village on its bank, about fourteen miles below the Council Bluffs. In this position they remained several years; during which time, a band of the Ioways took up their residence about one year on the bank of the river, nearly opposite to them. The Ioways after having resided in a village on the Iowa part of the Missouri, a considerable space of time, were rejoined by the band above mentioned, when they abandoned their position, and returned to the waters of the Mississippi, and erected a village on the Moyene, (Des Moines) where it still remains.”—(“ Expedition to Rocky Mountains, 1819-20.”)

## CHAPTER VIII.

INTERVAL BETWEEN THE EXPLORATION OF LE SUEUR IN 1700, AND JONATHAN CARVER, IN 1766.

IT has been mentioned that those left in charge of the Fort at Mankahito by Le Sueur, returned to Montreal on account of the hostility of the Indians. About this period the Sauks and Foxes, who used to hunt as far North as the Sauk Rapids, though their principal residence was on the Fox River, in Wisconsin, formed an alliance and waged war against the Ojibways and Illinois, who were the allies of the French. As a consequence, the Wisconsin for many years ceased to be an avenue of trade to the Mississippi.

In 1726 a proposition was made by the French commandant at the post on the Illi-

nois, to the officer at Green Bay to exterminate the Foxes. In reply to the proposition the latter says: "We agree that that would be the best expedient, but must maintain that nothing can be more dangerous in case it should fail. It would be necessary to effect a surprize, and to keep them shut up in the Fort as in the last war, for if the Foxes escape to the Steux, or the Ayouais (Ioways) they would return to destroy us in all the upper country." \*

It was during the interval referred to in this chapter that the Ojibway incursions into Minnesota took place. Aided by French fire-arms and advice, the Ojibways advanced by way of the St. Louis River. Under Bi-ans-wah, they drove the Dakotas from their village, and from this point they commenced a warfare, which in time led to the retirement of the Dakotas from Leech, Mille Lac, and other strong-holds, North of the Falls of Saint Anthony, and West of Lake Superior.

Very near the period that France ceded Canada to England the last conflict of the Foxes and Ojibways took place at the Falls of the Saint Croix. The late Anglo-ojibway, Wm. Warren says:

The account which the Ojibwas give of this battle is, that a famous war chief of Lake Superior, whose name was Waub-o-jeeg, or White Fisher sent his war club and wampum of war to call the scattered bands of the Ojibwa tribes, to collect a war party to march against the Sioux villages on the St. Croix and Mississippi. Warriors from Ste. Maries, Kewenaw, Wisconsin and Grand Portage joined his party, and with three hundred warriors Waub-o-jeeg started from Lapointe to march into the enemy's country. He had sent his war club to the village of Sandy Lake, and they had sent tobacco in return, with answer that on a certain day, sixty men from that section of the Ojibwa tribe would meet him at the confluence of Snake river with the St. Croix. On reaching this point on the day designated, and the Sandy Lake party not having arrived as agreed upon, Waub-o-jeeg, not confident in the strength of his numbers, continued down the St. Croix. They arrived at the Falls of St. Croix early in the morning, and while preparing to take their bark canoes over the portage, or carrying place, scouts were sent in advance to reconnoitre. They soon returned with the information that they had discovered a large party of Sioux and Foxes landing at the other end of the portage.

The Ojibwas instantly prepared for battle, and the scouts of the enemy having discovered them, the two hostile parties met as if by mutual appointment, in the middle of the portage. The Foxes after seeing the comparatively small number of the Ojibwas, and over confident in their own superior numbers and prowess, requested the Sioux not to join in the fight, but to sit by and see how quickly they could route the Ojibwas. This request was granted. The fight between the contending warriors of the two tribes, is said to have been fiercely contested, and embellished with many daring acts of personal valor. About noon the Foxes commenced yielding ground, and at last were forced to flee in confusion. They would probably have been driven into the river and killed to a man, had not their allies the Siouxs, who had been quietly smoking their pipes and calmly viewing the fight from a distance, at this juncture, yelled their war whoop, and rushed to the rescue of their discomfited friends.

The Ojibwas resisted their new enemies manfully, and it was not until their ammunition had entirely failed that they in turn showed their backs in flight. Few would have returned to their lodges to tell the sad tale of defeat, and death of brave men, had not

\* Wisconsin Hist. Soc. Report, Page 22.

the party of sixty warriors from Sandy Lake, who were to have joined them at the mouth of Snake river, arrived at this opportune moment, and landed at the head of the portage.

Eager for the fight and fresh on the field, this band withstood the onset of the Sioux and Foxes, till their retreating friends could rally again to the battle. The Sioux and Foxes in turn fled, and it is said that the slaughter in their ranks was great. Many were driven over the rocks into the boiling flood below; and every crevice in the cliffs contained a dead or wounded enemy.

From this time the Foxes retired to the South and forever give up the war with their victorious enemies.

The old Ojibwa Chief "Buffalo" of Lapointe, says that the fire of the Foxes was by this stroke nearly extinguished, and they were reduced to fifteen lodges. They placed themselves under the protection of the Osaukies, who are a family of the Algonquin stock, and by offering to be their cutters of wood and carriers of water, were at last incorporated into that tribe. The Foxes speak a distinct language and do not belong to the Algonquin Council Fires. The Ojibwas term them, O-dug-aum-eeeg-or people of the opposite side."

The Foxes being at last dislodged from the Fox river, French traders began to come from Mackinaw to the Mississippi, by way of Green Bay.

In the year 1755, a French fort for the first time was established at Prairie du Chien,\* and drew around it a number of voyageurs and coureurs des bois, whose descendants are found in Minnesota.

In an old European Atlas, in the Library of the Philadelphia Athenæum, there is a map with a post called "St. Nicholas" at the mouth of the Wisconsin.

#### ENGLISH TAKE POSSESSION OF THE COUNTRY.

In the fall of 1761, a detachment of English soldiers left Detroit to take possession of Green Bay and the adjacent country.

The Wisconsin Historical Society has lately published the journal of the commanding officer of the post, from which we make some extracts:

"We arrived and took post at La Bay (Green Bay,) the twelfth of October; found the fort quite rotten, the stockade ready to fall, the houses without cover, our fire-wood far off, and none to be got when the river closed."

Accompanying this officer were two English traders,—the first ever in the country,—McKay, from Albany, and Goddard from Montreal.

#### WINNEBAGOES AND IOWAYS ASK FOR TRADERS.

"August 6th, 1762. Three Puan chiefs with four ambassadors from the Avoy (Ioway) nation came. I made the same speech to them as to the rest. The chief of the third town of Puans brought me a large belt, confirming what both the others had said before, telling me he had seen the belts I had sent, and that he had never been at war with the English, nor could the French commander persuade him to it. He brought the other chiefs to confirm what he said, as he never knew any harm the English had done. He made the same demand for trading, with the same promise of protection for them, and also asked for a gunsmith and rum. The Avoy (Ioways) then spoke, said they had come very far, had brought no belts, as they had come to see if I would shake hands and forgive them as I had done the rest."

\*See petition of old settlers at Prairie du Chien, forty years ago, in the "American State Papers."

## INTERVIEW OF THE ENGLISH AND SOUS.

On March 1, 1763, twelve warriors of the Sous came here. It is certainly the greatest nation of Indians ever yet found. Not above two thousand of them were ever armed with fire-arms, the rest depending entirely on bows and arrows, which they use with more skill than any other Indian nation in America. They can shoot the wildest and largest beasts in the woods at seventy or one hundred yards distant. They are remarkable for their dancing, and the other nations take the fashions from them. \* \* \* \* This nation is always at war with the Chippewas, those who destroyed Mishamakinak. They told me with warmth that if ever the Chippewas or any other Indians wished to obstruct the passage of the traders coming up, to send them word, and they would come and cut them off from the face of the earth, as all Indians were their slaves or dogs. I told them I was glad to see them, and hoped to have a lasting peace with them.— They then gave me a letter wrote in French, and two belts of wampum from their king, in which he expressed great joy on hearing of their being English at his post. The letter was written by a French trader, whom I had allowed to go among them last fall, with a promise of his behaving well, which he did better than any Canadian I ever knew.

\* \* \* \* With regard to traders, I told them I would not allow any to go amongst them, as I then understood they lay out of the government of Canada, but made no doubt they would have traders from Mississippi in the spring. They went away extremely well pleased. "June 14th, 1763, the traders came down from the Sack country, and confirmed the news of Landsing and his son being killed by the French. There came with the traders some Puans, and four young men with one chief of the Avoyn nation to demand traders." \* \* \* \*

On the nineteenth, a deputation of Winnebagoes, Sacs, Foxes, and Menominees arrived with a Frenchman named Pennensha. "This Pennensha is the same man who wrote the letter the Sous brought with them, in French, and at the same time—held council with that great nation in favor of the English, by which he much promoted the interests of the latter, as appeared by the behaviour of the Sous. He brought with him a pipe from the Sous, desiring that as the road is now clear, they would by no means allow the Chippewas to obstruct it, or give the English any disturbance, or prevent the traders from coming up to them. If they did so they would send all their warriors and cut them off."

## CHAPTER IX.

## MINNESOTA AS A BRITISH DOMINION—EXPLORATIONS OF JONATHAN CARVER.

**T**HOUGH the treaty of 1763, made at Versailles, between France and England, ceded all the Territory comprised within the limits of Wisconsin and Minnesota, to the latter power, the English did not for a long time obtain a foothold.

The French traders having purchased wives from the Indian tribes, they managed to preserve a feeling of friendship towards their king, long after the trading posts at Green Bay and Sault St. Marie had been discontinued.

The price paid for peltries by those engaged in the fur trade at New Orleans was also.

higher than that which the British could afford to give, so that the Indians sought for French goods in exchange for their skins.

Finding it useless to compete with the French of the lower Mississippi, the English Government established no posts of trade or defence beyond Mackinac. The country West of Lake Michigan appears to have been trodden by but few British subjects, previous to him who forms the subject of the present article, and whose name has become somewhat famous in consequence of his heirs having laid claims to the site of St. Paul, and many miles adjacent.

Jonathan Carver was a native of Connecticut. It has been asserted, that he was a lineal descendant of John Carver, the first Governor of Plymouth Colony, but the only definite information that the writer can obtain concerning his ancestry, is that his grandfather, Wm. Carver, was a native of Wigan, Lancashire, England, and a captain in King William's army during the campaign in Ireland, and for meritorious services received an appointment as an officer of the Colony of Connecticut.

His father was a justice of the peace in the new world, and in 1732, at Stillwater, or Canterbury, Connecticut, the subject of this sketch was born. At the early age of fifteen he was called to mourn the death of his father. He then commenced the study of medicine, but his roving disposition could not bear the confines of a doctor's office, and feeling perhaps that his genius would be cramped by pestle and mortar, at the age of eighteen he purchased an ensign's commission in one of the regiments Connecticut raised during the French war. He was of medium stature, and of strong mind and quick perceptions.

In the year 1757, he was present at the massacre of Fort William Henry, and narrowly escaped with his life.

After the peace of 1763, between France and England was declared, Carver conceived the project of exploring the North-west. Leaving Boston in the month of June, 1766, he arrived at Mackinac, then the most distant British post, in the month of August. Having obtained a credit on some French and English traders from Major Rodgers, the officer in command, he started with them Westward, on the third day of September. Pursuing the usual route to Green Bay, they arrived there on the eighteenth.

The French Fort at that time was standing, though much decayed. It was some years previous to his arrival, garrisoned for a short time by an officer and thirty English soldiers, but they having been captured by the Menominees, it was abandoned.

In company with the traders he left Green Bay on the twentieth, and ascending Fox river, arrived on the twenty-fifth at an island at the East end of Lake Winnebago, containing about fifty acres.

Here he found a Winnebago village of fifty houses. He asserts that a woman was in authority. In the month of October, the party was at the portage of the Wisconsin, and descending that stream, they arrived on the ninth at a town of the Sacks. While here he visited some lead mines about fifteen miles distant. An abundance of lead was also seen in the village, that had been brought from the mines.

#### PRAIRIE DU CHIEN DESCRIBED.

On the tenth, they arrived at the first village of the Ottigaurmies, (Foxes,) and about five miles before the Wisconsin joins the Mississippi, he perceived the remnants of another village, and learned that it had been deserted about thirty years before, and that the inhabitants soon after their removal built a town on the Mississippi, near the mouth of the Onisconsin, at a place called by the French *La Prairie des Chiens*, which signified

the Dog Plains. It is a large town, and contains about three hundred families. The houses are all well built, after the Indian manner, and pleasantly situated on a dry rich soil.

I saw here many horses of a good size and shape. This town is the great mart where all the adjacent tribes, and where those who inhabit the most remote branches of the Mississippi, annually assemble about the latter end of May, bringing with them their furs to dispose of to the traders. But it is not always that they conclude their sale here. This is determined by a general council of the chiefs, who consult whether it would be more conducive to their interest to sell their goods at this place, or carry them on to Louisiana or Michilimackinack.

At a small stream called Yellow River, opposite Prairie du Chien, the traders who had thus far accompanied Carver took up their residence for the winter.

From this point he proceeded in a canoe, with a Canadian Voyageur, and a Mohawk Indian, as companions.

#### ANCIENT MONUMENTS

Just before reaching Lake Pepin, while his attendants were one day preparing dinner, he walked out and was struck with the peculiar appearance of the surface of the country, and thought it was the site of some vast artificial earth-work.

It is a fact worthy of remembrance that he was the first to call the attention of the civilized world to the existence of ancient monuments in the Mississippi Valley. We give his own description :

“On the first of November, I reached Lake Pepin, a few miles below which I landed; and whilst the servants were preparing my dinner, I ascended the bank to view the country. I had not proceeded far, before I came to a fine, level, open plain, on which I perceived at a little distance, a partial elevation that had the appearance of entrenchment. On a nearer inspection, I had greater reason to suppose that it had really been intended for this many centuries ago. Notwithstanding it was now covered with grass, I could plainly see that it had once been a breast-work of about four feet in height, extending the best part of a mile, and sufficiently capacious to cover five thousand men. Its form was somewhat circular, and its flanks reached to the river.

“Though much defaced by time, every angle was distinguishable, and appeared as regular and fashioned with as much military skill as if planned by Vauban himself.—The ditch was not visible; but I thought, on examining more curiously, that I could perceive there certainly had been one. From its situation, also, I am convinced that it must have been designed for that purpose. It fronted the country, and the rear was covered by the river, nor was there any rising ground for a considerable way that commanded it; a few straggling lakes were alone to be seen near it. In many places small tracks were worn across it by the feet of the elks or deer, and from the depth of the bed of earth by which it was covered, I was able to draw certain conclusions of its great antiquity. I examined all the angles and every part with great attention, and have often blamed myself since, for not encamping on the spot, and drawing an exact plan of it.—To show that this description is not the offspring of a heated imagination, or the chimerical tale of a mistaken traveler. I find, on enquiry, since my return, that Mons. St. Pierre and several traders have, at different times, taken notice of similar appearances, upon which they have formed the same conjectures, but without examining them so minutely as I did. How a work of this kind could exist in a country that has hitherto

(according to the generally received opinion) been the seat of war to untutored Indians alone, whose whole stock of military knowledge has only, till within two centuries, amounted to drawing the bow, and whose only breast-work, even at present, is the thick-  
et, I know not. I have given as exact an account as possible of this singular appearance, and leave to future explorers of those distant regions, to discover whether it is a production of nature or art. Perhaps the hints I have here given, might lead to a more perfect investigation of it, and give us very different ideas of the ancient state of realms, that we at present believe to have been, from the earliest period, only the habitations of savages."

## LAKE PEPIN.

Lake Pepin excited his admiration, as it has that of every traveller since his day, and here he remarks: "I observed the ruins of a French Factory, where it is said Captain St. Pierre resided, and carried on a very great trade with the Naudawessies, before the reduction of Canada."

The first trading houses North of the Illinois river, were erected in the vicinity of Lake Pepin.

As early as 1687, Nicholas Perrot was trading in the neighborhood of the Sioux, and Charlevoix, in his History of New France, says that he built a fort near the mouth of the Lake.

Upon the map of Nicollet, on the East side of the Lake, near Porcupine-Quill Creek, the ruins of a French fort are marked. Pike, in his Journal of 1805, remarks: "Just below the Point Le Sable, the French, under Frontenac, who had driven the Renards from the Wisconsin, and chased them up the Mississippi, built a Stockade on this Lake, as a barrier against the savages. It became a noted factory for the Sioux."

In a map published in Europe as early as 1720, there is a fort marked on the Lake. These facts are confirmed by the Dakota tradition, which asserts, that the first trading post was located at the foot of the Lake.

## DAKOTAS AT THE ST. CROIX.

Carver's first acquaintance with the Dakotas commenced near the river St. Croix. It would seem that the erection of trading posts on Lake Pepin had enticed the Sioux from their old residence on Rum river and Mille Lac.

He says: "Near the river St. Croix, reside bands of the Naudawessie Indians, called the River Bands. This nation is composed at present of eleven bands. They were originally twelve, but the Assinipoils, some years ago, revolting and separating themselves from the others, there remain only at this time eleven. Those I met here are termed the River Bands, because they chiefly dwell near the banks of this river; the other eight are generally distinguished by the title of Naudawessies of the Plains, and inhabit a country more to the Westward. The name of the former are Nehogatawonaahs, the Mawtawbauntowahs, and Shashweentowahs."

On the Otis Farm, above Marine Mills, in the Valley of the St. Croix, there are numerous mounds, and every appearance of an old Indian settlement. Dakota tradition alleges that there was once a small and powerful band that lived above Lake St. Croix. The Mantanton Dakotas, which are spoken of by Le Sueur and Carver, may refer to these under the designation of M-awtawhauntowahs.

## DESCRIPTION OF THE VICINITY OF ST. PAUL.

"About thirteen miles below the Falls of St. Anthony, at which I arrived the tenth

day after I left Lake Pepin, is a remarkable cave of an amazing depth. The Indians term it Wakon-teebe (Wakan-tipi). The entrance into it is about ten feet wide, the height of it five feet. The arch within is near fifteen feet high, and about thirty feet broad; the bottom consists of fine clear sand. About thirty feet from the entrance, begins a lake, the water of which is transparent, and extends to an unsearchable distance, for the darkness of the cave prevents all attempts to acquire a knowledge of it. I threw a small pebble towards the interior part of it with my utmost strength; I could hear that it fell into the water, and notwithstanding it was of a small size, it caused an astonishing and terrible noise, that reverberated through all those gloomy regions. I found in this cave many Indian hieroglyphics, which appeared very ancient, for time had nearly covered them with moss, so that it was with difficulty I could trace them. They were cut in a rude manner upon the inside of the wall, which was composed of a stone so extremely soft that it might be easily penetrated with a knife; a stone everywhere to be found near the Mississippi." "The remnants of this cave are still visible in Dayton's Bluff, and a full history of it may be found in the Annals of 1852.

"At a little distance from this dreary cavern, is the burying-place of several bands of the Naudowessie Indians. Though these people have no fixed residence, being in tents, and seldom but a few months in one spot, yet they always bring the bones of the dead to this place."

#### HIS JOURNEY TO, AND IMPRESSIONS OF THE FALLS OF ST. ANTHONY.

"Ten miles below the Falls of St. Anthony, the River St. Pierre, called by the natives Wadapaw Menesotor, falls into the Mississippi from the West. It is not mentioned by Father Hennepin, though a large, fair river. This omission, I consider, must have proceeded from a small island, (Faribault's,) that is situated exactly in its entrance."

When he reached the Minnesota river, the ice became so troublesome that he left his canoe in the neighborhood of what is now Findlay's Ferry, and walked to St. Anthony, in company with a young Winnebago chief, who had never seen the curling waters. The chief, on reaching the eminence some distance below Cheever's, began to invoke his gods, and offer oblations to the spirit in the waters.

#### FALLS OF ST. ANTHONY.

"In the middle of the Falls stands a small island, about *forty feet* broad, and somewhat longer, on which grow a few cragged hemlock and spruce trees, and about half way between this island and the Eastern shore, is a rock, lying at the very edge of the Falls, in an oblique position, that appeared to be about five or six feet broad, and thirty or forty long. At a little distance below the Falls, stands a small island of about an acre and a half, on which grow a great number of oak trees."

From this description, it would appear that the little island, now some distance in front of the Falls, was once in the very midst, and shows that a constant recession has been going on, and that in ages long past, they were not far from the Minnesota river. A century hence, if the wearing of the last five years is any criterion, the Falls will be above the town of St. Anthony.

No description is more glowing than Carver's, of the country adjacent:

"The country around them is extremely beautiful. It is not an uninterrupted plain, where the eye finds no relief, but composed of many gentle ascents, which in the summer are covered with the finest verdure, and interspersed with little groves that give a

pleasing variety to the prospect. On the whole, when the Falls are included, which may be seen at the distance of four miles, a more pleasing and picturesque view I believe cannot be found throughout the universe."

He arrived at the Falls on the 17th of November, 1766, and appears to have visited Elk river.

CARVER'S VOYAGE UP THE MINNESOTA.

On the twenty-fifth of November, he had returned to the place opposite the Minnesota, where he had left his canoe, and this stream as yet not being obstructed with ice, he commenced its ascent, with the colors of Great Britain flying at the stern of his canoe. There is no doubt that he entered this river, but how far he explored it cannot be ascertained. He speaks of the Rapids near Shakopee, and asserts that he went as far as two hundred miles beyond Mendota. He remarks:—

"On the 7th of December, I arrived at the utmost extent of my travels towards the West, where I met a large party of the Naudowessie Indians, among whom I resided some months."

After speaking of the upper bands of the Dakotas, and their allies, he adds that he "left the habitations of the hospitable Indians the latter end of April, 1767, but did not part from them for several days, as I was accompanied on my journey by near three hundred of them, to the mouth of the river St. Pierre. At this season, these bands annually go to the great cave, (Dayton's Bluff,) before mentioned."

SPEECH MADE AT DAYTON'S BLUFF.

"When we arrived at the great cave, and the Indians had deposited the remains of their deceased friends in the burial place that stands adjacent to it, they held their great council, into which I was admitted. On this occasion I made the following speech, which I insert to give my readers a specimen of the language and manner in which it is necessary to address the Indians, so as to engage their attention. It was delivered on the first day of May, 1767:

"My brothers!—Chiefs of the numerous and powerful Naudowessies!—I rejoice that through my long abode with you I can now speak to you, though after an imperfect manner, in your own tongue, like one of your own children. I rejoice also that I have had an opportunity so frequently to inform you of the glory and power of the great king that reigns over the English and other nations; who is descended from a very ancient race of sovereigns, as old as the earth and water; whose feet stands on two great islands, longer than any you have ever seen; whose head reaches to the sun, and whose arms encircle the whole earth; the number of whose warriors are equal to the trees in the valleys, the stalks of rice in yonder marshes, or the blades of grass in your great plains; who has hundreds of canoes of his own, of such amazing bigness, that all the waters in your country would not suffice for one of them to swim in; each of which have guns, not small, like mine, which you see before you, but of such magnitude that an hundred of your stoutest young men would with difficulty be able to carry one.

"You may remember the other day, when we were encamping at Wadapaw Mensotor, (Minnesota river,) the black clouds, the wind, the fire, the stupendous noise, and terrible cracks, and the trembling of the earth which then alarmed you, and gave you reason to think that your gods were angry with you; not unlike these are the warlike implements of the English, when they are fighting the battles of their great king.

Several of the Chiefs of your bands have often told me in times past, when I dwelt

with you in your tents, that they much wished to be counted among the children and allies of the great king, my master. \* \* \* \*

Being now about to take my leave of you, and to return to my own country, a long way toward the rising sun, I again ask you to tell me whether you continue of the same mind as when I spoke to you in council last winter; and as there are now several of your chiefs here who came from the great plains toward the setting of the sun, whom I have never spoken with in council before, I ask you to let me know if you are willing to acknowledge yourselves the children of my great master, the king of the English.

I charge you not to give heed to bad reports, for there are wicked birds flying about among the neighboring nations, who may whisper evil things in your ears against the English, contrary to what I have told you; you must not believe them, for I have told you the truth.

As for the Chiefs that are about to go to Michilimackinac, I shall take care to make for them and their suit a straight road, smooth waters, and a clear sky, that they may go there and smoke the pipe of peace, and rest secure on a beaver blanket under the shade of the great tree of peace. Farewell!"

Though the reader will doubt if such a speech was ever made by Jonathan, in the Dakota tongue, he will readily admit its grandiloquence.

#### BURIAL CEREMONIES OF THE DAKOTAS.

"When the Nadowessies brought their dead for interment to the great cave (St. Paul,) I attempted to get an insight into the remaining burial rites, but whether it was on account of the stench which arose from so many bodies, or whether they chose to keep this part of their custom secret from me, I could not discover. I found however, that they considered my curiosity as ill-timed and therefore I withdrew. \* \* \*

One formality among the Nadowessies in mourning for the dead, is very different from any mode I observed in the other nations, through which I passed. The men, to show how great their sorrow is, pierce the flesh of their arms above the elbows with arrows, and the women cut and gash their legs with sharp broken flints, till the blood flows very plentifully. \* \* \*

After the breath is departed, the body is dressed in the same attire it usually wore, his face is painted, and he is seated in an erect posture on a mat or skin, placed in the middle of the hut, with his weapons by his side. His relatives seated around, each harangues in turn the deceased, and if he has been a great warrior recounts his heroic actions nearly to the following purport, which in the Indian language is extremely poetical and pleasing :

"You still sit among us, Brother, your person retains its usual resemblance, and continues similar to ours, without any visible deficiency, except it has lost the power of action! But whither is that breath flown, which a few hours ago sent up smoke to the Great Spirit? Why are those lips silent, that lately delivered to us expressions and pleasing language? Why are those feet motionless that a short time ago were fleetier than the deer on yonder mountains? Why useless hang those arms that could climb the tallest tree, or draw the toughest bow? Alas every part of that frame which we lately beheld with admiration and wonder, is now become as inanimate as it was three hundred years ago! We will not however bemoan thee as if thou wast forever lost to us, or that thy name would be buried in oblivion; thy soul yet lives in the great country of Spirits with those of thy nation that have gone before thee, and though we are left behind to perpetuate thy fame, we shall one day join thee.

"Actuated by the respect we bore thee whilst living, we now come to tender thee the last act of kindness in our power; that thy body might not be neglected on the plain and become a prey to the beasts of the field or fowls of the air, we will take care to lay it with those of thy predecessors who have gone before thee; hoping at the same time that thy spirit will feed with their spirits and be ready to receive ours when we shall also arrive at the great country of Souls."

For this speech Carver is principally indebted to his imagination, but it is well conceived, and suggested one of Schiller's poems, called the "Death Song of a Nadowessie Chief," which Goethe considered one of his finest productions, and which has received two translations into English, one by Sir John Herschell, and the other by Sir E. L. Bulwar.

It appears from other sources that Carver's visit to the Dakotas was of some effect in bringing about friendly intercourse between them and the commander of the English force at Mackinac.

The earliest mention of the Sioux, in any public British documents that we know of, is in the correspondence between Sir Wm. Johnson, Superintendent of Indian Affairs for the Colony of New York, and General Gage, in command of the forces.

On the eleventh of September, less than six months after Carver's speech at Dayton's Bluff, and the departure of a number of Chiefs to the English Fort at Mackinac, Johnson writes to General Gage:—"Though I wrote you some days ago, yet I would not mind saying something again on the score of the vast expenses incurred, and, as I understand, still incurring at Michilimackinac, chiefly on pretence of making a peace between the Sioux and Chippeweighs, with which I think we have very little to do, in good policy or otherwise."

Sir William Johnson, in a letter to Lord Hillsborough, one of his Majesty's Ministers dated August 17th, 1768, again refers to the subject:

"Much greater part of those who go a trading are men of such circumstances and disposition as to venture their persons everywhere for extravagant gains, yet the consequences to the public are not to be slighted, as we may be led into a general quarrel through their means. The Indians in the part adjacent to Michilimackinac have been treated with at a very great expense for some time previous.

"Major Rodgers brings a considerable charge against the former for meditating a peace between some tribes of the Sioux and some of the Chippeweighs, which, had it been attended with success, would only have been interesting to a very few French, and others, that had goods in that part of the Indian country, but the contrary has happened, and they are now more violent, and war against one another."

#### CARVER'S FORESIGHT.

Though a wilderness of over one thousand miles intervened between the Falls of St. Anthony and the white settlements of the English, he was fully impressed with the idea that the territory now organized under the name of Minnesota, on account of its beauty and fertility, would attract settlers.

Speaking of the advantages of the country, he says that the future population will be "able to convey their produce to the seaports with great facility; the current of the river from its source to its entrance into the Gulf of Mexico, being extremely favorable or doing this in small craft. This might also in time be facilitated by canals or short-cuts, and a communication opened by water with New York, by way of the Lakes."

#### NORTHERN ROUTE TO THE PACIFIC.

The subject of this sketch was confident that a route could be discovered by way of

the Minnesota river, which "would open a passage for conveying intelligence to China, and the English settlements in the East Indies."

Carver having returned to England, interested Whitworth, a member of Parliament, in the Northern route. Had not the American Revolution commenced, they proposed to have built a fort at Lake Pepin, to have proceeded up the Minnesota, until they found, as they supposed they could, a branch of the Missouri, and from thence journeying over the summit of lands, until they came to a river which they called Oregon, which they would descend to the Pacific.

In England, Carver appears to have had difficulty, and soon became quite reduced, and in 1779 he became a clerk in a lottery office, and married, while his first wife was living in America. After his death, the children of each wife kept up a correspondence.

He was a ready writer, and prepared, besides his travels, a Gazetteer, and a Treatise on the Tobacco Plant, and seems to have met with some attention from the literary circles.

He died in great want, at the age of forty-eight, in 1780. In 1817, some of his heirs visited this country with the following

DEED PURPORTING TO HAVE BEEN GIVEN AT THE CAVE IN THE BLUFF BELOW ST. PAUL.

"To Jonathan Carver, a Chief under the most mighty and potent George the Third, King of the English, and other nations, the fame of whose warriors has reached our ears, and has been now fully told us by our good brother Jonathan, aforesaid, whom we rejoice to have come among us, and bring us good news from his country.

We, Chiefs of the Naudowessies, who have hereunto set our seals, do by these presents, for ourselves and heirs forever, in return for the aid and other good services done by the said Jonathan to ourselves and allies, give, grant and convey to him, the said Jonathan, and to his heirs and assigns forever, the whole of a certain tract of territory of land, bounded as follows, viz: from the Falls of St. Anthony, running on the East bank of the Mississippi, nearly Southeast, as far as Lake Pepin, where the Chippewa joins the Mississippi, and from thence Eastward, five days travel, accounting twenty English miles per day, and from thence again to the Falls of St. Anthony, on a direct straight line. We do, for ourselves, heirs, and assigns, forever give unto the said Jonathan, his heirs and assigns, with all the trees, rocks, and rivers therein, reserving the sole liberty of hunting and fishing on land not planted or improved by the said Jonathan, his heirs and assigns, to which we have affixed our respective seals.

At the Great Cave, May 1st, 1767."

In 1821, General Leavenworth, in behalf of the United States, made inquiries of the Sioux, but could learn nothing of the two Chiefs whose names were attached to the deed.

In 1823, a committee of the United States Senate reported adversely to the petition of the heirs of Carver.

#### ORIGIN OF THE DAKOTAS.

Carver in common with other travellers had his theory. He supposed that they came from Asia. He remarks "But this might have been at different times and from various parts; from Tartary, China, Japan, the inhabitants of these places resemble each other. \* \* \* \* \*

"It is very evident that some of the names and customs of the American Indians re-  
C. Ap.—14.

semble those of the Tartars, and I make no doubt but that in some future era, and this not very distant, it will be reduced to certainty that during some of the wars between the Tartars and the Chinese, a part of the inhabitants of the Northern provinces were driven from their native country, and took refuge in some of the isles before mentioned, and from thence found their way into America. \* \* \* \* \*

"Many words are used both by the Chinese and Indians which have a resemblance to each other, not only in their sound but in their signification. The Chinese call a slave Shungo; and the Naudowessie Indians whose language, from their little intercourse with the Europeans, is least corrupted, term a dog Shungush (Shoankah.) The former denominate our species of their tea Shoushong; the latter call their tobacco Shous-assan (Chanshasha.) Many other of the words used by the Indians, contain the syllables *che*, *chau*, and *chu*, after the dialect of the Chinese." The comparison of languages have become a rich source of historical knowledge, yet very many of the analogies traced are fanciful. The remark of Humbolt, in "Cosmos" is worthy of remembrance. "As the structure of American idioms appears remarkably strange to nations speaking the modern languages of Western Europe, and who readily suffer themselves to be led away by some accidental analogies of sound. Theologians have generally believed that they could trace an affinity with the Hebrew, Spanish colonists with the Basque and the English or French settlers with Gaelic, Erse, or the Bas Breton. I one day met on the coast of Peru, a Spanish naval officer, and an English whaling Captain, the former of whom declared that he had heard Basque spoken at Tahiti, the other Gaelic or Erse at the Sandwich Islands.

