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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES.

FIRST SESSION

OF THE

LEGISLATIVE ASSEMBLY

MINNESOTA

OF THE

LEGISLATIVE ASSEMBLY

TERRITORY OF MINNESOTA;

BEGUN AND HELD AT ST. PAUL, THE SEAT OF GOVERNMENT,
ON MONDAY, THE THIRD DAY OF SEPTEMBER, ONE
THOUSAND EIGHT HUNDRED AND FORTY-NINE.

ST. PAUL:

PRINTED BY JAMES M. GOODHUE.

1850.

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JOURNAL OF THE HOUSE OF REPRESENTATIVES

OF THE

TERRITORY OF MINNESOTA.

FIRST SESSION OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF MINNESOTA;

Begun and held at St. Paul, the seat of Government, on Monday the 3d day of September, 1849, being the ~~time appointed by~~ the proclamation of the Governor for the meeting of said Assembly; on which day, at 11 o'clock, A. M., the House of Representatives was called to order by the Secretary of the Territory, and the roll being called, the following named members were present.

- From the First District—Joseph W. Furber and James Wells.
 - From the Second District—~~Moston S. Wilkinson.~~
 - From the Third District—Benjamin W. Brunson, Henry Jackson, Parsons K. Johnson and John J. Dewey.
 - From the Fourth District—
 - From the Fifth District—William Dugas.
 - From the Sixth District—Lorenzo A. Babcock and Thomas A. Holmes.
 - From the Seventh District—Alexis Bailly and Gideon H. Pond.
- After prayer by the Rev. Mr. Parsons, they were severally sworn in, by the Hon. Aaron Goodrich, Chief Justice, and took their seats.

The following members were absent:

Sylvanus Trask, Mahlon Black, Henry A. Setzer, Wm. R. Marshall and Jeremiah Russell.

A quorum being present, the House proceeded to organize by the pro tempore appointment of the following officers.

- On motion of M. S. Wilkinson,
Joseph W. Furber was appointed Speaker, *pro tem.*
- On motion of Henry Jackson,
William D. Phillips was appointed Chief Clerk, *pro tem.*
- On motion of Mr. Babcock,
J. P. Charles was appointed Assistant Clerk, *pro tem.*
- On motion of H. Jackson,
B. W. Bellows was appointed Sergeant-at-Arms, *pro tem.*
- On motion of Mr. Babcock,
O. H. Kelley was appointed Messenger, *pro tem.*
- On motion of Mr. Bailly,
Alexander McLeod was appointed Fireman, *pro tem.*

Mr. Babcock offered a set of rules for the temporary government of the House.

Mr. Jackson offered as a substitute, the rules of the Wisconsin House of Representatives, for February session 1848.

On motion of Mr. Wilkinson,

Ordered, that the two sets of rules be read.

The question then being on the acceptance of the substitute of Mr. Jackson, it was decided in the affirmative.

And the question then recurring on the adoption of the substitute, (to wit: the rules of the Wisconsin House of Representatives for February session, 1848,) it was decided in the affirmative.

On motion of Mr. Wilkinson,

Ordered, That a committee of three be appointed by the Speaker, to report rules for the permanent government of the House during its present session.

Mr. Henry N. Setzer appeared, was sworn in, and took his seat.

Messrs. Wilkinson, Babcock and Jackson were announced as the Committee on Rules.

Messrs. Mahlon Black and Sylvanus Trask presented their certificates as members of the House, were sworn in and took their seats.

Mr. Brunson, moved that a committee of two be appointed to inform the Council that the House of Representatives is in organization *pro tempore*, ready to proceed to business; which was agreed to.

Messrs. Brunson and Dewey were appointed said committee.

On motion of Mr. Babcock,

Ordered, That a committee of two be appointed to act in conjunction with a similar committee, to be appointed by the Council to wait upon his Excellency, the Governor of the Territory; to inform him that the two Houses of the Legislative Assembly are now convened and in organization *pro tempore*, ready to receive any communication from him.

Messrs. Babcock and Bailly were appointed said committee.

Mr. Bailey moved that the House proceed to elect a printer to do the incidental printing of the House, *pro tempore*.

Mr. Jackson moved to amend so as to elect the printer permanently. Disagreed to.

The question then recurred on Mr. Bailly's motion, and it was disagreed to.

On motion of Mr. Jackson,

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

TUESDAY MORNING, 10 o'clock.

The House met pursuant to adjournment.

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

Messrs. Babcock, Black, Brunson, Dewey, Furber, Trask, Wells, Wilkinson and Setzer.

A quorum not being present, the Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

The Journal of yesterday was then read and corrected.

Mr. Brunson offered the following resolution,

Resolved, That each member of this House be at liberty to order for his own use, any number of papers printed in the Territory, not exceeding ten, and that the same be paid for out of the money appropriated for Legislative purposes.

Which was read the first and second time and adopted.

Mr. Jackson offered the following,

Resolved, That the United States officers of the Territory be invited to take seats within the bar of this House at pleasure.

Read the first and second times and adopted.

Mr. Babcock offered the following,

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

Mr. Brunson offered as an amendment,

“That the Chief Clerk furnish the Post Master with a list of the members of the House.”

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

Mr. Brunson from the select committee appointed to inform the Council that the House is organized, reported that they had performed that duty.

Mr. Babcock, as Chairman of the committee to unite with a similar committee on the part of the Council, to wait on the Governor, reported that the said committee had unofficially communicated with the Council, but that the Council had not appointed a committee on its part.

Mr. Setzer moved to go into an election for permanent officers of the House.

Which was disagreed to.

Message from the Council by David Olmstead and Wm. H. Forbes.

Mr. Speaker, We are instructed to inform the House that the Council is now organized pro tempore, and ready to proceed to business; and then they withdrew.

Mr. Brunson moved that a committee of two be appointed to inform the Council that a committee of two had been appointed by the House, to unite with a similar committee on the part of the Council, to inform his Excellency, the Governor, that the two Houses are organized and ready to receive any communication which he may be pleased to make. Which was agreed to.

Messrs. Brunson and Johnson were appointed said committee.

Mr. Brunson, chairman of said committee, reported that they had performed said duty.

On motion of Mr. Babcock,

Ordered, That a committee of two be appointed to act in conjunction with a similar committee on the part of the Council, to prepare joint rules for the government of the two Houses;

Messrs. Babcock and Brunson were appointed said committee.

On motion of Mr. Bailly, the House adjourned till 1 o'clock.

1 O'CLOCK, P. M.

Mr. Bailly offered the following resolution,

Resolved, That the Chief Clerk be, and he is hereby authorized and directed to have one hundred copies of the Organic Act printed for the use of the House.

Agreed to.

Message from the Council, by Messrs. Forbes and Sturgis:

Mr. Speaker: The Council have directed us to inform the House of Representatives, that the Council have organized permanently by the election of David Olmstead, President; Joseph R. Brown, Secretary; Henry A. Lambert, Assistant Secretary; Benjamin L. Sellors, Sergeant-at-Arms; Robert Cummings, Messenger, and D. D. Williams, Fireman.

And then they withdrew.

Message from the Council, by Joseph R. Brown, their Secretary.

Mr. Speaker: The Council have appointed Messrs. McLeod and Rollins a committee on the part of the Council, to act in conjunction with the committee appointed by the House of Representatives, to wait upon his Excellency,

the Governor, and inform him that the two Houses are now organized and ready to receive any communication he may have to make to the Legislative Assembly.

And then he withdrew.

Mr. Bailly offered the following resolution;

Resolved, That the Speaker of the House be requested to invite the ministers of the gospel, of the different denominations, that may visit this place, alternately to perform Divine Service at the opening of the House.

Which, after being amended so as to read "during the pro tempore organization of the House," was adopted.

Mr. Pond moved that the House now adjourn to the room prepared for the convention of the two Houses, to receive a communication from the Governor. Agreed to.

Mr. Babcock, Chairman of the committee to wait on the Governor, reported, that his Excellency would attend as soon as the two Houses would notify him of their readiness to receive him.

The Sergeant-at-Arms announced the attendance of the Council.

On motion of Mr. Bailly,

Ordered, That a committee of two be appointed to inform his Excellency, the Governor, that the two Houses are now in session, ready to receive any communication from him.

Messrs. Wilkinson and Jackson were appointed said committee.

The committee announced the attendance of the Governor, who, after prayer by the Rev. Mr. Neill, delivered the following message.

Fellow-citizens of the Council and House of Representatives:

I congratulate you and your constituents upon the favorable auspices under which, as members of the first Legislative Assembly of Minnesota, you come together. To this distant land, so recently a wilderness, the Congress and Executive of the Nation have just given a name, an organized government, and boundaries of the most extended character. These have been given us, that we may in the future, bear a distinctive part in that common destiny of progress by which the American name and American Institutions are, by superior intelligence, labor and energy, continually borne peacefully onward, to occupy distant regions with civilization and cultivated happiness.

That our part is sustained in a manner in consonance with the national character—that the footsteps of our infant commonwealth are guided and the twig bent, while it is yet young, in the true direction of political and moral greatness—depends in a vast degree, upon the earlier legislation of the Territory. Whilst this legislation should be politically wise, it should likewise indicate, as it can measurably create, that high moral tone, which will ever attract among us, tens of thousands of people who rightly deem a regard for an eternal future, as a consideration not to be lost sight of in the selection of a location for the pursuit of temporal happiness or wealth.

I would advise, therefore, that your legislation should be such—as will guard equally, the rights of labor and the rights of property, without running into ultraisms on either hand—as will recognize no social distinctions, except those which merit and knowledge, religion and morals, unavoidably create—as will repress crime, encourage virtue, give free scope to enterprise and industry—as will promptly, and without delay, administer to and supply all the legitimate wants of the people—laws, in a word, in the formation of which will be kept steadily in view, the truth, that this Territory is destined to be a great State, rivalling in population, wealth and energy, her sisters of the Union; and that, consequently, all laws not merely local in their objects, should be framed for the future, as well as the present.

I would impress upon you also, the propriety of avoiding doubtful experiments in changing the principles upon which the great fundamental laws of society are based.

The institutions under which so many flourishing States have been reared, cannot be pernicious; and let us be content with the good they are certain to produce, rather than seek to grasp in the unknown and untried, for that which may prove an evil or a shadow. Older communities can afford experiments; we are too young, and our infant steps too tottering to justify our seeking to stride through new and difficult paths, which are yet unbroken by the footsteps of older and stronger governments.

Our Territory, judging from the experience of the few months since public attention was called to its many advantages, will settle rapidly. Nature has done much for us. Our productive soil and salubrious climate will bring thousands of immigrants within our borders; it is of the utmost moment that the foundations of our legislation should be healthful and solid. A knowledge of this fact, will encourage tens of thousands of others to settle in our midst; and it may not be long, ere we may with truth be recognized throughout the political and the moral world, as indeed the "polar star" of the Republican Galaxy.

Thus you will see, gentlemen, that yours is a most interesting, and responsible position; and that in your hands, more than in that of any future Legislative Assembly, will be the "destinies of Minnesota."

It is a subject of felicitation to ourselves, as it should be of deep thankfulness to an overruling Providence, that while "the pestilence which walketh in darkness," has carried destruction over so fair a portion of our common country, the destroyer has been averted from our borders; and our people have continued in the enjoyment of the blessings of health. And it is not less a cause for thankfulness, that while disease has obstructed the prosperity of trade throughout the Union, and a blight has been inflicted upon the fields of neighboring States, that a generous soil has abundantly rewarded our husbandman for all his toil, and that a ready demand at home, with high prices for all his produce, have enriched his coffers, and enabled him to command all the comforts of life.

No portion of the earth's surface perhaps combines so many favorable features for the settler as this Territory. Watered by the two greatest rivers of our continent, the Missouri sweeping its entire Western border; the Mississippi and Lake Superior making its Eastern frontier; and whilst the States of Wisconsin and Iowa limit us on the South, the possessions of the Hudson's Bay Company present the only barrier to our domain on the extreme North—in all, embracing an area of one hundred and sixty-six thousand square miles; a country sufficiently extensive to admit of the erection of four States of the largest class, each enjoying in abundance, most of the elements of future greatness. Its soil is of the most productive character, yet our Northern latitude saves us from the malaria and death, which in other climes are so often attendant upon a liberal soil, our people under the healthful and bracing influence of this northern climate will never sink into listlessness, but continue to possess the vigor and the energy to make the most of their natural advantages.

The great Father of Waters, flowing through the centre of our Territory, opens to us a communication of two thousand miles, enabling our people to carry the products of their fields, their woods, their mines, and their manufacturing industry, (the latter an incident of our unrivalled water power,) from their northern homes to the very tropics, and bring in exchange for their merchandize all the rich products of the sunny South. And besides these, the pineries upon the Mississippi, St. Croix, and their tributaries, with the great deposits of copper and iron on Lake Superior, and the abundant fisheries of the western extremity of that Lake, will, under a proper developement, prove additional rich sources of revenue to the Territory. The immigrant and capi-

talist need but perceive these sources of prosperity and wealth, to hasten to seize upon them by settling among us, and I do not doubt it will be so; especially as in future years it is to be hoped no death-dealing epidemic, as in the past few months, will, without touching, surround us as with a girdle of fire, through which all must pass who would visit our healthful and fertile land.

I think it does not admit of question, that many thousands have been deterred from coming amongst us the past season, by the prevalence of the great epidemic scourge, cholera, on all the lines of travel communicating in this direction.

I arrived in the Territory late in the month of May, and on the first day of June, one thousand eight hundred and forty-nine, issued the customary proclamation, announcing the organization of a Territorial Government.

The first duty enjoined upon me by the organic law, was that of districting the Territory judicially. This I did by proclamation, bearing date the 11th day of June, 1849, having only in view therein such a temporary arrangement as would secure to the people, in the short period intervening before the meeting of the Legislature, the benefits of an organized judiciary; and yet to avoid the confusion it might have occasioned, I declined making a division of the county of St. Croix, the only organized county in the Territory, as it would have involved the division and removal of the county records, at the great hazard of their loss and defacement, while no advantage appeared in a merely temporary arrangement, sufficient to compensate for this difficulty. Even conceding the power to divide for the time being, an old county, or to create a new one, I did not wish to present the anomaly of dividing a county into three judicial districts, when the business of the whole could be so easily dispatched by one judge.

On this view of the matter, I established the districts as you will see set forth in the proclamation on the subject. The second and third, I regarded as almost nominal districts, in which there would probably be little or no business to transact, but which at the same time the organic law required me to designate, using the language, "The Governor of the said Territory may define the Judicial districts of said Territory, and assign the Judges, who may be appointed for said Territory, to the several districts, &c., &c."

The present arrangement being designed to be but temporary, in fulfilment of the requirements of the organic law, and yet doing as little violence as possible to the organization of the county of St. Croix, in which only was there much necessity for a court, I now ask the Legislative Assembly to revise this work of mine at an early day. I would suggest, that all the ceded country in the Territory be erected into at least three counties; and if but three, that each of these counties be made a Judicial District, and that the Indian country be apportioned among them severally "for judicial purposes." In this way perhaps, can be removed or obviated all the difficulties, fancied or real, of extending a judicial organization over the unceded lands of our Territory.

While upon the subject of the Judiciary, allow me to direct your attention to the necessity of designating the times for the meeting of the Supreme Court: the Judges of which, are required to hold at least one term annually, at the seat of government of the Territory. The organic law, while prescribing the manner and place, has devolved upon the Legislature the duty of designating the time for holding the sessions of this court.

The census of the Territory being enjoined upon me by law, as a preliminary to districting it for election purposes, on the 11th day of June, I issued my precept, directed (in the absence from the Territory of a Marshal, upon whom the duty properly devolved,) to John Morgan, Sheriff of the county of St. Croix, requiring him to proceed to make an enumeration of the inhabi-

tants, and informing him that his compensation should be whatever the Legislative Assembly might allow; and I trust that a proper compensation may be made him for this service. In pursuance of these directions, the census was accordingly taken, and a return of it filed in the office of the Secretary of the Territory, on the fourth day of July last.

Upon the information thereby afforded as a basis of representation, the Territory was immediately divided into Council and Representative Districts, and an election ordered to be held therein on the 1st day of August, 1849. The returns of this election having been made to the office of the Secretary of the Territory, on or before the 14th day of August last, a proclamation was published, bearing date the 17th of the same month, declaring the result of the election.

I cannot refrain from here remarking, that the districting of the Territory for election purposes, I felt to be a most delicate duty; and perhaps the apportionment adopted by me, may not have been so exact and proper, as with fuller information might have been prescribed. Knowing little of the country personally, I could only govern my action by the necessarily meagre and hastily prepared returns of the officer taking the census. Any unwitting errors, in this respect, can be repaired by the present Legislative Assembly; which, by the organic law, is required to re-district the Territory, and to apportion to the districts the number of members of the Council and of the House of Representatives to which they may be entitled, and also to fix by law the day for the commencement of the regular sessions of future Legislative Assemblies. But as the census which will be taken next year by the General Government, will embrace in its enumeration a great mass of population, which a crowding immigration must in the mean time bring into our Territory, thus furnishing a fuller and better data for a future apportionment: and as the Council now elected will hold office for two years, it may be advisable to delay the apportionment for members of the latter body, until the next Legislative Assembly, when the returns of the census of 1850 will have been received. And in this connection, I would also respectfully recommend an early revision of the whole election law, as that of the late Wisconsin Territory in operation here, is in many respects unsuited to the peculiar requirements of our Territory and the condition of our people.

I have been thus particular, gentlemen, in giving you a history of my official proceedings previous to the meeting of your bodies. In all that I did, I am conscious of being governed only by a sincere desire to advance the best interest of our Territory. The acts imposed upon me by the organic law, were, from necessity, of a Legislative as well as an Executive character, and it is proper that you should be in possession of a connected history of them; as they were generally of but a temporary nature, requiring, many of them, additional legislation on your part: and in regard to this legislation, I have likewise deemed it my duty to make several suggestions for your deliberation.

The proclamations, orders, returns, &c., referred to, will be laid before you.

In now proceeding to invite your attention to matters at large, calling for legislative interference, I am impelled by a sense of the importance of the subject, to first urge upon your earnest consideration, the propriety of adopting some more stringent enactments, to put down the frightful and increasing traffic in intoxicating liquors with the Indians of this Territory. When on a business visit to Long Prairie, at the Winnebago Agency, on the 13th of July last, I found the frontier settlers on my route, in great alarm, and some of them on the point of breaking up and leaving the country with their families, from well-grounded apprehension of Indian outrages, reasonably to be anticipated from the amount of whiskey carried on to that border by bad and lawless men. Deeply sympathizing with these distressed people, I made a re-

quisition as Superintendent of Indian Affairs, upon the Commandants of Fort Gaines and Fort Snelling, for a military detachment to pursue these contraband whiskey-traders, and if possible, to destroy, under the laws regulating trade and intercourse with the Indians, that damnable stimulant, which, in savage nature too surely provokes to murder, arson, violence and outrage. The force at Fort Gaines was too small to lend the necessary aid; but Col. Loomis, the commandant at Fort Snelling, despatched Capt. Munroe with a detachment of forty men, to Sauk Rapids, under whose energetic management, much liquor was destroyed, several offenders arrested and handed over to the custody of the law, and the peace of the frontier preserved.

The necessity of severe laws to repress this abominable traffic, is daily more apparent. The laws of Congress, where they operate, are sufficient to check the evil; but the liquor trader evades these laws by locating himself on the borders of the Indian country, upon the ceded lands, and there, tempting the Indian to follow him, carries on the nefarious business, in defiance of public opinion, and in utter disregard of those mild prohibitory laws, which, though suited to the condition of organized and well regulated society, are quite powerless on a remote and wild frontier. Laws, therefore, allowing of prompt, decided, severe and almost summary action against those engaged in selling liquor to the Indians on our borders, are required, to break up the business; and it must be broken up, or Minnesota will be the scene of many a tragedy, and her settlement delayed for years. While so many avenues to wealth are here open to the industrious and enterprising, it is amazing that one should be ventured upon, at once disreputable to those engaged in it, dangerous to themselves and hazardous to the lives and property of the exposed settlers of the frontier. The best interests of the Territory so plainly require that all the legitimate means of government, and all its powers, be used to ensure the abatement of this monstrous evil, that I will most cheerfully co-operate with the Legislative Assembly in any course they may suggest for its extirpation.

By the 12th section of our organic law, the statutes of the late Territory of Wisconsin are in force in this Territory; but subject, nevertheless, to be altered, modified, or repealed by the Governor and Legislative Assembly. This body of laws thus forms our municipal code; and it is of the highest importance that the people should at least have the opportunity given them of knowing the provisions of the enactments to which they are subjected. It has been held as a fixed legal maxim that "ignorance of the law excuseth no man;" but it is questionable, in a moral and practical sense, whether men should be held responsible for violations of statutes, a knowledge of which can be acquired by the community in no accessible mode, and in regard to which even judges, magistrates, and other officials, are for the most part unable to obtain satisfactory information. No compilation of the laws of Wisconsin has been published since 1839, quite ten years ago; whilst those general laws which have since been passed, additional to, or modifying, altering and repealing those contained in that collection, are so scattered through a series of volumes of pamphlet laws, published every year thereafter, and so intermixed with a mass of purely local laws, many of them imperfectly indexed, that they present a chaotic mass nearly defying the the most patient labor to disentangle, and requiring the most acute legal experience to discriminate between those which are actually in force and those which are really repealed. But few persons, however, are allowed this meagre chance of knowledge; but are compelled to receive the law second-handed upon the mere dictum of others, thus reducing it from a tangible substance of record to the uncertainty of a shadowy tradition. The original editions of these pamphlet laws, I learn, were but small, and it would appear that for the most of the years, they are quite out of print;

and their extreme scarcity can be estimated when the strong doubt is expressed, whether at this time exceeding half a dozen complete sets of those pamphlet laws are to be found in the whole Territory of Minnesota. This is undeniably a most unfortunate state of things; and I would recommend the Legislative Assembly to take into their earliest consideration, some remedy for the mischief. It is above all, requisite, that the Justices of the Peace, a number of whom were recently appointed, should so soon as it can possibly be done, be put in possession of the laws relating to their jurisdiction and practice; and I am of opinion, that such of the laws of the late Territory of Wisconsin on this subject as the Legislature may desire to continue in force, with such amendments as the peculiar situation of our people may suggest, should at once be re-enacted, and, with the addition of some useful forms, forthwith published and distributed.

In addition to the difficulty of disseminating among our people the whole body of Wisconsin legislation, there is doubtless much in it that is incompatible with the character of our people, and unsuited to the wants of our social and commercial condition. In each State of this Union, and in each Territory, there seem to be shades of difference in the people, and diversities in their interests, business, and slightly in their social feelings and actions; though viewing the extent of our common country, and the many subdivisions it contains, no population so great in number as ours, and so widely disseminated, are so homogeneous in character, or less provincial in their manners and pursuits. But climate, soil and business; but especially the quarter of the world or of the Union from which new States are first peopled, undoubtedly do occasion some variety in their modes of thought, and materially influence the institutions that are adopted. To satisfy these local diversities, our government is wisely constituted. The central authorities of an extended empire can scarcely ever adapt its legislation to meet the ramified local wants of its distant parts. To obviate this difficulty, our republican system is so framed, that local governments, nearly independent in their action, attend to the local requirements of each neighborhood in every State, and shape their respective legislation to accommodate all peculiarities of situation, and to satisfy every modification of character; whilst the government of the nation in the meantime guards the whole from assaults without, and from possible outbreaks within.

In this manner, and by every popular idea having the power of legislative development in all sections of the land; by every popular grievance, whether imaginary or substantially founded, having legal redress promptly at the door, and by every opposing interest having at least one Legislature to listen to their representations—the legitimate ends of government, the contentment and happiness of the people are fully carried out; and violent revolution, being without a provocation or an aim, is never attempted, and probably never even imagined. An exemption from local peculiarities, requiring no special legislation, cannot be said to characterize our young and growing Territory, any more than other similar communities: and already it is clear, that the laws of not any State or Territory, as a whole, are adapted exactly to our situation. It might naturally be inferred that those of Wisconsin, from proximity of Territory, would present the most points of adaptation; but, before conceding more than the partial truth of this proposition, we should call to mind her location on the western border of steam navigation on the great lakes; enjoying thereby, a means of communicating cheaply and speedily with the sea-board, and of deriving thence, mainly from the constant in pouring tide of foreign immigration, and partly from the most northern range of States, the great bulk of her population.

The population so made up, must be excellent, beyond a dispute; but it is

probable the chief portion of the inhabitants of this Territory will be drawn from another direction. Our principal dependence to convey immigrants to us is plainly the Mississippi river, in whose great valley, and that of the Missouri, our Territory is nearly wholly situated; and while it is not unlikely that all the States of the Union, to the extremest north-eastern one of the confederacy, will have more or less representatives amongst us, in pursuit of wealth or health; yet it is palpable, that only upon the Lower Middle, and the Western States, and such foreign immigration as can avail itself of the Ohio and Mississippi rivers to transport itself hither, should we, or can we, to any material extent, rely to furnish the great proportion of our population; together with some Anglo-French immigration from the British Provinces, drawn here partly by their religious sympathy and common language, with most of the first white residents of the country, the worthy pioneers of the Upper Mississippi.

A people thus constituted, and from these sources, present and prospective, afford by their diverse habits and even prejudices, sufficient reasons for enacting statutes more in keeping, may be, with their feelings and customs, and better calculated, perhaps, to gratify, to satisfy, or to restrain them, than the existing laws of our neighboring Territory.

In addition to these reasons, I might dwell upon the different geological formations of our lands; the dissimilar systems by which the two are watered or drained; the somewhat dissimilarity of productions, the decided difference in the pursuits of the people—hers engaged chiefly in agriculture; ours finding employment and wealth in lumbering; in commercial intercourse with the distant North; in supplying the numerous annuity-receiving Indians congregated within our borders; and in the cultivation of the soil, to furnish a profitable and durable home market. These all present, however, such an aggregate of salient differences, such a contrast of circumstances, to be added to the different constitution of population before spoken of, that it is impossible to resist the conviction, that the code of Wisconsin, whatever it is, should receive material alteration before it is established finally as the permanent law of Minnesota. I would therefore recommend you, at an early day of the session, to select a commission consisting of three or more competent persons, to report a code of laws to be submitted for the action of the Legislative Assembly during its present session—and the judges of our courts doubtless, would with pleasure, should the Legislature indicate a wish to that effect, meet with the commission, and give it the assistance of their legal learning and experience. //

From the great extent of the frontiers of this country, and the number and warlike character of the Indians located within the Territory and on its borders, we may reasonably expect to realize the experience of all other communities situated like ourselves, and be involved in Indian war or difficulties. To provide safeguards against such an emergency, is one of the first duties of the Legislature; and I would, therefore, respectfully call your attention to the subject, and ask such legislation as will secure a proper organization of the militia of the Territory; which accomplished, the general government will cheerfully and promptly furnish us with the necessary arms and equipments.

In any organization that may be effected, I hope the chief attention will be addressed to encouraging the formation of mounted troops—a kind of force most serviceable in an Indian country, and indispensable for the defence of a thinly settled region, where distant points are required often to be reached in a short space of time, to avail anything in preventing a threatened outbreak, or in arresting the farther progress of outrage and securing to offenders.

Much good, it occurs to me, could be done by the General Government, in opening a great military road from Fort Snelling to the Missouri, and march-

ing a respectable military force over it at least once a year. It would give to the wild Sioux of the western portion of our Territory, and other Indians of the warlike tribes on the borders in that direction, a proper sense of the military power of the whites, and do much to preserve peace even among the tribes hostile to each other. There are probably within the Territorial limits, twenty-five thousand or more Indians, some of them, as for instance the Winnebagoes, discontented with their location and ready for mischief, and all of them brave and martial in their character. A proper regard for the welfare of our people, should induce the national Government to adopt all precautionary measures, to secure us from Indian war on the frontier.

The present patriotic chief magistrate of the Union, I feel assured, will cheerfully co-operate with Congress, in giving us all needful protection; and his long residence in the Indian country, and his personal acquaintance with this region, will give his representations upon the subject additional force.

I declined making the appointment of certain Territorial officers, such as Treasurer, Auditor, Attorney General and Adjutant General, preferring that the Legislature should first act in the premises, by defining their duties, and providing compensation for their services. The propriety of such legislation, is respectfully suggested to the Assembly.

As the annual appropriations by Congress for Territorial expenses, are limited to specific objects, and as there are other purposes in the administration of the Government of the Territory, for which, means will have to be provided, it will be necessary for the Assembly to indicate some way, by taxation or otherwise, of creating a Territorial Treasury. Now, when our wants are few and not very pressing, there is time and opportunity for maturing a system of finance, that will be simple in its details, and yet adapt itself to the expansion of our population and the consequent varying opinions of our people. We all know the force of habit, and how difficult it will be to improve or amend our policy on this head, at a future day. Let, therefore, the foundations of our financial system be cautiously laid; guarding in our laws with like care, against extravagance, the vice of States, and against dishonesty, the vice of individuals; and equally against living beyond our income, which is so common a weakness, not to say crime, of both. The truth, that great and permanent public improvements, are for the benefit of future populations as well as the present, has been used to an excessive extent to justify the doctrine, that the State may be almost crushed with debt for posterity to pay. While it is undeniable, that the State never legally dies; that a community never ceases to exist, and that the public faith once pledged to pay, may never afterwards be violated, without incurring the deepest disgrace; yet there seems to be injustice in burdening generations unborn with enormous debts, which they had no voice in creating, and might not have created. I have elsewhere, for years, witnessed the embarrassments arising from a wild and extravagant system of public improvement, which piled up a mountain of debt upon the commonwealth; and I would, in advance, most earnestly deprecate seeing the future State of Minnesota, ever similarly overwhelmed with indebtedness, and checked in her career of reasonable enterprise. "*Pay as you go,*" is said to be the philosopher's stone, so long and eagerly sought for; and it is a jewel, upon which this destined Northern Light of the American Confederacy, should condense its rays in all time to come, that those who run even, may not fail to observe its precious value. Let us, gentlemen, adopt those simple words as our financial motto, and it shall be well with us and our children, after us.

The vending of ardent spirits, is carried on to an unnecessary extent: and in looking around for objects of taxation, I know of none that so properly invites your legislation as this. An adequate tax laid upon the business, while it yielded a fair revenue to the Territorial and County Treasuries, would at the same time tend greatly to repress the evil.

The subject of education, which has ever been esteemed of the first importance, especially in all new American communities, deserves, and I doubt not will receive your earliest and most devoted care. From the pressure of other and more immediate wants, it is not to be expected, that your school system should be very ample; yet it is desirable, that whatever is done, should be of a character that will readily adapt itself to the growth and increase of the country; and not in future years, require a violent change of systems, by which much prejudice is to be overcome and much useful time lost, and the efficiency of individual schools in some instances impaired for a long period.

The 13th section of the organic law provides, that at the "first session, the Governor and Legislative Assembly, shall locate and establish a temporary seat of government for said Territory, at such place as they shall deem eligible; and shall, at such time as they shall see proper, prescribe by law, the manner of locating the permanent seat of government of said Territory, by a vote of the people."

The first division in this clause, in relation to the location of a temporary seat of government, makes the duty incumbent upon the present Legislature; but the legislation involved in the selection of a permanent site for the capitol, I understand, may be had at a future day, and by a future Legislature; and indeed, it would be premature, with our comparatively small population, to decide at this time, so important a question as the location of the permanent seat of our government. In fairness to the people who will shortly occupy lands now in possession of the Indians, the decision of the question had better be postponed.

A temporary "Great Seal of the Territory of Minnesota," has been adopted; an impression of which, will be submitted. I preferred consulting the Legislative Assembly upon the adoption of a permanent Great Seal; and I herewith lay before you the design of one, to which I ask your attention, and if you approve of it or suggest its modification, it will then be placed in the hands of an artist to be engraved, and thenceforward supercede the seal now in use; and while on this subject, I would suggest, that some legislation is needed, in regard to seals for the Supreme and several Districts Courts, Probate Courts, and for county officers.

The Congress of the United States, in a spirit of liberality that cannot be too highly appreciated, appropriated five thousand dollars for the purchase of a library for the Territory. As I was appointed to the position I hold, in the month of April, and esteeming it my duty to hasten to the Territory with all convenient dispatch, I could not command time sufficient, to make a selection of the entire library; but contented myself with the purchase of such works, as I supposed the Legislature and Courts would immediately require. The balance of the books, have been ordered and will be here, possibly before the adjournment of the Assembly. The necessary legislation for the preservation of the library, I would suggest should be immediately had.

The Legislative Assembly, as is necessary and customary with all Territorial Legislatures, will doubtless make known to the Congress of the United States, from time to time, the wants and wishes of our people.

Among other things, I regard it as of first importance, that Congress should be memorialized by you, and asked to extend the Pre-emption privilege to all actual settlers on the public lands, whether surveyed or not, to which the Indian title has been extinguished. I consider this modification of the existing law, due to that hardy and enterprising people, who have opened the boundless regions of the West to the capital and industry of the country. For half a century, this class of the community has kept upon the march—having charge of the outposts of that immense army, that year after year, with resistless energy, encroaches upon the domain of the wilderness. These enterprising

pioneers, comprising in all the States, quite half a million of people, leading this moving life, know but little local calm and quiet rest; their homes of last year are abandoned this; and with wife, children, cattle and utensils, they start onward again, upon a new route for a location farther beyond; where once more their toil and privations open the prairie and the forest, until another wave of hardy adventurers, a little less restless in spirit, arrive to purchase their places and their improvements, while they resume their never-ceasing journey towards the setting sun.

In all this, whatever the results to the individual, the public and government undoubtedly gain; and to this enterprising, bold and fearless people, every reasonable concession should be made. The extension of the pre-emption privilege, in the way I have intimated, would be no more than a just boon of reward for their enterprise. It frequently happens, that between the extinction of the Indian title and a government survey, ten or more years intervene; and, in the mean time, these poor people have to lose the benefit of their improvements. The laws should be so constructed as to make provision for these things, rather than leave it to private combination, and tacit understanding, among these people themselves, to maintain their rights against grasping speculators.

I would here remark, that the possession of large tracts of country by speculators, will do, and has done, more to retard its settlement, than any other cause; and, as if the evil was not extended enough before, the bounty land-warrants, issued to the soldiers of the Mexican war, in good faith, and as a just, though small compensation for their bravery and sacrifices, have recently become a fresh element of speculation and of non-resident land monopoly. Two-thirds of them, it is estimated, have passed into second hands, and are being systematically shingled over our Territory and the whole Western country, by non-residents; thereby delaying and disturbing the natural and proper development of this region of country and the adjoining States. I am not prepared, at this time, to indicate the proper course to be pursued for arresting this evil; but I will most cordially co-operate with the Legislative Assembly, in any remedy devised by them, to avert from Minnesota, this only blight upon our progress and prosperity.

Next in importance, towards facilitating the settlement of the Territory, I would rank the purchase of the Sioux Indian country, west of the Mississippi river, from the Iowa line, north to the Watab river, which is the south boundary of the Winnebago country; adding as the western boundary of such purchase, a line drawn due south from the lake at the head of Long Prairie river. This extensive, rich and sulubrious region, would open new inducement for the enterprise of our countrymen; for it is considered equal, in soil, to any portion of the valley of the Mississippi; and in healthfulness, is probably superior to any part of the American Continent. It is known to be rich in minerals as in soil; is sufficiently timbered, being traversed for one hundred miles on its western border, by a hard-wood forest some forty miles in width; is watered by some of the finest rivers in the north-west, such as the Minnesota or St. Peter's, the Blue Earth, the Osakis, the Root River, and others; and is be-spangled with beautiful lakes in every direction. To the eye of the observer, it presents an agreeable mingling of high rolling prairies and gentle slopes; wooded hill-tops, luxuriant natural meadows, and abundance of the purest water; and I feel a conviction, that this country, once thrown open for settlement, would be peopled with a rapidity exceeding anything in the history of western colonization. I would therefore, press strongly upon the Legislative Assembly, the expediency of memorializing Congress upon the subject.

Much complaint is made by the settlers about Sauk Rapids, Swan River.

&c., as to the demoralizing effects of the privilege given the Chippeways, in the treaty of 1837, to hunt and fish upon the lands ceded by said treaty. It might be well for the Legislative Assembly, to memorialize the President of the United States, requesting him to notify the Chippeways, that these privileges must cease; and requiring them to remove into their proper territory.

A good road is wanted from the settlements on the St. Croix, along that river to Lake Superior. An improvement of this nature, would open the mineral regions on the shores of that lake to the farm produce of our Territory, and lead to a trade mutually advantageous. It would, moreover, give convenient access to the extensive pineries on that river; and thus enable the General Government, at an early period, to realize something out of her public lands in that quarter, now that they are covered with valuable pine forests; and will consequently command a ready sale, which may not be the case years after this, when denuded of timber by the axe of the lumberman. This road, I suggest, might commence at Point Douglass, pass by way of the Prairie Settlement to Stillwater, and thence, via the Marine Mills and St. Croix Falls, to Lake Superior.

On the Mississippi, a good road is needed; and one could be constructed at a small expense, from St. Paul, via St. Anthony's Falls, Elk River, Sturgis', Sauk Rapids, and Swan River, to Crow Wing. The bridging of a number of small streams, comprises nearly the entire expenditure necessary; and when completed, it would afford to the Government a good military road from Fort Snelling to Fort Gaines, at the Crow Wing.

The National Government, having to deliver, semi-annually, large quantities of goods and provisions at her Forts and Indian Agencies on the extreme Upper Mississippi, is therefore directly interested in every enterprise that will improve the navigation of that river. If, in lieu of the present tedious and expensive land carriage, a transportation upon that river, and in steamboats, could be introduced above the Falls of St. Anthony, she would profit greatly by it; both in the extra dispatch and superior cheapness with which supplies could be forwarded to the upper country. To secure this desirable result, a moderate appropriation to remove the obstructions to navigation at the Sauk Rapids, is all that is required; when, it is believed, hundreds of miles of additional steamboat navigation above the great Falls, would be open, saving several thousand dollars annually to the Government, in freight to Fort Gaines and the Chippeway and Winnebago Agencies; and immensely facilitating and increasing the common trade to the far North, Pembina and the Hudson Bay Company's Possessions. These are objects of no little moment; and Congress, I feel assured, would lend a most favorable ear to any proper application for aid, to accomplish such a work as this, which is alike demanded by a due regard for the interests of the nation as well as of the Territory.

A very profitable trade might be had with the settlements on the Red River of the North, near to and beyond the British line, if suitable encouragement was given by the authorities at Washington. Already, several hundred of their peculiar carts visit us annually; traversing a distance of seven hundred miles, entirely through a wild Indian country, fording swollen rivers and crossing immense prairies, without any guarantees of protection. They bring us the spoils of the chase, and many articles of comfort, necessity, and even luxury; purchasing and carrying home with them in return, the varied produce of our agricultural and manufacturing industry. It would be advisable to invite the attention of Congress to this trade, as it is susceptible of being greatly increased, to the advantage of the Territory and the interests of the country at large.

There should be proper and safe places of confinement in the Territory, provided for prisoners; and I am convinced, that the nearly total want of these,

is ordinarily a chief cause of the weakness of the law on the frontiers. Without prisons, crime can have no punishment, except that which illegal violence summarily inflicts; criminals know no restraint from committing fresh offences, save the ulterior remedy that removes them from the land and from life at the same moment; and society either suffers continually from depredators, or escaping from this dilemma, rushes into one quite as evil, in defending itself by lawless force; until eventually, in the blindness of passion and unrestrained authority, the innocent are the victims quite as often as the guilty, and the wholesome restraints of all law, having in the meantime become irksome, the system ends by reducing the entire community into chaos and deplorable anarchy. I apprehend no extreme results like these, in Minnesota, under any circumstances; but wisdom teaches us to guard against a condition of things, having but a bare tendency to produce consequences here, which are not without their example and parallel elsewhere in the valley of the Mississippi; and also warns us to avoid all possible ill results on every hand, by the timely erection of sufficient places of confinement, for the bad and vicious of our Territory. But in the weak and infant condition of our population, the inability to put up the proper structures, is so entirely evident, that I am satisfied Congress on your representations, would cheerfully grant an appropriation, sufficient to erect a prison at some central point, easy of access, which would answer for all the counties of the Territory, until the period when increased population and greater wealth, may enable each county to have a proper building for the purpose, within their own respective limits. Nor would the fact, that a principal reason for desiring the erection of a secure prison in the Territory, is, the frequent violation of the laws "regulating trade and intercourse with the Indians," be without its due weight and proper influence, upon the action of Congress in the premises.

—The growing settlement and rising business of the Territory, manifestly demand of Government, an increase of our mail facilities, beyond those we have heretofore enjoyed. At present, all the correspondence we have with the rest of the world, is through a mail to and from Prairie du Chien, once in every week; and in the winter, it is said, months have intervened, between the periods of its arrival and departure. Certainly, the kind disposition which the national administration has already evinced towards our infant State, in more than one instance, will prevail upon them to give us the means of keeping up a more frequent interchange of information and feelings with the rest of the American people. Government have several military posts, and extensive relations with the Indian tribes within the Territory, and it is equally their interest with ours, that will be advanced, by allowing us a Territorial mail at least three times in every week, both in winter and summer. In this telegraphic age, when lightning has become a newscarrrier, we may certainly venture to claim this moderate share, in the advancing facilities of inter-communication throughout the world.

The preservation by a community, of materials for the composition of its history, when a future time shall require it to be written, is a task not without its uses; and when early commenced, easily accomplished; and as newspapers are the day-books of history, as well as semi-official records in many cases, I deem it not improper to recommend to the Assembly, the propriety of authorizing and requiring the Territorial Secretary or the Librarian, to subscribe for and preserve in a durable form, a copy of each and every newspaper that may be published in the Territory. Thus, much that is interesting in the fleeting registers of the day, and which, in years to come, will be esteemed rich mines for the historian, can be saved for satisfactory reference and future information.

Among the sources of our wealth, agriculture will always hold a chief and prominent position; for it is this pursuit, that mainly supplies the vital element

of a State's permanent prosperity; and I therefore clearly comprehend the importance of securing, at the commencement of our farming operations, a proper adaptation of culture to soil and climate; that no prejudice may arise to either, from unfavorable results produced in the hands of unskilful farmers. What means Government can with propriety adopt, to patronize agricultural improvement, I am not just now fully prepared to indicate; but the formation of a semi-official Territorial Agricultural Society; the establishment of an Annual Agricultural Fair, near the Territorial Capital; and the bestowal of bounties and premiums, honorary and monetary, for superiority of crops raised, or stock produced, or for general excellence in all the duties of a farmer, are suggested as measures, which might, perhaps, legitimately receive your legislative sanction, and certainly your individual approbation and encouragement.

Before concluding, gentlemen of the Council and House of Representatives, permit me to say a few words of a general character. Your and my duties, will often, in the course of the session, conduct us to the same results; and let you and me both address ourselves with zeal and good feeling, to make those results, in their broader consequences, redound to the happiness of the community, the prosperity of Minnesota, and the glory of our great common country.

My duties are chiefly suggestive and ministerial; yours are of that positive character, which shape the measures and principles of Government, and give them the first impress of enactment. My concurrence in your judicious action, shall always be hearty and cordial; and my official sanction never wanting, to any measures for the benefit of our infant commonwealth. Keep in view the truth, to which I have once before alluded, that all the foundations for the future legislation of Minnesota, are to be laid by you; see that they are formed of not crumbling material; but are deep, and broad, and surely cemented; for, generations to come, and to be born, who shall people the broad prairies of this mighty region, may recur to you in after times, as the authors of much of their prosperity or much of their adversity. It is an interesting responsibility, and one in which I also must participate.

In coming among you to assume the position I hold, I trust to be believed when I say, that I brought with me only the sincere determination to do right, to do justice, to live in harmony with all, and to use whatever power I incidentally possess, entirely for the true and abiding weal of Minnesota. And may that God who rules the destiny of nations, so prosper your doings and mine, that no reproaches will meet us in the present, no regrets be experienced in the future; but that we will all bear with us the conviction, that each performed his whole duty, for the dissemination of "liberty and law, religion and education," throughout our Territory, for the people's true happiness, and the enduring glory of the American name.

ALEX. RAMSEY.

Mr. Wilkinson then moved that the convention do now adjourn, and each House repair to its respective hall, which was agreed to.

Mr. Bailly moved that one thousand copies of the Message, and five hundred copies of the accompanying documents, be printed for the use of the House, and that the Clerk procure the printing thereof.

Mr. Wilkinson moved as an amendment, that the printing be done under the direction of the Secretary of the Territory, and the motion as amended, was adopted.

On motion of Mr. Bailly,

Ordered, That the House now proceed to the election of its permanent officers.

Mr. Jackson moved that the House take an informal ballot for Speaker.

Which was agreed to.

Messrs. Johnson and Dewey were appointed tellers,

And the ballots having been received and counted by the tellers, it appeared that Joseph W. Furber had received 11 votes; Alexis Bailly, 1 vote; M. S. Wilkinson, 1 vote; and Henry Jackson 2 votes.

Mr. Wilkinson moved that Joseph W. Furber be declared duly elected Speaker.

Which motion was upon being put to vote, agreed to.

The Speaker in a few brief and appropriate remarks, returned his thanks to the House for the honor conferred upon him.

On motion of Mr. Brunson,

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

Messrs. Jackson and Brunson were appointed tellers; and the votes having been counted, it appeared that William D. Phillips had 13 votes; P. K. Charles had 1 vote; and Blank 1 vote.

Wm. D. Phillips having received the highest number of votes, was declared duly elected.

On motion of Mr. Bailly,

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

The vote having been taken and counted, it appeared that L. B. Waite had 12 votes, and P. P. Bishop had 2 votes.

L. B. Waite having received a majority of all the votes cast, was declared duly elected Assistant Clerk.

On motion of Mr. Pond,

The House proceeded to the election of a Sergeant-at-Arms.

The ballots being taken and counted, it appeared that Jesse Taylor had 14 votes, which being the whole number cast, he was declared duly elected.

On motion of Mr. Bailly,

The House proceeded to the election of a Messenger, and the ballots being taken and counted, it appeared that James Beatty had 12 votes; O. H. Kelly had 1 vote, and blank 1 vote. Whereupon, Mr. Beatty was declared duly elected.

The House then proceeded to the election of a Fireman, and the ballots being taken and counted, it appeared that David Hone had 10 votes; Wm. B. Skinner, had 2 votes, and blank 3 votes. Whereupon, David Hone was declared duly elected Fireman.

Mr. Brunson offered the following resolution,

Resolved, That the Rev. Mr. Hobart be invited to open this House with prayer during the present session.

Which was adopted.

Mr. Bailly moved, that the House proceed to elect a printer to do the incidental printing of the House during its present session. Agreed to.

Messrs. Bailly and Babcock were appointed tellers; the votes having been taken and counted, it appeared that James M. Goodhue had 11 votes; McLean, Owens & Quay, had 4 votes.

James M. Goodhue having received the highest number of votes was declared duly elected printer.

On motion, the House adjourned until to-morrow, at 10 o'clock, A. M.

WEDNESDAY MORNING, 10 O'CLOCK.

The Speaker called the House to order.

Prayer by the Rev. Mr. Neill.

Mr. Babcock moved that a committee be appointed to wait on Judge Cooper

and request him to administer the oath of office to the permanent officers of the House.

Which was agreed to.

Messrs. Babcock and Dewey were appointed said committee; and immediately announced the presence of Judge Cooper.

The officers were then severally sworn in by his Honor.

Mr. Babcock offered the resignation of Mr. Beatty to the Hon. Speaker and members of the House of Representatives of Minnesota Territory.

GENTLEMEN:—With sincere thanks for the honor conferred upon me by your choice of myself as Messenger of the House of Representatives, I beg leave to state, that circumstances, of which I was ignorant at the time, having transpired, which claim attention elsewhere, I am therefore compelled to resign.

St. Paul, September 5th, 1849.

JAMES BEATTY.

Mr. Babcock moved that the resignation be accepted.

Which was agreed to.

Mr. Jackson moved that the House now proceed to elect a Messenger, which was carried.

Mr. Jackson nominated Fred. Oliver; M. S. Wilkinson nominated O. H. Kelley; Mr. Brunson nominated Henry H. Gliddon; Mr. Johnson nominated N. B. Ferrill.

Messrs. Jackson and Holmes were chosen tellers.

The ballot being taken and counted, it was found that Fred. Oliver had 5 votes; Henry H. Gliddon had 1 vote; O. H. Kelly had 8 votes; N. B. Ferrill had 1 vote.

O. H. Kelley having received the highest number of votes was declared duly elected, and was sworn in by the Speaker.

Mr. Wilkinson presented the petition of Harley D. White, contesting the seat of James Wells, and moved its reference to a select committee of three.

Which was agreed to.

To the Hon. House of Representatives of Minnesota Territory:

The undersigned petitioner would respectfully represent to your body, that he is a citizen of the First Council District of Minnesota Territory, and that he received twenty-nine votes for a seat in your honorable body; and that James Wells received thirty-three votes for the same place. But your petitioner would respectfully represent, and is prepared to show, that several of the votes given to said Wells were illegal and ought not to have been received, and that if they had not been received, your petitioner would have had a majority of all the votes cast for said seat.

Your petitioner would therefore, respectfully request that your honorable body would appoint such person or persons as you may think proper, to proceed to Wabashaw Prairie, in order to take the deposition of such persons as will prove the truth of the facts above set forth.

HARLEY D. WHITE.

Messrs. Wilkinson, Dewey and Johnson were appointed the committee to whom said petition was referred.

Mr. Pond offered the following resolution,

Resolved, (The Council concurring therein,) that James M. Goodhue be, and he is hereby elected Territorial Printer, for the Territory of Minnesota for the ensuing year.

Mr. Wilkinson offered the following resolution as a substitute.

Resolved, By the Legislative Assembly of the Territory of Minnesota, (the Council concurring,) that the Secretary of the Territory be authorized to contract on fair terms, for all the public printing authorized by law to be done for the Legislative Assembly; such as the laws, journals, bills and incidental

printing; and that he assign one half of said printing to the publishers of the Minnesota Chronicle and Register, and the other half to the publishers of the Minnesota Pioneer.

Message from the Council by J. R. Brown, Secretary.

MR. SPEAKER:—I have been directed by the Council to inform this House that Messrs. Norris and Loomis have been appointed by the Council to act in conjunction with the committee appointed by the House of Representatives for the purpose of drafting joint rules for the government of both Houses.

I have also been directed to inform you that the Rev. Mr. Boutwell has been elected Chaplain to the Council for the present session, and that James M. Goodhue has been selected to do the incidental printing for the Council at the present session. And then he withdrew.

Mr. Babcock moved that the whole question in regard to Territorial printing be laid on the table till to-morrow morning.

The yeas and nays being called for, it was decided in the negative.

Those who voted in the affirmative, are:—Messrs. Babcock, Brunson, Dewey, Johnson, Wilkinson and Furber, (Speaker,)—6.

Those who voted in the negative, are:—Messrs. Bailly, Black, Dugas, Holmes, Jackson, Pond, Setzer, Trask and Wells—9.

On motion, the House adjourned to 2 o'clock P. M.

2 O'CLOCK, P. M.

Mr. Jackson moved a call of the House, and the following members were reported absent: Messrs. Bailly, Brunson and Holmes.

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

The Sergeant-at-Arms reported the members present.

On motion of Mr. Jackson,

Ordered, That the committee on Rules have leave to report.

The committee on rules, by M. S. Wilkinson, their chairman, made the following report:

The committee who were instructed to report a set of rules for the government of the House, would ask leave to report so far as they have been able to perfect the same.

The Standing Committees of the House shall consist of three members each, and be as follows: On the Judiciary, on Internal Improvements, on Schools, on Territorial Affairs, on Militia, on Finances of the Territory, on Corporations, on Elections, on Agriculture and Manufactures, on Territorial Expenditures, on Legislative Expenditures, on Engrossed Bills, on Enrolled Bills, on Roads.

On motion of Mr. Black,

The report of the committee was accepted.

On motion of Mr. Bailly,

Ordered, That the unfinished business of the morning be taken up.

The question on the substitute of Mr. Wilkinson for Mr. Pond's resolution, was then put and disagreed to.

Mr. Babcock then offered the following resolution as a substitute for Mr. Pond's.

Resolved, By the House of Representatives of the Territory of Minnesota, (the Council concurring,) that all the public printing, of acts, laws, statutes, journals, &c., not already disposed of by law, shall, under the direction of the Secretary of said Territory, be given at fair and just prices, to the Minnesota Chronicle and Register, and the Minnesota Pioneer, in equal proportions:

The question being, shall the resolution pass; it was decided in the negative.

And the yeas and nays being desired, those who voted in affirmative, are: Messrs. Babcock, Brunson, Dewey, Johnson, Wilkinson and Furber, (Speaker,)—7.

Those who voted in the negative, are:—Messrs. Bailly, Black, Dugas, Holmes, Jackson, Pond, Setzer, Trask and Wells—9.

Mr. Wilkinson offered the following as a substitute:

Resolved, By the Legislative Assembly of the Territory of Minnesota, (the Council concurring,) that the Secretary of the Territory be authorized to contract for all the public printing which the law requires to be done, such as laws, journals, bills, and incidental printing, (except such as has already been legally disposed of,) and that he receive proposals for the same, and assign it to the lowest responsible bidder.

Mr. Jackson moved that it be laid on the table.

Which was agreed to.

And the yeas and nays being desired, those who voted in the affirmative, are:—Messrs. Bailly, Black, Dugas, Holmes, Pond, Setzer, Trask and Wells—8.

Those who voted in the negative, are:—Messrs. Babcock, Brunson, Dewey, Johnson, Wilkinson and Furber, (Speaker,)—6.

On motion, the House adjourned till to-morrow at 10 o'clock.

THURSDAY MORNING, 10 O'CLOCK A. M.

Prayer by the Rev. Mr. Hobart.

A quorum not being present, the Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

The Journal of yesterday was then read and corrected.

The Chief Clerk reported that he had made an arrangement with the Post Master of St. Paul, in conformity with a resolution of the 4th inst., and read the following letter:

I will keep a separate postage account with the members of the House of Representatives of Minnesota Territory, for all letters and papers to or from the members respectively, with the understanding that the amount of said postage account shall be paid by the Secretary of the Territory immediately after the Legislature adjourns.

J. W. BASS, P. M.

St. Paul, Sept. 5th, 1849.

Mr. Wilkinson gave notice of a motion for leave to introduce a bill for the relief of John Morgan, for taking the census.

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

Resolved, That the thanks of this House are due to Col. B. W. Bellows, for the able and impartial manner in which he has discharged the duties of Sergeant-at-Arms *pro tem.*, for this House.

Mr. Dewey offered the following:

Resolved, That the thanks of this House are due to J. P. Charles for the able and impartial manner in which he has discharged the duties of Assistant Clerk, *pro tem.*, for this House. Which was adopted.

Mr. Dugas introduced the following resolution:

Resolved, That the House order to be printed, for the use of its members, 500 copies of the Governor's Message in the French language.

Mr. Wilkinson moved to amend the resolution by adding "and two hundred in the German language."

Mr. Jackson moved to amend the amendment, by adding thereto the words, "and two hundred copies in the Norwegian language."

And the question being put on the adoption of Mr. Jackson's amendment, it was disagreed to.

Mr. Babcock moved to amend the original amendment, by striking out the words two hundred, and inserting in lieu thereof, the words "five hundred."

Agreed to.

The original resolution as amended, was then adopted.

Mr. Bailly introduced the following resolution,

Resolved, That the Chief Clerk of the House is hereby authorized to furnish for the use of the members of the House, sand, sand-boxes, paper folders, quills and pen-knives.

Mr. Jackson moved that said resolution be laid on the table. Agreed to.

Mr. Wilkinson, chairman of the committee appointed to prepare permanent rules for the government of the House during its present session, made the following report:

The committee appointed to present rules for the government of the House, would report the following rules:

STANDING RULES OF THE HOUSE.

DUTY OF THE SPEAKER.

1. He shall take the chair every day, precisely at the hour to which the House shall have adjourned on the preceeding day; shall immediately call the members to order, and on the appearance of a quorum shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum, speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members.

3. He shall rise to put a question; but may state it sitting.

4. Questions shall be distinctly put in this form, to-wit: "As many as are of opinion that, (as the question may be,) say *Aye*," and after the affirmative voice is expressed, "As many as are of the contrary opinion, say *No*." If the Speaker doubts, or a division be called for, the House shall divide. Those in the affirmative of the question, shall first rise in their seats; and, afterwards, those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment.

6. All committees shall be appointed by the Speaker, unless otherwise especially directed by the House.

7. In all cases where the House is equally divided, the Speaker shall give the casting vote; and shall also vote on a call of the ayes and noes.

8. All Acts, Addresses, and Joint Resolutions, shall be signed by the Speaker; and all Writs, Warrants, and Subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

9. In case of any disturbances, or disorderly conduct in the lobby, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

ORDER OF THE BUSINESS OF THE DAY.

10. After the Journal is read, the following order shall govern:

1st. Petitions or Remonstrances to be offered.

- 2d. Resolutions, and Notices to bring in Bills.
- 3d. Reports of Committees.
- 4th. Bills to be introduced, of which notice has been given.
- 5th. Messages and Communications on the Speaker's table.
- 6th. Bills and Resolutions ready for a second reading.
- 7th. Bills on their passage.
- 8th. Reports in possession of the House, which offer grounds for a Bill, are to be taken up, in order that the Bill may be ordered in.
- 9th. Bills or other matters before the House, and unfinished the preceding day.
- 10th. No business shall be taken up, out of the above order, without consent of two-thirds of the members present.

OF DECORUM AND DEBATE.

11. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

12. If any member, in speaking, or otherwise, transgress the Rules of the House, the Speaker shall, or any member may call to order; in which case, the member so called to order shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and if the case require it, he shall be liable to the censure of the House.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

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

15. Whilst the Speaker, is putting any Question, or addressing the House, none shall walk out of, or across, the House; or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the Chair.

16. No member shall vote on any question, in the event of which he is immediately and particularly interested; or in any case where he was not present when the question was put, unless the Speaker again state the question.

17. Upon a division and count of the House on any question, no member without the bar shall be counted.

18. Every member who shall be in the House when the question is put, shall give his vote, unless the House for special reason shall excuse him.

19. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

20. Every motion shall be reduced to writing, if the Speaker or any member desire it.

21. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House but may be withdrawn by leave of the House.

22. When a question is under debate, no motion shall be received but to

adjourn; to lie on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

23. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: "The Committee of the Whole House;" "A Standing Committee;" "A Select Committee."

24. A motion to adjourn shall always be in order, excepting when a member is speaking, or the House voting; that, and the motion to lie on the table, shall be decided without debate.

25. The previous question shall be in this form: "shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendment and further debate upon the main question.

26. On a previous question, there shall be no debate.

27. When a question is postponed indefinitely, it shall not be acted upon again during the session.

28. Any member may call for a division of the question, which shall be divided; if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House, a motion to strike out, being lost, shall preclude neither the amendment nor a motion to strike out and insert.

29. Motions and reports may be committed at the pleasure of the House.

30. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

31. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member in the majority, to move for the re-consideration thereof, on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

32. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof, shall verbally be made by the introducer, and shall not be debated or decided on, the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

33. A proposition, requesting information from the Governor, Secretary, or any other Territorial officer, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from Select Committees, and when adopted, the Clerk shall cause the same to be delivered.

34. Any five members, if the Speaker be in the chair, shall be authorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the ayes and nays on any question, the names of the members shall be called alphabetically.

36. No member shall absent himself from the service of the House without leave, unless he is sick or unable to attend.

37. Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over, and the Sergeant-at-Arms shall be directed by the Speaker to compel their attendance.

38. No committee shall sit during the sitting of the House without special leave.

39. Eleven members, including the Speaker, shall constitute a quorum, and, upon the demand of any member, the ayes and nays shall be ordered.

40. The hour to which this House shall stand adjourned from day to day, shall be 10 o'clock, A. M., and 2 o'clock, P. M., unless otherwise ordered by the House.

OF BILLS.

41. Every Bill shall be introduced by motion for leave, or by an order of the House on the report of a committee. One day's notice at least shall be given of the motion to bring in a bill.

42. Every bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in the order they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day without special order of the House.

43. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

44. Upon a second reading of a bill, the speaker shall state that it is ready for commitment or engrossment; and if committed, then the question shall be, whether to a Select or Standing Committee, or to a Committee of the Whole House. If to a Committee of the Whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of that committee have been read.

46. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

47. All bills ordered to be engrossed, shall be executed in a fair round hand.

48. No amendment, unless by way of rider, shall be received to any bill on its third reading, unless by unanimous consent of the House.

49. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEE OF THE WHOLE HOUSE.

50. In forming Committees of the Whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, and then again read and debated by clauses, leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it, be taken.

52. All amendments made to an original motion in committee, shall be incorporated with the motion and so reported.

53. All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in case of bills.

54. All questions, whether in committee or in the House, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

55. The rules of the House shall be observed in Committee of the Whole House, so far as they are applicable.

56. No standing rule or order of the House shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

57. No bill, memorial, or joint resolution, shall be printed unless ordered by the House.

58. When any matter is referred to a standing committee, by motion of any member, it shall be the duty of the chairman of the such standing committee to notify such member of their time of sitting upon such matter so referred; and said member shall be permitted to confer with such committee during their consideration of such matter.

59. The rules of Parliamentary practice comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with these rules, and the orders of the House, and the joint rules and orders of the Council and of the House of Representatives.

On motion of Mr. Trask,

The report was accepted and the committee discharged.

On motion of Mr. Pond,

The rules reported by the committee were adopted as the permanent rules of the House during its present session.

Mr. Brunson, of the committee to report Joint Rules for the government of the two Houses, made the following report:

The Joint Committee to prepare Joint Rules for the government of the two branches of the Legislature, beg leave to report that they have had the subject under consideration, and have agreed to the following rules.

JOINT RULES AND ORDERS OF THE TWO HOUSES.

1. In all cases of disagreement between the two Houses, if either House shall request a conference and to appoint a committee for that purpose, the other House shall appoint a similar committee, and such committee shall, at a convenient hour, to be agreed upon by their chairman, meet in the conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses, for or against the disagreements, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, or from the House of Representatives to the Council, it shall be announced at the door of the proper house by the door-keeper thereof, and shall be respectfully communicated to the chair by the person by whom it may be sent.

3. After a bill shall have passed both Houses, it shall be duly enrolled by one of the transcribing clerks, under the direction of the Secretary of the Council, or Chief Clerk of the House of Representatives, as the bill may have originated in one or the other House, before it shall be presented to the Governor for his approval.

4. When a bill is duly enrolled, it shall be examined by a joint committee

of two from each House, appointed for that purpose, who shall carefully compare the enrolled with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, and make their report forthwith to the respective Houses.

5. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Council.

6. After a bill shall have been thus signed in each House, it shall be presented by the said committee of enrolment to the Governor for his approval, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Chief Clerk of the House, or the Secretary of the Council, as the bill may have originated, in the one or the other House, and the said committee shall report the day of presentation to the Governor, which shall be entered on the Journal of each House.

7. All orders, resolutions, and votes which are to be presented to the Governor for his approval, shall also in the same manner be previously enrolled, examined, and signed, and then be presented in the same manner, and by the same committee, as is provided in the case of bills.

8. When a bill or resolution which shall have passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

9. When a bill or resolution which has been passed in one House, is rejected in the other, it shall not be again brought in during the same session without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

10. Each House shall transmit to the other all papers, on which any bill or resolution shall be founded.

11. After each House shall have adhered to their disagreement, a bill or resolution is lost.

12. Whenever any report of a joint committee or other document, shall be presented to both Houses of the Legislative Assembly, the House first acting on the same, if it shall be thought necessary to have it printed, shall order a sufficient number of copies for both branches, and shall immediately inform the other House of its action upon the subject.

13. Neither House shall adjourn during any session thereof, without the consent of the other, for a longer period than three days.

14. The committees of each House on Territorial Expenditures, on Enrolled Bills, or Legislative Expenses, shall act jointly.

15. When a bill, resolution, or memorial shall have passed either House, which requires the concurrence of the other, it shall be transmitted to said House without the necessity of entering an order on the journal of the House in which it passed, requesting the concurrence of the other House.

On motion of Mr. Pond,

The report was accepted, and the committee discharged.

On motion of Mr. Pond,

The rules reported by the committee were adopted.

Mr. Wilkinson, chairman of the committee to whom the petition of Harley D. White was referred, made the following report:

“Your committee, to whom was referred the petition of Harley D. White, beg leave to report that they have had the subject matter of said petition under consideration, and is of the opinion that the same requires further investigation, and would therefore beg leave to report the following resolution, and recommend its passage.

Resolved, That P. P. Bishop and B. W. Lott be appointed by this House,

and duly commissioned, to proceed forthwith to Wabashaw to take the testimony of such persons as may be brought before them, in all matters relating to the petition of Harley D. White, claiming his seat as a member of this House."

On motion of Mr. Babcock,

The report was accepted, and the committee discharged.

On motion of Mr. Babcock,

The report and resolution were adopted.

The Speaker announced the Standing Committees of the House for the present session. To wit:

On the Judiciary.—Messrs. M. S. Wilkinson, L. A. Babcock, T. A. Holmes.

On Internal Improvements.—Messrs. B. W. Brunson, S. Trask, J. J. Dewey.

On Schools.—Messrs. G. H. Pond, P. K. Johnson, H. N. Setzer.

On Territorial Affairs.—Messrs. Alexis Bailly, W. R. Marshall, Sylvanus Trask.

On the Militia.—Messrs. Henry Jackson, James Wells, G. H. Pond.

On Finance.—Messrs. M. S. Wilkinson, J. J. Dewey, S. Trask.

On Corporations.—Messrs. P. K. Johnson, G. H. Pond, M. Black.

On Elections.—Messrs. W. R. Marshall, H. Jackson, J. J. Dewey.

On Agriculture and Manufactures.—T. A. Holmes, H. N. Setzer, P. K. Johnson.

On Roads.—Messrs. M. Black, T. A. Holmes, Wm. Dugas.

Joint Committee on Territorial Expenditures.—Messrs. Alexis Bailly, L. A. Babcock, J. J. Dewey.

Joint Committee on Legislative Expenditures.—Messrs. L. A. Babcock, M. S. Wilkinson, A. Bailly.

Joint Committee on Enrolled Bills.—Messrs. W. R. Marshall, L. A. Babcock, B. W. Brunson.

On Engrossed Bills.—Messrs. B. W. Brunson, Sylvanus Trask, Mahlon Black,

On motion of Mr. Babcock,

Ordered, That fifty copies of the rules of the House, joint rules of the House and Council, and the standing and joint committees of the House and Council, be printed for the use of the House, and the same number to be placed in the office of the Secretary of the Territory.

On motion, the House adjourned till 2 o'clock P. M.

2 O'CLOCK P. M.

Mr. Jackson moved that the unfinished business of yesterday be now taken up.

Mr. Brunson asked a call of the House.

Messrs. Babcock, Bailly and Wilkinson, were reported absent.

The Sergeant-at-Arms reported the members in attendance.

The motion of Mr. Jackson was then put and carried.

On motion of Mr. Jackson,

Ordered, That the election of a Territorial printer be postponed till Tuesday, the 18th of September inst.

On motion of Mr. Jackson,

Leave of absence was granted to Mr. Pond until the 17th inst.

On motion of Mr. Brunson,

Leave of absence was granted to Mr. Wells during such time as may be necessarily occupied by the commissioners in taking testimony in relation to the contested seat between Mr. Wells and Mr. White.

On motion of Mr. Jackson, the House adjourned.

FRIDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Hobart.

The roll being called the following members were reported absent.

Messrs. Babcock, Bailly, Marshall, Pond, Russell and Wells.

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

The Sergeant-at-Arms reported the members in attendance.

The journal of yesterday was read and corrected.

Mr. Setzer presented a petition of E. Greely and seventy-two others, praying for a charter to construct a dam across Snake river, near the outlet of Cross Lake.

On motion of Mr. Jackson,

Ordered, That the reading of the petition be dispensed with, and that the petition be laid on the table for the present.

Mr. Jackson gave notice of a motion for leave to introduce a bill regulating grocery licenses, and also notice of a motion for leave to introduce a bill to prevent the sale of ardent spirits to Indians.

Mr. Wilkinson introduced the following resolution.

Resolved, By the Legislative Assembly of the Territory of Minnesota, (the Council concurring,) that the enacting clause to all acts of the Legislative Assembly shall be,

“Be it enacted by the Legislative Assembly of the Territory of Minnesota.”

Adopted.

Mr. Bailly introduced the following:

Resolved, That the Chief Clerk be requested to call on the Secretary for such stationery as has not yet been furnished to each member: disagreed to.

Mr. Babcock, on leave, introduced the following:

Resolved, That the Chief Clerk be ordered to subscribe for and furnish to each member of this House, thirty copies, (including the ten copies already authorized to be received,) of any weekly newspaper printed in this Territory; such papers to be designated by each member and laid upon their desks in a proper wrapper.

On motion of Mr. Jackson.

The words “Chief Clerk” were stricken out, and the word Messenger inserted.

The resolution as amended, was adopted.

Mr. Dugas gave notice of a motion for leave to introduce a bill for laying out a Territorial Road from St. Paul to Little Canada.

On motion of Mr. Babcock,

Leave of absence was granted to Mr. Bailly until the 17th inst.

On motion of Mr. Jackson.

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

 SATURDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Hobart.

A quorum not being present, the Speaker directed the Sergeant-at-Arms to notify the absent members to appear in their seats.

The journal of yesterday was then read.

Mr. Babcock offered the following resolution:

Resolved, That the Secretary of the Territory be requested to inform this House, whether he has furnished committee rooms for the Standing Commit-

tees of this House, and if not, that he be requested to do so, and inform the House as soon as convenient.

Adopted.

The Speaker announced to the House that the message of the Governor, is on the table.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole on the Governor's message, Mr. Wilkinson in the chair, and after some time spent therein, the committee rose, and by their chairman, reported progress and asked leave to sit again.

Leave was granted.

On motion of Mr. Setzer,

The petition of E. Greely and seventy-two others, praying for a charter to construct a dam across Snake River, near the outlet of Cross Lake, was taken up and referred to the following Select Committee:

Messrs. Jackson, Black and Brunson.

On motion of Mr. Jackson,

The House adjourned till Monday morning at 10 o'clock A. M.

MONDAY MORNING, 10 O'CLOCK.

Prayer by the Rev. Mr. Hobart.

A quorum not being present, the Speaker directed the Sergeant-at-Arms to notify the absentees to appear in their seats.

A quorum having met, the House proceeded to business.

The journal of Saturday was then read.

Mr. Jackson gave notice of a motion for leave to introduce a bill to incorporate the St. Paul and St. Anthony Plank Road Company; also, a bill concerning the lien of mechanics and laborers.

Mr. Brunson gave notice of a motion for leave to introduce a bill to provide for the election of a Librarian, and for other purposes.

Mr. Jackson, agreeably to previous notice, introduced No. 1, House of Representatives, a bill regulating grocery licences.

Read the first time.

On motion of Mr. Babcock, the House resolved itself into a committee of the whole on the Governor's message.

Mr. Babcock in the chair.

After some time passed therein the committee rose and passed the following resolutions; and asked leave to sit again.

Resolved, That so much of the Governor's message as refers to the revision of the Statutes and the adoption of a code of laws, and also that portion which refers to the re-enactment and distribution of the laws referring to justices of the peace, be referred to the committee on the judiciary.

Resolved, That so much as relates to the organization of the militia be referred to the committee on Militia.

Resolved, That so much as relates to the opening of a military road from Fort Snelling to the Missouri river, to a territorial road from Point Douglass to Lake Superior, and to a road from St. Paul to Crow Wing, be referred to the committee on Roads.

Resolved, That that much as relates to the formation of counties, judicial districts, and legislative districts, be referred to the committee on territorial affairs.

Resolved, That so much as relates to locating the seat of government be

referred to a select committee of seven; one from each council district, and that they report by bill or otherwise.

Resolved, That so much as refers to the adoption of seals for the Territory, be referred to the committee on territorial affairs.

Resolved, That so much as relates to memorializing Congress for an appropriation for the purpose of erecting a prison, be referred to the committee on expenditures.

Resolved, That so much as relates to the purchase of the Sioux country west of the Mississippi river, be referred to a select committee of three.

Resolved, That that part which refers to territorial officers be referred to the committee on territorial affairs, and that which relates to a territorial treasury, to the Committee on Finance.

Resolved, That so much as relates to the memorializing of Congress, asking the extension of the right of pre-emption to actual settlers on the public lands, be referred to a select Committee of three.

Resolved, That so much as relates to the improvement of rivers be referred to the Committee of Internal Improvements.

Resolved, That so much as relates to the memorializing of Congress for the removal of the Chippewas to their own country, be referred to the Committee on Territorial Affairs.

Resolved, That so much as relates to schools and school-lands, be referred to the Committee on Schools.

On motion of Mr. Setzer, the resolutions were read separately, and adopted.

The following select Committees were announced by the Speaker:

On locating the seat of Government — Messrs. Johnson, Wilkinson, Setzer, Wells, Marshall, Bailly and Babcock.

On Sioux Purchase — Messrs. Brunson, Holmes and Bailly.

On Pre-emption — Messrs. Jackson, Babcock and Trask.

On motion of Mr. Johnson, the House adj.

2 O'CLOCK, P. M.

A quorum not being present, the speaker directed the Sergeant-at-Arms to notify the absentees to appear in their seats.

A quorum having met, the House proceeded to business.

Mr. Jackson in the chair.

On motion of Mr. Babcock,

The House resolved itself into a Committee of the whole, on the Governor's message, and after some time spent therein, rose and reported the following resolutions:

Resolved, That so much of the Governor's message as relates to additional mail facilities be referred to the Committee on Territorial Affairs.

Resolved, That so much as relates to the sale of spirituous liquors, and also, that portion relating to its traffic among the Indians be referred to the Committee on Finance.

Resolved, That so much as relates to the time of holding the Supreme Court of the Territory, be referred to the Committee on the Judiciary.

Resolved, That so much as relates to the elections be referred to the Committee on Elections.

Resolved, That so much as relates to the taking of the census and the appointment for members of the next Legislative Assembly, be referred to the Committee on Territorial Affairs.

Resolved, That so much as relates to agriculture be referred to the Committee on Agriculture.

Resolved, That so much as relates to authorizing and requiring the Territorial Secretary or Librarian to subscribe for and preserve a copy of each newspaper published in the Territory, be referred to the Committee on Territorial Affairs.

The resolutions were then read severally and adopted, with the exception of that relating to agriculture.

On motion of Mr. Johnson,

The words, "the Committee on Agriculture," were stricken out, and the words, "a select Committee of three" inserted.

The following gentlemen were announced as said committee:

Messrs. Johnson, Dewey and Black.

On motion of Mr. Babcock,

The vote by which the resolution was adopted, was re-considered.

On motion of Mr. Jackson,

The vote by which the resolution was amended was re-considered.

On motion of Mr. Jackson, the resolution was so amended as to read "to the Committee on Agriculture and Manufactures."

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

Message from the Council by Joseph R. Brown, Secretary:

MR. SPEAKER: I have been directed by the Council to inform you that the committee on the part of the Council appointed to act in connection with a similar committee of the House of Representatives, did on the 5th of September, report Joint Rules for the government of the two Houses, which Rules were adopted by the Council as reported.

And then he withdrew.

On motion of Mr. Jackson, the House adjourned.

TUESDAY MORNING, 10 O'CLOCK.

Prayer by the Rev. Mr. Hobart.

Journal of yesterday was read and corrected.

Mr. Jackson gave notice of a motion for leave to introduce an amendment to the Rules, so as to make provision for the printing of bills, daily slips, &c.

Mr. Babcock gave notice of a motion for leave to introduce an amendment to the Rules, so as to require joint resolutions to take the same course through the House as bills.

Mr. Jackson introduced the following resolution:

Resolved, That the Chief Clerk be authorized and empowered to employ C. M. Berg, to draw a map of the county of St. Croix for the use of the Legislative Assembly, and that he be paid such sum as the Legislative Assembly may think proper for such services. Adopted.

Message from the Governor, by the Secretary of the Territory:

MR. SPEAKER: I have the honor to communicate to you a Message from the Governor.

Mr. Brunson introduced (No. 2, H. R.) "a bill to provide for the election of a Librarian and for other purposes.

On motion of Mr. Jackson,

Ordered, That it be read a first time by its title.

The following communication from McLean, Owens and Quay, in regard to printing the laws and journal, was then read.

ST. PAUL, September 11, 1849.

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

GENTLEMEN:—The undersigned printers and publishers of the Minnesota

Chronicle & Register, propose to publish the laws and journals, which may be enacted and ordered to be printed for the present session of the Legislative Assembly, at the following rates, to wit:

For the composition of the laws and journals, sixty-five cents per 1000 ems; for press work sixty cents per token, exclusive of the cost of paper.

Upon the supposition that the volume of laws will make 400 pages of the common size, and the journals of each House 400 pages, making 1200 pages in all, and that 1000 copies shall be printed of each volume, the paper at St. Paul will cost about \$400.

The whole expense, including paper, of these volumes will be about \$2200.

Should the number of papers be increased or diminished or the number of copies ordered, it will increase or lessen the expense in proportion.

McLEAN, OWENS, & QUAY.

Mr. Jackson moved that it be laid on the table.

Mr. Babcock moved to amend by inserting the words "and printed."

The amendment was accepted, and the question recurring on Mr. Jackson's motion as amended, it was carried.

The following message from the Governor was read.

To the Speaker of the House of Representatives of the Territory of Minnesota:

SIR:—From the returns made into the office of the Secretary of the Territory, of an election held in the several Precincts and Council Districts of the said Territory, on the first day of August last, it appeared that William Sturges was elected a Member of the House of Representatives, in the sixth Council District, and was accordingly declared to be elected to said House, in the proclamation of the 17th of August last. On the 29th day of August, I received a communication from Mr. Sturges, a copy of which is hereto attached, and at the same time I received the Memorial of citizens of said District, asking me to order an election to supply the vacancy thus created. Deeming it a matter of the highest importance to the interests of the people of that section of the Territory, that they should be fully represented in the Legislative Assembly at the earliest day, and knowing that my refusal to take the course requested by the people would involve much delay, on the 29th day of August last, I issued a proclamation, ordering an election in said District on the eighth day of September, instant, to supply the vacancy occasioned by the declination of William Sturges. The returns of this election were directed to be made to the office of the Secretary of the Territory on or before Tuesday, the eleventh of September, instant. I transmit herewith a copy of said petition and proclamation, &c., for the information of the House of Representatives.

Very Respectfully,

ALEXANDER RAMSEY.

Executive Chamber, St. Paul, September 11, 1849.

On motion of Mr. Brunson,

Ordered That it be laid on the table and printed.

Mr. Brunson moved that the vote by which said message was laid on the table and ordered to be printed, be reconsidered.

Agreed to.

On motion of Mr. Brunson,

Said message was then referred to the Committee on Elections.

On motion of Mr. Wilkinson,

The House adjourned.

WEDNESDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Hobart.

Mr. Setzer gave notice of a motion for leave to introduce a bill granting a

charter to Elam Greely and others, to construct and maintain a dam across Snake River, near the outlet of Cross Lake.

The committee to whom the petition of E. Greeley and others was referred, made the following report by Mr. Jackson, their chairman:

The committee to whom the petition of Elam Greely and others, was referred, have had the matter under consideration, and report as follows:

That the prayer of the petitioners should be granted.

On motion of Mr. Trask,

The report was accepted and the committee discharged.

Mr. Wilkinson, by consent, gave notice of a motion to introduce a bill concerning Justices of the Peace; also, a bill to provide for the revision of the Statutes, and the adoption of a code of Laws; also, a bill to provide for a territorial Revenue; also, a bill concerning Seals.

In pursuance of previous notice, Mr. Wilkinson asked, obtained leave, and introduced a bill, (No. 3, H. of R.) for the relief of John Morgan.

Which was read the first time.

The Speaker laid before the House the following communication from the Chief Clerk.

MR. SPEAKER: — In accordance with a resolution passed yesterday, I have made the following arrangement with Charles M. Berg, in relation to drafting a map of the county of St. Croix.

Yours, &c.

W. D. PHILLIPS.

I do hereby engage to draft a map of the county of St. Croix, Territory of Minnesota, upon a scale of six miles to the inch for the use of the House, for such reasonable compensation as the House may see fit hereafter to allow.

Respectfully,

CHAS. M. BERG.

On motion of Mr. Babcock,

Ordered, That it be received and entered on the journal.

No. 2, H. of R. a bill to provide for the election of a Librarian, and for other purposes,

Was then read the second time.

On motion of Mr. Wilkinson,

Ordered, That said bill be referred to a Select Committee of three, and that said committee be instructed to obtain the opinion of the Judges of the Supreme Court, whether said bill conflicts with the organic act.

Messrs. Wilkinson, Jackson and Babcock, were appointed said committee.

Mr. Jackson presented the petition of the Rev. C. Hobart, asking leave of absence two or more weeks; which, on motion of Mr. Babcock, was granted.

Mr. Jackson, by leave, gave notice of a motion for leave to introduce a bill to incorporate an Insurance company.

Mr. Johnson moved a call of the House, and the following members were reported absent:

Messrs. Bailly, Brunson, Jackson, Marshall, Pond, Russell, Wells and Wilkinson.

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

The Sergeant-at-Arms reported the Members present.

On motion of Mr. Babcock,

The House adjourned.

THURSDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Hobart.

The journal of yesterday was read.

Mr. Dugas presented the petition of William J. Lewis, to establish a ferry across the Mississippi river above the Falls of St. Anthony.

On motion of Mr. Trask.

It was read the first time by its title, and referred to the Committee on Internal Improvements.

The following resolution was introduced by Mr. Jackson:

Resolved, That the Chief Clerk of this House, be, and he is hereby authorized to order the printing of fifty numbers of every bill which may be ordered by the House, to be printed; and the same number of daily slips, and such other matter or things which may be necessary for the use of this House during its present session, and have them furnished to the members at their desks: which.

On motion of Mr. Babcock,

Was ordered to a second reading.

Mr. Babcock moved an amendment to said resolution, by striking out the words, "And such other matter or things which may be necessary."

Which amendment was accepted.

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

By Mr. Setzer:

Resolved, That a Select Committee of three be appointed to take into consideration the subject of public printing, to ascertain the price which would be a fair and equitable compensation for such printing, and to report thereon by bill or otherwise: which,

On motion of Mr. Wilkinson,

Was ordered to second reading, and,

On motion of Mr. Jackson,

Was adopted.

Messrs. Setzer, Brunson and Johnson were appointed said committee.

Pursuant to previous notice, Mr. Jackson asked, obtained leave, and introduced,

No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company: which,

On motion of Mr. Jackson,

Was read the first time by its title.

Pursuant to previous notice, Mr Setzer asked, obtained leave, and introduced,

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake River, near the outlet of Cross Lake: which,

On motion of Mr. Setzer,

Was read the first time by its title.

No. 1, H. of R. A bill regulating grocery licenses: and,

No. 3, H. of R. A bill for the relief of John Morgan,

Were severally read a second time.

On motion of Mr. Babcock,

No. 1, H. of R. A bill regulating grocery licenses,

Was referred to the Committee on Finance.

On motion of Mr. Jackson,

No. 3, H. of R. A bill for the relief of John Morgan,

Was referred to the Committee of the Whole, to be taken up to-morrow morning.

Pursuant to previous notice, Mr. Babcock moved that the Standing Rules of the House be amended, by adding an additional rule, viz:

Rule 61. That all Joint Rules shall take the same course as to their readings and printing as in the case of bills.

Which was concurred in.

Mr. Wilkinson moved, that the Speaker be requested to instruct the Mes-

senger of this House, to assist the Standing Committees, of this House, and while the Messenger is so employed, the Fireman be directed to discharge the duties of Messenger.

Agreed to.

On motion of Mr. Wilkinson,
The House adjourned.

FRIDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read.

Mr. Babcock moved that the Clerk of the House be instructed to have printed, 50 copies of the daily journals of the House: agreed to.

Mr. Jackson gave notice of a motion for leave to introduce a bill to suppress the circulation of bank notes below certain denominations.

Also, a notice to introduce a bill to provide for the construction of a bridge across Rum River, at or near its mouth in St. Croix county.

In pursuance of previous notice.

Mr. Jackson asked, obtained leave, and introduced,

No. 6, H. of R. A bill to incorporate the Minnesota Insurance and Trust Company.

Which was read the first time by its title.

Mr. Jackson moved that the bill be printed: disagreed to.

A division was then taken on agreeing to the motion of Mr. Jackson, and decided in the negative.—Ayes, 4, noes 6.

Mr. Jackson presented the credentials of Wm. R. Marshall, member elect from the Fifth District, who was sworn in by the Hon. David Cooper, and admitted to his seat.

The report of the commissioners relative to the contested seat between Messrs. White and Wells, was then read. (*See appendix.*)

On motion of Mr. Jackson,

The report was referred to the Committee on elections, with instructions to take any further testimony which may be necessary, and report next Tuesday morning.

No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company.

Was read a second time, and,

On motion of Mr. Setzer,

Said bill was referred to the Committee on Corporations.

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake River, near the outlet of Cross Lake,

Was read a second time, and,

On motion of Mr. Wilkinson,

Was referred to the Committee on Corporations.

No. 3, H. of R. A bill for the relief of John Morgan:

On motion of Mr. Wilkinson,

The House resolved itself into the Committee of the Whole on said bill,

Mr. Brunson in the chair,

And after some time spent therein, rose and reported the bill back to the House without amendment.

On motion of Mr. Jackson,

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

Mr. Brunson offered the following resolution:

Resolved, That the Rev. Mr. Gear be allowed the use of this House on the next Sabbath, for the purpose of Divine Service: adopted.

Also a resolution, authorizing the Chief Clerk to employ C. M. Berg to draft a map of this Territory, for the use of this House: which,

On motion of Mr Jackson,

Was laid on the table,

And a division being called for, there were—ayes 9, noes not counted.

Mr. Babcock moved, that the Chief Clerk of this House, be ordered to procure for the use of the House, a copy of Nicolet's Map.

Mr. Jackson moved an amendment, provided it can be obtained in St. Paul. Adopted.

A division being called for, there were—ayes 7, noes 5.

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

Mr. Brunson, Chairman of the Committee on Internal Improvements, reported the following memorial, viz:

A memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony.

On motion of Mr. Setzer,

Said report was accepted, committee discharged from its further consideration, and the memorial read a first time by its title.

On motion of Mr. Trask,

Leave of absence was granted to Mr. Wilkinson until Monday morning.

On motion of Mr. Brunson,

The House adjourned.

SATURDAY MORNING, 10 O'CLOCK.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read.

Mr. Babcock offered the following resolution,

Whereas, It seems to be a well settled principle (in the minds of a majority of the members of this House,) that the Territory of Minnesota is unable to purchase a map of this Territory for the use of this House, Therefore,

Resolved, That the Chief Clerk be ordered to wait on C. M. Berg, and request him to loan a map of Minnesota Territory to this House, for the use of the members thereof, during the present session.

Mr. Dewey moved that it be read a second time.

Which motion was disagreed to.

Mr. Johnson, chairman of the Committee on Corporations, to which was referred,

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake River, near the outlet of Cross Lake, by leave, reported the same without amendment.

Mr. Brunson, from the Committee on Engrossed Bills, reported,

No. 3, H. of R. A bill for the relief of John Morgan, Truly engrossed.

In pursuance of previous notice, Mr. Jackson, asked, obtained leave, and introduced,

No. 7, H. of R. A bill to suppress the circulation of Bank Notes below certain denominations.

Which was read the first time by its title.

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c.

On motion of Mr. Jackson,

Ordered, That said bill be recommitted to the Committee of the Whole.
The Speaker announced a quorum not in attendance.

Mr. Jackson moved a call of the House.

The following members were reported absent:

Messrs. Black, Brunson and Trask.

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

The House then resolved itself into a Committee of the Whole, on said bill, Mr. Jackson in the chair, and after some time passed therein, rose, and by their chairman, reported progress, and asked leave to sit again. Leave was granted.

No. 6, H. of R. A bill to incorporate the Minnesota Insurance and Trust Company,

Was read a second time, and,

On motion of Mr. Jackson,

Referred to the Committee on Corporations.

Message from the Council, by Joseph R. Brown, their Secretary.

MR. SPEAKER:—I have been instructed to inform the House of Representatives, that the Council have concurred in joint resolution,

No. 1, H. of R., relative to the enacting clause of bills, with amendments.

Also, that the Council have passed joint resolution, entitled:

C. file No. 1, "joint resolution authorizing the Secretary of the Territory to subscribe for certain papers, and for other purposes."

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

And then he withdrew.

No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi river, above the Falls of St. Anthony;

On motion of Mr. Jackson,

Was read a second time by its title, and referred to the Committee of the Whole, to be taken up on Monday morning, Sept. 17th.

No. 3, H. of R. A bill for the relief of John Morgan,

Was then read a third time, and the question being stated, "Shall the bill pass?"

It was decided in the affirmative.

On motion of Mr. Jackson,

The House adjourned.

MONDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read.

Petitions were presented and referred, as follows:

By Mr. Wilkinson,

A remonstrance of citizens of St. Croix county, against the bill granting a charter to Elam Greely, &c., to construct a dam across Snake river, near the outlet of Cross Lake.

Which was referred to the Committee of the Whole.

By Mr. Jackson,

A petition of Stanislaus Belinski, praying to be divorced from his wife, Mary Belinski.

Which was referred to a select committee, consisting of Messrs. Jackson, Setzer and Holmes.

Pursuant to previous notice, Mr. Jackson introduced,

No. 8, H. of R. A bill to provide for the construction of a bridge across Rum river, in the county of St. Croix.

Which was read a first time by its title.

No. 1, H. of R. A joint resolution relative to the enacting clause of bills, &c.

Was returned from the Council with amendments, which amendments were concurred in.

No. 1, C. F. A joint resolution authorizing the Secretary of the Territory to subscribe for certain newspapers, and for other purposes,

Was read a first time.

No. 7, H. of R. A bill to suppress the circulation of bank notes below certain denominations,

Was read a second time; and,

On motion of Mr. Wilkinson,

Ordered, That it be referred to the Committee of the Whole House, to be taken up on next Thursday morning.

On motion of Mr. Jackson,

The House resolved itself into the Committee of the Whole for the consideration of

No. 1, H. of R. A memorial to Congress for the improvement of the Mississippi river above the Falls of St. Anthony.

Mr. Babcock in the chair.

And after some time spent therein, rose, and by their chairman reported the same back to the House without amendment.

On motion of Mr. Jackson,

Ordered, That said memorial lie on the table and be printed.

A message from the Council, by J. R. Brown, their Secretary:

MR. SPEAKER:—The Council have passed a resolution, as follows, viz:—A joint resolution for a joint Committee to fix a plan of operation relative to Legislation.

On motion of Mr. Trask,

The message of the Council was then taken up, and the joint resolution was read the first time.

On motion of Mr. Wilkinson,

The rules were suspended and the resolution read the second time.

On motion of Mr. Jackson,

The rules were again suspended, and the resolution read the third time, passed, and the title thereof agreed to.

On motion of Mr. Setzer,

The House resolved itself into the Committee of the Whole, for the consideration of,

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake River, near the outlet of Cross Lake.

Mr. Bailly in the chair.

And after some time spent therein, the committee rose, and, by their chairman, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Jackson,

The House adjourned.

TUESDAY MORNING, 10 O'CLOCK.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read.

Messrs. Babcock and Trask were appointed a select committee on the part of the House to act in conjunction with a similar committee on the part of the Council, to fix a plan of operation relative to Legislation.

Mr. Babcock gave notice of a motion for leave to introduce a bill to divide the Territory of Minnesota, into counties, and for other purposes; also,

A bill to divide said Territory into Judicial Districts.

Mr. Jackson, of the select committee to which was referred the petition of Stanislaus Bilanski, praying to be divorced from his wife, Mary Bilanski, asked leave to report by bill.

Leave was granted.

No. 9, H. of R. A bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski was read the first time.

Mr. Marshall, from the Committee on Elections, to which had been referred the report of the Commissioners, and other papers relative to the contested seat between Mr. White and Mr. Wells, submitted the following report:

The Committee on Elections, to which was referred the report of Commissioners on contested seat between White and Wells, have had the same under consideration, and submit the following report:

From the evidence before the committee, it appears, that at the election held at the house of Augustine Rock, in the first Council District, there were thirty-three votes cast, James Wells receiving the whole number for member of the House of Representatives. It further appears that six of the above thirty-three votes were given by the following named persons, viz: Bernard Smith, Wm. Smothers, Edward Beers, Henry E. Baldwin, Abner Beers, and William Cheesbro, who were not legally qualified electors. That therefore, James Wells received but twenty-seven legal votes. It further appears, by the certified return of an election held at the house of Joseph W. Furber, in the aforesaid Council District, that Harly D. White received twenty-nine votes, being a majority of two votes over James Wells.

The committee, therefore, respectfully submit the following resolutions.

Resolved, That James Wells is not entitled to a seat in this House.

Resolved, That Harly D. White is entitled to a seat in this House.

WM. R. MARSHALL, Chairman.

JOHN J. DEWEY.

The report was read, and

On motion of Mr. Jackson,

Ordered, That it lie on the table till to-morrow morning.

No. 8, H. of R. A bill to provide for the construction of a bridge across Rum River, in the county of St. Croix, was read the second time, and,

On motion of Mr. Setzer,

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

On motion of Mr. Setzer,

The House resolved itself into the Committee of the Whole, on No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c.,

Mr. Wilkinson in the chair,

And after some time passed therein, rose and reported the same back to the House with amendments.

The Speaker resumed the chair, and the House proceeded to the consideration of the amendments to said bill,

And the question being on the first amendment, it was agreed to.

And the ayes and nays having been called for, those who voted in the affirmative, are Messrs. Black, Brunson, Dugas, Holmes, Jackson, Johnson, Marshall, Setzer, Trask and Wells—10.

Those in the negative, are, Messrs. Babcock, Bailly, Dewey, Pond, Wilkinson and Furber, (Speaker)—6.

The second amendment was then adopted.

The question then being on the 3d amendment, and the ayes and nays being called for, the amendment was adopted.

Those who voted in the affirmative, are, Messrs. Babcock Bailly, Black, Brunson, Dewey, Dugas, Jackson, Johnson, Marshall, Pond, Setzer and Wells—12.

Those in the negative, are, Messrs. Holmes, Trask, Wilkinson, and Furber, (Speaker)—4.

Mr. Babcock offered the following amendment:

Be it further enacted,

That the said Elam Greely, his heirs, executors, administrators, or assigns, shall pay annually into the treasury of the Territory of Minnesota, the sum of two cents on each thousand feet of lumber passing through said dam, and account to the proper officers, under oath, for the amount of lumber passing through said dam.

Mr. Setzer moved to amend the amendment, by striking out the words, "two cents," and inserting the words one cent.

The amendment was accepted, and the question recurring on the amendment as amended, it was disagreed to.

Mr. Babcock then offered the following amendment:

"Nothing herein contained, shall prevent any future Legislature from, at any time altering, amending or repealing the same."

Mr. Brunson offered the following amendment to the amendment:

After the word same, add the following words—"after the lapse of six years."

And the question being put,

Will the House agree to the amendment, it was adopted.

And the ayes and nays being called for, those who voted in the affirmative, are, Messrs. Bailly, Black, Brunson, Dugas, Holmes, Jackson, Johnson, Marshall, Setzer, Trask, Wells—11.

In the negative, Messrs. Babcock, Dewey, Pond, Wilkinson and Furber, (Speaker,)—5.

The question recurring on Mr. Babcock's amendment as amended, it was disagreed to.

On motion of Mr. Trask,

Ordered, That said bill lie on the table and be printed, to be taken up on Friday next.

Mr. Jackson presented the certificate of Mr. Morrison, member elect from the Sixth District, who was sworn in and took his seat.

On motion of Mr. Brunson, the House adjourned.

2 O'CLOCK, P. M.

No. 3, H. of R. A resolution providing for the election of a Territorial printer, was taken up.

On motion of Mr. Setzer,

Ordered, That the consideration of the resolution be indefinitely postponed.

On motion of Mr. Trask,

The House resolved itself into the Committee of the Whole, on No. 1, C. F. A joint resolution, authorizing the Secretary of the Territory to subscribe for certain newspapers, and for other purposes,

Mr. Brunson in the chair, and after some time spent therein, the committee rose, and by their chairman, reported the same back to the House with an amendment.

The question then recurred on agreeing to the amendment of the Committee of the Whole, and having been put, it was decided in the affirmative.

And the yeas and nays being called for, those who voted in the affirmative,

are, Messrs. Brunson, Johnson, Marshall, Setzer, Trask, Wells, Wilkinson, Morrison and Furber, (Speaker,)—9.

Those who voted in the negative, are, Messrs. Babcock, Bailly, Dewey, Holmes and Pond—5.

Mr. Marshall moved to amend the amendment agreed upon by the Committee of the Whole, by striking out all after the word copy, and insert in lieu thereof, "of each and every newspaper that may be published in this Territory, beginning with the first number of such papers, and have the same bound and preserved in the Territorial Library."

Which amendment was agreed to.

On motion of Mr. Trask,

Ordered, That the resolution as amended, be read a third time to-morrow.

On motion of Mr. Wilkinson, the House adjourned.

WEDNESDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read.

Message from the Council by Joseph R. Brown, their Secretary:

MR. SPEAKER:—I have been instructed to inform this House that the Council has concurred in the bill of this House, entitled, "A bill for the relief of John Morgan," with amendments, in which the concurrence of the House of Representatives is requested.

I have also been instructed to return to this House documents explanatory of said bill.

Then he withdrew.

Mr. Bailly gave notice of a motion for leave to introduce a bill to provide for laying out and opening Territorial roads, and for other purposes.

Mr. Jackson from the Committee on Elections, to which had been referred the report of the commissioners and other papers relative to the contested seat between Mr. White and Mr. Wells, asked leave to submit a minority Report.

The Report was read.

The minority of the Committee to whom was referred the case of the contested election between Harley D. White, contestant, and James Wells, the certified member, claiming a seat in this House, dissenting from the views of the majority, ask leave to make the following Report.

It appears from the evidence placed before the Committee, that the votes cast for James Wells, the legality of which are unquestionable, and on the reception or rejection of which the case depends, are those of Bernard Smith, William Smothers, Edward Beers, Henry E. Baldwin, Abner Beers, and W. Cheesbro. That counting the votes above named, James Wells received thirty-three votes, while rejecting them, he would only have received twenty-seven, while Harley D. White appears to have received twenty-nine votes.

From the evidence of Charles R. Reed, before the commissioners appointed to take the testimony in the case now under consideration, it appears that Bernard Smith, one of the voters above named, came into the employment of the witness in the territory of Minnesota, with his family, about the middle of July, 1848, and remained about a month at that time. That in the early part of March last (witness cannot tell on what day) he came into his employment again, and remained about six weeks, and that witness had often heard said Smith say that he intended to reside in the Territory.

That during the past summer, Smith had spent most of his time within the

Territory, and that from what he said, witness was induced to believe he intended to return to it.

William Whitmarsh, another witness, testified that Smith's family and all his household were moved here (viz.: Wabashaw) last spring, but does not know whether or not he was a resident there on the 3rd of March last; when he left he said he was going to Germany, to bring eight or ten families out with him to settle in Minnesota, in this precinct.

Frances Lapoint and Joseph Bisson, both testified to the fact of Smith's residing in Minnesota last spring, in March; but cannot swear whether he was in the Territory before or after the 3rd of March.

Oliver Cratt testifies that Smith came over to his house, on the west side of the river, about the last of February, and told him he was going to work for Charles R. Reed, also a resident of the west side.

From this testimony it would appear, that whether or not Mr. Smith was actually in the Territory at the time of the passage of the organic act, he was clearly a resident thereof. A residence in a place does not necessarily imply constant and incessant presence in it. The place of a man's residence is where he makes his permanent home; his avocation and business may call him away from his residence for three-fourths of his time, without his losing such residence. Were the organic law so constructed, that no one could be a voter, except they were actually within the limits of the Territory on the 3rd of March, our Delegate himself must have been debarred the privilege of voting at the first election.

The testimony of Mr. Reed as to Mr. Smith's residence in the territory and his *animus remanendi* seems to the undersigned conclusive as to his right to vote.

In the case of the other voters, whose right of franchise is questioned, the undersigned is equally impressed with the conviction that their right of voting could not be impeached.

Louis Rock testifies that Edward Beers resided at his house, on the west side of the Mississippi river, during part of the summer of 1848. In answer to the question which place did he claim as his residence, the witness says, his home was with me: that he spent more of his time on the west than on the east side of the river; that when he left deponent's house, it was with the intention of returning in September next; and that he left with deponent his personal property; that he had his washing done at deponent's house, at the 3rd of March last, but worked on the Chippewa river, Wisconsin.

The same witness says that Abner Beers had his washing done at his house at the 3rd of March last, and before and after; that for a year past, his bed and other property, were left at witness' house; and of both Abner and Edward Beers, the witness testifies that they were courting girls on the west side of the river, with the intention of marrying and settling there.

William Whitmarsh, another witness of the same precinct, testifies that William Cheesbro very frequently stopped in that precinct, and made his home there. Witness does not know positively that he was there on the 3rd of March last, but he was about here very often last spring. He stored provisions and kept his clothes here.

The same witness says Henry E. Baldwin was a resident in his precinct in the summer of 1848, and remained there all that year; does not know whether he considered himself a resident of Wisconsin or Minnesota: he is now gone below, and has left some of his property in witness' possession; his business is logging, and part of the time he has been running logs on the Wisconsin side.

William Smothers, a witness, and also one of those whose votes are sought to be set aside, testifies, that he first came to the precinct on the west side of

the Mississippi, during the summer of 1848. That he was one month there in the employ of Charles R. Reed; afterwards went over to the Wisconsin side, and worked for different persons.

To the question,

Did you consider this your home during the time you were on the other side?

The witness answers: I considered this my home then and ever shall. Witness had his clothes, bedding, &c., on the west side of the river on the 3rd of March last.

Charles R. Reed being recalled, says that Baldwin made it his home in this precinct more or less during two years last past, and it is his intention to become a citizen of the Territory; witness further says that Smothers has resided there one year, and it is his intention to become a citizen as soon as the Half Breed tract is purchased by government; witness further states that Cheesbro has a barrel of pork, and a box of goods in store with witness, which is all the property witness knows of his possessing any where.

To the question,

Has any person a right to take a claim here, or make himself a home here without permission from the inhabitants? Witness answers: I believe no white person has that right.

Frances Lapoint testifies that Baldwin's home is at Wild Cat, about 2 miles below Root river, on the west side of the Mississippi river.

David Webster, one of the Judges for the Wabashaw precinct, says that the six voters referred to all voted at that precinct, and none of their votes were challenged. From my acquaintance with them, and my knowledge that they had resided on this side of the river during the spring and summer, I supposed them to be legal voters, and therefore thought it my duty as Judge, to receive their six votes.

The undersigned does not consider it necessary to incorporate in his report any more of the testimony taken before the Commissioners. He has merely adverted to a few points which have influenced him in the conclusion at which he has arrived. The tenor of all the testimony seems to be that these six voters are men variously engaged in the lumber business or some mechanical pursuits; and who making their home and residence on the west side of the river, worked occasionally on the other side, or engaged in rafting on the river.

The evidence of Charles R. Reed is distinct on a point which must be familiar to most of the members of this House. That no white person has the right to take a claim or make himself a house on the half breed tract, without permission from the inhabitants. Under these circumstances, how can a residence be proved by other facts than those brought before the Committee.— These voters had no houses at Wabashaw, because from the circumstance of the case they could not have. They boarded and lodged, however, with those who had residences; and in all their excursions in search of work, they invariably left their personal property and had all their washing done there. The principle that no one can cross the river to engage in a temporary business, without losing his residence in the Territory, is one that can hardly be seriously urged before this House. The organic law provides that every free white male inhabitant, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act shall be entitled to vote at the first election, &c. If this should be so construed as to require the actual presence of the voters, or the candidate for office on the third of March, several members of this House, and also the other branch of our Territorial legislature, would have no rights to their seats; such a view of the 5th section of the organic act, however, cannot be maintained; residence in its general sense is all that can be required.

The only testimony which, to the undersigned, seems to bear against the 6 voters, is that of Edwin Morse, who would appear from the last clause in his evidence, not to have been without prejudice. A witness who is too willing, is often more dangerous to the cause he is brought forward to support, than one who is too reluctant. In the paragraph referred to, Mr. Morse says at the time of the late election, great exertions were used by the friends of Mr. Wells to get as many as possible to vote at the polls, whether they were legal voters or not. This remark seems to the undersigned, to indicate too much feeling, in a light of a sweeping illustration, and not sufficiently restrained by any facts shown in evidence.

Guided by the views above set forth, and by the testimony taken before the Commissioners, the undersigned submits and recommends the passage of the following resolution:

Resolved, That James Wells is entitled to retain his seat as a Member of the House of Representatives of the Territory of Minnesota.

H. JACKSON.

On motion of Mr. Wilkinson.

Ordered, That the majority and minority reports of the Committee on Elections be accepted and committee discharged.

Mr. Johnson, chairman of the Select Committee to which was referred that portion of the Governor's Message relative to the location of the seat of government, submitted the following report.

The Select Committee to whom was referred so much of the Governor's Message as relates to the establishment of the seat of Government, would beg leave to report that we have had the subject matter of the same under consideration and after carefully and maturely deliberating, have come to the following conclusions:

That it is inexpedient for the present session of the Legislative Assembly to provide for the permanent location of the capital by the people.

And your Committee would further ask leave to report that the town of Saint Paul, in the Territory of Minnesota, is the most eligible place for the temporary location of said seat of government.

All of which is respectfully submitted.

P. K. JOHNSON, Chairman.

ALEX. BAILEY.

H. M. SETZER.

JAMES WELLS.

M. S. WILKINSON.

The report was read.

On motion of Mr. Jackson.

Ordered, That the reports relative to contested seat be made the special order of the day, to be taken up after the morning business is disposed of.

Mr. Wilkinson, chairman of the Select Committee to which was referred, [No. 2 H. of R.] A bill to provide for the election of a Librarian, asked leave to submit the following report.

The committee to whom was referred a bill to provide for the election of a Librarian and the other purposes, with instructions to request the Judges of the Supreme Court to give their opinions as to whether the said bill conformed with the organic act of this Territory, and respectfully report that they have arded to the said judges or two of them, one being absent from the Territory, and have been favored with the annexed opinion, upon the points submitted to them by your Committee.

Your committee would further state that if they had had any doubts as relation to the power of the Legislative Assembly to elect a Librarian under the organic act of this Territory, they had not only the opinions of the Judges who

is hereto annexed, would have removed all doubt in relation to such election.

Your committee are of the opinion that the Governor alone has the power to appoint the Librarian: We would, therefore, report the said bill back to the House with the following amendments. Strike out the first section and insert in lieu thereof the following:

§ 1. That the Governor shall nominate, and by and with the advice and consent of the Council, appoint a librarian, who shall take the oath of office, and shall also give bonds to the treasurer of the Territory, in the sum of one thousand dollars, for the faithful performance of his duties, and whose term of service shall continue two years, unless sooner removed by the Governor, or until another be appointed.

§ 9. After the word for, in the first line of said section, insert the words "the use of"; and also in the said section, in the line next to the last, strike out the word access, and insert use.

Said report was read; and,

On motion of Mr. Trask,

The report was accepted, and the committee discharged.

Mr. Brunson, chairman of the Committee on Internal Improvements, to which was referred No. 8, H. of R. A bill to provide for the construction of a bridge across Rum River,

Submitted the following report:

The Committee on Internal Improvements, to whom was referred a bill for the construction of a bridge across Rum River, beg leave to report, that they have had the same under consideration, and are of opinion that said bill shall not be passed.

BENJ. W. BRUNSON, Chairman.
JOHN J. DEWEY,
SYLVANUS TRASK.

The report was read; and,

On motion of Mr. Pond,

Was accepted, and the committee discharged.

Mr. Bailly, of the Select Committee to which was referred so much of the Governor's Message as relates to the removal of the Chippewa Indians from the ceded lands within the Territory of Minnesota, reported,

No. 2, H. of R. A joint resolution relative to the removal of the Chippewa Indians from the ceded lands within the Territory of Minnesota,

Was read a first time.

On motion of Mr. Babcock,

Ordered, That No. 2, H. of R. A bill to provide for the election of a Librarian, be now taken up,

And the question being on the first amendment to the bill reported by the Select Committee,

Mr. Brunson moved to amend the first amendment by striking out "two years," and insert in lieu thereof, "one year;" agreed to.

The question then recurring on agreeing to the first amendment as amended, and having been put, it was decided in the affirmative.

The question was then put on agreeing to the second amendment, and it was decided in the affirmative.

Mr. Bailly moved to amend the third amendment, by inserting the words "access and use;" agreed to.

The question was then put on agreeing to the third amendment as amended, and it was decided in the affirmative.

Mr. Brunson moved to amend the 9th section, by striking out the word 'five' in the 8th line, and inserting the word six; adopted.

On motion of Mr. Setzer,

Ordered, That the bill be re-committed to the Committee of the whole House, to be taken up on Saturday next.

That portion of the message from the Council, relating to No. 3, H. of R. A bill for the relief of John Morgan, was then taken up.

The question being put on concurring in the first amendment of the Council to said bill, it was decided in the affirmative.

And the question was then put on concurring in the second amendment of the Council to the bill, and decided in the affirmative.

A division being called for,

There were yeas—7; nays—6.

The question being on a re-consideration of the vote on said second amendment,

Mr. Babcock asked to be excused from voting.

Mr. Trask moved that Mr. Babcock be excused; disagreed to.

The question then recurred on the motion to re-consider the vote on concurring on the second amendment of the Council, and the question being put, it was decided in the negative.

No. 9, H. of R. A bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski, was read a second time.

On motion of Mr. Jackson,

Ordered, That said bill be referred to a select committee of three, with power to take testimony in the case.

Messrs. Jackson, Pond and Black were appointed said committee.

No. 1, C. F. A joint resolution authorizing the Secretary of the Territory to subscribe for certain newspapers and other purposes, was read a third time, passed, and the title agreed to.

Mr. Wilkinson moved that the parties contesting a seat in this House, be allowed to appear before the House by counsel, or otherwise; agreed to.

On motion of Mr. Wilkinson, the House adjourned.

2 O'CLOCK P. M.

Mr. Babcock moved that the parties interested in the question of contested seat, Mr. White and Mr. Wells, be now heard, by counsel or otherwise, adopted.

On motion of Mr. Brunson,

The resolutions reported by the majority of the committee, and the depositions in the case were then read.

Mr. Bailly moved that the House adjourn; disagreed to.

And a division being called for, there were, yeas—7; nays—8.

On motion of Mr. Pond, the House adjourned.

THURSDAY MORNING, 10 O'CLOCK.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read and corrected.

Mr. Wilkinson gave notice of a motion for leave to introduce the following bills, viz:

A bill concerning the Supreme and District Courts.

A bill concerning Courts of Record.

A bill to prescribe the mode of proceedings in Chancery.

A bill to prevent the taking and carrying away, or converting of lumber, and for other purposes.

Mr. Brunson offered the following resolution:

Resolved, That the Secretary of the Territory be, and he is hereby requested, to furnish this House with an authenticated copy of the election returns of the First Council District. (*See appendix.*) Adopted.

No. 8, H. of R. A bill to provide for the construction of a bridge across Rum River, in the County of St. Croix, was,

On motion of Mr. Jackson,

Laid on the table till to-morrow.

Message from the Council, by J. R. Brown, their Secretary;

MR. SPEAKER:—The Council have passed,

No. 1, C. F. A bill to authorize the printing of certain laws in the several newspapers of the Territory,

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

And then he withdrew.

No. 2, H. of R. Joint resolution relative to the removal of the Chippewa Indians from the ceded lands within the Territory of Minnesota,

Was read the second time.

Mr. Wilkinson moved that it be engrossed and read the third time to-morrow.

Mr. Jackson moved to amend the motion of Mr. Wilkinson, by striking out all after the word 'moved,' and insert the words, 'that it be laid on the table;' disagreed to.

The question then recurring on the motion of Mr. Wilkinson, and the yeas and nays having been called for, those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black, Brunson, Dewey, Dugas, Holmes, Jackson, Marshall, Morrison, Pond, Wilkinson and Furber, (Speaker,)—13.

Those who voted in the negative, are, Messrs. Setzer, Trask and Wells—3

No. 7, H. of R. A bill to suppress the circulation of Bank Notes below certain denominations.

Mr. Babcock moved that the House resolve itself into the Committee of the Whole, on said bill; disagreed to.

The yeas and nays being called for, those who voted in the affirmative, are, Messrs. Babcock, Black, Brunson, Marshall and Furber, (Speaker,)—5.

Those in the negative are, Messrs. Bailly, Dewey, Dugas, Holmes, Jackson, Morrison, Pond, Setzer, Trask, Wells and Wilkinson—11.

On motion of Mr. Trask,

Ordered, That said bill lie on the table, to be taken up on Saturday next.

Mr. Bailly moved, that hereafter all bills introduced into the House be, and they are hereby ordered to be printed after their first reading; adopted.

The yeas and nays being called for, those who voted in the affirmative, are, Messrs. Bailly, Black, Dugas, Holmes, Jackson, Johnson, Morrison, Pond, Setzer, Trask and Wells—11.

Those in the negative, are, Messrs. Babcock, Brunson, Dewey, Marshall, Wilkinson and Furber, (Speaker)—6.

On motion of Mr. Trask,

The House proceeded to the consideration of the resolutions of the majority of the committee on the contested seat between Messrs. White and Wells; and after some time passed in consideration thereof,

On motion of Mr. Marshall, the House adjourned.

2 O'CLOCK, P. M.

Mr. Trask moved that the unfinished business of the morning be now taken up; agreed to.

Mr. Brunson moved a call of the House.

And Mr. Wilkinson was reported absent, and the Sergeant-at-Arms sent to notify him that his attendance was required in the House.

The Sergeant-at-Arms reported the member in attendance.

The unfinished business of the morning being the adoption of the resolutions reported by the Committee on Elections, to which was referred the report of the Commissioners relative to the contested seat between Messrs. White and Wells, was then taken up.

Mr. Wilkinson asked for leave of absence a few minutes.

On motion of Mr. Bailly,

The House granted leave for fifteen minutes.

Pending the consideration of the unfinished business of the morning, a message from the Council by J. R. Brown, their Secretary, was received, as follows:

MR. SPEAKER:—The Council have concurred in the amendments of the House to No. 1, C. F. Joint resolution authorizing the Secretary of the Territory to subscribe for certain papers, and for other purposes, with an amendment, in which the concurrence of the House is requested.

And then he withdrew.

And the consideration of the unfinished business was resumed.

Mr. Marshall, from the Committee on Elections, offered the following resolution as a substitute for the one previously offered by the majority of said committee, viz:

Resolved, That the seat now held by James Wells in this House, be declared vacant, and that the Governor be requested to issue his proclamation ordering a new election to fill the vacancy.

Mr. Setzer moved the previous question,

Which was seconded.

Mr. Brunson moved a call of the House.

Mr. Johnson was reported absent.

The Sergeant-at-Arms was desired to notify the member to appear in his seat.

Pending the report,

On motion of Mr. Jackson, the House adjourned.

FRIDAY MORNING, 10 O'CLOCK.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read and corrected.

Mr. Trask gave notice of a motion for leave to introduce a bill to incorporate the Historical Society of Minnesota.

Mr. Trask, from the Committee on Engrossed Bills, reported,

No. 2, H. of R. Joint resolutions relative to the removal of the Chippewa Indians from the ceded lands within the Territory of Minnesota, as correctly engrossed.

No. 1, C. F. Joint resolution authorizing the Secretary of the Territory to subscribe for certain papers, and for other purposes, was then taken up, and,

Mr. Babcock moved that the amendment of the Council be concurred in; which motion was agreed to.

No. 1, C. F. A bill to authorize the printing of certain laws in the several newspapers of the Territory, was read the first time.

No. 2, H. of R. Joint resolution relative to the removal of the Chippewa Indians from the ceded lands within the Territory of Minnesota,

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

On motion of Mr. Jackson,

The unfinished business of yesterday was taken up.

Mr. Brunson moved a call of the House.

Mr. Wilkinson was reported absent.

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

Pending the report, Mr. Jackson moved that the further call of the House be dispensed with, which was agreed to, when the Sergeant-at-Arms reported the member present.

The question was then put on agreeing to the resolution offered by Mr. Marshall, of the Committee on Elections, as a substitute to the one previously offered by the majority of said committee, viz:

Resolved, That the seat now held by James Wells in this House, be declared vacant, and that the Governor be requested to issue his proclamation, ordering a new election to fill the vacancy.

The yeas and nays being called for, those who voted in the affirmative, are, Messrs. Babcock, Dewey, Marshall and Pond—4.

Those in the negative, are, Messrs. Bailly, Black, Brunson, Dugas, Holmes, Jackson, Morrison, Setzer, Trask, Wilkinson and Furber, (Speaker,)—12.

So the resolution was not agreed to.

Mr. Brunson offered the following as a substitute:

Resolved, That the votes of Bernard Smith, Edward Beers, Abner Beers, William Cheesbro, and William Smothers, cast at the Wabashaw precinct, on the first day of last August, were illegal.

Mr. Bailly asked for a division of the question, so that the vote be taken as to the legality of the vote of each of the above named persons separately.

The Speaker decided the question on the resolution not divisible.

Mr. Trask moved the previous question.

Which was seconded.

And the question being, 'shall the main question be now put?'

It was decided in the affirmative.

The yeas and nays being called for, those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Setzer, Trask, Wilkinson and Furber, (Speaker,)—14.

Those in the negative, are, Messrs. Brunson and Dewey—2.

The question then recurred on the resolution offered as a substitute, and the yeas and nays being called for, those who voted in the affirmative, are, Messrs. Babcock, Brunson, Dewey, Johnson, Marshall, Wilkinson and Furber, (Speaker,)—7.

Those who voted in the negative, are, Messrs. Bailly, Black, Dugas, Holmes, Jackson, Morrison, Pond, Setzer and Trask—9.

So the resolution was rejected.

The question then recurred on the adoption of the original resolution reported by the majority of the Committee on Elections, as follows:

Resolved, That James Wells is not entitled to a seat in this House.

Which was decided in the negative.

The yeas and nays being called for, those who voted in the affirmative, are, Messrs. Babcock, Brunson, Dewey, Johnson, Marshall, Pond, Wilkinson and Furber, (Speaker,)—5.

Those in the negative, are, Messrs. Bailly, Black, Dugas, Holmes, Jackson, Morrison, Setzer and Trask—8.

On motion of Mr. Marshall, the House adjourned.

2 O'CLOCK. P. M.

Mr. Marshall, chairman of the Committee on Enrollment, reported, No. 3, H. of R. 'A bill for the relief of John Morgan, as correctly enrolled.'

On motion of Mr. Setzer,

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake river, near the outlet of Cross Lake,

Was taken up.

Mr. Black moved the following amendment:

'Sec. 7. That the sluices of said dam shall remain open, (after all the logs to be sluiced that season shall have been sluiced,) until such time as it may be found necessary to close them in order to fill the dam preparatory to the next spring drive.' Agreed to.

Mr. Wilkinson moved to further amend the bill as follows:

'Strike out ten cents for the first year for every thousand feet of lumber in logs, and six and a fourth cents per thousand thereafter,' and insert five cents per thousand feet.

A call of the House being ordered, the following members were reported absent:

Messrs. Jackson and Pond.

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

The Sergeant-at-Arms reported the members in attendance.

The question was then put on concurring in the amendment, and it was disagreed to.

Mr. Wilkinson then offered the following amendment:

'That the said Elam Greely shall sluice all logs whenever he shall be required to do so, by the owner or owners of the said logs, as soon as the same shall have arrived in the boom belonging or attached to the dam; and for every refusal or neglect on the part of the said Greely, so to sluice the said logs, through the said dam, whenever there shall be sufficient water, he shall forfeit and pay to the party injured, the full sum of five hundred dollars, to be recovered by the owner of the logs, in an action of debt, to be brought in any court of competent jurisdiction.'

Mr. Marshall offered the following as a substitute to the amendment:

Which Mr. Wilkinson accepted, viz:

'That the said Elam Greely shall sluice all logs upon the requisition of the owner or owners thereof; commencing to sluice within five days after the logs have arrived in the boom belonging or attached to said dam: *Provided*, That the owner or owners of said logs, or their accredited agents, shall have tendered him the legal toll, or security for the same: and for any violation of this section, the said Elam Greely, shall be responsible to the owner or owners of logs, for any damages sustained, to be recovered in any proper action or suit in any court of competent jurisdiction.'

Then the question was put on the adoption of the substitute; and it was agreed to.

On motion of Mr. Trask,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

Mr. Brunson gave notice of a motion for leave to introduce a bill to prescribe the right of suffrage, and of holding office within the Territory.

Mr. Pond moved, that the House adjourn until Monday, at 10 o'clock, A. M.

Mr. Jackson moved to amend, until to-morrow morning at 10 o'clock.

And the yeas and nays being called for, the following members voted in the affirmative: Messrs. Black, Brunson, Jackson, Johnson, Marshall, Setzer and Trask—7.

Those in the negative, are, Messrs. Babcock, Dewey, Dugas, Holmes, Marshall, Pond, Wells, Wilkinson and Furber, (Speaker,)—9.

The question then recurring on Mr. Pond's motion; it was adopted.

And the yeas and nays being called for, those who voted in the affirmative, are, Messrs. Babcock, Dewey, Dugas, Holmes, Marshall, Morrison, Pond, Wells, Wilkinson and Furber, (Speaker,)—10.

Those in the negative, are, Messrs. Black, Brunson, Jackson, Johnson, Setzer and Trask—6.

So the House adjourned until 10 o'clock, Monday morning.

MONDAY MORNING, 10 O'CLOCK.

Prayer by the Rev. Mr. Neill.

The journal of Friday was read.

Mr. Brunson, from the Committee on Engrossed Bills, reported,

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake River near the outlet of Cross Lake, as correctly engrossed.

Mr. Trask, pursuant to notice, and by leave, introduced,

No. 10, H. of R. A bill to incorporate the Historical Society of Minnesota, Which was read the first time.

Mr. Brunson, in pursuance of previous notice, and by leave, introduced

No. 11, H. of R. A bill to prescribe the qualifications of voters and of holding office.

Which was read the first time.

No. 1, C. F. A bill to authorize the printing of certain laws, in the several newspapers of the Territory,

Was read the second time; and,

On motion of Mr. Trask,

Said bill was referred to the Committee of the Whole, to be taken up on Wednesday next.

On motion of Mr. Trask,

The House resolved itself into the Committee of the Whole, for the consideration of

No. 2, H. of R. A bill to provide for the election of a Librarian, and for other purposes.

Mr. Jackson in the chair,

And after some time spent therein, rose, and by their chairman, reported the same back to the House with amendments.

The amendments of the Committee of the Whole to said bill were then concurred in; and,

On motion of Mr. Setzer,

Said bill was ordered to be engrossed and read the third time to-morrow.

No. 7, H. of R. A bill to suppress the circulation of bank notes below certain denominations,

Was taken up, when,

On motion of Mr. Jackson,

It was ordered that said bill lie on the table, and be printed.

No. 8, H. of R. A bill to provide for the construction of a bridge across Rum River, in the County of St. Croix,

Was taken up, and,

On motion of Mr. Trask,

Ordered, That said bill lie on the table and be printed.

On motion of Mr. Trask,

The House resolved itself into the Committee of the Whole, for the consideration of,

No. 1, H. of R. Memorial to Congress for the Improvement of the Mississippi River above the Falls of St. Anthony,

Mr. Babcock in the chair,

And after some time passed therein, rose, and by their chairman, reported the same back to the House with an amendment.

The amendment of the Committee of the Whole to said bill was then concurred in.

Mr. Wilkinson, in pursuance of previous notice, and by leave, introduced,

No. 12, H. of R. A bill to prevent the taking and conversion of any logs, masts, or other timber, and for other purposes,

Which was read the first time.

Mr. Johnson moved that said bill be rejected.

Mr. Pond moved that the House adjourn.

Which motion was disagreed to.

The question then recurred on the motion of Mr. Johnson, which being put, was disagreed to.

On motion of Mr. Black, the House adjourned.

2 O'CLOCK, P. M.

No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony, was taken up; when,

On motion of Mr. Trask,

It was ordered to be engrossed and read a third time to-morrow.

Mr. Jackson moved that the House adjourn; agreed to.

A division being called for, there were yeas—8.

So the House adjourned.

TUESDAY MORNING, 10 O'CLOCK.

Prayer by the Rev. Mr. Neill.

The Journal of yesterday was read.

The following petitions and resolutions were presented and referred;

By Mr. Jackson,

A petition of Eleazer F. Ring, for a divorce from Eljorah Ring.

And on his motion,

Was referred to a select committee of three.

Messrs. Jackson, Holmes and Setzer were appointed said committee.

By Mr. Marshall,

A petition of Calvin A. Tuttle, for a charter to construct and maintain a milldam across Rum River, on section six, township thirty-one, of range twenty-four, of the fourth principal meridian; said dam to be so constructed as not to obstruct the free passage of logs or timber down said river, which,

On his motion,

Was referred to the Committee on Corporations.

Mr. Trask offered the following resolution:

Resolved, That A. V. Fryer be, and he is hereby employed to do the engrossing and enrolling for this House, for the present session, for such reasonable compensation as may be allowed.

Mr. Trask moved that the resolution be read the second time; agreed to.

Said resolution was then read the second time, and adopted.

A message from the Council by Joseph R. Brown, their Secretary:

MR: SPEAKER:—The Council have passed the following bills and resolutions, in which the concurrence of this House is requested, viz:

No. 6, C. F. A bill declaring the time at which the several acts passed at the present session of the Assembly shall take effect.

No. 7, C. F. A bill granting a divorce to Louis Larammie from Wa-kan-ye-ke-win, his wife.

No. 2, C. F. Joint resolutions relative to a donation to the Washington Monument Association.

And then he withdrew.

Mr. Jackson gave notice of a motion for leave to introduce a bill authorizing an election to be held, to establish the permanent seat of government of the Territory of Minnesota.

Mr. Babcock gave notice of a motion for leave to introduce a joint memorial in relation to memorializing Congress to construct a Territorial Prison.

Mr. Johnson gave notice of a motion for leave to introduce a bill to locate a temporary seat of government, and for other purposes;

Also, a bill for the relief of B. W. Lott and P. P. Bishop.

Mr. Brunson, from the Select Committee, to which was referred so much of the Governor's Message, as relates to the purchase of the Sioux Indian lands west of the Mississippi River; reported,

No. 2, H. of R. Memorial to Congress, relative to the purchase of the Sioux Indian lands west of the Mississippi River,

Was read the first time.

Mr. Brunson, from the Committee on Engrossed Bills, reported as correctly engrossed,

No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony, and,

No. 2, H. of R. A bill to provide for the election of a Librarian, and for other purposes.

Mr. Johnson, from the Committee on Corporations, to which was referred No. 6, H. of R. A bill to incorporate the Minnesota Insurance and Trust Company,

On leave, submitted the following report:

The Committee on Corporations, to whom was referred a bill to incorporate the Minnesota Insurance and Trust Company, would beg leave respectfully to report:

That after a careful and attentive examination of said bill, they are of the opinion that the same is defective in form, objectionable in its provisions, and altogether unworthy to become a law. Your committee would therefore, ask to be discharged from further consideration of said bill, and respectfully recommend that it be indefinitely postponed.

All of which is respectfully submitted.

P. K. JOHNSON, Chairman.

M. BLACK.

On motion of Mr. Brunson,

Said report was accepted, and the committee discharged from the further consideration of the bill.

Mr. Jackson, chairman of the Select Committee to which was referred No. 9, H. of R. A bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski,

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

On motion of Mr. Babcock,

Said report was accepted, and the Committee discharged.

Mr. Jackson in pursuance of previous notice, asked, obtained leave, and introduced

No. 13, H. of H. A bill relative to mechanics' lien, and for other purposes.

No. 2, C. F. Joint resolution relative to a donation to the Washington Monument Association,

Was read the first time.