The following documents were called forth by the heirs of Carver, petitioning the United States to give them a title to the land upon which Saint Paul stands, and many miles more, because of an alleged grant of land, made by the Dakotas, to Captain Jonathan Carver, of the British army:—

WASHINGTON, July 28, 1821.

Sir :—Agreeably to your request, I have the honor to inform you what I have understood from the Indians of the Sioux Nation, as well as some facts within my own knowledge, as to what is commonly termed Carver's Grant. The grant purports to be made by the chiefs of the Sioux of the Plains, and one of the chiefs uses the sign of a serpent, and the other a turtle, purporting that their names are derived from those animals.

The land lies on the East side of the Mississippi. The Indians do not recognize or acknowledge the grant to be valid, and they (among others) assign the following reasons :

(1.) The Sioux of the Plains never owned a foot of land on the East side of the Mississippi. The Sioux Nation is divided into two grand divisions, viz : The Sioux of the Lake, or perhaps more literally Sioux of the River, and Sioux of the Plain. The former subsists by hunting and fishing, and usually move from place to place by water, in canoes, during the summer season, and travel on the ice in the winter, when not on their hunting excursions. The latter subsist entirely by hunting, and have no canoes, nor do they know but little about the use of them. They reside in the large prairies West of the Mississippi, and follow the buffalo, upon which they entirely subsist ; these are called Sioux of the Plain, and never owned land East of the Mississippi.

(2.) The Indians say they have no knowledge of any such chiefs, as those who

have signed the grant to Carver, either amongst the Sioux of the River, or Sioux of the Plain. They say that if Captain Carver did ever obtain a deed or grant, it was signed by some foolish young men who were not chiefs, and who were not authorized to make a grant. Among the Sioux of the River there are no such names.

(3.) They say the Indians never received any thing for the land, and they have no intention to part with it, without a consideration. From my knowledge of the Indians, I am induced to think they would not make so considerable a grant, and have it go into full effect, without receiving a substantial consideration.

(4.) They have, and ever have had the possession of the land, and intend to keep it. I know that they are very particular in making every person who wishes to cut timber on that tract, obtain their permission to do so, and to obtain payment for it. In the month of May last, some Frenchmen brought a large raft of red cedar timber out of the Chippewa river, which timber was cut on the tract before mentioned. The Indians at one of the villages on the Mississippi, where the principal chief resided, compelled the Frenchmen to land the raft, and would not permit them to pass until they had received pay for the timber; and the Frenchmen were compelled to leave their raft with the Indians until they went to Prairie du Chien, and obtained the necessary articles and made the payment required.

I am, sir, very respectfully,

Your obedient servant.

H. LEAVENWORTH.

To JOSIAH MEIGS, Esq., Com. General Land Office.

[Communicated to the Senate, January 23, 1823.]

Mr. Van Dyke, from the committee on public lands, to whom was referred the petition of Samuel Harrison, agent for the heirs of Captain Jonathan Carver, praying for the recognition and confirmation of an Indian deed, for a large tract of land near St. Anthony's Falls, on the Mississippi; and also the petition of the Rev. Samuel Peters, L.L.D., who claims said tract of land as assignee of the heirs of said Captain Carver, and prays that he may be permitted to take possession of the same, reported:

The petitioners state, that Captain Jonathan Carver, in the year 1766, took a long tour among the Indian tribes, two hundred miles West of the Falls of Saint Anthony, in the Mississippi, and made important discoveries during his travel and residence of two years and five months, with various Indian tribes, which he caused to be printed and published in London, in 1773. That by his conciliatory measures, he gained the good will of the Indian tribes, and became the peacemaker between two large nations who were at war; and to reward him for his wisdom and friendly interposition, the sachems of the Naudowessies, were pleased to grant, and accordingly gave to him and his heirs, a deed for a tract of land therein specially described, dated at the Great Cave, May the 1st, 1767; that the chief of said tribe, made him a chief of their tribe on the same day, and he then engaged to return and settle in said territory with his family and connections.

That Captain Jonathan Carver afterwards returned to Boston and sailed for London, where he arrived in the year 1769, and soon after laid his deed before the British government, praying for the confirmation of it, and received for an answer that it should be confirmed as soon as the history of his travels was printed and published. But in consequence of the misunderstanding which existed between Great Britain and Amer-

ica, the ratification of the deed was suspended. That Captain Jonathan Carver died in London, January 31st., 1780, leaving a numerous progeny; and by the establishment of the Independence of America, the right to ratify Indian grants devolved upon the government of the United States.

The Rev. Samuel Peters, in his petition, further states, that Lefei, the present emperor of the Sioux and Nadowessies, and Red Wing, a sachem, the heirs and successors of the two grand chiefs who signed the said deed to Captain Carver, have given satisfactory and positive proof, that they allowed their ancestors' deed to be genuine, good and valid, and that Captain Carver's heirs and assigns, are the owners of said territory, and may occupy it free of all molestation.

The committee have examined and considered the claims thus exhibited by the petitioners, and remark that the original deed is not produced, nor any competent legal evidence offered, of its execution; nor is there any proof that the persons, who it is alleged made the deed, were the chiefs of said tribe, nor that (if chiefs) they had authority to grant and give away the land belonging to their tribe. The paper annexed to the petition, as a copy of said deed, has no subscribing witnesses; and it would seem impossible at this remote period, to ascertain the important fact, that the persons who signed the deed comprehended, and understood the meaning and effect of their act.

The want of proof as to these facts, would interpose in the way of the claimant's insuperable difficulties. But, in the opinion of the committee, the claim is not such as the United States are under any obligation to allow, even if the deed were proved in legal form.

The British government, before the time when the alleged deed bears date, had deemed it prudent and necessary, for the preservation of peace with the Indian tribes under their sovereignty, protection and dominion, to prevent British subjects from purchasing lands from the Indians; and this rule of policy was made known and enforced by the proclamation of the king of Great Britain, of 7th October, 1763, which contains an express prohibition.

Captain Carver, aware of the law, and knowing that such a contract could not vest the legal title in him, applied to the British government to ratify and confirm the Indian grant, and though it was competent for that government then to confirm the grant, and vest the title of said land in him, yet, from some cause, that government did not think proper to do it.

The territory has since become the property of the United States, and an Indian grant, not good against the British government, would appear to be not binding upon the United States government.

What benefit the British government derived from the services of Captain Carver, by his travels and residence among the Indians, that government alone could determine, and alone could judge what remuneration those services deserved.

One fact appears from the declaration of Mr. Peters, in his statement in writing, among the papers exhibited; namely, that the British government did give Captain Carver, the sum of one thousand, three hundred and seventy-five pounds, six shillings, and eight pence sterling. To the United States, however, Captain Carver rendered no services which could be assumed as any equitable ground for the support of the petitioners claim.

The committee being of opinion that the United States are not bound, in law or equity,

to confirm the said alleged Indian grant, recommended the adoption of the following resolution :—

“Resolved, That the prayer of the petitioners ought not to be granted.”

The Rev. Samuel Peters, here spoken of, was formerly an Episcopal minister in Connecticut. Being a tory, he went back to England after the Declaration of Independence. After many years he returned to this country, and died, at an advanced age, in New York city.

## CHAPTER X.

BRITISH TRADE IN MINNESOTA.

THE father of the late General Charles Gratiot was one of the most prominent of the fur traders in the Northwest. From an interesting sketch prepared by Ex-Governor Reynolds of Illinois, the following facts were learned :

“He was born in the celebrated city of Lausanne, Switzerland, in the year 1747. His family and connections were of the first respectability and wealth of that city. They were strong Huguenots, and supposed it to be their duty to educate their son Charles Gratiot, in that faith in London.

“At the age of ten years he was placed in the care of a friend in the metropolis of the British empire to receive his education. His talents were soon developed, so that he was discovered to possess an extraordinary strong mind. He was in the hands of wealthy and influential merchants, who believed that the *summum bonum* of human happiness to consist in two things: *neatly kept books, and great wealth.* Under these circumstances, young Gratiot was mostly prepared for commerce ; but his genius disdained the sordid shackles of traffic when the freedom of man came in contact.

“After receiving his education, at the age of eighteen he sailed from London for Canada, and joined at Montreal a wealthy uncle. He immediately formed a partnership, for the Northwest Indian trade, with Messrs. Kay and McRae.

“It must be recollected that in early times, and particularly with the English in Canada, the Northwest trade with the Indians was the main channel of wealth and fame ; and in fact, almost all the enterprising and active young men of that day, whose energies and talents entitled them to fame and honor, turned their attention to the Northwest trade.

“Charles Gratiot, in the year 1767, when he was only twenty years of age, embarked in this trade, and bade Canada a long farewell. His partners were stationed, one at Mackinaw, and the other in Montreal, while he himself was the active, intelligent and business partner, who extended the commerce of the company from the lakes and waters, of the Maumee, across the Wabash country to the Mississippi, and from the Falls of St. Anthony to the mouth of the Ohio. As his business increased, his mind and energies in the same proportion improved and developed themselves. He was the master spirit in commerce throughout this vast region of country, and the company of which he was partner employed seventy or eighty thousand dollars in their Indian trade. Charles Gratiot had the entire control of this large sum, and all commercial transactions within this extended territory.”

He remained in that region of country near Lake Superior for some years, trading with the Indians, receiving his supplies of goods from Mackinaw, and returning the proceeds of sales also to that place. In the year 1774 he turned his attention to the Illinois country, and established stores both at Cahokia and Kaskaskia. He also extended his trade across the Wabash Valley to the waters of the Maumee; so that his vast operations embraced four or five States of the present Union in the Northwest.

In the year 1774, some enterprising men in Montreal, who had a practical knowledge of the Indian trade, formed a company, styled the Northwest Company of Montreal. The shares of the company were few, a portion of which was owned by those who furnished the capital, and the rest by the traders themselves, each of whom took charge of an interior post. The old Canadian voyageurs were employed by this company in preference to all others; and in all probability the father of the late Joseph Renville, Sen'r., whose wife was a native of Kaposia village, was an attache to this company, as his son was subsequently to its rival, the "Hudson Bay." Sandy Lake, in the latter part of the eighteenth century, became quite a centre of Indian trade. In the year 1785, a scene occurred there, which has not been of infrequent occurrence. For the facts, we are indebted to Mr. Schoolcraft's Narrative, which he obtained from a manuscript of a voyageur named Perrault.

"A trader by the name of Kay, was asked by an Ojibwa to give him some rum. Kay refused, and walked him out of the tent. On turning round to enter, the Indian stabbed him in the back of the neck. Kay at the time was intoxicated, and seizing a long table knife, ran after the Indian. The Indians being also drunk, a general melee took place. The mother of the Indian who had stabbed the trader, ran up and stabbed Kay a second time. A friendly Indian now took up the quarrel of the trader, and plunged a knife into the breast of him who instigated the Indian in the first place to attack the trader. The Indian women, in self-defence, now destroyed all the liquor that could be found. Kay's wounds were so bad that he determined to go to Mackinac. "Before he started," says Perrault, "he sent for Mr. Harris and myself, to come to his tent, to receive his orders. He said to us:—'Gentlemen, you see my situation. I do not know whether God will spare my life or not. I have determined to leave you, and at all hazards to set out for Mackinac with seven men, accompanied by the Bras Casse and his wife, to take care of me on the road. Assort the remainder of the goods, and ascend to Leech lake, and await there for the return of the Pillagers, who are out on the prairies. In short, complete the inland trade. Mr. Pinot is too feeble an opponent to do you much injury. I confide in the capacity of you both.' A few moments afterwards Mr. Harris went out, when he said to me particularly, taking hold of my hands—'My dear friend you understand the language of the Chippewas. Mr. Harris would go with me, but he must accompany you. He is a good trader, but he has, like myself and others, a strong passion for drinking, which takes away his judgment. On these occasions, advise him. I will myself speak to him before my departure. Prepare everything to facilitate our passage over the portages and along the lake. I shall set out to-morrow. I find myself better every day.'

"I left him with his physician, and went to distribute the provisions and lading for two inland canoes, one for Mr. Kay, and one for the four men who were to take the furs from Pine river, consisting of nineteen packs of eighty pounds each, and four packs of deer skins, to serve as seats for Mr. Kay's men. The next day Mr. Kay was a little

better, which diffused pleasure among us all. I constructed a litter (*un trencard*) for two men to carry him over the portages ; and he set out the same day, being the fifth of May, about two o'clock in the afternoon. Mr. Pinot also departed the same day. Bras Casse and his wife departed about sunset."

The sequel of this tale is briefly told. Mr. Kay reached Mackinac, where Capt. Robinson, then in command, had a second operation performed on him by the post-surgeon. He afterwards closed his business and went to Montreal. A suppuration of his wound, however, took place at the Lake of Two Mountains, which terminated his life on the 26th of August, 1785, three months and twenty-four days after receiving the wound.

In 1796, the Northwest Company built a fort at Sandy Lake. In 1805, the fur trade of Minnesota was entirely monopolized by this English company. At Leech lake, and other points in the Ojibwa country, they had posts.

The principal traders among the Dakotas, at this time, were Cameron, Dickson, Campbell, Aird, and Crawford. The latter lived much of the time on the Des Moines river. Aird, or Aird, was a partner of a firm at Prairie du Chien. He was a Scotchman, from Mackinac, and was met by the returning expedition of Lewis and Clarke, with two canoes, near the junction of the Au Jacques with the Missouri river. In 1812 he had a post at Mendota. Campbell and Dickson traded at Kaposia and sundry places on the Mississippi and Minnesota rivers.

Cameron had his post towards the sources of the Minnesota. He also was a shrewd and daring Scotchman. He died in the year 1811, and the spot where he was buried, on the Upper Minnesota, is known to this day as Cameron's Grave. One of his voyageurs, Old Milor, is still living at Mendota ; and while in the employ of Cameron, nearly lost his life. We tell the story as Featherstonhaugh relates it :—"The winter was advancing fast upon Milor and his fellow voyageurs, and they had delayed so long collecting their packs of skins, that the ice formed one night too strong to permit their descending the stream in a canoe. There was, however, some hopes of a thaw ; and they kept waiting from day to day, until their provision, of which they had but a slight supply, was exhausted. They had nothing left now, but to leave their packs of skins under the canoe, and take to the woods in the hopes that Cameron, who was at a distant trading-post below, seeing the state of the weather, would send relief to them.

"The snow was too deep to enable them to carry any burden ; and with their last meal in their pockets, they commenced their journey. They met with no game of any kind, on the way ; and on the night of the second day, they were reduced to the necessity of stripping some bark from a tree to masticate. In the morning, the severity of the weather increased, and no alternative presented itself, but stopping to die on the way, or making the most desperate effort to extricate themselves. On the morning of the third day, two of the men became weak, and frequently urged the other to stop ; but Milor always opposed these delays. These poor fellows were gradually losing their judgment ; they knew that delay would be fatal to the whole party, yet the sense of present distress took away all reflection from them. Milor, who was ahead of them all, came before night to a place somewhat sheltered from the wind, which was very piercing ; and seeing some signs of the bushes having been disturbed, he stepped aside to look, and found a dead Indian beside the remains of a small fire. Milor now shouted to the men to come on ; and pointing to the Indian, told them that would be their fate

before morning, if they stopped. Frightened at this, they kept up a good pace until a late hour; and Milor being in a part of the country he was acquainted with, took one of the most active of the men with him, and after great exertions, they had the good luck to catch two muskrats. With these they returned to the man, who had built up a good fire; and having eaten one of the animals, they lay down to sleep, and rested very well. In the morning they ate the other before starting; and as they felt a little more cheerful, Milor told them that if they would walk like men, he would take them to a place where there was plenty of muskrats, and that as soon as they had laid in a supply of them, they would strike across the country to Traverse des Sioux, where they would be sure to hear of Cameron and get food. In several days they caught but one muskrat.

"On the morning of the eighth day, they had not been marching an hour, when Milor, looking attentively to the Southeast, declared that he saw smoke in that direction, and that there must be a fire. This, as Milor said, had the effect of a glass of *eau de vie* upon them, and they went briskly on for two or three hours; but this cheering sign disappeared, and the men were beginning to despond again, when the thought struck Milor, that if any party were coming to their relief, they would naturally be keeping a lookout also. In less than a half hour after, he had gained the bluff to scan a thick column of smoke, not more than three miles distant. He immediately waved his cap, shouted to his companions, and set off in the direction of the expected aid. It was indeed the relief they expected. Two men, each with a pack containing pork and biscuit, had been despatched from Traverse des Sioux, and Cameron with three others, were to leave in a canoe, if an expected thaw admitted of it, and at any rate, were to start with an additional supply. Milor, having reposed himself, set out to meet his comrades with the reinforcement. 'What did they do when they saw you?' I asked Milor. 'Ces gaillards la ont commences a danser, Monsieur—the happy fellows began to dance,' was his answer.

"This incident, in the adventures of Milor, is very much to the credit of Cameron, who made so resolute an attempt to relieve his poor *engages*, when the chances were so much against his succeeding. Featherstonhaugh, vol. I, pp. 315—318.

## CHAPTER XI.

UNITED STATES PIONEER EXPLORATION OF THE UPPER MISSISSIPPI.

WITH the history of Minnesota there is intimately associated the name of General Pike, who fell in battle at York, Upper Canada. While a lieutenant, he was ordered by his commanding officer, the once notorious General Wilkinson, to visit the Indian tribes of the Upper Mississippi, and expel the British traders. The party under his command was small, and his conveniences few, yet his work was well and heroically performed. In the preface to his book, he says:—

"In the execution of this voyage I had no gentleman to aid me, and I literally performed the duties of astronomer, surveyor, commanding officer, clerk, spy, guide and

hunter frequently preceding the party for miles, in order to reconnoitre, and returning in the evening, hungry and fatigued, to sit down in the open air, by firelight, to copy the notes, and plot the courses of the day."

It has been the aim of the Editor to make judicious

## EXTRACTS FROM HIS JOURNAL.

SEPT. 1st, *Sunday*.—Embarked early; wind fair; arrived at the lead mines at 12 o'clock. A dysentery, with which I had been afflicted several days, was suddenly checked this morning; which I believe to have been the occasion of a very violent attack of fever about 11 o'clock. Notwithstanding it was very severe, I dressed myself, with an intention to execute the orders of the General relative to this place. We were saluted with a field-piece, and received with every mark of attention, by Monsieur Dubuque, the proprietor. There were no horses at the house, and it was six miles to where the mines were worked; it was therefore impossible to make a report by actual inspection. I therefore proposed ten queries, on the answers to which my report was founded. Dined with Mr. D., who informed me that the Sioux and Sauteurs were as warmly engaged in opposition as ever; that not long since the former killed fifteen Sauteurs, who, on the 10th of August, in return, killed ten Sioux, at the entrance of the St. Peters; and that a war party, composed of the Sacs, Reynards, and Puants, of 200 warriors had embarked on an expedition against the Sauteurs, but that they had heard that the chief having had an unfavorable dream, persuaded the party to return, and that I would meet them on my voyage. At this place I was introduced to a chief, called the Raven of the Reynards. He made a very flowery speech on the occasion, which I answered in a few words, accompanied by a small present.

I had now given up all hopes of my two men, and was about to embark, when a peroque arrived, in which they were, with a Mr. Blondeau, and two Indians, whom that gentleman had engaged above the rapids of Stony river. The two soldiers had been six days without anything to eat except muscles, when they met Mr. James Aird, by whose humanity and attention their strength and spirits were in a measure restored, and they were enabled to reach the Reynard village, where they met with Mr. B. The Indian chief furnished them with corn and shoes, and shewed his friendship by every possible attention. I immediately discharged the hire of the Indians, and gave Mr. Blondeau a passage to the Prairie des Chiens. Left the lead mines at 4 o'clock.—Distance 25 miles.

SEPT. 3d, *Tuesday*.—Embarked at a pretty early hour. Cloudy. Met two perouques of family Indians; they at first asked Mr. Blondeau, "if we were for war, or if going to war?" I now experienced the good effect of having some person on board who could speak their language, for they presented me with three pair of ducks, and a quantity of venison, sufficient for all our crew one day; in return, I made them some trifling presents. Afterwards met two perouques, carrying some of the warriors spoken of on the 2d inst. They kept at a great distance until spoken to by Mr. B., when they informed him that their party had proceeded up as high as Lake Pepin, without effecting anything. It is surprising what a dread the Indians in this quarter have of the Americans; I have often seen them go around islands, to avoid meeting my boat. It appears to me evident, that the traders have taken great pains to impress upon the minds of the savages the idea of our being a very vindictive, ferocious and warlike people. This impression was perhaps made with no good intention; but when they find

that our conduct towards them is guided by magnanimity and justice, instead of operating in an injurious manner; it will have the effect to make them reverence, at the same time they fear us. Distance 25 miles.

SEPT. 4th, *Wednesday*.—Breakfasted just below the Ouisconsing. Arrived at the Prairie Des Chiens about 11 o'clock; took quarters at Captain Fisher's, and were politely received by him and Mr. Frazer.

SEPT. 6th, *Friday*.—Had a small council with the Puants, and a chief of the lower band of the Sioux. Visited and laid out a position for a post, on a hill called the *Petit Gris*, on the Ouisconsing, three miles above its mouth. Mr. Fisher, who accompanied me, was taken very sick, in consequence of drinking some water out of the Ouisconsing. The Puants never have any white interpreters, nor have the Fols Avoin Nation. In my council, I spoke to a Frenchman, he to a Sioux, who interpreted to some of the Puants.

SEPT. 8th, *Sunday*.—Embarked at half past 11 o'clock, in two batteaux. The wind fair and fresh. I found myself very much embarrassed and cramped in my new boats, with provision and baggage. I embarked two interpreters, one to perform the whole voyage, whose name was Pierre Rossoau, and the other, named Joseph Reinuille, paid by Mr. Frazer, to accompany me as high as the Falls of St. Anthony. Mr. Frazer is a young gentleman, clerk to Mr. Blakely, of Montreal; he was born in Vermont, but has latterly resided in Canada. To the attention of this gentleman I am much indebted; he procured for me everything in his power that I stood in need of; despatched his bark canoes and remained himself to go on with me. His design was, to winter with some of the Sioux bands. We sailed well, came 18 miles, and encamped on the W. bank. I must not omit here to bear testimony to the politeness of all the principal inhabitants of the village. There is, however, a material distinction to be made in the nature of those attentions. The kindness of Messrs. Fisher, Frazer, and Woods, (all Americans,) seemed to be the spontaneous effusions of good will; and partiality to their countrymen; it extended to the accommodation, convenience, exercises and pastimes of my men: and whenever they proved superior to the French, openly shewed their pleasure. But the French Canadians appeared attentive, rather from their natural good manners than sincere friendship; however, it produced from them the same effect that natural good will did in the others.

SEPT. 10th, *Tuesday*.—Rain still continuing, we remained at our camp. Having shot at some pigeons, the report was heard at the Sioux lodges, when La Fieulle sent down six of his young men to inform me "that he had waited three days with meat, &c., but that last night they had began to drink, and that on the next day he would receive me with his people sober. I returned him for answer, "that the season was advanced, that time was pressing, and that if the rain ceased I must go on." Mr. Frazer and the interpreter went home with the Indians. We embarked about 1 o'clock. Frazer returning, informed me that the chief acquiesced in my reasons for pressing forward, but that he had prepared a pipe (by way of letter) to present me, to shew to all the Sioux above, with a message to inform them that I was a chief of their new fathers, and that he wished me to be treated with friendship and respect. On our arrival opposite to the lodges, the men were paraded on the bank, with their guns in their hands.—They saluted us (with ball) with what might be termed three rounds; which I returned with three rounds from each boat with my blunderbusses. This salute, although nothing to soldiers accustomed to fire, would not be so agreeable to many people, as the Indians

had all been drinking, and as some of them even tried their dexterity, to see how near the boat they could strike. They may, indeed, be said to have struck on every side of us. When landed, I had my pistols in my belt, and sword in hand. I was met on the bank by the chief, and invited to his lodge. As soon as my guards were formed, and sentinels posted, I accompanied him. Some of my men, who were going up with me, I caused to leave their arms behind, as a mark of confidence. At the chief's lodge I found a clean mat and pillow for me to sit on, and the beforementioned pipe, on a pair of small crutches before me. The chief sat on my right hand, my interpreter and Mr. Frazer on my left. After smoking, the chief spoke to the following purport:

"That, notwithstanding he had seen me at the prairie, he was happy to take me by the hand amongst his own people, and there to shew his young men the respect due to their *new father*. That, when at St. Louis in the spring, his father had told him that if he looked down the river, he would see one of his young warriors coming up. He now found it true, and he was happy to see me, who knew the Great Spirit was the father of all; both the white and the red people; and if one died, the other could not live long. That he had never been at war with their *new father*, and hoped always to preserve the same good understanding that now existed. That he now presented me with a pipe, to shew to the upper bands, a token of our good understanding; and that they might see his work and imitate his conduct. That he had gone to St. Louis on a shameful visit, to carry a murderer; but that we had given the man his life, and he thanked us for it. That he had provided something to eat, but he supposed I could not eat it, and if not, to give it to my young men."

I replied, "that, although I had told him at the prairie my business up the Mississippi, I would again relate it to him. I then mentioned the different objects I had in view, with regard to the savages who had fallen under our protection by our late purchase from the Spaniards. The different posts to be established. The objects of these posts as related to them; supplying them with necessaries; having officers and agents of government near them, to attend to their business; and above all, to make peace between the Sioux and Santeurs. That it was possible, on my return, I should bring some of the Santeurs down with me, and take with me some of the Sioux chiefs to St. Louis, there to settle the long and bloody war which had existed between the two nations. That I accepted his pipe with pleasure, as the gift of a great man,\* and a brother. That it should be used as he desired." I then eat of the dinner he had provided. It was very grateful. It was wild rye and venison, of which I sent four bowls to my men. I afterwards went to a dance, the performance of which was attended with many curious manœuvres. Men and women danced indiscriminately. They were all dressed in the gayest manner; each had in their hand a small skin of some description, and would frequently run up, point their skin, and give a puff with their breath, when the person blown at, whether man or woman, would fall, and appear to be almost lifeless, or in great agony; but would recover slowly, rise, and join in the dance. This they called their great medicine, or as I understood the word, dance of religion. The Indians believing that they actually puffed something into each other's bodies, which occasioned the falling, &c. It is not every person who is admitted; persons wishing to join them, must first make valuable presents to the Society, to the amount of forty or fifty dollars, give a feast, and then are admitted with great ceremony. Mr. Frazer in-

\* He is the Chief of four bands.

formed me, that he was once in the lodge with some young men, who did not belong to the club; when one of the dancers came in, they immediately threw their blankets over him, and forced him out of the lodge; he laughed, and the young Indians called him a fool, and said "he did not know what the dancer might blow into his body." I returned to my boat, sent for the chief, and presented him with two carrots of tobacco, four knives, half a pound of vermillion, and one quart of salt. Mr. Frazer asked liberty to present them some rum; we made them up a keg between us, of eight gallons.\* Mr. Frazer informed the chief that he dared not give them any without my permission. The chief thanked me for all my presents, and said "they must come free, as he did not ask for them." I replied, "that, to those who did not ask for anything, I gave freely; but to those who asked for much, I gave only a little or none." We embarked about half past 3 o'clock; came three miles, and encamped on the W. side. Mr. Frazer we left behind, but he came up with his two perouques about dusk. It commenced raining very hard. In the night, a perouque arrived from the lodges at his camp. During our stay at their camp, there were soldiers appointed to keep the crowd from my boats; who executed their duty with vigilance and rigor; driving men, women and children back, whenever they came near my boats. At my departure, their soldiers said, "as I had shaken hands with their chief, they must shake hands with my soldiers." In which request I willingly indulged them.

SEPT. 12th, *Thursday*.—It raining very hard in the morning, we did not embark until 10 o'clock. Mr. Frazer's perouques then coming up. It was still raining, and was very cold. Passed the Racine river, also a prairie called Le Cross, from a game of ball played frequently on it by the Sioux Indians. This prairie is very handsome; it has a small square hill, similar to some mentioned by Carver. It is bounded in the rear by hills similar to the Prairie Des Chien. On this prairie Mr. Frazer shewed me some holes, dug by the Sioux, when in expectation of an attack, into which they first put their women and children, and then crawl themselves. They were generally round, and about ten feet in diameter; but some were half moons, and quite a breastwork. This, I understood, was the chief work, which was the principal redoubt. Their modes of constructing them are, the moment they apprehend or discover an enemy on a prairie, they commence digging with their knives, tomahawks, and a wooden ladle; and in an incredibly short space of time, they have a hole sufficiently deep to cover themselves and their family from the balls or arrows of the enemy. They have no idea of taking those subterraneous redoubts by storm, as they would probably lose a great number of men in the attack; and, although they might be successful in the event, it would be considered as a very imprudent action. Mr. Frazer, finding his canoes not able to keep up, staid at this prairie to organize one of them, intending then to overtake us. Came on three miles further.

SEPT. 16th., *Monday*.—Embarked late, as I wished Mr. Frazer to overtake me, but came on very well. His canoes overtook us at dinner, at the grand encampment below Lake Pepin. We made the sandy peninsula on the East, at the entrance of Lake Pepin, by dusk; passed the Sauteaux river, on the East, at the entrance of the lake. After supper, the wind being fair, we put off, with the intention to sail across. My interpreter (Rosseau) telling me, that he had passed the lake twenty times, but never once in the day; giving as a reason, that the wind frequently rose and detained

\* Two gallons of Whiskey.

them by day in the lake. But I believe the traders' true reason, generally is, their fears of the Sauteurs, as they have made several strokes of war, at the mouth of this river, never distinguishing between the Sioux and their traders. However, the wind serving, I was induced to go on; and accordingly we sailed. My boat bringing up the rear, for I had put the sail of my big boat on my batteaux, and a mast of twenty-two feet. Mr. Frazer embarked on my boat. At first the breeze was very gentle, and we sailed with our violins and other music playing; but the sky afterwards became cloudy, and quite a gale arose. My boat ploughed the swells, sometimes almost bow under. When we came to the Traverse, which is opposite to Point De Sable, we thought it most advisable, the lake being very much disturbed and the gale increasing, to take harbor in a bay on the East. One of the canoes, and my boat, came in very well, and together; but having made a fire on the point to give notice to our boats in the rear, they both ran on the bar before they doubled it, and were near foundering; but by jumping into the lake we brought them into a safe harbor. Distance forty miles.

SEPT. 17th *Tuesday*.—Although there was every appearance of a very severe storm, we embarked at half past 6 o'clock, the wind fair, but before we had all hoisted sail, those in front had struck theirs. The wind came on hard ahead. The sky became inflamed and the lightning seemed to roll down the sides of the hills, which bordered the shore of the lake. The storm in all its grandeur, majesty, and horror, burst upon us, in the Traverse, while making to Point De Sable; and it required no moderate exertion to weather the point and get to the windward side of it. There we found Mr. Cameron, who had sailed from the prairie on the 5th; he had three bark, and one wooden canoes, with him. He had been laying here two days; his canoes unloaded and turned up for the habitation of his men; his tents pitched, and living in all the ease of an Indian trader. He appeared to be a man of tolerable information, but rather indolent in his habits; a Scotchman by birth, but an Englishman by prejudice. He had with him a very handsome young man, by the name of John Rudsell, and also his own son a lad of fifteen. The storm continuing, we remained all day. I was shown a point of rocks from which a Sioux woman cast herself and was dashed into a thousand pieces, on the rocks below. She had been informed, that her friends intended matching her to a man she dispised; and having refused her the man she had chosen, she ascended the hill, singing her death song; and before they could overtake her, and obviate her purpose, she took the lover's leap! and ended her troubles with her life. A wonderful display of sentiment in a savage. Distance 3 miles.

SEPT. 18th, *Wednesday*.—Embarked after breakfast. Mr. Cameron, with his boats came on with me. Crossed the lake, sounded it, and took an observation at the upper end. I embarked in one of his canoes, and we came up to Canoe river, where there was a small band of Sioux, under the command of Red Wing, the second war chief in the nation. He made me a speech and presented a pipe, pouch, and buffalo skin. He appeared to be a man of sense, and promised to accompany me to St. Peters; he saluted me, and had it returned. I made him a small present. We encamped on the end of the island, and although not more than 11 o'clock, were obliged to stay all night. Distance 18 miles.