No. 6, C. F. A bill declaring the time at which the several acts passed at the present session of the Assembly shall take effect,

Was read the first time.

No. 7, C. F. A bill granting a divorce to Louis Laramie from Wa-kan-ye-ke-win, his wife,

Was read the first time.

No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi River, above the Falls of St. Anthony,

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

No. 2, H. of R. A bill to provide for the election of a Librarian, and for other purposes,

Was read the third time, and passed.

The question was then put on agreeing to the title to the bill.

Mr. Babcock moved to amend the title so as to read for the "appointment instead of election of a Librarian."

Which motion was agreed to.

The question then recurred on concurring in the title to said bill as amended, and being put, it was agreed to.

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs &c., to construct and maintain a dam across Snake River, near the outlet of Cross Lake, was read the third time.

The question was then put, "shall the bill pass?"

And the yeas and nays having been called for,

Those who voted in the affirmative, are, Messrs. Bailly, Black, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Setzer, Trask and Furber, (Speaker),—14.

Those who voted in the negative, are, Messrs. Babcock and Wilkinson—2.

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

Mr. Jackson moved, that

No. 6, H. of R. A bill to incorporate the Minnesota Insurance and Trust Company, lie on the table and be printed; disagreed to.

On motion of Mr. Brunson,

The House then resolved itself into the Committee of the Whole, for the consideration of said bill, (No. 6, H. of R.)

Mr. Johnson in the chair,

And after some time passed therein, rose, and by their chairman, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Jackson, the House adjourned.

2 O'CLOCK, P. M.

On motion of Mr. Setzer,

The unfinished business of the morning was taken up, and the House resolved itself into the Committee of the Whole, having under consideration, No. 6, H. of R.

Mr. Dewey in the chair,

And after some time passed therein, rose, and by their chairman, reported the same back to the House with an amendment.

The question then recurred on concurring in the amendment, which was to strike out the enacting clause,

And being put, it was agreed to.

On motion of Mr. Trask,

The House resolved itself into the Committee of the Whole, for the consideration of

No. 9, H. of R. A bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski,

Mr. Trask in the chair,

And after some time passed therein, rose, and reported the same back to the House with an amendment,

Which amendment was concurred in.

On motion of Mr. Trask,

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

On motion of Mr. Trask,

The House resolved itself into the Committee of the Whole, for the consideration of,

No. 7, H. of R. A bill to suppress the circulation of bank notes below certain denominations; and

No. 8, H. of R. A bill to provide for the construction of a bridge across Rum River, in the County of St. Croix,

Mr. Brunson in the chair,

And after some time passed therein, rose, and by their chairman, reported the same back with amendments.

Mr. Trask moved that the House adjourn; disagreed to.

On motion of Mr. Setzer,

A call of the House was ordered; and Messrs. Bailly, Black, Jackson and Wells were reported absent.

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

Mr. Brunson moved that the further call of the House be dispensed with; agreed to.

The question then recurred on agreeing to the amendment to said bill, (No. 7. H. of R.) .

And the question being put, said amendment was agreed to.

Mr. Trask then moved that said bill be indefinitely postponed; agreed to.

The question then recurred on agreeing to the amendments to bill, No. 8, H. of R.

Which amendments were read separately, and the first amendment was agreed to.

Mr. Brunson moved to amend the second amendment by inserting 15 feet instead of 5.

The question was then put on agreeing to the amendment to the amendment; and it was disagreed to.

And the yeas and nays being called, those who voted in the affirmative,

are, Messrs. Babcock, Brunson, Dewey, Pond, Wilkinson and Furber, (Speaker,)—6.

Those whose voted in the negative are, Messrs. Black, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Setzer and Trask—9.

Mr. Babcock moved to amend the amendment, by inserting the word ten instead of five; which was agreed to.

The question was then put on concurring in the amendment as amended, and it was agreed to.

The third amendment of the committee was then agreed to.

The Sergeant-at-Arms reported the members present, except Mr. Wells.

Mr. Jackson moved that said bill be referred to a Select Committee of three, with instructions to inquire into the expediency of so amending it as to make it a Territorial charge; which was agreed to.

Messrs. Jackson, Babcock and Marshall were appointed said committee.

On motion of Mr. Jackson, the House adjourned.

WEDNESDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read.

Mr. Marshall gave notice of a motion for leave to introduce a bill to incorporate a Mutual Insurance Company.

Mr. Babcock gave notice of a motion for leave to introduce a "memorial to Congress relating to the extension of pre-emption rights to settlers on unsurveyed lands."

Mr. Marshall, from the Committee on Enrolled Bills, reported,

No. 1, H. of R. Joint resolution relative to the enacting clause of the Legislature, as correctly enrolled,

Which was signed by the Speaker.

Mr. Brunson, from the Committee on Engrossed Bills, reported,

No. 9, H. of R. A bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski, as correctly engrossed.

Mr. Johnson, pursuant to notice, asked, obtained leave, and introduced,

No. 14, H. of R. A bill for the relief of B. W. Lott, and P. P. Bishop.

Which was read the first time.

No. 10, H. of R. A bill to incorporate the Historical Society of Minnesota, was read the second time.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole, on said bill,

Mr. Babcock in the chair,

And after some time passed therein, rose and by their chairman, reported the same back to the House without amendment.

On motion of Mr. Trask,

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

No. 11, H. of R. A bill to prescribe the qualifications of voters and of holding office, was read the second time.

No. 12, H. of R. A bill to prevent the taking and conversion of any logs, masts, or other timber, and for other purposes, was read the second time.

Mr. Babcock moved that said bill, (No. 12, H. of R.) be referred to the Committee on Territorial Affairs.

Mr. Wilkinson moved to amend this motion by striking out "on Territorial Affairs," and inserting "Committee of the Whole House."

The question being put on concurring in the amendment; it was disagreed to.

The question then recurred on Mr. Babcock's motion, and it was agreed to.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole for the consideration of,

No. 11, H. of R. A bill to prescribe the qualifications of voters and of holding office,

Mr. Pond in the chair,

And after some time passed therein, rose, and by their chairman, reported the same back to the House without amendment.

On motion of Mr. Babcock,

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

No. 6, C. F. A bill declaring the time at which the several acts passed at the present session of the Legislative Assembly shall take effect,

And No. 7, C. F. A bill granting a divorce to Louis Larammie from Wakan-ye-ke-win, his wife, were severally read the second time.

Mr. Trask moved that said bill, (No. 7, C. F.) be referred to a Select Committee of three, consisting of Messrs. Holmes, Setzer and Jackson.

The question being put on concurring in the motion; it was disagreed to.

On motion of Mr. Jackson, the House adjourned.

2 o'clock, P. M.

The unfinished business of the morning, it being on Nos. 2, 6, and 7, C. F., was taken up.

No. 2, C. F. Joint resolutions relative to a donation to the Washington Monument Association,

Was read the second time.

On motion of Mr. Trask,

Ordered, That said joint resolutions be read the third time to-morrow.

On motion of Mr. Brunson,

The House resolved itself into the Committee of the Whole, for the consideration of,

No. 6, C. F. A bill declaring the time at which the several acts passed at the present session of the Legislative Assembly shall take effect, and

No. 7, C. F. A bill granting a divorce to Louis Larammie from Wakan-ye-ke-win, his wife,

Mr. Wilkinson in the chair,

And after some time passed therein, rose, and by their chairman, reported back to the House,

No. 7, C. F. with an amendment, and

No. 6, C. F. without amendment.

On motion of Mr. Brunson,

Ordered, That No. 6, C. F. be read the third time to-morrow.

The question then recurred on agreeing to the amendment made to

No. 7, C. F. A bill granting a divorce to Louis Larammie from Wakan-ye-ke-win, his wife,

Which amendment was to strike out the enacting clause of the bill,

And the question being put, it was agreed to.

The yeas and nays being called for,

Those who voted in the affirmative, are, Messrs. Babcock, Black, Brunson, Dewey, Dugas, Johnson, Marshall, Morrison, Wilkinson and Furber, (Speaker,)—10.

Those who voted in the negative, are, Messrs. Holmes, Pond, Setzer, Trask and Wells—5.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole, for the consideration of

No. 1, C. F. A bill to authorize the printing of certain laws in the several newspapers of the Territory,

Mr. Brunson in the chair.

And after some passed therein, rose, and by their chairman, reported the same back to the House without amendment.

On motion of Mr. Babcock,

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

Mr. Brunson asked the temporary suspension of the rules, so as to admit the introduction of a bill without notice; which was agreed to.

Mr. Brunson then by leave, introduced a bill for the relief of Charles M. Berg; which was read the first time.

Mr. Brunson then moved the further temporary suspension of the rules, so as to admit the bill to a second reading now; which was agreed to.

Said bill was then read the second time.

Mr. Brunson then offered the following amendment to the bill: "and that the Secretary of the Territory be, and he is hereby authorized and required to pay the same to Charles M. Berg;" which was concurred in.

On motion of Mr. Babcock,

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

No. 9, H. of R. A bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski.

Was read the third time.

On motion of Mr. Trask,

Ordered, That said bill lie on the table till to-morrow morning.

On motion of Mr. Black,

A call of the House was ordered.

Messrs. Bailly and Jackson were reported absent.

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

On motion of Mr. Pond,

Further proceedings under the call of the House were dispensed with.

No. 2, H. of R. Memorial to Congress relative to the purchase of the Sioux Indian lands west of the Mississippi River,

Was read the second time, and

On motion of Mr. Trask,

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

The Sergeant-at-Arms reported the members present.

No. 13, H. of R. A bill relative to mechanics' lien, and for other purposes,

Was read the second time, and

On motion of Mr. Marshall,

It was referred to the Committee on the Judiciary.

On motion of Mr. Marshall, the House adjourned.

THURSDAY MORNING, 10 o'clock.

The journal of yesterday was read and corrected.

Mr. Setzer gave notice of a motion for leave to introduce a bill concerning divorces.

Mr. Pond gave notice of a motion for leave to introduce a bill relative to granting marriage licenses and for other purposes.

Mr. Johnson, pursuant to notice asked, obtained leave, and introduced, No. 16, H. of R., a bill to locate the temporary seat of government for the Territory of Minnesota, which was read the first time.

Mr. Marshall, pursuant to notice, asked, obtained leave, and introduced, No. 17, H. of R., a bill to incorporate the "Minnesota Mutual Fire Insurance Company, which was read the first time."

Mr. Bailly, pursuant to notice, asked, obtained leave, and introduced, No. 18, H. of R., a bill "to provide for laying out Territorial roads, in the Territory of Minnesota, and for other purposes,"

Which was read the first time.

Mr. Bailly moved the temporary suspension of the rules, so as to admit the introduction of a bill without notice.

Agreed to.

Mr. Bailly then introduced, No. 19, H. of R., a bill for the appointing of Commissioners to prepare a code of laws for the Territory of Minnesota, Which was read the first time.

Mr. Brunson, from the Committee on engrossed bills, reported, No. 10, H. of R., a bill to incorporate the Historical Society of Minnesota.

No. 11, H. of R., a bill to prescribe the qualifications of voters, and of holding office; and No. 15, H. of R., a bill for the relief of Charles M. Berg, as correctly engrossed.

Mr. Bailly gave notice of a motion for leave to introduce a memorial to Congress to establish mail routes in the Territory.

On motion of Trask,

The rules were temporarily suspended so as to admit the second reading of No. 14, H. of R., a bill for the relief of B. W. Lott and P. P. Rishop, before being printed.

And on his motion,

Ordered, That said bill be referred to a Committee of the whole House, to be taken up in the afternoon.

No. 9, H. of R., a bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski.

Mr. Pond moved that said bill lie on the table till the twenty-fifth of October next.

Which was decided in the negative.

And a division having been called for, there were yeas 5, nays 10.

The question then recurred on the passage of the bill,

And being put, it was decided in the affirmative.

The yeas and nays being called for,

Those who voted in the affirmative, are Messrs. Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Morrison, Trask and Wells—9.

Those in the negative, are Messrs. Babcock, Bailly, Black, Marshall, Pond, Setzer, Wilkinson and Mr. Speaker—8.

Mr. Babcock moved to reconsider the vote on striking out the enacting clause of No. 7, C. F., a bill granting a divorce to Louis Laramie from Wakan-ye-ke-win, his wife,

Which was agreed to.

The question being put on concurring in the amendment of the committee of the whole to said bill, it was decided in the negative.

The testimony in the case was then read.

On motion of Mr. Marshall,

Ordered, That said bill be referred to the Committee on Internal Improvements, with power to take testimony in the case.

Mr. Brunson, Chairman of the Committee on engrossed bills reported No.

2, H. of R., memorial to Congress relative to the purchase of the Sioux Indians, lands west of the Mississippi river, as correctly engrossed.

On motion of Mr. Brunson, the House adjourned.

2 O'CLOCK, P. M.

On motion of Mr. Trask,

Mr. Babcock was excused from attendance on the House this afternoon.

No. 10, H. of R., a bill to incorporate the Historical Society of Minnesota, Was read the third time, passed, and the title thereof agreed to.

On motion of Mr. Pond,

A call of the House was ordered.

Messrs. Bailly, Brunson, Jackson, and Wells were reported absent.

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

On motion of Mr. Marshall,

Further proceedings under the call of the House were dispensed with.

No. 11, H. of R., a bill to prescribe the qualifications of voters, and of holding office,

Was read the third time.

The question then recurring on the passage of the bill, Mr. Pond moved to amend the bill by striking out the word "White" in the first line.

Objected to.

Mr. Pond moved to amend the bill by inserting immediately after the word years, in the first line, the following: "and all free male colored persons over 21 yeas of age.

Objected to.

Mr. Marshall offered the following amendment to section third: That all persons of mixed blood, of Indian descent, of civilized habits, shall enjoy all rights and privileges granted in the first section of this act to whites.

Objected to.

Mr. Jackson offered the following: That nothing in the foregoing act shall be so construed as to prevent the voting of all half breeds, unless they are mixed with the African race, which shall be prohibited.

Objected to.

Mr. Wilkinson moved to amend as follows: "all civilized persons of Indian descent, who have adopted the habits and customs of white people, shall be entitled to the right of suffrage.

Objected to.

The question being put, "Shall the bill pass?" it was decided in the affirmative.

The yeas and nays being called for,

Those who voted in the affirmative, are Messrs. Black, Brunson, Dewey, Dugas, Jackson, Johnson, Trask, Wilkinson and Mr. Speaker—9.

Those who voted in the negative, are Messrs. Bailly, Holmes, Marshall, Morrison, Pond, Setzer and Wells—7.

No. 15, H. of R., a bill for the relief of Charles M. Berg,

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

No. 1, C. F., a bill to authorize the printing of certain laws in the several newspapers of the Territory,

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

No. 6, C. F., a bill declaring the time at which the several acts passed at the present session of the Legislative Assembly shall take effect,

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

No. 2, C. F., joint resolutions relative to a donation to the Washington Monument Association,

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

No 2, H. of R., a memorial to Congress relative to the purchase of the Sioux Indian lands west of the Mississippi river,

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

No. 14, H. of R., a bill for the relief of B. W. Lott and P. P. Bishop.

Mr. Brunson offered the following amendment: "and that the Secretary of the Territory be and he is hereby authorized and required to pay the same.

Agreed to.

On motion of Mr. Johnson,

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

On motion of Mr. Jackson, the House adjourned until Saturday at 10 o'clock, A. M.

SATURDAY MORNING, 10 O'CLOCK.

The Journal of yesterday was read and corrected.

Mr. Jackson gave notice of a motion for leave to introduce a bill to grant a charter to Isaac N. Goodhue to keep and maintain a ferry across the Mississippi river opposite the lower landing in St. Paul.

Mr. Marshall gave notice of a motion for leave to introduce a bill fixing the time, and prescribing the manner of conducting general elections; also, a bill to establish a system of common schools.

Mr. Brunson, from the committee on Engrossed bills, reported, No. 14, H. of R., a bill for the relief of B. W. Lott and P. P. Bishop, as correctly engrossed,

Mr. Babcock, chairman of the joint committee of the Council and House of Representatives, submitted the following report:

The Joint Committee of the Council and House of Representatives, provided for by the following resolution:

Resolved, By the Council [with the concurrence of the House] that a Committee of two be appointed by the chair to act in conjunction with a similar Committee on the part of the House, to report to the two Houses what subjects of legislation it is expedient to act upon the present session, and also to report the most proper manner of revising our present statutes," have had the same under consideration, and respectfully beg leave to make the following report:

That it is expedient for the Legislative Assembly at its present session, to act upon the following subjects, to wit:

1. The revision of the laws defining the powers and duties of Justices of the Peace.

2. Dividing the Territory into counties and judicial districts, and assigning the judges to their respective districts.

3. To provide for the organization of counties; defining the number, powers and duties of county officers, and to provide for the appointment or election of the same.

4. Providing the time for holding the sessions of the Supreme and District Courts.

5. The revision of the Election laws, and to prescribe the qualifications of voters.

6. The location of a temporary seat of government.

7. Fixing the time of holding the annual meeting of the Legislative Assembly.

8. The revision of the grocery license laws relating to the sale of **spirituous liquors to Indians.**

9. The passing of such memorials to Congress as may be thought proper.

10. The enactment of proper laws to prevent gambling.

11. The passage of a joint resolution declaring it inexpedient for this **Legislative Assembly to grant divorces.**

And your committee would further report that they have carefully considered the last clause of the above resolution, to wit:

“And also to report the most proper manner of revising our present statutes;”

And respectfully beg leave to recommend that the **Legislative Assembly** by joint ballot elect three discreet members of their own body as commissioners or revisers of the statutes and the laws for the government of the Territory, and that said commissioners or revisers have leave to sit during the recess of the Legislative Assembly, and report the result of their labor to the next annual session of the Legislative Assembly; and that said commissioners or revisers be instructed to request the advice and assistance of the Judges of the Supreme court in their labors.

All which is respectfully submitted.

On motion of Mr. Wilkinson,

Ordered, That the report be accepted and the committee discharged, and that said report be set forth at length in the journal.

On motion of Mr. Marshall,

Ordered, That the vote by which the above report of the joint committee was accepted and the committee discharged be reconsidered;

When Mr. Wilkinson amended his motion by striking out the words, “and the said committee be discharged.”

The question then recurred on agreeing to Mr. Wilkinson’s motion as modified, and being put,

It was decided in the affirmative.

Mr. Wilkinson, chairman of the committee on the judiciary, introduced No. 20, House of Representatives, a bill concerning justices of the peace.

Mr. Trask moved that said bill be read the first time by its title, and that the chairman of the judiciary committee be instructed to superintend the printing thereof.

Mr. Marshall moved to amend the same by inserting, “and that it be printed in a compact form.”

Which was agreed to.

Mr. Trask’s motion, as then amended was agreed to.

The bill was then read the first time by its title.

Mr. Bailly in pursuance of notice asked, obtained leave, and introduced No. 3, House of Representatives, a memorial of the Legislative Assembly of the Territory of Minnesota, to the Congress of the United States, for laying out mail routes from Saint Paul to Fort Gaines, and other intermediate points,

Which was read the first time.

No. 16, House of Representatives, a bill to locate the temporary seat of government for the Territory of Minnesota, was read the second time.

Mr. Wilkinson moved that the said bill be referred to the Committee on Territorial affairs.

Mr. Trask moved to amend the same by striking out the words “the Committee on Territorial affairs,” and inserting a Select Committee of three.

Which was agreed to.

Mr. Wilkinson’s motion as amended was then agreed to.

Messrs. Trask, Dewey and Pond, were appointed said committee.

On motion of Mr. Trask,
Leave of absence was granted for a few days to Mr. Bailly.
On motion of Mr. Brunson, the House adjourned.

2 O'CLOCK, P. M.

No. 17, House of Representatives, a bill to incorporate the "Minnesota Fire Insurance Company," was read the second time.

On motion of Mr. Marshall,

Ordered, That the said bill be referred to a select Committee of three.
Messrs. Marshall, Setzer, and Dewey were appointed said Committee.

No. 18, House of Representatives, a bill to provide for laying out Territorial roads, in the territory of Minnesota, and for other purposes, was read the second time.

Mr. Pond moved that the House resolve into the Committee of the whole on the bill.

Mr. Trask moved to amend the same so as to have the bill referred to the Committee on roads.

The amendment was accepted.

Mr. Pond's motion as amended was then agreed to.

No. 19, House of Representatives, a bill for the appointing of commissioners to prepare a code of laws for the territory of Minnesota, was read the second time.

Mr. Pond moved that said bill lie on the table till next Friday.

Mr. Brunson moved to amend the same by striking out the words "lie on the table till next Friday," and inserting "be referred to the Committee on Judiciary."

The question was put on agreeing to the amendment, and it was decided in the affirmative.

Mr. Pond's motion as amended was then agreed to.

No. 14, House of Representatives, a bill for the relief of B. W. Lott and P. P. Bishop, was read the third time, passed, and the title thereof agreed to.

Mr. Trask gave notice of a motion for leave to introduce a bill to provide for a Territorial revenue, and for other purposes.

Mr. Setzer gave notice of a motion for leave to introduce a bill to prevent the willful destruction of private property, such as bridges, booms, dams, &c.

Mr. Babcock moved that the House adjourn until Monday at two o'clock, P. M.

Mr. Trask moved to amend the same by striking out the words two o'clock, P. M., and inserting eleven o'clock, A. M.

The question being put on agreeing to the amendment, it was decided in the negative;

A division being desired, there were yeas 6, nays 8.

Mr. Wilkinson gave notice of a motion for leave to amend the rules, so that the hour to which the House shall stand adjourned from day to day shall be 8 o'clock, A. M., instead of 10 o'clock, A. M.

Mr. Marshall moved to amend Mr. Babcock's motion by striking out "two o'clock, P. M.," and inserting half past one, P. M.

Agreed to.

The motion of Mr. Babcock as amended was then agreed to,

So the House adjourned till Monday at half past one, P. M.

MONDAY MORNING, 10 o'clock.

In the absence of the Speaker,

On motion of Mr. Marshall,

Mr. Trask was appointed Speaker pro tempore.

The journal of Saturday was read.

Mr. Setzer gave notice of a motion for leave to introduce a bill providing for the division of this Territory into Council or Election Districts. Also, a bill fixing the day of the annual meeting of the Legislative Assembly.

Mr. Setzer, chairman of the Select Committee on Public Printing, made the following report:

The Select Committee to which was referred the subject of public printing, would respectfully submit the following report and bill.

Your committee is of the opinion that to insure the public interest, and uniformity in the execution of public printing, a strict and well guarded law is imperatively necessary, a law which, while allowing a fair and ample remuneration for the services of printers of the public documents, at the same time confines them strictly to certain rules and regulations with regard to the execution of the work entrusted to their care, and prohibits, under certain and fixed penalties, all violation of said rules. It is also the opinion of your committee, that the price fixed in the accompanying bill is just and equitable, being at this present season, more than 120 per cent higher than the compensation paid by the State of Missouri, for the public printing done under the authority of said State. This price was fixed by your committee, after taking into consideration the difficulty of procuring workmen, the expense of type, augmented as it is by freight, &c.; and many other combining circumstances. Your committee would further state, that being unacquainted to a great extent, with the subject entrusted to their care, they have depended for, and sought the advice of disinterested men, acquainted with the matter under their consideration, and have adopted, to a great extent, their opinions and suggestions. This latter statement they would make in justice to their friends, claiming for themselves no praise, except having exerted all the means in their power to gain valuable information from other sources, not because they would shrink from any responsibility, as regards the defects of this bill, the passage of which they would earnestly recommend.

All of which is respectfully submitted.

H. N. SETZER, Chairman.

P. K. JOHNSON.

And introduced No. 21, H. of R. A bill to regulate public printing and binding.

On motion of Mr. Babcock,

Ordered, That the report be accepted, committee discharged, and that said bill be read the first time by its title.

On motion of Mr. Setzer,

Ordered, That said bill be printed in a compact form, under the superintendence of the chairman of the committee on printing.

A message from the Council, by Joseph R. Brown, their Secretary.

MR. SPEAKER:—I have been instructed to return to this House, 'joint resolution relative to the enacting clause of the Legislature,' with a request from the Council that the same be referred to the Joint Committee of Enrollment, that it may be reported to the Council correctly enrolled previous to receiving the signature of the President.

Mr. Setzer, pursuant to notice, asked, obtained leave, and introduced, No. 22, H. of R. A bill concerning divorces,

Which was read the first time.

Mr. Wilkinson, pursuant to notice, asked, obtained leave, and introduced, No. 23, H. of R. A bill to appropriate to Harley D. White, the sum therein named,

Which was read the first time.

Mr. Dugas, pursuant to notice, asked, obtained leave, and introduced, No. 24, H. of R. A bill to locate a Territorial Road from St. Paul to Little Canada,

Which was read the first time.

No. 3, H. of R. Memorial of the Legislative Assembly of Minnesota to the Congress of the United States, for laying out mail routes from St. Paul to Fort Gaines, and other intermediate points.

Was read the second time, and,

On motion of Mr. Setzer,

Ordered, That it be referred to the Committee on Roads.

On motion of Mr. Marshall,

Ordered, That the joint resolution relative to the enacting clause of the Legislature, reported back from the Council, be referred to the committee on Enrolled Bills.

On motion of Mr. Marshall, the house adjourned.

TUESDAY MORNING, 10 o'clock.

Mr. Trask, Speaker pro tem. in the chair.

The journal of yesterday was then read.

In the absence of the printed journal of yesterday,

On motion of Mr. Babcock,

The question of correcting the same was postponed until to-morrow morning.

Message from the Council by Joseph R. Brown, their secretary:

MR. SPEAKER: The Council have passed, (No. 2. C. F.,) a bill regulating groceries," and House File, (No. 2,) a bill to provide for the appointment of a Librarian, and for other purposes," with amendments, in all which the concurrence of this house is requested;

And then he withdrew.

Mr. Setzer offered the following resolution:

Resolved, That the Messenger of this House be authorized and required to procure for this House, to be equally divided among the members previous to the afternoon session of to-day, one ream letter paper, ruled: one ream fooscap paper, ruled.

On motion of Mr. Black,

A call of the House was ordered.

Messrs. Jackson, Wilkinson and Furber, the Speaker, were reported absent.

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

On motion of Mr. Pond,

The further call of the House was dispensed with.

The question then recurred on the adoption of Mr. Setzer's resolution,

And the nays and yeas being called for,

Those who voted in the affirmative, are Messrs. Babcock, Black, Morrison, Setzer and Wells—5.

Those who voted in the negative, are Messrs. Brunson, Dewey, Dugas, Holmes, Johnson, Marshall, Pond and Trask—8.

Mr. Dewey from the select Committee to which was referred No. 19, H. of R., a bill to locate the temporary seat of government for the territory of Minnesota, and for other purposes, reported the same back to the House without amendment, and recommended its passage.

On motion of Mr. Setzer,

Ordered, That said report be accepted, and the committee discharged.

The Sergeant-at-Arms reported the members in attendance, with the exception of the Speaker.

Mr. Marshall from the Committee on enrolled bills, reported that they had examined enrolled bills of the following titles:

No. 2, C. F., joint resolution relative to a donation to the Washington Monument Association.

No. 1, C. F., an act to authorize the printing of certain laws, in the several newspapers of the Territory,

No. 6, C. F., an act declaring the time at which the several acts passed at the present session of the Assembly shall take effect,

No. 1, House of Representatives, joint resolution relative to the enacting clause of the Legislature,

And found the same truly enrolled;

When the Speaker signed the bills.

Mr. Johnson from the Committee on corporations, to which was referred the petition of Calvin A. Tuttle, asking the grant of a charter to construct and maintain a mill dam across Rum river, made the following report:

The Committee to whom was referred the petition of Calvin A. Tuttle, asking the grant of a charter to construct and maintain a mill-dam across Rum river, ask leave to make the following report:

That they know of no reason why said charter should not be granted, provided that said dam be so constructed as not to prevent the free passage of rafts, or logs, or timber.

P. K. JOHNSON, Chairman,
M. BLACK.

On motion of M. Babcock,

Ordered, That said report be accepted, and the Committee discharged from the further consideration of the subject, and

On motion of Mr. Marshall,

Said report and accompanying petition were referred to the Committee on internal improvements, with instructions to report thereon by bill.

A message from the Governor, by the Secretary of the Territory.

The message and accompanying documents were read.

To the Council and House of Representatives of the Legislative Assembly of Minnesota:

GENTLEMEN:—I herewith communicate to your honorable bodies, the translation of a memorial numerously signed by "half-breeds, residents of Pembina, on the Red River of the North."

You will perceive that it is a complaint of the grievances they suffer, embodying suggestions for remedying their wrongs, and is appropriately addressed mainly to the general government at Washington for relief.

But as they are in common with ourselves Minnesotians, and as such deserving of our warmest sympathies in their remote and comparatively unprotected and uncared for homes, I have thought it proper to invite the aid of your influence in pressing their just claims upon the kind consideration of the National Authorities.

My information in regard to these people, from all sources, is that they are a bold, honest and hardy race; pursuing most industriously their mixed pursuits of hunting and agriculture, that they are characterized by more than

ordinary intelligence for their class and opportunities; and that altogether, they form a valuable acquisition to the population of this Territory, and of our common country.

They reside upon a fertile soil, that produces, or is capable of producing in abundance, wheat, rye, corn, potatoes and all the vegetables and animal productions necessary to human sustenance and comfort.

They occupy a point on our frontiers, from whence are commanded the buffalo ranges of the immense plains to the south and west: and hundreds of their mounted hunters issue forth twice a year — in the spring and fall, and slay thousands of buffalo, converting their meat, hides, and tallow, into articles of profitable merchandize.

The interference of the settlers, within the British line, with them in this their main pursuit demands that the National Government should abate the evil, and jealously maintain the integrity of our territory, by repressing the intrusions of subjects of a foreign power, that churlishly refuses all reciprocity: and so preserve to our own people, advantages which nature has bestowed, almost exclusively upon our Territory, wherein not only the larger animals of the chase, but those also valuable entirely for their furs, prefer to range, because their subsistence is easy from the abundance of their natural food, spontaneously produced by a fertile and congenial soil.

It is worthy of consideration, likewise, whether such a course is not dictated by sound policy in another respect.

Since the census of Pembina, in June last, when the population was about six hundred, it has according to the memorial, increased to over a thousand souls, in consequence, I believe, of further immigration from the British side of the line.

Such immigration is occasioned, it would appear, partly by dissatisfaction with the rule of the authorities of the Hudson Bay Company, and partly by an appreciation of the superiority of our Territory for permanent settlements, but chiefly in view of the facilities offered for hunting; the great buffalo ranges being nearly altogether within the American lines.

If, by establishing a military post at Pembina, and extending over the settlement our civil laws, through organized counties and courts of justice, we can confine the British hunters and half-breeds, exclusively to their own inferior hunting ranges, the advantages of immigrating to Minnesota, rather than remain in British Territory, would so greatly preponderate, that but a short time would elapse before the body of the population in the neighborhood of Pembina, would reach to five or six thousand in number, forming on the frontier an indomitable barrier to aggression, whether by savages or a foreign power: besides gaining so many additional arms to contribute to the common wealth and prosperity of our country.

Under these views of things, it occurs to me, that the first step towards any efficient relief, is the extinguishment of the title of occupancy in the lands on the Red River of the North; the extension of our land system, or a modification of it thêreto, and the organization of counties and courts therein, so that our fellow citizens of mixed blood, on our frontiers, may enjoy in common with ourselves, the precious privileges of free, just and liberal institutions.

A memorial from the Legislative Assembly of Minnesota, would induce Congress to act in the premises, and is due from us to our brethren in the North.

ALEX. RAMSEY.

EXECUTIVE DEPARTMENT, }
St. Paul, Oct. 1, 1849. }

Mr. Babcock moved,

That the message with the accompanying documents, be referred to the Committee on Territorial Affairs, with instructions to report by memorial or otherwise,

Which was agreed to.

A division being desired,

There were yeas—8; nays, not counted.

No. 2, C. F. A bill regulating groceries, was read the first time.

Mr. Setzer moved that the House now proceed to consider

No. 2, H. of R. A bill to provide for the appointment of a librarian and other purposes, reported back by the Council to the House with amendments, and that the amendments be considered separately,

Which motion was agreed to.

The first amendment of the Council, striking out the word "treasurer" in the fourth line of the first section, and inserting the word "secretary."

The second amendment, striking out the word "five" in the fifth line and inserting the word "one" in same section.

And the fifth amendment, inserting after the word week in the third line of section 8, the following, "during the session of the Legislature, but during the recess of the Legislature, persons may keep books four weeks: *Provided*, That all persons having any books belonging to the library, shall return them all at the commencement of each session of the Legislature, and any person retaining any book for a longer period than is allowed in the foregoing part of this section, shall be liable to a penalty of twenty-five cents for each day any book maybe so retained;"

Were severally disagreed to.

The third amendment, inserting after the word room in the second line of the 4th section, the following words, "which he will rent at a reasonable rate until a suitable room is provided in the public buildings;" was agreed to.

And the yeas and nays being called for, those who voted in the affirmative, are, Messrs. Babcock, Dewey, Johnson, Marshall, Morrison, Setzer, Trask, Pond and Wells—9

Those in the negative, are, Messrs. Black, Brunson, Dugas, Holmes, Jackson and Wilkinson—6.

The fourth amendment, inserting after the word Territory in the 10th line of section 5, the words, "ministers of the gospel," was agreed to.

And a division being called for, there were yeas—8; nays—4.

Mr. Brunson moved that the House adjourn; agreed to.

And a division being called for, there were yeas—9; nays not counted.

So the House adjourned.

2 O'CLOCK P. M.

On motion of Mr. Marshall,

The unfinished business of the morning, it being the question of concurring in the amendments of the Council, to

No. 2, H. of R. A bill to provide for the election of a Librarian, and for other purposes,

Was taken up.

On motion of Mr. Marshall,

Resolved, That the clerk return to the Council, No. 2, H. of R. "A bill to provide for the election of a Librarian, and for other purposes," and inform them of the action of this House, and request them to restore the said bill to the phraseology in which it was sent to the Council, that the action of both Houses thereon may be understood.

Mr. Marshall, from the Joint Committee on Enrolled Bills, reported that the committee had examined enrolled bills of the following titles, viz:

No. 3, H. of R. An act for the relief of John Morgan,

No. 1, C. F. Joint resolution authorizing the Secretary of the Territory to subscribe for certain papers, and for other purposes, and found the same truly enrolled;

When the Speaker signed the said bills.

No. 23, H. of R. A bill to appropriate to Harley D. White the sum therein named,

Was read the second time; and,

On motion of Mr. Setzer,

Said bill was referred to the Committee on Legislative expenditures.

On motion of Mr. Jackson,

The House resolved itself into the Committee of the Whole House, for the consideration of,

No. 16, H. of R. A bill to locate the temporary seat of government for the Territory of Minnesota, and for other purposes,

Mr. Babcock in the chair,

Pending which, the Secretary of the Council was announced.

The Speaker took the chair, and the following message was delivered, viz:

MR. SPEAKER:—The Council have passed the following bills, in which the concurrence of the House is requested, viz:

No. 5, C. F. A bill to provide against the traffic in ardent spirits with the Indians.

No. 8, C. F. A bill granting to Franklin Steele the right to establish and maintain a ferry across the Mississippi river.

And then he withdrew.

The Committee of the Whole House resumed its session, and after some time passed therein, rose, and by their chairman, reported said bill back to the House with amendments.

The amendments of the Committee of the Whole were then concurred in.

Mr. Marshall then moved,

That said bill be laid upon the table, and made the special order of the day for Monday next.

Mr. Jackson moved,

As a substitute for Mr. Marshall's motion, that said bill be engrossed and read a third time on Thursday next,

And the question being put on the adoption of the substitute,

It was disagreed to.

The question then recurred on agreeing to Mr. Marshall's motion, when

Mr. Brunson moved,

To amend by striking out all after the word bill, and inserting "be engrossed and read a third time on Monday next."

Mr. Babcock moved a call of the House.

Mr. Pond was reported absent.

The Sergeant-at-Arms, after a few minutes, reported the member present

The question then recurred on agreeing to Mr. Brunson's amendment;

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs, Brunson, Dewey, Dugas, Jackson, Johnson, Setzer, Trask and Wells—8.

Those who voted in the negative, are, Messrs. Babcock, Black, Furber, Holmes, Marshall, Morrison, Pond and Wilkinson—8.

So the amendment was disagreed to.

Mr. Brunson moved to amend Mr. Marshall's motion, by inserting Friday next, instead of Monday next.

And the yeas and nays being called,
Those who voted in the affirmative, are, Messrs. Brunson, Dewey, Dugas, Furber, Holmes, Jackson, Johnson, Pond, Setzer, Trask, Wells and Wilkinson—12.

Those who voted in the negative, are, Messrs. Babcock, Black, Marshall and Morrison—4.

So the amendment was agreed to.

Mr. Jackson moved that the House adjourn,

Which was disagreed to.

On motion of Mr. Furber,

Mr. Marshall's motion as amended, was then agreed to.

On motion of Mr. Marshall, the House adjourned.

WEDNESDAY MORNING, 10 o'clock.

The Speaker in the chair.

Prayer by the Rev. Mr. Neill.

The journal of Monday was read.

The journal of yesterday was also read.

Mr. Trask gave notice of a motion for leave to introduce a bill to incorporate the Agricultural Society of Minnesota.

Mr. Wilkinson gave notice of a motion for leave to introduce a memorial to Congress, praying for the extinguishment of the Indian title to the lands on the Red River of the North, and for establishing a military post at Pembina.

Mr. Johnson gave notice of a motion for leave to introduce a bill to authorize John R. Irvine to establish and maintain a ferry from St. Paul to the opposite shore of the Mississippi, reserving to the Legislature, the power at any time to repeal or amend the act.

Mr. Pond, pursuant to notice, asked, obtained leave, and introduced,

No. 25, H. of R. A bill for granting marriage licenses, and for other purposes,

Which was read the first time.

Mr. Trask moved, that the said bill be rejected,

Which motion was disagreed to.

On motion of Mr. Marshall,

A call of the House was ordered.

Messrs. Brunson, Dewey, Morrison and Wilkinson, were reported absent.

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

On motion of Mr. Setzer,

Further proceedings under the call of the House, were dispensed with.

No. 5, C. F. A bill to provide against the traffic in ardent spirits with the Indians, was read the first time.

On motion of Mr. Trask,

The rules were suspended, and the bill read the second time.

The Sergeant-at-Arms reported the members present, with the exception of Mr. Brunson.

On motion of Mr. Setzer,

The House resolved itself into the Committee of the Whole House, for the consideration of

No. 5, C. F. A bill to provide against the traffic in ardent spirits with the Indians,

Mr. Pond in the chair.

Pending which, the Secretary of the Council was announced.

The Speaker took the chair, and the following message was delivered, viz:

MR. SPEAKER:—The Council have instructed me to inform this House that they have passed the following bills, viz:

No. 9, H. of R. A bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski.

No. 15, H. of R. A bill for the relief of Charles M. Berg;

The latter with an amendment, in which the concurrence of this House is requested.

And then he withdrew.

The Committee of the Whole House resumed its session;

And after some time passed therein, rose, and by their chairman, reported the said bill back to the House with an amendment.

The amendment of the Committee of the Whole House, was then concurred in; and

On motion of Mr. Marshall,

Ordered, That said bill lie upon the table and be printed.

No. 8, C. F. A Bill granting to Franklin Steele the right to establish a ferry across the Mississippi river; was read the first time.

Mr. Trask moved a suspension of the rules, and that the bill be read a second time;

Which motion was disagreed to.

A division being ordered,

There were yeas—7; nays—8.

Mr. Trask moved that said bill be printed,

Which motion was disagreed to.

No. 2, C. F. A bill regulating groceries; was read a second time, and

On motion of Mr. Setzer,

The House resolved itself into the Committee of the Whole House, for the consideration of the said bill,

Mr. Setzer in the chair,

And after some time passed therein, the committee rose and by their chairman, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Marshall, the House then adjourned.

2 O'CLOCK, P. M.

On motion of Mr. Setzer,

Leave of absence was granted to Mr. Holmes until Monday next.

On motion of Mr. Setzer,

A call of the House was ordered.

Messrs. Babcock, Jackson and Wilkinson were reported absent.

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

On motion of Mr. Trask,

Mr. Brunson was excused from attendance on the House this afternoon.

On motion of Mr. Pond,

Further proceedings under the call of the House were dispensed with.

Mr. Wilkinson by leave, read a communication from J. Chambers and Governor Ramsey, the Commissioners now treating with the Dakotas, soliciting Mr. Pond's attendance on the Commissioners at the several councils that may be held with them; and,

On motion of Mr. Wilkinson,

Leave of absence was granted to Mr. Pond long enough to enable him to

comply with the above request of the Commissioners.

The Sergeant-at-Arms reported the members present.

On motion of Mr. Trask,

The House resolved itself into the Committee of the Whole House for the further consideration of

No. 2, C. F. A bill regulating groceries,

Mr. Trask in the chair,

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the House with amendments.

The said amendments of the Committee of the Whole were then concurred in; and,

On motion of Mr. Trask,

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

A message from the Council by J. R. Brown, their Secretary;

MR. SPEAKER:—I have been instructed to inform this House that the Council have concurred in,

No. 2, H. of R. Joint resolution relative to the removal of the Chippewa Indians from the ceded lands within the Territory of Minnesota.

And then he withdrew.

No. 22, H. of R. A bill concerning divorces;

Was read the second time, and,

On motion of Mr. Marshall,

Ordered, That the said bill be referred to the Committee on the Judiciary.

No. 24, H. of R. A bill to locate a Territorial Road from St. Paul to Little Canada,

Was read the second time; and,

On motion of Mr. Dugas,

Said bill was referred to the Committee on Roads.

Mr. Setzer offered the following resolution, viz:

Resolved, That members of the House of Representatives who may hereafter absent themselves without leave of the House, shall be fined the sum of three dollars for every time they are reported as being not in their seats, unless excused by a vote of the House.

Mr. Babcock moved that the said resolution be indefinitely postponed;

Which motion was disagreed to.

A division being called, there were yeas—5; nays—6.

On motion of Mr. Marshall,

Said resolution was read the second time.

Mr. Marshall then offered the following substitute, viz:

That the Secretary of the Territory be authorized and required to withhold the per diem of members who shall hereafter absent themselves from the session of this House without leave; such absence to be reported to the Secretary by the Clerk of this House, which he is hereby required to do.

Mr. Jackson moved to amend the same as follows:

“Also, the Secretary shall retain the per diem of all members who ask leave of absence for a longer time than two days.”

Which amendment, Mr. Marshall accepted.

Mr. Babcock moved the following amendment to Mr. Marshall's substitute, viz:

“The Secretary shall also retain the per diem of all members who have heretofore been absent without leave.”

On the question of concurrence in this amendment, the yeas and nays being called for,

Those who voted in the affirmative, are, Messrs. Babcock, Johnson, Setzer and Furber, (Speaker)—4.

Those who voted in the negative, are, Messrs. Black, Dewey, Dugas, Jackson, Marshall, Morrison, Trask, Wells and Wilkinson—9.

So the amendment was rejected.

Mr. Jackson moved that the whole subject under the original resolution be indefinitely postponed,

Which motion was agreed to.

A division being called for, there were yeas—9; nays not counted.

On motion of Mr. Marshall, the House adjourned.

THURSDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Neill.

The Speaker laid before the House the following communication, viz:

ST. PAUL, Oct. 4, 1849.

To the honorable, the Speaker of the House of Representatives:

SIR:—The Hon., the members of the House of Representatives, are respectfully invited to attend the funeral of Harriet M., daughter of Benj. W. Brunson, at 1 o'clock, this afternoon, at the house of B. W. Brunson.

The journal of yesterday was then read.

Mr. Jackson gave notice of a motion for leave to introduce a bill concerning debtors and their securities; also,

A bill concerning the homestead exemption, and for other purposes.

Mr. Wilkinson offered the following, viz:

Whereas, By the sudden and mysterious dispensation of Providence, one of our brother members of this House has been painfully bereaved by the death of a beloved member of his family; and feeling a deep sympathy for our worthy brother in his bereavement: Therefore,

Resolved, That when this House adjourn, that it adjourn until to-morrow morning at 9 o'clock, and that the members be requested by the Speaker to attend the funeral of the daughter of the Hon. B. W. Brunson, at 1 o'clock.

Mr. Setzer moved that the said resolution be read the second time.

Agreed to.

And it was then read and adopted.

On motion of Mr. Wilkinson,

Rule fortieth, (regulating the hour to which this House shall stand adjourned from day to day,) was amended by striking out 10 o'clock, A. M., and inserting 9 o'clock, A. M.

No. 15, H. of R. A bill for the relief of C. M. Berg, reported back from the Council with an amendment, was considered, and,

On motion of Mr. Setzer,

Ordered, That the same be referred to the Committee on Legislative Expenditures.

No. 8, C. F. A bill granting to Franklin Steele the right to establish and maintain a ferry across the Mississippi River, was read the second time.

Mr. Trask moved that the House resolve itself into the Committee of the Whole House for the consideration of the said bill; agreed to.

A division being called for,

There were yeas—5; nays—6.

The yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Black, Jackson, Johnson, Trask, Wells and Wilkinson—6.

Those who voted in the negative, are, Messrs. Babcock, Dewey, Dugas, Marshall, Morrison, Setzer and Furber, (Speaker)—7.

So the said motion was not agreed to.

On motion of Mr. Marshall,

The said bill was then referred to the Committee on Internal Improvements, with instructions to report the same back to the House as early as practicable.

No. 2, C. F. A bill regulating groceries;

Was read the third time and passed.

The question then being on agreeing to its title,

Mr. Setzer offered for the original title to the bill, the following substitute, viz:

“A bill regulating the traffic in intoxicating liquors;”

Which was disagreed to.

Mr. Wilkinson then offered the following as a substitute, viz:

“A bill regulating grocery licenses;”

Which was agreed to.

The question then being on the adoption of the substitute,

It was decided in the affirmative.

So the title to said bill was agreed to.

On motion of Mr. Jackson, the House adjourned.

FRIDAY MORNING, 9 O'CLOCK.

Prayer by the Rev. Mr. Brown.

The journal of yesterday was read and corrected.

Mr. Johnson, chairman of the Committee on Corporations, to whom was referred a bill to incorporate the St. Paul and St. Anthony Plank Road Company, reported the said bill back with amendments, and recommended its passage.

On motion of Mr. Trask,

Said report was accepted, and the committee discharged from the further consideration of the subject.

Mr. Jackson, pursuant to notice, asked, obtained leave, and introduced, No. 26, H. of R. A bill to exempt from sale by execution, the homestead, and,

No. 27, H. of R. A bill concerning debtors and their securities,

Which bills were severally read the first time.

A message from the Council by Joseph R. Brown their Secretary:

MR. SPEAKER:—I am instructed to inform this House, that the Council have passed,

“No. 3, C. F. Joint resolution relative to the temporary seat of Government;” and also, that they have concurred in

No. 5, H. of R. A bill granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake River near the outlet of Cross Lake.

No. 1, H. of R. A memorial to Congress for the improvement of the Mississippi River, above the Falls of St. Anthony.

No. 14, H. of R. A bill entitled an act for the relief of B. W. Lott and P. P. Bishop.

The two last with amendments.

In all which the concurrence of this House is requested.

And then he withdrew.

No. 3, C. F. Joint resolution relative to the temporary location of the seat of government, was read the first time.

No. 14, H. of R. A bill entitled and act for the relief of B. W. Lott and

P. P. Bishop, reported back from the Council with an amendment; was considered.

The question being on concurring in the amendment of the Council, and being put,

It was decided in the negative.

So the amendment of the Council to said bill was not concurred in.

No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony,

Reported back from the Council with an amendment, was considered;

When Mr. Brunson moved, that the said memorial lie upon the table till to-morrow; disagreed to.

A division being called for,

There were yeas—6; nays—9.

Mr. Setzer moved,

The following as a substitute for the amendment of the Council, viz:

Strike out the words "but strong fears are entertained as to its being successfully run, unless some of the obstructions are removed," and insert, "but it is evident that said boat cannot ascend to Sauk Rapids, until the obstructions on said rapids are removed; which was read.

And the question being put,

Mr. Setzer's motion was disagreed to.

The question then being put on concurring in the amendment of the Council;

It was decided in the negative.

So the amendment of the Council to the memorial was not concurred in.

No. 16, H. of R. A bill to locate a temporary seat of government for the Territory of Minnesota, and for other purposes, was taken up;

When Mr. Jackson moved, that said bill be engrossed and read a third time to-morrow.

Mr. Babcock moved, that the words "St. Paul," be stricken out of said bill and be left blank to be filled hereafter.

The question being on agreeing to Mr. Babcock's motion,

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black, Holmes, Marshall, Morrison, Trask and Furber, (Speaker)—8.

Those who voted in the negative, are, Messrs. Brunson, Dewey, Dugas, Jackson, Johnson, Setzer, Wells and Wilkinson—8.

So the motion to strike out was not agreed to.

Mr. Babcock then moved, that said bill be laid on the table until the twentieth of October instant.

The question being on agreeing to Mr. Babcock's motion,

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black, Holmes, Marshall, Morrison, Trask, Wilkinson and Furber, (Speaker)—9.

Those who voted in the negative, are, Messrs. Brunson, Dewey, Dugas, Jackson, Johnson, Setzer and Wells—7.

So the said motion was agreed to.

On motion of Mr. Jackson, the House adjourned.

2 O'CLOCK, P. M.

The report of the Committee on Corporations, to which was referred, No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company, was read.

On motion of Mr. Jackson,

The House resolved itself into the Committee of the Whole House, for the consideration of the said bill,

Mr. Branson in the chair,

And after some time passed therein, rose and reported the bill back to the House with amendments, and asked leave to sit again;

Leave was granted.

The question was then put on concurring in the amendments of the Committee of the Whole,

And decided in the negative.

So the amendments to said bill were not concurred in.

Mr. Trask gave notice of a motion for leave to introduce a bill to provide for laying out a Territorial Road from Stillwater to the mouth of Rum River.

Mr. Marshall, from the Joint Committee on Enrolled Bills, reported No. 2, H. of R. Joint resolutions relative to the removal of the Chippewa Indians from the ceded lands within the Territory of Minnesota; and,

No. 9, H. of R. A bill to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski, as correctly enrolled.

The said bill and joint resolutions were severally signed by the Speaker:

On motion of Mr. Jackson,

The House resolved itself into the Committee of the Whole House, for the consideration of

No. 20, H. of R. A bill concerning Justices of the Peace.

Mr. Trask in the chair;

Pending which a message from the Council was announced;

When the Speaker took the chair,

And the following message was delivered by J. R. Brown, their Secretary, viz:

MR. SPEAKER:—The Council have passed,

No. 10, C. F. A bill providing for the creation of certain counties therein named, and for other purposes;

To which the concurrence of this House is requested.

The Council have refused to recede from their amendments to,

No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony; and,

No. 14, H. of R. A bill entitled an act for the relief of B. W. Lott and P. P. Bishop;

And have appointed a Committee of Conference on each bill.

Messrs. Loomis and Norris have been appointed to confer on No. 1,

Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony;

And Messrs. McLeod and Burkleo were appointed to confer on

No. 14, H. of R. A bill entitled an act for the relief of B. W. Lott and P. P. Bishop,

And the House of Representative is requested to appoint committees to confer with those of the Council on the aforesaid memorial and bill.

And then he withdrew.

The Committee of the Whole House then resumed its session,

And after some time passed therein, rose and reported progress, and asked leave to sit again;

Leave was granted.

On motion of Mr. Trask,

Two several Committees of Conference were appointed on the part of the House of Representatives, to confer with similar committees respectively, on the part of the Council, on

No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony; and on

No. 14, H. of R. A bill entitled an act for the relief of B. W. Lott and P. P. Bishop.

The Speaker announced as said committee, on
No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony,
Messrs. Wilkinson and Marshall;
No. 14, H. of R. A bill entitled an act for the relief of B. W. Lott and P. P. Bishop,
Messrs. Babcock and Brunson.
On motion of Mr. Wilkinson, the House adjourned.

SATURDAY MORNING, 9 o'clock.

On motion of Mr. Trask,
Leave of absence was granted to the Sergeant-at-Arms, until Monday noon. And on his motion,
O. H. Kelley was appointed Sergeant-at-Arms, *pro. tem.*, until Monday at noon.

The journal was then read and corrected.

Mr. Baily, from the Committee on Territorial Affairs, to which was referred
No. 12, H. of R. A bill to prevent the taking and conversion of any logs, masts, or timber, and for other purposes; made the following report:

The Committee on Territorial Affairs, to whom was referred No. 12, H. of R.; beg leave to report,

That they recommend that the first section be so altered as to strike out, in thirteenth line, the words "twenty dollars," and insert in lieu thereof, the words "double the value of the same."

In section 4, strike out the word "fifty," and insert in lieu thereof "ten," also strike out the words "one hundred," and insert in lieu thereof "fifty."

Mr. Trask, pursuant to notice, asked, obtained leave, and introduced,

No. 28, H. of R. A bill to provide for laying out a Territorial Road from Stillwater to the mouth of Rum River;

And it was read the first time.

No. 3, C. F. Joint resolution relative to the temporary location of the seat of government;

Was read the second time.

Mr. Trask moved that the said joint resolution lie on the table until the 20th instant.

The question being on agreeing to Mr. Trask's motion,

Mr. Jackson moved a call of the House;

And Messrs. Babcock and Johnson were reported absent.

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

Mr. Brunson, from the Committee on Internal Improvements, to which was referred,

No. 8, C. F. A bill granting to Franklin Steele the right to establish and maintain a ferry across the Mississippi River;

By leave, reported the same back to the House, recommending an amendment.

Mr. Wilkinson, from the Committee on the Judiciary, to which was referred
No. 19, H. of R. A bill for the appointment of Commissioners to prepare a code of laws for the Territory of Minnesota;

By leave, reported said bill back with amendments.

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

Which motion was disagreed to.

The Sergeant-at-Arms reported the members in attendance.

The question then recurred on agreeing to Mr. Trask's motion,

That No. 3, C. F. lie on the table till the 20th instant;

When Mr. Brunson moved to amend the same by striking out the words "20th instant," and inserting the words, "27th instant."

Pending which motion to amend,

Mr. Jackson moved that Mr. Babcock be excused from attendance on the House this forenoon;

Which was agreed to.

The question recurred on agreeing to Mr. Brunson's amendment, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Brunson, Dewey, Dugas, Holmes and Setzer—5.

Those who voted in the negative, are, Messrs. Black, Jackson, Johnson, Marshall, Morrison, Trask, Wells, Wilkinson and Furber, (Speaker)—9.

So Mr. Brunson's motion to amend, was not agreed to.

Mr. Marshall then moved to so amend Mr. Trask's motion as to postpone the consideration of the said joint resolution until Monday next; and being put, And the yeas and nays being called for,

Those who voted in the affirmative, are, Messrs. Bailly, Black, Holmes, Marshall, Morrison, Trask, Wilkinson and Furber, (Speaker)—8.

Those who voted in the negative, are, Messrs. Brunson, Dewey, Dugas, Jackson, Johnson, Setzer and Wells—7.

So the said motion was agreed to.

The question was then put on agreeing to Mr. Trask's motion as amended, And the yeas and nays being called for,

Those who voted in the affirmative, are, Messrs. Bailly, Black, Holmes, Marshall, Morrison, Trask, Wilkinson and Furber, (Speaker)—8.

Those who voted in the negative, are, Messrs. Brunson, Dewey, Dugas, Jackson, Johnson, Setzer and Wells—7.

So Mr. Trask's motion as amended, was agreed to.

On motion of Mr. Trask,

The aforesaid reports of the respective committees to which were referred, Nos. 12, and 19, H. of R., and No. 8, C. F., were accepted, and the respective committees discharged from the further consideration of the subjects respectively.

No. 10, C. F. A bill providing for the erection of certain counties therein named, and for other purposes;

Was read the first time.

Mr. Wilkinson moved a suspension of the rules to admit the bill to be read a second time,

Which motion was disagreed to.

A division being called for, there were yeas—6; nays—8.

So the House did not consent to suspend the rules.

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House, for the consideration of,

No. 12, H. of R. A bill to prevent the taking and conversion of any logs, masts and other timber, and for other purposes;

Mr. Jackson in the chair,

Pending which, a message from the Council was announced,

When the Speaker took the chair,

And the following message was delivered by J. R. Brown, their Secretary, viz:

MR. SPEAKER:—The Council have passed, No. 2, C. F. A memorial to Congress for an appropriation to construct a road from Point Douglass to the St. Louis River; they have concurred in No. 11, H. of R. A bill to prescribe the qualifications of voters and of holding office, with amendments,

In all which the concurrence of this House is requested.

The Council have refused to concur to the 1st, 2d, 3d and 4th amendments made by this House to,

No. 2, C. F. A bill regulating groceries, and have concurred in the 5th amendment to said bill with an amendment, in which the concurrence of this House is requested.

The Council have also concurred to the 6th amendment to the bill, and the amendment to the title to the bill;

And then he withdrew.

The Committee of the Whole House resumed its session, and after some time passed therein, another message from the Council was announced;

The Speaker took the chair, and the following message was delivered by their Secretary:

MR. SPEAKER:—The Council have concurred in,

No. 10, H. of R. A bill to incorporate the Historical Society of Minnesota, with an amendment, in which the concurrence of this House is requested;

And then he withdrew.

The Committee of the Whole House resumed its session, and after some time passed therein, the committee rose, and by their chairman, reported said bill,

No. 12, H. of R. back to the House with amendments.

The question then being on concurring in said amendments,

On motion of Mr. Marshall,

Said amendments were severally considered and not concurred in.

Mr. Trask moved that the House adjourn until Monday next, at 9 A. M.

Mr. Bailly moved to amend the same so as to read until Tuesday morning, at 10 A. M.

The question being on agreeing to Mr. Bailly's motion to amend,

The yeas and nays were desired,

When Mr. Jackson moved a call of the House;

Messrs. Brunson and Dewey were reported absent.

Mr. Wilkinson moved that further proceedings under the call of the House be dispensed with; agreed to.

The question then recurring on agreeing to Mr. Bailly's motion to amend,

Those who voted in the affirmative, are, Messrs. Bailly, Dugas, Holmes, Morrison, Wells and Wilkinson—6.

Those who voted in the negative, are, Messrs. Black, Jackson, Johnson, Marshall, Setzer, Trask and Furber, (Speaker)—7.

The question was then put on agreeing to Mr. Trask's motion, and decided in the negative:

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Black, Johnson, Marshall and Trask—4.

Those who voted in the negative, are, Messrs. Bailly, Brunson, Dewey, Holmes, Jackson, Morrison, Setzer, Wells, Wilkinson and Furber, (Speaker)—10.

So said motion was not agreed to.

On motion of Mr. Jackson, the House adjourned.

2 O'CLOCK, P. M.

On motion of Mr. Setzer,

The unfinished business of the morning, it being the consideration of No. 12, H. of R. A bill to prevent the taking and conversion of any logs, masts and other timber, and for other purposes,

Was laid on the table, and made the order of Monday next.

No. 19, H. of R. A bill for the appointment of Commissioners to prepare a code of laws for the Territory of Minnesota, reported back to the House by the Judiciary Committee with amendments, was taken up;

When Mr. Setzer moved a call of the House.

Messrs. Black, Jackson, Marshall and Trask were reported absent.

On motion of Mr. Setzer,

Further proceedings under the call of the House were dispensed with.

The question then being on concurring in the said amendments of the Judiciary Committee to No. 19, H. of R.

Mr. Brunson moved that the said bill be laid upon the table till Saturday next.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Brunson, Dewey, Dugas, Johnson, Setzer and Wells—6.

Those who voted in the negative, are, Messrs. Bailly, Holmes, Morrison, Wilkinson and Furber, (Speaker)—5.

So the said motion was agreed to.

Mr. Bailly moved that the House adjourn,

Which was decided in the affirmative;

And a division being called for,

There were yeas—6; nays—4.

So the House adjourned until Monday at 9 o'clock, A. M.

MONDAY MORNING, 9 O'CLOCK.

The journal of Saturday was read.

Mr. Brunson from the Committee on internal improvements, to which was referred the petition of Calvin A. Tuttle, to build and maintain a dam across Rum river, with the report of the Committee on corporations, reported

No. 29, H. of R., a bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum river,

Which was read the first time.

Mr. Black from the Committee on roads to which was referred, No. 18, H. of R., a bill to provide for laying out Territorial roads in the territory of Minnesota, and for other purposes,

Reported the same back to the house with amendments.

Mr. Dugas from the Committee on roads, to which was referred No. 24, House of Representatives, a bill to locate a Territorial road from St. Paul to Little Canada, reported the same back to the House without amendments and recommended its passage.

No. 10, House of Representatives, a bill to incorporate the Historical Society of Minnesota, reported back from the Council, was taken up,

When Mr. Trask moved to amend the amendment of the Council by prefixing the same as follows:

“After the word Forbes in the 4th line insert,”

Which was agreed to.

The said amendment of the Council as amended, was then concurred in.

No. 2, C. F., a memorial to Congress for an appropriation to construct a road from Point Douglass to the St. Louis river,

Was read the first time.

No. 11, H. of R., a bill to prescribe the qualifications of voters, and of holding office,

Was taken up.

And the question being on concurring in the first amendment of the Council, and the ayes and nays being desired,

Those who voted in the affirmative, are Messrs. Black, Setzer and Trask—3.

Those who voted in the negative, are Messrs. Babcock, Brunson, Dewey, Dugas, Holmes, Jackson, Morrison, Wilkinson, and Furber, (the Speaker,)

—9.

So the said amendment was not concurred in.

The question was then put on concurring in the second amendment of the Council, when

Mr. Jackson moved to amend the same as follows:

“Provided that nothing in the foregoing act shall be so construed as to allow any persons to vote who are mixed with the African blood.”

The question being on agreeing to said amendment, when

On motion of Mr. Jackson,

The said bill was laid on the table till to-morrow.

No. 2, C. F., a bill regulating grocery licences, returned from the Council, was taken up.

And the questions were severally put,

Will the House recede from its first, second, third, and fourth amendments to the said bill?

And were severally decided in the negative.

The question was then put on concurring in the amendment of the Council to the 5th amendment of the House to said bill, and decided in the negative.

On motion of Mr. Marshall,

Ordered, That a Committee of conference consisting of two be appointed to confer with a similar Committee to be appointed on the part of the Council, on said No. 2, C. F., a bill regulating grocery licenses.

Messrs. Marshall and Jackson were appointed said Committee on the part of the House.

Mr. Brunson from the Committee on internal improvements to which was referred the bill and petition of L. Laramie for a divorce from his wife, Wakan-ye-ke-win, reported the same back to the House without amendment and recommended its passage.

Mr. Brunson from the same Committee to which was referred the petition of Wm. Lewis, and fifty-eight others, to establish a ferry across the Mississippi river above the falls of St. Anthony, by leave made the following report:

The Committee on internal improvements, to whom was referred the petition of Wm. J. Lewis, and fifty-eight others, to “establish a ferry across the Mississippi river above the falls of St. Anthony,” would respectfully report that they have had the subject under consideration and would respectfully submit the following report:

That in the opinion of your Committee, the prayer of said petitioners should be granted, as to the establishment of the ferry; but in the opinion of your Committee, the time specified in said petition for the charter to continue in force should be reduced from 8 to 5 years.

BENJ. W. BRUNSON, Chairman,
JOHN DEWEY,
S. TRASK.

On motion of Mr. Babcock,

Ordered, That the said report be accepted, and the Committee discharged from the further consideration of the subject.

No. 10, C. F., a bill providing for the erection of certain counties therein named and for other purposes.

Was read the second time, and

On motion of Mr. Wilkinson,

The House resolved itself into the Committee of the whole House for the consideration of the said bill,

Mr. Marshall in the chair.

And after some time passed therein, the Committee rose and by their chairman reported progress and asked leave to sit again.

Leave was granted.

On motion of Mr. Marshall,

Ordered, That said bill, No. 10, C. F., be referred to a select Committee of three.

Messrs. Marshall and Brunson were appointed said Committee.

On motion of Mr. Brunson, the House adjourned.

2 O'CLOCK, P. M.

No. 25, House of Representatives, a bill for granting marriage licences and for other purposes was read the 2d time.

And on motion of Mr. Babcock,

The House resolved itself into the Committee of the whole House on the said bill.

Mr. Babcock in the chair.

And after some time passed therein the Committee rose and by their chairman, reported the same back to the House with an amendment, it being to strike out all after the enacting clause.

Said amendment of the Committee of the whole was then concurred in.

No. 3, C. F., joint resolution relative to the temporary location of the seat of government was taken up:

When Mr. Jackson moved, that the said bill be indefinitely postponed.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Setzer, Trask, Wilkinson and Furber, (the Speaker,)—10.

Those who voted in the negative, are Messrs. Babcock, Black, Marshall, Morrison—4.

So the said motion was agreed to.

On motion of Mr. Setzer,

The House resolved itself in the Committee of the whole House for the consideration of No. 12, H. of R.

A bill to prevent the taking and conversion of any logs, masts, or timber, and for other purposes,

Mr. Dewey in the chair.

And after some time passed therein the Committee rose and by their chairman reported the bill back to the House with amendments.

Said amendments were then separately considered and concurred in.

On motion of Mr. Wilkinson,

Ordered, That the words "be it further enacted," where they occur in said bill after the enacting clause be stricken out:

And on motion of Mr. Trask,

Ordered, That the said bill be engrossed and read a third time to-morrow.
 On motion of Mr. Trask,
 The House adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

Mr. Marshall, chairman of the select Committee to which was referred No. 10, H. of R., a bill providing for the erection of certain counties therein named, and for other purposes, reported the same back to the House with amendments.

No. 18, H. of R., a bill to provide for laying out Territorial roads in the territory of Minnesota, and for other purposes, reported back from the Committee on roads, with amendments, was taken up, and said amendments of the committee concurred in.

On motion of Mr. Trask,

The house resolved itself into the Committee of the whole House for the consideration of said bill,

Mr. Trask in the chair.

And after some time passed therein, rose and by their chairman reported the same back to the House with amendments.

Said amendments of the Committee of the whole were then concurred in.

On motion of Mr. Trask,

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

Mr. Wilkinson moved that the House adjourn,

Which motion was disagreed to.

And the yeas and nays being called for,

Those who voted in the affirmative, are Messrs. Bailly, Dewey, Dugas, Morrison, Setzer, and Wilkinson—6.

Those who voted in the negative, are Messrs. Babcock, Black, Brunson, Holmes, Johnson, Marshall, Morrison, Trask, and Mr. Speaker—9.

No. 24, H. of R., a bill to locate a Territorial road from St. Paul to Little Canada, was taken up.

Mr. Brunson then moved to lay said bill upon the table until the 20th instant, and

The question being put, it was disagreed to.

A division being called for, there were, yeas 4, nays 9.

Mr. Wilkinson moved to strike out the word "territorial" in the third line, and insert in lieu thereof the word "county."

And the nays and yeas being desired,

Those who voted in the affirmative, are Messrs. Babcock, Setzer, and Wilkinson—3;

Those who voted in the negative, are Messrs. Bailly, Black, Brunson, Dewey, Dugas, Holmes, Johnson, Marshall, Morrison, Pond, Trask, and Mr. Speaker—12.

So said amendment was disagreed to.

Mr. Brunson moved to amend the first section of said bill as follows:

After the word next in the 13th line, insert the words "or soon as practicable thereafter;"

Which amendment was agreed to.

Mr. Marshall then moved that the second, third, fourth, and fifth sections be stricken out, and that section six be numbered section two.

A division of the question being called for, the question was put on striking out the second section, and decided in the affirmative.

The question was then taken on striking out the third section and decided in the affirmative.

A division being called for, there were yeas 8, nays 4.

The 4th and 5th sections were also stricken out.

That part of Mr. Marshall's motion that the 6th section of said bill be marked section 2d,

Was then agreed to.

Mr. Wilkinson then moved that the said bill be laid upon the table until the 20th instant;

Which was decided in the affirmative,

And a division being called for, there were yeas 7, nays 6.

Mr. Bailly moved that the House adjourn,

And the yeas and nays being called for,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dugas, Holmes, Pond, and Setzer—6.

Those who voted in the negative are Messrs. Babcock, Black, Dewey, Johnson, Marshall, Morrison, Trask, Wilkinson, and Mr. Speaker—9.

Mr. Trask moved that No. 7, C. F., a bill granting a divorce to Louis Larrammie from Wa-kan-ye-ke-win, his wife, be taken up and considered by sections.

Which was agreed to.

And a division being called for, there were yeas 8, nays 6.

Mr. Wilkinson moved a call of the House.

Messrs. Wells and Jackson were reported absent.

On motion of Mr. Babcock,

Mr. Jackson was excused from attendance this evening.

On motion of Mr. Johnson,

Mr. Wells was excused from attendance this evening.

Said bill, No. 7, C. F., was taken up, and

On motion of Mr. Trask,

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

Mr. Brunson moved that the House adjourn,

Which was disagreed to.

No. 8, C. F., a bill granting to Franklin Steele the right to establish and maintain a ferry across the Mississippi river,

Reported back from the Committee with an amendment,

Was taken up.

The said amendment was not concurred in.

Mr. Marshall moved that the House resolve itself into Committee of the whole on said bill, and

The question being put, it was decided in the affirmative.

A division being called for, there were yeas 9, nays 3.

So the House resolved itself into the Committee of the whole on the said bill,

Mr. Brunson in the chair,

And after some time passed therein rose, and by their chairman reported the same back to the House with amendments.

The amendments of the Committee of the whole to the said bill, were then separately considered and concurred in.

Mr. Wilkinson moved that the sum of "one thousand dollars" in the 9th line of section 5 be stricken out, and the sum of "one hundred and fifty dollars" be inserted in lieu thereof.

Mr. Marshall moved as an amendment, that the fifth section be stricken out.

The amendment was accepted.

And the question recurring on Mr. Wilkinson's motion as amended,
It was disagreed to.

And the yeas and nays being called for,

Those who voted in the affirmative, are Messrs. Black, Marshall, Morrison,
Pond, and Wilkinson—5.

Those who voted in the negative, are Messrs. Babcock, Brunson, Dewey,
Dugas, Holmes, Johnson, Setzer, Trask, and Mr. Speaker—9.

On motion of Mr. Marshall,

The messenger was excused from further attendance on the House this
evening.

Mr. Setzer moved a call of the House.

Mr. Bailly was reported absent.

On motion of Mr. Brunson,

The further call of the House was dispensed with.

On motion of Mr. Trask, adjourned.

TUESDAY MORNING, 9 o'clock.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read.

Mr. Brunson presented the petition of S. H. Axtell, praying a divorce from
Maria Elmer, his wife; and,

On motion of Mr. Marshall,

Ordered, That the said petition be referred to the Committee on Internal
Improvements.

Mr. Trask offered the following resolution:

Resolved, That this House do adjourn on Wednesday, 10th inst., at 12
o'clock, Meridian, until Thursday, 10 o'clock, A. M., and that Mr. R. Kennedy
have the use of this Hall during the adjournment.

Which was read,

And the question being on agreeing to the said resolution,

And the yeas and nays were called for.

When Mr. Babcock moved a call of the House.

And Messrs. Jackson, Wells, and Wilkinson were reported absent.

On motion of Mr. Brunson,

Mr. Jackson was then excused from attendance on the House for one half
hour.

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

On motion of Mr. Marshall,

Further proceedings under the call of the House were dispensed with.

The question then recurred on agreeing to Mr. Trask's resolution, and
being put,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black,
Brunson, Dewey, Dugas, Holmes, Johnson, Marshall, Morrison, Setzer,
Trask and Furber, (Speaker)—13.

In the negative, Mr. Pond—1.

Mr. Trask, from the Committee on Engrossed Bills, reported,

No. 12, H. of R. A bill to prevent the taking and conversion of any logs,
masts, or other timber, and for other purposes; also,

No. 18, H. of R. A bill to provide for laying out Territorial Roads in the
Territory of Minnesota, and for other purposes;

As correctly engrossed.

Mr. Black, from the Committee on Roads, to which was referred No. 3, H. of R. Memorial of the Legislative Assembly of Minnesota, to the Congress of the United States, for laying out mail routes from St. Paul to Fort Gaines and other intermediate points, reported the same back to the House without amendments, and recommended its passage.

The Sergeant-at-Arms then reported the members in attendance with the exception of Mr. Wells.

On motion of Mr. Marshall,

Leave of absence was granted to Mr. Wilkinson during the forenoon session.

No. 2, C. F. A memorial to Congress for an appropriation to construct a road from Point Douglass to the St. Louis River,

Was read the second time; and,

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House, on the said memorial,

Mr. Pond in the chair.

And after some time passed therein, rose,

And by their chairman reported said memorial back to the House without amendment, and

On motion of Mr. Marshall,

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

On motion of Mr. Trask,

Leave of absence was granted to Mr. Setzer, during the day.

No. 3, H. of R., memorial of the Legislative Assembly of Minnesota to the Congress of the United States for laying out mail routes from St. Paul to Fort Gaines, and other intermediate points was then taken up,

When Mr. Brunson moved to amend the same by adding as follows, to wit:

Your memorialists further represent that quite a large portion of the citizens of Minnesota territory would be accommodated by the establishment of a mail route direct from Saint Paul to Stillwater in said Territory, a distance of eighteen miles, and that the mail be carried thereon three times per week.

Which amendment was adopted, and

On motion of Mr. Marshall,

Ordered, That the said memorial be engrossed and read a third time on to-morrow.

No. 7, C. F., a bill granting a divorce to Louis Larrammie from Wa-kan-ye-ke-win, his wife, was read a third time.

And the question being on the passage of the bill,

When Mr. Babcock asked to be excused from voting on the question, and

On motion of Mr. Trask,

Mr. Babcock was thus excused.

The question then recurred on the passage of the bill, and being put it was decided in the affirmative.

So the said bill passed and the title thereof was agreed to.

No. 8, C. F., a bill granting to Franklin Steele the right to establish and maintain a ferry across the Mississippi river was taken up.

The question being on the passage of the bill, and being put, it was decided in the affirmative.

So the said bill passed and the title thereof was agreed to.

No. 12, H. of R., a bill to prevent the taking and conversion of any logs, masts, or other timber, and for other purposes, was taken up, when

On motion of Mr. Marshall,

Ordered, That the said bill be laid upon the table, and made the order of the afternoon.

No. 18, H. of R., a bill to provide for laying out Territorial roads in the territory of Minnesota, and for other purposes was read the third time.

The question being on the passage of the bill, and being put it was decided in the affirmative.

So the said bill passed, and the title thereof was agreed to.

No. 10, C. F., a bill providing for the erection of certain counties therein named, and for other purposes was taken up,

And the questions were separately put on concurring in the 1st, 2d, 3d, 4th, 5th, and 6th amendments reported by the select Committee and decided in the affirmative.

The question then being on concurring in the 7th amendment of the committee,

The Speaker announced that a quorum was not in attendance.

And on motion of Mr. Black,

A call of the House was ordered.

Messrs. Bailly, Johnson, Brunson, and Wells, were reported absent.

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

On motion of Mr. Pond,

Further proceedings under the call of the House was then dispensed with.

The question then recurred on concurring in the said 7th amendment of the Committee, and being put

It was decided in the affirmative.

The questions were then separately put on concurring in the 8th, 9th, 10th, 11th, and 12th amendments,

And decided in the affirmative.

So the amendments of the Committee to the said bill, No. 10, C. F., were concurred in.

The Sergeant-at-Arms reported the members present except Messrs. Bailly and Wells.

On motion of Mr. Marshall,

A call of the House was then ordered,

And Messrs. Bailly, Wells, and Jackson, were reported absent.

On motion of Mr. Brunson,

Mr. Jackson was excused from attendance on the House during the forenoon session.

Mr. Bailly then came in.

On motion of Mr. Brunson,

Ordered, That the Sergeant-at-Arms be authorized to hire or procure a horse and wagon, for the purpose of procuring the attendance of the absent member, Mr. Wells, and that the said member be responsible for the expense incurred in hiring said horse and wagon.

On motion of Mr. Brunson,

Further proceedings under the call of the House were then dispensed with.

On motion of Mr. Trask,

Ordered, That said bill, No. 10, C. F., be read a third time to-morrow.

No. 11, H. of R., a bill to prescribe the qualifications of voters and of holding office, was then taken up, and

On motion of Mr. Brunson,

Ordered, That it be laid upon the table and made the order of the afternoon.

On motion of Mr. Babcock, the House adjourned.

2 O'CLOCK, P. M.

Mr. Marshall from the Committee on enrolled bills, reported that the Committee had examined an act granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake river, near the outlet of Cross lake, and found the same truly enrolled.

When the Speaker signed the said bill.

On motion of Mr. Marshall,

O. H. Kelly was appointed Sergeant-at-Arms pro tempore, during the absence of the Sergeant-at-Arms.

On motion of Mr Marshall,

A call of the House was ordered.

Messrs. Dewey, Jackson, Wells, and Wilkinson, were reported absent.

The Sergeant-at-arms was directed to notify the absentees to appear in their seats.

On motion of Mr. Marshall,

Further proceedings under the call of House were then dispensed with.

The Speaker laid before the House a communication from J. M. Goodhue, requesting permission to distribute his type,

Which was read.

And on motion of Mr. Trask,

Ordered, That the said communication be referred to a select Committee of three.

Messrs. Trask, Wilkinson, and Setzer, were appointed said Committee.

A message from the Council by J. R. Brown, their Secretary:

MR. SPEAKER: The Council have passed No. 1, C. F., a memorial to Congress for an appropriation to construct a military road from Fort Snelling to the mouth of the Sioux river on the Missouri.

The Council have concurred in, No. 2, H. of R., memorial to Congress relative to the purchase of the Sioux Indian lands west of the Mississippi river.

And then he withdrew.

No. 11, H. of R., a bill to prescribe the qualifications of voters and of holding office, was taken up.

The question being on concurring in the second amendment of the Council to the said bill.

When Mr. Brunson moved,

To amend the same by inserting the words "White and," after the word "of," where it first occurs in the first line of the amendment.

The Sergeant-at-Arms reported the members in their seats, except Mr. Jackson and Wells.

The question recurred on agreeing to the amendment offered by Mr. Brunson.

It was decided in the affirmative.

The question then being on agreeing to the amendment of the Council as amended,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Bailly, Brunson, Dewey, Dugas, Holmes, Johnson, Marshall, Morrison, Trask, Wilkinson, and Furber (Speaker)—12.

Those who voted in the negative, are Messrs. Pond and Wilkinson—2.

So the said amendment of the Council as amended, was agreed to.

A bill to prevent the taking and conversion of any logs, masts, or any other timber, and for other purposes, was taken up.

And the question being,

Shall the bill pass?

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Black, Dugas, Holmes, Morrison, Pond, Trask, Wilkinson, and Furber (Speaker)—9.

Those who voted in the negative, are Messrs. Babcock, Brunson, Dewey, Johnson, and Marshall—5.

So the said bill passed, and the title thereof was agreed to.

No. 5, C. F., a bill to provide against the traffic in ardent spirits with the Indians, was taken up,

And on motion of Mr. Brunson,

The House resolved itself into the Committee of the whole House, for the consideration of the said bill,

Mr. Trask in the chair,

And after some time passed therein, the Committee rose and by their chairman reported said bill back to the House with amendments,

Said amendments were then separately considered.

The question was put on concurring in the second amendment, and it was agreed to.

A division being called for, there were yeas 9; a majority of the House.

The question being on concurring in the 3d amendment,

Mr. Brunson moved to amend the same by striking out in the amendment the words "such conviction was made," where it last occurred, and insert the words "in which such offence shall have been committed."

Which amendment to the amendment was adopted.

The amendment of the Committee of the whole as amended by the House was then concurred in.

On motion of Mr. Trask,

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

Mr. Wilkinson moved that the House adjourn.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Brunson, Dugas, Holmes, Johnson, Morrison, Pond, Trask, Wilkinson, and Furber (Speaker)—9.

Those who voted in the negative, are Messrs. Babcock, Bailly, Black, Dewey, and Marshall—5.

So the House adjourned.

WEDNESDAY MORNING, 9 o'clock.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read and corrected.

The Speaker laid before the House the following communication from James Wells:

*To the honorable, the Speaker of the House of Representatives:—*Your honorable body will please accept this as my excuse for not attending upon the Sergeant-at-Arms this evening; I am very unwell, but will be down in the morning, if my health permits.

MENDOTA, Oct. 9, 1849.

Mr. Wilkinson gave notice of a motion for leave to introduce a bill to provide for locating a Territorial Road from Point Douglass to St. Paul.

Mr. Jackson, from the committee to which was referred the petition of Ele-

azer F. Ring, praying for a divorce from his wife, Eljora Ring, reported by bill; which was read the first time.

Mr. Brunson, from the Committee on Engrossed Bills, reported

No. 3, H. of R. Memorial of the Legislative Assembly of Minnesota, to the Congress of the United States, for laying out mail routes from St. Paul to Fort Gaines, and other intermediate points,

As correctly engrossed.

Mr. Marshall, from the Joint Committee of Conference, introduced the following report:

The Joint Committee of Conference, to which was referred

No. 1, H. of R. "Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony," have had the same under consideration, and respectfully submit the following report:

In place of the amendment originally transmitted by the Council to the House, strike out of the memorial the words, "your memorialists are informed, and verily believe, that a steamboat will be built the coming season above the Falls, but strong fears are entertained as to its being successfully run, unless some of the obstructions are removed;" and recommend its adoption by the two Houses.

On motion of Mr. Johnson,

Said report was accepted.

Mr. Trask, chairman of the select committee, to which was referred the communication of James M. Goodhue, reported, that in the opinion of the committee, the request of Mr. Goodhue should be concurred in.

On motion of Mr. Babcock,

Said report was accepted.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report, viz:

The Standing Committee on Enrollment, have this 10th day of October, presented to his Excellency, the Governor, for his examination and approval, the following acts and joint resolutions, viz:

An act to dissolve the marriage contract between Stanislaus Bilanski and Mary Bilanski.

An act for the relief of John Morgan.

An act to authorize the printing of certain laws in the several newspapers of the Territory.

An act declaring the time at which the several acts passed at the present session of the Assembly shall take effect.

Joint resolution relative to the enacting clause of the Legislature.

Joint resolution relative to a donation to the Washington Monument Association.

Joint resolution authorizing the Secretary of the Territory to subscribe for certain papers, and for other purposes.

Joint resolution relative to the removal of the Chippewa Indians from the ceded lands within the Territory of Minnesota.

No. 1, C. F. Memorial to Congress for an appropriation to construct a military road from Fort Snelling to the mouth of the Sioux River, on the Missouri, was read the first time.

No. 2, C. F. A memorial to Congress for an appropriation to construct a road from Point Douglass to the St. Louis River;

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

No. 3, H. of R. Memorial of the Legislative Assembly of Minnesota to the Congress of the United States, for laying out mail routes from St. Paul to Fort Gaines, and other intermediate points;

Was read the third time and passed.

The question then being on agreeing to the title to the said bill,
Mr. Wilkinson moved to amend the same by adding thereto, the words,
“and also to Stillwater,”

Which amendment was agreed to;

And the title of said bill as amended, was then agreed to.

No. 10, C. F. A bill providing for the erection of certain counties therein
named, and for other purposes; was taken up,

And it being on its third reading,

Mr. Marshall asked the unanimous consent of the House to strike out in
the 1st section of said bill, in the last line but one, the words “the middle of,”

Which was agreed to, and said words were stricken out.

The question then recurred on the passage of the bill, and being put,

Was decided in the affirmative.

So the said bill passed, and the title thereof was agreed to.

No. 5, C. F. A bill to provide against the traffic in ardent spirits with the
Indians, was read the third time;

And the question being, shall the bill pass?

And the yeas and nays being desired,

Mr. Brunson moved that Mr. Jackson be excused from attendance on the
House to day.

Which was agreed to.

The question then recurring on the passage of said bill,

Those who voted in the affirmative, are, Messrs. Bailly, Dewey, Johnson,
Marshall, Morrison, Pond, Setzer, Trask, Wells, Wilkinson and Furber,
(Speaker)—11.

Those in the negative are, Messrs. Babcock, Black, Brunson, and Holmes, 4.

So the bill passed.

The question then being on agreeing to the title of said bill, and being put,
it was disagreed to.

Mr. Bailly offered the following resolution:

Resolved, That the Messenger be instructed by the Speaker of this House,
that he enquire of the Secretary of the Territory if all the necessary stationary
required for the use of the members of this Legislative Assembly, has been
procured, if so, why a distribution of those articles has not been made.

And the question being, shall the resolution pass?

And the yeas and nays being desired, those who voted in the affirmative,
are, Messrs. Bailly, Johnson, Morrison, Pond and Wells—5.

Those in the negative are, Messrs. Babcock, Black, Brunson, Dewey,
Holmes, Marshall, Setzer, Trask, Wilkinson and Furber, (Speaker)—10.

So the resolution was rejected.

Mr. Brunson moved, that the report of the committee on the communication
of James M. Goodhue be taken up; agreed to.

Mr. Brunson then offered the following resolution:

Resolved, That James M. Goodhue be at liberty to distribute his type in
such manner as he sees proper; but, that the resolution of this House requir-
ing him to print the justice's act and printer's bill, in close form, be adhered to.

And the question being, shall the resolution pass?

It was decided in the affirmative.

And the yeas and nays being desired, those who voted in the affirmative,
are, Messrs. Babcock, Bailly, Black, Brunson, Dewey, Holmes, Pond, Setzer
and Furber, (Speaker)—9.

Those who voted in the negative, are, Messrs. Johnson, Marshall, Morrison,
Trask, Wells and Wilkinson—6.

Mr. Bailly moved that the House adjourn,

And a division being called for, there were yeas—7; nays—7.

So the motion was not agreed to.

Mr. Wilkinson moved that the resolution passed yesterday, giving the use of this Hall to Mr. R. Kennedy, from 12 o'clock to day, till 10 o'clock on Thursday, be rescinded;

Which was disagreed to.

And the yeas and nays being desired, those who voted in the affirmative, are, Messrs. Brunson, Pond and Wilkinson—3.

Those who voted in the negative, are Messrs. Babcock, Bailly, Black, Dewey, Holmes, Johnson, Marshall, Morrison, Setzer, Trask, Wells and Furber, (Speaker)—12.

On motion of Mr. Brunson,

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

THURSDAY MORNING, 10 o'clock.

The Journal of yesterday was read and corrected.

Mr. Pond gave notice of a motion for leave to introduce a bill providing for the proper observance of the Sabbath day, for the suppression of gambling, and for other purposes.

Mr. Setzer in pursuance of notice, asked, obtained leave, and introduced—

No. 31, H. of R., a bill fixing the time of the annual meeting of the Legislative Assembly,

Which was read the first time.

Mr. Wilkinson, in pursuance of notice, asked, obtained leave, and introduced—

No. 32, H. of R., a bill to locate a Territorial road from Pt. Douglass to St. Paul,

Which was read the first time.

No. 1, C. F., memorial to Congress for an appropriation to construct a military road from Fort Snelling to the mouth of the Sioux river, on the Missouri,

Was read the second time, and

On motion of Mr. Babcock,

The House resolved itself into the Committee of the whole House for the consideration of the said memorial.

Mr. Pond in the chair.

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

On motion of Mr. Trask,

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

No. 20, H. of R., a bill concerning justices of the peace, was again taken up, and

On motion of Mr. Trask,

The House again resolved itself into the Committee of the whole House for the consideration of the said bill,

Mr. Trask in the chair.

Pending which, a message from the Governor was announced,

When the Speaker took the chair,

And the Hon. C. K. Smith, Secretary of the Territory, communicated the following message, viz:

MR. SPEAKER: I have the honor to present to you a message in writing from His Excellency the Governor.

And then he withdrew.

The Committee of the whole House resumed its session, and after some time passed therein rose, and by their chairman reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Trask,

The message from the Governor was read, and is as follows:

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT, }
Saint Paul, October 11, 1849. }

To the Honorable Speaker of the House of Representatives:

SIR: I have this day approved and signed the following acts and resolutions:

“An act to dissolve the marriage contract between Sanislaus Beilanski and Mary Beilanski.”

“An act for the relief of John Morgan.”

“Joint resolution relative to the enacting clause of the Legislature.”

“Joint resolution relative to the removal of the Chippewa Indians from the ceded lands within the territory of Minnesota.”

ALEX. RAMSEY.

On motion of Mr. Wilkinson,

The House adjourned.

2 O'CLOCK. P. M.

Mr. Marshall from the joint Committee on enrolment, made the following report, viz:

The standing Committee on enrolment have examined and found duly enrolled the following acts and memorial:

An act granting to Franklin Steele the right to establish and maintain a ferry across the Mississippi river.

An act to incorporate the Historical Society of Minnesota.

A memorial to Congress relative to the purchase of the Sioux Indian lands west of the Mississippi river.

The said acts and memorial were severally signed by the Speaker.

The unfinished business of the morning, it being the consideration of—

No. 20, H. of R., a bill concerning justices of the peace, was taken up and,

On motion of Mr. Setzer,

The House again resolved itself into the Committee of the whole House for the consideration of the said bill.

Mr. Johnson in the chair.

Pending which, a message from the Council was announced.

When the Speaker took the chair and the following message was communicated by J. R. Brown, their Secretary:

MR. SPEAKER: I have been instructed to return to this House, No. 1, H. of R., memorial to Congress for the improvement of the Mississippi river above the Falls of St. Anthony, as reported this day by the chairman of the Committee on the part of the Council to confer on said bill with a Committee of this House, with a proposed amendment, in which the Council have concurred.

The governor has notified the Council that he has this day approved and signed the following acts and resolutions:

“An act to authorize the printing of certain laws in the several newspapers of the Territory.”

“An act declaring the time at which the several acts passed at the present session of the Assembly shall take effect.”

“Joint resolution relative to a donation to the Washington monument Association.”

“Joint resolution authorizing the Secretary of the Territory to subscribe for certain papers and for other purposes.”

The Council have refused to concur in the 1st and 9th amendments made by this House to—

No. 10, C. F., a bill providing for the erection of certain counties therein named and for other purposes;

And have concurred in the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th, 11th, 12th, and 13th amendments to said bill.

And then he withdrew.

The Committee of the whole House then resumed its session.

And after some time passed therein rose, and by their chairman reported progress, and asked leave to sit again.

Leave was granted.

Mr. Brunson offered the following resolution, to wit:

Resolved, That a select Committee of three be appointed to ascertain how many and what bills are now in the hands of James M. Goodhue, and to inquire of the said Goodhue at what time this House can have the same, and that they report on to-morrow.

Mr. Setzer offered the following as a substitute, which was accepted by Mr. Brunson:

Resolved, That a select Committee of three be appointed by the chair. That the said Committee be instructed to examine into the causes of the delay of the printing of bills at the present time, and to report to the House such arrangements as they may deem necessary, with regard to obviating this inconvenience.

Which was read and adopted.

Messrs. Setzer, Pond, and Dewey, were appointed said Committee.

Mr. Marshall moved that the House adjourn until 7, p. m.

Which motion was disagreed to.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Black, Brunson, Marshall, Morrison, and Furber (Speaker)—5.

Those who voted in the negative, are Messrs Babcock, Bailly, Dugas, Holmes, Johnson, Pond, Seszer, Trask, Wells and Wilkinson—10.

On motion of Mr. Wilkinson, the House adjourned.

FRIDAY MORNING, 10 o'clock.

The journal of yesterday was read.

Mr. Marshall gave notice of a motion for leave to introduce a bill to grant to John Banfill the right to establish and maintain a ferry across the Mississippi River near the mouth of Rice River.

Mr. Marshall, from the Select Committee to which was referred

No. 17, H. of R. A bill entitled an act to incorporate the Minnesota Mutual Fire Insurance Company,

Reported the same back to the House with amendments.

On motion of Mr. Trask,

Said report was accepted, and the committee discharged.

On motion of Mr. Marshall,

Leave of absence was granted Mr. Dugas during the session of the day.

No. 1, H. of R. memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony, was taken up.

The question was then on concurring in the substitute recommended by the Committee of Conference, for the amendment of the Council to the said memorial,

And being put, it was decided in the affirmative,

So the said substitute was concurred in.

No. 10, C. F. A bill to provide for the erection of certain counties therein named, and for other purposes, was taken up,

And the question having been put,

Will the House recede from its first and ninth amendments to the said bill?

The yeas and nays were called for, pending which,

Mr. Babcock moved a call of the House;

Messrs. Brunson and Wilkinson were reported absent.

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

The Sergeant-at-Arms reported the members present.

The question on receding from the said first and ninth amendments then recurred,

And those who voted in the affirmative, are, Messrs. Black, Pond, Setzer and Trask—4.

Those who voted in the negative, are, Messrs. Babcock, Bailly, Brunson, Dewey, Holmes, Jackson, Johnson, Marshall, Morrison, Wells, Wilkinson and Furber, (Speaker)—12.

So the said amendments were not receded from.

On motion of Mr. Babcock,

Ordered, That a Committee of Conference, consisting of two, be appointed, on the part of the House, to confer with a similar committee to be appointed on the part of the Council, in reference to its disagreement to the said 1st and 9th amendments.

Messrs. Bailly and Dewey were appointed the said committee.

Mr. Wilkinson, from the Committee on the Judiciary, to which was referred

No. 13, H. of R. A bill relative to mechanics' liens, and for other purposes, Reported said bill back to the House, and recommended that it be indefinitely postponed.

On motion of Mr. Brunson,

Said report was accepted.

Leave of absence was granted to Mr. Babcock during the morning session.

No. 17, H. of R. A bill to incorporate the Minnesota Mutual Fire Insurance Company, was taken up,

And Mr. Trask moved that the said bill be laid upon the table, and made the order of the afternoon.

Which was decided in the affirmative.

A division being called for, there were yeas—8; nays—6.

No. 13, H. of R. A bill relative to mechanics' lien, and for other purposes,

Was taken up;

When Mr. Brunson moved that it be laid upon the table, and be made the order of the afternoon.

Which motion was decided in the negative.

Mr. Marshall moved that the said bill be indefinitely postponed.

Pending which motion,

Mr. Pond moved that the statute of Wisconsin of 1842, with reference to mechanics' lien, be read; which motion was disagreed to.

The question then recurred on Mr. Marshall's motion,

When Mr. Bailly moved a call of the House,

Mr. Dewey was reported absent.

On motion of Mr. Johnson,

Mr. Dewey was excused during the forenoon session.

The question again recurred on Mr. Marshall's motion,

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Bailly, Brunson, Holmes, Marshall, Morrison, Pond, Wilkinson and Furber, (Speaker)—8.

Those who voted in the negative, are, Messrs. Black, Jackson, Johnson, Setzer, Trask and Wells—6.

So said motion to postpone the said bill indefinitely, was agreed to.

No. 1, C. F. A memorial to Congress to construct a military road from Fort Snelling to the mouth of the Sioux River on the Missouri;

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

On motion of Mr. Setzer,

The House resolved itself into the Committee of the Whole House, for the further consideration of,

No. 20, H. of R. A bill concerning Justices of the Peace.

Pending the session, a message from the Council was announced.

The Speaker took the chair, and the following message was communicated by J. R. Brown, their Secretary:

MR. SPEAKER:—The Council have concurred in the 1st, 2d and 3d amendments made by this House, to

No. 5, C. F. 'A bill to provide against the traffic in ardent spirits with the Indians,'

And have non-concurred in the disagreement of the House to the title of said bill.

And then he withdrew.

The Committee of the Whole House then resumed its session, and after some time passed therein, the committee rose, and by their chairman reported progress, and asked leave to sit again,

Leave was granted.

No. 5, C. F. A bill to provide against the traffic in ardent spirits with the Indians, was taken up,

The question was put, will the House recede from its disagreement to the title of the bill?

And it was decided in the affirmative.

And the question again recurred on agreeing to the title of the bill,

It was decided in the affirmative.

So the title to the said bill was agreed to.

On motion of Mr. Wilkinson, the House adjourned.

2 O'CLOCK, P. M.

Mr. Brunson moved that the House adjourn.

Which was agreed to.

A division being called for, there were yeas—5; nays—2;

So the House adjourned.

SATURDAY MORNING, 9 O'CLOCK.

Prayer by the Rev. Mr. Boutwell.

Mr. Jackson offered the following resolution:

Resolved, That the Chief Clerk be authorized to request the Council to return to this House for further action,

No. 10, C. F. A bill providing for the erection of certain counties therein named, and for other purposes; which was read, and

On motion of Mr. Trask,

It was read the second time.

The question being on the adoption of the resolution,

Mr. Jackson moved that it be laid upon the table until Monday next,

Which motion was agreed to.

Mr. Setzer, chairman of the Select Committee instructed to examine into the causes of the delay of the public printing, and to report such arrangements as they may deem necessary to obviate the difficulty, made the following report:

Your committee, instructed to examine into the causes of the delay of the public printing, and to report such arrangements as they may deem necessary to obviate the difficulty; would respectfully submit the following report:

Mr. Goodhue has stated to your committee that he has been considerably embarrassed by the printing of a bill entitled, "a bill concerning Justices of the Peace," not so much on account of the original length of the bill, but, because the honorable chairman of the Judiciary Committee, thought proper, during the progress of the printing of said bill, to add to, and alter, the original reading of the bill, much to the inconvenience of the printer thereof. Mr. Goodhue further states, that the "bill concerning Justices of the Peace, is finished; that the bill regulating the public printing and binding," will be ready to be laid before the House on Tuesday morning; and that quite a number of the bills of minor length, now in the hands of the printer, will be struck off to day and Monday. It is the opinion of your committee, that further delay, with regard to the incidental printing, is not to be apprehended.

All of which is respectfully submitted.

H. N. SETZER, Chairman.

C. H. POND,

JOHN DEWEY.

On motion of Mr. Trask,

The said report was accepted, and the committee discharged.

Mr. Marshall, from the Committee on Enrolled Bills,

Reported that the committee had examined an enrolled bill and memorial of the following titles, viz:

An act granting a divorce to Louis Larammie, from Wa-kan-ye-ke-win, his wife;

And a memorial to Congress for an appropriation to construct a military road from Fort Snelling to the mouth of the Sioux River, on the Missouri,

And found the said bill and memorial truly enrolled.

When the Speaker signed the said bill and memorial.

On motion of Mr. Bailly,

Leave of absence was granted to Mr. Wells during the session of the day.

Mr. Wilkinou, from the Committee on the Judiciary, to which was committed,

No. 22, H. of R. A bill concerning divorces,

Reported the said bill back to the House with an amendment, and recommended its passage.

The following bills, in pursuance of notice, and by leave, were introduced,

By Mr. Jackson, viz:

No. 33, H. of R. A bill granting to Isaac N. Goodhue, the right to establish and maintain a ferry across the Mississippi River.

By Mr. Johnson,

No. 34, H. of R. A bill granting to John R. Irvine, the right to establish and maintain a ferry across the Mississippi River.

By Mr. Pond,
No. 35, H. of R. A bill providing for the proper observance of the Sabbath day, and for other purposes,

Which bills were severally read the first time.

Mr. Johnson, by leave, presented a petition, signed by numerous citizens of St. Paul, and its vicinity, petitioning for a grant to John R. Irvine, the privilege of establishing and maintaining a ferry across the Mississippi River. Which was read and referred to the Committee on Territorial Affairs.

Mr. Wilkinson by leave, offered the following resolution:

Whereas, Some evil disposed person or persons, are in the habit of committing petty thefts upon members of this House, by carrying off stationery and other articles which may be left upon the desks of members; therefore,

Resolved, That hereafter, the Sergeant-at-Arms, be directed to close this Hall immediately after each and every adjournment, and to keep the same closed and locked until the hour to which the House adjourned;

Which was read.

When Mr. Marshall offered the following as a substitute:

Resolved, That the Sergeant-at-Arms be required to enforce the prohibition of smoking in this Hall from 6 o'clock in the morning, until 9 o'clock, P. M.

On motion of Mr. Pond,

Ordered, That the question on the adoption of the substitute and original resolution, be postponed until the first of November next.

Mr. Trask moved that the vote of this House this morning, by which the resolution offered by Mr. Jackson, was laid on the table, be re-considered; Agreed to.

A division being called, there were yeas—9; a majority of the House.

The question then recurring on the adoption of Mr. Jackson's resolution, And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Black, Dugas, Holmes, Jackson, Johnson, Morrison, Pond, Setzer and Trask—9.

Those who voted in the negative, are, Messrs. Babcock, Bailly, Brunson, Dewey, Marshall, Wilkinson and Furber, (Speaker)—7.

So the said resolution was adopted.

No. 31, H. of R. A bill fixing the time of the annual meeting of the Legislative Assembly,

Was read the second time, and

On motion of Mr. Jackson,

Ordered, That the said bill be engrossed and read a third time, on Monday next.

No. 17, H. of R. A bill to incorporate the Minnesota Mutual Fire Insurance Company,

Was taken up, and the amendments of the Select Committee to said bill considered.

The question having been separately put on concurring in the said several amendments, they were severally decided in the affirmative.

So the said amendments were concurred in.

On motion of Mr. Babcock,

Ordered, That the said bill be engrossed and read a third time on Monday next.

Mr. Babcock, from the Joint Committee of Conference, to which was referred,

No. 14, H. of R. A bill for the relief of B. W. Lott and P. P. Bishop, reported the bill back to the House, recommending an amendment.

On motion of Mr. Marshall,

The said report was accepted, and

On motion of Mr. Trask,

Ordered, That the word "fifty," wherever it occurs in the said bill, No. 14, H. of R., be stricken out, and the words "forty-five" inserted in lieu thereof.

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House for the further consideration of

No. 20, H. of R. A bill concerning Justices of the Peace,

Mr. Trask in the chair.

Pending the session, a message from the Council was announced,

When the Speaker took the chair,

And the following message was communicated by J. R. Brown, their Secretary:

MR. SPEAKER:—The Council have instructed me to return to this House, for further action thereon,

No. 10, C. F. A bill providing for the erection of certain counties therein named, and for other purposes.

And then he withdrew.

The Committee of the Whole House resumed its session, and after some time passed therein, another message from the Council was announced;

When the Speaker took the chair,

And the following was communicated by their Secretary:

MR. SPEAKER:—Messrs. Loomis and Rollins have been appointed a committee to confer with the committee of this House, on the disagreeing vote of the two Houses on

No. 5, C. F. A bill regulating grocery licenses.

The Council have passed,

No. 13, C. F. A bill organizing a Board of County Commissioners in each county in this Territory:

And have concurred in

No. 3, H. of R. Memorial of the Legislative Assembly of Minnesota, to the Congress of the United States, for laying out mail routes from St. Paul to Fort Gaines and other intermediate points, and also to Stillwater, with an amendment to the title thereof.

In all which the concurrence of this House is requested.

The Council have refused to recede from its first amendment to

No. 11, H. of R. A bill to prescribe the qualifications of voters and of holding office, and have refused to concur in the amendment of the House of Representatives to the second amendment made by the Council to said bill:

And Messrs. Norris and Boal have been appointed a committee on the part of the Council to confer with a committee of this House on the disagreeing vote of the two Houses on said bill.

And then he withdrew.

The Committee of the Whole House resumed its session,

And after some time passed therein, rose and by their chairman, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Wilkinson, the House adjourned.

2 O'CLOCK, P. M.

Mr. Jackson moved that the vote by which the House refused to recede from its first and ninth amendments to

No. 10, C. F. A bill providing for the erection of certain counties therein named, and for other purposes, be re-considered.

Mr. Jackson moved a call of the House.

Messrs. Bailly and Morrison were reported absent.

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

Mr. Brunson moved that the further call be suspended; disagreed to.

And a division being called, there were yeas—3; nays—10.

Mr. Morrison having taken his seat in the House,

Mr. Jackson moved that the further call of the House be dispensed with.

And the yeas and nays being called for,

Those who voted in the affirmative, are, Messrs. Babcock, Black, Holmes, Jackson, Morrison, Setzer and Trask—7.

Those in the negative, are, Messrs. Brunson, Dewey, Dugas, Johnson, Marshall, Pond, Wilkinson and Furber, (Speaker)—8.

So the call was not suspended.

Mr. Wells reported himself in attendance on the House.

Pending the report of the Sergeant-at-Arms, the Speaker announced the members present.

And the question being, will the House re-consider the vote by which it refused to recede from its first and ninth amendments to said bill, No. 10, C. F.?

And being put, was decided in the affirmative.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Black, Dugas, Holmes, Jackson, Johnson, Morrison, Setzer, Trask and Wells—9.

Those in the negative, are, Messrs. Babcock, Bailly, Brunson, Dewey, Marshall, Pond, Wilkinson and Furber, (Speaker)—8.

The question then recurring on receding from its first and ninth amendments, and being put, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Black, Dugas, Holmes, Jackson, Morrison, Setzer, Trask and Wells—8.

Those who voted in the negative, are, Messrs. Babcock, Bailly, Brunson, Dewey, Johnson, Marshall, Pond, Wilkinson and Furber, (Speaker)—9.

So the House declined to recede from its first and ninth amendments.

Mr. Bailly moved that the House adjourn,

And having been put, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Bailly, Dugas, Morrison, Pond and Wells—5.

Those who voted in the negative, are, Messrs. Babcock, Black, Brunson, Dewey, Holmes, Johnson, Marshall, Setzer, Trask, Wilkinson and Furber, (Speaker)—11.

So the House refused to adjourn.

On motion of Mr. Wilkinson,

Leave of absence was granted to Mr. Pond until next Tuesday morning.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole House, for the further consideration of

No. 20, H. of R. A bill concerning Justices of the Peace,

Mr. Setzer in the chair,

And after some time passed therein, the committee rose, reported progress, and asked leave to sit again;

Leave was granted.

Mr. Brunson, from the Committee on Engrossed Bills, reported

No. 31, H. of R. A bill fixing the time of the annual meeting of the Legislative Assembly,

As correctly engrossed.

Mr. Marshall, from the Committee on Enrolled Bills, reported that the committee had examined,

No. 1, H. of R. Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony,

And found the said memorial truly enrolled.

When the Speaker signed the said memorial.

Mr. Brunson moved that the House adjourn until 7 o'clock, P. M.

Disagreed to.

A division being called for, there were yeas—5; nays—7.

Mr. Marshall moved that the House adjourn,

Which motion was agreed to.

A division being called, there were yeas—8; nays—4.

So the House adjourned until Monday morning, at 9 A. M.

MONDAY MORNING, 9 o'clock.

The journal of Saturday was read and corrected.

On motion of Mr. Dewey,

Leave of absence was granted to Mr. Johnson during the session of the day.

Mr. Wilkinson, from the Committee on the Judiciary, reported bill

No. 36, H. of R. An act authorizing the Governor to issue his proclamation for the holding of a court in the county of Wabeshaw, and for other purposes; which was read the first time.

Mr. Babcock, from the Committee on Legislative Expenditures, to which was referred,

No. 15, H. of R. A bill for the relief of Charles M. Berg,

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

On motion of Mr. Jackson,

The said report was accepted.

The question recurred on concurring in the amendment of the Council to the said bill,

And being put, it was decided in the affirmative.

So the amendment of the Council to said bill, No. 15, H. of R. was concurred in.

No. 3, H. of R. Memorial of the Legislative Assembly of Minnesota, to the Congress of the United States, for laying out mail routes from St. Paul to Fort Gaines and other intermediate points, and also to Stillwater,

Returned from the Council with an amendment to the title of said memorial, was taken up.

The question having been put on concurring in the amendment of the Council, it was decided in the affirmative.

The title of the said memorial, as amended, was then concurred in.

No. 11, H. of R. A bill to prescribe the qualifications of voters and of holding office, returned from the Council,

Was taken up.

The question having been put, will the House recede from its amendment made to the amendment of the Council to said bill?

The Speaker was unable to determine the vote.

A division being called, there were yeas—4; nays—7.

So the House declined to recede from its said amendment to the amendment.

On motion of Mr. Trask,

Ordered, That a Committee of Conference, consisting of two, be appointed on the part of the House, to confer with a similar committee which may be

appointed on the part of the Council, in reference to its disagreement to the aforesaid amendment.

Messrs. Trask and Bailly were appointed said committee.

No. 13, C. F. A bill organizing a Board of County Commissioners in each county in this Territory,

Was read the first time.

On motion of Mr. Trask,

Ordered, That the rule be suspended, and the said bill read the second time.

Mr. Brunson, from the Committee on Engrossed Bills, reported

No. 17, H. of R. A bill to incorporate the Minnesota Mutual Fire Insurance Company, as correctly engrossed.

The said bill was then read the third time.

The question being on the passage of the bill, the yeas and nays were desired;

When Mr. Brunson moved a call of the House.

Messrs. Marshall and Wells were reported absent.

On motion of Mr. Wilkinson,

Further proceedings under the call of the House were dispensed with.

The question then recurring on the passage of the aforesaid bill,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Morrison, Pond, Setzer, Trask, Wilkinson and Furber, (Speaker)—13.

Mr. Black voted in the negative.

So the said bill passed, and the title thereof was agreed to.

No. 31, H. of R. A bill fixing the time for the annual meeting of the Legislative Assembly,

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

No. 19, H. of R. A bill for the appointment of Commissioners to prepare a Code of Laws for the Territory of Minnesota,

Was taken up.

The question having been put on concurring in the first amendment of the Committee on the Judiciary, it was agreed to.

And a division being called, there were yeas—8; nays—3.

Mr. Wilkinson moved that the said vote be re-considered.

The question having been put, it was decided in the affirmative.

And a division being called, there were yeas—9; a majority of the House. So the said vote was re-considered.

The question then recurred on concurring in the said 1st amendment of the Committee on the Judiciary,

When Mr. Jackson moved to amend the same as follows:

By striking out the words '12th day,' in the 3d and 4th lines of section 1st, and insert the words '27th day.'

Which motion was agreed to.

Mr. Trask moved further to amend the said amendment as follows, viz:

In the last line but one of section 1st of the amendment, strike out the words, 'the highest number of votes,' and insert in lieu thereof, the words, 'a majority of all the votes cast.'

Which motion was agreed to.

The said first amendment of the Committee on the Judiciary, as amended, was then concurred in.

The question then being on concurring in the second amendment of the Committee on the Judiciary,

Mr. Trask moved to amend the same, by inserting the following as a substitute, viz:

'Sec. 5. There shall also be elected at the same time, and in the same

manner as the Commissioners aforesaid are elected; some suitable person to act as Secretary of the said Commissioners, whenever his services may be required by them; which Secretary shall receive two and one half dollars per day for his services, and be paid in the same manner as the Commissioners are paid.'

Which was adopted.

The second amendment of the Judiciary Committee to the said bill as amended by the acceptance of the said substitute, was then concurred in, and

On motion of Mr. Trask,

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

On motion of Mr. Setzer,

No. 22, H. of R. A bill concerning divorces, was taken up.

And the amendment of the Judiciary Committee to the said bill was concurred in.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole House for the consideration of the said bill,

Mr. Pond in the chair.

And after some time passed therein, the committee rose, and by their chairman reported the bill back to the House with an amendment.

The question then being on concurring in the said amendment of the Committee of the Whole House,

Mr. Babcock moved to amend the same by inserting the following as a substitute, viz:

Strike out section 8, and insert 'all laws of the late Territory of Wisconsin upon this subject, now in force in this Territory, are hereby repealed,'

Which was adopted.

The amendment of the Committee of the Whole House, as amended by the acceptance of the substitute, was then concurred in.

On motion of Mr. Trask,

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

Mr. Bailly, by leave, gave notice of a motion to introduce a bill to provide for the compensation of the officers of the Legislative Assembly;

Also, of a memorial to Congress for an appropriation to lay out and construct a road from Wabeshaw, in the county of Wabeshaw, to the town of Mendota, in the county of Dakota.

Mr. Bailly asked leave to introduce the following resolution:

Resolved, By the Legislative Assembly of the Territory of Minnesota, that we do appoint the 30th day of October, 1849, as the day to adjourn the present session, *sine die*.

On motion of Mr. Babcock,

The rule was suspended, and the said resolution read.

On motion of Mr. Trask, the House adjourned.

2 O'CLOCK, P. M.

In pursuance of notice, Mr. Marshall introduced

No. 3, H. of R. A bill granting to John Banfill, to establish a ferry across the Mississippi River, near the mouth of Rice River,

Which was read the first time.

On motion of Mr. Trask,

The House resolved itself into the Committee of the Whole House, for the further consideration of

No. 20, H. of R. A bill concerning Justices of the Peace,

Mr. Marshall in the chair,

Pending the session, a message from the Council was announced;
 When the Speaker took the chair,
 And the following message was communicated by J. R. Brown, their Secretary, viz:

MR. SPEAKER:—I have been instructed to inform this House, that the Council have accepted the report of the Joint Committee of Conference, on the disagreeing vote on

No. 14, H. of R. A bill for the relief of B. W. Lott and P. P. Bishop, have accepted the amendment proposed to said bill by the Committee:

Messrs. Burkleo and Norris have been appointed a committee on behalf of the Council to confer with the Committee of this House on the disagreeing vote of the two Houses on

No. 10, C. F. A bill providing for the erection of certain counties therein named, and for other purposes.

And then he withdrew.

The Committee of the Whole House resumed its session, and after some time passed therein, rose, and by their chairman, reported the said bill back to the House with amendments.

On motion of Mr. Trask,

Ordered, That the question on concurring in said amendments of the Committee of the Whole House, be taken on the said amendments collectively, and without reading them.

The question was then so put, and the said amendments concurred in.

Mr. Trask moved that the said bill,

No. 20, H. of R. Be engrossed and read a third time to-morrow.

Pending which,

Mr. Marshall moved to amend section 3, article 10, eleventh line, by striking out the word 'plaintiff,' where it occurs, and insert in lieu thereof, 'justice.'

The question being on agreeing to Mr. Marshall's amendment,

Mr. Jackson moved to amend the same by inserting after the word justice, the words, 'constables or sheriff.'

Which amendment to the amendment was disagreed to.

The question then recurring on Mr. Marshall's motion to amend, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Black, Dewey, Marshall, Pond and Setzer—5.

Those who voted in the negative, are, Messrs. Babcock, Bailly, Brunson, Dugas, Holmes, Jackson, Morrison, Trask, Wilkinson and Furber, (Speaker)—10.

So the said amendment was not agreed to.

Mr. Marshall then moved to amend as follows:

By striking out the three last lines of section 3, article 10.

The question being put on agreeing to the said amendment,

It was disagreed to.

A division being called, there were yeas—3; nays—10.

So the said amendment was not agreed to.

The question then recurred on Mr. Trask's motion to engross,

And being put, it was decided in the affirmative,

So the said bill was ordered to be engrossed and read a third time to-morrow.

No. 13, C. F. A bill organizing a Board of County Commissioners in each county in this Territory, was taken up, and

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House, for the consideration of the said bill,

Mr. Jackson in the chair.

And after some time passed therein, rose, and by their chairman, reported the bill back to the House without amendment.

On motion of Mr. Trask,

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

On motion of Mr. Jackson, the House adjourned.

7 O'CLOCK, P. M.

Mr. Pond moved that the House adjourn; disagreed to.

Mr. Jackson moved a call of the House.

Messrs. Bailly, Dugas, Brunson, Setzer and Wilkinson were reported absent.

On motion of Mr. Marshall,

Mr. Dugas was excused from attendance on the House this evening.

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

On motion of Mr. Babcock,

Further proceedings under the call of the House were suspended.

On motion of Mr. Jackson,

No. 21, H. of R. A bill in relation to the public printing and binding,

Was taken up, and on his motion, read a second time by its title.

The Sergeant-at-Arms reported the members present except Messrs. Wilkinson and Setzer.

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House, for the consideration of said bill,

Mr. Babcock in the chair.

And after some time passed therein, rose, and by their chairman, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Bailly, the House adjourned.

TUESDAY MORNING, 9 O'CLOCK.

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read and corrected.

On motion of Mr. Setzer,

Leave of absence was granted to Mr. Dugas during the day.

Mr. Setzer presented the petition of James Purinton, asking for a charter to establish and maintain a ferry across Lake St. Croix, at or near Greely's Landing.

On motion of Mr. Babcock,

Ordered, That it be referred to the Committee on Corporations, with leave to report by bill or otherwise.

Mr. Babcock, gave notice of a motion for leave to introduce a bill, granting to James Beatty, the right to establish a ferry across the Mississippi River, near Sauk Rapids.

Mr. Wilkinson gave notice of a motion for leave to introduce a resolution in relation to the introduction of private laws after a certain day.

Mr. Trask, from the Committee on Engrossed Bills, reported,

No. 22, H. of R. A bill concerning divorces, as correctly engrossed.

Mr. Pond, from the Committee on Schools, submitted the following report:

The Committee to whom was referred that part of the Governor's Message

which relates to Schools, have had the same under consideration, and submit the following report:

The training of the youth is, and ever has been, considered a matter of the first importance in society.

Indeed, it has been the practice in past ages, among the nations of the earth, to commence in the morning of life, to prepare men for the part they are to act during the years of mature life.

When wise means have been employed to promote the education of the youth, communities have been raised up, who have efficiently and nobly acted the part assigned them. As an instance, we might mention the ancient Spartans, who regarded martial prowess as the chief object of ambition, and who were ready to sacrifice to it, wealth, learning, domestic happiness, and almost, if not all other interests. While young, the male children were taken from their parents, supported at the public expense, and trained to the use of arms.

The result of this was, that an army of men was raised up, who performed glorious deeds on the battle-field. Trained to war, they were efficient warriors.

Modern nations have adopted systems of education differing in character, according to the different ideas of the people as to what constitutes the great end for which mankind exist.

Since the landing of the puritan pilgrims on this Continent, the importance of training the youth intellectually and morally, as well as physically, has ever been made prominent. And why? Because they believed, and it is still believed, that religion and intelligence are the foundation stones of our national existence, and that character is formed in childhood and youth.

Throughout the States of the Union, many of the greatest, wisest, and best of our citizens, both in Church and State, devote much of their time and energies, to the promotion of this object; and through the whole country, but especially in the Northern and Western States, strenuous efforts are being made to improve the system of Common School Education.

The Committee are impressed with the importance of the subject of Common Schools, and especially are they impressed with the importance of a right commencement now, at the dawn of our Territorial existence.

It cannot be doubted, that the future prosperity of our Territory will depend mainly upon the manner in which we educate our children. If our children are thoroughly trained in well regulated schools, taught by well qualified instructors, we may reasonably hope that they will, in due time, compose an intelligent and virtuous community, and that they will improve, and carry on to perfection, the valuable institutions of our Territory, until Minnesota shall indeed, become a brilliant star in the constellation, and the abode of happiness throughout future generations.

On the other hand, if we are negligent on the subject of schools, and suffer the children of our Territory to grow up in ignorance, and consequent vice, this ignorance and vice will be a worm, gnawing at the root of all that is lovely and of good report in our institutions, and they will wither and die. The rising star of Minnesota will be obscured in the blackness of darkness.

The committee have spent considerable time in connection with the Committee on Schools, in the other branch of this Legislature, in endeavoring to prepare a bill for the action of this body.

A bill has been prepared, which has already been introduced into the Council, and will soon be sent to this House.

The committee therefore, are of opinion, that nothing would be gained by reporting another bill to the House.

All of which is respectfully submitted.

G. H. POND, Chairman.
P. K. JOHNSON,
H. N. SETZER.

On motion of Mr. Trask,

Ordered, That the report be accepted.

Mr. Brunson, from the Committee on Engrossed Bills, reported

No. 19, H. of R. A bill for the appointment of Commissioners to prepare a code of laws for the Territory of Minnesota, as correctly engrossed.

No. 13, C. F. A bill organizing a Board of County Commissioners in each county in the Territory, was taken up.

On motion of Mr. Trask,

Ordered, That it be read the third time by its title.

The question was then put on agreeing to the passage of said bill,

And it was decided in the affirmative.

So the said bill passed,

And the title thereof was agreed to.

No. 19, H. of R. A bill for the appointment of Commissioners to prepare a code of laws for the Territory of Minnesota, was read the third time and passed.

The question then being on agreeing to the title of the said bill,

Mr. Setzer moved to amend the same, by striking out the word 'appointment,' and inserting in lieu thereof, the word 'election;'

Which amendment was agreed to.

No. 22, H. of R. A bill concerning divorces, was read the third time, passed, and the title thereof agreed to.

No. 21, H. of R. A bill to regulate public printing and binding, was taken up.

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House, for the consideration of the said bill,

Mr. Jackson in the chair,

After some time passed therein, the committee rose, and by their chairman, reported the said bill back to the House with amendments.

On motion of Mr. Jackson,

Ordered, That the question of concurrence in the said amendments, be taken on them collectively.

The said amendments of the Committee of the Whole to the said bill, were then concurred in.

On motion of Mr. Babcock,

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

Mr. Brunson, from the Committee on Engrossed Bills, reported

No. 20, H. of R. A bill concerning Justices of the Peace, as correctly engrossed.

On motion of Mr. Trask,

The said bill was read the third time by its title.

The question was then put on agreeing to the passage of the said bill, and decided in the affirmative.

So the said bill passed.

The question was on agreeing to the title of the bill,

When Mr. Marshall moved to amend the same, by adding thereto as follows: 'and the action of forcible entry and detainer,'

Which amendment was agreed to.

The title of the bill as amended, was then agreed to.

On motion of Mr. Babcock, the House adjourned.

2 O'CLOCK, P. M.

Mr. Trask moved that the rules be so suspended as to admit,

No. 36, H. of R. A bill authorizing the Governor to issue his proclamation for the holding of a Court in the county of Wabeshaw, and for other purposes, and

No. 32, H. of R. A bill to locate a Territorial Road from Point Douglass to St. Paul, and

No. 3, H. of R. Joint resolution of the Legislative Assembly of Minnesota to adjourn *sine die*, on the 30th of October, 1849, to be read each the second time,

And that the rule in relation to the printing thereof, be suspended, which motion was agreed to.

No. 36, H. of R. A bill authorizing the Governor to issue his proclamation for the holding of a Court in the county of Wabeshaw, and for other purposes, was read a second time,

When Mr. Pond moved to amend the 1st section, by inserting the word 'shall' before the word 'thinks,' in the sixth line, and by erasing from the word 'thinks,' the letter s.

Which was agreed to.

On motion of Mr. Setzer,

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

Mr. Marshall, from the Joint Committee of Conference, to which was referred,

No. 2, C. F. A bill regulating grocery licenses, submitted the following report:

The Joint Committee of Conference, to whom was referred No. 2, C. F. A bill regulating grocery licenses, have had the same under consideration, and respectfully recommend, that the first amendment of the House, be concurred in.

For the second amendment of the House, the committee recommend the adoption of a substitute thereto attached, that the House recede from their third and fourth amendments, and for the fifth amendment to said bill, the adoption of a substitute thereto attached.

All of which, is respectfully submitted.

W. R. MARSHALL, Chairman.

D. B. LOOMIS.

On motion of Mr. Brunson,

Ordered, That the said report be accepted and the committee discharged.

A message from the Council, by J. R. Brown, their Secretary.

MR. SPEAKER:—The Council have passed,

No. 14, C. F. A bill providing for laying out and establishing a Territorial Road from Rice Creek to Crow Wing, and have concurred in

No. 12, H. of R. A bill to prevent the taking and conversion of any logs, masts, or other timber, and for other purposes; and

No. 18, H. of R. A bill to provide for laying out Territorial Roads in the Territory of Minnesota, and for other purposes, with amendments, in all which the concurrence of this House is requested.

And then he withdrew.

No. 32, H. of R. A bill to locate a Territorial Road from Point Douglass to St. Paul,

Was read the second time; and

On motion of Mr. Jackson,

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

No. 3, joint resolution of the Legislative Assembly of Minnesota, to ad-

journal *sine die*, on the 30th of October, 1849, was read the second time;

When Mr. Jackson moved to amend the same, by striking out the '30th day of October,' and inserting in lieu thereof, 'the 1st day of November.'

Which was agreed to.

On motion of Mr. Setzer,

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

Mr. Marshall, from the Committee on Enrolled Bills, reported that the committee had examined enrolled bills and a memorial of the following titles, viz: An act for the relief of B. W. Lott and P. P. Bishop.

An act to provide against the traffic in ardent spirits with the Indians.

And a memorial to Congress for an appropriation to construct a road from Point Douglass to the St. Louis River.

And found the same truly enrolled;

When the Speaker signed the said bill and memorial.

The substitute recommended by the Committee of Conference, on No. 2, C. F. A bill regulating grocery licenses, for the second amendment of the House to the said bill, was read and adopted.

The Committee of Conference, recommended that the House recede from its third and fourth amendments to the said bill.

The question was put on receding from the said amendments, and decided in the affirmative.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Brunson, Holmes Jackson, Johnson, Marshall, Morrison, Trask and Furber, (Speaker)—8.

Those who voted in the negative, are, Messrs. Babcock, Bailly, Black, Pond, Setzer and Wilkinson—6.

So the House receded from its said third and fourth amendments.

For the fifth amendment of the bill the said Committee of Conference, recommended the substitute thereto attached.

And the question being put on adopting the said substitute, it was decided in the affirmative.

So the said substitute was adopted.

No. 14, C. F. A bill providing for laying out and establishing a Territorial Road from Rice Creek to Crow Wing, was read the first time.

No. 12, H. of R. A bill to prevent the taking and conversion of any logs, masts or other timber, and for other purposes, returned from the Council with amendments, was taken up, and the several amendments of the Council separately concurred in.

No. 18, H. of R. A bill to provide for laying out Territorial Roads in the Territory of Minnesota, and for other purposes, returned from the Council with amendments,

Was taken up, and the first, second, third, eighth and ninth amendments of the Council were concurred in.

And the fourth, fifth, sixth and seventh amendments of the Council non-concurred in.

On motion of Mr. Trask,

The rule was so suspended as to admit,

No. 37, H. of R. A bill granting to John Banfill the right to establish a ferry across the Mississippi River near the mouth of Rice River,

To be read a second time without being printed.

Said bill was then read the second time, and

On motion of Mr. Jackson,

The House resolved itself into the Committee of the Whole House, for the consideration of said bill,

Mr. Trask in the chair.

And after some time passed therein, rose, and by their chairman, reported the bill back with an amendment.

The question then being on agreeing to the amendment of the committee, it was decided in the affirmative.

Mr. Jackson moved that the bill be engrossed and read a third time, to-morrow.

Mr. Brunson moved a call of the House.

Mr. Marshall moved that further proceedings in the call be dispensed with; agreed to.

Mr. Brunson moved that the bill lie on the table until to-morrow; disagreed to.

The question then recurred on Mr. Jackson's motion, and it was decided in the affirmative.

So the bill was ordered to be engrossed and read a third time, to-morrow.

Mr. Brunson, chairman of the Committee on Engrossment, reported

No. 32, H. of R. A bill to locate a Territorial Road from Point Douglass to St. Paul, and

No. 36, H. of R. A bill entitled 'an act authorizing the Governor to issue his proclamation for the holding of a Court in the county of Wabeshaw, and for other purposes,'

As correctly engrossed.

On motion of Mr. Jackson, the House adjourned.

WEDNESDAY MORNING, 10 o'clock.

The journal of yesterday was read.

Mr. Wilkinson offered the following resolution, viz:

That this House will not entertain any bill which may be introduced granting a private charter to any person or persons, in relation to any matter whatever, after this day; which was read.

On motion of Mr. Trask,

Ordered, That said resolution be read the second time.

Mr. Jackson then moved that said resolution be indefinitely postponed;

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Setzer and Trask—11.

Those who voted in the negative, are, Messrs. Black, Dewey, Wilkinson and Furber, (Speaker)—4.

So the said resolution was indefinitely postponed.

Mr. Trask, from the Committee on Engrossed bills, reported

No. 3, H. of R. Joint resolutions of the Legislative Assembly of the Territory of Minnesota, to adjourn *sine die*, on the 30th of October, 1849, as correctly engrossed.

Mr. Marshall, from the Committee on Enrolled Bills, reported that the committee had examined an enrolled bill of the following title, viz: 'an act for the relief of Charles M. Berg,' and found the same truly enrolled;

When the Speaker signed the said bill.

Mr. Bailly, chairman of the Committee on Territorial Affairs, made the following report:

The Standing Committee, to whom was referred the petition of forty-three citizens of the Town of St. Paul, and other parts of the country, praying, that, John R. Irvine, have the exclusive privilege of establishing and main-

taining a ferry across the Mississippi river, at the Upper Landing of said Town of St. Paul, during a period of fifteen years; beg leave to report:

That they view favorably, the general features of the petition; your committee is of opinion, however, that a term of five years, would be ample and sufficient; for, if found a public convenience, it will be easy for the petitioner to get a renewal of his charter.