SEPT. 19th, *Thursday*.—Embarked early; dined at St. Croix river. Messrs. Frazer and Cameron, having some business to do with the savages, we left them at the encampment; but they promised to overtake me, though they were obliged to travel until 12

o'clock at night. Fired a blunderbuss for them at Tattoo. The chain of my watch became unhooked, by lending her to my guard; this was a very serious misfortune.

SEPT. 21st, *Saturday* — Embarked at a seasonable hour, breakfasted at the Sioux village, on the east side (Pigs Eye.) It consists of eleven lodges and is situated at the head of an island just below a ledge of rocks. The village was evacuated at this time, all the Indians having gone out to the lands to gather fols av oin. About two miles above, saw three bears swimming over the river, but at too great a distance for us to have killed them; they made the shore before I could come up with them. Passed a camp of Sioux, of four lodges, in which I saw only one man, whose name was Black Soldier. The garrulity of the women astonished me, for at the other camps they never opened their lips; but here they flocked round us, with all their tongues going at the same time; the cause of this freedom must have been the absence of their lords and masters. Passed the encampment of Mr. FERREBAULT, who had broken his péroque and had encamped on the West side of the river, about three miles below St. Peters. We made our encampment on the N. E. point of the big island, (Pike Island,) opposite to St. Peters. The Mississippi became so very narrow this day, that I once crossed in my batteaux with forty strokes of my oars. The water of the Mississippi, since we passed Lake Pepin, has been remarkably red; and where it is deep, appears as black as ink. The waters of the St. Croix and St. Peters, appear *blue and clear*, for a considerable distance below their confluence. I observe a white flag on shore to day, and on landing, discovered it to be white silk; it was suspended over a scaffold, on which were laid four dead bodies, two enclosed in boards, and two in bark. They were wrapped up in blankets, which appeared to be quite new. They were the bodies, I was informed, of two Sioux women (who had lived with two Frenchmen) one of their children and some other relative; two of whom died at St. Peters and two at St. Croix, but were brought here, to be deposited upon this scaffold together. This is the manner of the Sioux burial, when persons die a natural death; but when they are killed, they suffer them to lay unburied. This circumstance brought to my recollection, the bones of a man I found on the hills below the St. Croix; the jaw bone I brought on board. He must have been killed on that spot. Distance twenty-four miles.

SEPT. 22d, *Sunday*.—Employed in the morning, measuring the river; about three o'clock Mr. Frazer and his péroques arrived, and in three hours after, the Petit Corbeau, at the head of his band, arrived with one hundred and fifty warriors. They ascended the hill, in the point between the Mississippi and St. Peters, the site of Fort Snelling, and gave us a salate, *a la mode sauvage*, with balls; after which we settled the affairs for the council the next day. Mr. Frazer and myself took a bark canoe, and went up to the village, in order to see Mr. Cameron. We ascended the St. Peters to the village and found his camp. (No current in the river.) He engaged to be at the council the next day, and promised to let me have his barge. The Sioux had marched on a war excursion; but hearing (by express) of my arrival, they returned by land. We were treated very hospitably, and halloeed after to go into every lodge, to eat. Returned to our camp about 11 o'clock, and found the Sioux and my men peaceably encamped.

SEPT. 22nd, *Monday*.—Prepared for the council, which we commenced about twelve o'clock. I had a bower or shade, made of my sails, on the beach, into which only my gentlemen (the traders) and the chiefs entered.

Le Grand Partisan.

Le Original Leve,

Le Demi Douzen,

Le Beccasse.

Le Bœuf que Marche.

} War chief, gave him my father's tomahawk, &c., &c.

It was somewhat difficult to get them to sign the grant, as they conceived their word of honor should be taken for the grant without any mark; but I convinced them it was not on their account, but my own, I wished them to sign it.

SPEECH DELIVERED TO THE SIOUX, AT THE ENTRANCE OF THE RIVER ST. PETERS,  
SEPTEMBER 22ND, 1805.

BROTHERS—I am happy to meet you here at this council fire, which your fathers has sent me to kindle, and to take you by the hands as our children. We having but lately acquired from the Spanish the extensive territory of Louisiana. Our general has thought proper to send out a number of his warriors to visit all his red children—to tell them his will, and to hear what request they may have to make of their father. I am happy the choice has fell on me to come this road; as I find my brothers, the Sioux, ready to listen to my words.

BROTHERS—It is the wish of our Government to establish military posts on the Upper Mississippi, at such places as might be thought expedient—I have, therefore, examined the country, and have pitched on the mouth of the river St. Croix. This place and the Falls of St. Anthony—I therefore wish you to grant to the United States, nine miles square, at St. Croix, and at this place, from a league below the confluence of the St. Peters and Mississippi, to a league above St. Anthony, extending three leagues on each side of the river; and as we are a people who are accustomed to have all our acts wrote down, in order to have them handed to our children, I have drawn up a form of an agreement, which we will both sign in the presence of the traders now present. After we know the terms, we will fill it up, and have it read and interpreted to you.

BROTHERS—Those posts are intended as a benefit to you. The old chiefs now present must see that their situation improves by a communication with the whites. It is the intention of the United States to establish at those posts, factories, in which the Indians may procure all their things at a cheaper and better rate than they do now, or than your traders can afford to sell them to you, as they are single men, who come far in small boats. But your fathers are many and strong, and will come with a strong arm, in large boats. There will also be chiefs here, who can attend to the wants of their brothers, without their sending or going all the way to St. Louis, and will see the traders that go up your rivers, and know that they are good men.

BROTHERS—Another object your father has at heart, is to endeavor to make peace between you and the Chippeways. You have now been a long time at war, and when will you stop? If neither side will lay down the hatchet, your paths will always be red with blood; but if you will consent to make peace, and suffer your father to bury the hatchet between you, I will endeavor to bring down some of the Chippeway chiefs with me to St. Louis, where the good work can be completed, under the auspices of your mutual father. I am much pleased to see that the young warriors have halted here to hear my words this day; and as I know it is hard for a warrior to be struck and not strike again, I will send (by the first Chippeway I meet) word to their chiefs:—That if they have not yet felt your tomahawk, it is not because you have no legs, nor the hearts of men, but because you have listened to the voice of your father.

BROTHERS—If the chiefs do not listen to the voice of their father, and continue to commit murders on you, and our traders, they will call down the vengeance of the Americans; for they are not like a blind man walking into the fire. They were once at war with us, and joined to all the Northern Indians, were defeated at Roche De Boëuf, and were obliged to sue for peace—that peace we granted them. They know we are not children, but, like all wise people, are slow to shed blood.

BROTHERS—Your old men probably know, that about thirty years ago we were subject to, and governed by the king of the English; but he not treating us like children, we would no longer acknowledge him as father—and after ten years war, in which he lost 100,000 men, he acknowledged us a free and independent Nation. They know that not many years since, we received Detroit, Michilimackinac, and all the posts on the lakes, from the English, and now but the other day, Louisiana from the Spanish; so that we put one foot on the sea at the East, and the other on the sea at the West; and, if once children, are now men; yet, I think the traders who come from Canada are bad birds amongst the Chippeways, and instigate them to make war on their red brothers, the Sioux, in order to prevent our traders from going high up the Mississippi. This I shall enquire into, and if so, warn those persons of their ill conduct.

BROTHERS—Mr. Choteau was sent by your father to the Osage Nation, with one of his young chiefs. He sailed some days before me, and had not time to procure the medals which I am told he promised to send up, but they will be procured.

BROTHERS—I wish you to have some of your head chiefs to be ready to go down with me in the spring. From the head of the St. Pierre, also, such other chiefs as you may think proper, to the number of four or five. When I pass here, on my way, I will send you word at what time you will meet me at the Prairie des Chiens.

BROTHERS—I expect that you will give orders to all your young warriors to respect my *flag* and *protection* which I may extend to the Chippeway chiefs who may come down with me in the spring; for was a dog to run to my lodge for safety, his enemy must walk over me to hurt him.

BROTHERS—Here is a flag, which I wish to send to Gens de Feuilles, to shew them they are not forgot by their father. I wish the *comrade* of their chief to take it on himself to deliver it with my words.

BROTHERS—I am told that hitherto the traders have made a practice of selling rum to you. All of you, in your right senses, must know that it is injurious; and occasions quarrels, murders, &c., amongst yourselves. For this reason, your father has thought proper to prohibit the traders from selling you any rum. Therefore, I hope my *brothers*, the *chiefs*, when they know of a trader to sell an Indian rum, will prevent that Indian from paying his credit. This will break up the pernicious practice, and oblige your father. But I hope you will not encourage your young men to treat our traders ill from this circumstance, or from a hope of the indulgence formerly experienced; but make your complaints to persons in this country, who will be authorized to do you justice.

BROTHERS—I now present you with some of your father's tobacco, and some other trifling things, as a memorandum of my good will, and before my departure I will give you some liquor to clear your throats.

Whereas, At a conference held between the United States of America and the Sioux Nation of Indians, Lieutenant Z. M. Pike, of the army of the United States, and

the chiefs and the warriors of said tribe, have agreed to the following articles, which, when ratified and approved of by the proper authority, shall be binding on both parties:

ART. 1. That the Sioux Nation grant unto the United States, for the purpose of establishment of military posts, nine miles square, at the mouth of the St. Croix,\* also from below the confluence of the Mississippi and St. Peters, up the Mississippi, to include the Falls of St. Anthony, extending nine miles on each side of the river, that the Sioux Nation grants to the United States the full sovereignty and power over said district forever.

ART. 2. That, in consideration of the above grants, the United States shall pay (filled up by the Senate with 2,000 dollars).

ART. 3. The United States promise, on their part, to permit the Sioux to pass and re-pass, hunt, or make other use of the said districts as they have formerly done, without any other exception than those specified in article first.

In testimony whereof, we, the undersigned, have hereunto set our hands and seals, at the mouth of the River St. Peters, on the 23d day of September, 1805.

Z. M. PIKE, [L. S.]  
1st Lieut., and agent at the above conference.

LE PETIT CORBEAU, his mark [L. S.]

WAY AGO ENAGEE, his mark [L. S.]

SEPT. 24th, *Tuesday*.—In the morning I discovered my flag was missing from off my boat. Being in doubt whether it had been stolen by the Indians, or had fallen overboard and floated away, I sent for my friend, the *Original Leve*, and sufficiently evinced to him, by the vehemence of my action, by the immediate punishment of my guard, (having inflicted on one of them corporeal punishment) and by sending down the shore three miles in search of it; how much I was displeased, that such a thing should have occurred. I sent a flag and two carrots of tobacco, by a Mr. Cameron, to the Sioux, at the head of the St. Peters; made a small draft of the position at this place; sent up the boat I got from Mr. Fisher, to the village of St. Peters, and exchanged her for a barge with a Mr. Duncan; my men returned with the barge about sun down. She was a fine light thing, eight men were able to carry her. Employed all day in writing.

SEPT. 25th, *Wednesday*.—I was awakened out of my bed by *Le Petit Corbeau*, (head chief) who came up from his village, to see if we were all killed, or if any accident had happened to us; this was in consequence of their having found my flag floating two or three miles below their village, (fifteen miles hence) from which they concluded that some affray had taken place, and that it had been thrown overboard. Although I considered this an unfortunate accident for me, I was exceedingly happy at its effect; for it was the occasion of preventing much bloodshed among the savages. A chief called the *Outard Blanche*, had his lip cut off, and had come to the *Petit Corbeau*, and told him, "that his face was his looking glass, that it was spoiled, and that he was determined on revenge." The parties were charging their

\* My demand was one league below; their reply was "from below." I imagine (without iniquity) they may be made to agree.

guns, and preparing for action, when lo! the flag appeared; like a messenger of peace, sent to prevent their bloody purposes. They were all astonished to see it; the staff was broke. When the *Petit Corbeau* arose and spoke to this effect: "That a thing so sacred, had not been taken from my boat, without violence; that it would be proper for them, to hush all private animosities, until they had revenged the cause of their eldest brother; that he would immediately go up to St. Peters, to know what dogs had done that thing; in order to take steps to get satisfaction of those, who had done the mischief." They all listened to this reasoning and he immediately had the flag put out to dry, and embarked for my camp. I was much concerned to hear of the blood likely to have been shed, and gave him five yards of blue stroud, three yards of calico, one handkerchief, one carrot of tobacco, and one knife, in order to make peace among his people. He promised to send my flag by land to the Falls, and make the peace with *Outard Blanche*. Mr. Frazer went up to the village, and we embarked late, and encamped at the foot of the rapids. In many places, I could scarce throw a stone over the river. Distance three miles.

SEPT. 26th, *Thursday*.—Embarked at the usual hour, and after much labor in passing through the rapids, arrived at the foot of the Falls about three or four o'clock; unloaded my boat, and had the principal part of her cargo carried over the portage.—With the other boat however full loaded, they were not able to get over the last shoot, and encamped about six hundred yards below. I pitched my tent and encamped above the shoot. The rapids mentioned in this day's march, might properly be called a continuation of the falls of St. Anthony, for they are equally entitled to this appellation, with the falls of the Delaware and Susquehanna. Killed one deer. Distance nine miles.

SEPT. 27th, *Friday*.—Brought over the residue of my loading this morning. Two men arrived, from Mr. Frazer, on St. Peters, for my dispatches. This business, closing and sealing, appeared like a last adieu to the civilized world. Sent a large packet to the general, and a letter to Mrs. Pike, with a short note to Mr. Frazer. Two young Indians brought my flag across by land, who arrived yesterday, just as we came in sight of the Fall. I made them a present for their punctuality and expedition, and the danger they were exposed to from the journey. Carried our boats out of the river, as far as the bottom of the hill.

SEPT. 28th, *Saturday*.—Brought my barge over, and put her in the river above the the Falls—while we were engaged with her three-fourths miles from camp, seven Indians painted black appeared on the heights. We had left our guns at the camp and were entirely defenceless. It occurred to me that they were the small party of Sioux who were obstinate, and would go to war, when the other part of the bands came in; these they proved to be; they were better armed than any I had ever seen; having guns, bows, arrows, clubs, spears, and some of them even a case of pistols. I was at that time giving my men a dram; and giving the cup of liquor to the first, he drank it off; but I was more cautious with the remainder. I sent my interpreter to camp with them, to wait my coming; wishing to purchase one of their war clubs, it being made of elk horn, and decorated with inlaid work. This and a set of bows and arrows, I wished to get as a curiosity. But the liquor I had given him, begining to operate, he came back for me, but refusing to go till I brought my boat, he returned, and (I suppose being offended) borrowed a canoe and crossed the river. In the afternoon got the other boat

near the top of the hill, when the props gave way, and she slid all the way down to the bottom, but fortunately without injuring any person. It raining very hard, we left her. Killed one goose and a racoon.

SEPT. 29th, *Sunday*—I killed a remarkably large racoon. Got our large boat over the portage, and put her in the river, at the upper landing; this night the men gave sufficient proof of their fatigue, by all throwing themselves down to sleep, preferring rest to supper. This day I had but fifteen men out of twenty-two; the others were sick. This voyage could have been performed with great convenience, if we had taken our departure in June. But the proper time would be to leave the Illinois as soon as the ice would permit, when the river would be of a good height.

SEPT. 30th, *Monday*—Loaded my boat, moved over and encamped on the Island. The large boats loading likewise, we went over and put on board. In the meant time, I took a survey of the Falls, Portage, &c. If it be possible to pass the Falls in high water, of which I am doubtful, it must be on the East side, about thirty yards from shore; as there are three layer of rocks, one below the other. The pitch off of either, is not more than five feet; but of this I can say more on my return.\*

OCT. 4th, *Friday*—Rained in the morning, but the wind serving, we embarked, although extremely raw and cold. Opposite to the mouth of Crow river we found a bark canoe, cut to pieces with tomahawks, and the paddles broken on shore; a short distance higher up we saw five more; and continued to see the wrecks until we found eight. From the form of the canoes, my interpreter pronounced them to be Sioux; and some broken arrows to be the Sauteurs. The paddles were also marked with the Indian sign of men and women killed. From all these circumstances, we drew this inference, that the canoes had been the vessels of a party of Sioux, who had been attacked and all killed or taken by the Sauteurs. Time may develop this transaction. My interpreter was much alarmed, assuring me that it was probable that at our first rencounter with the Chipeways, they would take us for Sioux traders, and fire on us before we could come to an explanation; that they had murdered three Frenchmen, whom they found on the shore about this time last spring; but notwithstanding his information, I was on shore all the afternoon in pursuit of elk. Caught a curious little animal on the prairie, which my Frenchman termed a *prairie mole*, but it is very different from the mole of the States. Killed two geese, one pheasant, and a wolf. Distance sixteen miles.

OCT. 5th, *Saturday*—Hard water and ripples all day. Passed several old Sioux encampments, all fortified. Found five litters, in which sick or wounded men had been carried. At this place a hard battle was fought between the Sioux and Sauteurs in the year 1800. Killed one goose. Distance eleven miles.

OCT. 10th, *Thursday*—Came to large islands and strong water early in the morning. Passed the place at which Mr. Reinville and Mona. Perlier, wintered in 1797; passed a cluster of islands, more than twenty in the course of four miles; these I called Beaver islands, from the immense sign of those animals, for they have dams on every island and roads from them every two or three rod. I would here attempt a description of this wonderful animal, and its admirable system of architecture, was not the subject already exhausted, by the numerous travelers who have written on this subject. Encamped at the foot of the Grand Sauk Rapids. Killed two geese, five ducks, and four pheasants. Distance sixteen and a half miles.

\*It is never possible, as I ascertained on my return.]

Oct. 11th, *Friday*—Both boats passed the worst of the rapids, by eleven o'clock, but we were obliged to wade and lift them over rocks, where there was not a foot of water, when at times the next step would be in the water over our heads. In consequence of this, our boats were frequently in imminent danger of being bilged on the rocks. About five miles above the rapids, our large boat was discovered to leak so fast, as to render it necessary to unload her, which we did. Stopped the leak, and reloaded. Near a war encampment, I found a piece of buckskin and a piece of scarlet cloth, suspended by the limb of a tree; this I supposed to be a sacrifice to *Matcho Manton*, to render their enterprize successful; but I took the liberty of "invading the rights of his diabolical majesty, by treating them, as the priests of old have often done, that is, converting the sacrifice to my own use. Killed only two ducks. Distance eight miles.

Oct. 16th, *Wednesday*—When we arose in the morning, found that snow had fallen during the night; the ground was covered and it continued to snow. This indeed was but poor encouragement for attacking the rapids, in which we were certain to wade to our necks. I was determined, however, if possible to make *la riviere de Corbeau*, the highest point ever made by traders in their bark canoes. We embarked and after four hours work became so benumbed with cold that our limbs were perfectly useless. We put to shore on the opposite side of the river, about two-thirds of the way up the rapids. Built a large fire; and then discovered that our boats were nearly half full of water; both having sprung large leaks so as to oblige me to keep three hands bailing. My sergeant (Kennerman) one of the stoutest men I ever knew, broke a blood-vessel and vomited nearly two quarts of blood. One of my corporals (Bradley) also evacuated nearly a pint of blood, when he attempted to void his urine. These unhappy circumstances, in addition to the inability of four other men whom we were obliged to leave on shore; convinced me, that if I had no regard for my own health and constitution, I should have some for those poor fellows, who were killing themselves to obey my orders. After we had breakfasted and refreshed ourselves, we went down to our boats on the rocks, where I was obliged to leave them. I then informed my men that we would return to the camp and there leave some of the party and our large boats. This information was pleasing, and the attempt to reach the camp soon accomplished. My reasons for this step have partly been already stated. The necessity of unloading and refitting my boats, the beauty and convenience of the spot for building huts, the fine pine trees for perouques; and the quantity of game, were additional inducements. We immediately unloaded our boats and secured their cargoes. In the evening I went out upon a small, but beautiful creek, which empties into the Falls, for the purpose of selecting pine trees to make canoes. Saw five deer, and killed one buck weighing one hundred and thirty-seven pounds. By my leaving men at this place, and from the great quantities of game in its vicinity, I was ensured plenty of provision for my return voyage. In the party left behind was one hunter, to be continually employed, who would keep our stock of salt provisions good. Distance two hundred and thirty-three and a half miles above the Falls of St. Anthony.

Oct. 30th, *Wednesday*—My men labored as usual. Nothing extraordinary.

Oct. 31st, *Thursday*—Enclosed my little work completely with pickets. Hauled up my two boats and turned them over on each side of the gate-ways; by which means a defence was made to the river, and had it not been for various political reasons, I would have laughed at the attack of eight hundred or a thousand savages, if all my party were

within. For except accidents, it would only have afforded amusement, the Indians having no idea of taking a place by storm. Found myself powerfully attacked with the fantastics of the brain, called ennui, at the mention of which I had hitherto scoffed ; but my books being packed up, I was like a person entranced, and could easily conceive why so many persons who have been confined to remote places, acquired the habit of drinking to excess, and many other vicious practices, which have been adopted merely to pass time.

Nov. 24th, *Sunday*—Took Miller and Boley and went in pursuit of buffalo. Came up with some about ten o'clock. In the afternoon wounded one. Pursued them until night, and encamped on the side of a swamp. Thawing.

Nov. 25th, *Monday*—Commenced again the pursuit of the buffalo, and continued till eleven o'clock, when I gave up the chase. Arrived at the camp about sun down, hungry and weary, having eat nothing since we left it. My rifle was too small a ball to kill buffalo ; the balls should not be more than thirty to the pound ; an ounce ball would be still preferable, and the animal should be hunted on horse-back. I think that, in the praries of this country, the bow and arrow could be used to more advantage than the gun ; for you might ride immediately along side, and strike them where you pleased, leaving them to proceed after others. Thawing.

Nov. 25th *Tuesday*—Proceeded up the river. The ice getting very rotten, the men fell through several times. Thawing. Distance five miles.

Nov. 27th, *Wednesday*—Took one man and marched to the post. Found all well. My hunter, Bradley, had killed eleven deer since my departure. Sent all the men down to help the party up. They returned, accompanied by two Indians, who informed me they were two men of a band, who resided on Lake Superior, called the Fols Avoins, but spoke the language of the Chippeways. They informed me that Mr. Dickson's and the other trading houses, were established about sixty miles below ; that there were seventy lodges of the Sioux on the Mississippi. All my men arrived at the post. We brought from our camp below the balance of seventeen deer and two elks.

Nov. 28th, *Thursday*—The Indians departed much pleased with their reception. I dispatched corporal Meek and one private down to Dickson with a letter, which would at least have the effect of attaching the most powerful tribes in this quarter to my interest.

Nov. 29th, *Friday*—A Sioux (the son of a warrior called the Killeur Rouge, or the *Gens des Feuilles*) and a Fols Avoin came to the post. He said that having struck our trail below, and finding some to be shoe tracks, he conceived it to be the establishment of some traders, took it, and came to the post. He informed me that Mr. Dickson had told the Sioux "that they might now hunt where they pleased, as I had gone ahead and would cause the Chippewas wherever I met them, to treat them with friendship ; that I had barred up the mouth of the St. Peters, so that no liquor could ascend that river ; but that, if they came on the Mississippi, they should have what liquor they wanted :—also, that I was on the river and had a great deal of merchandize to give them in presents." This information of Mr. Dickson to the Indians seemed to have self-interest and envy for its motives ; for, by the idea of having prevented liquor from going up the St. Peters, he gave the Indians to understand that it was a regulation of my own, and not a law of the United States ; and by assuring them he would sell to them on the Mississippi, he drew all the Indians from the traders on the St. Peters, who had adhered to the restric-

tion of not selling liquor, and should any of them be killed, the blame would all lie on me, as he had (without authority) assured them they might hunt in security. I took care to give the young chief a full explanation of my ideas on the above. He remained all night. Killed two deer.

DEC. 2d, *Monday*—Sparks arrived from the party below and informed me that they could not kill any game, but had started up with the little paroque : also, that Mr. Dickson and a Frenchman had passed my detachment about three hours before. He left them on their march to the post. Sparks arrived about ten o'clock at night.

DEC. 3d, *Tuesday*—Mr. Dickson, with one engagee and a young Indian, arrived at the fort. I received him with every politeness in my power, and after a serious conversation with him on the subject of the information given me on the 29th ult. was induced to believe it, in part, incorrect. He assured me that no liquor was sold by him, nor by any houses under his direction. He gave me much useful information relative to my future route, which gave me great encouragement as to the certainty of my accomplishing the object of my voyage, to the fullest extent. He seemed to be a gentleman of general commercial knowledge, and possessing much geographical information of the Western country, of open, frank, manners. He gave me many assurances of his good wishes for the prosperity of my undertaking.

DEC. 4th, *Wednesday*—My men arrived with one canoe only. Calculated on returning them two days after.

DEC. 5th, *Thursday*—Mr. Dickson, with his two men departed for their station, after having furnished me with a letter for a young man of his house, in Lake de Sable, and a *carte blanche* as to my commands on him. Weather mild.

DEC. 6th, *Friday*—I dispatched my men down, to bring up the other peroque with a strong sled on which it was intended to put the canoe about one third, and to let the end drag on the ice. Three families of the Fols Avoins arrived and encamped near the fort : also, one Sioux, who pretended to have been sent to me, from the *Gens des Feuilles*, to inform me that the Yanctongs and Sussitongs (two bands of Sioux from the head of the St. Peters and the Missouri, and the most savage of them) had commenced the war-dance and would depart in a few days, in which case he conceived it would be advisable for the Fols Avoins to keep close under my protection ; that making a stroke on the Chippeways would tend to injure the grand object of my voyage, &c., &c. Some reasons induced me to believe he was a self-created envoy; however, I offered to pay him, or any other young Sioux, who would go to those bands and carry my word. He promised to make known my wishes upon his return. My men returned in the evening without my canoe, having been so unfortunate as to split her in carrying her over the rough hilly ice in the ripples below. So many disappointments almost wearied out my patience; but, notwithstanding, I intended to embark by land and water in a few days.

DEC. 9th, *Monday*—Prepared to embark. Expecting the Sioux, I had two large kettles of soup made for them. Had a shooting-match with four prizes. The Sioux did not arrive, and we eat the soup ourselves. Crossed the river and encamped above the rapids. Wind changed and it grew cold.

DEC. 10th, *Tuesday*—After arranging our sleds\* and peroque commenced our march. The sleds on the prairie and the peroque towed by three men. Found it extremely dif-

\* My sleds were such as are frequently seen about farmers' yards, calculated to hold two barrels, or four hundred weight, in which two men were geared abreast.

difficult to get along, the snow being melted off the prairie in spots. The men who had the canoe were obliged to wade and drag her over the rocks in many places. Shot the only deer I saw. It fell three times, and after made its escape. This was a great disappointment, for upon the game we took now we depended for our subsistence. This evening disclosed to my men the real danger they had to encounter. Distance five miles.

DEC. 14th, *Saturday*—We departed from our encampment at the usual hour, but had not advanced one mile when the foremost sled, which happened unfortunately to carry my baggage and ammunition, fell into the river. We were all in the river up to our middles, in recovering the things. Halted and made a fire. Came on to where the river was frozen over. Stopped and encamped on the West shore, in a pine wood. Upon examining my things, found all my baggage wet, and some of my books materially injured; but a still greater injury was that all of my cartridges, and four pounds of double battle Sussex powder for my own use, was destroyed. Fortunately my kegs of powder were preserved dry, and some bottles of common glazed powder, which were so tightly corked, as not to admit water. Had this not been the case, my voyage must necessarily have been terminated, for we could not have subsisted without ammunition. During the time of our misfortune, two Fols Avoin Indians came to us, one of whom was at my stockade, on the 29th ult., in company with the Sioux. I signified to them by signs the place of our intended encampment, and invited them to come and encamp with us. They left me, and both arrived at my camp in the evening, having each a deer which they presented me; I gave them my canoe, to keep until spring; and in the morning at parting made them a small present. Sat up until three o'clock P. M. drying and assorting my ammunition, baggage, &c. Killed two deer. Distance four miles.

DEC. 21st, *Saturday*—Bradley and myself went on ahead, and overtook my interpreter, who had left camp very early in hopes that he would be able to see the river De Corbeau, where he had twice wintered. He was immediately opposite to a large island, which he supposed to have great resemblance to an island opposite the mouth of the above river; but finally he concluded, it was not the island, and returned to camp. But this was actually the river, as we discovered when we got to the head of the island from which we could see the river's entrance. This fact exposes the ignorance and inattention of the French and traders, and with the exception of a few intelligent men, what little confidence is to be placed on their information. We ascended the Mississippi, about five miles above the confluence; found it frozen; but in many places, not more than one hundred yards over; mild and still. Indeed all the appearance of a small river of a low country. Returned and found my party, having broke sleds, &c., had only made good three miles, while I had marched thirty-five.

DEC. 31st, *Tuesday*—Passed Pine river about eleven o'clock. At its mouth there was a Chippeway's encampment of fifteen lodges, this had been occupied in the summer, but is now vacant. By the significations of their marks, we understood that they had marched a party of fifty warriors against the Sioux; and had killed four men and four women, which were represented by images carved out of pine or cedar. The four men painted and put in the ground to the middle, leaving above ground those parts which are generally concealed; by their sides were four painted poles, sharpened at the end to represent the women. Near this were poles with deer skins, plumes, silk handkerchiefs, &c. Also a circular hoop of cedar with something attached, representing a scalp. Near each lodge they had holes dug in the ground, and boughs ready to cover them, as a retreat for their women and children if attacked by the Sioux, &c.

JAN. 1st, 1806, *Wednesday*—Passed six very elegant bark canoes, on the bank of the river, which had been laid up by the Chippeways; also a camp which we conceived to have been evacuated about ten days. My interpreter came after me in a great hurry, conjuring me not to go so far ahead, and assured me that the Chippeways, encountering me without an interpreter, party, or flag, would certainly kill me. But notwithstanding this, I went on several miles farther than usual, in order to make any discoveries that were to be made; conceiving the savages not so barbarous or ferocious, as to fire on two men, (I had one with me) who were apparently coming into their country, trusting to their generosity; and knowing that if we met only two or three we were equal to them, I having my gun and pistols, and he his buck shot. Made some extra presents for new years day.

JAN. 2d, *Thursday*—Fine warm day. Discovered fresh sign of Indians. Just as we were encamping at night, my sentinel informed us that some Indians were coming full speed upon our trail or track. I ordered my men to stand by their guns *carefully*. They were immediately at my camp, and saluted the flag by a discharge of three pieces; when four Chippeways, one Englishman and a Frenchman of the N. W. Company presented themselves. They informed us that some women having discovered our trail gave the alarm, and not knowing but it was their enemies, they had departed to make a discovery. They had heard of us, and revered our flag. Mr. Grant, the Englishman, had only arrived the day before from Lake De Sable; from which he marched in one day and a half. I presented the Indians with half a deer, which they received thankfully, for they had discovered our fires some days ago, and believing it to be the Sioux, they dared not leave their camp. They returned, but Mr. Grant remained all night.

JAN. 3d, *Friday*—My party marched early, but I returned with Mr. Grant to his establishment on the Red Cedar Lake, having one corporal with me. When we came in sight of his house, I observed the flag of Great Britain flying. I felt indignant and cannot say what my feelings would have excited me to, had he not informed me, that it belonged to the Indians. This was not much more agreeable to me. After explaining to a Chippeway warrior (called *Curly Head*) the object of my voyage, and receiving his answer, that he would remain tranquil until my return. We eat a good breakfast for the country, departed and overtook my sleds just at dusk. Killed one porcupine. Distance sixteen miles.

JAN. 4th, *Saturday*—We made twenty-eight points in the river; broad, good bottom, and of the usual timber. In the night I was awakened by the cry of the sentinel, calling repeatedly to the men; at length he vociferated, "G—d d—n your souls, will you let the lieutenant be burned to death?" This immediately aroused me, at first I seized my arms, but looking round, I saw my tents in flames. The men flew to my assistance and we tore them down but not until they were entirely ruined. This, with the loss of my leggins, mockinsons, socks, &c., which I had hung up to dry, was no trivial misfortune, in such a country, and on such a voyage. But I had reason to thank God that the powder, three small casks of which I had in my tent, did not take fire, if it had, I must certainly have lost all my baggage, if not my life.

JAN. 8th, *Wednesday*.—Conceiving I was at no great distance from Sandy Lake I left my sleds, and with corporal Bradley, took my departure for that place, intending to send him back the same evening. We walked on very briskly until near night, when we met a young Indian, one of those who had visited my camp near Red Cedar Lake.