All of which is respectfully submitted.

ALEXIS BAILLY, Chairman Com. Ter. Aff's.

On motion of Mr. Babcock,

The said report was accepted.

Mr. Babcock moved that the rules be so suspended as to admit the introduction of a Joint resolution in relation to public printing, without notice;

Which was agreed to.

The said resolution was then introduced by Mr. Black, and read the first time.

On motion of Mr. Trask,

Ordered, That the rules be so suspended as to admit the said resolution to be read the second time; without being printed.

Mr. Brunson gave notice of a motion for leave to introduce a bill, authorizing the Register of Deeds of Ramsey and Benton counties, to procure copies of certain records in the office of Register of Deeds of Washington county.

Mr. Wilkinson, from the Judiciary Committee, reported chapter 1st, of No. 38, H. of R. A bill concerning Courts of Record; and

On motion of Mr. Bailly,

The said bill was read the first time by its title.

Mr. Wilkinson moved that the printer of this House be directed to print said bill by to-morrow morning at 10 o'clock, and if unable to do it, that he be directed to return the bill to this House.

Mr. Marshall, moved to amend the same by the adoption of the following resolution as a substitute, viz:

Resolved, That a select committee of three, be appointed to examine into the causes of delay in printing bills, and that said committee be authorized hereafter, to engage the printing of any bills at the Chronicle office, which are likely to be delayed under the existing arrangement with Mr. Goodhue,

Which was read.

The question being put on the adoption of the resolution, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Black, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Wilkinson and Furber, (Speaker)—12.

Those who voted in the negative, are, Messrs. Bailly, Pond and Trask—3. So the said substitute was adopted.

Messrs. Marshall, Johnson and Black, were appointed the said committee.

Mr. Bailly offered the following resolution:

Whereas, David Hone, the Fireman of this House, has deputized Henry Kennedy, to perform his duties for the balance of the session,

Resolved, That Henry Kennedy, be hereafter the Fireman, and that he be entitled henceforward to the pay and emoluments thereunto belonging.

Which was read and adopted.

No. 14, C. F. A bill providing for laying out and establishing a Territorial Road from Rice Creek to Crow Wing, was read the second time.

On motion of Mr. Brunson,

The House resolved itself into the Committee of the Whole for the consideration of the said bill,

Mr. Dewey in the chair,

And after some time passed therein, rose, and reported the same back to the House with amendments.

Mr. Marshall moved to amend the first amendment of the committee by striking out the word 'at' where it first occurs in said amendment, and inserting 'on;' agreed to.

On motion of Mr. Jackson,

The amendments of the Committee of the Whole, were collectively concurred in.

On motion of Mr. Trask,

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

Mr. Brunson, from the Committee on Engrossed bills, reported

No. 37, H. of R. A bill granting to John Banfill to establish a ferry across the Mississippi River, near the mouth of Rice River;

As correctly engrossed.

No. 29, H. of R. A bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum River, was taken up; and

On motion of Mr. Jackson,

Ordered, That it be read the second time by its title.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole, for the consideration of the said bill,

Mr. Bailly in the chair.

Pending which, a message from the Council was announced.

The Speaker took the chair, and the following message was communicated by J. R. Brown, their Secretary:

MR. SPEAKER:—The Council have passed,

No. 6, C. F. A Joint resolution relative to the adjournment of the present Legislative Assembly; and

No. 7, C. F. Joint resolution relative to the Half Breed lands; in which the concurrence of this House is requested.

And then he withdrew.

The Committee of the Whole resumed its session, and after some time passed therein, the committee rose and reported the said bill back to the House with amendments.

On motion of Mr. Marshall,

Ordered, That the question of concurrence in said amendments of the Committee of the Whole, be taken on them collectively, and without reading.

The said amendments were then concurred in; and

On motion of Mr. Marshall,

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

On motion of Mr. Jackson, the House adjourned.

2 O'CLOCK. P. M.

No. 4, H. of R. Joint resolution relative to public printing, was read the second time.

On motion of Mr. Brunson,

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

No. 30, H. of R. A bill to divorce Eleazar F. Ring from his wife, Eljorah G. Ring, was read the second time; and

On motion of Mr. Jackson,

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

Mr. Brunson, from the Committee on Engrossed Bills, by leave, reported

No. 21, H. of R. A bill to regulate public printing and binding, as correctly engrossed; and,

On motion of Mr. Trask,

Ordered, That the third reading of said bill be postponed till to-morrow.

Mr. Marshall, from the Committee on Enrolled Bills, reported, that the committee did, this 17th day of October, present to his Excellency, the Governor, for his examination and approval, the following acts and memorials, viz:

An act for the relief of B. W. Lott and P. P. Bishop.

An act to incorporate the Historical Society of Minnesota.

An act granting a charter to Elam Greely, his heirs, &c., to construct and maintain a dam across Snake River, near the outlet of Cross Lake.

An act granting a divorce to Louis Larammie from Wa-kan-ye-ke-win, his wife.

An act granting to Franklin Steele, the right to establish and maintain a ferry across the Mississippi River.

An act to provide against the traffic in ardent spirits with the Indians.

Memorial to Congress relative to the purchase of the Sioux Indian lands west of the Mississippi River.

Memorial to Congress for the improvement of the Mississippi River above the Falls of St. Anthony.

Memorial to Congress for an appropriation to construct a military road from Fort Snelling to the mouth of the Sioux River, on the Missouri.

Memorial to Congress for an appropriation to construct a road from Point Douglass to the St. Louis River.

J. S. NORRIS,
W. R. MARSHALL.

No. 32, H. of R. A bill to locate a Territorial Road from Point Douglass to St. Paul,

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

No. 36, H. of R. A bill authorizing the Governor to issue his proclamation for the holding of a Court in the county of Wabeshaw, and for other purposes,

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

No. 37, H. of R. A bill granting to John Banfill the right to establish a ferry across the Mississippi river,

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

Mr. Pond moved that Mr. Wilkinson have leave of absence from the House during the afternoon;

And the question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Dewey, Dugas, Holmes, Johnson, Marshall, Morrison, Pond and Furber, (Speaker)—9.

Those who voted in the negative, are, Messrs. Black, Brunson, Jackson and Trask—4.

No. 3, H. of R. Joint resolution of the Legislative Assembly of Minnesota to adjourn *sine die*, on the 30th of October, 1849, was read the third time,

When Mr. Pond moved that said resolution be indefinitely postponed, which was agreed to.

On motion of Mr. Trask,

The message from the Council was taken up.

No. 6, C. F. Joint resolution relative to the Half Breed lands, and

No. 7, C. F. Joint resolutions relative to the adjournment of the present Legislative Assembly, were each read the first time,

Mr. Trask moved that the rules be suspended, and the said resolutions be read the second time, which was agreed to.

On motion of Mr. Jackson,

The said resolutions were read the second time by their respective titles.

On motion of Mr. Jackson,

The rules were again suspended, and the said resolutions respectively read the third time, passed, and their respective titles agreed to.

Mr. Brunson moved that the rules be temporarily suspended, so as to admit the introduction of a bill without notice, agreed to.

Mr. Brunson, then by leave, introduced,

No. 29, H. of R. A bill to authorize the Registers of Deeds of the counties of Ramsey and Benton to procure certain copies of records in the office of the Register of Deeds of the county of Washington; which was read the first time.

The Speaker announced that there was no further business on the table.

Mr. Pond offered the following resolution:

Resolved, That between the hours of 6 o'clock and 8 o'clock, P. M., smoking in this Hall, shall not be allowed during the remaining part of the present session.

Mr. Brunson moved to amend by striking out the word 'not' in the third line.

Mr. Bailly offered the following as an amendment to Mr. Brunson's motion: Leave 'not' where it is, and insert after the word 'allowed,' the words 'except three pipes and three cigars to each member;'

Which amendment was accepted by Mr. Brunson.

And the question being on the adoption of the amendment, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black, Brunson, Holmes, Jackson, Morrison and Trask—8.

Those who voted in the negative, are, Messrs. Dewey, Dugas, Johnson, Marshall, Pond and Furber, (Speaker)—6.

Mr. Babcock moved that the whole subject be indefinitely postponed.

Disagreed to.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Brunson, Dugas, Holmes, Jackson and Morrison—7.

Those who voted in the negative, are, Messrs. Black, Dewey, Johnson, Marshall, Pond, Trask and Furber, (Speaker)—7.

Mr. Trask moved to lay the subject on the table till the 1st day of November, at noon; disagreed to.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Dugas, Holmes, Jackson, Johnson, Morrison and Trask—7.

Those in the negative, are, Messrs. Bailly, Black, Brunson, Dewey, Marshall, Pond and Furber, (Speaker)—7.

Mr. Babcock moved that the House do now adjourn; disagreed to.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Brunson, Dugas, Jackson and Morrison—6.

Those in the negative, are, Messrs. Black, Dewey, Holmes, Johnson, Marshall, Pond, Trask and Furber, (Speaker)—8.

The question then recurred on the adoption of the resolution as amended, When Mr. Brunson offered the following substitute:

Resolved, That the Blue Laws of Connecticut be hereafter enforced in regard to the use of tobacco.

Mr. Pond offered to amend the same, by adding the words, 'and a committee of three be appointed to procure the Blue Laws, of Connecticut, for the use of the House.'

Mr. Babcock moved to amend the amendment by adding 'and that said laws be not enforced until they are procured by said committee.'

The previous question was called for by five members.

And the question being, 'shall the main question be now put,'

It was decided in the affirmative.

The first question being on agreeing to Mr. Babcock's amendment; it was adopted.

Mr. Pond's amendment to the substitute, was then adopted.

The question then being on the acceptance of Mr. Brunson's substitute as amended for the original resolution, it was decided in the affirmative.

And the yeas and nays being called for,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black, Brunson, Dugas, Holmes, Jackson, Johnson and Morrison—9.

Those in the negative, are, Messrs. Dewey, Marshall, Pond and Trask—4.

The question then being on the adoption of the substitute, it was decided in the negative.

Mr. Marshall moved that the proceedings of the House, from the time the Speaker announced 'no further business on the table,' up to, and including this motion, be not entered on the journal.

The Speaker decided the motion to be unparliamentary, and that it could not be entertained.

Mr. Marshall appealed from the decision of the chair.

And the question being put, 'shall the decision of the chair, stand as the decision of the House,' it was decided in the affirmative.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black, Brunson, Dugas, Jackson, Morrison, Pond and Trask—9.

Those in the negative, are, Messrs. Dewey, Holmes, Johnson and Marshall—4.

On motion of Mr. Jackson,

The House adjourned until to-morrow at 9 o'clock, A. M.

THURSDAY MORNING, O'CLOCK. 9

Prayer by the Rev. Mr. Neill.

The journal of yesterday was read.

Mr. Trask, from the Committee on Engrossed Bills, reported

No. 30, H. of R. A bill to divorce Eleazer F. Ring from his wife, Eljorah G. Ring.

No. 4, H. of R. Joint resolution relative to public printing; and

No. 29, H. of R. A bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum river;

As correctly engrossed.

No. 27, H. of R. A bill concerning debtors and their securities, was read the second time.

Mr. Jackson moved that the said bill be engrossed, and read a third time, to-morrow.

The question being put on agreeing to said motion; it was disagreed to.

And a division being called for, there were yeas—6; nays—6.

On motion of Mr. Pond,

Leave of absence was granted to Mr. Bailly, until the steamboat now at the landing here, return from St. Peters'.

Mr. Johnson moved that the vote by which said bill,

No. 27, H. of R. Was refused to be engrossed, be reconsidered; which was agreed to.

Mr. Jackson then withdrew his said motion to engross.

Mr. Wilkinson, from the Judiciary Committee, by leave, reported chapter second and chapter third, of

No. 38, H. of R. A bill concerning Courts of Record.

On motion of Mr. Jackson,

The House then resolved itself into the Committee of the Whole House, for the consideration of said

No. 27, H. of R. A bill concerning debtors and their securities,

Mr. Morrison in the chair.

Pending which, a message from the Council was announced,

When the Speaker took the chair, and the following message was communicated by J. R. Brown, their Secretary:

MR. SPEAKER:—The Council have receded from the sixth amendment to

No. 18, H. of R. A bill to provide for laying out Territorial Roads in the Territory of Minnesota, and for other purposes; and have refused to recede from the fourth, fifth and seventh amendment to said bill, and have appointed Messrs. Norris and Rollins a committee on the part of the Council to confer with a committee of this House, on the disagreeing vote on said bill.

And then he withdrew.

The Committee of the Whole resumed its session, and after some time passed therein, rose, and by their chairman, reported the said bill back to the House without amendment.

On motion of Mr. Jackson,

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

No. 34, H. of R. A bill granting to John R. Irvine, the right to establish and maintain a ferry across the Mississippi river, was taken up, and

On motion of Mr. Jackson,

It was read the second time by its title.

On motion of Mr. Jackson,

The House resolved itself into the Committee of the Whole House for the consideration of the said bill,

Mr. Trask in the chair,

And after some time passed therein, rose, and by their chairman, reported said bill back to the House without amendment, and

On motion of Mr. Trask,

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

No. 14, C. F. A bill providing for laying out and establishing a Territorial Road from Rice Creek to Crow Wing, was read the third time and passed.

The question being on agreeing to the title of the bill,

Mr. Jackson moved to amend the said title, by striking out the words 'Rice Creek,' and inserting in lieu thereof, the words 'Rum river.'

Which was agreed to.

The title of the said bill as amended, was then agreed to.

No. 29, H. of R. A bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum river, was read the third time.

Mr. Marshall moved to amend the said bill by filling the blank in section 2, with the words 'twelve feet;'

Which amendment was agreed to.

Mr. Jackson moved further to amend said bill, by filling the blank in section 1, with the word 'Ramsey.'

Which amendment was agreed to.

The said bill as amended, was then passed, and the title thereof agreed to.

No. 30, H. of R. A bill to divorce Eleazer F. Ring from his wife, Eljorah G. Ring, was read the third time.

The question having been put on the passage of said bill,

The Speaker was unable to determine the vote; and a division of the House being called for, there were yeas—6 nays—3.

So the said bill passed, and the title thereof was agreed to.

No. 4, H. of R. Joint resolutions relative to public printing;
Was read the third time, passed, and the title thereof agreed to.

No. 21, H. of R. A bill to regulate public printing and binding; was taken up, and

On motion of Mr. Trask,

Was read a third time by its title.

Mr. Pond moved a call of the House.

Messrs. Babcock, Brunson, Setzer, Wells and Wilkinson, were reported absent.

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

And being put, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Black, Dugas, Holmes, Jackson, Johnson and Trask—6.

Those who voted in the negative, are, Messrs. Babcock, Dewey, Marshall, Morrison, Pond and Furber, (Speaker)—6.

So the said motion to suspend was disagreed to.

The Sergeant-at-Arms reported the members in attendance, except Messrs. Setzer and Wells, who were absent from sickness.

The question was then put on agreeing to the passage of said bill,

No. 21, H. of R. and decided in the affirmative.

A division being called for, there were yeas—9 nays—3.

So the said bill passed, and the title thereof was agreed to.

On motion of Mr. Trask,

The message from the Council was taken up and read.

On motion of Mr. Babcock,

Ordered, That a Committee of Conference, consisting of two, be appointed on the part of the House, to confer with a similar committee on the part of the Council, in reference to their disagreeing vote on,

No. 18, H. of R. A bill to provide for the laying out Territorial Roads in the Territory of Minnesota, and for other purposes.

Messrs. Babcock and Black, were appointed the said committee.

On motion of Mr. Dewey, the House adjourned.

2 O'CLOCK, P. M.

Mr. Johnson, from the Committee on Corporations, to which was referred the petition of Jacob Fisher, and fifty-eight other citizens of Minnesota and the State of Wisconsin, praying that James Purinton, and his associates, have the exclusive privilege of establishing and maintaining a ferry across Lake St. Croix, near Greely's Landing; reported

No. 40, H. of R. A bill granting to James Purinton and his associates the right to establish and maintain a ferry across Lake St. Croix, near Greely's Landing,

Which was read the first time.

On motion of Mr. Jackson,

The rules were temporarily suspended, and the said bill read a second time by its title.

On motion of Mr. Brunson,

The House resolved itself into the Committee of the Whole, for the consideration of said bill,

Mr. Pond in the chair,

And after some time passed therein, rose, and by their chairman, reported the bill back to the House with an amendment.

The said amendment was then concurred in.

On motion of Mr. Brunson,
Ordered, That the said bill be engrossed and read a third time to-morrow.
 On motion of Mr. Johnson, the House adjourned.

FRIDAY MORNING, 9 o'clock.

On motion of Mr. Trask,
 Leave of absence was granted to the Sergeant-at-Arms, until Monday morning;

And on his motion, Col. Bellows was appointed Sergeant-at-Arms *pro tempore*, during such absence.

The journal of yesterday was read.

Mr. Bailly gave notice of a motion for leave, to introduce a memorial to Congress for an appropriation to construct a Territorial Prison.

Mr. Trask from the Committee on Engrossed Bills, reported
 No. 40, H. of R. A bill for granting to James Purinton and his associates, the right to establish and maintain a ferry across Lake St. Croix, near Greeley's Landing;

As correctly engrossed.

Mr. Bailly, chairman of the Committee of Conference, to which was referred the 1st and 9th amendments of the House of Representatives, to

No. 10, C. F. A bill providing for the erection of certain counties therein named, and for other purposes; reported,

That the majority had agreed to recommend that the Council adopt the 1st and 9th amendments of the House to said bill.

On motion of Mr. Pond,

The said report was accepted, and the committee discharged.

Mr. Trask, from the Committee on Engrossed Bills, by leave, reported,
 No. 34, H. of R. A bill granting to John R. Irvine, the right to establish and maintain a ferry across the Mississippi river;

As correctly engrossed.

No. 28, H. of R. A bill to provide for laying out a Territorial Road from Stillwater to the mouth of Rum river, was read the second time; and,

On motion of Mr. Trask,

The House resolved itself into the Committee of the Whole House, for the consideration of said bill,

Mr. Marshall in the chair,

And after some time passed therein, rose, and by their chairman, reported the said bill back to the House with an amendment,

Which amendment was then concurred in.

On motion of Mr. Trask,

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

No. 33, H. of R. A bill granting to Isaac N. Goodhue, the right to establish and maintain a ferry across the Mississippi river;

Was read the second time, and

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House, for the consideration of said bill,

Mr. Jackson in the chair,

And after some time passed therein, rose, and by their chairman, reported the said bill back to the House with amendments.

On motion of Mr. Marshall,

Ordered, That the question of concurrence in the said amendments be taken on them collectively, and without reading.

The said amendments were then concurred in.

On motion of Mr. Marshall,

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

No. 34, H. of R. A bill granting to John R. Irvine, the right to establish and maintain a ferry across the Mississippi river;

Was read the third time,

When Mr. Pond moved that the word 'thirteen,' in the 1st section of said bill, be stricken out, and in lieu thereof, the word 'five' be inserted; objected to.

Mr. Marshall moved that the word 'thirteen' in said 1st section be stricken out, and in lieu thereof, the word 'ten' be inserted; objected to.

The question was then put on agreeing to the passage of said bill, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Dewey, Holmes, Jackson Johnson, Marshall, Morrison, Pond, Trask, Wells and Furber, (Speaker)—12.

Those who voted in the negative, are, Messrs. Black and Wilkinson—2.

So the said bill passed, and the title thereof was agreed to.

No. 40, H. of R. A bill granting to James Purinton and his associates, the right to establish and maintain a ferry across Lake St. Croix, near Greeley's Landing; was read the third time.

The question was then put on agreeing to the passage of said bill, the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Holmes, Johnson, Marshall, Morrison, Pond, Trask and Furber, (Speaker)—9.

Those who voted in the negative, are, Messrs. Black, Dewey, Jackson, Wells and Wilkinson—5.

So the said bill passed, and the title thereof was agreed to.

Mr. Jackson gave notice of a motion for leave to introduce a bill to incorporate the Town of St. Paul, and for other purposes.

On motion of Mr. Pond,

Ordered, That the rules be temporarily suspended, so as to admit the introduction of a memorial now, without notice.

Mr. Bailly then introduced,

No. 4, H. of R. Memorial from the Legislative Assembly of the Territory of Minnesota, to the honorable, the Senate and House of Representatives of the United States; which was read the first time.

Mr. Jackson moved that the said memorial be indefinitely postponed.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Jackson, Johnson and Wilkinson—3.

Those who voted in the negative, are, Messrs. Babcock, Bailly, Black, Dewey, Holmes, Marshall, Morrison, Pond, Trask, Wells and Furber, (Speaker)—11.

On motion of Mr. Jackson,

Ordered, That the rules be temporarily suspended, so as to admit the said memorial to be read the second time now, without being printed, and that it be read by its title.

On motion of Mr. Pond,

Ordered, That the said memorial be referred to the Committee on Territorial Affairs.

Mr. Bailly gave notice of a motion for leave to introduce a memorial to

Congress for an amendment to the law granting pre-emption rights.
On motion of Mr. Marshall, the House adjourned.

2 O'CLOCK, P. M.

Mr. Trask, from the Committee on Engrossed Bills, reported,
No. 27, H. of R. A bill concerning debtors and their securities;
As correctly engrossed.

The said bill was then read the third time and passed, and the title thereof agreed to.

On motion of Mr. Trask,

Ordered, That No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company, be now taken up.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole House, for the consideration of said bill, together with all accompanying documents or reports relative to the bill,

Mr. Wilkinson in the chair,

And after some time passed therein, rose, and by their chairman, reported the said bill back to the House with amendments.

The 1st and 2d of said amendments were separately read, and concurred in.

On motion of Mr. Trask,

Ordered, That the residue of said amendments be read, and the question of concurrence be taken upon them collectively.

The said amendments were then concurred in.

Mr. Trask moved that said bill be ordered to be engrossed and read a third time to-morrow.

The yeas and nays were desired,

When Mr. Marshall moved a call of the House.

Messrs. Jackson, Morrison and Wilkinson, were reported absent.

On motion of Mr. Black,

Mr. Babcock was excused from attendance during the afternoon session.

On motion of Mr. Brunson,

Further proceedings under the call of the House were dispensed with.

Mr. Babcock reported himself in attendance on the House.

The question recurred on ordering said bill to be engrossed and read a third time to-morrow.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Brunson, Dewey, Holmes, Johnson, Pond, Wells, Wilkinson and Furber, (Speaker)—10.

Those who voted in the negative, are, Messrs. Black, Marshall and Trask—3.

So the motion was agreed to.

On motion of Mr. Johnson,

Resolved, That the use of this room, be given this evening, for a public lecture, by M. S. Wilkinson, Esq., on the subject of temperance.

On motion of Mr. Bailly, the House adjourned.

SATURDAY MORNING, 9 O'CLOCK.

Prayer by the Rev. Mr. Hobart.

The journal of yesternay was read.

The Speaker announced as the business in order,

No. 16, H. of R. A bill to locate the temporary seat of government for the Territory of Minnesota, and for other purposes, (it being the special order for this day.)

On motion of Mr. Johnson,

A call of the House was ordered.

Messrs. Babcock, Brunson, Jackson and Setzer, were reported absent.

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

Mr. Brunson, from the Committee on Engrossed Bills, reported No. 33, H. of R. A bill granting to Isaac N. Goodhue, the right to establish and maintain a ferry across the Mississippi river,

As correctly engrossed.

Mr. Trask, from the Committee on Engrossed Bills, reported

No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company; also,

No. 28, H. of R. A bill to provide for laying out a Territorial Road from Stillwater to the mouth of Rum river,

As correctly engrossed.

The Sergeant-at-Arms reported the members in attendance, except Mr. Setzer, who he reported would be in attendance in half an hour.

On motion of Mr. Trask,

Ordered, That bills Nos. 4, 28 and 33, H. of R., reported this morning correctly engrossed, be now taken up separately and considered.

No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company;

Was read the third time.

The question being on the passage of said bill, the yeas and nays were desired, when,

On motion of Mr. Bailly,

A call of the House was ordered.

Messrs. Brunson and Wilkinson were reported absent.

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

On motion of Mr. Johnson,

Further proceedings under the call of the House, were dispensed with.

The Sergeant-at-Arms reported the members in attendance.

The question recurred on the passage of said bill, and being put, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Pond, Setzer, Trask, Wells and Furber, (Speaker)—13.

Those who voted in the negative, are, Messrs. Marshall, Morrison and Wilkinson—3.

So the said bill passed, and the title thereof was agreed to.

On motion of Mr. Jackson,

Ordered, That No. 28, H. of R. A bill to provide for laying out a Territorial Road from Stillwater to the mouth of Rum river; be read a third time by its title.

The question being on the passage of the said bill, and the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Bailly, Black, Holmes, Marshall, Morrison, Pond, Setzer, Trask, Wells Wilkinson and Furber, (Speaker)—12.

Those who voted in the negative, are, Messrs. Brunson, Dewey, Dugas, Jackson and Johnson—5.

So the said bill passed, and the title thereof was agreed to.

On motion of Mr. Trask,

Ordered, That No. 33, H. of R. A bill granting to Isaac N. Goodhue, the right to establish and maintain a ferry across the Mississippi river, be read a third time by its title.

The question being put on the passage of said bill, it was decided in the affirmative.

So the said bill passed, and the title thereof was agreed to.

On motion of Mr. Jackson,

Ordered, That No. 16, H. of R. A bill to locate the temporary seat of government for the Territory of Minnesota, and for other purposes, be now taken up.

Mr. Brunson moved that the said bill be engrossed and read a third time on Monday next.

Pending the question of engrossment,

Mr. Babcock moved to amend the said bill as follows, viz:

Strike out the words 'the Town of St. Paul,' and insert 'a point on the east side of the Mississippi river, between Rum and Elk rivers, within five miles of a point directly opposite the mouth of Crow river.'

The question being put on agreeing to the said amendment, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Black, Holmes, Marshall, Morrison, Trask and Wilkinson—7.

Those who voted in the negative, are, Messrs. Bailly, Brunson, Dewey, Dugas, Jackson, Johnson, Pond, Setzer, Wells and Furber, (Speaker)—10.

So the said amendment was disagreed to.

A message from the Council, by J. R. Brown, their Secretary.

MR. SPEAKER:—The Council have concurred in the amendments made to, No. 14, C. F. A bill to provide for laying out and establishing a Territorial Road from Rice Creek to Crow Wing, and the amendments proposed to the title thereof; and have adopted the propositions of the Committee of Conference, on

No. 2, C. F. A bill regulating grocery licenses, and have also adopted the report of the Committee of Conference, on

No. 10, C. F. A bill providing for the erection of certain counties therein named, and for other purposes.

The Council have concurred in

No. 19, H. of R. A bill for the election of Commissioners to prepare a code of laws for the Territory of Minnesota, with amendments; and have passed,

No. 3, C. F. memorial to Congress for the improvement of certain roads therein named.

And then he withdrew.

Mr. Marshall moved to amend, by striking out all after the enacting clause, and inserting the following:

SEC. 1. That at the general election in the year A. D. 1850, each qualified voter shall be authorized to vote for a location of the seat of government, and the locality or point, having a majority of votes, shall be the permanent seat of government, in accordance with the provisions of the Organic Act of this Territory.

SEC. 2. The Legislative Assembly at its next annual session, shall provide for the erection of suitable public buildings at the seat of government.

Mr. Babcock offered the following amendment to the amendment:

SEC. 3. That until the election so provided for in the above sections, the temporary seat of government shall be, and remain at St. Paul.

And the question being on the adoption of the amendment to the amendment, it was decided in the negative.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Black, Holmes, Marshall, Morrison, Trask, Wilkinson and Furber, (Speaker)—8.

Those who voted in the negative, are, Messrs. Baily, Brunson, Dewey, Dugas, Jackson, Johnson, Pond, Setzer and Wells—9.

The question then recurred on the amendment of Mr. Marshall, and it was disagreed to.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Black, Holmes, Marshall, Morrison, Trask and Wilkinson—7.

Those in the negative, are, Messrs. Baily, Brunson, Dewey, Dugas, Jackson, Johnson, Pond, Setzer, Wells and Furber, (Speaker)—10.

Mr. Trask offered the following:

Amend section first, by striking out the words, 'Town of St. Paul,' and insert the words, 'at a point to be determined by joint ballot of the Legislative Assembly, to be held on October 27th, 1849.'

Mr. Brunson moved to postpone the amendment indefinitely; agreed to.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Baily, Brunson, Dewey, Dugas, Jackson, Johnson, Setzer, Wells, and Furber, (Speaker)—9.

Those in the negative, are Messrs. Babcock, Black, Holmes, Marshall, Morrison, Pond, Trask and Wilkinson—8.

Mr. Jackson moved the previous question, which was seconded by five members.

And the question being, shall the main question be now put, it was decided in the affirmative.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Baily, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Setzer, Wells and Wilkinson—14.

Those in the negative, are, Messrs. Black, Trask and Furber, (Speaker)—3.

The question then recurred on the motion of Mr. Brunson, that the said bill, No. 16, H. of R. be ordered to be engrossed and read a third time on Monday.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Baily, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Morrison, Pond, Setzer, Wells and Furber, (Speaker)—12.

Those who voted in the negative, are, Messrs. Babcock, Black, Marshall, Trask and Wilkinson—5.

So the said bill was ordered to be engrossed and read the third time on Monday next.

Mr. Jackson moved that the House do now adjourn; disagreed to.

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Baily, Brunson, Dewey, Dugas, Holmes, Jackson and Morrison—7.

Those in the negative, are, Messrs. Babcock, Black, Johnson, Marshall, Pond, Setzer, Trask, Wells, Wilkinson and Furber, (Speaker)—10.

On motion of Mr. Marshall,

The message of the Council was read.

No. 19, H. of R. A bill for the appointment of Commissioners to prepare

a code of laws for the Territory of Minnesota, returned from the Council with amendments, was taken up, and the said amendments read.

Mr. Bailly moved a call of the House.

Messrs. Jackson, Morrison and Wilkinson were reported absent.

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

The Sergeant-at-Arms reported the members in attendance.

The question being on concurring in the first amendment of the Council,

Mr. Brunson moved to amend the same as follows:

By striking out all after the word 'body,' where it occurs in said amendment; which was disagreed to.

The question was then put upon concurring in the said amendment of the Council,

And the yeas and nays being desired,

Those who voted in the affirmative, are, Messrs. Babcock, Black, Brunson, Dewey, Dugas, Jackson and Furber, (Speaker)—7.

Those who voted in the negative, are Messrs. Holmes, Johnson, Marshall, Morrison, Pond, Setzer, Trask, Wells and Wilkinson—9.

So the said amendment was not concurred in.

The question was then put on concurring in the second amendment of the Council to the said bill,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Black, Brunson, Dewey, Dugas, Holmes, Jackson, Marshall, Pond, Trask and Furber, (Speaker)—10.

Those who voted in the negative, are Messrs. Babcock, Bailly, Johnson, Morrison, Wells and Wilkinson—7.

So the said amendment was concurred in.

The third amendment of the Council to the said bill was not concurred in.

On motion of Mr. Trask, the House adjourned.

2 O'CLOCK, P. M.

Mr. Trask moved that the House adjourn until Monday morning at 10 A. M.

Mr. Black moved a call of the House.

Messrs. Babcock, Brunson, Jackson, Johnson, Marshall, Pond and Wilkinson were reported absent.

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

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

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Dewey, Dugas, Holmes, Johnson, Marshall, Morrison, Trask, Wells and Furber, (Speaker)—10.

Mr. Black voted in the negative.

The question was then put on Mr. Trask's motion to adjourn.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Dewey, Dugas, Holmes, Johnson, Marshall, Morrison, Trask and Wells—9.

Those who voted in the negative, are Messrs. Black, Wilkinson and Furber, (Speaker)—3.

So the House adjourned until Monday morning at 10 o'clock.

MONDAY MORNING, 10 o'clock.

Prayer by the Rev. Mr. Hobart.

The journal of Saturday was read.

Mr. Brunson, from the Committee on Engrossed Bills, reported

No. 16, H. of R. A bill to locate the temporary seat of government for the Territory of Minnesota, and for other purposes,

As correctly engrossed.

In pursuance of previous notice, the following bills and memorials were introduced:

By Mr. Bailly, No. 5, H. of R. memorial to Congress, praying for an amendment to the law granting pre-emption rights.

By Mr. Jackson, N. 41, H. of R. a bill to incorporate the Town of St. Paul, in the county of Ramsey.

By Mr. Babcock, No. 6, H. of R. memorial to Congress for extending the right of pre-emption to actual settlers upon unsurveyed lands in the Territory of Minnesota; also,

No. 42, H. of R. A bill granting to James Beatty the right to establish and maintain a ferry across the Mississippi river in the county of Benton.

Which said memorials and bills were respectively read the first time.

No. 39, H. of R. A bill to authorize the Register of Deeds of the counties of Ramsey and Benton, to procure certain copies of records in the office of the Register of Deeds of the county of Washington, was taken up, and

On motion of Mr. Jackson,

Ordered, That the said bill be read a second time by its title.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole House for the consideration of the said bill,

Mr. Babcock in the chair.

Pending which, a message from the Governor was announced,

When the Speaker took the chair, and the Hon. C. K. Smith, Secretary of the Territory, communicated the following message, viz:

MR. SPEAKER:—I have the honor to present to you, a message in writing, from his Excellency, the Governor.

And then he withdrew.

The Committee of the Whole House resumed its session, and after some time passed therein, rose and reported the said bill back to the House with an amendment;

Which amendment was then concurred in.

On motion of Mr. Trask,

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

No. 16, H. of R. A bill to locate the temporary seat of government for the Territory of Minnesota, and for other purposes, was taken up.

Mr. Wilkinson moved it be read a third time by its title.

Mr. Brunson moved a call of the House.

Messrs. Black, Jackson and Setzer were reported absent.

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

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

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Trask and Wilkinson—2.

Those who voted in the negative, are Messrs. Babcock, Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Wells and Furber, (Speaker)—13.

So the House refused to suspend the call.

The Sergeant-at-Arms reported the members in attendance, except Mr. Black.

Mr. Pond moved that Mr. Black have leave of absence during the day.

Mr. Trask moved that the House adjourn.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Wells and Trask—3.

Those who voted in the negative, are Messrs. Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Setzer, Wilkinson and Furber, (Speaker)—13.

So the House refused to adjourn.

The question then recurred on Mr. Pond's motion, and being put, it was decided in the negative.

A division being called for, there were yeas—6; nays—8.

Mr. Jackson moved that further proceedings under the call of the House, be dispensed with.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dewey, Dugas, Jackson, Johnson, Wells and Furber, (Speaker)—8.

Those who voted in the negative, are Messrs. Babcock, Holmes, Marshall, Morrison, Pond, Setzer, Trask and Wilkinson—8.

So the House refused to suspend the call.

Mr. Wilkinson moved to adjourn.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Holmes, Morrison, Trask, Wilkinson and Furber, (Speaker)—6.

Those who voted in the negative, are Mrs. Bailly, Brunson, Dewey, Dugas, Jackson, Johnson, Marshall, Pond, Setzer and Wells—10.

So the House refused to adjourn.

Mr. Brunson offered the following resolution, viz:

Resolved, That the Sergeant-at-Arms, be instructed to procure a horse, and proceed to notify the absentee that his attendance on this House is required, and that said absentee be at the expense of hiring said horse; which was read.

Mr. Trask moved that said resolution be indefinitely postponed.

The question being put, it was decided in the affirmative.

A division being called for, there were yeas—8; nays—7.

Mr. Wilkinson moved that the House adjourn.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Dugas, Holmes, Marshall, Morrison, Pond, Trask, Wells, Wilkinson and Furber, (Speaker)—10.

Those who voted in the negative, are Messrs. Bailly, Brunson, Dewey, Jackson, Johnson, and Setzer—6.

So the House adjourned.

2 o'clock, P. M.

Mr. Black moved a call of the House.

Messrs. Babcock, Brunson, Dewey, Jackson, Setzer and Wilkinson were reported absent.

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

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

The question being put, and the yeas and nays being desired, Those who voted in the affirmative, are Messrs. Black, Marshall, Morrison, Trask and Wilkinson—5.

Those who voted in the negative, are Messrs. Bailly, Brunson, Dugas, Holmes, Johnson, Pond, Wells and Furber, (Speaker)—8.

So the House refused to suspend the call.

The Sergeant-at-Arms reported the members in attendance.

The question recurred on Mr. Wilkinson's motion, that said bill, No. 16, H. of R. be read a third time by its title.

The question being put, it was decided in the affirmative.

So the said bill was read the third time by its title.

The question was then put on agreeing to the passage of the said bill, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Pond, Setzer, Wells, and Furber, (Speaker)—11.

Those who voted in the negative, Messrs. Babcock, Black, Marshall, Morrison, Trask and Wilkinson—6.

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

No. 3, C. F. Memorial to Congress for the improvement of certain roads therein named; was read the first time.

On motion of Mr. Trask,

The message from his Excellency, the Governor, was taken up and read, and it is as follows:

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT, }
St. Paul, Oct. 20, 1849. }

To the Honorable Speaker of the House of Representatives:

SIR:—I have approved and signed the following acts and memorials, viz:

'An act to incorporate the Historical Society of Minnesota.'

'An act granting a charter to Elam Greely and his heirs, to construct a dam across Snake River near the outlet of Cross Lake.'

'An act for the relief of B. W. Lott and P. P. Bishop.'

'Memorial to Congress relative to the purchase of the Sioux Indian lands west of the Mississippi river.'

'Memorial to Congress for the improvement of the Mississippi river above the Falls of St. Anthony.'

ALEX. RAMSEY.

Mr. Wilkinson, from the Judiciary Committee, by leave, reported bill No. 43, H. of R. An act to amend an act entitled an act, to provide the means to pay the public debt of the Territory, and for other purposes;

Which was read the first time.

Mr. Wilkinson moved that the rules be temporarily suspended so as to admit the said bill to be read the second time now;

Which was agreed to; and

On motion of Mr. Setzer,

Ordered, That the said bill be read the second time by its title.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole, for the consideration of the said bill,

Mr. Johnson in the chair,

And after some time passed therein, the committee rose, and by their chairman, reported the said bill back to the House without amendment.

On motion of Mr. Jackson,

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

Mr. Brunson, from the Committee on Engrossed Bills, by leave, reported

No. 39, H. of R. A bill to authorize the Register of Deeds of the counties of Ramsey and Benton, to procure certain copies of records in the office of the Register of Deeds of Washington county;

As correctly engrossed.

On motion of Mr. Jackson,

The House adjourned until 7 o'clock P. M.

7 O'CLOCK, P. M.

On motion of Mr. Black,

A call of the House was ordered.

Messrs. Brunson, Dewey, Dugas, Holmes, Johnson, Setzer and Trask, were reported absent.

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

On motion of Mr. Marshall,

Leave of absence was granted to Mr. Setzer during this evening's session.

On motion of Mr. Marshall,

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

On motion of Mr. Wilkinson,

Ordered, That No. 38, H. of R. A bill concerning Courts of Record;

Be taken up and read the second time by its title.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole, for the consideration of the said bill,

Mr. Pond in the chair,

Pending which, the Speaker took the chair, and the Sergeant-at-Arms reported the members in attendance except Messrs. Holmes and Brunson, whom he reported could not be found.

The Committee of the Whole resumed its session, and after some time passed therein, rose, and by their chairman, reported progress and asked leave to sit again; leave was granted.

On motion of Mr. Wilkinson,

Ordered, That No. 26, H. of R. A bill to exempt from sale by execution, the Homestead, be read the second time by its title.

Mr. Bailly moved that the House adjourn,

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Dewey, Dugas, Morrison and Wells—5.

Those who voted in the negative, are Messrs. Babcock, Black, Jackson, Marshall, Pond, Trask, Wilkinson and Furber, (Speaker)—8.

Mr. Jackson moved a call of the House,

Messrs. Brunson, Holmes and Johnson were reported absent.

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

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

The yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Holmes, Jackson, Marshall, Pond, Trask, Wilkinson and Furber, (Speaker)—8.

Those who voted in the negative, are Messrs. Bailly, Black, Dewey, Dugas, Morrison and Wells—6.

So the House suspended the call.

The Sergeant-at-Arms reported the members in attendance.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole House, for the consideration of said bill,

No. 26, H. of R. A bill to exempt from sale by execution, the Homestead.

Mr. Trask in the chair,

And after some time passed therein, rose, and by their chairman, reported the said bill back to the House with amendments.

Mr. Jackson moved that the question of concurrence in said amendments, be taken on them collectively and without reading.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Bailly, Brunson, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Trask, Wells and Wilkinson—12.

Those who voted in the negative, are Messrs. Black, Dewey and Pond—3.

The said amendments were then concurred in.

On motion of Mr. Marshall,

Ordered, That the said bill be laid upon the table and made the order of Monday next.

Mr. Jackson moved that the House adjourn.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Brunson, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond and Furber, (Speaker)—10.

Those who voted in the negative, are Messrs. Bailly, Black, Dewey, Trask, Wells and Wilkinson—6.

So the House adjourned until to-morrow at 9 A. M.

TUESDAY MORNING, 9 O'CLOCK.

Prayer by the Rev. Mr. Hobart.

The journal of yesterday was read and corrected.

Mr. Trask, from the Committee on Engrossed Bills, reported bill

No. 43, H. of R. An act to amend the act entitled an act to provide the means to pay the public debt of the Territory, and for other purposes;

As correctly engrossed.

Mr. Trask offered the following resolution:

Resolved, That the printers of the daily journals be requested by the chief clerk, not to cut up, mangle and deface, the journal sent to them as copy.

Which resolution was read and adopted.

Mr. Jackson offered the following, viz:

Resolved, That B. W. Lott be, and he is hereby appointed transcribing clerk for this House during the remaining portion of the present session of the Legislative Assembly.

Which resolution was read and adopted.

Mr. Bailly, from the Committee on Territorial Affairs, reported

No. 4, H. of R. A memorial to the Congress of the United States for an appropriation to build a Territorial Prison, as a substitute for

No. 4, H. of R. A memorial from the Legislative Assembly of the Territory of Minnesota, to the honorable, the Senate and House of Representatives of the United States; which substitute was read and adopted.

On motion of Mr. Jackson,

Ordered, That the said substitute memorial,

No. 4, H. of R. be engrossed and read a third time to-morrow.

No. 3, C. F. Memorial to Congress for the improvement of certain roads therein named; was taken up.

On motion of Mr. Jackson,

Ordered, That the said memorial be read a second time by its title.

And on his motion, the House resolved itself into the Committee of the Whole House for the consideration of the said memorial,

Mr. Babcock in the chair,

And after some time passed therein, the committee rose, and by their chairman, reported the said memorial back to the House without amendment, and recommended its passage.

On motion of Mr. Babcock,

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

No. 39, H. of R. A bill to authorize the Registers of Deeds of the counties of Ramsey and Benton, to procure certain copies of records in the office of the Register of Deeds of Washington county;

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

No. 43, H. of R. An act to amend the act entitled an act to provide the means to pay the public debt of the Territory, and for other purposes,

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

No. 24, H. of R. A bill to locate a Territorial Road from St. Paul to Little Canada, was taken up, and

On motion of Mr. Dewey,

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

On motion of Mr. Black,

A call of the House was ordered.

Messrs. Babcock, Brunson, Jackson and Setzer were reported absent.

On motion of Mr. Trask,

Leave of absence was granted to Mr. Setzer during the day.

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

On motion of Mr. Wilkinson,

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

Mr. Wilkinson, from the Judiciary Committee, by leave, reported bill

No. 44, H. of R. An act fixing the time for holding Districts Courts;

Which was read the first time.

On motion of Mr. Wilkinson,

Ordered, That the rules be temporarily suspended, and the said bill be read the second time.

On motion of Mr. Trask,

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

Mr. Brunson, from the Committee on Internal Improvements, to which was referred the petition of Silas H. Axtell, for a divorce from his wife, Catharine Maria Axtell, made a report accompanied by a bill,

No. 45, H. of R. A bill to dissolve the marriage contract between Silas H. Axtell and Catharine Maria Axtell;

Which bill and the depositions in the case were read.

Mr. Black moved that the said bill be rejected.

Which motion was disagreed to.

The Sergeant-at-Arms reported the members in attendance.

On motion of Mr. Jackson,

Ordered, That the rules be temporarily suspended, and the said bill be read the second time.

On motion of Mr. Trask,

Ordered, That the rules be temporarily suspended and the said bill be read the third time.

Mr. Dewey, at his request, was excused from voting on the passage of the said bill.

The question was then put on agreeing to the passage of said bill, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Brunson, Holmes, Jackson and Trask—4.

Those who voted in the negative, are Messrs. Babcock, Bailly, Black, Dugas, Johnson, Marshall, Morrison, Pond, Wells, Wilkinson and Furber, (Speaker)—11.

So the said bill was rejected.

On motion of Mr. Wilkinson,

Ordered, That the rules be temporarily suspended, so as to admit the introduction of two bills, now without notice.

Mr. Bailly then introduced

No. 46, H. of R. A bill granting to Samuel J. Findley the right to establish and maintain a ferry across the Mississippi river opposite Fort Snelling; also,

No. 47, H. of R. A bill granting Francois Gamelle the right to establish and maintain a ferry across the St. Peters' river, at the mouth of said river.

Bill No. 46, H. of R. was read the first time.

Mr. Wells moved that the said bill be rejected.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Black, Brunson, Dewey, Dugas, Johnson, Marshall, Morrison, Wells, Wilkinson and Furber, (Speaker)—11.

Those who voted in the negative, are Messrs. Bailly, Holmes, Pond and Trask—4.

So the said bill was rejected.

Bill No. 47, H. of R., was taken up, and

On motion of Mr. Bailly,

Ordered, That the said bill be read the first time by its title.

Mr. Babcock moved that the said bill be rejected, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Black, Brunson, Dewey, Dugas, Johnson, Marshall, Morrison, Wells, Wilkinson and Furber, (Speaker)—11.

Those who voted in the negative, are Messrs. Bailly, Holmes, Pond and Trask—4.

So the said bill was rejected.

On motion of Mr. Bailly, the House adjourned.

2 O'CLOCK, P. M.

Mr. Trask by leave, presented the petition of Catharine Hathaway, praying for a divorce from her husband, which was read.

Mr. Trask moved that the rules be temporarily suspended, so as to admit the introduction of a bill now, without notice, which was agreed to.

Mr. Trask, then introduced

No. 48, H. of R., which was read the first time.

On motion of Mr. Trask,

Ordered, That the rules be temporarily suspended, and the said bill be read a second time.

On motion of Mr. Wilkinson,

Ordered, That the said bill and accompanying petition be referred to a select committee of three.

Messrs. Wilkinson, Black and Johnson were appointed the said committee.

On motion of Mr. Trask,

Ordered, That said committee be empowered to take testimony in the case, and that they report the same to this House.

On motion of Mr. Pond,

The House resolved itself into the Committee of the Whole for the consideration of

No. 38, H. of R. A bill concerning Courts of Record.

Mr. Dewey in the chair.

Pending which a message from the Council was announced,

When the Speaker took the chair, and the following message was communicated by Joseph R. Brown, their Secretary.

MR. SPEAKER:—The Council have concurred in

No. 31, H. of R. A bill fixing the time for the annual meeting of the Legislative Assembly.

No. 37, H. of R. A bill granting to John Banfill the right to establish a ferry across the Mississippi river near the mouth of Rum river.

No. 34, H. of R. A bill granting to John R. Irvine, the right to establish and maintain a ferry across the Mississippi river.

No. 33, H. of R. A bill granting to Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river.

No. 17, H. of R. A bill to incorporate the Minnesota Mutual Fire Insurance Company,

Each with amendments, to which the concurrence of this House is requested.

The Council have receded from their amendments to

No. 19, H. of R. A bill for the election of Commissioners to prepare a code of laws for the Territory of Minnesota.

The Council have negatived by striking out the enacting clause to

No. 21, H. of R. A bill in relation to the public printing and binding.

And have also negatived No. 4, H. of R. Joint resolution relative to public printing, by postponing the consideration thereof until the 10th day of November next.

His Excellency, the Governor, has notified the Council, that he did, on the 20th day of October, approve and sign "an act to provide against the traffic in ardent spirits with the Indians."

An act granting to Franklin Steele the right to establish and maintain a ferry across the Mississippi river.

An act granting a divorce to Louis Laramie from Wa-kan-ye-ke-win, his wife.

Memorial to Congress for an appropriation to construct a road from Point Douglass to the St. Louis river.

And memorial to Congress for an appropriation to construct a military road from Fort Snelling to the mouth of the Sioux river on the Missouri.

The Council have concurred in

No. 20, H. of R. An act concerning Justices of the Peace, with amendments; and have passed

No. 21, C. F. A bill authorizing the election of Sheriffs and defining their duties.

No. 26, C. F. A bill to regulate the public printing.

No. 5, C. F. Memorial to Congress for additional mail facilities.

No. 24, C. F. A bill to amend an act entitled an act concerning the time of commencing actions.

No. 4, C. F. Memorial to Congress relative to School Lands.

In all which the concurrence of this House is requested.

The Committee of the Whole resumed its session, and after some time passed therein, a quorum not being present, the Speaker resumed the chair,

and the committee rose, and by their chairman, reported a quorum not in attendance.

Mr. Johnson moved a call of the House.

Messrs. Baily, Brunson, Dugas, Jackson, Marshall and Morrison were reported absent.

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

Pending the report of the Sergeant-at-Arms, a quorum was announced.

On motion of Mr. Marshall,

Further proceedings under the call of the House were dispensed with.

On motion of Mr. Babcock,

The Committee of the Whole House resumed its session for the further consideration of

No. 38, H. of R. A bill concerning Courts of Record,

Mr. Dewey in the chair,

Pending which the Speaker resumed the chair, and the Sergeant-at-Arms reported the members in attendance.

The Committee of the Whole then resumed its session, and after some time passed therein, rose and by their chairman, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Trask,

The message from the Council was read.

No. 17, H. of R. A bill to incorporate the Minnesota Mutual Fire Insurance Company, returned from the Council with amendments, was taken up.

The question being put on concurring in said amendments,

Mr. Trask called for a division of the question.

The question of concurrence in said amendments was then taken on them separately, and severally decided in the affirmative.

So the said amendments were concurred in.

No. 31, H. of R. A bill fixing the time of the annual meeting of the Legislative Assembly, returned from the Council with an amendment, was taken up.

Said amendment was then read and concurred in.

No. 33, H. of R. A bill granting Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river, returned from the Council with amendments, was taken up.

Mr. Brunson moved that it be laid upon the table until to-morrow.

The question being put, it was decided in the affirmative.

A division being called for, there were yeas—9; a majority of the House.

So the said motion was agreed to.

No. 34, H. of R. A bill granting to John R. Irvine the right to establish and maintain a ferry across the Mississippi river, returned with amendments, was taken up.

The question being put on concurring in the first of said amendments, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Baily, Black, Brunson, Dugas, Holmes, Jackson, Morrison, Pond, Trask, Wells, Wilkinson and Furber, (Speaker)—13.

Those who voted in the negative, are Messrs. Dewey, Johnson and Marshall—3.

So the said amendment was concurred in.

The second of said amendments was concurred in.

The third of said amendments was not concurred in.

Mr. Brunson moved that the House adjourn.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Bailly, Brunson, Holmes, Marshall, Morrison, Pond, Wells and Wilkinson—11.

Those who voted in the negative, are Messrs. Johnson, Trask and Furber, (Speaker)—3.

So the House adjourned until to-morrow at 9 o'clock, A. M.

WEDNESDAY MORNING, 9 o'clock.

Prayer by the Rev. Mr. Hobart.

The journal of yesterday was read.

Mr. Brunson presented the petition of C. F. Tracy and thirty-three others, asking for a grant to W. H. Randall and Samuel H. Dent, the privilege of a ferry from the lower landing in the town of St. Paul, to Raspberry Island, for the term of ten years; which was read.

On motion of Mr. Trask,

Ordered, That said petition be referred to the Committee on Internal Improvements.

Mr. Pond offered the following resolution, viz:

Resolved, That no bill for granting divorce, shall be introduced in this House after Thursday, the 25th inst.

Which resolution was read.

On motion of Mr. Trask,

Ordered, That it be read the second time.

On motion of Mr. Brunson,

A call of the House was ordered.

Messrs. Babcock and Dewey were reported absent.

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

On motion of Mr. Brunson,

Further proceedings under the call of the House were dispensed with.

Mr. Brunson moved that the said resolution be indefinitely postponed.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Brunson, Holmes, Jackson, Johnson and Trask—5.

Those who voted in the negative, are Messrs. Bailly, Black, Dugas, Marshall, Morrison, Pond, Wells, Wilkinson and Furber, (Speaker)—9.

So the said motion was disagreed to.

Mr. Trask offered the following as a substitute for Mr. Pond's resolution,

Resolved, That no bill, joint resolution or memorial, shall be introduced in this House after Saturday, the 27th inst., except such as may be brought in by message from the Council; which was read.

The Sergeant-at-Arms reported the members in attendance.

The question was then put on agreeing to the said resolution offered as a substitute.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Brunson, Holmes, Jackson, Johnson, Marshall, Morrison, Trask, Wells and Furber, (Speaker)—9.

Those who voted in the negative, are Messrs. Babcock, Bailly, Black, Dewey, Dugas, Pond and Wilkinson—7.

So the said substitute was accepted.

Mr. Jackson offered to amend the same as follows, viz:

Provided, That the Committee on Legislative Expenditures have leave to introduce an appropriation bill thereafter; which was read.

The question being put on agreeing to the said amendment, the Speaker was unable to determine the vote.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Brunson, Dugas, Jackson, Johnson, Morrison, Trask and Furber, (Speaker)—7.

Those who voted in the negative, are Messrs. Babcock, Bailly, Black, Dewey, Holmes, Marshall, Pond, Wells and Wilkinson—9.

So the said amendment was not adopted.

On motion of Mr. Brunson,

Ordered, That it be laid upon the table until Saturday next.

Mr. Trask, from the Committee on Engrossed Bills, reported No. 44, H. of R. An act fixing the time for holding District Courts; and No. 4, H. of R. A memorial to the Congress of the United States for an appropriation to build a Territorial Prison; as correctly engrossed.

Mr. Marshall, from the Committee on Enrolled Bills, reported

That the Committee had examined enrolled bills, joint resolutions and memorials, of the following titles, viz:

An act to provide for laying out a Territorial Road from Rum river to Crow Wing.

An act organizing a Board of County Commissioners in each county in this Territory.

An act regulating grocery licenses.

Joint resolution relative to the adjournment of the present Legislative Assembly.

Joint resolution relative to the Half Breed lands.

And a memorial to Congress in relation to the establishing mail routes therein named, and for other purposes,

And found the said bills, joint resolutions and memorials truly enrolled;

When the Speaker signed the said bills, joint resolutions and memorials.

Mr. Wilkinson, from the Select Committee to which was referred the petition of Catharine Hathaway, and the bill granting the said Catharine a divorce, made a report; which was read.

Mr. Pond moved that the reading of the testimony taken in the case be dispensed with; which motion was disagreed to.

The testimony was then read, and

On motion of Mr. Trask,

Ordered, That the said report be accepted and the committee discharged.

Mr. Brunson, from the Committee on Internal Improvements to which was referred the petition of C. F. Tracy and others, made a report accompanied by a bill,

No. 49, H. of R., granting to Wm. H. Randall and Samuel H. Dent, the right to keep and maintain a ferry across the Mississippi river, and recommended its passage;

Which bill was read the first time.

On motion of Mr. Brunson,

Ordered, That the rules be temporarily suspended, and the said bill be read a second time by its title.

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House, for the consideration of said bill,

Mr. Marshall in the chair,

And after some time passed therein, rose and reported the said bill back to the House with amendments.

On motion of Mr. Marshall,

Ordered, That the question of concurrence in said amendments be taken on them collectively.

The said amendments of the Committee of the Whole were then concurred in.

Mr. Brunson moved that the said bill be laid upon the table;

Which motion was agreed to.

No. 35, H. of R. A bill providing for the proper observance of the Sabbath day, and for other purposes, was taken up; and

On motion of Mr. Babcock,

Ordered, That it be read a second time by its title.

On motion of Mr. Johnson,

The House resolved itself into the Committee of the Whole House for the consideration of said bill,

Mr. Bailly in the chair.

Pending which a message from the Council was announced;

When the Speaker resumed the chair,

And the following message was communicated by J. R. Brown, their Secretary, viz:

MR. SPEAKER:—The Council have concurred in

No. 28, C. F. A bill for laying out a Territorial Road from Stillwater to the mouth of Rum river, with an amendment; also have concurred in

No. 30, H. of R. A bill authorizing the Governor to issue his proclamation for the holding of a court in the county of Wabeshaw, and for other purposes.

The Council have refused to recede from its third amendment to

No. 34, H. of R. A bill granting to John R. Irvine the right to establish and maintain a ferry across the Mississippi river; and have appointed Messrs. Norris and Loomis to confer with a committee of this House on the disagreeing vote of the Houses on said bill.

The Council have passed

No. 19, C. F. A bill to provide for the appointment of a Librarian, and for other purposes;

In which the concurrence of this House is requested.

And then he withdrew.

The Committee of the Whole resumed its session, and after some time passed therein, rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Brunson, the House adjourned.

2 o'clock, P. M.

No. 35, H. of R. A bill providing for the proper observance of the Sabbath day, and for other purposes, was taken up, and

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House for the further consideration of the said bill,

Mr. Babcock in the chair.

And after some time passed therein, the committee rose, and reported the said bill back to the House with amendments.

Mr. Jackson moved that the question of concurrence in said amendments, be taken on them collectively and without reading.

Mr. Pond moved a call of the House.

Mr. Morrison was reported absent.

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

The Sergeant-at-Arms reported the member in attendance.

The question was then put on Mr. Jackson's motion.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Black, Dugas, Holmes, Jackson, Johnson, Trask, Wells and Furber, (Speaker)—8.

Those who voted in the negative, are Messrs. Babcock, Bailly, Brunson, Dewey, Marshall, Morrison, Pond, and Wilkinson—8.

So the said motion was disagreed to.

The question being put, the first of said amendments was not concurred in.

The question being put on concurring in the second of said amendments,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Jackson and Trask—2.

Those who voted in the negative, are Messrs. Babcock, Bailly, Black, Brunson, Dewey, Dugas, Holmes, Johnson, Marshall, Morrison, Pond, Wells, Wilkinson and Furber, (Speaker)—14.

So said second amendment was not concurred in.

Mr. Brunson moved that the said bill be engrossed and read a third time to-morrow.

Mr. Marshall moved to amend the said bill as follows, viz:

SEC. 11. That no person who conscientiously believes that the seventh or any other day of the week ought to be observed as the Sabbath, and who actually refrains from secular business and labor on that day, shall be liable to the penalties of the second section of this act, for performing secular business or labor on the first day of the week, unless he disturbs some other person.

Which was adopted.

Mr. Jackson moved to amend the said amendment as follows:

By striking out all after the word 'unless' in the last line.

Which was not agreed to.

The question was then put on agreeing to Mr. Brunson's motion,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Bailly, Brunson, Dewey, Dugas, Marshall, Morrison, Pond and Wilkinson—9.

Those who voted in the negative, are Messrs. Black, Holmes, Jackson, Johnson, Trask, Wells and Furber, (Speaker)—7.

So the said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Brunson from the Committee on Engrossed Bills, reported

No. 24, H. of R. A bill to locate a Territorial Road from St. Paul to Little Canada, as correctly engrossed.

Mr. Brunson moved that the House adjourn until evening, at 7 o'clock.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Bailly, Brunson, Dewey, Johnson, Marshall, Morrison, Pond; Trask, Wells and Wilkinson—11.

Those who voted in the negative, are Messrs. Black, Dugas, Holmes, Jackson and Furber, (Speaker)—5.

So the House adjourned until 7 o'clock, P. M.

7 O'CLOCK. P. M.

No. 48, H. of R. A bill to dissolve the marriage contract between Catharine Hathaway and her husband, Isaac Hathaway, was taken up.

On motion of Mr. Trask,

Ordered, That the rules be temporarily suspended, and the said bill be read the third time.

On motion of Mr. Brunson,

A call of the House was ordered.

Messrs. Dugas, Holmes, Jackson and Wilkinson were reported absent.

On motion of Mr. Marshall,

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

The question then being on agreeing to the passage of the said bill,

On motion of Mr. Brunson,

Ordered, That the testimony taken in the case be read again.

The question then recurred on agreeing to the passage of the said bill,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Black, Brunson, Johnson, Morrison, Trask and Wells—6.

Those who voted in the negative, are Messrs. Babcock, Bailly, Dewey, Dugas, Marshall, Pond, Wilkinson and Furber, (Speaker)—8.

So the said bill was rejected.

✓ No. 47, H. of R. A bill to incorporate the town of St. Paul, in the county of Ramsey, was taken up.

On motion of Mr. Trask,

Ordered, That it be read the second time by its title.

On motion of Mr. Trask,

Ordered, That the said bill be referred to a Select Committee, consisting of the delegation of the town of St. Paul.

No. 3, C. F. Memorial to Congress for the improvement of certain roads therein named;

No. 4, H. of R. A memorial to the Congress of the United States for an appropriation to build a Territorial Prison;

No. 44, H. of R. A bill fixing the time for holding District Courts.

No. 24, H. of R. A bill to locate a Territorial Road from the town of St. Paul to Little Canada,

Were separately read the third time, and passed, and their respective titles agreed to.

No. 37, H. of R. A bill granting to John Banfill the right to establish a ferry across the Mississippi river, near the mouth of Rice river,

Returned from the Council with amendments was taken up, which amendments were read and concurred in.

No. 20, H. of R. A bill concerning justices of the peace, returned from the Council with amendments, was taken up.

Said amendments were read and the first of which was concurred in.

The second amendment was non-concurred in.

No. 4, C. F. Memorial to congress relative to school lands, was read the first time.

On motion of Mr. Babcock,

Ordered, That the rules be temporarily suspended and the said bill be read the second and third times by its title.

Now the said bill was passed, and the title thereof agreed to.

No. 5, C. F. Memorial to Congress for additional mail facilities was read the first time.

On motion of Mr. Jackson,

Ordered, That the rules be temporarily suspended, and the said memorials be read the second and third times by its title now.

The second memorial passed and the title thereof was agreed to.

No. 21, C. F. A bill authorizing the election of sheriffs and defining their duties was read the first time.

On motion of Mr. Marshall,

Ordered, That the rules be temporarily suspended and the said bill be read a second and third times now.

Said bill was read the second time,

When Mr. Brunson moved to amend the said bill as follows, viz:

Strike out the word "two" where it first occurs in the third line of section three, and insert the word "five" in lieu thereof,

Which amendment was adopted.

The said bill was then read a third time and passed, and the title thereof was agreed to.

No. 24, C. F. A bill to amend an act entitled an act concerning the time of commencing actions, was read the first time,

On motion of Mr. Bailly,

Ordered, That it be read the second and third times by its title now.

The question being put on agreeing to the passage of the said bill, it was decided in the affirmative.

A division being called for, there were yeas 7, nays 6.

So the bill passed and the title thereof was agreed to.

No. 26, C. F. A bill to regulate the public printing, was read the first time.

No. 33, H. of R. A bill granting to Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi, returned from the Council with amendments was taken up.

Mr. Brunson moved that the question of concurrence in the said amendments be postponed until Saturday next.

The question being put, and a division being called for, there were yeas 6, nays 8.

Mr. Bailly moved that the house adjourn.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative are—

Messrs. Babcock, Bailly, Brunson, Dewey, Pond, Wilkinson, and Furber (Speaker)—7.

Those who voted in the negative are—

Messrs. Black, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Trask, and Wells—9.

On motion of Mr. Pond,

Ordered, That the vote by which the House refused to postpone the question of concurrence in the amendments of the Council to bill No. 33, H. of R. until Saturday next, be reconsidered.

The question was then put on agreeing to Mr. Brunson's motion to postpone the question of concurrence in said amendments until Saturday next, and was decided in the affirmative.

Mr. Wilkinson moved that the House adjourn,

Which was disagreed to.

On motion of Mr. Brunson,

Ordered, That the message of the Council be now taken up.