I endeavored to explain to him, that it was my wish to go to Lake De Sable that evening. He returned with me, until we came to a trail that led across the woods, this he signified was a near course. I went this course with him, and shortly after found myself at a Chipeway encampment, to which I believe the friendly savage had enticed me with an expectation that I would tarry all night, knowing that it was too late for us to make the lake in good season. But upon our refusing to stay, he put us in the right road. We arrived at the place where the track left the Mississippi, at dusk, when we traversed about two leagues of a wilderness, without any very great difficulty, and at length struck the shore of Lake De Sable, over a branch of which our course lay. The snow having covered the trail made by the Frenchmen who had passed before with the rackets, I was fearful of losing ourselves on the lake; the consequence of which can only be conceived by those who have been exposed on a lake, or naked plain, a dreary night of January, in latitude  $47^{\circ}$  and the thermometer below 0. Thinking that we could observe, the bank of the other shore, we kept a straight course, and sometime after discovered lights, and on our arrival were not a little surprised to find a large stockade. The gate being open, we entered and proceeded to the quarters of Mr. Grant, where we were treated with the utmost hospitality.

JANUARY, 9th, *Thursday*.—Marched the corporal early, in order that our men should receive assurance of our safety and success. He carried with him a small keg of spirits, a present from Mr. Grant. The establishment of this place was formed twelve years since, by the N. W. Company, and was formerly under the charge of a Mr. Charles Brusky. It has attained at present such regularity, as to permit the superintendant to live tolerably comfortable. They have horses they procured from Red River, of the Indians; raise plenty of Irish potatoes, catch pike, suckers, pickerel, and white fish in abundance. They have also beaver, deer, and moose; but the provision they chiefly depend upon, is wild oats, of which they purchase great quantities from the savages, giving at the rate of about one dollar and a half per bushel. But flour, pork, and salt, are almost interdicted to persons not principals in the trade. Flour sells at half a dollar; salt a dollar; pork eighty cents; sugar half a dollar; coffee —, and tea four dollars fifty cents per pound. The sugar is obtained from the Indians, and is made from the maple tree.

JANUARY 14th, *Tuesday*.—Crossed the lake to the North side, that I might take an observation; found the lat.  $46^{\circ} 9' 20''$  N. Surveyed that part of the lake. Mr. Grant returned from the Indian lodges. They brought a quantity of furs and eleven beaver carcasses.

JANUARY 15th, *Wednesday*.—Mr. Grant and myself made the tour of the lake, with two men, whom I had, for attendants. Found it to be much larger, than could be imagined at a view. My men sawed stocks for the sleds, which I found it necessary to construct after the manner of the country. On our march, met an Indian coming into the fort; his countenance expressed no little astonishment, when told who I was and from whence I came; for the people in this country themselves acknowledge, that the savages hold in greater veneration, the Americans, than any other white people. They say of us, when alluding to warlike achievements, that "we are neither Frenchmen nor Englishmen, but white Indians."

JANUARY 18th, *Saturday*.—Busy in preparing my baggage, &c., for my departure for Leech Lake, reading, &c.

C. A. P.—17.

JANUARY 19th, *Sunday*.—Employed as yesterday. Two men of the N. W. Company arrived from the Fond du Lac Superior with letters; one of which was from their establishment, in Athapuscow, and had been since last May, on the route. While at this post I eat roasted beavers, dressed in every respect, as a pig is usually dressed with us; it was excellent. I could not discern the least taste of Des Bois. I also eat boiled moose's head, which when well boiled, I consider equal to the tail of the beaver; in taste and substance they are much alike.

JANUARY 20th, *Monday*.—The men, with the sleds, took their departure about two o'clock. Shortly after I followed them. We encamped at the portage between the Mississippi and Leech Lake River. Snow fell in the night.

JANUARY 25th, *Saturday*.—Travelled almost all day through the lands, and found them much better than usual. Boley lost the Sioux pipe stem, which I carried along, for the purpose of making peace with the Chipeways; I sent him back for it, he did not return until 11 o'clock at night. It was very warm; thawing all day. Distance forty-four points.

JANUARY 26th, *Sunday*.—I left my party, in order to proceed to a house (or lodge) of Mr. Grant, on the Mississippi, where he was to tarry until I overtook him. Took with me my Indian, Boley, and some trifling provisions; the Indian and myself marched so fast, that we left Boley on the route, about eight miles from the lodge. Met Mr. Grant's men, on their return to Lake De Sable, having evacuated the house this morning, and Mr. Grant having marched for Leech Lake. The Indian and I arrived before sundown. Passed the night very uncomfortably, having nothing to eat, not much wood, nor any blankets. The Indian slept sound. I cursed his inconstancy, being obliged to content myself over a few coals all night. Boley did not arrive. In the night the Indian mentioned something about his son, &c.

FEBRUARY 1st, *Saturday*.—Left our camp pretty early. Passed a continued train of prairie, and arrived at Lake La Sang Sue, at half past two o'clock. I will not attempt to describe my feelings, on the accomplishment of my voyage, for this is the main source of the Mississippi. The Lake Winipie branch is navigable, from thence to Red Cedar lake, for the distance of five leagues, which is the extremity of the navigation. Crossed the lake twelve miles to the establishment of the N. W. Company; where we arrived, about three o'clock; found all the gates locked, but upon knocking were admitted, and received with marked attention and hospitality by Mr. Hugh McGillis. Had a good dish of coffee, biscuit, butter, and cheese for supper.

FEBRUARY 2d, *Sunday*.—Remained all day within doors. In the evening sent an invitation to Mr. Anderson, who was an agent of Dickson, and also for some young Indians, at his house, to come over and breakfast in the morning.

FEBRUARY 7th, *Friday*.—Remained within doors, my limbs being still very much swelled. Addressed a letter to Mr. McGillis on the subject of the N. W. Company trade in this quarter.

N. W. ESTABLISHMENT, ON LAKE LEECH, FEB. 1806.

SIR:—As a proprietor of the N. W. company, and director of the Fond du Lac department, I conceive it my duty as an officer of the United States, (in whose territory you are) to address you solely on the subject of the many houses under your instructions. As a member of the greatest commercial nation in the world, and a company

long renowned for their extent of connections and greatness of views, you cannot be ignorant of the rigor of the laws of the duties of imports of a foreign power.

Mr. Jay's treaty, it is true, gave the right of trade with the savages to British subjects in the United States Territories, but by no means exempted them from paying the duties, obtaining licences, and subscribing unto all the rules and restrictions of our laws. I find your establishments at every suitable place along the whole extent of the South side of Lake Superior to its head, from thence to the source of the Mississippi, and down Red River, and even extending to the centre of our newly acquired territory of Louisiana, in which it will probably yet become a question between the two governments, if our treaties will authorise the British subjects to enter into the Indian trade on the same footing, as in the other parts of our frontiers; this not having been an integral part of the United States, at the time of said treaty. Our traders to the South, on the Lower Mississippi, complain to our government, with justice, that the members of the N. W. company encircle them on the frontiers of our N. W. territory, and trade with the savages upon superior terms, to what they can afford, who pay the duties of their goods imported from Europe, and subscribe to the regulations prescribed by law.

These representations have at length attracted the attention of our government to the subject in question, and with an intention to do themselves as well as citizens justice, they the last year took some steps to ascertain the facts, and make provision against the growing evil. With this, some geographical, and also local objects in view was I dispatched with discretionary orders, with a party of troops to the source of the Mississippi. I have found, sir, your commerce and establishments, extending beyond our most exaggerated ideas, and in addition to the injury done our revenue, by the evasion of the duties, other acts which are more particularly injurious to the *honor* and *dignity* of our government. The transactions alluded to, are the presenting *medals* of his Britannic majesty, and *flags* of the said government, to the chiefs and warriors resident in the territory of the United States. If political subjects are strictly prohibited to our traders, what would be the ideas of the executive to see foreigners making chiefs, and distributing flags, the standard of an European power. The savages being accustomed to look on that standard, which had been the only prevailing one for years, as that which alone has authority in the country, it would not be in the least astonishing to see them revolt from the United States, limited subjection which is claimed over them by the American government, and thereby be the cause of their receiving a chastisement: although necessary, yet unfortunate as they have been led astray by the policy of the traders of your country.

I must likewise observe, sir, that your establishments, if properly known, would be looked on with an eye of dissatisfaction by our government, for another reason, viz: there being so many furnished posts in case of a rupture between the two powers, the English government would not fail to make use of those as places of deposit of arms, ammunition, &c., to be distributed to the savages who joined their armies; to the great annoyance of our territory, and the loss of the lives of many of our citizens. Your flags, sir, when hoisted in inclosed works, are in direct contradiction of the laws of nations, and their practice in like cases, which only admits of foreign flags being expanded on board of vessels, and at the residence of Ambassadors, or consuls. I am not ignorant of the necessity of your being in such a position as to protect you

from the sallies of the drunken savages, or the more deliberate plans of the intended plunderer; and under those considerations, have I considered your stockades.

You, and the company of which you are a member, must be conscious from the foregoing statement that strict justice would demand, and I assure you that the law directs, under similar circumstances, a total confiscation of your property, personal imprisonment and fines. But having discretionary instructions and no reason to think the above conduct was dictated through ill will or disrespect to our government, and conceiving it in some degree departing from the character of an officer, to embrace the first opportunity of executing those laws, I am willing to sacrifice my prospect of private advantage, conscious that the government look not to interest, but its *dignity* in the transaction, I have therefore to request of you, assurance on the following heads, which setting aside the chicanery of law, as a gentleman, you will strictly adhere to, viz :

That you will make representations to your agents, at your head quarters, on Lake Superior, of the quantity of goods wanted the ensuing spring, for your establishments in the territory of the United States, in time sufficient, or as early as possible, for them to enter them at the C. H. of Michilimackinac, and obtain a clearance and licence to trade in due form.

2d. That you will give immediate instruction to all your posts in said territory, under your direction, at no time and on no pretence whatever to hoist, or suffer to be hoisted, the English flag. If you conceive a flag necessary, you may make use of that of the United States, which is the only one which can be admitted.

3d. That you will on no further occasion, present a flag or medal to an Indian; hold councils with them on political subjects, or others foreign from that of trade: but on being applied to on those heads, refer them to the American agents, informing them that they are the only persons authorised to hold councils of a political nature with them.

There are many other subjects, such as the distribution of liquor, &c., which would be too lengthy to be treated of in detail. But the company will do well to furnish themselves with our laws, regulating the commerce with the savages, and regulate themselves in our territories accordingly. I embrace this opportunity, to acknowledge myself and command under singular obligations to yourselves and agents, for the assistance which you have rendered us, and the polite treatment with which I have been honored. With sentiments of high respect, for the establishment and yourself.

I am, sir, your obedient servant.

HUGH M'GILLIS, Esq.

Z. M. PIKE.

Proprietor and agent of the N. W. Company,  
established at Fond du Lac.

FEBRUARY 9th, *Sunday*.—Mr. M'Gillis and myself paid a visit to Mr. Anderson, an agent of Mr. Dickson, of the Lower Mississippi, who resided at the West end of the lake. Found him elegibly situated as to trade, but his houses bad.

FEBRUARY 10th, *Monday*.—Hoisted the American flag in the fort. The English yacht still flying at the top of the flag staff, I directed the Indians and my riflemen to shoot at it, who soon broke the iron pin to which it was fastened, and brought it to the ground. Reading Shenstone, &c.

FEBRUARY 11th, *Tuesday*.—The Sweet, Buck, Burnt, &c. arrived, all chiefs of note, but the former in particular, a venerable old man. From him I learnt, that the Sioux occupied this ground when (to use his own phrase) "He was a made man, and began to hunt; that they occupied it the year that the French Missionaries were killed, at the river Pacagama."

FEBRUARY 12th, *Wednesday*.—Bradley and myself with Mr. M'Gillis and two of his men, left Leech Lake at 10 o'clock, and arrived at the house at Red Cedar Lake, at sunset; a distance of thirty miles.

FEBRUARY 13th, *Thursday*.—Were favored with a beautiful day. Took the latitude, and found it to be  $47^{\circ} 42' 40''$  N. At this place it was, Mr. Thompson made his observations in 1798, from which he determined that the source of the Mississippi was in  $47^{\circ} 38'$ . I walked about three miles back in the country, at two thirds water. One of our men marched to Lake Winnepie and returned by one o'clock, for the stem of the Sweet's pipe, a matter of more consequence in his affairs, with the Sioux, than the diploma of many an ambassador. We feasted on white fish, roasted on two iron grates fixed horizontally in the back of the chimney; the entrails left in the fish.

FEBRUARY 14th, *Friday*.—Left the house at nine o'clock. It becomes me here to do justice to the hospitality of our hosts; one Roy, a Canadian and his wife, a Chipeway squaw. They relinquished for our use, the only thing in the house, that could be called a bed; attended us like servants, nor could either of them be persuaded to touch a mouthful until we had finished our repasts. We made the garrison about sundown, having been drawn at least ten miles in a sleigh, by two small dogs; who were loaded with two hundred pounds, and went so fast as to render it difficult, for the men with snow shoes, to keep up with them. The chiefs asked my permission to dance the calumet dance which I granted.

FEBRUARY 15th, *Saturday*.—The Flat Mouth, chief of the Leech Lake village, and many other Indians arrived. Noted down the heads of my speech, and had it translated into French, in order that the interpreter should be perfectly master of his subject. Received a letter from Mr. M'Gillis.

LEECH LAKE, February. 15th, 1806.

SIR :—Your address presented on the 6th inst. has attracted my most serious consideration to the several objects of duties on importations, of presents made to, and our consultations with Indians; of enclosing our stores and dwelling houses, and finally, of the custom obtaining to hoist the British flag on the territory belonging to the United States of America. I shall at as early a period as possible present the agents of the N. W. Company with your representations regarding the paying duties on the importation of goods to be sent to our establishments within the bounds of the Territory of the United States, as also their being entered at the custom house of Michilimackinac, but I beg to be allowed to present for consideration, that the major part of the goods necessary to be sent to the said establishments for the trade of the ensuing winter, are now actually in our stores at Kamanitiguia, our head quarters on Lake Superior, and that it would cause us vast expense and trouble to be obliged to convey those goods back to Michilimackinac to be entered at the custom house office; we therefore pray that the word of gentlemen with regard to the quantity and quality of the said goods to be sent to said establishment, may be considered as equivalent to the certainty of a custom

house register. Our intention has never been to injure your traders, paying the duties established by law. We hope those representations to your government respecting our concerns with the Indians, may have been dictated with truth, and not exaggerated by envy to prejudice our interests, and to throw a stain on our character, which may require time to efface from the minds of a people, to whom we must ever consider ourselves indebted for the lenity of procedure, of which the present is so notable a testimony. The enclosures to protect our stores and dwelling houses from the insults and barbarity of savage rudeness, have been erected for the security of my property and person in a country, till now, exposed to the wild will of the frantic Indians: we never formed the smallest idea that the said enclosures might ever be useful in the juncture of a rupture between the two powers, nor do we now conceive that such poor shifts will ever be employed by the British government, in a country overshadowed with wood, so adequate to every purpose. Forts might in a short period of time be built far superior to any stockades we may have occasion to erect.

We were not conscious, sir, of the error I acknowledge we have been guilty to commit, by exhibiting to view on your territory any standard of Great Britain. I will pledge myself to your government, that I will use my utmost endeavors, as soon as possible, to prevent the future display of the British flag, or the presenting of medals, or the exhibiting to public view, any other mark of European power, throughout the extent of territory known to belong to the dominion of the United States. The custom has long been established, and we innocently and inoffensively, as we imagined, have conformed to it till the present day.

Be persuaded that on no consideration, shall any Indian be entertained on political subjects, or on any affairs foreign to our trade; and reference shall be made to the American agents, should any application be made worthy such reference; and be assured that we as a commercial company must find it ever our interests to interfere as little as possible with affairs of government in the course of trade; ignorant as we are in this rude and distant country of the political views of nations.

We are convinced that the inestimable advantages arising from the endeavors of your government, to establish a more peaceful course of trade in this part of the territory belonging to the United States, are not acquired through the mere liberality of a nation, and are ready to contribute to the expense necessarily attending them. We are not averse to pay the common duties established by law, and will ever be ready to conform ourselves to all rules and regulations of trade that may be established according to common justice.

I beg to be allowed to say, that we have reason to hope, that every measure will be adopted to secure and facilitate the trade with the Indians; and these hopes seem to be confirmed beyond the smallest idea of doubt, when we see a man sent among us, who instead of private considerations to pecuniary views, prefers the honor, dignity and lenity of his government, and whose transactions are in every respect so conformable to equity. When we behold an armed force ready to protect or chastise as necessity or policy may direct, we know not how to express our gratitude to that people whose only view seems to be to promote the happiness of all, the savages that rove over the wild confines of their domain not excepted.

It is to you, sir, we feel ourselves most greatly indebted, whose claim to honor, esteem and respect, will ever be held in high estimation by myself and associates. The dan-

ger and hardships by your fortitude, vanquished, and by your perseverance overcome, are signal, and will ever be preserved in the annals of the N. W. Company. Were it solely from the considerations of those who have exposed their lives in a long and perilous march through a country, where they had every distress to suffer, and many dangers to expect (and this with a view to establish peace in a savage country,) we should think ourselves under the most strict obligation to assist them; but we know we are in a country, where hospitality and gratitude are to be considered above every other virtue, and therefore have offered for their relief what our poor means can allow. And, sir, permit me to embrace the opportunity, to testify that I feel myself highly honored by your acceptance of such accommodations as my humble roof could afford.

With great consideration and high respect for the government of the United States, allow me to express my esteem and regard for you.

I am, sir, your obedient humble servant,

(Signed)

LIEUT. PIKE,

1st. Regt. United States Infantry.

H. M'GILLIS,  
Of N. W. Company.

FEBRUARY 16th, *Sunday*.—Held a council with the chiefs and warriors at this place, and of Red Lake; but it required much patience, coolness, and management to obtain the objects I desired, viz: That they should make peace with the Sioux; deliver up their medals and flags; and that some of their chiefs should follow me to St. Louis. As a proof of their agreeing to the peace, I directed that they should smoke out of the Wabasha's pipe, which lay on the table; they all smoked, from the head chief to the youngest soldier; they generally delivered up their flags with a good grace; except the Flat Mouth, who said he had left both at his camp, three days march, and promised to deliver them up to Mr. M'Gillis, to be forwarded. With respect to their returning with me; the old Sweet thought it most proper to return, to the Indians of the Red Lake, Red River, and Rainy Lake River. The Flat Mouth said, it was necessary for him to restrain his young warriors, &c. The other chiefs did not think themselves of consequence sufficient, to offer any reason for not following me to St. Louis, a journey of between two and three thousand miles through hostile tribes of Indians. I then told them, "that I was sorry to find, that the hearts of the Sauteurs of this quarter, were so weak, that the other nations would say—what, are there no soldiers at Leech, Red, and Rainy Lakes, who had the hearts to carry the calumet of their chief to their father?" This had the desired effect. The Bucks and Beaux, two of the most celebrated young warriors, rose and offered themselves to me, for the embassy; they were accepted; adopted as my children, and I installed their father. Their example animated the others, and it would have been no difficult matter to have taken a company; two however were sufficient. I determined that it should be my care, never to make them regret the noble confidence placed in me; for I would have protected their lives with my own. The Beaux is brother to the Flat Mouth. Gave my new soldiers a dance, and a small dram. They attempted to get more liquor, but a firm and peremptory denial convinced them I was not to be trifled with.

FEBRUARY 18th, *Tuesday*.—We marched for Red Cedar Lake about 11 o'clock, with a guide, provided for me by Mr. McGillis; were all provided with snow shoes; marched off amidst the acclamations and shouts of the Indians, who generally had remained to

see us take our departure. Mr. Anderson promised to come on with letters; he arrived about 12 o'clock, and remained all night. He concluded to go down with me, to see Mr. Dickson.

FEBRUARY 19th, *Wednesday*.—Bradley, Mr. L'Rone, the two young Indians, and myself, left Mr. M'Gillis' at 10 o'clock; crossed Leech Lake, in a S. E. direction, 24 miles. Mr. M'Gillis' hospitality deserves to be particularly noticed; he presented me with his dogs and cariole, valued in this country at two hundred dollars; one of the dogs broke out of his harness, and we were not able, during that day, to catch him again, and the other poor fellow was obliged to pull the whole load, at least 150 pounds. This day's march was from lake to lake.

FEBRUARY 24th, *Monday*.—We started early, and after passing over one of the worst roads in the world, found ourselves on a lake, about 3 o'clock; took its outlet and struck the Mississippi about one mile below the canoes mentioned on the 1st of January, by which I knew where we were. Ascended the Mississippi about four miles, and encamped on the West side. Our general course, this day, was nearly South, when it should have been S. E. My young warriors were still in good heart, singing, and shewing every wish to keep me so. The pressure of my racket strings brought the blood through my socks and mockinsons, from which, the pain I marched in may be imagined.

FEBRUARY 25th, *Tuesday*.—We marched, and arrived at Cedar Lake before noon; found Mr. Grant and De Breche (chief of Sandy Lake) at the house. This gave me much pleasure, for I conceive Mr. Grant to be a gentleman of as much candor as any with whom I had made an acquaintance in this quarter; and the chief (De Breche) is reputed to be a man of better information than any of the Sauteurs.

MARCH 3d, *Monday*.—Marched early; passed our Christmas encampment at sunrise. I was ahead of my party, in my cariole. Soon afterwards, I observed smoke on the W. shore. I halloood, and some Indians appeared upon the bank. I waited until my interpreter came up; we then went to the camp. They proved to be a party of Chippeways, who had left the encampment the same day we left it. They presented me with some roast meat, which I gave my sleigh dogs. They then left their camp, and accompanied us down the river. We passed our encampment of the 24th December, at 9 o'clock, of the 23d at 10 o'clock, and of the 22d at 11 o'clock; here the Indians crossed on to the W. shore; arrived at the encampment of the 21st December, at 12 o'clock, where we had a barrel of flour. I here found Corporal Meek, and another man, from the post, from whom I heard that the men were all well. They confirmed the account of a Sioux having fired on a sentinel, and added, that the sentinel had first made him drunk, and then turned him out of the tent, upon which he fired on the sentinel and ran off, but promised to deliver himself up in the spring. The corporal informed me that the sergeant had used all the elegant hams and saddles of venison, which I had preserved to present to the Commander-in-chief, and other friends; that he had made away with all the whiskey, including a keg I had for my own use, having publicly sold it to the men, and a barrel of pork; that he had broken open my trunk and sold some things out of it, traded with the Indians, gave them liquor, &c., and this, too, contrary to my most pointed and particular directions. Thus, after I had used, in going up the river with my party, the strictest economy, living upon two pounds of frozen venison a day, in order that we might have provision to carry us down in the spring, this fellow

was squandering away the flour, pork, and liquor, during the winter, and while we were starving with hunger and cold. I had saved all our corn, bacon, and the meat of six deer, and left it at Sandy Lake, with some tents, my mess boxes, salt, tobacco, &c., all of which we were obliged to sacrifice by not returning the same route we went, and we consoled ourselves at this loss by the flattering idea that we should find at our little post a handsome stock preserved; how mortifying the disappointment. We raised our barrel of flour, and came down to the mouth of a little river, on the East, which we passed on the 21st December. The ice covered with water.

MARCH 5th, *Wednesday*.—Passed all the encampments between Pine Creek and the post, at which we arrived about 10 o'clock. I sent a man on ahead, to prevent the salate I had before ordered by letter; this I did from the idea that the Sioux chiefs would accompany me. Found all well. Confined my Sergeant. About 1 o'clock, Mr. Dickson arrived, with the Killeur Rouge, his son, and two other Sioux men, with two women, who had come up to be introduced to the Santeurs they expected to find with me. Received a letter from Reinville.

MARCH 15th, *Saturday*.—This was the day fixed upon by Mr. Grant and the Chippeway warriors, for their arrival at my Fort; and I was all day anxiously expecting them, for I knew that should they not accompany me down, the peace partially effected between them and the Sioux would not be on a permanent footing; and upon this I take them to be neither so brave nor generous as the Sioux, who, in all their transactions, appear to be candid and brave, whereas, the Chippeways are *suspicious*, consequently *treacherous*, and, of course *cowards*.

MARCH 17th, *Monday*.—Left the Fort with my interpreter and Roy, in order to visit Thomas, the Fols Avoïn chief, who was encamped, with six lodges of his nation, about twenty miles below us, on a little river which empties into the Mississippi, on the W. side, a little above Clear river. On our way down, killed one goose, wounded another, and a deer that the dogs had driven into an air hole; hung our game on the trees. Arrived at the creek, took out on it; ascended three or four miles, on one bank, and descended on the other. Killed another goose. Struck the Mississippi below ———. Encamped at our encampment of the ——— of October, when we ascended the river. Ate our goose for supper. It snowed all day, and at night a very severe storm arose. It may be imagined that we spent a very disagreeable night, without shelter, and but one blanket each.

MARCH 18th, *Tuesday*.—We marched, determined to find the lodges. Met an Indian, whose track we pursued, through almost impenetrable woods, for about two and a half miles, to the camps. Here there was one of the finest sugar camps I almost ever saw, the whole of the timber being sugar tree. We were conducted to the chief's lodge, who received us in the patriarchal style. He pulled off my leggins and mockinsons, put me in the best place in his lodge, and offered me dry clothes. He then presented us with syrup of the maple to drink, then asked whether I preferred eating beaver, swan, elk, or deer; upon my giving the preference to the first, a large kettle was filled by his wife, of which soup was made; this being thickened with flour, we had what I then thought a delicious repast. After we had refreshed ourselves, he asked whether we would visit his people at the other lodges, which we did; and in each were presented with something to eat; by some with a bowl of sugar, others, a beaver's tail

&c. After making this tour, we returned to the chief's lodge, and found a berth provided for each of us, of good soft bear skins, nicely spread, and on mine there was a large feather pillow. I must not here omit to mention an anecdote, which serves to characterize, more particularly, their manners. This, in the eyes of the contracted moralist, would deform my hospitable host into a monster of libertinism; but by a liberal mind, would be considered as arising from the hearty generosity of the wild savage. In the course of the day, observing a ring on one of my fingers, he inquired if it was gold; he was told it was the gift of one with whom I should be happy to be at that time. He seemed to think seriously, and at night told my interpreter, "that perhaps his father (as they all called me) felt much grieved for the want of a woman; if so, he could furnish him with one." He was answered, that with us, each man had but one wife, and that I considered it strictly my duty to remain faithful to her. This he thought strange, (he himself having three,) and replied that "he knew some Americans at his nation, who had half a dozen wives during the winter." The interpreter observed, that they were men without character, but that all our great men had each but one wife. The chief acquiesced, but said he liked better to have as many as he pleased. This conversation passing without any appeal to me, as the interpreter knew my mind on those occasions, and answered immediately, it did not appear as an immediate refusal of the woman. Continued snowing very hard all day. Slept very warm.

MARCH 29th, *Saturday*—We all marched in the morning. Mr. Grant and party for Sandy Lake, and I for my hunting camp. I gave him my spaniel dog. He joined me again after we had separated about five miles. Arrived at my hunting camp about eight o'clock in the morning, and was informed that my hunters had gone to bring in a deer; they arrived with it, and about eleven o'clock we all went out hunting. Saw but few deer, out of which I had the good fortune to kill two. On our arrival at camp found one of my men at the garrison with a letter from Mr. Dickson. The soldier informed me that one Sioux had arrived with Mr. Dickson's men. Although much fatigued, soon as I had eat something, I took one of my men and departed for the garrison one hour before sundown. The distance was twenty-one miles, and the ice very dangerous, being rotten, and the water over it nearly a foot deep; we had sticks in our hands, and in many places ran them through the ice. It thundered and lightened, with rain. The Sioux not finding the Sauteurs, had returned immediately.

MARCH 30th, *Sunday*—Wrote to Mr. Dickson, and dispatched his man. Considerably stiff from my yesterday's march. Caulked our boats, as the ice had every appearance of breaking up in a few days. Thus whilst on the wing of eager expectation, every day seemed an age. Received two deers and a half from our hunting camp.

APRIL 7th, *Monday*—Loaded our boats and departed forty minutes past ten o'clock. At one o'clock arrived at Clear river, where we found my canoe and men. Although I had partly promised the Fols Avoine chief to remain one night, yet time was too precious, and we put off; passed the Grand Rapids, and arrived at Mr. Dickson's just before sundown; we were saluted with three rounds. At night he treated all my men with a supper and dram. Mr. Dickson, Mr. Paulier and myself, sat up until four o'clock in the morning.

APRIL 8th, *Tuesday*—Were obliged to remain this day on account of some information to be obtained here. I spent the day in making a rough chart of St. Peters,

making notes on the Sioux, &c., settling the affairs of the Indian department with Mr. Dickson, for whose communications, and those of Mr. Paulier, I am infinitely indebted. Made every necessary preparation for an early embarkation.

APRIL 9th, *Wednesday*—Rose early in the morning and commenced my arrangements. Having observed two Indians drunk, during the night, and finding upon enquiry, that the liquor had been furnished them by a Mr. Greignor or Jenness, I sent my interpreter to them to request they would not sell any strong liquor to the Indians, upon which Mr. Jenness demanded the restrictions in writing, which were given to him.

Grand Isle, Upper Mississippi, April 9th, 1806.

MR. LA JENNESSE,

SIR :—Being informed that you have arrived here with an intention of selling spirituous liquors to the savages of this quarter, together with other merchandize under your charge. I beg leave to inform you, that the making sale of spirituous liquors on the Indian territories to any savages whatsoever, is contrary to the law of the United States for regulating the trade with the savages; and preserving peace on the frontiers. And that, notwithstanding the custom has hitherto obtained on the Upper Mississippi, no person whatsoever has authority therefor; and as the practice may have a tendency to occasion broils and dissensions amongst the savages, and thereby occasion bloodshed, and an infraction of the good understanding which now (through my endeavors) so happily exists. I have (at your particular request) addressed you this note in writing, informing you that in case of an *infraction*, I shall conceive it my duty, as an officer of the United States, to prosecute according to the *pains* and *penalties* of the law.

I am, sir, with all due consideration,

Your obedient servant,

(Signed)

Z. M. PIKE, Lt.

On demanding his license, it amounted to no more than merely a certificate that he had paid the tax required by law of the Indiana territory, on all retailers of merchandize; but it was by no means an Indian licence; however, I did not think proper to go into a more close investigation. Last night was so cold that the water was covered with floating cakes of ice, of a strong consistence. After receiving every mark of attention from Messrs. Dickson and Paulier, I took my departure at eight o'clock. At four P. M. arrived at the house of Mr. Paulier, twenty-five leagues, to whose brother I had a letter. Was received with politeness by him and a Mr. Veau, who wintered along side of him on the very island at which we had encamped on the night of the — Oct., in ascending.

APRIL 10th, *Thursday*—Sailed at half-past five o'clock; about seven passed Rum river, and at eight were saluted by six or seven lodges of Fols Avoins, amongst whom was a Mr. —, a clerk of Mr. Dickson's. Those people had wintered on Rum river, and were waiting for their chiefs and traders to descend in order to accompany them to the Prairie Des Chiens. Arrived at the Falls of St. Anthony at ten o'clock. Carried over all our loading and the canoe to the lower end of the portage, and hauled our boats upon the bank. I pitched my tents at the lower end of the encampment where all the men encamped except the guard, whose quarters were above. The appearance of the Falls was much more tremendous than when we ascended; the increase of water occasioned the spray to raise much higher, and the mist appeared like clouds. How dif-

ferent my sensations now, from what they were when at this place before ; at that time not having accomplished more than half my route, winter fast approaching ; war existing between the most savage nations in the course of my route ; my provisions greatly diminished, and but a poor prospect of an additional supply. Many of my men sick, and the others not a little disheartened ; and our success in this arduous undertaking, very doubtful ; just upon the borders of the haunts of civilized men, about to launch into an unknown wilderness ; for ours was the first canoe that had ever crossed this portage, were sufficient to dispossess my breast of contentment and ease. But now we have accomplished every wish, peace reigns throughout the vast extent ; we have returned thus far on our voyage, without the loss of a single man, and hoping soon to be blessed with the society of our relations and friends. The river this morning covered with ice, which continued floating all day. The shores still barricaded with it.