Mr. Jackson moved that the vote by which the House refused to concur in the 3d amendment of the Council to No. 34, H. of R. be reconsidered,

Agreed to.

Said third amendment was then concurred in.

On motion of Mr. Jackson, the House adjourned until to-morrow.

THURSDAY MORNING, 9 o'clock.

Prayer by the Rev. Mr. Hobart.

Printed copies of the Journal not in.

On motion of Mr. Trask,

Ordered, That the reading of the Journal be dispensed with for the present.

Mr. Trask from the Committee on engrossed bills, reported No. 35, H. of R., a bill providing for the proper observance of the Sabbath day, and for other purposes, as correctly engrossed.

No. 42, H. of R., a bill granting to James Beatty the right to establish and maintain a ferry across the Mississippi river in the county of Benton, was read the second time.

On motion of Mr. Trask,

The House resolved itself into the Committee of the whole for the consideration of the said bill, Mr. Trask in the chair; and after sometime passed therein, the Committee rose and by their chairman, reported the said bill back to the House with amendments,

Which amendments were concurred in.

On motion of Mr. Trask,

Ordered, That section 5, of said bill be stricken out.

On motion of Mr. Johnson,

Ordered, That the vote by which the House yesterday refused to pass No. 48, H. of R. A bill to dissolve the marriage contract between Catharine Hathaway and her husband, Isaac Hathaway, be reconsidered.

The question was then put on agreeing to the passage of the said bill, and the yeas and nays being desired,

Those who voted in the affirmative are—

Messrs. Bailly, Black, Dewey, Dugas, Holmes, Johnson, Morrison, Trask, and Wells—9.

Those who voted in the negative are—

Messrs. Pond, Wilkinson, and Furber (Speaker)—3.

So the said bill passed, and the title thereof was agreed to.

On motion of Mr. Trask,

Ordered, That No. 42, H. of R. A bill granting to James Beatty the right to establish and maintain a Ferry across the Mississippi river in the county of Benton, be engrossed and read a third time to-morrow.

No. 26, H. of R. A bill to regulate the public printing was taken up.

On motion of Mr. Black,

A call of the House was ordered.

Messrs. Babcock, Johnson, and Marshall were reported absent.

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

On motion of Mr. Bailly,

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

The said bill, No. 26, C. F., was read the 2d time.

Mr. Bailly moved that the said bill be referred to the Committee on Legislative expenditures.

The question being put it was decided in the affirmative.

There were yeas 8, nays 4.

So the said bill was referred.

The Sergeant-at-arms reported the members in attendance, except Messrs. Jackson and Marshall, who he was informed were not in town.

No. 35, H. of R. A bill to provide for the proper observance of the Sabbath and for other purposes was taken up.

Mr. Babcock moved that the said bill be read a third time by its title,

Which was disagreed to.

The said bill was then read the third time, when

Mr. Brunson moved to amend the said bill as follows:

Add to section 6th, 'Provided, that this section shall in no case be construed to award damage for injury done any goods landed upon the Sabbath, if the person or his agent to whom the goods are assigned shall receive the same on that day,'

Which was objected to.

The question was then put on agreeing to the passage of the said bill, and the yeas and nays being desired,

Those who voted in the affirmative are—

Messrs. Babcock, Bailly, Brunson, Dewey, Pond, and Wilkinson—6.

Those who voted in the negative are—

Messrs. Black, Dugas, Holmes, Johnson, Morrison, Trask, Wells, and Furber (Speaker)—8.

So the said bill was rejected.

No. 19, C. F. A bill to provide for the appointment of a Librarian and for other purposes, was read the first time.

No. 28, H. of R. A bill for laying out a Territorial road from Stillwater to the mouth of Rum river, returned from the Council with amendments was taken up, and said amendments read.

Mr. Black moved to amend the first of said amendments as follows, viz: by inserting the word 'dollars' after the word 'three,'

Which was agreed to.

The said first amendment as amended was then concurred in.

The second amendment of the Council to said bill was concurred in.

No. 27, H. of R. A bill to exempt from sale by execution the homestead, was taken up.

On motion of Mr. Trask,

Ordered, That said bill be laid upon the table.

On motion of Mr. Trask,

The Journal of yesterday was read.

The following message was received from the Council by J. R. Brown, their secretary.

MR. SPEAKER: The Council have passed No. 18, C. F. A bill to establish and maintain common schools;

And have concurred in No. 32, H. of R. A bill to locate a Territorial road from Point Douglass to Saint Paul with amendments, and an amendment to the title of the bill;

In all which the concurrence of the House is requested.

The Council have negatived on its passage, No. 16, H. of R. A bill to locate the temporary seat of government for the Territory of Minnesota, and for other purposes;

And have concurred in No. 30, H. of R. A bill to divorce Eleazer F. Ring from his wife, Elzora G. Ring.

And then he withdrew.

Mr. Wilkinson in pursuance of notice by leave introduced bill No. 50, H. of R. An act concerning seals,

Which was read the first time.

On motion of Mr. Babcock,

Ordered, That the rules be temporarily suspended and the said bill be read the 2d time now.

On motion of Mr. Trask,

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

On motion of Mr. Trask,

The message of the Council was taken up.

No. 34, H. of R. A bill to locate a Territorial road from Pt. Douglass to

St. Paul, returned from the Council with amendments, was taken up and said amendments read.

The first of which was non-concurred in.

The second was concurred in.

And the third of said amendments, being an amendment to the title of the said bill was also concurred in.

No. 18, C. F. A bill to establish and maintain Common Schools was taken up, and

On motion of Mr. Babcock,

Ordered, That the rules be temperarily suspended and the said bill be read the first and second times by its title now.

On motion of Mr. Pond,

The House resolved itself into the Committee of the whole, for the consideration of the said bill, Mr. Brunson in the chair, and after some time passed therein rose, and by their chairman reported the said bill back to the House with amendments,

Which amendments were concurred in.

On motion of Mr. Bailly,

Ordered, That the said bill be committed to the Committee on schools.

On motion of Mr. Trask, the House adjourned.

2 O'CLOCK, P. M.

No. 19, C. F. A bill to provide for the appointment of a Librarian and for other purposes was taken up.

On motion of Mr. Babcock,

Ordered, That the rules be temporarily suspended and the said bill be read a second time now, by its title.

On motion of Mr. Marshall,

The House resolved itself into the Committee of the whole, for the consideration of the said bill, Mr. Babcock in the chair, and after some time passed therein, a quorum not being present, the Speaker resumed the chair, and the Committee by their chairman reported progress and that they had risen because a quorum was not in attendance.

On motion of Mr. Trask,

The House adjourned until this evening at 6 o'clock.

6 O'CLOCK, P. M.

No. 19, C. F. A bill to provide for the appointment of a Librarian and for other purposes was taken up.

On motion of Mr. Pond,

The House resolved itself into the Committee of the whole for the further consideration of the said bill, Mr. Pond in the chair, and after some time passed therein rose, and by their chairman reported the said bill back to the House as amended, by striking out all after the enacting clause.

Said amendment of the Committee of the whole was then concurred in.

On motion of Mr. Babcock,

Ordered, That the House resolve itself into the Committee of the whole for the further consideration of No 38, H. of R. A bill concerning courts of record, Mr. Trask in the chair, after some time passed therein, the committee rose, and by their chairman reported the said bill back to the House with amendments.

On motion of Mr. Babcock,

Ordered, That the question of concurrence in the said amendments be taken on them collectively and without reading.

Said amendments were then concurred in.

Mr. Trask moved to amend the said bill as follows: Strike out of Section second of chapter third, the words "appointed by the Governor," and insert in lieu thereof the word "elected," also strike out of the same section the words "unless sooner removed by the Governor," which amendment was adopted.

Mr. Babcock moved to amend said section two by striking out the word "one" in the fifth line, and inserting the word "ten" in lieu thereof,

Which amendment was adopted.

Mr. Wilkinson moved to amend by striking out section 29 of said bill and inserting the following as a substitute, viz:

"SEC. 29. It shall be the duty of the Judge of Probate to give to any persons interested in the same upon application, a certified copy of any balance found due and remaining unpaid upon any executor's, administrator's, or guardian's accounts; and the certified copy of such balance may be filed in the office of the clerk of the district court of the proper county, and entered upon the judgment docket of such court, which when so done shall be a lien to all intents and purposes upon the property of said grantor or guardian, as a judgment obtained in said courts."

Which substitute was adopted.

On motion of Mr. Pond,

A call of the House was ordered.

Messrs. Brunson, Dewey, Holmes, Jackson, Johnson, and Wells, were reported absent.

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

On motion of Mr. Bailly,

Further proceedings under the call of the House were dispensed with.

Mr. Trask moved to amend said bill by striking out all after the word "interrogatory" in the line next to the last of section twenty-one of chapter first.

Which amendment was disagreed to.

A division being called for, there were yeas 3 nays 7.

Mr. Marshall moved to amend section 10th of said bill as follows: strike out the words "have power whenever they deem it proper or necessary to" where they occur in the first and second lines of said section.

Which amendment was agreed to.

The following message was received from the Council by J. R. Brown their Secretary:

MR. SPEAKER: The Council have passed No. 8, C. F. Joint resolutions relative to the military reservation at Fort Snelling, and have concurred in No. 29, H. of R. A bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum River with amendments, in all which the concurrence of this House is requested.

The Council have concurred in the amendments of this House to—

No. 21, C. F. A bill authorizing the election of sheriffs and defining their duties, and have receded from their second amendment to

No. 20, H. of R. A bill concerning justices of the peace, and the action of forcible entry and detainer,

And then he withdrew.

The Sergeant-at-arms reported the members in attendance, except Mr. Jackson, who could not be found.

On motion of Mr. Pond,

No. 7, H. of R. Memorial to Congress for an appropriation to lay out and construct a road from Wabashaw to Mendota, was taken up and read the 2d time.

Mr. Trask moved to amend the same by striking out the words "St. Peter" wherever it occurs in 3d paragraph, and insert in lieu thereof the word "Minnesota,"

Which was agreed to.

Mr. Brunson offered the following: In line 2nd, paragraph first, strike out the word "Wabashaw," and insert the words "Iowa line,"

Which was agreed to.

Mr. Wilkinson offered the following: In 4th paragraph strike out all after the word "road" in the 7th line,

Which was disagreed to.

On motion of Mr. Trask.

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

Mr. Trask moved that the House adjourn.

Agreed to.

And a division being called for, there were yeas 9, being a majority of the House.

So the House adjourned until to-morrow at 9 A. M.

FRIDAY MORNING, 9 o'clock.

Prayer by the Rev. Mr. Hobart.

Printed copies of the Journal not in.

On motion of Mr. Babcock,

Ordered, That the reading of the Journal of yesterday be dispensed with for the present.

Mr. Trask from the Committee on engrossed bills reported No. 42, H. of R. A bill granting to James Beatty the right to establish and maintain a ferry across the Mississippi river in the county of Benton; also bill No. 50, H. of R. An act concerning seals as correctly engrossed.

Mr. Marshall from the Committee on enrolled bills, reported that the Committee had examined enrolled bills and memorials of the following titles, viz:

An act for the election of Commissioners to prepare a code of laws for the Territory of Minnesota.

An act fixing the time of the annual meeting of the Legislative Assembly;

An act for the erection of certain counties therein named, and for other purposes;

A memorial to Congress relative to school lands;

A memorial to Congress for additional mail facilities;

And found the said bills and memorials truly enrolled,

When the Speaker signed the said bills and memorials.

Mr. Bailly, chairman of the Committee of conference on No. 11, H. of R. reported as follows:

The Committee of Conference to whom was referred No. 11, H. of R. A bill to prescribe the qualifications of voters and for holding office,

Having taken the subject matter of difference between the two Houses into consideration, beg leave to recommend that the House do concur in the first amendment of the Council.

Your Committee would also recommend the adoption of the following amendments of the Council as amended by the House:

That all persons of a mixture of white and Indian blood, and who shall have adopted the habits and customs of civilized men, are hereby declared to be entitled to all the rights and privileges granted by the provisions of this act.

ALEXIS BAILLY, Ch'm,
J. S. NORRIS,
S. TRASK,
JAS. McBOAL.

Committee of Conference.

On motion of Mr. Pond,

Ordered, That the said report be accepted and the Committee discharged. Said first amendment of the Council to No. 11, H. of R., was concurred in; also, the other amendment of the Council as amended by the House was adopted.

On motion of Mr. Bailly,

Leave of absence was granted to Mr. Dugas for two days.

No. 29, H. of R. A bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum river, returned from the Council with amendments was taken up.

The first of said amendments was concurred in.

The second and third of said amendments were non-concurred in.

The question being put on concurring in the fourth of said amendments, it being to strike out "three feet," and insert "one foot," in section 3, line 4, and the yeas and nays being desired,

Those who voted in the affirmative are—

Messrs. Pond, Trask, Wells, and Wilkinson—4.

Those who voted in the negative are—

Messrs. Babcock, Bailly, Black, Brunson, Dewey, Holmes, Jackson, Marshall, Morrison, and Furber (Speaker)—10.

So the said 4th amendment was non-concurred in.

Fifth amendment concurred in.

No. 8, C. F. Joint resolutions relative to the military reservation at Fort Snelling was read the first time.

On motion of Mr. Bailly,

The Journal of yesterday was read and corrected.

No. 5, H. of R. Memorial to Congress praying for an amendment to the law granting pre-emption rights was read a second time.

On motion of Mr. Pond,

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

No. 6, H. of R. Memorial to Congress for extending the right of pre-emption to actual settlers upon unsurveyed lands in the Territory of Minnesota was, upon motion of Mr. Babcock, laid upon the table.

No. 42, H. of R. A bill granting to James Beatty a ferry across the Mississippi river in the county of Benton, was read the third time, passed, and the title thereof agreed to.

Bill No. 50, H. of R. An act concerning seals was taken up.

On motion of Mr. Bailly,

Ordered, That it be read a third time by its title.

The said bill was then passed and the title thereof agreed to.

Mr. Trask from the Committee on engrossed bills reported—

No. 7, H. of R. Memorial to Congress for an appropriation to build a road from Wabashaw to Mendota, as correctly engrossed,

Which was read the third time.

Mr. Bailly moved to amend the said memorial by striking out in the 14th

line from the top the word 'eighty,' and insert in lieu thereof the words 'one hundred and seventy-five,'"

Which amendment was adopted by unanimous consent, and the said memorial was then passed.

Mr. Bailly then moved to amend the title thereof by striking out the word 'Wabashaw,' and inserting in lieu thereof the words 'the Iowa line,'

Which amendment was agreed to.

The title of the said memorial as amended was then agreed to.

No. 8, C. F. Joint resolutions relative to the military reservation at Fort Snelling was read the first time.

On motion of Mr. Jackson,

Ordered, That the rules be temporarily suspended to admit the said joint resolutions to be read a second time now.

And on his motion, the House resolved itself into the Committee of the whole for the consideration of the said joint resolutions,

Mr. Jackson in the chair.

And after some time passed therein, the Committee rose and reported the same back to the House with an amendment, which amendment was concurred in.

On motion of Mr. Jackson,

Ordered, That the said joint resolutions be laid upon the table until Monday next.

On motion of Mr. Dewey, the House adjourned.

2 O'CLOCK, P. M.

The following message was received from the Council by J. R. Brown their Secretary:

MR. SPEAKER: The Council have passed No. 30, C. F. A bill granting to Francois Gamelle the right to establish and maintain a ferry across the St. Peter river at the mouth of said river;

And No. 27, C. F. A bill granting to Charles E. Dole and others, the exclusive right to navigate the Mississippi river with steamboats between the falls of Saint Anthony and the mouth of Crow Wing river, in which the concurrence of this House is requested.

The Council have receded from its first amendment to No. 32, H. of R. A bill to locate a Territorial road from Point Douglass to Saint Paul,

And has concurred in the amendment of this House to the first amendment of the Council to No. 28, H. of R. A bill for laying out a Territorial road from Stillwater to the mouth of Runt river;

And then he withdrew.

Mr. Pond from the Committee on schools to which was referred No. 18, C. F. a bill to establish and maintain common schools, made a report.

On motion of Mr. Babcock,

Ordered, That the report be accepted and the Committee discharged from the further consideration of the subject.

Mr. Babcock presented the credentials of Mr. Russell, member elect from the 6th district who by Justice Wakefield, was sworn and took his seat.

On motion of Mr. Bailly,

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

No. 27, C. F. A bill granting to Charles E. Dole and others the exclusive right to navigate the Mississippi river with steamboats between the Falls of St. Anthony and the mouth of Crow Wing river, was read the first time.

Mr. Marshall moved that the rules be temporarily suspended so as to admit the said bill to be read the second and third times now by its title.

The question being put it was disagreed to.

A division being called for, there were yeas 2, nays 6.

No. 30, C. F., A bill granting to Francois Gamelle the right to establish and maintain a ferry across the Saint Peter river at the mouth of said river was read the first time.

On motion of Mr. Babcock,

Ordered, That the rules be temporarily suspended, and that the said bill be read the second time by its title.

Mr. Babcock moved that said bill be postponed until the 10th day of November next.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative are—

Messrs. Babcock, Black, Brunson, Holmes, Jackson, Marshall, Morrison, Pond and Furber (Speaker)—9.

Those who voted in the negative are—

Messrs. Bailly, Trask, Wells and Wilkinson—4.

So the said motion was agreed to.

On motion of Mr. Pond,

No. 18, C. F., A bill to establish and maintain common schools, reported back from the Committee on schools with amendments, was taken up, and read the 2d time.

Mr. Bailly moved a call of the House.

Messrs. Brunson, Dewey, and Johnson were reported absent.

On motion of Mr. Pond,

Further proceedings under the call were suspended.

The Sergeant-at-arms reported the members present, except Mr. Johnson, who was out of town.

The amendments of the committee were then concurred in.

Mr. Pond moved that the rules be suspended so as to admit said bill to be read a third time now by its title.

Agreed to.

The said bill was then read the third time, passed and the title thereof agreed to.

On motion of Mr. Pond,

No. 26, H. of R. A bill to exempt from sale by execution the homestead was taken up.

Mr. Wilkinson offered the following amendment as an additional section:

“That nothing in this act contained shall be construed to exempt the homestead from sale on any execution upon a judgment rendered against any person for work, labor and services on the erection of said house or other building upon such homestead, or for any materials furnished in the erection of said house or other building erected upon such homestead, or for the purchase money of such homestead, or for the collection of any sum of money secured by mortgage upon such homestead.”

Mr. Babcock offered the following amendment to the amendment, which was accepted by Mr. Wilkinson, to wit:

“Or upon any execution obtained by virtue of any contract entered into before the passage of this act.”

Mr. Brunson called for a division of the question.

And the question being on the adoption of Mr. Wilkinson's amendment,

And the nays being desired, those who voted in the affirmative are,

Messrs. Babcock, Bailly, Black, Brunson, Dewey, Holmes, Marshall, Morrison, Pond Russell, Trask, Wells, Wilkinson, and Furber (Speaker)—14.

Mr. Jackson voted in the negative.

So the amendment was adopted.

The question then recurred upon the amendment to the amendment offered by Mr. Babcock,

And the yeas and nays being desired, those who voted in the affirmative are, Messrs. Babcock, Black, Dewey, Holmes, Marshall, Morrison, Pond, Russell, Trask, Wells, Wilkinson and Furber (Speaker)—12.

Those in the negative are—

Messrs. Bailly, Brunson and Jackson—3.

On motion of Mr. Babcock,

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

On motion of Mr. Bailly, the House adjourned.

SATURDAY MORNING, 9 O'CLOCK.

Prayer by the Rev. Mr. Hobart.

The journal of yesterday was read.

Mr. Russell presented the petition of 63 citizens of the Territory of Minnesota, asking the Legislature thereof to memorialize Congress to establish a mail route for a semi monthly mail from the Falls of St. Croix, by way of Pocagama, to Fond du Lac of Lake Superior;

Which was read and referred to the Committee on Territorial Affairs.

Mr. Brunson presented the petition of J. A. Aitkenside and 72 others, asking the Legislative Assembly of the Territory of Minnesota to grant Wm. H. Randall, Sen., and S. H. Dent, a charter to keep a ferry at the lower landing in the town of St. Paul, to cross the Mississippi river.

Mr. Johnson offered the following resolution, viz:

Resolved, That the Committee on Legislative Expenditures, to which was referred a bill to provide for printing, binding, and other purposes, report on next Monday morning, or return the bill to this House; which was read.

On motion of Mr. Trask,

The said resolution was read the second time and then adopted.

Mr. Dugas reported himself in attendance on the House.

Mr. Brunson, chairman of the Committee on Internal Improvements, to which was referred the petition of William J. Lewis and 58 others, reported No. 51, H. of R. A bill granting to William J. Lewis and Anson Northrop the right to establish and maintain a ferry across the Mississippi river in the county of Ramsey;

Which was read the first time.

On motion of Mr. Trask,

Ordered, That the rules be so far temporarily suspended as to admit the said bill be read the second and third times now by its title.

Said bill was read the second time.

Mr. Marshall moved to amend it as follows:

By inserting the word 'above' after the word 'established,' in the last line of the first section of the said bill;

Which amendment was adopted, and the bill was then read the third time, passed, and the title thereof agreed to.

On motion of Mr. Bailly,

Ordered, That the rules be so far temporarily suspended as to admit the introduction of a bill now without notice.

Mr. Pond then introduced

No. 52, H. of R. A bill providing for the proper observance of the Sabbath; which was read the first time.

On motion of Mr. Pond,

Ordered, That the rules be so far temporarily suspended as to admit the bill to be read the second time now.

And on Mr. Jackson's motion, said bill was read the second time by its title.

Mr. Bailly moved that the House resolve itself into the Committee of the Whole on the said bill.

Mr. Brunson moved a call of the House.

Mr. Wilkinson was reported absent.

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

On motion of Mr. Jackson,

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

The question on Mr. Bailly's motion was then put and agreed to.

So the House resolved itself into the Committee of the Whole for the consideration of the said bill,

Mr. Babcock in the chair,

And after some time passed therein, the committee rose and by their chairman, reported the same back to the House with an amendment;

Which amendment was concurred in.

On motion of Mr. Pond,

Ordered, That the rules be so far temporarily suspended as to admit said bill to be read the third time now.

The question being put on agreeing to the passage of the said bill,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Black, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Russell, Trask and Furber, (Speaker)—14.

Mr. Wells voted in the negative.

So the said bill was passed, and the title thereof agreed to.

No. 27, C. F. A bill granting to Charles E. Dole and others, the exclusive right to navigate the Mississippi river with steamboats, between the Falls of St. Anthony and the mouth of Crow Wing river, was taken up, and

On motion of Mr. Jackson,

Read the second time by its title.

On motion of Mr. Pond,

The House resolved itself into the Committee of the Whole for the consideration of the said bill,

Mr. Bailly in the chair;

Pending which, the Speaker resumed the chair, and the Sergeant-at-Arms reported Mr. Wilkinson in attendance.

The Committee of the Whole resumed its session, and after some time passed therein, rose and by their chairman, reported the said bill back to the House without amendment.

On motion of Mr. Marshall,

Ordered, That the rules be so far temporarily suspended as to admit said bill to be read the third time now by its title.

The question was then put on agreeing to the passage of the said bill.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Bailly, Black, Dewey, Dugas, Holmes, Marshall, Morrison, Pond, Russell, Trask, Wells, and Furber, (Speaker)—13.

Those who voted in the negative, are Messrs. Brunson, Johnson and Wilkinson—3.

So the said bill passed, and the title thereof was agreed to.

On motion of Mr. Wells, the House adjourned.

2 O'CLOCK, P. M.

On motion of Mr. Bailly,

A call of the House was ordered.

Messrs. Dewey, Jackson and Wilkinson were reported absent.

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

The Hon. C. K. Smith, Secretary of the Territory, was then introduced, and delivered the following message, viz:

MR. SPEAKER:—I have the honor to present to you a message in writing, from his Excellency, the Governor.

And then he withdrew.

On motion of Mr. Pond,

Further proceedings under the call of the House were dispensed with.

On motion of Mr. Bailly,

The message of the Governor was read, and is as follows, viz:

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT. }
St. Paul, Oct. 27, 1849. }

To the Hon. Speaker of the House of Representatives:

SIR:—I have approved and signed the following act and memorial, viz:

An act for the relief of Charles M. Berg;

Memorial to Congress in relation to establishing mail routes therein named.
ALEX. RAMSEY.

The Sergeant-at-arms reported the members in attendance.

On motion of Mr. Bailly,

Ordered, That a committee of two be appointed by the Speaker to notify the Council that the House is ready to meet them in Convention to elect Commissioners to prepare a code of laws.

Messrs. Babcock and Bailly were appointed said committee.

On motion of Mr. Brunson,

The Sergeant-at-Arms was directed to prepare seats for the members of the Council within the bar of the House.

Mr. Babcock, from the committee appointed to notify the Council that the House is ready to meet them in Convention to elect Commissioners to prepare a code of laws, reported that they had performed that duty.

The members of the Council having taken seats in the Hall of the House,

The Speaker announced that the two Houses had now met in Joint Convention, to elect by ballot, three Commissioners, to prepare, digest and arrange, a Code of Laws for the Territory of Minnesota; and also to elect a Secretary to the Commission.

Mr. Trask moved that the Convention proceed to ballot for three Commissioners and Secretary at one time;

Which was agreed to.

The Speaker appointed Messrs. Marshall and McLeod tellers to receive and canvass the votes.

The ballots were then taken and canvassed; when it appeared,

That for Commissioners,

B. W. Lott had 10 votes; Edmund Rice had 10 votes; Alexis Bailly had 14 votes; M. S. Wilkinson had 15 votes; Alexander Wilkin had 1 vote; L. A. Babcock had 10 votes; D. B. Loomis had 11 votes; Wm. R. Marshall had 1 vote; and blank 1 vote.

The whole number of votes cast being 24, and Messrs. M. S. Wilkinson and Alexis Bailly having a majority of all the votes cast were declared by the Speaker, duly elected Commissioners.

For Secretary of the Commission.

A. V. Fryer had 9 votes; C. M. Berg had 1 vote; Henry A. Lambert had 5 votes; P. P. Bishop had 3 votes; and L. B. Waite had 6 votes.

The Convention then proceeded to ballot a second time for one Commissioner and Secretary;

And the votes having been taken and counted, it appeared that the whole number of votes cast was 26, of which

B. W. Lott had for Commissioner, 5 votes; Edmund Rice had 5 votes; L. A. Babcock had 8 votes; D. B. Loomis had 8 votes;

For Secretary,

A. V. Fryer had 11 votes; C. M. Berg had 2 votes; Henry A. Lambert had 7 votes; and L. B. Waite had 5 votes, and blank 1 vote.

A majority of all the votes cast, not having been given to any one candidate, the convention proceeded to ballot a third time;

And the votes having been taken and counted, and the whole number of votes cast being 25, of which

Edmund Rice had for Commissioner 13 votes; L. A. Babcock had 8 votes; and D. B. Loomis had 4.

For Secretary, A. V. Fryer had 13 votes; Henry A. Lambert had 5 votes; L. B. Waite had 6 votes, and blank had 1 vote.

Edmund Rice having a majority of all the votes cast, was declared by the Speaker, duly elected a Commissioner,

And A. V. Fryer having a majority of all the votes cast, was declared by the Speaker, duly elected Secretary of the Commission.

On motion of Mr. Bailly,

The Convention adjourned.

On motion of Mr. Trask,

The House adjourned until Monday morning at 9 o'clock, A. M.

MONDAY MORNING, 9 o'clock.

Prayer by the Rev. Mr. Hobart.

Mr. Trask from the committee on engrossed bills reported—

No. 88, H. of R. A bill concerning courts of record.

No. 26, H. of R. A bill to exempt from sale by execution the homestead,

And No. 5, H. of R. memorial to Congress praying for an amendment to the law granting pre-emption rights as correctly engrossed.

Mr. Babcock from the committee on legislative expenditure to which was referred No. 16, C. F. A bill to regulate public printing, reported bill,

No. 53, H. of R. To regulate public printing, reported as a substitute for the original bill, No. 26, C. F.

On motion of Mr. Wilkinson,

The said report was accepted and the Committee discharged from further consideration of the subject.

Said bill No. 53, H. of R. was then read the first time.

On motion of Mr. Trask,

A call of the House was ordered.

Messrs. Brunson, Johnson and Pond were reported absent.

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

On motion of Mr. Marshall,

Further proceedings under call of the House were dispensed with.

On motion of Mr. Marshall,

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Ordered, That the said bills No. 26, C. F., and No. 53, H. of R. **Reported** as a substitute for it, be laid upon the table and made the special order for the afternoon.

Mr. Marshall in pursuance of previous notice, asked, obtained leave, and introduced No. 54, H. of R. A bill to provide for holding elections, the time when, and the manner of conducting the same,

Which was read the first time.

The Sergeant-at-arms reported the members in attendance, except Messrs. Johnson and Pond, who he reported could not be found.

No. 38, H. of R. A bill concerning courts of record was taken up, and

On motion of Mr. Babcock,

Ordered, That it be read a third time by its title now.

On motion of Mr. Wilkinson,

A call of the House was ordered.

Messrs. Brunson, Jackson, Johnson, Marshall, and Pond, were reported absent.

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

On motion of Mr. Wilkinson,

Further proceedings under the call of the House were dispensed with.

Mr. Trask moved that all business upon the table be laid over and made the special order of the 10th November next;

Which was disagreed to.

The said bill No. 38, H. of R. A bill concerning courts of record was then passed and the title thereof agreed to.

No. 26, H. of R. A bill to exempt from sale by execution the homestead, was taken up, and

On motion of Mr. Brunson,

It was ordered that the said bill be read now by its title.

The following message was received from the Council by J. R. Brown their Secretary:

MR. SPEAKER: The Council have indefinitely postponed No. 22, H. of R., A bill concerning divorces, and have adopted the report of the committee of conference on No. 11, H. of R., a bill to prescribe the qualification of voters and of holding office.

The Council have concurred in No. 24, H. of R. A bill to locate a Territorial road from the town of Saint Paul to Little Canada, and

No. 4, H. of R. A memorial to the Congress of the United States, for an appropriation to build a Territorial prison,

Each with amendments in which the concurrence of this House is requested.

The Council have also concurred in No. 48, H. of R. A bill to dissolve the marriage contract between Catharine Hathaway and her husband Isaac Hathaway.

No. 44, H. of R. A bill fixing the time of holding District courts,

No. 39, H. of R. A bill to authorize registers of deeds of Ramsey and Benton counties to procure certain copies of records in the office of the register of deeds of Washington county,

The Council have receded from its second amendment to No. 29, H. of R. A bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum river, and have refused to recede from its third and fourth amendments to said bill,

The Council have passed No. 17, C. F. A bill to provide for the election of Register of Deeds, and to define their duties and powers.

And No. 20, C. F. A bill to authorize the election of County treasurers and to define their duties,

And No. 22, C. F. A bill regulating the time of holding the general elec-

tions and for other purposes, in which the concurrence of this house is requested,

His Excellency the Governor on the 27th instant, notified the Council that he had approved and signed the following acts and resolutions, viz:

An act organizing a board of Commissioners in each county in this Territory,

An act regulating grocery licenses,

An act providing for laying out a Territorial road from Rum river to Crow Wing,

Joint resolution relative to the half breed lands,

And joint resolution relative to the adjournment of the present Legislative Assembly.

And then he withdrew.

The Sergeant-at-arms reported the members in attendance, except Messrs. Marshall, Johnson, and Pond, who could not be found.

Bill No. 26, H. of R. to exempt from sale by execution the homestead was passed and the title thereof agreed to.

No. 5, H. of R., memorial to Congress praying for an amendment to the law granting pre-emption rights was taken up, and

On motion of Mr. Brunson,

It was ordered to be read a third time by its title.

Said memorial was then passed, and the title thereof agreed to.

No. 33, H. of R., a bill granting to Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river was taken up, and

On motion of Mr. Brunson,

No. 49, H. of R. A bill granting to William H. Randall, Sen., and Samuel H. Dent, the right to establish and maintain a ferry across the Mississippi river, and the petition in relation thereto, were taken up at the same time.

Mr. Brunson then moved that the question of concurrence in the amendment of the Council to said bill No. 33, H. of R., be indefinitely postponed.

Mr. Russell at his request was excused from voting on this question.

The question being then put and the nays and yeas being then desired.

Those who voted in the affirmative, are Messrs. Babcock, Brunson, Dewey, and Wilkinson—4.

Those who voted in the negative, are Messrs. Bailly, Black, Dugas, Holmes, Jackson, Morrison, Trask, and Wells—8.

So the said motion was disagreed to.

The amendment of the Council to said bill, No. 33, H. of R., was then concurred in.

Mr. Brunson moved that said bill No. 49, H. of R., be ordered to be engrossed and read a third time to-morrow, and that the petition which accompanied said bill be read.

The said petition was read.

The question was then put on ordering the said bill to be engrossed, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Brunson, and Dewey—3.

Those who voted in the negative, are, Messrs. Bailly, Black, Dugas, Holmes, Jackson, Marshall, Morrison, Russell, Trask, Wells, Wilkinson and Furber, (Speaker)—12.

So the said motion was disagreed to.

Mr. Marshall, from the Committee on Enrolled Bills, reported that the committee had examined enrolled bills and memorial of the following titles, viz:

An act authorizing the Governor to issue his proclamation for the holding of a court in the county of Wabeshaw, and for other purposes;

An act to divorce Eleazar F. Ring from his wife, Elzora G. Ring;

Memorial to Congress for the improvement of certain roads therein named, And found the said bills and memorial truly enrolled,

When the Speaker signed the said bills and memorial.

No. 8, C. F. Joint resolutions relative to the military reservation at Fort Snelling, was taken up, and

On motion of Mr. Brunson,

The House resolved itself into the Committee of the Whole for the consideration of the said joint resolutions,

Mr. Jackson in the chair.

Pending which a message from the Council was announced;

The Speaker took the chair,

And the following message was communicated by J. R. Brown, their Secretary, viz:

MR. SPEAKER:—The Council have passed,

No. 28, C. F. A bill to provide for the location of the permanent seat of government by a vote of the people, and for other purposes,

In which the concurrence of this House is requested.

The Committee of the Whole resumed its session, and after some time passed therein, rose, and by their chairman, reported the same back to the House with an amendment;

Which amendment was concurred in.

On motion of Mr. Pond,

Ordered, That the rules be so far temporarily suspended as to admit the said resolutions to be read the third time now by their title.

Said resolutions were then passed, and the title thereof agreed to.

Mr. Brunson moved that the House adjourn.

And a division being called for, there were yeas—11.

So the House adjourned.

2 O'CLOCK, P. M.

The Speaker announced as the business in order, the question on the adoption of

No. 53, H. of R. A bill to regulate the public printing, reported by the Committee on Legislative Expenditures as a substitute for bill No. 26, C. F.

On motion of Mr. Babcock,

A call of the House was ordered.

Messrs. Brunson, Jackson, Marshall and Wilkinson were reported absent.

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

Which was disagreed to.

The Sergeant-at-Arms reported the members in attendance except Mr. Wilkinson, who could not be found.

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

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Brunson, Dugas, Holmes, Jackson, Trask and Wells—6.

Those who voted in the negative, are Messrs. Babcock, Bailly, Black, Dewey, Johnson, Marshall, Morrison, Pond, Russell and Furber, Speaker—10.

So the motion was disagreed to.

Mr. Jackson moved that the House adjourn.

Which was disagreed to.

The Sergeant-at-Arms reported Mr. Wilkinson in attendance.

On motion of Mr. Jackson,

The agreement between James M. Goodhue and Messrs. M'Lean, Owens & Quay, in relation to the printing for the present Legislative Assembly, was read.

On motion of Mr. Babcock,

The proposals of Messrs. M'Lean, Owens & Quay, in relation to printing, were read.

The question was then put on agreeing to adopt said bill,

No. 53, H. of R. as a substitute for said No. 26, C. F. A bill to regulate public printing.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Brunson, Dewey, Marshall, Pond, Wilkinson and Furber, (Speaker)—7.

Those in the negative, are Messrs. Bailly, Black, Dugas, Holmes, Jackson, Johnson, Morrison, Russell, Trask and Wells—10.

So the House refused to adopt the substitute.

On motion of Mr. Pond,

The House resolved itself into the Committee of the Whole for the consideration of

No. 26, C. F. A bill to regulate the public printing,

Mr. Bailly in the chair,

And after some time passed therein, rose, and by their chairman, reported said bill back to the House with amendments.

On motion of Mr. Jackson,

The question of concurrence in the several amendments of the committee, was taken collectively and without reading,

And the several amendments were concurred in.

On motion of Mr. Jackson,

Ordered, That the rules be suspended, and the bill read the third time by its title.

The question was then put, shall the bill pass, and decided in the affirmative.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dugas, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Russell, Trask and Wells—12.

Those who voted in the negative, are Messrs. Babcock, Black, Dewey, Wilkinson and Furber, (Speaker)—5.

The question being put on agreeing to the title,

Mr. Marshall moved to amend the title by adding thereto the words 'and binding.'

Which was agreed to.

And the title as amended was agreed to.

On motion of Mr. Brunson,

The House adjourned until half past six o'clock P. M.

HALF PAST SIX O'CLOCK, P. M.

Mr. Jackson moved a call of the House.

Messrs. Babcock, Bailly, Black, Brunson, Holmes and Wilkinson were reported absent.

Mr. Marshall moved that Mr. Holmes be excused from attendance on the House this evening; disagreed to;

And a division being called for, there were yeas—4; nays—5.

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

On motion of Mr. Jackson,

Further proceedings under the call of the House were suspended.

On motion of Mr. Jackson,

The message from the Council was read.

No. 28, C. F. A bill to provide for the location of the permanent seat of government by a vote of the people, and for other purposes; was read the first time.

On motion of Mr. Jackson,

The rules were so suspended as to admit said bill to be read the second time now by its title.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole House,

Mr. Wilkinson in the chair,

For the consideration of said bill, and after some time passed therein, rose, and by their chairman, reported said bill back to the House with an amendment.

And the question being on concurring in the amendment of the committee, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dewey, Dugas, Jackson, Johnson, Wells and Furber, (Speaker)—7.

Those in the negative, are Messrs. Babcock, Black, Marshall, Morrison, Pond, Russell, Trask and Wilkinson—9.

So the said amendment was not concurred in.

The Sergeant-at-Arms reported the members in attendance.

On motion of Mr. Trask,

Said bill was ordered to be read a third time to-morrow.

Mr. Marshall moved a call of the House.

Messrs. Bailly, Brunson, Dewey and Jackson were reported absent.

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

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

Which was decided in the negative.

A division being called for, there were yeas—4; nays—7.

Mr. Babcock moved that the House adjourn,

Which was decided in the affirmative.

A division being called for, there were yeas—8; nays—5.

So the House adjourned until to-morrow at 9 o'clock, A. M.

TUESDAY MORNING, 9 o'clock.

Prayer by the Rev. Mr. Hobart.

The Journal of yesterday was read.

Mr. Jackson, from the Select Committee consisting of the House delegation from the town of St. Paul, to which was referred

No. 41, H. of R. A bill to incorporate the Town of St. Paul, reported the same back to the House, and recommended its passage.

On motion of Mr. Babcock,

The said report was accepted and the committee discharged.

On motion of Mr. Babcock,

The rules were so far temporarily suspended as to admit bill No. 41, H. of R., to be read the third time by its title.

The said bill was then passed and title thereof agreed to.

No. 24, C. F. A bill to locate a Territorial Road from St. Paul to Little Canada, returned from the Council with an amendment, was taken up.

The said amendment of the Council was then concurred in.

No. 4, H. of R. A memorial to the Congress of the United States, for an appropriation to build a Territorial Prison, returned from the Council with amendments, was taken up,

Which amendments were concurred in.

No. 29, H. of R. A bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum river, returned from the Council, was taken up.

The question was then put, will the House adhere to its disagreeing vote?

Which was decided in the affirmative.

So the House refused to recede.

No. 17, C. F. A bill to provide for the election of Registers of Deeds, and to define their duties and powers, was read the first time.

Mr. Babcock, from the Joint Committee of Conference, to which was referred the disagreeing vote of the two Houses on the fourth, fifth, sixth and seventh amendments of the Council, to

No. 18, H. of R. A bill to provide for laying out Territorial Roads in the Territory of Minnesota, and for other purposes, submitted their report, which recommended that the Council recede from its said amendments.

No. 22, C. F. A bill regulating the time of holding general elections, and for other purposes; and

No. 20, C. F. A bill authorizing the election of County Treasurers, and to define their duties;

Were read the first time.

On motion of Mr. Babcock,

The rules were so far temporarily suspended as to admit bills

No. 17, C. F., No. 20, C. F. and No. 22, C. F., to be read the second time by their respective titles.

Mr. Jackson moved that the vote taken on yesterday, ordering

No. 28, C. F. A bill to provide for the location of the permanent seat of government by a vote of the people, and for other purposes, to be read the third time on to-day, be re-considered.

On motion of Mr. Wilkinson,

A call of the House was ordered;

Mr. Marshall was reported absent.

Mr. Jackson moved that further proceedings under the call of the House be dispensed with; which was decided in the affirmative.

A division being called for, there were yeas—10, a majority of the House.

Mr. Wilkinson moved that said bill, No. 28, C. F., be laid upon the table until the afternoon; which was decided in the negative.

A division being called for, there were yeas—7; nays—8.

The question was then put on agreeing to Mr. Jackson's motion to re-consider, and it was decided in the affirmative.

A division being called for, there were yeas—9.

So the said vote was re-considered.

Mr. Jackson offered the following amendment to said bill, No. 28, C. F., viz: strike out all after the enacting clause, and insert the following:

Sec. 1. That the temporary seat of government for the Territory of Minnesota, shall be, and hereby is, located at the town of St. Paul.

Sec. 2. That the Council and House of Representatives of the Territory, shall, on the 31st day of Oct., A. D. 1849, elect by joint ballot, three Com-

missioners, whose duty it shall be to select a site in said town of St. Paul, for the erection of suitable public buildings; and in connection with the Governor of this Territory, to draw or procure to be drawn, a plan for said buildings; and to contract for their immediate erection according to such plan.

SEC. 3. The Governor of the Territory shall officiate as Treasurer, whose duty it shall be to draw from the Treasury of the United States, such sum or sums of money as have been, or may hereafter be appropriated by Congress towards the erection of public buildings for the use of said Territory; and shall pay the same upon the order of said Commissioners, to such person as they may direct. The Governor shall annually render to the Legislative Assembly, a true account of all moneys received and paid out by him. And the said Commissioners shall agree upon one of their number to be acting Commissioner, whose duty it shall be to superintend daily in person, the rearing and finishing said building; and the said acting Commissioner shall have power at all times, when he may think proper, to call the Board of Commissioners together, for the purpose of transacting business on this subject; and the said Board shall, in all contracts, reserve the privilege of suspending any contract made by them for the purpose of carrying into effect the object above named, until the matter in dispute shall be settled, if any there be. The said Commissioners shall receive such compensation as hereafter may be allowed them by law.

SEC. 4. That the acting Commissioner shall give bond to the United States in the penal sum of forty thousand dollars, to be approved by the Governor, for the faithful performance of his duty; and said bond shall be filed in the office of the Secretary of the Territory.

SEC. 5. That the acting Commissioner shall annually render to the Legislative Assembly, a true account of all moneys received and paid out by him.

SEC. 6. That if by death, resignation, or any other cause, there shall be a vacancy in said Board of Commissioners, it shall be the duty of the Governor to appoint some suitable person to fill such vacancy: *Provided*, however, that such appointment shall not extend beyond the meeting of the next Legislative Assembly.

SEC. 7. That the said Commissioners, previous to their entering upon their duties as provided in this act, shall take and subscribe the following oath, before some person legally authorized to administer the same:

"We——, do solemnly swear in the presence of Almighty God, that we will, to the best of our skill, abilities and judgments, locate and establish the temporary seat of government for the Territory of Minnesota, at the most eligible place in the town of St. Paul, in the Territory aforesaid, and that we will faithfully and honestly superintend the erection and completion of the public buildings, as is provided in the act, entitled an act to locate the temporary seat of government for the Territory of Minnesota, and for other purposes; and that in all things, we will faithfully discharge our duties under the same, without partiality, favor or interest."

Which oath, subscribed as aforesaid, shall be filed in the office of the Secretary of the Territory.

The question was then put on agreeing to said amendment,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Wells and Furber, (Speaker)—9.

Those who voted in the negative, are Messrs. Babcock, Black, Marshall, Morrison, Pond, Russell, Trask, and Wilkinson—8.

So the said amendment was adopted.

Mr. Jackson moved that the bill be read the third time now by its title.

Mr. Trask moved that the said bill be postponed until the 10th day of November next.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Black, Marshall, Morrison, Russell, Trask and Wilkinson—6.

Those who voted in the negative, are Messrs. Babcock, Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Pond, Wells and Furber, (Speaker)—11.

So the said motion was disagreed to.

Mr. Brunson moved that the rules be so far suspended as to admit the bill to be read the third time now.

The question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Pond, Wells and Furber, (Speaker)—10.

Those who voted in the negative, are Messrs. Babcock, Black, Marshall, Morrison, Russell, Trask and Wilkinson—7.

So the motion was disagreed to.

Mr. Jackson moved that the said bill be read a third time to-morrow.

The question being put, it was decided in the affirmative.

A division being called for, there were yeas—9; a majority.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole on the following bills, viz:

No. 17, C. F. A bill to provide for the election of Registers of Deeds, and to define their duties and powers;

No. 20, C. F. A bill to authorize the election of County Treasurers, and to define their duties;

And No. 22, C. F. A bill regulating the time of holding general elections, and for other purposes;

Mr. Trask in the chair:

Pending which, a message from the Council was announced.

The Speaker took the chair, and the following message was communicated by J. R. Brown, their Secretary.

MR. SPEAKER:—The Council have passed

No. 23, C. F. A bill to encourage wool growing in Minnesota,

And have concurred in No. 7, H. of R. A memorial to Congress for an appropriation to lay out and construct a road from the Iowa line to Mendota;

No. 50, H. of R. A bill concerning seals;

And No. 42, H. of R. A bill granting to James Beatty the right to establish and maintain a ferry across the Mississippi river, in the county of Benton,

The latter with an amendment, and an amendment to the title thereof.

The Council have concurred in the amendments made by this House to

No. 18, C. F. A bill to establish and maintain Common Schools; to the second and seventh of which amendments, the Council have made amendments.

The Council has also concurred in the amendment of this House to

No. 8, C. F. Joint resolution relative to the military reservation at Fort Snelling, with an amendment:

In all which the concurrence of this House is requested,

And then he withdrew.

The Committee of the Whole resumed its session, and after some time passed therein, rose and reported the said bill, No. 17, C. F., back with an amendment, and said bills, No. 20, C. F. and 22, C. F., back to the House without amendment.

The said amendment to No. 17, C. F., was concurred in.

Mr. Trask moved that the rules be so far suspended as to admit the said bills to be read the third time by their respective titles;

Which motion was agreed to.

Mr. Black then moved a re-consideration of the vote; which was agreed to.

Mr. Trask then withdrew his motion; and

On motion of Mr. Marshall,

Said bills, Nos. 17, 20 and 22, C. F., were laid upon the table until afternoon.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report, viz:

The Standing Committee on Enrollment, have examined and found duly enrolled, bills of the following titles.

An act to locate a Territorial Road from Point Douglass to St. Paul;

An act granting to John Banfill, the right to establish and maintain a ferry across the Mississippi river near the mouth of Rice river;

An act granting to John R. Irvine, the right to establish and maintain a ferry across the Mississippi river;

An act for laying out a Territorial Road from Stillwater to the mouth of Rum river;

An act authorizing the election of Sheriffs, and defining their duties.

Mr. Marshall from the said committee, also made the following report, viz:

The Joint Committee on Enrollment, did, on the 27th day of October, present to the Governor, bills and memorials of the following titles, viz:

An act for the election of Commissioners to prepare a code of laws for the Territory of Minnesota;

An act fixing the time of the annual meeting of the Legislative Assembly;

An act providing for the erection of certain counties therein named, and for other purposes;

Memorial to Congress for additional mail facilities;

Memorial to Congress relative to school lands.

2 O'CLOCK, P. M.

On motion of Mr. Trask,

The message from the Council was read.

No. 42, H. of R. A bill granting to James Beatty the right to establish and maintain a ferry across the Mississippi river in the county of Benton, returned from the Council with amendments, and the several amendments of the Council were considered, and the title as amended, concurred in.

Mr. Wilkinson offered the following amendment to the third amendment of the Council:

Amend the amendment by adding another section:

Sec. 10. And all other persons within this Territory, may be permitted to keep and maintain a ferry at any point on any of the rivers or lakes of this Territory, under the same restrictions which are contained in this act: *Provided*, That nothing contained in this section, shall be so construed as to permit any person to keep a ferry where the right has been previously given to some other person by law to keep a ferry.

Which was disagreed to.

And the yeas and nays being desired,

Those who voted in affirmative, are Messrs. Babcock, Black, Brunson, Dewey, Dugas, Holmes, Wells and Wilkinson—8.

Those in the negative, are Messrs. Bailly, Johnson, Marshall, Morrison, Pond, Russell, Trask and Furber, (Speaker)—8.

No. 18, C. F. A bill to establish and maintain Common Schools, returned

from the Council with amendments, was taken up;

And the amendments of the Council to the seventh amendment of the House were concurred in.

No. 8, C. F. Joint resolutions relative to the military reservation at Fort Snelling, was taken up;

And the amendments of the Council to the second amendment of the House were not concurred in.

No. 23, C. F. A bill to encourage wool growing in Minnesota; was read the first time.

On motion of Mr. Brunson,

The rules were so far suspended as to admit the bill to be read the second and third times by its title.

The said bill was read the second time,

When Mr. Wilkinson moved to amend it as follows:

By striking out the word 'in' and inserting in lieu thereof the words 'out of,' also strike out 'to' and insert 'from,'

Which motion was disagreed to.

Mr. Brunson moved to amend it by adding the following section:

'SEC. 2. This act may be altered or amended by any future Legislature of this Territory.'

Which motion was disagreed to.

Mr. Babcock moved to amend the bill as follows:

'SEC. 2. This act shall not be so construed as to prevent black sheep from being brought into this Territory.'

Which was disagreed to.

Mr. Pond moved that the said bill be laid on the table until the 10th of November next:

Which was agreed to.

A division being called for, there were yeas 8, nays 7.

On motion of Mr. Brunson,

The rules were so far suspended as to admit bills Nos. 17, 20 and 22, C. F., herein before described, to be read the third time by their respective titles.

The said bills were separately read the third time, passed, and their respective titles agreed to.

On motion of Mr. Trask,

The second message from the Council to-day was read.

No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company, returned from the Council with amendments, was taken up.

Mr. Brunson offered the following as a substitute for the first of said amendments of the Council, viz:

SEC. 2. Line first, insert after the word 'be' the words 'twenty-five thousand dollars;' same section, third line, insert in the blank, the words 'five thousand.'

Which substitute was adopted.

Said first amendment of the Council as amended, was then concurred in.

Mr. Brunson offered the following as a substitute for the third of said amendments of the Council, viz:

SEC. 3. Line second, instead of 'eight hundred,' insert 'one thousand;'

Which substitute was adopted.

Said third amendment, as amended, was then concurred in.

And the several other amendments of the Council were concurred in.

No. 8, C. F. Memorial to Congress relative to mail routes,

Was read the first time.

On motion of Mr. Trask,

The rules were so far suspended as to admit the memorial to be read the second and third times by its title.

The said memorial was then passed, and the title thereof agreed to.

Mr. Bailly from the Committee on Territorial Affairs, to which was referred the petition of 62 citizens of the Territory of Minnesota, praying Congress for the establishment of a mail route from the Falls of St. Croix via Pokagomon to Fond du Lac, the head of Lake Superior, semi-monthly, made the following report:

The Committee on Territorial Affairs, to whom was referred the petition of 62 citizens of the Territory of Minnesota, praying Congress for the establishment of a mail route from the Falls of the St. Croix via Pokagomon, to Fond du Lac, the head of Lake Superior, semi-monthly:

Your Committee having taken the subject matter of the petition under consideration, respectfully submit the following result of their deliberation.

Your committee are well aware that a large population of our hardy pioneers are scattered over the whole of the region embraced by the prayer of the petitioners. That those persons are deprived of the benefits enjoyed by nearly all the inhabitants of this Territory, and from their great number, are worthy of the consideration of this Legislature, and of the patronage of the Post Office Department.

Your committee would therefore, respectfully recommend, that the House adopt the memorial accompanying this report, (presented to your committee by the Hon. J. Russell, in behalf of his constituents;) and that the same be placed in the hands of our Delegate to Congress; and, that he be instructed to use his influence to obtain the prayer of those petitioners.

All of which is respectfully submitted.

ALEXIS BAILLY, Chairman,
S. TRASK,
W. R. MARSHALL, } Committee.

And introduced No. 8, H. of R. Memorial to Congress for a mail route from the Falls of St. Croix to Fond du Lac.

On motion of Mr. Johnson,

Said report was accepted, and the committee discharged from the further consideration of the subject.

The said memorial No. 8, was read the first time.

On motion of Mr. Babcock,

The rules were so far suspended as to admit the memorial to be read the second and third times by its title.

The said memorial was read the third time and passed.

Mr. Babcock moved to amend the title by striking out the entire title, and inserting in lieu thereof the following, viz:

Memorial to Congress for a mail route from the Falls of St. Croix to Fond du Lac; which was adopted.

The title of the said memorial as amended, was then agreed to.

Mr. Marshall, by leave introduced No. 56, H. of R., a bill to incorporate the St. Anthony Library Association; which was read the first time.

On motion of Mr. Pond,

The rules were so far suspended as to admit the bill to be read the second and third times by its title.

The said bill was passed, and the title thereof agreed to.

On motion of Mr. Bailly,

The House adjourned until to-morrow at 9 o'clock, A. M.

WEDNESDAY MORNING, 9 o'clock.

The journal of yesterday was read and corrected.

Mr. Brunson moved a call of the House.

Messrs. Babcock, Jackson, Johnson and Wilkinson were reported absent.

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

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

Which motion was decided in the negative.

A division being called for, there were yeas—5; nays—7.

The Sergeant-at-Arms reported the members in attendance.

No. 55, H. of R. A bill to amend the several acts passed at the present session of the Legislative Assembly, was read the second time.

Mr. Trask moved that the House resolve itself into the Committee of the Whole for the consideration of said bill,

Which was disagreed to.

And a division being called for, there were yeas—7; nays—8.

No. 28, C. F. A bill to provide for the location of the permanent seat of government by a vote of the people, and for other purposes, was,

On motion of Mr. Pond,

Read the third time by its title.

Mr. Wilkinson moved to lay said bill on the table until the 10th day of November next;

Which motion was disagreed to,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Babcock, Black, Marshall, Morrison, Russell, Trask and Wilkinson—7.

Those who voted in the negative, are Messrs. Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Pond, Wells and Furber, (Speaker)—10.

So the said motion was disagreed to.

Mr. Babcock moved that the said bill be committed to a select committee of four, consisting of the House delegation from the town of St. Paul;

Which motion was disagreed to.

The previous question was moved by Mr. Marshall and seconded, and the main question was ordered and put, viz:

Shall this bill now pass?

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Pond, Wells and Furber, (Speaker)—10.

Those who voted in the negative, are Messrs. Babcock, Black, Marshall, Morrison, Russell, Trask and Wilkinson—7.

So the said bill passed.

Mr. Jackson moved to amend its title by striking out all after the word bill, and inserting the following:

'Relative to the temporary location of the seat of government.'

And the question being put, and the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Brunson, Dewey, Dugas, Holmes, Jackson, Johnson, Marshall, Wells, Wilkinson and Furber, (Speaker)—11.

Those who voted in the negative, are Messrs. Babcock, Black, Morrison, Pond, Russell, and Trask—6.

So the title of the bill was so amended.

And the title of the bill as amended was agreed to.

No. 55, H. of R. A bill to amend the several acts passed at the present

session of the Legislative Assembly, was read the second time, and

On motion of Mr. Pond,

Ordered, That the said bill be laid upon the table until Friday next.

On motion of Mr. Bailly, the House adjourned for a quarter of an hour.

11 O'CLOCK, A. M.

Mr. Wilkinson offered the following resolution:

Resolved, That the Hon. H. H. Sibby be, and he is hereby requested to use his influence to procure an alteration in the name of this Territory, so as to call it St. Paul Territory, instead of Minnesota Territory.

On motion of Mr. Dewey,

Said resolution was read the second time.

Mr. Pond moved to strike out all after the word resolved; agreed to.

Mr. Marshall offered the following amendment, insert after the word 'resolved,' the words 'that the chief clerk be requested to report to this House, the number of days each member has been absent by leave or otherwise.'

Disagreed to;

And a division being called for, there were yeas—3; nays—6.

On motion of Mr. Pond,

The resolution was laid on the table until Friday.

Mr. Bailly offered the following resolution:

Resolved, That any member of this House, who shall have absented himself during this session, by leave of this House, shall be entitled to his pay from the day he took his seat to the end of this session, as if he had not absented himself;

Which was read the first time, and

On motion of Mr. Trask,

It was read the second time.

Mr. Jackson offered the following amendment:

Provided, That no member shall receive any pay for mileage, who was not in attendance on the 1st instant.

Which was disagreed to.

A message was received from the Council by J. R. Brown, their Secretary.

The question was then put on agreeing to Mr. Bailly's resolution,

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Bailly, Dugas, Holmes, Johnson, Morrison, Russell, Wells and Wilkinson—8.

Those who voted in the negative, are Messrs. Babcock, Black, Brunson, Dewey, Jackson, Marshall, Pond, Trask and Furber, (Speaker)—9.

So the said resolution was disagreed to.

On motion of Mr. Trask, the House adjourned.

2 O'CLOCK, P. M.

Mr. Marshall, from the Committee on Enrolled Bills, reported that they had examined enrolled bills and memorial of the following titles, viz:

An act authorizing the Registers of Deeds of Ramsey and Benton counties to procure certain copies of records in the office of the Register of Deeds of Washington county.

An act fixing the time of holding District Courts.

An act to prescribe the qualifications of voters and of holding office.

An act to dissolve the marriage contract between Catharine Hathaway and her husband, Isaac Hathaway.

An act to locate a Territorial Road from St. Paul to Little Canada.

An act to incorporate the Minnesota Mutual Fire Insurance Company. Memorial to Congress for an appropriation to build a road from Wabeshaw to Mendota;

And found the said bills and memorial truly enrolled,
When the Speaker signed the said bills and memorial.

Mr. Marshall from the same committee, reported, that they did, on the 30th day of October, present to His Excellency, the Governor, for his examination and approval, bills and memorials of the following titles, viz:

An act to amend an act entitled an act concerning the time of commencing actions.

An act to divorce Eleazer F. Ring from his wife, Elzora G. Ring.

An act granting to John Banfill the right to establish and maintain a ferry across the Mississippi, near the mouth of Rice river.

An act to locate a Territorial Road from Point Douglass to St. Paul.

An act granting to John R. Irvine the right to establish and maintain a ferry across the Mississippi river.

An act for laying out a Territorial Road from Stillwater to the mouth of Rum river.

An act authorizing the election of Sheriffs and defining their duties.

A memorial to Congress for the improvement of certain roads therein named.

On motion of Mr. Trask,

The message from the Council was read; which is as follows:

MR. SPEAKER:—The Council have concurred in,

No. 5, Memorial to Congress praying for an amendment to the law granting pre-emption rights.

No. 27, H. of R. A bill concerning debtors and their securities.

No. 52, H. of R. A bill granting to Wm. J. Lewis and Anson Northrop, the right to establish and maintain a ferry across the Mississippi river, in the county of Ramsey, with amendments;

And No. 43, H. of R. A bill to amend an act entitled an act to provide the means to pay the public debt of the Territory, and for other purposes, with amendments, and an amendment to the title thereof.

In all which the concurrence of this House is requested.

The Council have concurred in,

No. 52, H. of R. A bill providing for the proper observance of the Sabbath.

The Council have concurred in,

No. 38, H. of R. A bill concerning Courts of Record, with an amendment, and in amendments 1, 2, 3, 4, 6, 7 and 8 of this House to

No. 26, C. F. A bill to regulate the public printing, with amendments to the second and third amendments of this House to said bill.

And have passed No. 10, C. F. Joint resolution relative to Commissioners to revise the laws, and a clerk to said Commissioners;

In all which the concurrence of this House is requested.

No. 10, C. F. Joint resolution relative to Commissioners to revise the laws, and a clerk to said Commissioners; was read the first time; and,

On motion of Mr. Dewey,

The rules were so far suspended as to admit it to be read a second time now.

Mr. Trask moved that said resolution be postponed until the 10th of November next,

Which was disagreed to.

On motion of Mr. Bailly,

A call of the House was ordered.

Messrs. Babcock, Jackson and Russell were reported absent.

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

Mr. Wilkinson moved that further proceedings under the call of the House be dispensed with; which was decided in the affirmative.

And a division being called for, there were yeas—10; a majority of the House.

Mr. Trask, moved to amend by striking out the word 'seventy-five,' and inserting the words 'four hundred' before the word 'days' in the seventh line.

The Sergeant-at-Arms reported the members in attendance, except Mr. Jackson, who could not be found.

Mr. Wilkinson moved to amend the amendment, by striking out the words 'four hundred' and inserting 'one hundred;' which was accepted by Mr. Trask.

Mr. Bailly moved a call of the House:

Messrs. Jackson and Pond were reported absent.

Mr. Brunson moved that further proceedings under the call of the House be suspended; disagreed to.

And a division being called for, there were yeas—6; nays—8.

Mr. Morrison moved that the vote by which the House refused to suspend the call be re-considered; agreed to.

Mr. Brunson then moved that further proceedings under the call of the House be suspended; agreed to.

Mr. Wells offered the following substitute for the amendment of Mr. Trask. Strike out 'seventy-five' where it occurs, and insert in lieu thereof 'two hundred and fifty;' which was disagreed to.

Mr. Bailly offered the following substitute for the amendment:

Strike out 'seventy-five' where it occurs, and insert 'two hundred;' which was disagreed to.

And a division being called for, there were yeas—7; nays—8.

The question was then put on agreeing to Mr. Trask's amendment, and it was disagreed to.

Mr. Babcock moved that the resolution be indefinitely postponed; disagreed to.

And a division being called for, there were yeas—5; nays—0.

Mr. Pond moved to strike out the words 'or that may be passed,' in next to the last line; which was disagreed to.

Mr. Babcock offered the following amendment:

Amend by striking out 'seventy-five' and insert 'one hundred and fifty;' which was disagreed to.

And a division being called for, there were yeas—7; nays—8.

On motion of Mr. Marshall,

Ordered, That said resolution be read the third time to-morrow.

Message from the Council by Joseph R. Brown, their Secretary:

MR. SPEAKER:—The Council have refused to concur in the amendment made by this House to

No. 28, C. F. A bill to provide for the location of the permanent seat of government by a vote of the people, and for other purposes; and have had no action on the amendment made by this House to the title of said bill.

The Council have concurred in the substitute for the first amendment of this House to,

No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company, with an amendment;

In which the concurrence of this House is requested;

And have concurred in the amendment of this House to the third amendment of this House to said bill:

And then he withdrew.

Mr. Johnson moved that the message from the Council be taken up:

Disagreed to.

Message from the Governor by the Secretary of the Territory:

MR. SPEAKER:—I have the honor to communicate to you a message from the Governor in writing.

No. 26, C. F. A bill to regulate public printing, was taken up, and the amendments of the Council to the second and third amendments of the House were not concurred in.

On motion of Mr. Marshall,

The vote by which the House refused to concur in the amendment of the Council to the third amendment of the House to said bill, was re-considered.

And the amendment of the Council to said third amendment, was then concurred in.

On motion of Mr. Jackson,

The vote by which the House refused to concur in the amendment of the Council to the second amendment of the House to said bill, was re-considered.

And the question being, will the House concur in said amendment, it was decided in the negative.

And the yeas and nays being desired,

Those who voted in the affirmative, are Messrs. Brunson, Dugas, Holmes, Jackson, Johnson, Pond, Trask and Wells—8.

Those in the negative, are Messrs. Babcock, Bailly, Black, Dewey, Marshall, Morrison, Russell, Wilkinson and Furber, (Speaker)—9.