APRIL 11th, *Friday*—Although it snowed very hard, we brought over both boats and descended the river to the island at the entrance of the St. Peters. I sent to the chiefs and informed them I had something to communicate to them. The Fils de Pinchow immediately waited on me, and informed me that he would provide a place for the purpose. About sundown I was sent for and introduced into the council house, where I found a great many chiefs of the Sussitonge, Gens des Feuilles, and the Gens du Lac. The Yanctongs had not yet come down. They were all waiting for my arrival. There were about one hundred lodges, or six hundred people ; we were saluted on our crossing the river with ball as usual. The council house was two large lodges, capable of containing three hundred men. In the upper were forty chiefs, and as many pipes set against the poles, along side of which I had the Sauters' pipes arranged. I then informed them in short detail, of my transactions with the Sauters ; but my interpreters were not capable of making themselves understood. I was therefore obliged to omit mentioning every particular relative to the rascal who fired on my sentinel, and of the scoundrel who broke the Fols Avoins' canoes, and threatened my life ; the interpreters however informed them that I wanted some of their principal chiefs to go to St. Louis ; and that those who thought proper might descend to the prairie where we would give them more explicit information. They all smoked out of the Sauters' pipes, excepting three, who were painted black, and were some of those who lost their relations last winter. I invited the Fils de Pinchow, and the son of the Killeur Rouge, to come over and sup with me ; when Mr. Dickson and myself endeavored to explain what I intended to have said to them, could I have made myself understood ; that at the prairie we would have all things explained ; that I was desirous of making a better report of them than Capt. Lewis could do from their treatment of him. The former of those savages was the person who remained around my post all last winter, and treated my men so well ; they endeavored to excuse their people, &c.

APRIL 12th, *Saturday*—Embarked early. Although my interpreter had been frequently up the river, he could not tell me where the cave (spoken of by Carver) could be found ; we carefully sought for it, but in vain. At the Indian village, a few miles above St. Peters, we were about to pass a few lodges, but on receiving a very particular invitation to come on shore, we landed, and were received in a lodge kindly ; they presented us sugar, &c. I gave the proprietor a dram, and was about to depart when he demanded a kettle of liquor ; on being refused, and after I had left the shore, he told me, that he did not like the arrangements, and that he would go to war this summer. I

directed the interpreter to tell him, that if I returned to the St. Peters with the troops, I would settle that affair with him. On our arrival at the St. Croix, I found the Petit Corbeau with his people, and Messrs. Frazer and Wood. We had a conference, when the Petit Corbeau made many apologies for the misconduct of his people; he represented to us the different manners in which the young warriors had been inducing him to go to war; that he had been much blamed for dismissing his party last fall; but that he was determined to adhere as far as lay in his power to our instructions; that he thought it most prudent to remain here and restrain the warriors. He then presented me with a beaver robe and pipe, and his message to the general. That he was determined to preserve peace, and make the road clear; also a remembrance of his promised medal, I made a reply, calculated to confirm him in his good intentions, and assured him that he should not be the less remembered by his father, although not present. I was informed, that, notwithstanding the instruction of his license, and my particular request, Murdoch Cameron had taken liquor and sold it to the Indians on the river St. Peters; and that his partner below had been equally imprudent. I pledged myself to prosecute them according to law; for they have been the occasion of great confusion, and of much injury to the other traders. This day met a canoe of Mr. Dickson's loaded with provisions, under the charge of Mr. Anderson, brother of the Mr. Anderson at Leech Lake. He politely offered me any provision he had on board, (for which Mr. Dickson had given me an order) but not now being in want, I did not accept of any. This day, for the first time, I observed the trees beginning to bud, and indeed the climate seemed to have changed very materially since we passed the Falls of St. Anthony.

APRIL 13th, *Sunday*—We embarked after breakfast. Messrs. Frazer and Wood accompanied me. Wind strong ahead. They out-rowed us; the first boat or canoe we met with on the voyage able to do it, but then they were double manned and light. Arrived at the band of the Aile Rouge at two o'clock, where we were saluted as usual. We had a council, when he spoke with more detestation of the rascals at the mouth of the St. Peters, than any man I had yet heard. He assured me, speaking of the fellow who had fired on my sentinel and threatened to kill me, that if I thought it requisite, he should be killed; but that as there were many chiefs above, with whom he wished to speak, he hoped I would remain one day, when all the Sioux would be down, and I might have the command of a thousand men of them, that I would probably think it no honor; but that the British used to flatter them they were proud of having them for soldiers. I replied in general terms, and assured him it was not for the conduct of two or three rascals that I meant to pass over all the good treatment I had received from the Sioux nation; but that in general council I would explain myself. That as to the scoundrel who fired at my sentinel, had I been at home the Sioux nation would never have been troubled with him, for I would have killed him on the spot. But that my young men did not do it, apprehensive that I would be displeased. I then gave him the news of the Santeurs, &c., that as to remaining one day, it would be of no service; that I was much pressed to arrive below; as my general expected me, my duty called me, and that the state of my provision demanded the utmost expedition; that I would be happy to oblige him, but that my men must eat. He replied that Lake Pepin being yet shut with ice, if I went on and encamped on the ice, it would not get me provision. That he would send out all his young men the next day; and, that if the other bands did not arrive he would depart the day after with me. In short, after much talk, I agreed to

remain one day, knowing that the Lake was closed, and that we could proceed only nine miles if we went ; this appeared to give general satisfaction.

I was invited to different feasts, and entertained at one by a person whose father was enacted a chief by the Spaniards. At this feast I saw a man (called by the French the Roman Nose, and by the Indians the Wind that Walks) who was formerly the second chief of the Sioux, but being the cause of the death of one of the traders, seven years since, he voluntarily relinquished the dignity, and has frequently requested to be given up to the whites. But he was now determined to go to St. Louis and deliver himself up where he said they might put him to death. His long repentance, the great confidence of the nation in him, would perhaps protect him from a punishment which the crime merited. But as the crime was committed long before the United States assumed its authority, and as no law of theirs could affect it, unless it was *ex post facto*, and had a retrospective effect, I conceive it would certainly be dispensable now. I did not think proper however, to inform him so. I here received a letter from Mr. Rollet, partner of Mr. Cameron, with a present of some brandy, coffee and sugar. I hesitated about receiving those articles from the partner of the man I intended to prosecute; their amount being trifling however I accepted of them, offering him pay. I assured him that the prosecution arose from a sense of duty, and not from any personal prejudice. My canoe did not come up in consequence of the head wind. Sent out two men in a canoe to set fishing lines; the canoe upset, and had it not been for the timely assistance of the savages, who carried them into their lodges, undressed them, and treated them with the greatest humanity and kindness, they must inevitably have perished. At this place I was informed, that the rascal spoken of as having threatened my life, had actually cocked his gun to shoot me from behind the hills, but was prevented by the others.

APRIL 14th, *Monday*.—Was invited to a feast by the *Roman Nose*. His conversation was interesting, and shall be detailed hereafter. The other Indians not yet arrived. Messrs. Wood, Frazer, and myself, ascended a high hill called the Barn, from which we had a view of Lake Pepin. The valley through which the Mississippi by numerous channels wound itself to the St. Croix; the Cannon River and the lofty hills on each side.

April 15th, *Tuesday*.—Arose very early and embarked about sunrise, much to the astonishment of the Indians, who were entirely prepared for the council, when they heard I had put off; however, after some conversation with Mr. Frazer, they acknowledged that it was agreeable to what I had said, that I would sail early, and that they could not blame me. I was very positive in my word, for I found it by far the best way to treat the Indians. The *Aile Rouge* had a beaver robe and pipe prepared to present, but was obliged for the present to retain it. Passed through Lake Pepin with my barges, the canoe being obliged to lay by, did not come on. Stopt at a prairie on the right bank descending, about nine miles below Lake Pepin. Went out to view some hills which had the appearance of the old fortifications spoken of; but I will speak more fully of them hereafter. In these hollows I discovered a flock of elk, took out fifteen men, but we were not able to kill any. Mr. Frazer came up and passed on about two miles. We encamped together. Neither Mr. Wood's nor my canoe arrived. Snowed considerably.

APRIL 16th, *Wednesday*.—Mr. Frazer's canoes and my boats sailed about one hour by

sun. We waited some time expecting Mr. Wood's barges, and my canoe, but hearing a gun fired first just above our encampment, we were induced to make sail. Passed the Aile Prairie, also La Montagne qui Trompe a L'eau, the prairie De Cross, and encamped on the West shore, a few hundred yards below, where I had encamped on the — day of September, in ascending. Killed a goose flying. Shot at some pigeons at our camp, and was answered from behind an island with two guns; we returned them, and were replied to by two more. This day the trees appeared in bloom. Snow might still be seen on the sides of the hills. Distance seventy-five miles.

APRIL 17th, *Thursday*.—Put off pretty early and arrived at Wabasha's band at 11 o'clock, where I detained all day for him; but he alone of all the hunters remained out all night. Left some powder and tobacco for him. The Sioux presented me with a kettle of boiled meat and a deer. I here received information that the Puants had killed some white men below. Mr. Wood's and my canoe arrived.

APRIL 18th, *Friday*.—Departed from our encampment very early. Stopped to breakfast at the Painted Rock. Arrived at the Prairie Des Cheins at two o'clock; and were received by crowds on the bank. Took up my quarters at Mr. Fisher's. My men received a present of one barrel of pork from Mr. Campbell, a bag of biscuit, twenty loaves of bread, and some meat from Mr. Fisher. A Mr. Jearreau, from Cahokia, is here, who embarks to-morrow for St. Louis. I wrote to General Wilkinson by him. I was called on by a number of chiefs, Reynards, Sioux of the Des Moyan, &c. The Winnebagoes were here intending, as I was informed, to deliver some of the murderers to me. Received a great deal of news from the States and Europe, both civil and military.

APRIL 19th, *Saturday*.—Dined at Mr. Campbell's in company with Messrs. Wilmot Blakely, Wood, Rollet, Fisher, Frazer, and Jearreau. Six canoes arrived from the upper part of the St. Peters with the Yanctong chiefs from the head of that river. Their appearance was indeed savage, much more so than any nation I have yet seen. Prepared my boat for sail. Gave notice to the Puants that I had business to do with them the next day. A band of the Gens Du Lac arrived. Took into my pay as interpreter Mr. Y. Reinville.

APRIL 20th, *Sunday*.—Held a council with the Puant chiefs, and demanded of them the murderers of their nation; they required till to-morrow to consider on it; this afternoon they had a great game of the cross on the prairie, between the Sioux on the one side, and the Puants and Reynards on the other. The ball is made of some hard substance and covered with leather, the cross sticks are round and net-work, with handles of three feet long. The parties being ready, and bets agreed upon, (sometimes to the amount of some thousand dollars) the goals are set up on the prairie at the distance of half a mile. The ball is thrown up in the middle, and each party strives to drive it to the opposite goal; and when either party gains the first rubber, which is driving it quick round the post, the ball is again taken to the centre, the ground changed, and the contest renewed; and this is continued until one side gains four times, which decides the bet. It is an interesting sight to see two or three hundred naked savages contending on the plain who shall bear off the palm of victory; as he who drives the ball round the goal is much shouted at by his companions. It sometimes happens that one catches the ball in his racket, and depending on his speed endeavors to carry it to the goal, and when he

finds himself too closely pursued, he hurls it with great force and dexterity to an amazing distance, where there are always flankers of both parties ready to receive it; it seldom touches the ground, but is sometimes kept in the air for hours before either party can gain the victory. In the game I witnessed, the Sioux were victorious, more I believe, from the superiority of their skill in throwing the ball, than by their swiftness, for I thought the Puants and Reynards the swiftest runners. I made a written demand of the magistrates to take deposition concerning the late murders. Had a private conversation with Wabasha.

APRIL 25th, *Monday*.—Was sent for by La Feuille, and had a long and interesting conversation with him, in which he spoke of the general jealousy of his nation towards their chiefs; and that although he knew it might occasion some of the Sioux displeasure, he did not hesitate to declare that he looked on the Nez Corbeau, as the man of most sense in their nation; and that he believed it would be generally acceptable if he was reinstated in his rank. Upon my return I was sent for by the *Red Thunder*, chief of the Yanctongs, the most savage band of the Sioux. He was prepared with the most elegant pipes and robes I ever saw; and shortly he declared, "That white blood had never been shed in the village of the Yanctongs, even when rum was permitted; that Mr. Murdoch Cameron arrived at his village last autumn; that he invited him to eat, gave him corn as a bird; that he (Cameron) informed him of the prohibition of rum, and was the only person who afterwards sold it in the village." After this I had a council with the Puants. Spent the evening with Mr. Wilnot, one of the best informed and most gentlemanly man in the place.

APRIL 22d, *Tuesday*.—Held a council with the Sioux and Puants, the latter of whom delivered up their medals and flags. Prepared to depart to-morrow.

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## CHAPTER XII.

### AMERICAN TRADE.

AFTER the treaty of 1815, at Portage des Sioux, with the lower bands of the Sioux, a U. S. trading post was established at Prairie du Chien. The United States hoped to be able to sell goods at such low prices, that they could obtain the furs and the confidence of the Indians, and thus exclude British traders. The factories or trading posts were however often distant from Indian villages. They moreover, did not sell on credit, as private traders were wont to do, and thus they did not secure either the peltries or friendship of the tribes.

The British traders on the Mississippi, always had the advantage of the U. S. factories. Accustomed to Indian life, inured to fatigue, intermarried with the Indians, they followed the hunting parties as far as they could in their canoes. They then stopped and threw up rude huts, and sent *engages* with goods packed on their shoulders, to obtain the furs of those Indians that had not already bought on credit. But not only was the U. S. trading-houses at Prairie du Chien, unable to compete with the British traders in Minnesota, but virtually became an instrument in their hands. The British traders, returning to Prairie du Chien with peltries from the Upper Mississippi and Minne-

sota, would employ Indians to purchase goods at United States prices, and thus obtain a new outfit at less cost than if they had transported from Montreal.

From the year 1815, Gov. Edwards and others saw the defects of the American system; but it was long before Congress could be induced to make a change. The factory at Prairie du Chien traded, not only with the Dakotas, but with the Sauks and Foxes, Chippewas, Winnebagoes and Menominees. From the following table can be seen the kind and quantity of furs received there during the first four years of its operation:

*Statement showing the kind and quantity of peltries, etc., received at the U. S. Trading Post, at Prairie du Chien:*

| Furs, Peltries, etc., | 1816.      | 1817.      | 1818.       | 1819.      |
|-----------------------|------------|------------|-------------|------------|
| Deer skins,           | 4451       | 2441       | 4115        | 3251       |
| Bear "                | 123        | 293        | 135         | 30         |
| Beaver "              | 496        | 694        | 786         | 303        |
| Otter "               | 54         | 480        | 517         | 188        |
| Raccoon "             | 261        | 2685       | 1996        | 371        |
| Muskrat "             | 2445       | 14,015     | 16,712      | 9748       |
| Fox "                 |            | 7          | 144         |            |
| Fisher "              |            | 97         | 216         | 62         |
| Mink "                |            | 240        |             |            |
| Wild cat,             |            | 92         |             | 48         |
| Martin,               |            |            |             | 9          |
| Lead,                 |            |            | 199,894 lbs | 67,799 lbs |
| Feathers,             |            |            | 834 lbs     | 734 lbs    |
| Cash sales,           | \$424 40   | \$3,199 32 | \$3,266 77  | \$427 87   |
| Fur sales,            | \$4,486 39 | 10,364 95  | 24,375 65   | 5,963 88   |

The receipts and sales for the year 1819, show that the Indian did not feel disposed to continue to trade at the U. S. factory.

At the commencement of the year 1822, there was much excitement caused by the controversy in relation to the usefulness of the U. S. factory system, and a committee was appointed by the U. S. Senate to investigate the condition of the factories.

Many complaints were made against the factor at Prairie du Chien, by those who wished to see the factories abolished.

Ramsay Crooks, who was largely engaged in trade, and agent of the American Fur Company, and of course an interested witness, in a communication to the Senate Committee, remarks:—"That the factories have been furnished with goods of a kind not suitable to the Indians, unless the committee should be of opinion that men and women's coarse and fine shoes, worsted and cotton hose, tea, glauber salts, alum and anti-bilious pills, are necessary to promote the comfort, or restore the health of the Aborigines; or

that green silk, fancy ribands, and morocco slippers are indispensable to eke out the dress of our 'red sisters.'\*"

Mr. Crooks also remarked, that in 1816, the factor at Prairie du Chien furnished goods to a Mr. Antoine Brisbois, whom he well knew had but a few days before been refused a license by the proper officer, and that in 1818, a Mr. Michael Brisbois, a brother received goods. A Mr. Scott Campbell was also supplied in 1820, and a Mr. Duncan Campbell, who then traded on the Upper Mississippi, was furnished with an outfit, at the very time he was acting as interpreter to the Indian Agency at Fort Snelling, which was then first established.

Mr. Crooks concluded his communication with the following remarks upon the moral tendency of the factories:—"Little as I value the factory system, so far as it is considered a means of attaching the Indians to the United States, I do think they are, if possible, still less capable of producing religious information in either the Indians or anybody else.

"The factories have now degenerated into mere places of trade, to which all colors, descriptions, and denominations of people resort for barter; and bear a much more striking resemblance to common country stores, than to the public establishments of a benevolent government. The desperate efforts which the factors make to secure individually their reputation as traders, and jointly to prop the questionable pecuniary credit of the whole system, are, in my opinion, but little favorable to that serenity of mind, mildness of disposition, and undeviating conformity to a strictly moral deportment, which we in civilized society, consider essential qualities in those we trust as our guides to another and better world. Even we value example as high as precept; with savages, the former is more likely to be efficacious.

"And believing these gentlemen to be equally fallible with the generality of their brethren in trade, I should imagine they were selected by the Superintendent of Indian Trade more for their *trafficking* than *apostolic* abilities, as the head of that department is too intimately acquainted with the nature of missions among a rude people, to have appointed the present incumbents to teach repentance and remission of sins to the children of the wilderness. It is hardly necessary to add, that I do not believe that either factories or factors are likely to enlarge the jurisdiction of the church."

Shortly after this investigation, Congress resolved to abolish the trading posts, and the buildings at Prairie du Chien were sold.

After the United States troops arrived, in 1819, to build Fort Snelling, Astor and his associates were busy in extending their trade with the Ojibwas. As early as 1805, we find J. B. Faribault encamped opposite Mendota, trading with the Indians. In 1822, the Columbia Fur Company was organized. This was modelled after the Northwest Company, and consisted of few individuals, all of whom had a practical acquaintance with the trade. They received their license from the newly appointed Indian Agent at

\* These remarks were made in view of the following charges on the books of the factory at Prairie du Chien :

|                |                                                  |        |
|----------------|--------------------------------------------------|--------|
|                | Michael Brisbois, in acc't with John W. Johnson: |        |
| June 25, 1819. | 4 boxes anti-bilious pills, a 75,                | \$3 00 |
| Nov. 11, "     | 1 pair fine shoes,                               | 3 00   |
|                | Joseph Rolette, in acc't with J. W. Johnson :    |        |
| July 19, 1819. | 1 fancy silk handkerchief, per Mrs. R.,          | \$2 00 |
| Oct. 25, "     | 3 lbs. tea, delivered La Blanc, a \$3 50,        | 10 50  |
| Jan. 24, 1820. | 1-2 lb. glauber salts,                           | 50     |
| Feb. 29, "     | 1-2 yd. green silk per Polly,                    | 1 00   |

Fort St. Anthony (Snelling). The principal members of the company were Renville, Faribault, Jeffries, Prescott, and McKenzie, of St. Louis. Their principal establishment was at Lake Traverse, and they had also some ten or eleven minor posts.

The trading houses on the Minnesota river, in 1822, made up the following packs:

|          | No. of Packs. | Weight.  | No. of skins in each. |
|----------|---------------|----------|-----------------------|
| Buffalo, | 168           |          | 10                    |
| Muskrat, | 40            |          | 600                   |
| Raccoon, | 6             | 100 lbs. | 80                    |
| Beaver,  | 4             | 100 "    | 80                    |
| Otter,   | 4             | 100 "    | 60 prime.             |
| Fisher,  | 3             | 100 "    | 120                   |
| Mink,    | 4             | 100 "    | 450                   |
| Bear,    | 6             | 100 "    | 14                    |
| Red Fox, | 1             | 100 "    | 120                   |

Until the American Fur Company systematized the trade in Minnesota, and Congress took measures to exclude whiskey dealers from the Indians, trade was carried on in a way to make humanity blush. The following letter of Colonel Snelling, written while in command of the Fort that bears his name, and addressed to the Secretary of War, exhibits the disgraceful condition of affairs at that time:

"In former letters addressed to the Department of War, I have adverted to the mischievous consequences resulting from the introduction of whiskey, and other distilled spirits, into the Indian country. The pretext is, that our traders cannot enter into successful competition with the British traders without it. If the sale of whiskey could be restricted to the vicinity of the British line, the mischief would be comparatively trivial, but if permitted at all, no limits can be set to it. A series of petty wars and murders, and the introduction of every species of vice and debauchery, by the traders and their engagees, will be the consequence. It becomes, also, a fruitful source of complaint with those engaged in the same trade from the West. The traders who obtain their supplies from St. Louis, pass Fort Snelling, where, in obedience to the orders I have received from the President, their boats are searched, and no spirituous liquors are permitted to be taken further.

The traders who are licensed for the lakes, spread themselves over the whole country between Lake Superior and the Upper Mississippi; their whiskey attracts a large proportion of the Indians to their trading houses; and the Western traders not only have to complain of the loss of custom, but, in many instances, the Indians who have obtained their goods of them, are seduced by whiskey to carry their winter's hunt to others. This has long been one of the tricks of the trade. The traders, who are not generally restrained by any moral rules, after they pass the boundary, practise it without scruple, whenever opportunity occurs, and he who has the most whiskey generally carries off the furs. They are so far from being ashamed of the practice, that it affords them subject for conversation by their winter fires. I have myself frequently heard them boast of their exploits in that way. The neighborhood of the trading houses where whiskey is sold presents a disgusting scene of drunkenness, debauchery and misery. In my route from St. Peters to this place, (Detroit,) I passed Prairie du Chien, Green Bay and Mackinac; no language can describe the scenes of vice which there present themselves. Herds of Indians are drawn together by the fascinations of whiskey, and they exhibit the most degraded picture of human nature I ever witnessed."

## CHAPTER XIII.

NOTED EARLY INDIAN TRADERS—DICKSON, MORRISON AND JOSEPH RENVILLE.

PIKE was too sanguine in relation to the beneficial effects of his tour upon the traders and savages of Minnesota. Though everything promised well while he was in the country, his back had hardly been turned before British influence began to be felt again. The leader of the British party was Dickson. When Pike was at Prairie du Chien, on his way to the head waters of the Mississippi, Dickson was at Mackinaw; but, in the winter of 1805-6, he had a trading post not very far below Sauk Rapids. In December, 1805, he paid a visit to Pike, who was quartered near Swan river, and made a most favorable impression on the Lieutenant. Pike, recording a note of the visit in his Journal, says:

"He gave me much useful information relative to my future route, which gave me great encouragement as to the certainty of my accomplishing the object of my voyage to the fullest extent. He seemed to be a gentleman of general commercial knowledge, and possessing much geographical information of the Western country; of open, frank manners."

Dickson had a partner by the name of Grant, at Lower Red Cedar Lake, and Pike, on the 2d of February, 1806, wrote to Dickson from that point as follows:

"Mr. Grant was prepared to go on a trading voyage amongst the Fols Avoins; but it was what I could not by any means admit of, and I hope, on a moment's reflection, you will admit the justice of my refusal; for what could be a greater piece of injustice, than for me to admit you to send goods, *illegally* brought into the country, down into the same quarter, to trade for the credits of men who have paid their duties, regularly taken out licenses, and in other respects acted conformably to law. They might exclaim with justice:—What! Lieutenant Pike, not content with suffering the laws to slumber, when it was his duty to have executed them, has now suffered the Northwest Company's agents to come over here, to violate them, and injure the citizens of the United States! certainly, he must be corrupted, to admit this. This, sir, would be the natural conclusion of all persons."

On the 7th of April, 1806, Pike visited the trading post of Dickson, near Sauk Rapids, and talked with him all night about the affairs of the Indian Department. Dickson accompanied him to a conference with the Dakotas, on the island in front of Fort Snelling. In five years from this time, we find him using his whole influence against the United States. In July, 1811, he escorts a party of Menomonees, Dakotas and Winnebagoes to the British at Mackinac. A few months after this, Governor Edwards, of the Illinois Territory, writes to the Secretary of War:

"The opinion of Dickson, the celebrated British trader, is, that in the event of a war with Great Britain, all the Indians will be opposed to us, and he hopes to engage them in hostility by making peace between the Sioux and Chippewas, two very large Nations, and in getting them to declare war against us."

The title of Dickson was, "Agent and Superintendent to the Western Nations."

On the first of May, 1812, two Indians were apprehended at Chicago, who were on their way to meet Mr. Dickson, at Green Bay. They had taken the precaution to put their letters in their moccasins, and bury them in the ground, and were allowed to pro-

ceed. A Mr. Frazier, of Prairie du Chien, who went with Dickson to the portage of Wisconsin, and who was present when the letters were received, stated that Dickson was informed that the British flag would soon be flying on the American garrison at Mackinaw. About the same time, Cadotte, Dice, and John Askins, were at Fond du Lac, Superior, collecting Indians. In February, 1814, while Dickson is collecting and distributing provisions among the Indians, at Green Bay, the British post of St. Joseph is captured by the Americans, and Mr. Bailly, and five others, connected with the Mackinaw Company, taken.

MILITARY OCCUPANCY OF PRAIRIE DU CHIEN BY THE AMERICANS.

On the first of May, 1814, Governor Clark, with two hundred men, left St. Louis, to build a Fort at the junction of the Wisconsin and Mississippi. Twenty days before he arrived at Prairie du Chien, Dickson had started for Mackinaw, with a band of Sioux and Winnebagoes. The place was left in command of Captain Deace and the Mackinaw Fencibles. The Sioux, refusing to co-operate, when the Americans made their appearance they fled. The Americans took possession of the old Mackinaw house, in which they found nine or ten trunks, of papers belonging to Dickson. From one they took the following extract:—

“Arrived, from below, a few Winnebagoes, with scalps. Gave them tobacco, six pounds powder, and six pounds ball.”

The Americans built a Fort, named “Shelby,” with two block houses in the angles, and another on the bank of the river, with a communication. On the twentieth of July, 1814, they surrendered to a force of two hundred regulars and six hundred Indians, in charge of a British lieutenant. After the surrender, the American gun-boats returned to St. Louis. Among the passengers was a friendly “one-eyed Sioux,” who had behaved gallantly when the boat was attacked by British artillery. In the fall of the same year, this one-eyed Sioux, with another of the same Nation, ascended the Missouri, under the protection of the distinguished trader, Manuel Lisa, as far as the Au Jacques river, and from thence he struck across the country, enlisting the Sioux in favor of the United States, and at length arrived at Prairie du Chien. On his arrival, Dickson accosted him, and inquired from whence he came, and what was his business, at the same time rudely snatching his bundle from his shoulders, and searching for letters. The “one-eyed” warrior told him that he was from St. Louis, and that he had promised the white chiefs there that he would go to Prairie du Chien, and that he had kept his promise.

Dickson then placed him in confinement in Fort McKay, as the garrison was called by the British, and ordered him to divulge what information he possessed or he would put him to death. But the faithful fellow said he would impart nothing, and that he was ready for death if he wished to kill him. Finding that confinement had no effect, Dickson at last liberated him. He then left and visited the bands of Sioux on the Upper Mississippi; with which he passed the winter. When he returned in the spring, Dickson had gone to Mackinaw, and Captain Bulger was in command of the Fort.

While there, on May 23d, 1815, the British evacuated the Fort, the news of peace having arrived. As they retired, they fired the Fort with the American colors flying, and the brave Sioux exposing himself to the flames rushed in and bore off the American flag and an American medal.

This one-eyed Sioux, if Dr. Foster of Hastings is correct, is still living. In an arti-

cle published in the Minnesota Democrat, May 1854, he speaks of the signers of the treaty between Pike, on the part of the U. S., and the Dakotas. He says :

"I have omitted till the last, mention of *Le Original Leve*, who, next to Little Crow, appears to have been the most prominent individual present. Pike calls him 'my friend,' and seems to have made him some marked presents—indeed, the Indian relationship and tie of comradeship was probably adopted between them. Pike says, he 'was a war chief, and that he gave him, my [his] father's tomahawk,' though what he means by that, passes my comprehension. In the table of Indian chiefs, etc., in the appendix to Pike's Journal, he is set down as belonging to the Medaywokant'wans ; his Indian name is given as *Tahamic*, his French as *L'Original Leve*, and his English as the '*Rising Moose*,' which is stated to be literally translated.

"I believe this war chief to be identical with the aged Indian, with whom most of the old settlers are familiar, by the name of *Tah-mah-haw*, whose characteristics are one eye, and his always wearing a stove-pipe hat. He is remarkable among the Sioux—and it is his greatest pride and boast—that he is the only *American* in his tribe. This is explained by the fact, that in the war with Great Britain, in 1812, when the rest of the Sioux sided with the British, and when Little Crow, with Joseph Renville, led on a war party to join the British army against us, he refused to participate on that side, and joined the Americans at St. Louis, where he was employed by Gen. Clarke, in the American service.

"He has now in his possession, and carefully keeps, a commission from Gen. Clarke, dated in 1814, as a chief of the Sioux—the commission says of the Red Wing band of Indians—which was originally part of Wabashaw's band.

"If he is the same person as *L'Original Leve*, then Pike and his Indian comrade fought in the same ranks, and the friendship the latter imbibed at Pike's visit, for the Americans, stood the test of time and vicissitudes.

"He deserves on this account to receive from the government authorities, special and marked attention.

"Joseph Mojou, an old Canadian of Point Prescott, told me that Tamahaw was called by the voyageurs, the "Old Priest," because he was a great talker on all occasions. In Sioux, *Tamwanda* means to talk earnestly ; to vociferate ; and this bears some resemblance to his Indian name as at present pronounced.

"My friend Mr. Hatch informs me, when he traded with the Winnebagoes and with the Sioux of Wabashaw band, he knew him, and has seen his commission from General Clarke. The Winnebagoes, who were acquainted with him, translated his name to mean the *pike* fish, and therefore called him *Nazcekah*—though *tah-mah-hay* and no *tah-mah-haw*, is the word for pike in the Dakotah tongue.

"It may be thought more pains are taken to elucidate this personal history of an old Indian, than the subject warrants. But when we reflect that this old Indian was the contemporary, if not personal friend of Pike ; that he and one other Sioux were of all his tribe who sided with the Americans in the war of 1812 ; there is an interest justly attached to his identity and history, which deserves more than ordinary attention. The other Sioux who, like *Tamahaw* joined the Americans in 1812, was *Hay-pee-dan* who belonged to Wakootay's band. He is now deceased."

As late as 1817, Col. Dickson was living in Minnesota, at Lake Traverse, and the Indian agent at Prairie du Chien, suspected that he was alienating the Dakotas from

the United States, and in company with Lord Selkirk, striving to secure their trade, as the following extract from his letter of Feb. 16, 1818, to the governor of Illinois will show :

"What do you suppose, sir, has been the result of the passage through my agency, of this British nobleman ? (Lord Selkirk.) Two entire bands, and part of a third, all Sioux have deserted us and joined Dickson, who has distributed to them large quantities of Indian presents, together with flags, medales, etc. Knowing this, what must have been my feelings on hearing that his lordship had met with a favorable reception at St. Louis. The newspapers announcing *his arrival, and general Scottish appearance*, all tend to discompose me; believing as I do, that he is plotting with his friend Dickson, our destruction—sharpening the savage scyaping knife, and colonizing a tract of country, so remote as that of the Red river, for the purpose, no doubt, of monopolizing the fur and peltry trade of this river, the Missouri and their waters—a trade of the first importance to our Western States and territories. A courier, who had arrived a few days since, confirms the belief that Dickson is endeavoring to undo what I have done, and secure to the British government the affections of the Sioux, and subject the Northwest Company to his lordship. \* \* \* \* Dickson, as I have before observed, is situated near the head of the St. Peter's, to which place he transports his goods from Selkirk's Red river establishment, in carts made for the purpose. The trip is performed in five days, sometimes less. He is directed to build a Fort on the highest land between Lac du Travers, and Red river, which he supposes will be the established line between the two countries. This Fort will be defended by twenty men, with two small pieces of artillery."

It is said that after this, Dickson was arrested between the Minnesota, and St. Croix, and carried to St. Louis.

He died at Queenstown, in Canada, and one of his grand-children is the wife of the Bois Brule trader, Joseph La Frambois, who has lived for some years on the Upper Minnesota.

WILLIAM MORRISON—EXPLORER TO THE SOURCE OF THE MISSISSIPPI.

A brother of the Indian trader, Allan Morrison, of Crow Wing, is probably the oldest of the early Indian traders now living, with the exception of Faribault, a notice of whom will be found in Hon. H. H. Sibley's address, in a subsequent chapter. Some interesting particulars of his residence in Minnesota, are found in his letter to his brother, and in the communication of the latter to Ex-Governor Ramsey, the President of the Society :

CROW WING, BENTON COUNTY, M. T.,  
17th February, 1856.

HON. ALEXANDER RAMSEY, St. Paul.