On motion of Mr. Jackson,

The message from the Governor was read.

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT. }
St. Paul, Oct. 31, 1849. }

To the Hon. Speaker of the House of Representatives:

SIR:—I return herewith to the House of Representatives, in which it originated, "An act for the election of Commissioners to prepare a code of laws for the Territory of Minnesota," presented to me on Saturday, the 27th inst., without my signature; which a sense of public duty constrains me to withhold for the following reasons:

By the clear terms of the act, the three Commissioners, with their clerk, may meet immediately upon the adjournment of your present session, and continue their sittings from day to day, until the meeting of the next Legislative Assembly, on the first Wednesday of January 1851—a period of fourteen months.

I do not think the present condition and interests of the Territory require this amount of labor—equal to that of one man for four years; nor do I think circumstances warrant the expenditure it would involve.

The latter objection is entitled to more force, as the appropriation by Congress for the expenditures of the Territory, might be held not to contemplate services of this kind, in which event, the people of the Territory, who are yet without treasury or public treasure, would be compelled to tax themselves for means to compensate services authorized by their representatives.

In this, the infancy of the Territory, would it not have been as well to have conferred this commission upon but one person, or at most, two, to whom a liberal compensation might have been allowed, without at the same time, swelling the aggregate of expenses to an unreasonable amount?

I take this step the less reluctantly, as since the passage of the bill, members of both houses have called upon me with the assurance that its features were not fully understood, nor its consequences contemplated during its progress.

In a message of the Hon. Henry Dodge, late Governor of the Territory of Wisconsin, upon an occasion somewhat similar, he uses the following language, which, as the Organic Law of our Territory, in this respect, is like that of the former Territory of Wisconsin, I adopt and reiterate:

"In entering thus minutely into the details and merits of this present bill, I feel myself justified by the powers vested in me by the Organic Law of the Territory, which constitutes the Governor a distinct branch of Legislative authority, in addition to the duties imposed on him as the Executive branch of the government; and I take the occasion to say, that at all times, in considering a bill submitted to me by the Legislative Assembly, I will not feel myself confined to an examination of the constitutionality of its provisions, but shall reserve to myself the right of giving my judgment upon its general expediency, and of giving or withholding my assent as circumstances may justify."

Should the Assembly see fit so to modify the present bill, that the amount of expenditure it will occasion may be limited to a known and reasonable sum, it shall receive my signature.

ALEX. RAMSEY.

No. 19, H. of R. An act for the election of Commissioners to prepare a code of laws for the Territory of Minnesota, returned by the Governor without his signature, was taken up.

And the question being, shall the bill pass?

And the yeas and nays being desired,

Mr. Dugas voted in the affirmative.

Those who voted in the negative, are Messrs. Babcock, Bailly, Black, Brunson, Dewey, Holmes, Jackson, Johnson, Marshall, Morrison, Pond, Russell, Trask, Wells, Wilkinson and Furber, (Speaker)—16.

So the House refused to pass the bill.

No. 43, H. of R. An act to amend an act entitled an act to provide the means to pay the public debt of the Territory, and for other purposes, was taken up, and the amendments of the Council to said bill were not concurred in.

No. 51, H. of R. A bill granting to Anson Northrop and Wm. J. Lewis the right to establish and maintain a ferry across the Mississippi river, was taken up, and the amendments of the Council to said bill, concurred in.

No. 38, H. of R. A bill concerning Courts of Record, was taken up, and the amendment of the Council concurred in.

On motion of Mr. Trask,

The message from the Council was read.

No. 28, C. F. A bill to provide for the location of the permanent seat of government by a vote of the people, and for other purposes, was taken up.

And the question being, will the House recede from its amendments to said bill, it was decided in the negative.

Mr. Jackson moved that a committee of two be appointed to confer with a similar committee on the part of the Council, on the disagreeing vote of the two Houses on said bill.

The Speaker appointed Messrs. Jackson and Wilkinson said committee.

No. 4, H. of R. A bill to incorporate the St. Paul and St. Anthony Plank Road Company, returned from the Council with amendments, was taken up, and the amendments of the Council concurred in.

On motion of Mr. Jackson,

The House adjourned until 7 o'clock.

7 O'CLOCK. P. M.

A message was received from the Council by J. R. Brown, their Secretary, and then he withdrew.

On motion of Mr. Marshall,

The message from the Council was read, and is as follows:

MR. SPEAKER:—The Council have postponed, until the next session of the Legislative Assembly,

No. 26, H. of R. A bill to exempt from sale by execution, the homestead. And have postponed until the 10th day of November,

No. 40, H. of R. A bill granting to James Purinton and his associates the right to establish and maintain a ferry across Lake St. Croix near Greely's Landing.

The Council have passed No 7, C. F. Memorial to Congress relative to the Pembina Settlement.

In all which the concurrence of this House is requested.

The Council have refused to adhere to the third amendment of the Council to No. 29, H. of R. A bill to authorize Calvin A. Tuttle to build and maintain a dam across Rum river;

And have adhered to their disagreeing vote on the fourth amendment to the said bill.

The Council have receded from its amendment to the amendment of the House to No. 8, C. F. joint resolutions, relative to the military reservation at Fort Snelling.

The Council have concurred in No. 8, H. of R. Memorial to Congress for a mail route from the Falls of St. Croix to Fond du Lac.

No. 56, H. of R. A bill to incorporate the St. Anthony Library Association.

And No. 41, H. of R. A bill to incorporate the town of St. Paul, in the county of Ramsey.

The Governor this day notified the Council that he had approved and signed an act providing for the erection of certain counties therein named.

Memorial to Congress for additional mail facilities.

Memorial to Congress relative to school lands.

An act authorizing the election of Sheriffs and defining their duties.

An act to amend an act entitled an act concerning the time of commencing actions.

And memorial to Congress for the improvement of certain roads therein named.

No. 7, C. F. Memorial to Congress relative to the Pembina Settlement, was read the first time.

On motion of Mr. Marshall,

The rules were so far suspended as to admit the memorial to be read the second and third times by its title.

The said memorial passed.

Mr. Wilkinson moved to amend the title by adding thereto, 'and a port of entry at St. Paul.'

Which amendment was disagreed to.

A division being called for, there were yeas—4; nays—8.

The title of the memorial as amended, was then agreed to.

Mr. Jackson by leave, offered the following resolution, viz:

Resolved, That the thanks of this House be tendered to Messrs. Burkleo, Rollins and Sturgis, for their absenting themselves from the Council at this late hour of the session, which is believed is done for the purpose of defeating the bill locating the seat of government;

Which was read, and,

On motion of Mr. Brunson,

It was read the second time.

Mr. Brunson moved that the said resolution be postponed until the 15th of November next;

Which motion was disagreed to.

Mr. Jackson moved that the House adjourn;

Which was decided in the affirmative.

And a division being called for, there were yeas—8; nays—1.
So the House adjourned until to-morrow at 9 o'clock, A. M.

THURSDAY MORNING, 9 o'clock.

Prayer by the Rev. Mr. Hobart.

There being no business upon the table,

On motion of Mr. Trask, the House adjourned until 10 o'clock, A. M.

10 o'clock, A. M.

The printed copies of the journal not being in,

On motion of Mr. Trask,

The reading of the journal was suspended for the present.

Mr. Marshall, from the Committee on Enrolled Bills, reported that the committee had examined enrolled bills, memorials and joint resolution, of the following titles, viz:

An act concerning seals;

An act providing for the proper observance of the Sabbath;

An act concerning debtors and their securities;

An act to incorporate the St. Anthony Library Association;

An act regulating the time of holding the general election, and for other purposes;

An act to authorize the election of County Treasurers and to define their duties;

Memorial to Congress relative to mail routes, and for other purposes;

A memorial to Congress praying for an amendment to the law granting pre-emption rights;

Joint resolution relative to the military reservation at Fort Snelling;

Memorial to Congress relative to a mail route therein named;

Memorial to Congress for a mail route from the Falls of St. Croix to Fond du Lac;

An act granting to W. J. Lewis and Anson Northrop the right to establish and maintain a ferry across the Mississippi river in the County of Ramsey;

An act to provide for the election of Registers of Deeds and to define their duties and powers;

And found the said bills, memorials and joint resolution truly enrolled;

When the Speaker signed the said bills, memorials and joint resolution.

Mr. Marshall from the same committee, also reported that they did, on the 1st day of November, present to his Excellency, the Governor, bills and memorial of the following titles, viz:

An act to incorporate the Minnesota Mutual Fire Insurance Company;

An act to prescribe the qualification of voters and of holding office;

An act fixing the time of holding District Courts;

An act to dissolve the marriage contract between Catharine Hathaway and her husband;

An act to locate a Territorial Road from the town of St. Paul to Little Canada;

An act to authorize the Register of Deeds of Ramsey and Benton counties to procure certain copies of records in the office of the Register of Deeds of Washington County;

A memorial to Congress for an appropriation to build a road from Wabshaw to Mendota.

Mr. Babcock, chairman of the Committee on Legislative Expenditures, by leave, reported bill,

No. 57, H. of R. An act to provide for the payment of the expenses of the Legislative Assembly of the Territory of Minnesota;

Which was read the first time.

On motion of Mr. Babcock,

The rules were so far suspended as to admit the said bill to be read the second time by its title.

Mr. Trask moved that the House resolve itself into the Committee of the Whole on the said bill.

On motion of Mr. Black,

A call of the House was ordered.

Mr. Wilkinson was reported absent;

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

On motion of Mr. Jackson,

Further proceedings under the call of the House were dispensed with.

The question was then put on Mr. Trask's motion, and it was agreed to.

So the House resolved itself into the Committee of the Whole House for the consideration of the said bill;

Mr. Trask in the chair.

Pending which, the Speaker took the chair, and the Sergeant-at-Arms reported Mr. Wilkinson in his seat.

The committee resumed its session.

Pending which, a message from the Governor was announced.

The Speaker resumed the chair, and the following message was communicated by Mr. Tyler:

MR. SPEAKER:—I have the honor to present to you a message in writing, from his Excellency, the Governor.

And then he withdrew.

The committee resumed its session;

And pending which, the Speaker took the chair, and the following message from the Council was communicated by J. R. Brown, their Secretary:

MR. SPEAKER:—The Council has adopted the report of the Committee of Conference, on

No. 18, H. of R. A bill to provide for laying out Territorial Roads in the Territory of Minnesota, and for other purposes;

And have adopted a design for a Great Seal of the Territory, herewith presented;

And have adopted the report of the Committee on Seals of the Council, which reported said design, and recommend that one copy be filed in the office of the Secretary of the Territory, and another be furnished to the Governor of the Territory, that he may have the engraving made this winter;

In all which the concurrence of this House is requested.

The Council has appointed Messrs. Boal and Loomis, to confer with the committee of this House on the disagreeing vote of the two Houses, on

No. 25, C. F. A bill providing for the location of the permanent seat of government by a vote of the people, and for other purposes;

And has refused to recede from its amendment to the second amendment of this House, to

No. 26, C. F. A bill to regulate the public printing;

And has appointed Messrs. Morris and Burkleo a committee to confer on the disagreeing vote of the two Houses on said bill;

And then he withdrew.

The committee resumed its session, and after some time passed therein, rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Wilkinson,

The message from the Council was read.

No. 26, C. F. A bill to regulate public printing, was taken up;

On motion of Mr. Babcock,

Ordered, That a Committee of Conference, consisting of two, be appointed to confer with a similar committee appointed on the part of the Council, in reference to its disagreeing vote on the second amendment to the said bill.

Messrs. Babcock and Black were appointed said committee.

On motion of Mr. Babcock, the House adjourned until 1 o'clock, P. M.

1 O'CLOCK, P. M.

Mr. Pond offered the following resolution:

Resolved, That Messrs. Brunson, Trask and Dewey, be, and they are, hereby appointed a committee to measure the printing which has been done for this Legislature during its present session; and that they be authorized to employ such assistance as may be necessary for this purpose, and report to this House forthwith.

Which resolution was adopted.

Mr. Marshall, from the Committee on Enrolled Bills, reported that the committee have examined enrolled bills and memorial of the following titles:

An act granting to James Beatty and others, the right to establish and maintain a ferry across the Mississippi river in the county of Benton;

An act granting to Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river;

An act to provide for laying out Territorial Roads in the Territory of Minnesota, and for other purposes;

An act to incorporate the town of St. Paul, in the county of Ramsey;

A memorial to the Congress of the United States, for an appropriation to build a Territorial Prison:

And found the said bills and memorial truly enrolled;

When the Speaker signed the said bills and memorial.

On motion of Mr. Pond,

Leave of absence was granted to Messrs. Brunson, Trask and Dewey, a sufficient length of time to measure the printing done for the Legislative Assembly during its present session.

On motion of Mr. Pond,

Ordered, That the journal of yesterday be now read.

Mr. Bailly moved that the House adjourn until quarter past two o'clock; agreed to.

And a division being called for, there were yeas 7; a majority of the House.

QUARTER PAST TWO O'CLOCK, P. M.

A communication from James M. Goodhue in relation to the printing done by him, was read.

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole House,

Mr. Pond in the chair, for the consideration of

No. 57, H. of R. An act for the payment of the expenses of the Legislative Assembly of the Territory of Minnesota;

Pending which, the Speaker took the chair, and the following message was communicated by the Secretary of the Territory:

MR. SPEAKER:—I have the honor to present to you a message in writing, from the Governor.

And then he withdrew.

And the committee resumed its session, and after some time passed therein rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Wilkinson,

The message from the Governor was read, and is as follows:

MINNESOTA TERRITORY, EXECUTIVE DEPARTMENT, }
St. Paul, Nov. 1, 1849.

To the Hon. Speaker of the House of Representatives:

SIR:—I have now before me the following bills, which originated in your House, viz:

'An act to dissolve the marriage contract between Catharine Hathaway and her husband.'

'An act to divorce Eleazer F. Ring from his wife, Elzora G. Ring.'

And would request that whatever testimony, papers, &c., there may be in the possession of the Legislative Assembly, in relation to these bills, may be furnished, so that I may act knowingly in the premises.

ALEX. RAMSEY.

On motion of Mr. Wilkinson,

Ordered, That the Messenger furnish the Governor with all papers in possession of the House in regard to said bills.

Mr. Jackson, from the Joint Committee of Conference, on No. 28, C. F., made the following report:

The committee to whom was referred a bill to locate the seat of government, have had the same under consideration, and ask leave to make the following report: that we have agreed to disagree.

H. JACKSON,
M. S. WILKINSON,
D. B. LOOMIS,
JAMES M'BOAL.

On motion, the report was accepted, and the committee discharged.

On motion of Mr. Babcock,

The House resolved itself into the Committee of the Whole.

Mr. Dewey in the chair, for the consideration of

No. 57, H. of R. A bill to provide for the payment of the expenses of the Legislative Assembly of the Territory of Minnesota;

And after some time passed therein, rose, reported progress, and asked leave to sit again; leave was granted.

Mr. Pond moved a call of the House:

Messrs. Babcock, Dugas, Jackson, Marshall and Wilkinson were reported absent.

The Sergeant-at-Arms reported the members in attendance.

Message from the Council by Joseph R. Brown, their Secretary:

MR. SPEAKER:—The Council has passed,

No. 4, C. F. Joint resolution relative to the temporary location of the seat of government.

In which the concurrence of this House is requested.

On motion of Mr. Bailly,

The message was taken up, and No. 4, C. F., was read the first time.

On motion of Mr. Pond,

The rules were suspended and the resolution read the second time.

On motion of Mr. Pond,

Ordered, That said resolution be read the third time at 8 o'clock.

On motion of Mr. Marshall,

The House resolved itself into the Committee of the Whole,

Mr. Johnson in the chair, for consideration of

No. 57, H. of R., and after some time passed therein, rose and reported said bill back with amendments.

The several amendments of the committee were concurred in except that in relation to the Rev. Mr. Neill.

Mr. Wilkinson moved to amend said bill as follows:

“That sixty dollars be allowed the Rev. Mr. Neill for twenty days services as chaplain;” agreed to.

Mr. Marshall moved that Mr. Cummings, Messenger of the Council, be allowed payment for fifty-nine days services; agreed to.

On motion of Mr. Babcock,

Ordered, That said bill be read the third time by its title.

And the bill passed, and the title thereof was agreed to.

On motion of Mr. Jackson,

The vote by which the House passed said bill was re-considered.

Mr. Babcock withdrew his motion that said bill be read the third time now by its title.

The following amendments were then agreed to.

Amend, by allowing Rev. Mr. Hobart \$51 for seventeen days services as chaplain, and the Rev. Mr. Hoyt \$6 for two days services as chaplain.

On motion of Mr. Jackson,

Said bill was laid on the table till 6 o'clock.

The question was then taken on the adoption of the design of a great seal reported by the Council to the House; disagreed to.

On motion of Mr. Black,

The House adjourned until 6 o'clock, P. M.

6 O'CLOCK, P. M.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report, viz:

The Joint Committee on Enrollment have this day presented to his Excellency, the Governor, bills and memorials of the following titles, viz:

An act to provide for laying out Territorial Roads in the Territory of Minnesota, and for other purposes;

A memorial to the Congress of the United States for an appropriation to build a Territorial Prison;

An act granting to Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river;

An act granting to James Beatty and others, the right to establish and maintain ferries across the Mississippi river, in the county of Benton;

An act to incorporate the town of St. Paul, in the county of Ramsey;

An act concerning seals;

An act concerning debtors and their securities;

An act to incorporate the St. Anthony Library Association;

An act providing for the proper observance of the Sabbath;

An act granting to W. J. Lewis and Anson Northrop, the right to establish and maintain a ferry across the Mississippi river in the county of Ramsey;

An act to provide for the election of Registers of Deeds, and defining their duties;

An act to regulate the time of holding general elections, and for other purposes;

An act to authorize the election of County Treasurers, and to define their duties.

Memorial to Congress praying an amendment to the law granting the right of pre-emption;

Memorial to Congress for a mail route from the Falls of St. Croix to Fond du Lac;

A memorial to Congress relative to mail routes therein named;

Joint resolutions relative to the military reservation at Fort Snelling.

Mr. Babcock, from the Committee of Conference on the disagreeing vote of the two Houses on the amendment of the Council to the second amendment of the House to

No. 26, C. F. A bill to regulate the public printing and binding,

Made their report, and recommended that the Council recede from their amendment; and the report was accepted and the committee discharged.

On motion of Mr. Bailly,

The appropriation bill was taken up.

Mr. Bailly moved that the item of stationery be so amended as to read \$775 27; which was disagreed to.

On motion, said item was amended as to read \$700.

Mr. Babcock offered the following amendment,

Amend by striking out that part of the appropriation bill that relates to the printing; which was agreed to.

On motion of Mr. Babcock,

Said bill was then read the third time by its title, passed and the title agreed to.

No. 28, C. F., was taken up, and the question being, will the House adhere to its amendments;

It was decided in the affirmative.

On motion of Mr. Pond,

No. 10, C. F. Joint resolution relative to Commissioners to revise the laws, and clerk to said Commission;

Was indefinitely postponed.

On motion of Mr. Pond,

The House adjourned until 7 o'clock.

7 O'CLOCK. P. M.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrollment, have examined and found duly enrolled, bills of the following titles, viz:

An act concerning Justices of the Peace, and the action of forcible entry and detainer;

An act to establish and maintain Common Schools.

On motion of Mr. Pond,

The House adjourned until quarter to eight o'clock, P. M.

QUARTER TO EIGHT O'CLOCK, P. M.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrollment, have examined and found duly enrolled the following act:

An act entitled an act to provide the means to pay the public debt of the Territory, and for other purposes;

Message from the Governor by Hugh Tyler.

MR. SPEAKER:—I have the honor to communicate to you a message in writing, from the Governor.

And then he withdrew.

On motion of Mr. Babcock,

The message was read, and is as follows:

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT. }
St. Paul, Nov. 1, 1849. }

To the Hon. Speaker of the House of Representatives:

SIR:—I return herewith, the bill entitled "an act to incorporate the town of Saint Paul, in the County of Ramsey," for the purpose of affording the Territorial Assembly an opportunity of inserting a date in the blanks left in the second section; without which insertion the act would be inoperative.

ALEX. RAMSEY.

On motion of Mr. Jackson,

The first blank in section second of said bill, No. 41, H. of R., was filled by inserting the words "first Monday," and the second blank by inserting the word "May."

No. 4, C. F. Joint resolution relative to the temporary location of the seat of government;

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

Mr. Brunson, chairman of the committee appointed to measure the printing done for the Legislature, reported:

That they had measured the printing done by M'Lean & Owens, and found that it corresponded with the amount of their bill; also, that they had proceeded to measure the printing done by James M. Goodhue, but were unable to complete the measurement; but were satisfied to the extend of one million ems of composition; and referred the remainder of the account for adjustment, to the next sitting of the Legislature.

On motion, the report was accepted, and the committee discharged.

On motion of Mr. Babcock,

Ordered, That the clerk send said report to the Council.

On motion of Mr. Bailly,

The House adjourned to quarter of nine o'clock.

QUARTER TO NINE O'CLOCK, P. M.

Mr. Pond moved a call of the House.

Messrs. Bailly, Brunson, Dugas, Morrison and Russell were reported absent,

On motion of Mr. Wilkinson,

Further proceedings under the call were suspended.

Mr. Wilkinson offered the following resolution:

Resolved, That the Hon. Joseph W. Furber, is justly entitled to the thanks of each member of this House, and of the people of the entire Territory, for the able, energetic and impartial manner in which he has presided over the deliberations of this House during the present session of the Legislative Assembly.

The said resolution was read the first and second times, and unanimously adopted.

Message from the Council by Joseph R. Brown, their Secretary:

MR. SPEAKER:—The Council have concurred in,

No. 57, H. of R. A bill to provide for the payment of the expenses of the Legislative Assembly of the Territory of Minnesota, with amendments;

In which the concurrence of this House is requested.

And then he withdrew.

Message from the Governor by Hugh Tyler.

MR. SPEAKER:—I have the honor to communicate to you a message in writing, from the Governor.

The message was read, and is as follows:

MINNESOTA TERRITORY, EXECUTIVE DEPARTMENT, }
St. Paul, Nov. 1, 1849. }

To the Hon. Speaker of the House of Representatives:

SIR:—I have approved and signed the following acts and memorials, viz:

- 'An act concerning seals;'
- 'An act providing for the proper observance of the Sabbath;'
- 'An act to provide for laying out Territorial Roads in the Territory of Minnesota, and for other purposes;'
- 'An act concerning debtors and their securities;'
- 'An act to incorporate the St. Anthony Library Association;'
- 'Memorial to Congress praying for the amendment of the law granting pre-emption rights;'
- 'Memorial to Congress for a mail route from the Falls of St. Croix to Fond du Lac;'
- 'A memorial to the Congress of the United States for an appropriation to build a Territorial Prison.'

ALEX. RAMSEY.

The Sergeant-at-Arms reported the members in attendance.

No. 57, H. of R., was taken up, and the first and third amendments of the Council concurred in;

And the second amendment was concurred in with an amendment.

Mr. Pond offered the following resolution:

Resolved, That the thanks of this House be, and they are hereby tendered to William D. Phillips, Chief Clerk of the House of Representatives, and L. B. Waite, Assistant Clerk, for the very competent and acceptable manner in which they have performed their respective duties during the present session of the Legislative Assembly.

On motion of Mr. Brunson,

Said resolution was read the second time.

Mr. Brunson moved to amend it by adding the words "and other officers of this House."

Agreed to.

The resolution was then unanimously adopted.

Mr. Marshall from the Joint Committee on Enrollment, made the following report, viz:

The Joint Committee on Enrollment, have this day presented to his Excellency, the Governor, bills of the following titles, viz:

An act to amend an act entitled an act to provide the means of paying the public debt of the Territory, and for other purposes;

An act to incorporate the town of St. Paul, in the county of Ramsey;

An act concerning Justices of the Peace, and the action of forcible entry and detainer;

An act to establish and maintain Common Schools;

An act to regulate the public printing and binding;

An act to incorporate the St. Paul and St. Anthony Plank Road Company;

On motion of Mr. Pond,

The House adjourned to half past 10 o'clock, P. M.

HALF PAST TEN O'CLOCK, P. M.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report, viz:

The Standing Committee on Enrollment have examined and found duly enrolled, the following act, viz:

An act concerning Courts of Record;

When the Speaker signed the said act.

Mr. Bailly moved a call of the House.

Messrs. Brunson, Pond, Russell, Morrison, Wells and Wilkinson were reported absent.

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

Mr. Marshall, from the Joint Committee on Enrollment, made the following report, viz:

The Joint Committee on Enrolled Bills, have examined and found duly enrolled, a memorial of the following title:

Memorial to Congress relative to the Pembina Settlement.

The Speaker signed the said memorial.

Message from the Governor by the Secretary of the Territory:

MR. SPEAKER:—I have the honor to communicate to you a message in writing from the Governor.

On motion of Mr. Johnson,

Said message was read, and is as follows, viz:

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT, }
St. Paul, Nov. 1, 1849. }

To the Hon. Speaker of the House of Representatives:

SIR:—I have approved and signed the following acts, viz:

'An act concerning Justices of the Peace, and the action of forcible entry and detainer;'

'An act to incorporate the town of St. Paul, in the county of Ramsey;'

'An act to incorporate the St. Paul and St. Anthony Plank Road Company;'

'An act to amend an act entitled an act to provide the means to pay the public debt of the Territory, and for other purposes.'

ALEX. RAMSEY.

Message from the Council by Joseph R. Brown, their Secretary:

MR. SPEAKER:—The Council have concurred in filling the blanks in an act to incorporate the town of St. Paul, in the county of Ramsey, as filed by this House;

The Council have concurred in the amendments of this House to,

No. 57, H. of R. A bill to provide for the payment of the expenses of the Legislative Assembly of the Territory of Minnesota, with an amendment;

In which the concurrence of this House is requested.

And then he withdrew.

On motion of Mr. Bailly,

Ordered, That the chief clerk be instructed to return to the Council,

No. 57, H. of R. An act to provide for the payment of the expenses of the Legislative Assembly of the Territory of Minnesota, with the decision of the House of Representatives, that the amendment is unparliamentary, and that the amendment requires no action on the part of the House.

Message from the Council by Joseph R. Brown, their Secretary:

MR. SPEAKER:—The Council have passed,

No. 11, C. F. Joint resolution relative to the number of copies of the Laws and Journals to be printed,

In which the concurrence of this House is requested.

On motion of Mr. Brunson,
No. 11, C. F., was read the first time; and

On motion of Mr. Marshall,

The rules were temporarily suspended and the said resolution read the second time.

Message from the Governor by Hugh Tyler:

MR. SPEAKER:—I have the honor to communicate to you a message in writing from the Governor.

Mr. Marshall moved to amend by striking out in the seventh line, first section of

No. 11, C. F., the words 'five hundred,' inserting in lieu thereof, the words 'two hundred,' disagreed to.

On motion of Mr. Jackson,

Said resolution was read the third time by its title, passed, and the title agreed to.

On motion of Mr. Brunson,

The message from the Governor was read, and is as follows:

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT, }
St. Paul, Nov. 1, 1849. }

To the Hon. Speaker of the House of Representatives:

SIR:—I have approved and signed the following act, viz:

An act concerning Courts of Record.

ALEX. RAMSEY.

On motion of Mr. Pond,

The House adjourned till half past twelve o'clock.

HALF PAST TWELVE O'CLOCK, A. M.

Message from the Council by Joseph R. Brown, their Secretary:

MR. SPEAKER:—The Council have concurred in the amendment of this House to

No. 11, C. F. Joint resolution relative to the number of the copies of the Laws and Journals to be printed; and have passed

No. 31, C. F. A bill for the relief of James M. Goodhue;

In which this House is requested to concur.

The Council have re-considered its vote amending

No. 57, H. of R. A bill providing for the payment of the expenses of the Legislative Assembly of Minnesota Territory;

And have concurred in the amendments of this House to said bill.

And then the Secretary withdrew.

No. 31, H. of R., was read the first time;

Mr. Pond moved that the rules be suspended, and that it be read the second time; disagreed to.

On motion, the House took a recess till 1 o'clock.

1 O'CLOCK, A. M.

Message from the Council by J. R. Brown, their Secretary:

MR. SPEAKER:—The Council have passed,

No. 12, C. F. Joint resolution relative to the temporary seat of government; In which the concurrence of this House is requested.

And then he withdrew.

No. 12, C. F., was read the first time.

On motion of Mr. Brunson,

A call of the House was ordered.

Messrs. Bailly, Black, Dewey, Wells and Wilkinson were reported absent.

On motion of Mr. Trask,

Further proceedings under the call were suspended.

On motion of Mr. Marshall,

The rules were suspended, and the said resolution read the second time.

Mr. Brunson moved to amend said resolution by striking out the word 'rent' and inserting the word 'purchased;' disagreed to.

A division being called for, there were yeas—8; nays—8.

Mr. Marshall moved to strike out the words 'St. Paul,' and insert the words 'St. Anthony;' disagreed to.

Mr. Babcock moved to strike out 'St. Paul' and insert 'Sauk Rapids.'

Mr. Wilkinson moved the previous question; disagreed to.

Mr. Bailly moved that the vote by which the House refused to sustain the previous question, be re-considered.

Which motion was agreed to.

The House then ordered the main question.

The first motion to strike out 'St. Paul' and insert 'Sauk Rapids,' was then disagreed to.

The resolution was then passed, and the title agreed to.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrolled Bills, have examined and found duly enrolled, a joint resolution of the following title:

Joint resolution relative to the number of the copies of the Laws and Journals to be printed;

When the Speaker signed the said joint resolution.

Mr. Babcock offered the following resolution:

Resolved, That a select committee of two, be appointed on the part of this House, to act in conjunction with a similar committee to be appointed on the part of the Council, to wait on his Excellency, the Governor, and inquire of him if he has any further communications to lay before either branch of the Legislative Assembly at its present session;

Which resolution was adopted.

And Messrs. Babcock and Bailly were appointed said committee.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrollment, have examined and found duly enrolled,

Joint resolution relative to the temporary seat of government;

When the Speaker signed said joint resolution.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrolled Bills, have examined and found duly enrolled, a bill entitled

An act to provide for the payment of the expenses of the Legislative Assembly of the Territory of Minnesota;

When the Speaker signed said act.

Mr. Bailly introduced joint resolution relative to election districts, relative to members of the Assembly;

Which was read the first time.

On his motion, the rules were suspended, and said resolution read the second and third times by its title, passed, and the title agreed to.

Message from the Governor by Hugh Tyler:

MR. SPEAKER:—I have the honor to communicate to you a message in writing from the Governor.

The message was read and is as follows:

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT, }
St. Paul, Nov. 1, 1849.

To the Hon. Speaker of the House of Representatives:

SIR:—I have approved and signed the following act, viz:

'An act to provide for the payment of the expenses of the Legislative Assembly of the Territory of Minnesota.

ALEX. RAMSEY.

Message from the Council by Joseph R. Brown, their Secretary:

MR. SPEAKER:—The Governor this day notified the Council that he had approved and signed,

Joint resolution relative to the temporary seat of government;

Joint resolution relative to the number of copies of the Laws and Journals to be printed;

And memorial to Congress relative to the Pembina Settlement.

The Council have appointed Messrs. Norris and M'Leod a committee on the part of the Council to act in conjunction with a similar committee of this House, to wait upon his Excellency, the Governor, and enquire if he has any further communications to make to this House.

Message from the Council:

MR. SPEAKER:—The Council have concurred in,

Joint resolution relative to election districts for members of the Legislative Assembly. ✕

Mr. Marshall, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrolled Bills, have examined and found duly enrolled,

Joint resolution relative to election districts for members of the Assembly; ✕
When the Speaker signed the said joint resolution.

Mr. Marshall, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrolled Bills, have this day presented to the Governor,

Joint resolution relative to election districts for members of Assembly. ✕

Message from the Governor by the Secretary of the Territory:

TERRITORY OF MINNESOTA, EXECUTIVE DEPARTMENT, }
St. Paul, Nov. 1, 1849.

To the Hon. Speaker of the House of Representatives:

SIR:—I have approved and signed the following resolution, viz:

Joint resolution relative to election districts for members of Assembly. ✕

ALEX. RAMSEY.

Mr. Brunson moved that a committee of two, be appointed to inform the Council that the House is ready to adjourn.

Agreed to.

Messrs. Brunson and Dewey were appointed said committee.

Mr. Babcock, from the committee appointed to act in conjunction with a similar committee on the part of the Council, to wait upon his Excellency, the Governor, and inform him that the two Houses had completed the business before them, and enquire if he had any further communication to make to either, reported:

That the Joint Committee had performed that duty, and were informed by his Excellency, that he had no further communications to make.

Which report was accepted and the committee discharged.

Mr. Brunson, from the committee appointed to inform the Council that the House of Representatives is now ready to adjourn, *sine die*, reported:

That the committee had performed said duty.

On motion, the report was accepted and the committee discharged.

Mr. Marshall moved that the House do now adjourn *sine die*.

Which motion was agreed to.

When the Speaker rose, and delivered the following valedictory:

GENTLEMEN:—The vote which we have just taken, admonishes us that we are about to adjourn without day. You have determined by this vote, that the first Legislative Assembly of this Territory, shall now close its labors, and the members comprising it are about to return to their homes, their families, and their constituents; whose approbation I trust, you will each and severally heartily receive, and when you have returned within the circle of your own families, may you above all, receive the approbation of a good conscience.

We are about to be separated, and in all probability, some of us forever. This separation, to many of us, is painful, I trust to all, for we met as friends; it cannot, it must not be, that we part other than such. If in the transaction of our business upon this floor, unhappily, any unkind feelings shall have been engendered within this hall, I conjure you, as a friend and brother, that within these walls, they now be forever buried and forgotten.

As the first Legislative Assembly of this Territory, we have had many important measures for consideration—measures which naturally devolve upon the first Legislature of a new government—measures, many of them, local in their nature, and which are well calculated to excite not only the feelings of the members of this Assembly, but also those of the citizens of the Territory generally—measures vital to the future welfare of this young and growing Territory.

But I am happy, gentlemen, to be able to say, that I believe you have, in deliberating upon these exciting measures, acted in accordance with the wishes of your constituents, and what you have deemed the best interests of this Territory; and I trust, that in returning the authority with which you are here clothed, to those from whom it was derived, that you will be greeted with the commendation of "Well done, thou good and faithful servant."

The number of bills which you have acted upon, is perhaps, rather limited, but it is evident to those conversant with your transactions here, that the amount of business which has been performed by this House, does not fall short of the amount usually transacted by any Legislative body in the same length of time.

We have passed through this House, quite a number of lengthy bills—bills which have required much and careful consideration, some of them, consisting of from fifty to one hundred pages of manuscript, making to quite an extent, a revision of our statutes.

When I entered upon the duties of this important station, that of presiding over the deliberations of this House, I did so, relying more upon your kind aid and friendly indulgence, than with any consciousness of my own abilities, and I am happy to assure you, that these expectations have not been disappointed. I have endeavored, to the best of my abilities, to redeem the pledge I made to you at the opening of this Legislature, viz: That in the discharge of my official duties as Speaker of this House, I should strive to act with strict integrity without regard to friend or favors; how far I have succeeded in the fulfillment of this pledge, must be left to you and your constituents to determine.

I return to you, gentlemen, my sincere and heartfelt thanks for the resolutions which you have adopted, approbatory of my conduct as your presiding officer; and permit me to assure you, that I view it, not as a commonplace

compliment offered by your hands, and sanctioned by your voices, without your feeling what the resolution itself expresses.

The kindness and courtesy, the forbearance and liberality, with which you have always treated me, teach me that you feel what you have so kindly expressed, and in return, I can say, that to each and every member of this body, I entertain, not only the kindest feeling, but there is implanted in my breast feelings of interest and attachment, that shall last while life remains.

And now, gentlemen, with a fervent hope for your present and future welfare—with a hope that you may long live to enjoy the fruits of your labors—with a hope that you may each and severally, ever prove a bright and shining light in the circle within which you may be called to move, I proceed to consummate your last official act by pronouncing this House adjourned without day.

APPENDIX

TO THE

JOURNAL OF THE HOUSE OF REPRESENTATIVES.

Documents accompanying the Governor's Message.

(A.)

A PROCLAMATION,

BY ALEXANDER RAMSEY, GOVERNOR OF THE TERRITORY OF MINNESOTA,

To all whom it may concern:

WHEREAS, By an act of Congress of the United States of America, entitled "An act to establish the Territorial Government of Minnesota," approved March 3d, 1849; a true copy whereof, is hereto annexed, a Government was created over all the country described in said act, to be called the "Territory of Minnesota," And

WHEREAS, The following named officers have been duly appointed and commissioned under said act, as officers of said Government, viz:

Alexander Ramsey, Governor of said Territory, and Commander-in-Chief of the militia thereof, and Superintendent of Indian Affairs therein; Charles K. Smith, Secretary of said Territory; Aaron Goodrich, Chief Justice; David Cooper and Bradley B. Meeker, Associate Justices of the Supreme Court of said Territory; and to act as Judges of the District Court for said Territory; Joshua L. Taylor, Marshal of the United States for said Territory; Henry L. Moss, Attorney of the United States for said Territory; and said officers having respectively assumed the duties of their said offices, according to law, said Territorial Government is declared to be organized and established, and all persons are enjoined to obey, conform to, and respect the laws thereof accordingly.

Given under my hand, and seal of said Territory, this first day of June, A. D. 1849; and of the Independence of the United States of America, the seventy-third.

By the Governor,
C. K. SMITH, Sec'y.

ALEX. RAMSEY.

AN ACT TO ESTABLISH THE TERRITORIAL GOVERNMENT OF MINNESOTA.

SEC. 1. *Be it enacted 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, all that part of the Territory of the United States which lies within the following limits, viz: Beginning in the Mississippi river, at the point where the line of forty-three degrees and thirty minutes of north latitude crosses the same, thence running due west on said line, which is the northern boundary of the State of Iowa, to the northwest corner of the said State of Iowa, thence southerly along the western boundary of said State, to the point where said boundary strikes the Missouri river, thence up the middle of the main channel of the Missouri river to the mouth of the White-earth river, thence up the middle of the main channel of the White-earth river, to the boundary line between the possessions of the United States and Great Britain; thence east and south of east along the boundary line between the possessions of the United States and Great Britain to Lake Superior; thence in a straight line to the northernmost point of the State of Wisconsin in Lake Superior; thence along the western boundary line of said State of Wisconsin to the Mississippi river; thence down the main channel of said river to the place of beginning, be, and the same is hereby, erected into a temporary government, by the name of the Territory of Minnesota: *Provided, That nothing in this act contained, shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.**

SEC. 2. *And be it further enacted, That the executive power and authority in and over said Territory of Minnesota, shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of Superintendent of Indian Affairs; he may grant pardons for offences against the laws of said Territory, and reprieves for offences against the laws of the United States until the decision of the President shall be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.*

SEC. 3. *And be it further enacted, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and at the same time, two copies of the laws to the Speaker of the House of Representatives, and the President of the Senate, for the use of Congress. And in case of the death, removal, resignation, or necessary absence of the Governor from the Territory, the Secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor, during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.*

SEC. 4. *And be it further enacted, That the legislative power and authority*

of said Territory, shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of nine members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of Councillors and Representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of population; *Provided*, That the whole number shall never exceed fifteen Councillors and thirty-nine Representatives. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the Council and of the House of Representatives, shall reside in, and be inhabitants of the district for which they may be elected respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected, having the highest number of votes in each of said council districts, for members of the Council, shall be declared by the Governor, to be duly elected to the Council; and the person or persons authorized to be elected, having the greatest number of votes for the House of Representatives, equal to the number to which each county or district shall be entitled, shall be declared by the Governor, to be duly elected members of the House of Representatives: *Provided*, That in case of a tie between two or more persons voted for, the Governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly, shall meet at such place, and on such day, as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly; *Provided*, That no one session shall exceed the term of sixty days.

SEC. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office, shall be exercised only by citizens of the United States, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States, and the provisions of this act.

SEC. 6. *And be it further enacted*, That the Legislative power of the Territory, shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents, be taxed higher than the lands or other prop-

erty of residents. All the laws passed by the Legislative Assembly and Governor, shall be submitted to the Congress of the United States, and if disapproved, shall be null and of no effect.

SEC. 7. *And be it further enacted,* 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.

SEC. 8. *And be it further enacted,* That no member of the Legislative Assembly, shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

SEC. 9. *And be it further enacted,* That the Judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and in Justices of the Peace. The Supreme Court shall consist of a Chief Justice, and two Associate Justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory, annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three Judicial Districts, and a District Court shall be held in each of said districts by one of the Justices of the Supreme Court, at such times and places as may be prescribed by law; and the said Judges shall, after their appointment, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the Probate Courts and of Justices of the Peace, shall be as limited by law: *Provided,* That the Justices of the Peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed, shall exceed one hundred dollars; and the said Supreme and District Courts, respectively, shall possess chancery, as well as common law jurisdiction. Each District Court, or the judge thereof, shall appoint its clerk, who shall also be the Register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception and appeals, shall be allowed in all cases from the final decisions of said District Courts to the Supreme Court, under such regulations as may be prescribed by law, but in no case removed to the Supreme Court, shall trial by jury be allowed in said court. The Supreme Court or the Justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the Circuit Courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of the said District Courts, shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the Circuit and District Courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be

appropriated to the trial of such causes arising under the said Constitution and Laws; and writs of error and appeal in all such cases, shall be made to the Supreme Court of said Territory, the same as in other cases. The said clerk, shall receive in all such cases, the same fees which the clerks of the District Courts of the late Wisconsin Territory, received for similar services.

SEC. 10. *And be it further enacted,* That there shall be appointed an attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the Attorney of the United States for the late Territory of Wisconsin received. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as Circuit and District Courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and entitled to the same fees, as the marshal of the District Court of the United States for the late Territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually, as a compensation for extra services.

SEC. 11. *And be it further enacted,* That the Governor, Secretary, Chief Justice and Associate Justices, Attorney and Marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and Secretary, to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said Secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said Governor or Secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same, to the Secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and one thousand dollars as superintendent of Indian Affairs. The chief justice and associate justices, shall each, receive an annual salary of eighteen hundred dollars. The Secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each, per day, during their attendance at the sessions thereof, and three dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually, the sum of one thousand dollars, to be expended by the Governor to defray the contingent expenses of the Territory; and there shall also be appropriated annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Secretary of the Territory, shall annually account to the Secretary of the Treasury of the United States, for the manner in which the aforesaid sum shall have been expended.

SEC. 12. *And be it further enacted*, That the inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin, and to its inhabitants; and the laws in force in the Territory of Wisconsin, at the date of the admission of the State of Wisconsin, shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified or repealed, by the Governor and Legislative Assembly of the said Territory of Minnesota; and the laws of the United States are hereby extended over, and declared to be in force in said Territory, so far as the same, or any provision thereof, may be applicable.

SEC. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Minnesota, shall hold its first session at St. Paul; and at said first session, the Governor and Legislative Assembly, shall locate and establish a temporary seat of government for said Territory, at such place as they may deem eligible; and shall, at such time as they shall see proper, prescribe by law, the manner of locating the permanent seat of government of said Territory, by a vote of the people. And the sum of twenty thousand dollars, out of any money in the treasury, not otherwise appropriated, is hereby appropriated and granted to said Territory of Minnesota, to be applied, by the Governor and Legislative Assembly, to the erection of suitable public buildings at the seat of government.

SEC. 14. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such times and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The persons having the greatest number of votes, shall be declared by the Governor, to be duly elected, and a certificate thereof shall be given accordingly.

SEC. 15. *And be it further enacted*, That all suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts of the Territory of Wisconsin, within the limits of said Territory of Minnesota, when this act shall take effect, shall be transferred to be heard, tried, prosecuted, and determined in the District Courts hereby established, which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of every kind whatsoever, valid under the existing laws within the limits of said Territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits, may be prosecuted, tried and punished in the courts established by this act; and all penalties, forfeitures, actions and causes of action, may be recovered under this act, the same as they would have been under the laws in force within the limits composing said Territory at the time this act shall go into operation.

SEC. 16. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, who shall be in office within the limits of said Territory when this act shall take effect, shall be, and they are hereby authorized and required to continue to exercise and perform the duties of their respective offices as officers of the Territory of Minnesota, temporarily, and until they, or others, shall be duly appointed and qualified to fill their places in the manner herein directed, or until their offices shall be abolished.

SEC. 17. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended by and under the direction of the said Governor of the Territory of Minnesota, in the purchase of a library, to be kept at the seat of government, for the use of the Governor, Legislative Assembly, Judges of the Supreme Court, Secretary, Marshal and Attorney of said Territory, and such other persons, and under such regulations as shall be prescribed by law.

SEC. 18. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six, in each township in said Territory, shall be, and the same are hereby reserved, for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 19. *And be it further enacted*, That temporarily, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory, to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 20. *And be it further enacted*, That every bill which shall or may pass the Council and House of Representatives, shall, before it becomes a law, be presented to the Governor of the Territory; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the House in which it originated; which shall cause the objections to be entered at large upon their journal, and proceed to re-consider it. If, after such re-consideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together, with the objections, to the other House, by which it shall also be re-considered, and if approved by two-thirds of that House, it shall become a law; but in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor within three days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislative Assembly, by adjournment, prevent it; in which case, it shall not become a law.

Approved March 3, 1849.

(B.)

A PROCLAMATION,

BY ALEXANDER RAMSEY, GOVERNOR OF THE TERRITORY OF MINNESOTA.

To all whom it may concern:

WHEREAS, In and by the 9th section of the act of Congress of the United States, creating the Territory of Minnesota, it is among other things, provided "That the said Territory shall be divided into three Judicial Districts, and a District Court shall be held in each of said Districts by one of the Justices of the Supreme Court, at such times and places as may be prescribed by law;" and by the 19th section of the same act, it is further provided, "That temporarily, and until otherwise provided by law, the Governor of said Territory, may define the judicial districts of said Territory and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said Judicial Districts, by proclamation to be issued by him:" Now in virtue of the aforesaid enactment, I do hereby order and direct, that until otherwise provided by the Territorial Legislature, the Territory shall be districted, the judges assigned, and the courts held as follows, viz: The county of St. Croix shall constitute one district, and be known as the First Judicial District. The County of Lapoint, and the country north and west of the Mississippi, and north of the river Minnesota or St. Peters, and of a line running due west from the head waters of said river to the Missouri river, shall constitute one district, and be known as the Second Judicial District. The country west of the Mississippi river, between the line of the State of Iowa and the river Minnesota or St. Peters river, to the Missouri river, shall constitute one district, and be known as the Third Judicial District.

The Hon. Aaron Goodrich, is assigned to the First Judicial District, and will hold the courts therein. The Hon. Bradley B. Meeker, is assigned to the Second Judicial District, and will hold the courts therein. The Hon. David Cooper, is assigned to the Third Judicial District, and will hold the Courts therein.

In the First Judicial District, a District Court of the United States for the county of St. Croix, shall commence and be held at Stillwater, in said county, on the second Monday of August next, to continue one week, and the second term of said Court shall be held at the same place, on the second Monday of February, A. D. 1850., to continue one week. In the Second Judicial District, a District Court of the United States, shall be held at the Falls of St. Anthony, on the third Monday of August next, to continue one week; and a second term of the said court shall be held at the same place on the third Monday of February, A. D. 1850, to continue one week. In the Third Judicial District, a District Court of the United States shall be held at Mendota, on the fourth Monday of August next, to continue one week; and a second term of the said Court, shall be held at the same place on the fourth Monday of February, A. D. 1850, to continue one week.

Given under my hand and the seal of said Territory, at St. Paul, this eleventh day of June, A. D. 1849, and of the Independence of the United States of America, the seventy-third.

ALEX. RAMSEY.

By the Governor,
C. K. SMITH, Sec'y.

(C.)

ORDER TO TAKE THE CENSUS.

To John Morgan, Sheriff of the County of St. Croix, Minnesota Territory:

SIR:—*Whereas*, By an act of Congress, creating the Territory of Minnesota, approved March, 3d, 1849, in the 19th section thereof, it is, among other things, directed that the Governor previous to the first election, shall direct a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken: Now in pursuance of said enactment, I hereby authorize and direct you and such assistants as you may see fit to employ in said duty, after you and they shall have first taken an oath or affirmation, before some officer of the Territory, competent to administer oaths, faithfully to perform your duty in the premises, to proceed to take an accurate enumeration of all the inhabitants of the Territory of Minnesota, Indians excepted, and make a true return of such enumeration, into the office of the Secretary of the Territory, on or before the fourth day of July next. In your return, you will have in view the following districts, and designate particularly, in which of said districts, said inhabitants reside, viz: 1st. The county of St. Croix; 2d. The county of Lapointe; 3d. The country on the west of the Mississippi, from the south line of the Osakis Rapids; 4th. The country on the west of the Mississippi, north of said rapids; 5th. The country on the Red River of the North; 6th. The country on the Missouri.

In your return for the county of St. Croix, you will designate in which of the election precincts of the county said inhabitants reside. In the districts west and north of the Mississippi and the Rapids, you will give such further information in your returns as will enable me to know more particularly, the location of population. The 11th day of June, 1849, will be the date to which your enumeration and return will have reference.

For your services, you will receive such compensation as the Territorial Legislature, at its first session, may allow.

ALEX. RAMSEY, Gov. M. T.

St. Paul, Minnesota, June 11, 1849.

(D.)

CENSUS OF MINNESOTA TERRITORY,

JUNE 11, 1849.

STILLWATER PRECINCT, ST. CROIX COUNTY.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
R. B. Johnson, - - - -	1	3	4
Fedo S. Sotman, - - - -	24	1	25
George Fumer, - - - -	1	2	3
Samuel Groff, - - - -	6	3	9
H. R. McKinstry, - - - -	17	5	22
Geo. Bennet, - - - -	2	2	4
John M. Day, - - - -	3	1	4
C. Carli, - - - -	3	5	8
H. Kottenburg, - - - -	3	2	5
Abraham Smith, - - - -	1	0	1
H. Shultz, - - - -	7	0	7
P. Roberts, - - - -	10	1	11
John Collier, - - - -	1	3	4
John Hutchins, - - - -	2	2	4
Peter Poncin, - - - -	1	3	4
Richard Farmer, - - - -	2	1	3
C. Brown, - - - -	2	1	3
A. B. Sublit, - - - -	2	0	1
Lewis Carbo, - - - -	1	4	5
John H. Brewster, - - - -	8	0	8
P. H. Edwards, - - - -	36	5	41
John McKusick, - - - -	63	2	65
John Tanner, - - - -	4	2	6
C. E. Leonard, - - - -	4	1	5
William Willise, - - - -	4	1	5
A. Masterman, - - - -	1	1	2
A. Harris, - - - -	2	3	5
A. Aldridge, - - - -	1	1	2
Adam Martin, - - - -	4	1	5
Johnathan E. McKusick, - - - -	6	4	10
Samuel Burkleo, - - - -	5	1	6
Wm. Stinchfield, - - - -	3	3	6
C. Penney, - - - -	3	1	3
John Morgan, - - - -	2	2	4
Wm. Cove, - - - -	2	2	4
Jacob Shrade, - - - -	3	0	3
B. B. Cyphurs, - - - -	3	3	6
Matthew Tacey, - - - -	3	4	7
Jesse Taylor, - - - -	3	2	5

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
S. Nelson,	34	5	39
Wm. Holcomb,	3	1	4
H. Curtis,	60	15	75
M. S. Wilkinsen,	2	1	3
H. Crosby,	2	2	4
Henry Dubas,	1	3	4
Norris Roi,	1	2	3
Wm. Ganley,	18	0	18
Simon Reed,	1	0	1
Joseph Bean,	1	0	1
John Sargeant,	2	0	2
J. N. Harnish,	4	3	7
Joseph Keller,	3	1	4
Wm. Leith,	5	3	8
John Falstrong,	3	1	4
Jacob Falstrong,	3	3	6
Batteu Furnia,	1	2	3
Lewis Brunell,	3	3	6
Felix Brunell,	3	1	4
Wm. S. Boutwell,	3	3	6
Wm. Rutherford,	1	0	1
Augustus Bruce,	1	2	3
Joseph Grigridge,	3	5	8
Wm. H. Revier,	3	2	5
John Greely,	4	3	7
George Leech,	6	2	8
H. F. McAllister,	3	2	5
Gideon Clove,	3	1	4
Aaron Williams,	3	1	4
A. C. Bates,	2	0	2
D. H. Fisk,	6	4	10
John Day,	1	3	4
Geo. Illison,	1	1	2
Stores Lyman,	6	3	9
Wm. ———	2	2	4
Wm. Scott,	1	0	1
Robert Simpson,	1	0	1
C. Goold,	1	0	1
L. Goold,	1	0	1
Ward W. Folsom,	1	0	1
James Bishop,	1	0	1
Thomas Gheen,	1	0	1
Elam Greely,	1	0	1
John Bush,	1	0	1
Wm. Wilkemer.	1	0	1
	455	154	609

LAKE ST. CROIX PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Oscar Burrows,	1	1	2
Levi Hartzell,	1	3	4
David Hone,	7	3	10
C. Truax,	4	2	6
Wm. Dibble,	2	2	4
Wm. Levitt,	3	2	5
H. D. White,	3	1	4
Wm. Dobs,	3	1	4
Martin Conley	5	1	6
John Macneff,	2	3	5
Thomas McDonald,	5	2	7
Wm. Altonburg,	2	3	5
Robert Jackson,	4	0	4
George Dagnell,	2	0	2
John Bassett,	2	2	4
M. Patten,	2	2	4
Robert Kennedy,	7	2	9
John Kinney,	2	1	3
J. W. Furber,	2	1	3
J. R. Lyford,	1	0	1
J. S. Norris,	1	1	2
L. Cummings,	1	0	2
James Middleton,	3	2	5
John McHatty,	1	3	4
Alex. McHatty,	1	2	3
Sam. Middleton,	2	0	2
Mrs. Welch,	3	3	6
Wm. Johnson,	1	3	4
Lemuel Boales,	1	1	2
Andrew Mekay,	2	1	3
Joseph Haskill,	2	1	3
Joseph Bassett,	2	1	4
Francis McCoy, jr.	2	1	3
Francis McCoy,	3	2	5
Joseph Brunell,	4	2	7
Peter Billoage,	3	2	5
Peter Felix,	5	4	9
David Vanworth,	3	3	6
John Brown,	3	2	5
John Atkinson,	5	3	8
Wm. R. Brown,	3	4	7
Francis Denton,	6	1	7
Bashen Meger,	3	4	7
James Higby,	3	1	4
John A. Ford,	3	1	4
John Holton,	1	1	2
	129	82	211

MARINE MILLS PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
James Meredith,	1	3	4
Stephen Shields,	1	3	4
John Howard,	1	1	2
Martin Mower,	11	3	14
Orange Walker,	104	1	105
B. F. Otis,	5	3	8
J. Welcher,	1.	1	2
James Moore,	1.	1	2
Samuel Wells,	1	1	2
M. H. Cartmill,	1	2	3
C. Lyman,	9	4	13
W. C. D. Harrington,	3	4	7
Wilson Parker,	1	2	3
James Brown,	1	2	3
Seth Sawyer,	1	0	1
	142	31	173

SAINT PAUL PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Batteno Twepen,	2	4	6
Charles Rola,	5	3	8
Hyat Twepen,	4	1	5
John Bellow,	5	5	10
Bathan Canya,	1	4	5
George Canya,	2	3	5
Joseph Burga,	3	1	4
Joseph Allen,	4	3	7
Jack La Fare,	5	3	8
Joseph Mercer,	6	3	9
M. H. Laclare,	5	2	7
Batteno Bushman,	1	1	2
Joseph Tanbott,	2	1	3
Mab Murran,	1	2	3
B. Baldwin,	2	1	3
E. Weld,	2	0	2
Wm. Ebins,	4	3	7
Lewis Denay,	7	3	10
S. Bellanski,	2	5	7
A. McLeod,	2	3	5
Peter Craffa,	3	3	6
A. L. Larpenter,	6	3	9
Alexander La Bench,	5	2	7
Henry Jackson,	20	3	23

NUMBER OF PERSONS.	MALES.	FEMALES.	TOTAL.
Mrs. Freeman,	15	4	19
Francis Patwell,	2	3	5
H. L. Bevans,	2	1	3
Kirkpatrick,	4	3	7
Wm. H. Nobles,	9	2	11
Lott Moffatt,	29	5	33
T. A. Holmes,	2	1	3
L. N. Keach,	7	0	7
Henry Rhodes,	10	4	14
A. R. French,	4	5	9
W. H. Forbes,	5	7	12
Daniel Hopkins,	3	3	6
Austin Depue,	8	4	12
W. G. Carter,	5	1	6
Wm. Dugas,	4	1	5
Simon Powers,	4	3	7
Joshua Henry,	5	0	5
W. G. Tinker,	3	1	4
Pat Patwell,	4	5	9
Dr. Borup,	4	6	10
S. Kugan,	4	1	5
James Lowell,	9	6	15
J. R. Shepler,	1	1	2
B. W. Brunson,	2	2	4
Aaron Foster,	4	1	5
John Hawley,	2	1	3
D. C. Murray,	4	5	9
F. Sana,	5	4	9
John LaChappelle	1	3	4
J. A. Wakefield,	23	4	27
J. W. Simpson,	7	1	8
J. W. Bass,	49	6	55
Thomas Odell,	2	1	3
J. Cota,	4	1	5
C. Smith,	4	5	9
Jacob Foster,	5	4	9
J. B. Huse,	4	0	4
Hiram Downing,	4	1	5
Benjamin F. Hoyt,	6	4	10
John Depue,	4	2	6
John Megregor,	3	1	4
C. Davis,	3	1	4
James Hoffman,	4	3	7
W. Woodbury,	1	1	2
B. Gaben,	2	2	4
C. P. Scott,	4	2	6
J. M. Goodhue,	8	3	11
Michael Peter,	3	2	5
John Glenn,	6	2	8
M. Merrick,	3	3	6
C. B. Sloan,	4	5	9
R. P. Russell,	7	3	10

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Joseph Truman,	1	1	2
Levi Sloan,	2	1	3
J. R. Irvine,	20	5	25
A. Northop,	36	5	41
Levi Burgeet,	1	1	2
John Snow,	17	2	19
Luther Furnell,	3	2	5
D. C. Taylor,	3	7	10
A. B. Robinson,	2	2	4
Charles Macon,	3	3	6
Hiram Willard,	2	1	3
Louis Roberts,	9	4	13
Charles Bazill.	9	2	11
M. Root,	3	5	8
Vetal Gueren,	4	4	8
P. C. Gargeter,	14	3	17
E. Larpenteur,	5	3	8
Wyman Chatman,	2	1	3
Isaac Rose,	6	3	9
Louis Brisson,	2	2	4
S. P. Folsom,	3	1	4
Stephen Desnoyer,	3	1	4
Wyman Bolles,	1	2	3
Patrick Prim,	3	1	4
John Bailiff,	3	2	5
Jesse Jackson,	3	2	5
Scott Campbell,	4	3	7
Paskel S. Martin,	13	4	17
Levi Depue,	3	2	5
W. A. Cheever,	6	1	7
B. Provost,	4	5	9
M. M. Titlow,	2	2	4
Joseph Brownell,	4	3	7
B. Turner,	4	3	7
	540	300	840

LITTLE CANADA AND ST. ANTHONY PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
J. H. Clues,	4	4	8
David Abare,	3	5	8
Lewis Darusha,	4	2	6
Michael Laha,	9	4	13
Peter Jarvais,	6	2	8
Batteno Dona,	1	4	5
Michael Oza,	2	3	5
Pierre Paul,	5	6	11
Augustus Paul,	4	3	7
Zeug Jarvais,	6	4	10
Alfonce Jarvais,	2	1	3
Pierre Turtosha,	3	3	6
Francis Dupeu,	1	2	3
Polletto Bebeau,	7	4	11
John Vaduan,	2	3	5
John Garceau,	9	4	13
John Moseatt,	10	6	16
Pierre Placa,	5	1	6
Isaac Labescenere, <i>See Bittern</i>	1	2	3
James Labescenere,	2	6	8
Battuice Fanang,	3	4	7
Denna Plaup,	1	1	2
Frans Clouga,	2	5	7
Abraham L. Laborse,	4	4	8
J. B. Demais,	4	3	7
Alex. Duchana,	3	2	5
Fabrician Robarge,	3	4	7
Antonio Pepper,	6	3	9
Wm. Nood,	3	1	4
Mrs. Richards,	3	1	4
Antoine Bonchat,	3	2	5
X. Demmerias,	2	1	3
O. S. Martin,	6	3	9
Mrs. Gaubon,	4	4	8
Benjamin Lafou,	2	2	4
Fabrian Canter,	5	1	6
Peter Desau,	2	4	6
Charles Peny,	1	0	1
Battuice Graveling,	3	3	6
Daniel Lavallee,	1	1	2
Antonia Baria,	3	1	4
Dennis Checeau,	4	2	6
Michael Deloneas,	5	3	8
T. P. Kesler,	1	4	5
Edward Phalin,	1	0	1
Hugh McCann,	5	4	9
Mr. [unclear],	2	2	4
George [unclear],	4	2	6
H. H. Lewis,	4	2	6
Charles [unclear],	5	3	8
Labou,	2	2	4

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
E. Brissett,	3	3	6
Charles Muso,	7	4	11
John Reynolds,	7	3	10
A. Godfrey,	43	7	50
Wm. Marat,	3	3	6
Wm. D. Gitchell,	5	4	9
S. Huse,	7	5	12
R. Furnell,	10	5	15
John Stinchfield,	4	0	4
G. M. Low,	4	1	5
A. E. Coluta,	7	3	10
Rano,	5	3	8
Joseph Reach,	6	5	11
Peter Ranhino,	17	5	22
M. Reach,	1	2	3
John Banfill,	7	2	9
Wm. Line,	3	1	4
Mr. Freeborn,	5	3	8
Alex. Paul,	4	3	7
Lewis Augu,	4	6	10
Samuel Findlay,	4	3	7
	352	219	571

CROW WING AND LONG PRAIRIE PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
General Fletcher,	43	4	47
Robt. S. Lowry,	5	2	7
S. B. Lowry,	12	0	12
B. S. Claine,	2	1	3
M. L. Claine,	2	2	4
David Olmsted,	10	0	10
Charles Rice,	8	0	8
Robert Fairbanks,	7	3	10
Charles Pain,	4	3	7
John Morgan,	1	1	2
LaCare,	1	2	3
Alex. Kender,	2	3	5
Peter Manly,	2	3	5
B. Emmett,	5	2	7
J. Ellech,	1	2	3
Charles Sheffa,	4	3	7
John Pelky,	4	3	7
H. M. Rice,	23	19	42
Wm. Warren,	7	8	15
J. W. Lynde,	4	3	7
George Bouga,	22	17	39
Charles Chilbarley,	9	15	24
Viran Roy, jr.,	14	9	23

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
S. B. Olmsted,	7	5	12
V. Roy,	2	1	3
B. B. Harris,	34	4	38
	235	115	350

OSAKIS RAPIDS PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
David Gilman,	12	4	16
Antrim Gregnon,	3	3	6
Thomas White,	2	2	4
Calvin Potter	4	0	4
James Battis,	2	0	2
Antrim Roberts,	6	4	10
Wm. Sturgis,	23	4	27
Asa White,	4	0	4
Thomas F. Sloan,	7	0	7
M. Balard,	3	5	8
Peter Roy,	2	1	3
S. Spates,	2	2	4
S. G. Spencer,	2	1	3
D. S. Louis,	2	2	4
S. G. Whitten,	2	1	3
F. Cole,	2	2	4
A. Barnard,	2	2	4
D. Holt,	1	1	2
Peter Shumard,	3	3	6
F. Shumard, jr.,	1	1	2
B. Carlton,	4	1	5
John Livermore,	3	2	5
	92	41	133

FALLS OF ST. CROIX PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Donald Mears,	1	0	1
John Dabney,	1	0	1
S. Bush,	1	1	2
F. Dresser,	1	0	1
J. Dresser,	1	0	1
Henry Fuller,	1	0	1
C. Turner,	1	0	1
R. Fuller,	1	0	1
Wm. Bush,	1	0	1
Moncton,	1	0	1
Fridley,	1	0	1
James Porter,	1	0	1
G. Bush,	1	0	1
James Youce,	1	0	1
Adams,	1	0	1
	15	1	16

SNAKE RIVER PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Levi Clark,	1	2	3
H. Myers,	2	1	3
J. Brown,	1	0	1
T. Shortred,	1	0	1
D. Porter,	1	0	1
Wm. Morrison,	1	0	1
Lewis Jarva,	1	3	4
E. F. Elley,	3	3	6
Joseph Laprarie,	2	2	4
Lewis Laprarie,	1	2	3
A. Laprarie,	1	2	3
B. Laprarie,	1	2	3
Philo Cadott,	3	2	5
James Vanett,	2	2	4
J. Blackburn,	1	0	1
J. Russell,	1	0	1
F. Edley,	1	0	1
H. Burris,	1	0	1
Wm. Clark,	1	0	1
J. B. Walden,	1	0	1
Wm. Gower,	1	0	1
J. Dunn,	1	0	1
C. Fox,	1	0	1
A. Crey,	1	0	1
Wm. Blair,	1	0	1
Wm. Cobly,	1	0	1
Wm. Holmes,	1	0	1
T. Bishop,	2	1	3
F. Foster,	1	0	1
Wm. Galaspy,	1	0	1
W. Carries,	1	0	1
D. McLean,	1	0	1
G. Holt,	1	0	1
A. Warren,	1	0	1
F. Balonge,	4	3	7
J. Southard,	1	0	1
John Biggerstaff,	1	0	1
J. Smith,	1	0	1
S. G. Wauger,	1	0	1
John Carger,	1	0	1
G. H. Reed,	1	0	1
H. N. Setzer,	1	0	1
Wm. Rice,	1	0	1
H. Thomas,	1	0	1
James Dunbar,	1	0	1
Wm. Barnett,	1	0	1
Sheffy,	1	0	1
	58	24	82

LA POINT COUNTY.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
C. H. Boles, - - -	3	2	5
Mr. Carter, - - -	2	1	3
Mrs. Hote, - - -	1	1	2
Battuce Londre, - - -	2	2	4
Mr. Metegunk, - - -	2	2	4
Mr. Severan, - - -	1	1	2
John Johnson, - - -	1	1	2
	12	10	22

BIG STONE LAKE AND LAC QUI PARLE PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
N. Fuserere, - - -	1	2	3
A. Fuserere, - - -	3	3	6
Joseph Labell, - - -	2	2	4
J. Dummire, - - -	4	2	6
A. Roi, - - -	2	2	4
Levi Bird, - - -	1	2	3
J. Rainville, - - -	3	6	9
A. Rainville, - - -	1	4	5
M. McLeod, - - -	2	3	5
Vetal Rayee, - - -	2	1	3
J. Pettijohn, - - -	2	2	4
S. R. Riggs, - - -	3	4	7
M. M. Adams, - - -	1	1	2
J. B. Boquet, - - -	1	0	1
F. Clouthen, - - -	1	0	1
Macaron, - - -	1	0	1
G. Raneville, - - -	1	1	2
M. Raneville, - - -	1	0	1
J. Hass, - - -	1	0	1
	33	35	68

LITTLE ROCK PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
J. Lafromboise,	3	4	7
J. Lature,	2	0	2
J. Bosorias,	1	0	1
H. Hopkins,	3	4	7
A. Y. Huggins,	3	3	6
J. Potter,	3	4	7
J. Provencalla,	2	0	2
Alex. Gealian,	2	0	2
J. F. Roi, sr.,	1	0	1
	20	15	35

CROW WING PRECINCT.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
C. H. Benton,	3	2	5
M. Monegar,	2	1	3
J. B. Laundre,	2	1	3
Joseph Laundre,	1	1	2
F. Ranson,	3	2	5
J. Chamette,	2	1	3
J. Morrison,	3	3	6
G. Savage,	2	2	4
C. Chausette,	4	1	5
B. Jousdon,	2	0	2
J. H. Fairbanks,	5	3	8
F. Louis,	2	4	6
J. Jousdon,	1	0	1
P. Jousdon,	3	3	6
E. Jousdon,	1	0	1
B. La Joddon,	7	2	9
J. B. Lafoult,	1	2	3
Joseph Roy,	2	2	4
J. Montressa,	4	3	7
B. La Grande,	1	0	1
J. La Grande,	1	0	1
J. Cowen,	1	0	1
J. Rupel,	2	1	3
H. Brissett,	2	2	4
M. Bousgrette,	1	1	2
A. Roy,	1	1	2
A. Binon,	1	0	1
A. Defret,	1	0	1
G. Fairbanks,	1	1	2
J. Monterville	2	1	3
P. Beaubean,	3	2	5

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
J. B. St. John.	1	2	3
D. McDonald,	7	3	10
J. Donette,	3	7	10
J. Sayer,	1	0	1
S. Sayer,	1	1	2
F. Roy,	1	0	1
B. Roy,	2	1	3
A. Cadotte,	1	0	1
J. Dufarst,	1	2	3
A. Belogne,	4	5	9
J. B. Belogne,	4	2	6
J. Belogne,	3	0	3
A. Belogne, sen.,	1	0	1
M. Bennais,	2	0	2
Mrs. Dingley,	2	5	7
G. Totosho,	2	1	3
	103	71	174

PRAIRIEVILLE. *Shatelle*

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
J. J. Pond,	2	4	6
J. Moora,	2	2	4
Oliver Fanbott,	1	4	5
J. Montreal,	2	3	5
C. Mette,	1	0	1
E. Etlar,	1	0	1
	9	13	22

OAK GROVE.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
G. J. Pond,	5	5	10
M. S. Titus,	1	0	1
J. A. D. Godfrey,	2	2	4
P. Shatelle,	1	1	2
Peter Quinn,	3	1	4
Oliver Flunie,	1	0	1
Jos. Rissati,	1	0	1
	14	9	23

BLACK DOG VILLAGE.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
H. Moore,	2	2	4
L. Martin,	4	7	11
L. B. McLean,	1	2	3
	7	11	18

CROW WING, EAST SIDE.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
John McDallas,	3	5	8
F. Brunelle,	1	2	3
J. Brunna,	6	3	9
H. St. Clair,	2	1	3
F. Agus,	1	3	4
Allen Morrison,	3	6	9
John McCullens,	2	6	8
William Aitkins,	9	5	14
J. Lowry,	4	4	8
C. Peller,	4	0	4
	35	35	70

MENDOTA.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
F. Gamelle,	3	1	4
A. Raveux,	1	0	1
E. Lagrande,	1	0	1
C. McClellage,	1	0	1
H. Belland,	3	6	9
Wenona,	0	1	1
H. M. Rice,	3	3	6
J. B. Ferribault,	5	1	6
N. Paguene,	1	0	1
Louis Laramie,	2	2	4
H. H. Sibley,	4	7	11
Alex. Ramsey,	2	2	4
Joseph Millard,	2	0	2
Joseph Robennette,	5	4	9
H. Dupreis,	4	6	10
Alex. Bailly,	1	0	1
P. Soulard,	1	0	1

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Bagal Beaubien, - - -	1	0	1
George Lenan, - - -	1	0	1
Alex. Ferribault, - - -	5	5	10
Joseph Daganais, - - -	1	0	1
Antonio You, - - -	3	3	6
Louis Vapare, - - -	1	0	1
Charles St. Antoine, - - -	5	4	9
A. Conoyu, - - -	4	1	5
S. Conoyu, - - -	1	3	4
J. B. Ceudit, - - -	2	1	3
P. Bibiare, - - -	1	0	1
L. Lavala, - - -	1	0	1
Louis Towen, - - -	1	0	1
P. St. Martin, - - -	1	0	1
J. B. Lavalla, - - -	1	0	1
L. Peloqui, - - -	1	0	1
Clement Ladbois, - - -	1	0	1
Louis Furber, - - -	1	0	1
	74	50	122

CROW VILLAGE. *Wapikwan*

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Thos. Williamson, - - -	4	4	8
Andrew Robertson, - - -	5	3	8
	9	7	16

RED WING VILLAGE.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
O. Rascue, - - -	4	3	7
P. Campbell, - - -	4	3	7
J. Frasure, - - -	1	0	1
B. Young, - - -	2	1	3
Bush, - - -	2	1	3
Akins, - - -	1	2	3
Handcock, - - -	1	2	3
B. Campbell, - - -	1	0	1
Freden, - - -	4	1	5
	20	13	33

WABESHAW AND ROOT RIVER.