DEAR SIR—Inclosed you will find who the first discoverer of the source of the Mississippi is. William Morrison, my brother, came to this country in 1802, and left in 1826. He is now seventy-five years of age, and was the first American citizen who extended the first line of trading posts from Old Grand Portage to Lake of the Woods; was then agent for the old American Fur Company, of New York, and is well known in the West, by all the oldest pioneers. I am astonished that Mr. Schoolcraft should claim that honor, for I could with safety claim it before him myself; for I saw Itaska Lake before that gentleman or Mr. Nicollet ever thought of coming to this part of the country. You will much oblige me by presenting the within information to the Historical Society

of Minnesota, to which I will add, hereafter, some information relative to the first traders, their progress, etc.

I remain yours, most respectfully,

ALLAN MORRISON.

ALLAN MORRISON, Esq.:

DEAR BROTHER—In answering your favor of the 10th Jan'y, I will pass several incidents that I presume you are well informed of, and give you the time and circumstance, that led me to be the first white man that discovered the source of the great Mississippi river. I left Grand Portage, on the North shore of Lake Superior, now the boundary line between the United States and the British Possessions, in the year 1802, and landed at Leech Lake in September or October, the same year. I wintered on one of the streams of the Crow Wing, near its source. Our Indians were Pillagers. In 1803 and 4, I went and wintered at Rice Lake. I passed by Red Cedar Lake, now called Cass Lake, followed up the Mississippi to Cross Lake, and then up the Mississippi again to Elk Lake, now called Itaska Lake, the source of the great river Mississippi. A short distance this side, I made a portage, to get to Rice river, which is called the Portage of the Heights of Land, or the dividing ridge that separates the waters of the Mississippi, and those that empty into the Red River of the North; thence to Hudson's Bay, the portage is short.

I discovered no traces of any white man before me, when I visited Itaska Lake, in 1804. And if the late General Pike did not lay it down as such, when he came to Leech Lake, it is because he did not happen to meet me. I was at an outpost that winter. The late General Pike laid down Cass Lake, on his map, as the head of the Mississippi river. In 1811-12, I went the same route, to winter on Rice river, near the plains. There I overtook a gentleman with an outfit, from Mackinac, by the name of Otesse, with whom I parted only at Fond du Lac, he taking the Southern route, to Mackinac, and I the Northern to head quarters, which had been changed from Grand Portage to Fort William. This will explain to you that I visited Itaska Lake, then called Elk Lake, in 1803-4, and in 1811-12, and five small streams that empty into the lake, that are short, and soon lose themselves in the swamps.

By way of explanation, why the late General Pike, then Captain Pike, in 1805, who had orders to stem the Mississippi to its source, and was stopped by the ice a little below Swan river, at the place since called Pike's Rapids or Pike's Block House, and had to proceed from there to Leech Lake on foot. He had to learn there where the source of the Mississippi was. He went to Cass Lake, and could proceed no further. He had been told that I knew the source, but could not see me, I being out at an outpost. This want of information made him commit the error; some person, not knowing better, told him there was no river above Cass Lake. Cass Lake receives the waters of Cross Lake, and Cross Lake those of Itaska Lake, and five small streams that empty into Itaska, Lake, then called Elk Lake. Those streams I have noted before, no white man can claim the discovery of the source of the Mississippi before me, for I was the first that saw and examined its shores.

Yours,

Signed,

WM. MORRISON.

SKETCH OF JOSEPH RENVILLE, A "BOIS BRULE" AND EARLY TRADER OF MINNESOTA.

The opening of the fur trade of the Northwest, under the patronage of Louis the Fourteenth, tended to bring into existence, a peculiar race of men, called "coureurs d 33

bois." Many of the wild and adventurous spirits of sunny France, tired of the "ancient regime," tempted by the dangers incident to the employment of collecting furs, and the freedom from all restraint, hastened in frail birch canoes down rapids, and over lakes to the haunts of the bison and beaver. The unbridled zeal of the trader has ever made him the pioneer of the ecclesiastic.

Previous to the year 1695, the canoe laden with trinkets, tobacco and knives, had entered the Minnesota, or "sky-tinted" river, and in 1700, trading houses were erected on the banks of the Mankato or Blue Earth, and on an island near the St. Croix; and about that time, the enterprising Perrot had built a fort at the entrance of Lake Pepin. The father of him whom we purpose to sketch, was, in all probability, born before some of the first explorers of this Territory had entered "that bourne from whence no traveler returns."

As age began to stiffen the joints of the once supple voyageur, he naturally felt the want of some resting place, and companion, to cheer him in his declining years. Estranged from early associations, he did not hesitate to conform to the customs of the cinnamon colored race, and purchase a wife to hoe his corn, to mend his moccasins, to tend the lodge-fire, and to cook the game which he would bring home at night. The offspring of this alliance have become a numerous and interesting class in America, and have often exercised more sway in Indian affairs than chiefs.

Joseph Renville was of mixed descent, and his history forms a link between the past and the present history of Minnesota. His father was a French trader of much reputation. His mother was a Dakota, connected with some of the principal men of the Kaposia band. He was born below the town of St. Paul,\* about the year 1779, during the war of the American Revolution. At that time, there were probably not more than six white families residing in the whole of that vast territory that now comprises Northern Illinois, Wisconsin, Iowa and Minnesota.

Accustomed to see no European countenance but that of his father, in sports, habits and feelings, he was a full Dakota youth. As often happens, his mother deserted her husband, and went to live with one of her own blood. The father noticing the activity of his son's mind, took him to Canada before he was ten years of age, and placed him under the tuition of a priest of Rome. His instructor appears to have been both a kind and good man, and from him he received a slight knowledge of the French language, and the elements of the Christian religion. Before he attained to manhood, he was brought back to the Dakota land, and was called to mourn the death of his father.

At that time, there was a British officer by the name of Dickson, who lived in what is now Minnesota, and was in the employ of an English Fur Company. Knowing that young Renville was energetic, he employed him as a "courier des bois." While a mere stripling, he had guided his canoe from the Falls of Pokegama to the Falls of St. Anthony, and followed the trails from Mendota to the Missouri. He knew by heart the legends of Winona, and Ampato Sapawin, and Hogan-wanke-kin. He had distinguished himself as a brave, and also become identified with the Dakotas more fully by following in the footsteps of his father and purchasing a wife of that nation.

In 1797, he wintered, in company with a Mr. Perlier, near Sauk Rapids. The late General Pike was introduced to him at Prairie du Chien, and was conducted by him to the Falls of St. Anthony. This officer was pleased with him, and recommended him for

\*The Kaposia band then lived on the East bank of the river.

the post of U. S. Interpreter. In a letter to General Wilkinson, written at Mendota, Sept. 9, 1805, he says: "I beg leave to recommend for that appointment, a Mr. Joseph Renville, who has served as interpreter for the Sioux last spring at the Illinois, and who has gratuitously and willingly served as my interpreter in all my conferences with the Sioux. He is a man respected by the Indians, and I believe an honest one."

At the breaking out of the last war with Great Britain, Col. Dickson was employed by that government to hire the warlike tribes of the North-West to fight against the United States. Renville received from him the appointment and rank of Captain in the British Army, and with warriors from the Wabasha, Kaposia and other bands of Dakotas, marched to the American frontier. In 1813, he was present at the siege of Fort Meigs. One afternoon, while he was seated with Wabasha and the renowned Petit Corbeau, the grandfather of the present chief of the Kaposia band, an Indian presented himself and told the chiefs that they were wanted by the head men of the other nations that were there congregated. When they arrived at the rendezvous, they were surprised to find that the Winnebagoes had taken an American captive, and after roasting him, had apportioned his body in as many dishes as there were nations, and had invited them to participate in the feast. Both the chiefs and Renville were indignant at this inhumanity, and Col. Dickson being informed of the fact, the Winnebago who was the author of the outrage was turned out of the camp.

In 1815, he accompanied the Kaposia chief to Drummond Island, who had been invited by the commandant of that post, to make him a visit. On their arrival, they were informed by the officer, that he had sent for them to thank them in the name of his Majesty for the aid they had rendered during the war. He concluded by pointing to a large pile of goods, which he said were presents from Great Britain. Petit Corbeau replied, that his people had been prevailed upon by the British to make war upon the people they scarcely knew, and who had never done them any harm. "Now," continued the brave Kaposia chief, "after we have fought for you, under many hardships, lost some of our people, and awakened the vengeance of our neighbors, you make peace for yourselves, and leave us to get such terms as we can; but no, we will not take them.— We hold them and yourselves in equal contempt."

For a short period after the war, the subject of this memoir resided in Canada, and received the half pay of a British captain. He next entered the service of the Hudson's Bay Company, or North West Company, whose posts extended to the Mississippi and Minnesota rivers. In winter, he resided with his family among the Dakotas; in summer, he visited his trading posts, which extended as far as the sources of the Red river.

In 1819, was commenced the erection of the Fort at the junction of the Mississippi and Minnesota. From this time, Renville became more acquainted with the people of the United States, and some of his posts being within the limits of the Republic, and there being great commotion in the Hudson's Bay Company, he with several other experienced trappers, established a new company in 1822, which they called the Columbia Fur Company. Of this new organization he was the presiding genius. When Major Long arrived at Fort St. Anthony, as Snelling was then called, in the year 1823, he became acquainted with Renville, and engaged him as the interpreter of the expedition to explore the Minnesota and Red River of the North. The historian of the expedition, Professor Keating, gave to the world one of the most interesting accounts of the Dakota nation that has ever been published, and he states that for most of the information he is indebted to the subject of this sketch.

Shortly after the Columbia Fur Company commenced its operations, the American Fur Company of New York, of which John Jacob Astor was one of the Directors, not wishing any rivals in the trade, purchased their posts, and good will, and retained the "coureurs des bois." Under this new arrangement, Renville removed to Lac-qui-Parle and erected a trading house, and here he resided until the end of his days.

Living as he had done for more than a half century among the Dakotas, over whom he exercised the most unbounded control, it is not surprising that in his advanced age he sometimes exhibited a domineering disposition. As long as Minnesota exists, he should be known as one given to hospitality. He invariably showed himself to be a friend to the Indian, the traveler and the missionary. Aware of the improvidence of his mother's race, he used his influence towards the raising of grain. He was instrumental in having the first seed corn planted on the Upper Minnesota. An Indian never left his house hungry, and they delighted to do him honor. He was a friend to the traveler. His conversation was intelligent, and he constantly communicated facts that were worthy of record. His post obtained a reputation among explorers, and their last day's journey to it was generally a quick march, for they felt sure of a warm welcome. His son was the interpreter of Nicollet, that worthy man of science who explored this country in connection with Fremont. This gentleman, in his report to Congress pays the following tribute to the father and son :

"I may stop a while to say, that the residence of the Renville family, for a number of years back, has afforded the only retreat to travelers to be found between St. Peters and the British posts, a distance of 700 miles. The liberal and untiring hospitality dispensed by this respectable family, the great influence exercised by it over the Indians of this country in the maintenance of peace and the protection of travelers, would demand, besides our gratitude, some especial acknowledgement of the United States, and also from the Hudson's Bay Company."

The only traveler that has ever given any testimony opposed to this, is Featherstonhaugh, a dyspeptic and growling Englishman, whose book, published in London in 1847, and styled a "Canoe Voyage up the Minnay Sotor," betrays a filthy imagination. He remarks :

"On reaching the Fort, Renville advanced and saluted me, but not cordially. He was a dark, Indian looking person, showing no white blood, short in his stature; with strong features and coarse black hair. \* \* \* \* \* I learnt that Renville entertained a company of stout Indians to the number of fifty, in a skin lodge behind his house, of extraordinary dimensions, whom he calls his braves, or soldiers. To these men he confided various trusts, and occasionally sent them to distant points to transact his business. No doubt he was a very intriguing person and uncertain in his attachments. Those who knew him intimately, supposed him inclined to the British allegiance, although he professes great attachment to the American Government, a circumstance, however, which did not prevent him from being under the surveillance of the garrison at Fort Snelling."

He was also a friend to the Missionary of the Cross. Until the year 1834, no minister of the Church, made arrangements to devote his life to the spiritual and temporal welfare of the Dakotas.

In the years 1687 and 1689, Father Marest and another Jesuit made excursions among them, and one of them told the historian, Charlevoix, that he regretted he did not succeed in establishing a mission. He described them as docile, gentle and intelli-

gent. A very few years after, the opinion of Marest was entirely changed. In a letter dated Nov. 11, 1712, while he was a missionary among the Kaskaskias, he says :— “ We found a canoe of the Scioux, broken in some places, \* \* \* \* We were greatly alarmed. \* \* \* \* These Scioux are the most cruel of all the Indians, and we should have been lost had we fallen into their hands.” During the French dominion, ecclesiastics never had permanent missions except in the vicinity of fortified trading posts.

The Rev. T. S. Williamson, of the Presbytery of Chillicothe, arrived at Fort Snelling in 1834 ; then returned to the East, and in 1835 came back with assistant missionaries. Renville warmly welcomed him, and rendered him invaluable assistance in the establishment of the missions. Upon the arrival of the missionaries at Lac-qui-Parle, he provided them with a temporary home. He acted as interpreter, he assisted in translating the Scriptures, and removed many of the prejudices of the Indians against the teachers of the white man's religion. His name appears in connection with several Dakota books. Dr. Watts' second Catechism for children, published in Boston in 1837, by Crocker & Brewster, was partly translated by him.

In 1839, a volume of extracts from the Old Testament, and a volume containing the Gospel of Mark, was published by Kendall & Henry, Cincinnati, the translation of which was given orally by Mr. Renville, and penned by Dr. Williamson. Crocker & Brewster in 1842, published Dakota Dowanpi Kin, or Dakota Hymns, many of which were composed by the subject of this sketch. The following tribute to his ability as a translator, appeared in the Missionary Herald of 1846, published at Boston :

“ Mr. Renville was a remarkable man, and he was remarkable for the energy with which he pursued such objects as he deemed of primary importance. His power of observing and remembering facts, and also words expressive of simple ideas was extraordinary. Though in his latter years he could read a little, yet in translating he seldom took a book in his hand, choosing to depend on hearing rather than sight, and I have often had occasion to observe, that after hearing a long and unfamiliar verse read from the Scriptures, he would immediately render it from the French into Dakota, two languages extremely unlike in their idioms and idea of the words, and repeat it over two or three words at a time, so as to give full opportunity to write it down. He also had a remarkable tact in discovering the aim of a speaker, and conveying the intended impression, when many of the ideas and words were such as had nothing corresponding to them in the minds and language of the addressed. These qualities fitted him for an interpreter, and it was generally admitted he had no equal.”

It would be improper to conclude this article without some remarks upon the religious character of Renville. Years before there was a clergyman in Minnesota, he took his Indian wife to Prairie du Chien and was married in accordance with Christian rites by a minister of the Roman Church. Before he became acquainted with missionaries, he sent for a large folio Bible in the French language, and requested those connected with him in the fur trade to procure for him a clerk who could read it.\* After the commencement

\*This Bible was probably the first Bible in Minnesota, and in itself valuable for its antiquity. It was printed at Geneva, in 1588, and had a Latin preface by John Calvin, the great Reformer.

The writer, in 1853, requested Dr. Williamson, of the Dakota Mission, to procure this same copy for the Historical Society. At his solicitation, one of the sons of the late Mr. Renville, brought it to the Mission House at Lac-qui-Parle, to be forwarded to St. Paul. Before an opportunity occurred, the Mission House, with all of its contents, was consumed by fire.

of the Mission at Lac-qui-Parle, his wife was the first full Dakota that joined the Church of Christ, of whom we have any record. She was also the first Dakota that died in the Christian faith. Before she had ever seen a teacher of the religion of Christ, through the instruction of her husband, she had renounced the gods of the Dakotas. The following is an extract from a translation of Mr. Renville's account of his wife's death :—  
 "Now, to-day, you seem very much exhausted, and she said 'yes ; this day, now God invites me. I am remembering Jesus Christ who suffered for me, and depending on him alone. To-day I shall stand before God, and will ask him for mercy for you and all my children, and all my kinsfolk.'"

Afterwards, when all her children and relatives sat round her weeping, she said "it is holy day, sing and pray." From very early in the morning, she was speaking of God, and telling her husband what to do. Thus she died "when the clock struck two."

Like Nicodemus, one of the rulers of Israel, he loved to inquire in relation to spiritual things. Of independent mind, he claimed and exercised the right of private judgment in matters of faith.

In 1841, he was chosen and ordained a ruling Elder, and from that time, till his death, discharged the duties of his office in a manner acceptable and profitable both to the native members of the Church and the mission.

After a sickness of some days, in March, 1846, his strong frame began to give evidence of speedy decay. He was aware he was soon to take "his chamber in the silent halls of death," but he knew "in whom he had believed," and went,

"Not like the quarry-slave, at night  
 Scourged to his dungeon ; but sustained and soothed,  
 Like one who wraps the drapery of his couch  
 About him, and lies down to pleasant dreams!"

Dr. Williamson thus narrates the death-scene : "The evening before his decease, he asked me what became of the soul immediately after death? I reminded him of our Saviour's words to the thief on the cross, and Paul's desire to depart and be with Christ. He said, 'That is sufficient,' and presently added, 'I have great hope I shall be saved through grace.' Next morning (Sunday) about eight o'clock, I was called to see him. He was so evidently in the agonies of death, I did not think of attempting to do anything for him. After some time, his breathing becoming easier, he was asked if he wished to hear a hymn. He replied, 'Yes.' After it was sung he said, 'It is very good.' As he reclined on the bed, I saw a sweet serenity settling on his countenance, and I thought that his severest struggle was probably past, and so it proved. The clock striking ten, he looked at it and intimated that it was time for us to go to church. As we were about to leave, he extended his withered hand. After we left, he spoke some words of exhortation to his family, then prayed, and before noon calmly and quietly yielded up his spirit."

Sixty-seven years passed by, before he closed his eyes upon the world. The citizens of Kentucky delight in the memory of Daniel Boone ; let the citizens of Minnesota not forget Joseph Renville, though he was a "bois brule."

His descendants are still living among the Dakotas. The son who bore his name, died on Feb. 8th, 1856, in the neighborhood of the mission at Payutazee. The Rev. S. R. Riggs in a communication to the St. Paul Daily Times, remarks :

"The deceased was about forty-seven years of age, a son of Joseph Renville, who died

at Lac-qui-Parle some years since, and whose memory is identified with the past history of Minnesota. Inheriting from his father many noble and generous qualities, unfortunately for himself and family, the habits of the Indian trade in which the deceased was educated, were not such as enabled him to gain a comfortable livelihood by labor.— After the death of his father, he removed with his family to the Mississippi, and resided for some time at Kaposia, with Little Crow's band, many of whom were his mother's relatives. Soon after the cession of this Minnesota country to the United States, he with a younger brother and cousin of the same family name, removed up to the neighborhood of Fort Ridgley. When they attended the payment at Yellow Medicine, he was already far gone in the disease which has just terminated his earthly career. Here, in the house of a younger brother, and with other relations, he with his family found a temporary home and a place to die. Through the kindness of friends and neighbors, they have not wanted. It has been pleasant to see that former kindnesses received from the family when his father was a prince in wealth among them, have not been entirely forgotten by the Dakotas, but have been returned now to the son in his sickness."

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## CHAPTER XIV.

### FORT SNELLING.

**P**REVIOUS to the organization of the Territory of Minnesota, in 1849, this Fort was the only place of note beyond Prairie du Chien. For years it had been the point at which the missionary of the Cross, the man of science, the adventurous trader made preparations for their journeys among the villages of the wandering Dakotas.

Beautifully located on an elevated bluff, at the junction of the Minnesota and Mississippi, its massive walls make a strong impression on the mind of the traveler. Within its enclosure have been quartered some of the most efficient officers of the United States Army, who have received with hospitality, the various scientific expeditions that have from time to time passed through the country.

Its history and associations are full of interest and worthy of record in the Annals of Minnesota. On the island in front of the Fort, Pike encamped, and entered into negotiations for the site of the present Fort, as the extracts from his journal, published in a previous chapter show.

In 1817, Major Long, in a report to the War Department, recommended the site for a permanent Fort. In 1819, three hundred men of the Sixth regiment, under the command of Colonel Leavenworth, left Detroit, for the purpose of commanding the Fort. They came by the way of Green Bay and Prairie du Chien. At this point a detachment was left, and the remainder ascended the Mississippi. On the 17th of September, they established a cantonment, on the South side of the Minnesota, at the present ferry.

In the "Pioneer Women of the West," a book written by Mrs. Ellett, life at the cantonment is described in the sketch of Mrs. Clark, the wife of the first Commissary of the Fort.

It appears that Mrs. Clark accompanied her husband, the Commissary, on his journey up the Mississippi, to the mouth of the Minnesota. It is stated that—

“Several persons went with them from Prairie du Chien; the voyage being made in keel boats, and the waters so low that the men were obliged frequently to wade in the river and draw them through the sand. Six weeks were occupied in passing over the distance of three hundred miles, one week of which was spent at Lake Pepin.

“Having reached the place of destination, the company were obliged to live in their boats till pickets could be erected for their protection against the Indians. \* \* \*

“Huts had also to be built, though in the rudest manner, to serve as a shelter during the winter, from the rigors of a severe climate. After living with her family in the boat for a month, it was a highly appreciated luxury for Mrs. Clark to find herself at home in a log hut, plastered with clay, and chinked for her reception. It was December before they got into winter quarters, and the fierce winds of that exposed region, with terrific storms now and then, were enough to make them keep within doors as much as possible. Once in a violent tempest, the roof of their dwelling was raised by the wind, and partially slid off; there was no protection for the inmates, but the baby in the cradle was pushed under the bed for safety. Notwithstanding these discomforts and perils, the inconveniences they had to encounter, and their isolated situation, the little party of emigrants were not without the social enjoyments, they were nearly all young married persons, cheerful, and fond of gaiety, and had their dancing assemblages once a fortnight. An instance of the kindness of the Commanding officer, Col. Leavenworth, deserves mention. One of the officers having been attacked with symptoms of scurvy, and great alarm prevailing on that account, the Colonel took a sleigh, and accompanied by a few friends, set off on a journey through the country inhabited by Indians, not knowing what dangers he might encounter from their hostility, or the perils of the way, for the purpose of procuring medicinal roots. The party was absent several days, and in the meantime collected a supply of hembreck (?) and spignet, (spikenard,) which they used with excellent effect in curing the disease.

#### FIRST WHITE WOMAN AT THE FALLS OF ST. ANTHONY.

“In the ensuing summer (of 1820), when Col. Snelling had the command, Fort Snelling was begun. St. Louis, distant nine hundred miles, was at that time the nearest town of any importance. After the erection of the Fort, Mrs. Clark says:—“We made the first clearing at the Falls of St. Anthony, and built a grist mill.” The wife of Capt. George Gooding, of the 5th Regiment, was the *first white woman* who ever visited those beautiful Falls. She afterwards married Col. Johnson, and went to reside at St. Louis.

#### FIRST COURTSHIP IN MINNESOTA AMONG THE WHITE INHABITANTS.

“Mrs. Clark remained at Fort Snelling, with the exception of about a year, until 1827. The only young lady in the company was married when about fifteen years of age, to a Mr. Dennis, also of the army. The wedding took place in the winter, and the bridal party was obliged to descend the river three hundred miles, on the ice, to Prairie du Chien, to have the ceremony performed. The monotony of their life was varied by continual alarms and excitements, from the encounters of the hostile tribes of Sioux and Chippewas, who came frequently into their close neighborhood, and were not scrupulous as to deeds of violence and treachery towards each other.”

#### INCIDENTS IN 1820.

In the spring of this year, the troops were moved from the South side of the Minne-

sota to a spot near the present St. Louis Hotel, which was designated as "Camp Coldwater."

In July, 1820, General Cass and Mr. Schoolcraft, on their way from Lake Superior and the Upper Mississippi to Prairie du Chien, visited the post. They were pleased with the fertility of the soil, and learned that green peas had been raised and eaten by the fifteenth of June. Two block-houses, on the site of the present Fort, were erected about this time.

During the summer, Leavenworth was relieved, and Colonel Snelling assumed the command. By order from Washington, he demanded of the Sisseton Dakotas the murderers of certain whites, on the Missouri.

#### INTERESTING SCENE.

One day in November, contrary to his expectation, one of the murderers and an old chief, a substitute for his son, were voluntarily brought to the encampment. The delivery was accompanied with much ceremony. A procession was formed at some distance from the garrison, and marched to the centre of the parade. It was preceded by a Sisseton, bearing the British flag. The murderer and the chief, who offered himself as an atonement for his son, followed with their arms pinioned, and large splinters of wood thrust through them above the elbows, to indicate, as it was thought, their contempt of pain and death. The relatives and friends followed, and on their way joined them in the death dirge. When they arrived in front of the guard, the British flag was laid on a fire, prepared for the occasion, and consumed. The murderer then gave up his medal, and both of the prisoners were surrendered.

The Indian Agent, in a communication to the Department, on Nov. 10, 1820, says: "The old chief I have detained as a hostage, the murderer I have sent to St. Louis for trial, presuming that it is a course you will approve.

"I am much indebted to Mr. Colin Campbell, the interpreter, for his great exertions in bringing this affair to a happy issue. The delivery of the murderer is to be attributed solely to his influence over the Sussitongs."

From the wife of Colonel Snelling, Mrs. Ellett obtained some facts illustrative of this period, which are published in the "Pioneer Women of the West."

"In the following summer of 1820, Snelling was promoted Colonel of the 5th Regiment, and ordered up the Mississippi, to relieve Lieut. Colonel Leavenworth, who was also promoted to another Regiment. He had conducted the 5th Regiment from Detroit to within eight miles of the Falls of St. Anthony. The journey was exceedingly tedious and disagreeable, in a keel boat laboriously propelled by men with long poles placed against their shoulders, along a gangway on each side of the boat. The weather was very warm, and mosquitoes numerous day and night. The cabin was very low, confined and uncomfortable. It was three weeks or more before they arrived at Prairie du Chien, during which time very little sound sleep was obtained by the young mother, from fear of the Indians, the Sac and Fox, the most savage looking and ferocious she had ever seen. They seemed to be very fond of dress, and their faces were painted of all colors; the hair cut close to within an inch of the top of the head, and that decorated with a variety of ribbons and feathers, and often a small looking-glass suspended from the neck. Many of them were certainly great beaux, but they looked hideous, and were terrific objects to a timid woman.

"When the voyageurs arrived at Prairie du Chien, they found Gov. Cass and his

party; he held councils with the Indians for the purpose of bringing about a peace between the Sac and Fox tribes, Chippewas and Sioux. Our friends were detained there several weeks by a court-martial, of which Col. Snelling was President. They had still three hundred miles to go before they reached the encampment of the 5th Regiment, and there were several Indian villages on the route. The magnificent scenery of this river has been often described. Lake Pepin is a beautiful expansion about twenty-four miles in length, and from two to four broad. At length they arrived safe through many fatigues to the end of their journey, and received a hearty welcome from friends they had never seen before, and from Capt. Gooding and his wife, whom they were again delighted to meet. Their daughter had been married a few days previous to the Adjutant of the regiment.

Great solicitude was felt to have a temporary garrison erected with such defences as could be then made, before the long and severe winter set in. The traders brought news that the Indians were very insolent, and it was said a white man had been killed on the St. Peter's river. A council was called and the murderers were demanded, hostages being taken from the council until they were delivered. They were confined in the guard room, and narrowly watched. All felt that the little community was exposed and almost at the mercy of an enemy, and great exertions were made to complete the temporary barracks for the winter, with blockhouses and other defences. Indians meanwhile were collecting in great numbers, and would sometimes show themselves at a distance. The traders in the vicinity often came in, and said the friendly Indians had gone in pursuit of the murderers and no doubt would succeed in taking them; but if they did not, the friends of the hostages would attempt to rescue them. Scouts were accordingly kept out every night, and the troops slept on their arms. For the mother—trembling for her little ones more than herself, no sooner would she close her eyes at night, than she would start, thinking she heard the war whoop of the savages. The wolves too, half-starved, were extremely daring, and if the cook happened to leave a bucket of swill at the back door, they were sure to empty it of its contents.

“As soon as the log barracks were finished, the families moved into them. They were built in four rows, forming a square, a block-house on either side. The Indian hostages were now put in greater security. They were evidently becoming impatient of restraint, and perhaps had doubts as to the result. One morning, as usual, they were taken a short distance into the woods under guard, when suddenly one of them (there were three) started and ran for his life. Those behind set up a yell and the guard fired at him, but he was beyond reach. The others were immediately taken back to the guard house, and an interpreter sent for, who enquired of them if it was a preconcerted plan of the whole; they declared it was not, and that until the fugitive started to run, they were ignorant of his design, and supposed it merely a sudden desire for freedom. They said further, that he would no doubt urge the immediate surrender of the guilty parties, and laughingly said the lad was so fat, from being so well fed, they were surprised to see him run so fast!

“Col. Snelling and the Indian agent thought it advisable to send the murderers to the agent at St. Louis, as soon as they should be brought in, and before navigation closed. At length they came, conducted by a large number of their own tribe. There were two, but only one was sent to St. Louis, as there was but one white man killed. It was represented to the Indians in council, that when one white man killed another, his

life paid the penalty ; and since one of their people had killed a white man his life must pay the forfeit, unless their great father in Washington should pardon him. The savages signified assent by a "ugh !" As soon as the criminal was gone, quiet was restored among the Indians for the winter.

"In September, Mrs. Snelling's fifth child was born. Her sick room was papered, and carpeted with buffalo robes, and made quite warm and comfortable. There were three ladies beside her in the garrison, and they were like one family, spending their time instructing their children, and receiving instruction in the French language from a soldier, who, it was said, had been an officer in Bonaparte's army. Mrs. Snelling, Mrs. Clark and an officer, comprised the class. During the winter, parties of men were sent off to cut down trees, hew timber, &c., for the permanent fort, which was to be built on the high point of land between the mouth of the St. Peter's and Mississippi, a point selected by Gen. Pike, when he explored the river, as a good site for a fort, and on which Col. Snelling at once decided it should be built. There was a tree standing at the extreme point, with the name of Pike carved on it by his own hand. Strict orders were given "to spare that tree," for it was looked upon by the officers as sacred to his memory, and was carefully guarded, but the care was in vain. One morning it was found cut down, and great was the lamentation. It never was known who had done the deed ; there was a mystery about it that was never solved.

"The first row of barracks that were put up, were of hewn logs, the others of stone. The fort was built in a diamond shape, to suit the ground at the extreme point. Where the tree had stood, was a half-moon battery, and inside this was the officers' quarters, a very neat stone building, the front of cut stone ; at the opposite point a tower. The fort was enclosed by a high stone wall, and is well represented in the drawings of it.

#### DEATH OF THE FIRST WHITE CHILD.

"At the expiration of two years, the Regiment moved into the fort, although not completed. The families of the officers occupied quarters in the row assigned to them. It was just before this time that Mrs. Snelling lost her youngest child—thirteen months old.

The grave stone that marks its earthly remains is still in existence in the grave-yard at the Fort.

#### ARRIVAL OF THE FIRST STEAMBOAT.

In June, 1823, the first steamboat made its appearance at the fort, much to the astonishment of the savages, who placed their hands over their mouths—their usual way of expressing astonishment, and called it a "fire-boat." A salute was fired from the Fort, as it was expected that the Inspector General was on board ; and it was returned from the boat. The Indians knew not what to make of it, and they were greatly alarmed, until all was explained. Additions were made to the society of the garrison ; several officers, who had been absent, returned to their regiment, bringing wives and sisters, so that at one time the company numbered ten ladies. There were six companies, which fully officered, would have given eighteen or twenty officers, but there were seldom or never that number present at one time.

#### BELTRAMI.

An Italian gentleman came on the boat, who professed to be travelling for the purpose of writing a book, and brought letters of introduction from Mrs. Snelling's friends

in St. Louis. The Colonel invited him to his house to remain as long as he pleased, and he was with them several months. He could not speak English, but spoke French fluently, and seemed much pleased when he found his fair hostess could speak the language, she having learned it when a child at St. Louis. A French school was the first she ever attended, and she thus early acquired a perfectly correct pronunciation. She lamented on one occasion to Mr. Beltrami, that her teacher had received his discharge, and was about leaving, and he politely offered his services in that capacity. She was then translating the life of Caesar in an abridged form, and from the emotion betrayed by the foreigner at a portion of the reading, it was concluded he had been banished from the Pope's dominions at Rome, and that the lesson reminded him of his misfortunes. The passport he showed, gave him the title of "Le Chevalier Count Beltrami."

"About this time, Major Long's expedition arrived to explore the St. Peter's river, and when they left Beltrami accompanied them. When his book was published at New Orleans, he sent Mrs. Snelling a copy. When at the fort he was busy in collecting Indian curiosities. One day he brought a Sioux chief into Mrs. Snelling's room, who had on his neck a necklace of bears' claws highly polished, saying, 'I cannot tempt this chief to part with his necklace, pray see what you can do with him, he will not refuse you.' 'He wears it,' answered the lady, 'as a trophy of his powers, and a badge of honor; however, I will try.' After some time, Wauata said, 'On one condition I will consent: if you will cut off your hair, braid it, and let it take the place of mine you may have the necklace.' All laughed heartily at the contrivance to get rid of further importunity.

#### CONTINUATION OF REMINISCENCES OF THE WIFE OF COLONEL SNELLING.

One day a call was heard from a sentinel on the river bank, to the corporal of the guard, that a child had fallen into the river, and several ran in the direction the sentinel pointed. The gardner, who was at work at a short distance, cried out, "It is the Colonel's son, Henry! Save him!" His mother heard the cry, "A child is drowning!" and ran out upon the battery to see and hear what was the matter. She saw them draw the boy out, place him on a blanket, and hasten up the hill; they approached her house, when the Colonel hastened towards her saying, "we came near losing our child!" and she saw it was indeed her own. He was pale as death, but soon recovered, and lives to tell the story of an immense catfish dragging him into the river while fishing.

#### MURDER OF A RED RIVER FAMILY.

"In 1823, news was brought by the traders that two white children were with a party of Sioux, on the St. Peter's. It appeared from what they could learn, that a family from Red River—Selkirk's settlement—had been on their way to the fort, when a war party of Sioux met them, murdered the parents and an infant, and made the boys prisoners. Col. Snelling sent an officer with a party of soldiers to rescue the children. After some delay in the ransom, they were finally brought. An old squaw, who had the youngest, was very unwilling to give him up, and indeed the child did not wish to leave her. The oldest, about eight years old, said his name was John Tully, and his brother, five years old, Abraham. His mother had an infant, but he saw the Indians dash its brains out against a tree, then killed his father and mother. Because he cried

they took him by his hair, and cut a small piece from his head, which was a running sore when he was re-taken. Col. Snelling took John into his family, Major Clark the other, but he was afterwards sent to an orphan asylum in New York. The eldest died of lockjaw, occasioned by a cut in the ankle while using an axe. His death-bed conversion was affecting and remarkable. One day, after he had been ill several weeks, he said, 'Mrs. Snelling, I have been a very wicked boy; I once tried to poison my father because he said he would whip me. I stole a ring from you, which you valued much, and sold it to a soldier, and then I told you a lie about it. I have given you a great deal of trouble. I have been very wicked. I am going to die the day after to-morrow, and don't know where I shall go. Oh, pray for me.'

"His benefactress answered, 'John, God will forgive you, if you repent; but you must pray, too, for yourself. God is more willing to hear than we are to pray. Christ died to save just such a sinner as you are, and you must call upon that Saviour to save you.' All his sins appeared to rise before him as he confessed them, and he seemed to feel that he was too great a sinner to hope for pardon. Mrs. Snelling read to him, and instructed him. He never had received any religious instruction, except in the Sunday school taught by Mrs. Clark and herself, and being accustomed to say his prayers with her children, and always be present when she read the church service on Sundays. The next morning after the above conversation, when she asked him how he had rested during the night, he said, 'I prayed very often in the night; I shall die to-morrow, and I know not what shall become of me.' For several hours he remained tranquil, with his eyes closed, but would answer whenever spoken to; then suddenly he exclaimed, 'Glory! glory!' His friend said, 'John, what do you mean by that word?' 'Oh! Mrs. Snelling, I feel so good—I feel so good! Oh! I cannot tell you how good I feel' "

PRESENT NAME OF THE FORT GIVEN BY GENERAL SCOTT—1824.

"During this year, the commandant was visited by Gen. Scott and suit, and the Fort was completed. Heretofore it had been called Fort St. Anthony, but Gen. Scott issued an order giving it the name of Fort Snelling. He expressed his approbation of the construction and site of the Fort, etc., spent a week with his friends, and visited the Falls and a chain of lakes where they were used to amuse themselves fishing, and where the water was so clear they could see the fish playing about the hook. One of the Lakes Mrs. Snelling named Scott Lake.

"Another of her amusements was riding on horseback. When a child she had been accustomed to ride every morning with her father, and acquired great confidence in the management of a horse. Her husband seldom would ride with her, but Capt. Martin Scott was in the regiment, and often accompanied her. One day they saw a wolf, the dogs gave chase, and they followed until they ran down the poor creature, the bonnet of the fair huntress having fallen back, and her hair streaming loose in the wind.

FAMILY DETAINED BY ICE AT LAKE PEPIN.

"In 1825, the family left Fort Snelling to visit their friends in Detroit. It was late in the season, October, before they set out homeward, by the way of Green Bay, where Mrs. Snelling's brother, Lieut. Wellington Hunt, was stationed. They spent a week in his family, and when they reached Lake Pepin, the ice was running so rapidly they

were compelled to stop; the ice had cut through the cabin so that it leaked. A small log cabin was put up, and an express sent to the Fort, one hundred miles, for sleighs to convey them thither, and provisions, as they had nothing but corn, which they boiled in ash water with a little salt. Fears were entertained by Col. Snelling that the express might not reach the Fort, and another was sent a week after. One day, after two weeks, there was a sound of sleigh bells, and Henry, who was the first to hear, ran to meet them, and soon returned with two loaves of bread, which he threw into his mother's lap, crying "eat, mother, eat." The children ate bread as if famished, and even the little Marion, but eight months old, partook of the general joy. They had seen no Indians, who had gone to their winter grounds. Some of the officers came to meet the Colonel's family, and they were soon on the move again. They were welcomed back joyfully by all their friends, and many of their favorite Indians came to see them. One poor savage, who always furnished them with game, came leaning on his staff, looking pale and emaciated; he was very sick, he said, and came to see them once more before he died. He could scarcely crawl back to his lodge, and the next day expired.

## CHIBWEAS KILLED AT FORT SNELLING.

"At this time, a party of the Chippewas and Sioux held a council with the Indian agent. There had been war between the two nations for a long time; the agent desired to act as mediator between them, and sent for them to meet him. After the council, the two parties smoked the pipe of peace. The Chippewas killed a dog, made a feast, and invited the Sioux to their lodges, which were under the guns of the Fort. In the evening, about nine o'clock, the firing of guns was heard; the sentinel called "corporal of the guard," repeatedly, in quick succession. The wild cries of women and children were heard, for the Chippewas had their families with them, and several Indians came rushing into the hall of the commanding officer, trying to tell what was the matter. The officer of the day reported that the Sioux, after partaking of the hospitalities of the Chippewas, and being apparently good friends, had some of them returned, placed their guns under the wigwams, and fired, killing some and wounding others. The wounded were conveyed into the hospital to have their wounds dressed. Other particulars of this occurrence, with the determination of the Chippewas to have vengeance, the action of the commanding officer, and the surrender and punishment of the perpetrators of the deed, are related in another memoir. The traders said the Sioux were perfectly satisfied, much more so than if the offenders had been imprisoned and sent to St. Louis.

"In 1826, Capt. Thomas Hunt, who was residing at Washington, wrote to his sister, urging her and the Colonel to send their two eldest children to him to be educated. Their daughter Mary was now fourteen, and as Captain Plympton and his wife were going, her parents got her in readiness to accompany them. Her mother thought not it would cost so many tears to part with her child; but when she returned home from the boat she told Mrs. Clark 'it seemed like a death in the family.' Seen an opportunity offered, and they sent Henry also.

"In 1827, the Indians began to show signs of hostility near Prairie du Chien; they murdered two white men and a young girl, the daughter of one of them, and attacked two boats with supplies for Fort Snelling, killing and wounding several of the crew.

Col. Snelling ordered out as many of his command as could be spared from the Fort, and with his officers descended the river to the relief of Fort Crawford, or to attack any hostile force of Indians he might meet. There were two large villages of Indians between the two Forts, and it was expected, when they approached, they would be attacked, but there was not an Indian to be seen. When they reached Prairie du Chien, they ascertained that the outrage had been committed by Winnebagoes, and not Sioux. When Gen. Atkinson heard this at St. Louis, he sent and seized the Chief, Red Bird, and one or two others, who were tried, convicted, and executed. After an absence of six weeks, the party returned without being obliged to fire a gun.

"One day soon after his return, the Colonel came in to tell his wife the express had brought them a mail, holding in his hand a letter sealed with black. She exclaimed 'My Mary is dead.' 'No,' said her husband, 'the letter is from Detroit.' It brought the intelligence of her much loved brother Henry's death. He was much loved and respected by all who knew him; was Mayor of the city and Colonel of the militia, and his funeral was the largest ever known in Michigan. After the massacre at Frenchtown, by the Indians, in 1813, he had spent a great deal of money in ransoming prisoners, many of whom still affectionately cherish his memory. He had proved a father to his sister and family, and was mourned by them deeply and long.

"In the fall of 1827, the Regiment was ordered to Jefferson Barracks. When the family arrived at St. Louis, they took lodgings for the winter. Colonel Snelling having obtained leave to go to Washington to settle some public accounts and to bring home his daughter. He wrote to her mother in glowing terms of her improvement in person and mind, and that she received much attention for one of her age, not yet sixteen. 'As Mary will not again,' he concluded, 'have so good an opportunity, I have encouraged her to accept invitations to the different soirees; she has had cards for the season from all.' Mary wrote, 'I have attended many parties, but I do not enjoy them, for my dear mother is not with me, and I am so impatient to embrace her.' Alas! the All Wise Disposer of events had ordered it otherwise. One more letter her mother received from her, and hoped before many weeks to see her, but at the time she was expecting her arrival, a letter was written to her sister, Mrs. Soulard, that Mary was dead!

"Col. Snelling wrote afterwards, that on the 2nd of February she had been at Mrs. Clay's party and danced, and had taken cold while standing to wait for the carriage; the cold terminated in a brain fever. Mrs. Adams, the wife of the President, showed great interest in the young stranger, as did many others, and every attention was paid her that could be desired; but there was no solace for the deep wound in the mother's heart. She had felt a presentiment that she should never more see her daughter, and was in some measure prepared for the stroke which almost crushed her; she was enabled to look with faith to Him from whose hand it came, to feel that He was too wise to err—too good to afflict willingly, and to bow in humble submission to the most painful dispensation of His Providence. Her husband wrote that he should be obliged to remain still longer in Washington; it would improve her health to travel, and she must join him without delay. In May, she left St. Louis with her three children and nurse, found her husband and son well, the latter much grown, and received a cordial welcome from her brother and sister-in-law.

"Her cup of affliction was not yet full; in two months her husband was seized with inflammation of the brain and died in three weeks. In communicating the sad event to the army, the General-in-Chief thought it but an act of justice to make a public acknowledgment of his services."

ECCLIASTICAL REMINISCENCES OF FORT SNELLING—FIRST CHURCH IN MINNESOTA.

Before any clergyman entered Minnesota, a Major in the Army, with an experience and zeal in some respects akin to that of the distinguished British officer, Colonel Gardiner, was ordered to Fort Snelling. Though a rigid disciplinarian, he at times invited soldiers and officers to his quarters, and read sermons and essays from a paper called the *New York Evangelist*, in their presence.

In May, 1835, the Rev. T. S. Williamson D. D., arrived at the Fort with assistants, for the purpose of commencing the first Missionary operations among the Dakotas. At the request of those at the garrison, and in the vicinity, a church was formed.

On one Sabbath in June, miles from the sound of the church going bell, there convened in one of the company rooms of the Fort, some twenty white soldiers, consisting of military officers, Indian missionaries, and those engaged in Indian trade. Their names being called, in the presence of the assembled soldiers, the company stood up, entered into church covenant, and elected Elders, who were set apart, in accordance with the solemn ordination service of the Presbyterian branch of the church.

After the close of the afternoon sermon, the Rev. Dr. Williamson administered the communion.

The church continued to worship at intervals in the Fort, till December, 1849, when it was divided, for the convenience of the members, into the church of Kaposia, there being a mission station at the Indian village of that name, and the church of Oak Grove. The Rev. Gideon H. Pond was elected the Pastor of the latter, and still continues.

Among the original members, was a young Lieutenant, who was one of the first to prepare a vocabulary of the Dakota language. His decease has lately occurred, and from a *New York paper*, we extract the following:

SKETCH OF MAJOR OGDEN.

Major Edmund A. Ogden, of the United States Army, who recently died of cholera at Fort Riley, Kansas Territory, was born at Catskill, N. Y., Feb. 20th, 1810. Soon after, he removed to Unadilla, N. Y. where he remained until he entered the United States Military Academy. On graduating, he was attached as Brevet Second Lieutenant to the First Regiment of Infantry, then stationed at Prairie du Chien. He was subsequently appointed a First Lieutenant in the Eighth Infantry, where he served until appointed a Captain in the Quartermaster's Department, in which corps he remained until his death. He served with credit and distinction through the Black Hawk, Florida, and Mexican wars, and was created a Major by brevet, for meritorious conduct, in the last named of these wars.

His services ever faithfully performed, have been arduous and responsible. He has disbursed for the Government millions of the public money; he has labored hard, and always to the purpose, and after giving to his country five and twenty years of hard and useful service, he has died poor.

For the last six years previous to last spring, Major Ogden was stationed at Fort

Leavenworth, where he has rendered important service to the army in his capacity of Quartermaster. From this post he was ordered to California, and he removed with his family to New York with the expectation of embarking on the 20th of April last, when his orders were suddenly suspended, and he was sent back to assist in outfitting the expedition against the Sioux Indians. He was afterwards charged with the arduous duty of erecting, within three months, barracks, quarters and stables for a Regiment of troops at Fort Riley—a point about 150 miles west of Leavenworth, and which he had himself selected as a suitable place for a government post, when stationed at Fort Leavenworth. This place was not settled, and was an almost perfect wilderness. He took with him about five hundred mechanics and laborers, with tools and provisions, and commenced his labors. In a new and unsettled country, so destitute of resources, many obstacles were encountered, but just as they were being overcome, and the buildings were progressing, cholera in its most fatal and frightful form made its appearance among the men, from two to four of them dying every day. Far removed from homes and kindred, and accustomed to depend on Major Ogden for the supply of their daily wants, they turned to him in despair for relief from the pestilence. He labored among them night and day, nursing the sick and offering consolation to the dying. At last the heavy hand of death was laid upon him, and worn out with care, watching and untiring labors, he fell a victim to the disease whose ravages he had in vain attempted to stay.

In the death of this officer the army has lost one who was an ornament to its list; his own corps has lost one of its most efficient members—one whom they appreciated, and whom they delighted to praise. Among his associates in the army there is but one sentiment—that of regret for his loss and admiration for his professional and private character, and love for his estimable qualities. His associates in the army are not the only sufferers; but many in various parts of the land have lost a warm and true friend, and the country has lost an honest man and a christian soldier.

Major Ogden's christian character was remarkable; he was a meek and child-like follower of the Lord Jesus Christ, and daily sought strength and wisdom from above. He made a public profession of his faith soon after his graduation at the Military Academy, and united with a missionary church at Fort Snelling. He was an active christian, and delighted "to do good as he had an opportunity." In the missionary church with which he united, and which was at that time but just established at St. Peters, he took an active part and became one of its elders. In a letter to a christian friend, written but four days before his death, he thus writes: "Even at Fort Riley we are not without that marked evidence of advancing civilization—a recognized Sabbath. Last Sunday we had Episcopal service in the morning, conducted by the Chaplain and Methodist preaching under the trees in the afternoon. We shall start our prayer meetings, and a Sabbath school is already arranged.

In the hour of death, far from all he most loved on earth, he was cheered by his christian hope. His faith was unshaken and enduring, and proved capable of supporting him in that last sad hour. Although weak and exhausted, he said to his friend the chaplain, who was by his side, "Tell my dear wife and children to try and meet me in heaven," and then sank sweetly and quietly to rest.

So died the christian soldier, in the vigor of manhood, and at the post of duty. Bound as he was by so many tender ties to this earth, not a murmur escaped his lips, but he met his summons with a cheerful resignation to that Providence whose dealings he had recognized through life, and in whom he trusted in death.

The great loss, which all who knew Major Ogden feel that they have suffered by his death, is as nothing when compared with that of his wife and six children. The latter are so young that it is probable they never can fully realize the extent of their affliction. God grant that it may be sanctified to their eternal good.

It is interesting to note the evidences of the estimation in which Major Ogden was held at Fort Riley by the residents and the men in his employ. The following is an extract from the Kansas Herald of the 10th.

"The death of Major Ogden left a deep gloom upon the spirits of all the men, which time does not obliterate. His tender solicitude for the spiritual and bodily welfare of those under him; his unceasing labors with the sick, and his forgetfulness of self in his tendance upon others, until he was laid low, have endeared his memory to every one there. And, as a token of affection, they are now engaged in erecting a fine monument which shall mark their appreciation of the departed. The monument, which will be of the native stone of the locality, is to be placed on one of the high promontories at Fort Riley, and can be seen from many a distant point by those approaching the place. It will bear the following inscription:

"ERECTED TO THE MEMORY OF  
BREVET MAJOR E. A. OGDEN,  
THE FOUNDER OF FORT RILEY:  
A DISINTERESTED PATRIOT AND A GENEROUS FRIEND; A REVERSED  
GENTLEMAN; A DEVOTED HUSBAND AND FATHER, AND AN  
EXEMPLARY CHRISTIAN.

## CHAPTER IV.

### REMINISCENCES OF FORT SNELLING—CONTINUED.

A number of years ago, an article appeared in the public prints, that seemed to have been written by one who had been a trader among the Indians of Minnesota, perhaps Mr. Snelling. The style is graphic and humorous, and at the same time it contains an arrative of facts to which allusion has been made in the previous chapter. It is introduced here with the caption

#### BORDER LIFE IN MINNESOTA.

Perhaps some of our readers may have seen Carver or Schoolcraft's Travels. If they have, it may be that they know, albeit neither of the books is worth a brass pin as authority, that the Chippewa and Dakota tribes have waged war against each other so long that the origin of their hostility is beyond the ken of man. General Pike persuaded them to make peace in 1800, but it lasted only till his back was turned. The agents for the Government have brought about several treaties between the tribes, in  
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which forgiveness and friendship for the future, were solemnly promised. Indian hereditary hate is stronger than Indian faith, and these bargains were always violated as soon as opportunity occurred. Nevertheless, our Executive gave orders, in 182— that a general congress of all the belligerent tribes on the frontier should be held at Prairie du Chien. They flocked to the treaty ground from all quarters, to see the sovereignty or majesty (we know not which is the better word) of the United States, ably represented by Governors Cass and Clark, who acted as Commissioners.

The policy of the United States on this occasion was founded on an error. It supposed that the quarrels of the Indians were occasioned by a dispute concerning the boundaries of their respective territories. Never was a treaty followed by more unhappy results, at least as far as it concerned the Dakotas.

They concurred in the arrangement of their boundaries proposed by the Commissioners, as they do in every measure proposed by an American officer, thinking that compulsion would otherwise be used. But they were not satisfied, nor had they reason to be, for their ancient limits were grievously abridged. All the Indians present had, or imagined they had, another cause of complaint. They had been supplied with food, while the congress lasted, by the United States, as was the reasonable practice, for they cannot hunt and make treaties at one and the same time. Dysentery supervened on the change of diet. Some died on the ground, and a great many perished on the way from Prairie du Chien to their hunting grounds. Always suspicious of the whites, they supposed that their food had been poisoned; the arguments of their traders could not convince them of the contrary, and hundreds will die in that belief.

Moreover, they did not receive such presents as the British agents had been wont to bestow on them, and they complained that such stinginess was beneath the dignity of a great people, and that it also showed a manifest disregard of their necessities. They were especially indignant at being stinted in whiskey. It behoved the commissioners, indeed, to avoid the appearance of effecting any measure by bribery, but the barbarians did not view the matter in that light. To show them that the liquor was not withheld on account of its value, two barrels were brought upon the ground. Each dusky countenance was instantly illuminated with joy at the agreeable prospect, but they were to learn that there is sometimes a "slip between the cup and the lip." Each lower jaw dropped at least six inches when one of the Commissioners staved in the heads of the casks with an axe. "It was a great pity," said old Wakhpakootay, speaking of the occurrence, "it was a great pity! There was enough to have kept me drunk all the days of my life." Wakhpakootay's only feelings were grief and astonishment, but most of his fellows thought that this making a promise to the eye in order to break it to the sense was a grievous insult, and so they continue to regard it to this day.

The next year, a small party of Chippewas came to St. Peters, (about which there are four Dakota villages,) on pretence of business with "their father," the agent, but in reality to beg ammunition, clothing, and, above all, strong drink. The Dakotas soon gathered about the place with frowns on their faces and guns in their hands. Nevertheless, three of the Chippewas ventured to visit the Columbian Fur Company's trading house, two miles from the Fort. While there, they became aware of their danger, and desired two of the white men attached to the establishment to accompany them back, thinking that their presence might be some protection. They were in error. As they

passed a little cove, three Dakotas sprung from behind a log with the speed of light, fired their pieces into the face of the foremost, and then fled. The guns must have been double loaded, for the man's head was literally blown from his shoulders, and his white companions were spattered with his brains and blood. The survivors gained the Fort without further molestation. Their comrade was buried on the spot where he fell. A staff was set up on his grave, which became a landmark, and received the name of The Murder Pole. The murderers boasted of their achievement and with impunity. They and their tribe thought that they had struck a fair blow on their ancient enemies, in a becoming manner. It was only said, that Toopunkah Zeze of the village of the *Batture aux Fievers*, and two others, had each acquired a right to wear skunk skins on their heels and war-eagles' feathers on their heads.

A winter passed, and the murdered man was not revenged. In the spring, we had another striking proof of Indian regard to treaty stipulations, and Indian love for American citizens; and also of the wisdom of the Government that had expected to bind them with strips of paper or parchment. Every one knows that in the Western country French people make maple sugar in the spring. M. Methode, chose to set up his sugar camp at the mouth of Yellow river, two miles from Prairie du Chieu. His wife, one of the most beautiful women we ever saw, accompanied him with her five children. Beside these, the wolves and the trees were his only companions. A week elapsed, and he had not been seen at the Prairie. One of his friends, thinking that he might have been taken ill, and was unable to come for his supplies, resolved to visit his camp.

On reaching the mouth of Yellow river the man shouted aloud, that Methode or his dog might answer, and thereby indicate in what exact spot in the woods his cabin stood. No answer was returned. After searching upwards of an hour, and calling till he was hoarse, he fell upon a little path which soon brought him to the ruins of a hut that appeared to have been recently burned. All was as still as it might have been at the birth of time. Concluding that Methode had burned his camp and gone higher up the river, the honest Canadian turned homeward. He had not gone ten steps when he saw something that made him quicken his pace. It was the body of Methode's dog. The animal had been shot with half a score of balls, and yet held in his dead jaws a mouthful of scarlet cloth, which, apparently, he had torn from the calf of an Indian's leg. The man ran at full speed to the bank of the river, threw himself into his canoe, and paddled with all his might till he was out of gun shot from the shore.

Having made what he had seen public, a party was soon assembled, all good men and true, and well armed. They soon gained the spot, and began to explore the ruins of the hut. The bodies of the whole family were there, and it was evident that accidental fire had not occasioned their death. They were shockingly mangled: Madame Methode in particular. Her husband's hand grasped a bloody knife, from which it was inferred that he had not fallen unavenged. Yet the stains might have come from his own person.

When the coroner's inquest sat, it appeared that a party of Winnebagoes had been out, notwithstanding the treaty, against the Chippewas, and had returned unsuccessful. Fifteen of them had been seen near the Yellow river two days after Methode's departure from the Prairie. It was ascertained that two Winnebagoes had been buried that night. The white party returned to the village; and, the next day, an Indian boy of fourteen admitted that he had seen Methode's camp while hunting, and had communicated his discovery to his companions. To make assurance doubly sure, Warrandobe-

gara-Ha, an Indian of very bad reputation, made his appearance in the village in a pair of red leggins, one of which had been torn behind. He came to tell the agent, Mr. Boilevin, how much he loved the Americans, and that he strongly suspected the Sacs of the murder that had been committed. He demanded a blanket and a bottle of whiskey as a reward for his zealous friendship. Mr. Boilevin caused the friendly Winnebago to be arrested, and examined him closely. Then the murderer called up his Indian spirit, confessed his guilt, and implicated several others.

A party of militia forthwith started for the nearest Winnebago camp. We are able to state (and we love to be correct in important particulars) that the captain wore neither plume nor sash, nor any thing else that might have made him conspicuous; that the men did not march in the style most approved on Boston common; that they beat no drum before them; and that none of them had ever seen a sham fight. No; each marched on "his own hook," each carried a good rifle or Northwest gun, and each kept his person as much out of sight as possible. The consequence was, that the Indian camp was surprised and completely surrounded, and the savages saw that their best, and, indeed, only course, was to surrender quietly. However, the whites found only one of those they sought in the camp, and took him away with them. The celebrated chief Descorrie followed them.

"Father," said he to Mr. Boilevin, "you know that there are foolish young men among every people. Those who have done this thing, were foolish young men, over whom I and the other wise men have no control. Besides, when they went to Yellow river, they had just drank the last of a keg which you gave them yourself. It was the whiskey, and not they, that killed Methode and abused his wife. Father, I think you should excuse their folly this time, and they will never do the like again. Father, their families are very poor, and if you will give them clothing and something to eat, you may be sure that they will never kill another white man.

"I shall give them nothing," said the agent, "and still be sure that they will never kill another man. They will assuredly be hanged."

"Your heart is very hard father," replied Descorrie. "Your heart is very hard, but I cannot think that it will be as you say. You know that if you take our young men's lives, we cannot prevent others from avenging them. Our warriors have always taken two lives for one. Our Great Father (the President) is not so hard-hearted as you are. Our young men have killed a great many of your people, and he has always forgiven them."

At that time, Prairie du Chien had no great reason to boast of her administration of justice. A soldier, indeed, had been scourged at the public whipping post, a man of ninety had been fined for lewdness, an Indian had been kicked out of a wheat-field on which he was trampling, and the magistracy prided themselves not a little on these energetic acts of duty. A jail there was, but it was of wood, and stood so far from the village, that a prisoner might carve the logs at noon-day without much danger of detection. Scandal says, that the jailor of it used to bolt the door of it with a boiled carrot. Into this stronghold the criminals were put at night—the place did not own a set of fetters—and in the morning they were missing. Had they been left to their own devices, there is little doubt that they would have remained to brave their fate, but it is thought that some white man advised them what their exact legal responsibilities were, and advised them to escape.

Col. Willoughby Morgan commanded the military at Prairie du Chien. He immediately caused two Winnebago chiefs to be seized, and informed the tribe that they would not be liberated till the murderers were delivered up. They were soon brought in, and as the civil authority had proved unable to keep them, they were committed to the garrison guard-house. Shortly after the garrison was broken up by the order of the Secretary of War, and the troops were removed St. Peters, two hundred miles farther up. There was no appearance of the district judge to try the prisoners, and they were therefore transferred to St. Peters, there to await his coming.

They had long to wait; so long, indeed, that they grew excessively obese and phlegmatic. In the following autumn, another party of Chippewas came to St. Peter's, and as they remembered what had happened the year before, they took care to arrive just at day-break, and proceeded directly to the fort. There were twenty-four persons in the band, eight of whom were warriors; the rest were women and children. The chief was Kweeweezaishish, or the Flat Mouth, the great man of the Sandy Lake Chippewas. He led his little troop straight to the fort, where he unfurled and planted an American flag, and then demanded an interview with the agent and commanding officer.

The Dakotas soon learned what was passing, and by the time the gates were opened a considerable number of them had assembled to gaze upon the enemy. Presently the officers came forth, and desired the visitors to enter. "Be not angry, father," replied the Flat Mouth, "but I would rather say something here, before I enter your wigwam or eat your bread. I desire that these Nahtooessies (enemies) should hear it."

The Colonel sent for the Chippewa interpreter, and when he had come desired the chief to say on.

"Father," said the chief, "you know that more than a year since, we made peace with your Nahtooessie children, because you desired us. We have kept the peace and listened to your advice, as we always do, for our American fathers are wise men, and advise us for our good. These men know whether they have done so or not. I speak with a sick heart. We are but few here, and these men will not keep the peace with us. We ask you to protect us, as we would protect you, if you should come into our country."

The Colonel replied that he could have no concern with the quarrels of the Dakotas and Chippewas. If they fought anywhere else, he could not help it; but while they remained under his flag they should not be molested, provided they did not molest others. He bade them pitch their lodges on a spot within musket shot of the walls, and there, he said and thought, they would be safe. He would make their cause his own if any harm should come to them *there*. This speech being expounded to the Dakotas, they all exclaimed "Hachee! hachee! hachetoo!"—that is it! that is right!

The Flat Mouth then entered the Fort and partook of American hospitality. He then explained the object of his visit. It was the old story, repeated the thousandth time. They were very poor; they had left their friends at home with heavy hearts, and hoped that their father would give them something to make them glad. In short, the endless catalogue of Indian wants was summed by a humble petition for a little of their father's milk (whisky) "to make them cry" for certain friends they had lost. This shameless beggary should not be taken as proof of want of spirit. The main point in their political code is equality of property; he that has two shirts thinks it a duty to give one to him who has none. He who has none thinks it no shame to ask

one of him who has two. The effect of this system is, that they are always in want of every thing, and the application of their own principle of action to their white neighbors makes their company excessively troublesome. It is true that they are willing to reciprocate, as far as lies in their power, but then they never have any thing to give.

On the occasion in question, our Chippewa friends got, if not all they asked, yet more than they had expected. Then, after having entered the garrison with the Buffalo dance, they left the Fort, and set up their lodges as they had been directed.

In the the afternoon Toopunkah Zeze arrived from the *Batture aux Fierres*, with seven of his own band and one other. They went directly to the Chippewa camp and entered the largest lodge, where it happened that there were just nine persons. The young Dakota above named held in his hand a pipe, the stem of which was gaily ornamented with porcupine's quills and hair stained red. The Chippewas spread skins for his party, shook hands with them, invited them courteously to be seated. They also directed the women instantly to prepare a feast of venison, corn, and maple sugar, all of which articles were mixed together and placed before the Dakotas in brimming bowls. When the entertainment was over, Toopunkah Zeze filled the peace-pipe he had brought and passed it round. None rejected it, and all might, therefore, consider themselves pledged to peace, if not to love. The conversation then became general and amicable. The Chippewa women coquetted with the Dakota youths, who seemed in no wise to consider them as enemies.

No Dakota is suffered to wear a war eagle's feather in his hair till he has killed his man. Toopunkah Zeze wore one for the Chippewa he had so treacherously slain the year before, as we have already related. One of the fair Chippewas noticed it. "You are young to wear that," said she.

"I shall wear another before I am much older," he replied.

Certainly after so much friendly intercourse, and so many demonstrations of good will, no one could have suspected any sinister purpose. The Chippewas, too, might have relied on their proximity to the Fort. But, "the heart of man is desperately wicked." The Dakotas had shook hands and smoked the pipe of peace with their former foes, had eaten of their fat and drank of their *strong*. At last, at sunset, they took their guns and rose to depart. The eight foremost halted outside the door, while the last held it aside with his foot, and all discharged their guns into the lodge, excepting one, whose piece missed fire. The assassins gave the Indian *cri de joi*, and fled like deer.

The guns were heard in the Fort, and the news soon reached the commanding officer, who immediately ordered an officer to proceed to the nearest village with an hundred men, and apprehend as many Dakotas as possibly he could. No time was to be lost, for the night was fast coming up the horizon. The Chippewas who were not hurt, joined the party. Circumstances proved favorable to the enterprise; just as the party left the gate, upwards of a hundred armed Dakotas appeared on a low ridge near the Fort. Captain — divided his force, and dispatched one party round a small wood to take the enemy in the rear, while he advanced upon them in front. The Dakotas kept their ground firmly. Some covered themselves with the scattered scrub oak trees, others laid down in the long grass. Guns were already cocked when the detached party appeared in their rear. Then the Indians gave way. Most escaped, but thirty

were taken and speedily conveyed to the Fort, where accommodations were provided for them in the guard-house, and the black-hole. The Chippewas, too, removed their lodges into the Fort, and the wounded were carried to the hospital.

Eight balls had been fired into the Chippewa lodge, and every one took effect. The wounds were the most ghastly that we ever saw made by bullets. The party had been lying, or reclining, on their mats; for there is no standing in a Chippewa lodge. Consequently the balls passed through their limbs diagonally tearing and cutting more than it is usual for pieces of lead to do, though as ragged as chewing can make them. One woman was killed outright, one man was mortally, and another severely wounded, the latter being shot through both ankle joints and crippled forever. All the rest were women and children, and more or less severely wounded.

There was weeping and wailing in the Chippewa lodges that night. The noisy lamentations of the women broke the rest of the whole garrison; but no one desired them to be silent, for the rudest soldier there respected the sincerity of their sorrow. Never were Indian knives driven deeper into squaws' flesh in token of grief than on that occasion. The practice of mortifying the body, on the death of friends, seems to be, and to have been common to all rude people. The Jews clothed themselves in sack-cloth and threw ashes on their heads; Achilles refused to wash his face till the funeral rites had been performed over the body of Patroclus. Now, the male Chippewas blackened their faces, indeed, but they did not gash their arms. A soldier who spoke their language asked of them why they did not conform to the ancient usage of their nation. "Perhaps we shall have use for our guns to-morrow," replied the Little Soldier. We must loose no blood, though our hearts bleed, for we must be able to see straight over our gun barrels."

The Little Soldier was right in his surmise and precaution. At early day dawn the commanding officer visited the wounded Chippewas, and asked them if they could recognize any of their aggressors, in case they should appear before them. They replied eagerly in the affirmative. He then asked them why they had not been more on their guard. "We respected your flag," replied the mortally wounded man, "and thought that our enemies would do the same." The Colonel then asked whether they had given the Dakotas no provocation. "None," said the Chippewa, "but we endured much." He presented the peace-pipe which the Dakotas had brought with them, and said that the hair with which it was ornamented had belonged to a Chippewa head. We know not how he made the discovery, but it is well known to all who have lived on the frontier, that an Indian, on seeing a scalp, can tell, with unerring certainty, to what tribe it belongs.

The wounded men were then, with their own joyful consent, placed on litters and borne to the guard-house. The Dakota prisoners were paraded before them and they identified two of the number, as having belonged to the band of assassins.

"I deliver them into your hands," said the Colonel to the Chippewa warriors. "They have deserved death, and you may inflict it, or not, as you think proper. If you do not, they must be tried by the laws which govern us Americans. I have no power to put them to death. You may let them go, if you please; I wash my hands of the matter." This speech was interpreted faithfully to the Chippewas, but none of them answered. Instead of speaking, they examined the flints and priming of their guns. The Little Soldier drew from beneath his robe a few fathoms of cord, cut from an elk skin, and

presently secured the two criminals, fastening them together by the elbows. It was observed that he drew his knots rather tighter than it was absolutely necessary; but no one blamed him. The Dakotas were then led forth. As soon as they passed the gate, the Chippewas halted and cocked their guns, for their vengeance was growing impatient.

"You must not shoot them under our walls," said one of the officers.

"I hope you do not expect us to take them very far," replied a Chippewa.

The procession then moved on. One of the Dakotas struck up the death song. The other attempted it, but did not succeed; his voice sunk into a quaver of consternation. The Chippewas led them to a rising ground, about two furlongs from the Fort, there halted, and bade them run for their lives. They were not slow to obey the mandate, and their executioners gave them thirty yards law. At that distance, six guns were discharged at them, and they fell dead. Instantly the prairie rang with the Chippewa *cri de joie*, and the executioners rushed towards the corpses, with their knives bared, yelling like fiends. Twice and thrice did each plunge his weapon into the bodies of the prostrate foes, and then wipe their blades on their face or blanket. One or two displayed a ferocity which those only who saw, can entirely realize. They drew their reeking knives through their lips, and exclaimed, with a smack, that they had never tasted any thing so good. An enemy's blood was better than even fire water. The whole party then spat upon the body of him who had feared his fate, and spurned it with their feet. They had not tasted his blood. It would, they said, have made their hearts weak. To him who had sung his death song, they offered no indignity. On the contrary, they covered him with a new blanket. They then returned to the Fort.

The Colonel met them at the gate. He had prevented all over whom his authority extended from witnessing the scene just described, and had done his best to make the execution the exclusive business of the Chippewas. He now told them that the bodies of the slain must not be suffered to remain upon his land, where the spectacle might grieve the Dakotas who were innocent of their crime. The party retired, and proceeded to the slaughter ground. They took the dead Dakotas by the heels, trailed them over the earth to the bluff, and there threw them over a perpendicular precipice a hundred and fifty feet high. The bodies splashed and sunk, and nothing more was ever seen or heard of them.

Among the Dakotas detained in the guard-house was an old man named, Khoya-pa, or the Eagle's Head. We knew him well—he once cheated us out of a considerable amount of merchandize; but it was in the way of trade, all fair, according to Indian ethics, and we bear him no malice. He had not slept during the night, but had tramped up and down the floor, deeply agitated, to the extreme disturbance of the soldiers. One of those who were put to death, was his nephew. When this young man was designated by the wounded Chippewas as one of the assassins, and led forth to suffer death, his tears flowed; and when he heard the report of the guns which ended him, his emotion became uncontrollable. He immediately sent for the commanding officer.

"Father," said he, "the band of the *Batture aus Fievers* are bad people. They are always getting themselves into trouble, and others are always sure to suffer with them. It was foolish to shoot the Chippewa last year, but they did it, and perhaps one of my grand-children will be scalped for it. What they have just done was a folly. They per-

sueded my nephew to join them, and he is dead. Let them take the consequences of their own act themselves, this time. I know where I can find two more of them, and if you will let me out I will bring them to you, and you may put them to death, as they deserve, or spare them—as you please. If you slay them, I shall be glad; if you let them go, I shall be sorry. They ought not to be suffered to bring the whole nation into disgrace and trouble.”

“If the Colonel lets him out, I wonder when we shall see him again?” said one of the guard to another.

The Colonel knew the Dakota character better. “How long will it be before you return with the man-slayers?” said he to Khoya-pa.

“By sunset to-morrow night,” replied the Eagle Head, “I will be before your gate, and if I come alone, you may give my body to the Chippewas.”

The sun was high in the heavens when the Eagle Head departed, with his gun in his hand and his knife and tomahawk in his belt. It is sixty miles from St. Peter's to the Batture aux Fievres, and he arrived there early the next morning, having slept an hour or two in the woods near the village. He went straight to the lodge of Sagandosbee, or the Englishman, for so was the father of Toopunkah Zeze named. The family were already awake, and the murderer was relating his exploit with great glee when Khoya-pa entered.

“You have acted like a dog,” said the old man to Toopunkah Zeze. “So have you,” he added, turning to the other assassin. “Some one must die for what you have done, and it will be better that your lives be taken, than that others should die for your folly. There are no worse men than yourselves in our nation. I tell you, you must die. Rise and go with me, like men, or I will kill you like dogs where you sit.”

So saying, the old man cocked his gun and drew his tomahawk from his belt. The women began to scream and scold; the Englishman's brow grew dark, but no opposition was offered. Perhaps the men were afraid to harm the Eagle Head, for though he was not recognized as a chief, his sons and sons-in-law were many, and his influence was considerable. Any one who should have harmed him would have certainly suffered for it. Besides, his reputation as an upright and valiant man was high; he was tall and erect, and age had not withered his muscles and sinews. Whatever motives might have restrained the families of the criminals from opposing the aged warrior, Toopunkah Zeze showed no disposition to disobey him. He rose with the utmost alacrity, handed the Eagle Head a rope, and tendered his arms to be tied. When he was secured he requested his father to thrust sharp oaken splinters through the muscular parts of his arms, that the Americans might see that he cared not for pain. The Englishman—his father—complied, without uttering a syllable!

The other criminal was pale, trembled, and seemed wholly stupefied by terror. However, he submitted passively to be tied. “Now,” said the Eagle Head, “start—walk before me, and that briskly, for you must die at the American Fort before sunset, and it is a long distance.”

Just before sunset that day, the Colonel and another officer were standing at the gate of the Fort. “It is late,” said the latter, “and our old friend does not show himself yet. I do not think he will. He would certainly be a fool to come back to what he thinks certain danger; for he had nothing to do with the murder.”

"If I had kept him," replied the commanding officer, "no good could have come of it. He was innocent, and could not have been convicted, supposing that any of our courts may be competent to try him. I believed that he would keep his word, and bring the real criminals, and I have no doubt about the propriety of the course I shall adopt with them. I trust the Eagle Head yet; and by heaven, he deserves to be trusted! Look!—there he comes, driving the two black sheep before him."

Indeed, the old man and his prisoners came in sight at that moment. They soon arrived at the gate. "Here they are, father," said the Eagle Head. "Take them, and kill them, and if that is not enough for the safety of my people, take my life, too, I throw away my body freely."

The white chief told Khóya-pa that he was at liberty from that moment, and made him a liberal present, after which the old man withdrew. A hasty council was then held with the Chippewas, to whom the victims were tendered, as the two first had been. By this time a considerable number of the Dakotas had assembled about the prisoners. "You must die now," said one man. "The white chief has given you to the enemy."

"I knew it," replied Toopunkah Zeze, "and I am ready. I shall fall like a man. Bear witness of it. Here, Falling Leaf, take my blanket—I shall have no use for it. Take my ear-rings, Gray Woman."

He sat down upon the ground, and, with the aid of others, divested himself of his ornaments and apparel, which he distributed to those who stood nearest. His dauntless mein and handsome person made the whites, who looked on, sorry for him. He was in the bloom of youth, not above twenty at most, six feet high, and formed after Nature's best model. Stain the Belvidere Apollo with walnut juice, and it will be an exact likeness of Toopunkah Zeze. He refused to part with the two eagle's feathers. One of them he had not yet worn two days, he said, and he would not part with them. The Chippewas would see that a warrior was about to die.

The companion of Toopunkah Zeze followed his example in giving away his clothing, quite mechanically, it seemed. It was evident, though he did not speak, that he was not equal to the circumstances in which he was placed. He was a villainous looking fellow; such a man, indeed, as a despotic sovereign would hang for his countenance. He had the most hideous hare lip that we ever saw, and was thence called by the Dakotas, The Split Upper Lip. He was known to most of the white men present as a notorious thief, a character very uncommon among Indian men, though not among Indian women.

The Chippewa chief, Flat Mouth, thus addressed the commanding officer:—

"Father, we have lost one life, and it is certain that one more will die of his wounds. We have already taken life for life, and it is all that our customs require. Father, do not think that I do not love our people whose blood has been shed. I would fain kill every one of the Nahtoossie tribe to revenge them, but a wise man should be prudent in his revenge. Father, we Sandy Lake Chippewas are a small, a very small band, and we are ill armed. If we provoke the Nahtoossies too far, they will come to our country in a body, and we are not able to resist them. Father, I am a very little, weak chief (The varlet spoke falsely, for he was the biggest and most corpulent Indian we ever saw) Father, we have already had life for life, and I am satisfied.

Up started the Little Soldier; fire in his eye. He was properly named, being a very little man, almost a dwarf. Yet he was thick set, active and muscular, and his spirit was great. Little as he was, he enjoyed the repute of being the bravest and most successful warrior of Sandy Lake. He it was, whose brother had been slain the year before at the Murder Pole.

"Our father with the Flat Mouth, says that he is satisfied," said the Little Soldier. "So am not I. We have had life for life, as he says, but I am *not* satisfied. This man, (pointing to Toopunkah Zeze,) shot my brother last year, and the sun has not yet set twice since he shot my wife also. This other aided him. They deserve to die, and they shall die. Hoh!" he added to the prisoners, signifying that they must march.

Toopunkah Zeze sprung to his feet and began to sing his death song. It was something like the following, many times repeated:—

I must die, I must die,  
But willingly I fall.  
They can take from me but one life;  
But I have taken two from them.  
Two for one, two for one, two for one, &c.

The Split Lip was wholly unable to imitate his brave companion. He burst into tears, and piteously implored the commanding officer to spare his life. He did not deserve to die, he said, for he was not guilty. He had killed no one—his gun had missed fire."

Here Toopunkah Zeze ceased singing, and indignantly interrupted him. "You lie, dog. Coward, old woman, you know that you lie. You know that you are as guilty as I am. Hold your peace, and die like a man—die like me." Then, turning his face away with an expression of exceeding contempt, he recommenced—

Two for one, two for one—

and strode forward, dragging the Split Lip after him.

Arriving at the place of execution, the Chippewas gave them law, and fired. The Split Lip was shot dead on the spot. Toopunkah Zeze was also, stricken through the body, but did not fall. One bullet had cut the rope which bound him to his companion, and he instantly started forward with as good speed as if he had been wholly unhurt. A shout of joy arose from a neighboring copse, where a few Dakotas had hidden themselves to witness the spectacle. Their joy was of short duration. The Little Soldier's gun had missed fire, but he picked his flint and leveled again. Toopunkah Zeze had gotten a hundred and fifty yards from his foes, when the second bullet struck and killed him instantly.

After this catastrophe, all the Dakotas quitted the vicinity of Fort Snelling, and did not return to it for some months. It was said that they formed a conspiracy, to demand a council, and kill the Indian Agent and the commanding officer. If this was fact, they had no opportunity, or wanted the spirit, to execute their purpose.

The Flat Mouth's band lingered in the Fort till their wounded comrade died. He was sensible of his condition, and bore his pains with great fortitude. When he felt his end approach, he desired that his horse might be gaily caparisoned, and brought to the Hospital window, so that he might touch the animal. He then took from his medicine bag a large cake of maple sugar and held it forth. It may seem strange, but it

is true, that the beast eat it from his hand. His features were radiant with delight as he fell back on the pillow exhausted. His horse had eaten the sugar, he said, and he was sure of a favorable reception, and comfortable quarters in the other world. Half an hour after, he breathed his last. We tried to discover the details of his superstition, but could not succeed. It is a subject on which Indians unwillingly discourse.

For a short time after the execution of Toopunkah Zeze and his accomplices, the Indian country remained quiet. The Dakotas avoided all intercourse with the whites. They were angry at the death of their fellows, indeed, and spoke of vengeance among themselves; but they either were convinced of the justice of what had been done, or knew the superior force of the whites too well to think of taking any active measures. However, they resolved to make cats' paws of the Winnebagoes, who were, and are, of much more decided character than themselves. The tribe, as their traditions say, were driven from Mexico by the companions of Cortez, or their successors. The tradition is probably correct in point of fact; for they state that they resisted all attempts to expel them from their native land, till the white invaders hunted them with dogs of uncommon size and ferocity; probably, these were the bloodhounds since employed to subdue the Maroons in Jamaica. The Dakotas have a similar tradition. Be that as it may, the Winnebagoes retained an inveterate antipathy to the Mexican Spaniards, till very lately. They have now transferred it to the people of the United States. Some old men among them still remember the excursions they were wont to make in their youth to the borders of Mexico, whence they brought horses, captives, &c. These people have more courage and more national character than any tribe of the North-west. Drunkenness is not so common among them as among other tribes, and they are not so fond of mixing blood with the whites. There are very few Winnebago half-breeds. A good many of them joined the confederacy of Tecumseh, and sixty of their best and bravest warriors were killed at Tippecanoe.

Several years since, when the fifth United States regiment of infantry ascended the Mississippi, they halted at Prairie du Chien, where they were visited by a great many Winnebagoes. An aged warrior accosted Captain Gooding, as he landed on the beach, and offered him his hand. "I think," said the Winnebago, "that I could tell what ails your neck, that you should have such a great scar upon it." "Probably you could," replied the captain, "you may have reason to know that there is a Winnebago bullet in my flesh." "Aye," returned the savage, "and I could tell you who put it in. But you are a brave man, and we are all friends now." Apparently the old man considered this reminiscence an excellent jest, for he laughed heartily.

No tribe consider revenge a more sacred duty than do the Winnebagoes. It was their ancient custom to take five lives for one, and it is notorious on the frontiers, that no blood of theirs has been shed, even in modern days, that has not been fully avenged. They used, too, to wear some part of the body of a slain enemy about them as a testimonial of prowess. We well remember a grim Winnebago, who was wont to present himself before the whites, who passed the portage of the Fox and Wisconsin rivers, with a human hand hanging on his breast. He had taken it from a Yankee soldier at Tippecanoe.

It was not difficult to stir up such a people to hostility, and, moreover, circumstances favoured the design of the Dakotas.

There is, or was, a village of Winnebagoes on the Black river, not far from the Da-

kota town of which Wabashaw is chief. The two tribes are descended from the same stock, as their languages abundantly prove, and the claims of common origin have been strengthened by frequent intermarriages. Now, it happened that, at the time when Toopunkah Zeze was put to death at Fort Snelling, the Red Bird was absent from his Winnebago village, on an expedition against the Chippewas. He returned unsuccessful, and consequently, sullen and malcontent. Till this time, he had been noted among his tribe for his friendly disposition towards the "men with hats," as Indians call the whites, and among the traders, for his scrupulous honesty. However, this man, from whom no white person beyond the frontier would have anticipated injury, was easily induced to commit a bloody and unprovoked outrage.

Certain Dakota Ambassadors arrived at the Red Bird's village, with a lie in their mouths. "You have become a bye-word of reproach among us," said they. "You have just given the Chippewas reason to laugh at you, and the Big Knives also laugh at you. Lo! while they were among you, they dared not offend you, but now they have caused Wamandoosgarra-Ha and his companion to be put to death, and they have cut their bodies into pieces not bigger than the spots in a bead garter." The tale was believed, and a cry for vengeance arose throughout the village. It was decided that something must be done, and the Dakota envoys promised to lend a helping hand.

A few days before, two keel boats had ascended the river, laden with provisions for the troops at Fort Snelling. They passed the mouth of Black river with a full sheet, so that a few Winnebagoes, who were there encamped, had some difficulty in reaching them with their canoes. They might have taken both boats, for there were but three firelocks on board; nevertheless, they offered no injury. They sold fish and venison to the boatmen, on amicable terms, and suffered them to pursue their journey unmolested. We mention this trifling circumstance, merely because it was afterwards reported in the St. Louis papers, that the crews of the boats had abused these Winnebagoes shamefully, which assuredly was not the case. The wind died away before the boats reached the village of Wabashaw, which is situated on the West bank of the Mississippi, twelve or fifteen miles above the mouth of Black river. Here the Dakotas peremptorily commanded them to put ashore, which they did. No reason was assigned for the order. Upwards of five hundred warriors immediately crowded on board. A passenger who was well acquainted with the Dakotas, observed that they brought no women with them, as was usual; that they were painted black (which signifies either grief or hostility;) that they refused to shake hands with the boatmen, and that their speech was brief and sullen. He instantly communicated his observations to Mr. Lindsay, who commanded the boats, and advised him to push on, before the savages should have discovered that the party were wholly unarmed. Lindsay, a bold-hearted Kentuckian, assumed the tone of command, and peremptorily ordered the Dakotas ashore. They, probably, thought that big words would be seconded with hard blows, and complied. The boats pushed on. Several Indians pursued them along the shore for several miles, with speech of taunt and defiance; but they offered no farther molestation.

The Dakota villages higher up showed much ill-will, but no disposition, or rather no courage, to attack. Altogether, appearances were so threatening, that on his arrival at Fort Snelling, Mr. Lindsay communicated what he had seen to the commanding officer, and asked that his crew should be furnished with arms and ammunition. The request was granted; his thirty-two men were provided with thirty-two muskets, and

a barrel of ball-cartridges. Thus secured against attack, the boats commenced the descent of the river.

In the meanwhile, the Red Bird had cogitated upon what he had heard, every tittle of which he believed, and had come to the conclusion, that the honor of his race required the blood of two Americans at least. He therefore got into his canoe with Wekaw, or The Sun, and two others, and paddled to Prairie du Chien.

When he got there, he waited upon Mr. Boilevin in the most friendly manner, and begged to be regarded as one of the staunchest friends of the Americans. The venerable agent admitted his claims, but absolutely refused to give him any whisky. The Winnebago chief then applied to a trader in the town, who, relying on his general good character, did not hesitate to furnish him with an eight gallon keg of spirits, the value of which was to be paid in furs, in the succeeding autumn.

There was an old colored woman in the village, whose five sons had never heard that they were inferior beings, either from the Indians or the Canadian French. Therefore, having never considered themselves degraded, they were not degraded. On the contrary, they ranked with the most respectable inhabitants of the place. We knew them well. One of them was the village blacksmith; the others were substantial farmers. Their father was a Frenchman, and their name was Gagnier.

One of these men owned a farm three miles from Prairie du Chien, where he lived with his wife, (a white woman) two children, and a hired man named Liepcap. Thither the Red Bird repaired with his three companions, sure of a fair reception; for Regis Gagnier had always been noted for his humanity to the poor, especially the Indians.

Regis Gagnier invited his savage visitors to enter, hung the kettle over the fire, gave them to eat, and smoked the pipe of peace with them. The Red Bird was the last man on earth whom he would have feared; for they were well acquainted with each other, and had reciprocated good offices. The Indians remained several hours under Gagnier's hospitable roof. At last, when the farmer least expected it, the Winnebago chief levelled his gun and shot him down dead on his own hearth-stone. Liepcap was slain at the same instant by Wekaw. Madam Gagnier turned to fly with her infant (of eighteen months). As she was about to leap through the window, the child was torn from her arms by Wekaw, stabbed, scalped, and thrown violently on the floor, as dead. The murderer then attacked the woman; but gave way when she snatched up a gun that was leaning against the wall, and presented it to his breast. She then effected her escape. Her eldest son, a lad of ten years, also shunned the murderers, and they both arrived in the village at about the same time. The alarm was soon given; but when the avengers of blood arrived at poor Regis Gagnier's house, they found in it nothing living but his mangled infant. It was carried to the village, and, strange as it may seem, recovered.

The Red Bird and his companions immediately proceeded from the scene of their crime to the rendezvous of their band. During their absence, thirty-seven of the warriors, who acknowledged the authority of the Red Bird, had assembled, with their wives and children, near the mouth of Bad Axe river. They received the murderers with exceeding great joy, and loud approbation of their exploit. The keg of liquor was immediately set abroach, the red men began to drink, and, as their spirits rose, to boast of what they had already done and intended to do. Two days did they continue to revel; and on the third, the source of their excitement gave out. They were at about four in the afternoon, dissipating the last fumes of their excitement in the scalp dance,

when they descried one of the keel-boats before mentioned, approaching. Forthwith a proposal to take her, and massacre the crew, was made and carried by acclamation, They counted upon doing this without risk ; for they had examined her on her way up and supposed that there were no arms on board.

Mr. Lindsay's boats had descended the river together as far as the village of Wabashaw, where they expected an attack. The Dakotas on shore were dancing the war dance, and hailed their approach with insults and menaces ; but did not nevertheless, offer to obstruct their passage. The whites now supposed the danger over, and a strong wind at that moment beginning to blow up stream, the boats parted company. That which sat deepest in the water had the advantage of the under current, and, of course gained several miles in advance of the other.

So strong was the wind, that all the force of sweeps could scarcely stem it, and, by the time the foremost boat was near the encampment, at the mouth of the Bad Axe, the crew were very willing to stop and rest. One or two Frenchmen, or half-breeds, who were on board, observed the hostile appearances on shore, and advised the rest to keep the middle of the stream ; but their counsel was disregarded. Most of the crew were Americans, who, as is usual with our countrymen, combined a profound ignorance of Indian character with a thorough contempt for Indian prowess. They urged the boat directly toward the camp, with all the force of the sweeps. There were sixteen men on deck. It may be well to observe here, that this, like all keel-boats used in the Mississippi valley, was built almost exactly on the model of the Erie and Middlesex canal boats.

The men were rallying their French companions on their apprehensions, and the boat was within thirty yards of the shore, when suddenly, the trees and rocks rang with the blood-chilling, ear-piercing tones of the war-whoop, and a volley of rifle-balls rained upon the deck. Happily, the Winnebagoes had not yet recovered from the effects of their debauch, and their arms were not steady. One man only fell by their fire. He was a little negro, named Peter. His leg was dreadfully shattered, and he afterwards died of the wound. The rest immediately made the best of their way below. Then Peter began to curse and to swear, d——g his fellows for leaving him to be shot at like a Christmas turkey ; but finding that his reproaches had none effect, he also managed to drag himself below. All this passed in as little time as it will take to read this paragraph.

Presently a voice hailed the boat in the Sac tongue, demanding to know if the crew were English. A half-breed Sac, named Beauchamp, answered in the affirmative. "Then," said the querist, "come on shore, and we will do you no harm, for we are your brethren, the Sacs." "Dog," replied Beauchamp, "no Sac would attack us thus cowardly. If you want us on shore, you must come and fetch us."

With that, a second volley came from the shore ; but as the men were now lying prone in the bottom of the boat, below the water line, they all escaped but one. One man, an American, named Stewart fell. He had risen to return the first fire, and the muzzle of his musket protruding through a loop hole, showed some Winnebago where to aim. The bullet struck him under the left arm, and passed directly through his heart. He fell dead, with his finger on the trigger of his undischarged gun. It was a hot day, and before the fight was over, the scent of the gun powder could not overpower the stench of the red puddle around him.

The Winnebagoes encouraged by the non-resistance, now rushed to their canoes, with intent to board. One venerable old man endeavored to dissuade them. He laid hold on one of the canoes, and would, perhaps, have succeeded in retaining it; but in the heat of his argument, a ball from the boat hit him on the middle finger of the peace-making hand. Very naturally enraged at such unkind treatment from his friends, he loosed the canoe, hurried to his wigwam for his gun, and took an active part in the remainder of the action. In the mean while, the white men had recovered from their first panic, and seized their arms. The boarders were received with a very severe discharge. In one canoe two savages were killed with the same bullet. Their dying struggles upset the canoe, and the rest were obliged to swim on shore, where it was sometime before they could restore their arms to fighting order. Several more were wounded, and those who remained unhurt, put back, satisfied that a storm was not the best mode of attack.

Two, however, persevered. They were together in one canoe, and approached the boat astern, where there was no hole through which the whites could fire upon them. They soon leaped on board. One seized the long steering oar, or rudder. The other jumped upon deck, where he halted, and discharged five muskets, which had been left there when the crew fled below, through the deck and bottom of the boat. In this manner he wounded one man very severely. After this exploit, he hurried to the bow, where he seized a long pole, and with the assistance of the steersman, succeeded in grounding the boat on a sand bar, and fixing her fast under the fire of his people. The two Winnebago boatmen then began to load and fire, to the no small annoyance of the crew. He at the stern, was soon despatched. One of the whites observed his position through a crack, and gave him a mortal wound through the boards. Still, he struggled to get overboard, probably to save his scalp. But his struggles were feeble, and a second bullet terminated them before he could effect his object. After the fight was over, the man who slew him took his scalp.

The bow of the boat was open, and the warrior there still kept his station, out of sight, excepting when he stooped to fire, which he did five times. His third shot broke the arm and passed through the lungs of the brave Beauchamp. At this sight one or two began to speak of surrender. "No, friends," cried the dying man, "You will not save your lives so. Fight to the last; for they will show no mercy. If they get the better of you, for God's sake throw me overboard. Do not let them get my hair." He continued to exhort them to resistance, as long as his breath lasted, and died with the words, "fight on," on his lips. Before the time, however, his slayer had also taken his leave of life. A sailor, named Jack Mandeville, shot him through the head, and he fell overboard, carrying his gun with him.

From that moment Mandeville, assumed the command of the boat. A few had resolved to take the skiff and leave the rest to their fate. They had already cast off the rope. Jack interposed, swearing that he would shoot the first man and bayonet the second, who would persevere. They submitted. Two more had hidden themselves in the bow of the boat, out of sight, but not out of danger. After a while, the old tar missed them, sought them, and compelled them by threats of instant death, enforced by pricks of his bayonet, to leave their hiding place, and take share in the business in hand. Afterwards they fought like bull-dogs. It was well for them that Mandeville acted as he did; for they had scarcely risen, when a score of bullets at least, passed through the place where they had been lying.

After the two or three first volleys, the fire had slackened; but it was not, therefore the less dangerous. The Indians had the advantage of superior numbers, and could shift their postures at pleasure. The whites were compelled to lie in the bottom of the boat, below the water-mark, for its sides were no bulwark. Every bullet passed through and through. It was only at intervals, and very wazily, that they could rise to fire; for the flash of every gun slowed the position of the marksman, and was instantly followed by the reports of two or three Indian rifles. On the other hand, they were not seen, and being thinly scattered over a large boat, the Winnebagoes could but guess their positions. The fire, was, therefore, slow; for none on either side, cared to waste ammunition. Thus, for upwards of three hours, the boatmen lay in blood and bilge water, deprived of the free use of their limbs, and wholly unable to extricate themselves.

At last, as the night fell, Mandeville came to the conclusion that darkness would render the guns of his own party wholly useless, while it would not render the aim of the Winnebagoes a jot less certain. He, therefore, as soon as it was dark, stoutly called for assistance and sprang into the water. Four more followed him. The balls rained around them, passing through their clothes; but they persisted, and the boat was soon afloat. Seeing their prey escaping, the Winnebagoes raised a yell of mingled rage and despair, and gave the whites a farewell volley. It was returned, with three hearty cheers, and ere a gun could be re-loaded, the boat had floated out of shot.

For half the night, a wailing voice, apparently that of an old man, was heard, following the boat, at a safe distance, however. It was conjectured that it was the father of him whose body the boat was bearing away. Subsequent inquiry proved this supposition to be correct.

Thirty-seven Indians were engaged in this battle, seven of whom were killed, and fourteen were wounded. They managed to put six hundred and ninety-three balls into and through the boat. Two of the crew were killed outright, two mortally, and two slightly wounded. Jack Mandeville's courage and presence of mind, undoubtedly, saved the rest, as well as the boat; but we have never heard that he was rewarded in any way or shape.

Mr. Lindsay's boat reached the mouth of the Bad Axe about midnight. The Indians opened a fire upon her, which was promptly returned. There was a light on board, at which the first gun was probably aimed, for that ball only hit the boat. All the rest passed over harmless in the darkness.

Great was the alarm at Prairie du Chien when the boats arrived there. The people left their houses and farms, and crowded into the dilapidated Fort. Nevertheless, they showed much spirit, and speedily established a very effective discipline. An express was immediately sent to Galena, and another to Fort Snelling, for assistance. A company of upwards of a hundred volunteers soon arrived from Galena, and the minds of the inhabitants were quieted.

In a few days four imperfect companies of the fifth infantry arrived from Fort Snelling. The commanding officer ordered a march on the Red Bird's village; but as the volunteers refused to obey, and determined to return home, he was obliged to countermand it.

The consternation of the people of the lead mines was great. Full half of them fled from the country. Shortly after, however, when General Atkinson arrived with a full regiment, a considerable body of volunteers joined him from Galena, and accompanied

him to the portage of Wisconsin, to fight with, or receive the submission of the Winnebagoes.

The Red Bird there appeared, in all the paraphernalia of an Indian chief and warrior, and surrendered himself to justice, together with his companions in the murder of Gagnier, and one of his band, who had taken an active part in the attack on the boats. They were incarcerated at Prairie du Chien. A dreadful epidemic broke out there about this time, and he died in prison. He knew that his death was certain, and did not shrink from it.

In the course of a year, the people of the lead mines increased in number and in strength, and encroached upon the Winnebago lands. The Winnebagoes complained in vain. Next spring, the murderers of Methode, and the other Indian prisoners, were tried, convicted and sentenced to death. A deputation of the tribe went to Washington to solicit their pardon. President Adams granted it, on the implied condition that the tribe would cede the lands, then in possession of the miners. The Winnebagoes have kept their word—the land has been ceded, and Madame Gagnier has been compensated for the loss of her husband, and the mutilation of her infant. We believe that she received, after waiting for justice two years, the magnificent sum of two thousand dollars.

We will close this true account of Life beyond the Frontier, with an anecdote which places the Winnebago character in a more amiable light than any thing already related. The militia of Prairie du Chien immediately after the affair of the boats, seized the old chief Descorrie; the same who has already been mentioned. He was told that if the Red Bird should not be given up within a certain time, he was to die in his stead. This he steadfastly believed. Finding that confinement injured his health, he requested to be permitted to range the country on his parole. The demand was granted. He was bidden to go whither he pleased during the day, but at sunset he was required to return to the Fort on pain of being considered an old woman. He observed the condition religiously. At the first tap of the retreat, Descorrie was sure to present himself at the gate, and this he continued to do, till General Atkinson set him at liberty.

*NOTE.*—The materials illustrative of the history of Minnesota, have proved more numerous than was anticipated.

With the chapter on Fort Snelling it is necessary to conclude the document.

At a future day the history of Minnesota from its occupancy by the Military in 1819, until the organization of the Territory in 1849, may be published.

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*NOTE.*—Owing to the haste in which it was necessary to issue a portion of the Annals, the reader will detect some typographical errors. The only one of material importance is in Gov. Ramsey's address, where Carver is said to have been in Minnesota, in 1776 instead of 1766.





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