(Names Lost.)

NAMES OF PLACES.	MALES.	FEMALES.	TOTAL.
Wabeshaw, - - -	68	32	100
Root River, - - -	10	4	14
	78	36	114

FORTS SNELLING AND GAINES.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Franklin Steele, - - -	5	7	12
P. Prescott, - - -	7	5	12
Ft. Snelling, soldiers, - - -	158	0	158
Women and children, - - -	9	33	42
Ft. Gaines, soldiers, - - -	100	0	100
Women and children, - - -	0	17	17
To be added to Marine Mills, - - -	14	0	14
	293	62	355

PEMBINA, RED RIVER.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
B. Parisen, - - -	4	7	11
Gie Yace, - - -	4	7	11
Michael Cline, - - -	6	4	10
V. Varsalie, - - -	1	4	5
Arcine Mouset, - - -	2	1	3
Michael Granbois, - - -	1	2	3
Charles Hoole, - - -	5	9	14
Joseph Doplune, - - -	2	4	6
Francois St. Pierre, - - -	3	8	11
Chas. Azure, - - -	4	4	8
Jos. D. Contrim, - - -	4	7	11
Jos. Nolen, - - -	5	5	10
Charles Grant, - - -	2	2	4
Pierre D. Contrim, - - -	2	2	4
Hyacin Parisen, - - -	1	2	3
Louis Goodin, - - -	5	4	9
Aug. Parisen, - - -	3	2	5
V. Grant, - - -	1	4	5
Jos. Montreal, - - -	6	6	12

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
Antonio Azure,	3	7	10
V. Parisen,	1	4	5
Louis Smith,	1	4	5
Joseph Moren,	2	4	6
Gabriel Azure,	1	2	3
Michael Alarie, sen.,	2	4	6
M. Alarie, jr.,	2	2	4
John Swame,	3	3	6
J. B. Wilkie,	5	7	12
Pierre Azure,	3	3	6
Renne Burge,	2	1	3
Jos. Rotelle,	2	1	3
Gilbert Berrean,	3	3	6
J. B. Fontane,	3	6	9
Antoine L. Rock,	3	4	7
V. Parenteau,	3	2	5
Pierre Vandal,	3	4	7
Jos. Vandal,	3	3	6
A. Degarlais, sen.,	2	1	3
A. Degarlais, jr.,	2	2	4
Jos. Parenteau,	5	5	10
Jos. Richotte,	3	4	7
J. B. Martel,	3	5	8
Michael Ducept,	3	1	4
Paul Larant,	1	1	2
Antonio Blow,	2	2	4
Francois Masson,	1	2	3
Jos. Nedo,	3	4	7
Edward Largis,	2	2	4
V. Largis,	0	3	3
Jos. Faisan,	3	4	7
Francois Reinville,	4	5	9
Jos. Reinville,	2	2	4
F. Demarius,	5	5	10
Jos. Frederick,	3	2	5
Jean B. Cardinal,	3	5	8
Jos. D. Coteau,	5	5	10
J. B. Cloutier,	3	3	6
Jos. Adam,	3	3	6
Joseph Cadotte,	2	3	5
Francois Vivier,	2	3	5
A. Belanger,	3	4	7
Pierre Savouyard,	3	3	6
Jos. Picard,	2	1	3
J. Simon Belgard,	3	2	5
Pierre Besar,	3	5	8
Etienne Couptors,	2	4	6
Louis D. Couteau,	2	2	4
Jos. Laverdine, sen.,	1	2	3
Paulet Picar,	2	2	4
P. Laverdine,	3	3	6
Jos. Laverdine, jr.,	4	5	9

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
J. B. Charet,	4	3	7
Antoine Ploof,	3	3	6
Alexis Billgard, sen.	3	2	5
Alexis Billgard, jr.,	1	1	2
Antoine Hool,	7	2	9
Antoine L. Royne,	4	2	6
F. D. Loum,	4	4	8
P. Pettier, sen.,	6	6	12
P. Pettier, jr.,	1	1	2
Louis Henry,	1	3	4
P. Peltier,	3	2	5
Jos. Hamelin,	3	4	7
Jos. Azure,	3	4	7
M. Patman,	3	8	11
Jos. Battineace,	5	4	9
F. Lengre,	5	3	8
Jacque Hamelin,	6	6	12
J. B. Hamelin,	2	1	3
Louis Vapear,	2	1	3
Joseph Fayant,	3	2	5
Frau Savouyard,	2	3	5
Aug. Joselin,	2	1	3
Andia Vesseur,	2	1	3
P. D. Namme,	5	4	9
Francois Annet, jr.,	4	1	5
Francois Annet, sen.,	2	1	3
J. B. Valle,	4	1	5
Charles Goulet,	1	1	2
Pascal Montour,	1	3	4
Jos. Leudry,	2	5	7
Wm. McGills,	2	2	4
Antoine Guigres,	3	4	7
Norman W. Kitson,	6	2	8
	295	342	637

MISSOURI RIVER.

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
V. H. Schlegel,	1	0	1
Pierre Myer,	1	0	1
August Belangon,	1	0	1
Pierre Lagainne,	1	0	1
Jan Brasso,	1	0	1
Moril Areun,	2	2	4
Henry Ange,	2	6	8
F. Lacharette,	1	1	2
F. Berceis,	2	2	4
Batis Catalaini,	1	0	1

NAMES OF PERSONS.	MALES.	FEMALES.	TOTAL.
A. Traversis,	4	2	6
F. Joudrona, jr ,	2	2	4
F. Jondrona, sen.,	2	0	2
T. J. Brougrin,	5	3	8
James Anyotte,	2	0	2
J. Treedo,	1	0	1
Paul Doise,	2	0	2
Joseph Menare,	3	4	7
F. Lerondille,	2	3	5
Batis St. Pierre,	2	4	6
Alexander Young,	1	1	2
J. Laconnette,	3	1	4
F. Cardanelle,	2	1	3
J. Dousette,	3	2	5
Joseph Maxwell,	1	2	3
Joseph Roulo,	1	1	2
	49	37	86

RECAPITULATION.

NAMES OF PLACES.	MALES.	FEMALES.	TOTAL.
Stillwater,	455	154	609
Lake St. Croix,	129	82	211
Marine Mills,	142	31	173
St. Paul,	540	300	840
Little Canada and St. Anthony,	352	219	571
Crow Wing and Long Prairie,	235	115	350
Osakis Rapids,	92	41	133
Falls of St. Croix,	15	1	16
Snake River,	58	24	82
La Pointe County,	12	10	22
Crow Wing,	103	71	174
Big Stone Lake and Lac Qui Parle,	33	35	68
Little Rock,	20	15	35
Prairieville,	9	13	22
Oak Grove,	14	9	23
Black Dog Village,	7	11	18
Crow Wing, east side,	35	35	70
Mendota,	72	50	122
Crow Village,	9	7	16
Red Wing Village,	20	13	33
Wabeshaw and Root River,	78	36	114
Fort Snelling,	26	12	38
Soldiers and women and children in forts,	267	50	317
Pembina,	295	342	637
Missouri River,	49	37	86
	3,067	1,713	4,680

ST. PAUL, MINNESOTA TERRITORY, JULY 4, 1849.

I hereby certify that the foregoing enumeration of the inhabitants of the Territory of Minnesota is correct, so far as I have taken it. Pembina and the Missouri River settlements, are not yet returned; owing to want of time. They will be placed in the Secretary's office as soon as they come to hand.*

JOHN MORGAN,

Sheriff of St. Croix County, M. T.

(E.)

A PROCLAMATION,

BY ALEXANDER RAMSEY, GOVERNOR OF THE TERRITORY OF MINNESOTA.

To all whom it may concern:

WHEREAS, In and by the 4th section of the act of Congress of the United States, entitled "An act to establish the Territorial Government of Minnesota:" approved March 3d. 1849, It is enacted, that the Legislative power and authority of said Territory shall be vested in a Governor and Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of nine members, having the qualifications of voters as hereinafter prescribed, whose terms of service shall continue two years. The House of Representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the Council and whose terms of service shall continue one year. The number of Councillors and Representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of population: *Provided*, That the whole number shall never exceed fifteen Councillors and thirty nine Representatives. An apportionment of them shall be made as nearly equal as practicable, among the several counties or districts for the election of the Council and Representatives, giving to each section of the Territory, representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the Council and the House of Representatives shall reside in, and be inhabitants of, the district for which they may be elected respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner as the Governor shall appoint and direct; and he shall at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under the act. The number of persons authorized to be elected, having the highest number of votes in each of said Council districts, for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the person or persons authorized to be elected, having the greatest number of votes for the House of Representatives equal to the number to which each county or district shall be entitled, shall be declared by the Governor, to be elected members of the House of Representatives: *Provided*, That in case of a tie between two or more persons voted for, the Governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly, shall meet at such place, and on such day, as the Governor shall

*The returns of these settlements were made in due time, the former by N. W. Kittson, and the latter by E. Brissett. It will be seen they have been properly placed in the preceding tables.

appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council or House of Representatives, according to the population, shall be prescribed by law, as well as the day of the commencement of the Legislative Assembly: *Provided*, That no one session shall exceed the term of sixty days.

And, also, in the 8th section of the said act of Congress, it is among other things provided, that "no person holding a commission or appointment under the United States, except Postmaster, shall be a member of the Legislative Assembly, or hold any office under the Government of said Territory.

And by the 14th section of the same act, it is further provided, "That a delegate to the House of Representatives of the United States, to serve two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives. The first election to be held at such time and places, and be conducted in such manner as the Governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes, shall be declared by the Governor, to be duly elected, and a certificate thereof, shall be given accordingly."

Now, in pursuance of the duty enjoined upon me as aforesaid, I hereby order and direct, that an election be held on Wednesday, the first day of August next, between the hours of nine o'clock A. M., and six o'clock P. M., at their usual places of voting, and such other places as are hereafter indicated, by the qualified voters of the Territory of Minnesota, who shall choose by ballot:

One Delegate to represent the people of Minnesota, in the House of Representatives of the United States.

And the qualified voters residing in the several Council Districts, shall choose by ballot at the time and places aforesaid, such number of Councillors and Representatives as said districts may be entitled to, as follows, viz:

The St. Croix Precinct, of the county of St. Croix, and the settlements on the West bank of the Mississippi, south of the Crow Village to the line of Iowa, shall constitute the First Council District and be entitled to one Councillor and two Representatives in the Legislative Assembly.

The Stillwater Precinct of the County of St. Croix, shall constitute the Second Council District, and be entitled to one Councillor and three Representatives in the Legislative Assembly.

The St. Paul Precinct of the county of St. Croix (except the Little Canada Settlement) shall constitute the Third Council District, and be entitled to two Councillors and four Representatives in the Legislative Assembly.

The Marine Mills, Falls of St. Croix, Rush Lake, Rice River, and Snake River Precincts of the County of St. Croix, and the county of La Pointe, shall constitute the Fourth Council District and be entitled to one Councillor and one Representative in the Legislative Assembly.

The Falls of St. Anthony Precinct and the Little Canada Settlement of the Precinct of St. Paul, in the county of St. Croix, shall constitute the Fifth Council District, and be entitled to one Councillor and two Representatives in the Legislative Assembly. Said Little Canada Settlement is hereby declared to include all that part of the Precinct of St. Paul, North of an east and west line, drawn three miles above the south line of township twenty-nine, (29.)

The Sauk Rapids and Crow Wing Precincts of the county of St. Croix and all the settlements west of the Mississippi, and on the north of the Osakis river, and north of a due west line from the head waters of said river to the

northern line of the Territory, shall constitute the Sixth Council District, and be entitled to two Councillors and four Representatives in the Legislative Assembly.

The country and settlements west of the Mississippi, not included in the First and Sixth Council Districts shall constitute the Seventh Council District, and be entitled to one Councillor and two Representatives in the Legislative Assembly.

And it is hereby further ordered and directed, that the qualified voters of that portion of the First Council District, west of the Mississippi, shall hold their election at the house of Augustine Rock, at Lake Pepin.

The qualified voters of that portion of the Sixth Council District west of the Mississippi will vote at the following places, viz: The voters of Long Prairie, will vote at the trading house of Olmsted & Rhodes, at said place. All voters north of the Crow Wing river and east of the Red River of the north, will vote in the Crow Wing Precinct of the county of St. Croix. The voters on the Military Reserve, west of the river, will also vote in the Crow Wing Precinct of the county of St. Croix. The voters on the west side of the Red River of the north, and on the Pembina river, will vote at the trading house of Norman W. Kittson, at Pembina.

The qualified voters of the Fifth Council District residing at the Little Canada Settlement, will hold their election at the Mill of Benjamin Gervais, in said settlement.

The qualified voters of the Seventh Council District, will vote at the following places, viz: The voters at Mendota, Fort Snelling, Black Dog village, Prairieville, Oak Grove, Traverse de Sioux, and Crow village, at the lower ware-house in Mendota.

The voters at Lac-qui-Parle, Big Stone Lake, and Little Rock, at the house of Martin McLeod, at Lac-qui-Parle.

The election at the several polls shall be opened, organized, and conducted in all respects as required by the laws in force in the Territory of Wisconsin, at the date of the admission of the state of Wisconsin, except as may be otherwise provided, by the organic law of the Territory or this proclamation; and the officers conducting said election shall make a proper return of the persons voted for, in their respective districts, as well as the number of votes they each received, into the office of the Secretary of the Territory of Minnesota, at St. Paul, on or before Tuesday, the 14th day of August next.

The qualifications of voters shall be as set forth in the 5th Section of the organic law of the Territory as follow, viz:

Sec. 5. And be it further enacted, That every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office, shall be exercised only by citizens of the United States, and those who shall have declared on oath, their intention to become such, and shall have taken an oath to support the constitution of the United States and the provisions of this act."

At all places of election herein provided for, out of St. Croix, and in such of the precincts or voting places in said county, as have not been organized, the qualified voters present at the respective places of election at the time of opening of the polls, shall then and there proceed to elect or appoint three capable and discreet persons, possessing the qualifications of electors, to act as judges of the election, and said judges shall choose two persons having similar qualifications with themselves, to act as clerks of the election.

The attention of voters and of officers of elections, is particularly called, to portions of the law of the late Territory of Wisconsin, entitled "An act to provide for, and regulate general elections," which are hereby made applicable and declared to be in force at the ensuing election, to wit, as follows;

"Previous to votes being taken, the judges and clerks of the election shall severally take an oath in the following form, to wit: I, A. B., do solemnly swear (or affirm, as the case may be) that I will perform the duties of judge (or clerk, as the case may be) according to law and to the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same."

"In case there shall be no Judge or Justice of the Peace present at the opening of the election, or in case such Judge or Justice shall be appointed judge or clerk of the election, it shall be lawful for the judges of the election, and they are hereby empowered, to administer the oath to each other, and to the clerks of the election, and the person administering oaths shall cause an entry thereof to be made and subscribed by him, and prefixed to the poll books.

"For the preservation of order, as well as to secure the judges and clerks from insult and abuse, it shall be the duty of the constable or constables, residing in the town or district, who shall be designated for the purpose, by the judges of the election, to attend all elections within such town or district; and should no constable attend at such election, the judges of election are hereby authorized and empowered, to appoint one or more special constables to assist in preserving order during the election; and the judges are authorized to enforce a fine, not exceeding twenty dollars, on any person or persons, who shall conduct in a riotous or disorderly manner, and shall persist in such conduct, after having been warned of the consequences, and on refusal to pay the same, to commit him or them to the common jail of the county of St. Croix, for any time not exceeding six days, or until the fine shall be paid; and the constable to whom the order shall be directed, and the jailer of the county, are hereby directed to execute said order, and receive such person or persons so committed, as though it had been issued by a magistrate in due form of law.

The votes shall be publicly examined, and counted immediately after the closing of the polls, and the clerks shall set down in their poll-books, the name of the person voted for, written at full length; the office for which such person received such vote or votes; and the number he did receive; the number being expressed at full length; such entry to be made, as near as circumstances will admit, in the following form, to wit:

At an Election held at the house of _____ at _____
in the _____ Council District of the Territory
of Minnesota, on the first day of August, A. D. 1849, the following named persons received the number of votes annexed to their respective names, for the following described offices, to wit:

- | | |
|-----------|---|
| A. B. had | votes for Delegate to Congress. |
| C. D. had | votes for member of the Council. |
| E. F. had | votes for member of the House of Representatives. |

Certified by us,
A. B. }
C. D. } Judges of Election.
E. F. }

Attest: }
G. H. } Clerks of Election.
I. J. }

The Judges of the election, shall then enclose and seal one of the poll books under cover, directed to the Secretary of the Territory; and the packet thus sealed shall be conveyed by one of the Judges or Clerks of the election, to be

determined by lot, if they cannot otherwise agree—or it may be sent, on this occasion by some trustworthy person, duly authorized in writing by the election board—and delivered to the said Secretary of the Territory, at his office in St Paul, on or before the 14th day of August next; and the other poll book shall be deposited with one of the Judges of the election, to be determined as aforesaid. And the said poll book shall be subject to the inspection of any elector who may wish to examine it. And if any Judge or Clerk of an election, after having been deputed by the Judges of election at which he shall have served as Judge or Clerk, to carry the poll book of such election to the Secretary of the Territory, or if any other person deputed and agreeing to perform such service, shall fail, or neglect to deliver such poll book to the said Secretary, he shall, for every such offence, forfeit and pay the sum of five hundred dollars for the use of the Territory, to be recovered by an action of debt, in the name of the Territory, in the proper District Court.

“There shall be allowed out of the Territorial Treasury, to be paid by the Secretary of the Territory to the several Judges and Clerks of election, a compensation of two dollars each; and to the person carrying the poll book from the place of election to the Secretary’s office, the sum of five cents per mile for going and returning. The Clerks of the election will also be allowed such compensation as may be deemed just, for any stationery such Clerks may furnish for the purposes of the election.”

And the persons elected to the Council and House of Representatives, respectively, will meet in Legislative session, on the first Monday in September next, at the house provided for the purpose, at the corner of St. Anthony and Minnesota streets, in the town of St. Paul.

Given under my hand, and the Great Seal of the Territory of Minnesota, at St. Paul, this seventh day of July, A. D. eighteen hundred and forty nine, and of the Independence of the United States of America, the senventy-fourth.

By the Governor,
C. K. SMITH, Sec’y.

ALEX. RAMSEY.

(F.)

A PROCLAMATION,

BY ALEXANDER RAMSEY, GOVERNOR OF THE TERRITORY OF MINNESOTA.

To all whom it may concern:

WHEREAS: By the returns on file in the office of the Secretary of the Territory, of an election held in the Several precincts of the Territory of Minnesota, in pursuance of the directions of the organic law, by the qualified voters of said Territory, on Wednesday, the first day of August, one thousand eight hundred and forty nine, it appears that H. H. Sibley received a majority of all the votes polled, for Delegate to the House of Representatives of the United States:

And, Whereas, by the fourteenth section of the act of Congress, entitled “An act to establish the Territorial Government of Minnesota,” approved March 3d, 1849, it is provided, “that a Delegate to the House of Representatives of United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such time and places, and be conducted in such manner as the Governor shall appoint and

direct; and at all subsequent elections, the times, places and manner of holding such election, shall be prescribed by law. The persons having the greatest number of votes, shall be declared by the Governor to be duly elected, and a certificate thereof, shall be given accordingly."

Now, in pursuance of the duty enjoined upon me, as aforesaid, I hereby declare that H. H. Sibley, having received the greatest number of votes, is duly elected the Delegate to the House of Representatives of the United States, for the Territory of Minnesota.

Given under my hand, and the Great Seal of the Territory of Minnesota, at St. Paul, this 17th day of August, A. D. 1849, and of the Independence of the United States of America, the seventy-fourth.

By the Governor,

ALEX. RAMSEY.

C. K. SMITH, Sec'y.

(G.)

A PROCLAMATION,

BY ALEXANDER RAMSEY, GOVERNOR OF THE TERRITORY OF MINNESOTA.

To all whom it may concern.

WHEREAS: By the returns on file, in the office of the Secretary of the Territory, of an election held in the several Council Districts of the Territory of Minnesota, in pursuance of the directions of the Organic Law, by the qualified voters of said Territory, on Wednesday, the first day of August, 1849, it appears, that in the First Council District, James S. Norris received the highest number of votes for member of the Council, and Joseph W. Furber and James Wells received the highest number of votes for members of the House of Representatives.

In the Second Council District, Samuel Burkleo received the highest number of votes for member of the Council, and Morton S. Wilkinson, Sylvanus Trask and Mahlon Black received the highest number of votes for members of the House of Representatives.

In the Third Council District, William H. Forbes and James McBoal received the highest number of votes for members of the Council, and Benjamin W. Brunson, Henry Jackson, John J. Dewey and Parsons K. Johnson received the highest number of votes for members of the House of Representatives.

In the Fourth Council District, David B. Loomis received the highest number of votes for member of the Council, and Henry N. Setzer received the highest number of votes for member of the House of Representatives.

In the Fifth Council District, John Rollins received the highest number of votes for member of the Council, and William R. Marshall and William Dugas received the highest number of votes for members of the House of Representatives.

In the Sixth Council District, David Olmsted and William Sturges received the highest number of votes for members of the Council, and Jeremiah Russell, Lorenzo A. Babcock, Thomas A. Holmes and William Sturges received the highest number of votes for members of the House of Representatives.

And in the Seventh Council District, Martin McLeod received the highest number of votes for member of the Council, and Alexis Bailly and Gideon H. Pond received the highest number of votes for members of the House of Representatives.

And WHEREAS, By the 4th section of the act of Congress, entitled "an Act to establish the Territorial Government of Minnesota;" approved March

3d, 1849, it is among other things, provided, that "The number of persons authorized to be elected, having the highest number of votes in each of said Council Districts for members of the Council, shall be declared by the Governor, to be duly elected to the Council; and the person or persons authorized to be elected, having the greatest number of votes for the House of Representatives, equal to the number to which each county or district, shall be entitled, shall be declared by the Governor, to be duly elected members of the House of Representatives." Now in pursuance of the duty enjoined upon me as aforesaid, I hereby declare James S. Norris, Samuel Burkleo, William H. Forbes, James McBoal, David B. Loomis, John Rollins, David Olmsted, William Sturgis and Martin McLeod, are duly elected to the Council of the Territory of Minnesota.

And that Joseph W. Furber, James Wells, Morton S. Wilkinson, Sylvanus Trask, Mahlon Black, Benjamin W. Brunson, Parsons K. Johnson, Henry Jackson, John J. Dewey, Henry N. Setzer, William R. Marshall, William Dugas, Jeremiah Russell, Lorenzo A. Babcock, Thomas A. Holmes, William Sturgis, Alexis Bailly and Gideon H. Pond, are duly elected members of the House of Representatives of the Territory of Minnesota.

Which said persons elected to the Council and House of Representatives respectively, will meet in Legislative session on the first Monday, being the third day of September next, at the house provided for the purpose, in the Town of St. Paul.

Given under my hand, and the great seal of the Territory, of Minnesota, at St. Paul, this 17th day of August, 1849; and of the Independence of the United States of America, the seventy-fourth.

By the Governor,

ALEX. RAMSEY.

C. K. SMITH, Sec'y.

To his Excellency, Alexander Ramsey, Governor of Minnesota Territory:

SIR:—Having by your proclamation of the 17th instant, been declared duly elected to both branches of the Legislature from the Sixth District, I deem it my duty, and hereby do resign my right and privilege to a seat in the House of Representatives from this District.

I have the honor to be your Excellency's most obd't. serv't.

WM. STURGES.

ST. CROIX Co., M. T. AUG. 21, 1849.

To his Excellency, Alexander Ramsey, Governor of the Territory of Minnesota:

The undersigned petitioners, resident voters in the Sixth Council District, in said Territory, beg leave to represent that the Hon. William Sturges having declined the seat in the lower branch of the Legislature of the Territory, to which he was declared elected by your proclamation of the 17th instant. This district is thereby deprived of a share in its representation in the Territorial Legislature; we would, therefore, respectfully ask that your Excellency will, at as early a day as practicable, order a new election to fill said vacancy.

And as in duty bound, your petitioners will ever pray.

DAVID OLMSTED,
T. B. LOWRY,
C. POTTER,
CHARLES MENAGRE,
DAVID GILMAN,
ISAAC MARKS.

SAUK RAPIDS, AUG. 25, 1849.

SIR:—Enclosed, you will please find a petition from some of the citizens of this district, praying your Excellency to order a new election to supply the vacancy occasioned by the resignation of Mr. Sturges.

I would respectfully suggest, should you see proper to order a new election, that it be held as soon as practicable—say 3d of September.

Very respectfully, your Excellency's most obd't serv't.

DAVID OLMSTED.

OFFICE OF SECRETARY, M. T. }
St. Paul, Sept. 10, 1849. }

I hereby certify the foregoing to be true copies, &c.

C. K. SMITH, Sec'y. M. T.

A PROCLAMATION,

BY ALEXANDER RAMSEY, GOVERNOR OF THE TERRITORY OF MINNESOTA;

To the qualified voters of the Sixth Council District:

WHEREAS, By a paper on file in the office of the Secretary of the Territory, dated August 21st, A. D. 1849, it appears that William Sturges, elected a member of the House of Representatives of the Legislative Assembly from the Sixth Council District, declines said office; and

WHEREAS, A petition of citizens of said district, has been presented, asking the Governor to issue his proclamation ordering an election to supply the vacancy thus created,

Now it is hereby ordered and directed that an election be held in the Sixth Council District, on Saturday, the 8th day of September next, at the several places of election in said district, as ordered in the election proclamation of the 7th of July last; the election to be opened, conducted and closed, and returns made out in the time and manner as provided in said proclamation.

The qualifications of voters will be the same as set forth in said proclamation. The judges and clerks that officiated at the election on the 1st day of August, inst., will officiate at this election, and should there be any vacancy in the board of officers, the same will be filled in the manner provided in the proclamation of 7th July last.

The returns of the election will be made to the office of the Secretary of the Territory, on or before Tuesday, the 11th day of September next.

Given under my hand and the Great Seal of the Territory of Minnesota, at St. Paul, this 29th day of August, A. D. 1849, and of the Independence of the United States of America, the seventy-fourth.

By the Governor,
C. K. SMITH, Sec'y.

ALEX. RAMSEY.

MEMORIAL FROM THE HALF BREEDS OF PEMBINA.

To his Excellency, Alexander Ramsey, Governor of Minnesota Territory:

We the undersigned Half Breeds of Pembina, on the Red River Territory of Minnesota, having learned with joy that you have been chosen Governor of said Territory, address ourselves to you, to supplicate you to use a portion of the influence you possess with the high authorities of the General Government, to obtain for us certain privileges, viz:

1st. That the Territorial line between the Republic of the United States and the British possessions at the point where we reside, be verified, or rather re-drawn by competent authority. We are here, near the line, and we entertain the opinion that the spot marked out heretofore by Maj. Long, abandons to the British a part of the American Territory, of which fact, we are better assured by observations since made. This uncertainty, so far as the exact line is concerned, is a great source of perplexity, as it prevents us from making a proper division of our lands, and imposes upon us an unnecessary expense in the erection of our buildings. Moreover, the line not having been fixed by the authority of the two powers, we are subjected to violations of personal rights, as well as the laws of nations; the authorities of the Hudson Bay Company, making no scruple of seizing individuals on this side of the line, even in our houses, and on territory which is incontestably American, or a dependency of the United States. This is an abuse of power, committed under the pretext that the line has not been judicially fixed.

2d. That it may please the Government to cause the lands in this district to be sold, to the end that strangers, as well as natives may establish themselves permanently. The fertile soil of this region no longer remains unproductive, and our colony increases in population through the inducements offered for trade and commerce.

3d. That Courts of Justice may be constituted, and civil officers sent among us. Our settlement, although rapidly increasing, the population even now being somewhat more than one thousand souls, we have no person legally authorized to act, nor properly instructed in the law, to settle differences which arise from time to time, in an infant colony. This evil, unless speedily remedied, will, without doubt, be detrimental to the prosperity of our country as well as to the happiness and unity of its residents.

4th. That British subjects be excluded from hunting on our lands. The Hudson Bay Company is so arbitrary, that whatever person purchases furs on the other side of the line, is immediately seized and incarcerated; we are not even permitted to take a piece of wood from that side, while the people from that side come to hunt three or four hundred miles south of the line, and of course, within the Territory of the United States, taking back with them twice a year, thousands of pounds sterling in value, and thousands of Buffalo, (Pemmican,) thus ruining the game on our prairies in defiance of all right. The ill will of the Hudson Bay Company towards us is so great, that they even refuse to take the coin of the United States, in order to straighten us in the trade which might otherwise be carried on between two settlements so near to each other.

5th. That Congress would please to make some arrangements with the British Government for the absolute interdiction of spirituous liquors, which are now distributed in abundance by the Hudson Bay Company among all the Indian tribes, and even by their emissaries or subjects, upon American soil; which is the cause of the ruin, the cause of the poverty, and of the demoralization of those tribes, and of abominations unfit to be named.

6th. That the Government will please to erect a fort at this place, to be occupied by several companies of soldiers for the protection of the country, and to cause the rights of the people to be respected by those who for so long a period have been accustomed to violate them.

This is the entrance door to the United States. British subjects go each year to the United States to exchange their products, which enter without any payment of duties, while the taxes fixed upon articles imported from the United States are exorbitant, and are extorted so soon as they reach British ground.

Furthermore, we have no capitalists who are able to purchase the products of the soil and of the chase; the American Government, in protecting this colony, and causing its rights to be respected on the part of its haughty neighbors, will feed, by the public works which will be necessary, as well the laborer as the mechanic, and make us rejoice in the prosperity which a wise policy always brings to the numerous Americans.

If by your influence, and the great interest which you manifest for the good of all the inhabitants of the Territory, you obtain for us these favors, before two years are passed, we will number here more than five thousand souls, who escaping joyfully from the state of slavery in which they were held by a stern necessity, will come here to enjoy the sweets of liberty to them at present unknown, and who will consider you as their liberator.

Signed by one hundred persons.

(Signed.)

GUS. BELCOURT, Missionary Priest.

NOTE.—The signatures annexed are those of the principal hunters, who have returned in advance of the main body, and they express the general and unanimous desire of all.

Jas. Rolette,
Larcis Rulle,
Jas. Nolin,
Nosburt Larence,
J. B't. Wilky,
B't. Diemont,
Jos. Laverdau,
Solomin Hamelin,
Pr'e. Pelletin,
Jas. Morin,
Pr'e. Pelletin, jr.,
S. Godom,
Aug. Vandal,
Pr'e. Desubeaur,
Pr'e. Savoyard,
Jas. Frener,
Fr's. Vivier,
J. Bt. Vallier,
J. Bt. Lafournaide,
Hyacinth Parinces,
Chas. Bellegrade,
Jos. Hamelin,
Jos. Frederic,
Jos. Parenteau,
Chas. Azur,
J. S. Bellegrade,
N. Grant,
Fr's. Cline,
Fr's. Desjarlais,
J. B't. Martil,

An't. Azur, sen.,
J. B't. Charet,
P. Montoir,
Al. Bellegrade, sen.,
Fr's. Ozawaskwanikleweb,
Mt. Alarie, sen.
Jagus Hamelin,
Fr's. Dumarais,
Theodore Bellegrade,
Abraham Montour,
Fr's. St. Pierre,
Abr. Belanger,
Ant. Savoyarde, jr.,
Ant. Savoyarde, sen.,
Al. Belgrade, jr.,
Jos. Richot,
F. Lacote,
Martin Jerome,
Jos. Azur,
Jos. Boteneau,
Jas. Fagnant, sen.,
Jas. Descoteaux,
Thos. Petit,
John Farqueson,
Jas. Faynant, jr.,
Pr'e. Laverdure,
Gab'l. Azure,
Jas. Vandal,
M'll. Duep,
Fr's. Macon,

J. B't. Parivur,
 J. B't. Clouter,
 Pr'e. Azur,
 Pr'e. Vandal,
 Jas. Parenteau,
 Fr's. Arniot, jr.
 St. Landry,
 Al. Wilky,
 Aug. Wilky,
 J. B't. Wilky, jr.,
 H. Parvener, sen.,
 Andre Parvener,
 Al. Parvener,
 Chas. Desjarlais,
 Ben. Beauchemin,
 Norb't. Samirey,
 Fr's. Rainbelle,
 Jos. Botras,
 Ant. Morin,

Ant. Desjarlais, sen.,
 Ant. Desjarlais, jr.,
 Jas. Madeau,
 Jas. Rainville,
 Ant. Azur, sen.,
 Frs. Morin,
 Ant. Jerome,
 Jas. Jerome,
 N. Andotte,
 Att. Cline,
 Ant. Honle,
 Jas. Amiot,
 Pr'e. Nomme,
 Ant. Desroches,
 Chas. Honle,
 Mt. Fraus Bois,
 Chas. Gladie,
 Fr's. Farquant,
 J. Decoteaun.

REPORT

Of the Select Committee to which was referred a bill to provide for the election of a Librarian.

The committee to which was referred a bill to provide for the election of a Librarian and for other purposes, with instructions to request the judges of the Supreme Court to give their opinion as to whether the said bill conflicted with the Organic Act of this Territory, would respectfully report, that they have applied to the said judges, or two of them, (one being absent from the Territory,) and have been favored with the annexed opinion, upon the points submitted to them by your committee.

Your Committee would further state, that if they had had any doubts in relation to the power of the Legislative Assembly to elect a Librarian under the Organic Act of this Territory, the able and lucid opinion of the judges, which is hereto annexed, would have removed all doubt in relation to such election.

Your committee are of the opinion that the Governor alone has the power to appoint the Librarian. We would therefore, report the said bill back to the House with the following amendments: strike out the first section and insert in lieu thereof the following:

SEC. 1. That the Governor shall nominate, and by and with the advice and consent of the Council, appoint a Librarian, who shall take an oath of office, and shall also give bonds to the Treasurer of the Territory, in the sum of one thousand dollars, for the faithful performance of his duties, and whose term of service shall continue two years, unless sooner removed by the Governor, or until another be appointed.

SEC. 9. After the word for in the first line of said section, insert the words "the use of."

And also in the said section in the line next to the last, strike out the word access and insert "use."

OPINION

Upon a bill providing for the election of a Librarian, and for other purposes.

Does the bill providing for the election of a Librarian, in anywise conflict with the provisions of the Act Organizing a Territorial Government for Minnesota?

This is the question which has been submitted, and upon which an opinion has been solicited.

That it is within the rightful and proper province of the Legislative Assembly, to enact laws prescribing regulations for the Territorial Library; defining the duties of the Librarian, and fixing his salary, there can be no question. This right is expressly given by the 17th section of the Organic Act. But is this all that the bill in question provides for? Does it rest here? It does not. It not only provides regulations for the Library, but also provides for the election of Librarian. Has not the Legislature in this, transcended its power and encroached upon the rights of the Executive, thereby coming into evident collision with the provisions of the Organic Act? It undoubtedly has. The whole power which the Legislative Assembly may exercise in providing for the election or appointment of municipal or territorial officers, is derived from the 7th section of that act, which Congress has given us for a constitution. "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 may 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."

This section of the Organic Act limits the power of the Legislative Assembly, and defines the grade of officers whose election or appointment is to be provided for by the Legislature. Does the Librarian belong to the grade of officers enumerated in the foregoing recited section? If not, to what class does he belong? And in whom is vested the power to appoint him? These are the questions for us to determine. There seem to be four classes or grades of officers referred to in the Organic Act; each class drawing its appointments from a different source. In the first, are those officers who are appointed by the President, and confirmed by the U. S. Senate; secondly, those who receive their appointment from the Judges of the Supreme and District Courts; thirdly, those whose appointment or election, as the case may be, is to be provided for by the Governor and Legislative Assembly; and fourthly, those who receive their appointment from the Governor, by and with the advice and consent of the Legislative Council.

These four classes embrace the whole of the municipal officers of the Territory, and must include the officer in question.

In the first classification, is the Governor, the Secretary of the Territory, the Judges of the Supreme and District Courts, the U. S. District Attorney and the U. S. Marshal. The second, is composed of the Clerks of the Supreme and District Courts. The third, all *Township, District and County Officers*, not herein otherwise provided for. Who then are meant by township, district and county officers? Does the Librarian belong to this category? Is he a township, district or county officer? If he is not, then the Legislative Assembly has not the power to provide, either for his election, or his appointment. But who are embraced in this division? Who are known as township,

district and county officers? They are such as these; the coroner, sheriff, register or recorder of the county, judge of probate, county commissioner, &c., justices of the peace, constable, collectors of township rates and levies, road commissioners, &c.

There is still another class or division, whose appointment is provided for by the said 7th section of the Constitution, if I may so use the term. "The Governor may nominate, and by and with the advice and consent of the Legislative Council, appoint *all other officers*, not herein otherwise provided for."

It is evident, that this portion of the section cannot extend to township, district or county officers, nor to either of the officers enumerated in the first and second classification, which I have made, they all having been provided for by the act itself.

There must be some others. Who are they? There is a class of officers whose election or appointment have not been *otherwise* provided for, viz: Territorial Officers, such as Attorney General of the Territory, the Adjutant General, Territorial Treasurer, Auditor, and necessarily, the Librarian: he not being known under the name or style of either a township, district or county officer. These last mentioned officers, belong to the subordinate municipal divisions of the Territory; and are distinct from Territorial officers. Their duties are restricted within the limits of their own peculiar sphere; the other denominated Territorial, belong to the whole Territory, being the servants of the whole people; and are appointed by the Executive of the Territory. In regard to the Librarian, it is true, there is no express provision made in the Organic Act for his appointment, neither is there any provision expressly made for the appointment of the Attorney General or any other Territorial officer.

And yet, it cannot be doubted that such offices exist; and that it is the unquestioned duty of the Governor to fill them; and the Librarian being of the same class, his appointment must come from the same source.

In making the appropriation for a Library, Congress gave an implied existence to the Librarian, and intended that his election or appointment should be provided for; but whether the existence of this office is derived from the act of Congress, or from the laws of Wisconsin; or whether Wisconsin has provided for his election or appointment, or whether it has not, does not in any way affect the question which has arisen here. Nor shall we say, whether the Legislature of Wisconsin did right or wrong in providing for the appointment of a Librarian; the Organic Act of Wisconsin and the Organic Act of Minnesota are very dissimilar in their provision, and what may have been proper under their act, would be improper under ours. It is true, we have adopted their laws for our governance, but only so far, as they are consistent with the Constitution of the United States, and with the provisions of the act establishing our own government.

We conclude this opinion by stating, that the 2d section of the proposed bill is inconsistent with the Organic Act, for the reasons herein assigned; and that such act if passed, would be inoperative and void.

REPORT

Of Commissioners on contested seat between White and Wells.

To the Hon. House of Representatives of Minnesota Territory:

Your Commissioners would respectfully report, that in conformity to the resolution of your honorable body, they proceeded forthwith, on the 6th day of September, to Wabeshaw, and there in presence of both the parties interested, commenced taking the testimony of such persons as were brought before them, and they continued to take such testimony from day to day, until all the depositions hereto attached were taken, and both parties announced to them that they had no more witnesses to produce.

B. W. LOTT, }
P. P. BISHOP, } Commissioners.

September 14th, 1849.

 DEPOSITIONS,

Taken by P. P. Pishop and B. W. Lott, pursuant to the resolution of the House of Representatives of Minnesota Territory, by which resolution they were appointed Commissioners to take the testimony of such persons as might be brought before them in all matters relating to the petition of Harley D. White, claiming his seat as a member of said House.

George Cottrell, of lawful age, being first duly sworn, deposes as follows:

I am acquainted with William Cheesbro. Mr. White brought him before me, and he said he was not a resident of Minnesota Territory, and never had been. I heard him say that he had no right to vote here, and I think that he admitted he did vote in this district at the late election. I know of no other person by the name of William Cheesbro, who has ever been in this country, and I am pretty well acquainted with the people generally in this section of country, having lived here about thirteen years.

GEO. COTTRELL.

Willard Ballow, of lawful age, being first duly sworn, deposes as follows:

I am acquainted with Bernard Smith, or Schmit, William Smothers, Edward Beers, Henry E. Baldwin, Abner Beers. On the 3d day of March, 1849, the above named persons were residents of the State of Wisconsin; the said William Smothers, Edward Beers and Abner Beers, resided at the house of James J. Gilbert, at Nelson's Landing, Chippewa County, State of Wisconsin, and the said Bernard Smith or Schmit, resided at Beef Slough, in the same county and State. All the above named persons except Bernard Smith or Schmit, were residing with Charles R. Reed, at Reed's Landing, in the First Council District of Minnesota Territory, on the first day of August last. I am very well acquainted in this part of the country, and know of no other persons bearing the same names as the individuals above mentioned. It is the common report that the said five persons above named, voted at the house of Augustine Rock, in the First Council District of Minnesota Territory, at the late election held on the first day of August last.

WILLARD BALLOW.

Charles R. Reed, of lawful age, being first duly sworn, deposes as follows: I am acquainted with Bernard Schmit or Smith, William Smothers, Edward Beers, Henry E. Baldwin and Abner Beers. I am confident that these five persons were not residents of Minnesota Territory on the third day of March A. D. 1849. They resided, as I am quite certain, in the State of Wisconsin at that time. Subsequently to the said third day of March, the said William Smothers, Edward Beers, Henry E. Baldwin and Abner Beers, came into the Territory and were employed by me. They were residing at my house on the first day of August last, when an election for a Delegate and one Representative, was held at the house of Augustine Rock, in the First Council District lying west of the Mississippi river. It is the common report that the said five persons above named, voted at that election. I live at Reed's Landing, in the Territory of Minnesota, I have resided there the last two years, and I have resided in this part of the country during the last five years. I am well acquainted with the people of this section generally, and I know of no other persons bearing the names above mentioned. If any individuals bearing said names, voted at said election held at the house of Augustine Rock, there is no doubt that they were the men to whom I have above alluded. I am also acquainted with William Cheesbro, I think he has never been a resident of this section of Minnesota Territory.

Cross examination conducted by James Wells.

QUES.—At what time did Bernard Smith come into this Territory?

ANS.—He came into my employ with his family, about the middle of July, 1848, and remained about a month at that time.

QUES.—Between that time and this, how often has he been back to the Territory, and what has been his business here?

ANS.—I cannot tell how often he has been back; in the early part of March last, I cannot tell on what day, he came into my employ again and remained with me about six weeks at that time.

QUES.—What was Bernard Smith's trade?

ANS.—He was a carpenter.

QUES.—Between July 1838, and the early part of March last, had he any property on this side of the river?

ANS.—He had none in my possession.

QUES.—Did you hear him express himself as regards his intention, whether it was to remain on the other side or to return here?

ANS.—I have heard him say that he intended to reside in the Territory.

QUES.—How long after Smith came over in the early part of March last, was it before his family came?

ANS.—They came about the last of March, the 27th I think.

QUES.—What property did he bring over with him?

ANS.—Some tools and household furniture.

QUES.—What time did he remain here with his family?

ANS.—He remained here about a month.

QUES.—Do you know where he went to when he left your employ?

ANS.—To the house of Louis Rock, in said precinct.

QUES.—How long did he remain at the house of Louis Rock?

ANS.—I do not know.

The examination resumed by Harley D. White.

QUES.—On which side of the river do you think Bernard Smith spent most of his time during the past summer?

ANS.—I think he has been on this side of the river the most.

QUES.—Do you think from any thing Smith had told you, that he intended to return here?

ANS.—I do think so.

QUES.—Do you know Peter Saravere?

ANS.—I think I do.

QUES.—Can you say what age he is of?

ANS.—I do not know his age.

C. R. REED.

Louis Rock, of lawful age, being first duly sworn, deposes as follows:

Questioned by James Wells.

QUES.—Have you ever been acquainted with Edward Beers?

ANS.—Yes, I have.

QUES.—When was it that he first came into the Territory?

ANS.—I first became acquainted with him in the summer of 1848.

QUES.—At what place did he reside?

ANS.—He lived part of the time at my house, part of the time he was employed on the other side of the river.

QUES.—Which place did he claim as his residence?

ANS.—His home was with me.

QUES.—What have you heard him say about taking up a claim here, or getting married here?

ANS.—He said he would take a claim here if he could get a chance to marry here.

QUES.—Do you think he spent most of his time on this side or the other side?

ANS.—Plenty on this side, more than on the other side.

QUES.—When he left your place last, did he tell you where he was going?

ANS.—Yes—he said he was going to Milwaukee, and would be back the last of this month, (September.)

QUES.—Has he any property now in your house?

ANS.—He has some blankets, books, and musquito bar.

Cross examination by Harley D. White.

QUES.—Was Edward Beers a resident here on the 3d of March last?

ANS.—He had his washing done at my house, and worked on the Chippewa river, in Wisconsin.

QUES.—Did Edward Beers vote at the late election here?

ANS.—Yes sir.

QUES.—Was or was not, his vote challenged at the polls?

ANS.—It was not, that I know of.

QUES.—Did Bernard Smith, William Smothers, Henry E. Baldwin, Abner Beers and William Cheesbro, vote at the late election?

ANS.—They did.

QUES.—Do you know Peter Saravere?

ANS.—I do.

QUES.—Do you know his age?

ANS.—Yes, he is, I think, twenty-one years old, but I am not sure.

Direct examination resumed.

QUES. by James Wells.—What do you know of Abner Beers as to his being a resident here on the third day of March last?

ANS.—He came here for his washing at that time.

QUES.—Do you remember how long your wife has been washing for Abner Beers?

ANS.—Yes, last summer a year ago, she did his washing, and during the month of January last.

QUES.—When did your wife begin to do his washing again?

ANS.—In the month of March, I do not remember what time in March.

(Mr. White objected to this testimony, because the exact dates are not stated.)

QUES.—Did Beers remove all his property, such as trunks, bedding, &c., from your house, or was it left there during the time that your wife did not do his washing?

ANS.—His bed and some books were left there.

QUES.—What have you ever heard Abner Beers say about intending to take up property and becoming a citizen here?

ANS.—He is courting a girl here, and he says if he gets married, he intends to live here.

QUES.—What was his intention in respect to returning here when he went away?

ANS.—He told me that he intended to come back about the last of this month, (September,) and then he would try again.

LOUIS ROCK.

William Whitemarsh, of lawful age, being duly sworn deposes as follows:

Question by James Wells.

QUES.—What do you know of William Cheesbro, as regards his residence in this precinct?

ANS.—I know he very frequently stops here and makes his home here.

QUES.—Where was he on the 3d of March last?

ANS.—I do not know; he was about here very often last Spring, but I do not know positively as to the day.

QUES.—What do you know of his having property on this side?

ANS.—He stored provisions here sometimes, he also had a trunk and some shirts, which he got washed sometimes here.

QUES.—Did you ever hear him say that he meant to become a resident here?

ANS.—I never did.

QUES.—Had he any employment on this side?

ANS.—I do not know of any.

QUES.—Where has Cheesbro gone now?

ANS.—He told me this morning that he was going below, and I believe he has gone.

QUES.—What do you know of Henry E. Baldwin, as to his having been a resident of this place?

ANS.—He was a resident here in the summer of 1848; he remained here till the Fall of that year.

QUES.—Where did he go then?

ANS.—He went from here to Beef Slough, in Wisconsin.

QUES.—Did he remove his goods and effects?

ANS.—I believe he did the most of them, I held in my possession though, some little of his property all winter.

QUES.—Did he return in the Spring to live here?

ANS.—I think not.

QUES.—Is he still a resident of Wisconsin?

ANS.—He has gone below—I don't know whether he considers himself a resident of Wisconsin or of Minnesota Territory.

QUES.—Did you ever hear him say that he meant to become a resident of Wisconsin?

ANS.—No, I never did.

Cross examined by Mr. White.

QUES.—Was Mr. Baldwin a resident of this Territory on the 3d of March, 1849?

ANS.—I cannot say whether he was or not.

QUES.—Was Henry Baldwin employed on Beef Slough, or in Wisconsin somewhere, during the past winter?

ANS.—I think he was at Beef Slough.

QUES.—Has Mr. Baldwin spent the Spring and Summer here?

ANS.—Not altogether, he has been running his logs on the river.

QUES.—Has he any houses, cattle, lands, or other property here?

ANS.—None that I know of, except a horse which he left for Charles Reed to sell.

QUES.—Is he considered a lumberman?

ANS.—He has been logging most of the time since he has been in the country.

Direct examination resumed.

QUES.—Were you acquainted with Bernard Smith?

ANS.—I was.

QUES.—Do you know of his being a resident here during the past year?

ANS.—I do not of my own knowledge.

QUES.—What do you know of his residence this year?

ANS.—I know that his family and all his household were moved here early last Spring.

QUES.—Do you know where Smith has gone?

ANS.—He told me he was going to Germany, to bring eight or ten families out with him, to settle in Minnesota Territory, in this precinct.

QUES.—Did he tell you what time he intended to return?

ANS.—Next summer, being the summer of 1850.

QUES.—Are you acquainted with Edward Beers?

ANS.—I am.

QUES.—What do you know of his being a resident here?

ANS.—I do not know whether he was a resident here or not.

Cross examination resumed by Mr. White.

QUES.—Was Bernard Smith a resident here on the 3d of March last?

ANS.—I do not know whether he was or was not.

QUES.—How long do you think Mr. Smith remained after he moved here in the spring?

ANS.—I do not know.

QUES.—When did he leave here?

ANS.—I do not know.

QUES.—Has he any property here?

ANS.—None that I know of.

QUES.—Do you know whether he voted here at the late election?

ANS.—I do not know; I was not present.

WILLIAM WHITEMARSH.

Mr. Smothers being called upon by Mr. White to testify, refused so to do; being afterwards called in by Mr. Wells, he testified on oath as follows:

QUES.—When did you first become a resident of Minnesota Territory?

ANS.—I first came here during the summer of 1848.

QUES.—Under whose employ was you?

ANS.—Under Charles R. Reed's employ; I remained with him one month, then I went to Beef Slough, in Wisconsin, with John McKane, and worked about a month and a half; then I came and hired to James J. Gilbert, and worked with him a month and a half or two months.

QUES.—Did you consider this your home during the time you were on the other side?

ANS.—I considered this my home then, and ever shall.

QUES.—Had you your bedding, clothing, &c., on this side, when you were over the river?

ANS.—I had.

Cross examined by Mr. White.

QUES.—At what time last Fall did you go over into Wisconsin?

ANS.—It was when the first snow fell.

QUES.—What was your employment?

ANS.—Making shingles, getting logs, chopping, and raising houses.

QUES.—At what time last spring, did you come over here?

ANS.—I do not remember the precise time, it was after the river was clear of ice here.

QUES.—Were you in this Territory on the 3d of March last?

ANS.—I was here on the 1st and 3d both, I came over and then went back again.

QUES.—In whose employ were you at this time?

ANS.—No one's, I was running about on my own hook.

QUES.—At what time did you come here and enter Mr. Reed's employ?

ANS.—I cannot tell; the Highland Mary was at the foot of Lake Pepin at the time I commenced working again on this side.

QUES.—Did you work all winter in Wisconsin?

ANS.—I did.

QUES.—Are you a single man?

ANS.—Yes; but I won't be long.

WILLIAM SMOTHERS.

His X Mark.

Edwin Morse, of lawful age, being first duly sworn, deposes as follows: I came to Reed's Landing on the 6th of May, A. D. 1847. I am acquainted with Bernard Schmit or Smith, William Smothers, Edward Beers, Henry E. Baldwin, Abner Beers and William Cheesbro.

I have understood from Bernard Smith, that he resided on the opposite side of the river, at Nelson's Landing; and I firmly believe, from seeing him cross and re-cross the river, that he did reside upon the other side since I came on the 6th of May last. I heard Smith and his wife both say that they were

going to Germany; I saw them both leave with all their effects on the steam boat Highland Mary, about two weeks since.

William Cheesbro told me that his place of residence was Du Buque, Iowa; he is a trader upon the river, he has been here two or three times since I have been here; he said he preferred to stop on this side of the river when passing up and down.

I believe that Edward Beers and Henry E. Baldwin, have not had any fixed residence on this side of the river; they have been here a part of the time, and away part of the time, between the time I came and the 1st day of August last.

At the time of the late election, great exertions were used by the friends of Mr. Wells to get as many as possible to vote at the polls, whether they were legal voters or not.

EDWIN MORSE.

Charles Reed being recalled, testifies: That William Smothers, Edward Beers and Abner Beers, have been, since I knew them, transient persons, engaged the greater portion of their time on the Mississippi and Chippewa rivers, or in lumbering in the State of Wisconsin. Henry E. Baldwin was formerly in partnership with me at this place; but in November, 1848, he left and was engaged in lumbering at Beef Slough, Wisconsin, I think, until July last, when he returned here. I understand that some of these men have families residing in this Territory; I think they are all single men.

Cross examination conducted by James Wells.

Ques.—What have been the intentions of these men in regard to becoming citizens of Minnesota?

Ans.—So far as Baldwin and Smothers are concerned, I can answer; Baldwin has made his home here more or less during the two years last past, and it is his intention to become a citizen of the Territory. Smothers for one year, and it is his intention to become a citizen as soon as this Half Breed tract is purchased of the Government. I know nothing of the intentions of Edward and Abner Beers.

(Mr. White objects to this last question and answer, upon the ground that it is not competent for one man to testify in regard to the intentions of another.)

Ques.—Has William Cheesbro any property with you, or any in the Territory at present?

Ans.—He has a barrel of pork and a box of goods in store with me; that is all the property that I am aware of his possessing any where.

Direct examination resumed.

Ques.—Have you a storehouse here?

Ans.—I have.

Ques.—Do you not frequently store things for any of the lumbermen that are passing down?

Ans.—Yes, for any one that wishes to store property with me.

Ques.—Do you also keep a house to entertain transient persons for a long or short time, as they may see fit?

Ans.—Yes sir.

Ques.—Has any person a right to take a claim here, or make himself a home here, without permission from the inhabitants?

Ans.—I believe no white person has that right.

Ques.—How long has Mr. Cheesbro lived here with you at any one time?

Ans.—Not more than two weeks.

Ques.—By Mr. Wells: What do you mean by a residence?

Their employment was on the other side, and their business led them there.

Ques.—By Commissioners: To what persons do you allude in your last answer?

Ans.—Bernard Smith, Edward Beers and Abner Beers, Henry E. Baldwin and William Smothers.

CHAS. R. REED.

Francis Lapointe, of lawful age, being first duly sworn deposes as follows: I am acquainted with Bernard Smith, William Smothers, Edward Beers, Henry E. Baldwin, Abner Beers, William Cheesbro.

I saw Bernard Smith on this side of the river in the month of March last, but I do not know whether he was here on the 3d day of March. He lived here from March until June last, and then he went over to the other side of the Mississippi river to build a house for Mr. White. He came back during the month of August, to work on this side of the river; his wife went with him when he went over to build White's house. Smith and his wife worked for Mr. Reed, but never kept house on this side of the river. I understand that Smith has gone to Germany with his family. I remember seeing Smith at the polls, on the day of the election. I heard him say that he had a right to vote in this Territory. I heard Mr. Wells ask him if he was a resident of the Territory on the 3d day of March last, and he said he was a resident before that. I heard him say on the day of the election, that he was going over to Germany, to bring eight or ten families into this Territory to reside. I do not know whether William Smothers lived in this Territory on the 3d of last March. I have known him five years; he is a transient man, he works out for hire wherever he can get good wages. During the last four years, I think he has worked most of the time in this Territory. He has gone down the river on rafts a few times. Part of last winter, he worked with Baldwin, at Beef Slough, in Wisconsin.

I have known Edward Beers for two years; he generally follows the river, when he is at work, he is generally engaged in rafting lumber out of the Chippewa river and taking it down to St. Louis. He has been here much of the time since I first knew him; do not know of his having any property here or any where else, nor where he was on the 3d of last March.

I have known Henry E. Baldwin since he first became a partner of Charles Reed, on this side of the river. He was getting out logs at Beef Slough, in Wisconsin, last winter; I do not know whether he was in the Territory or not on the 3d of last March; I saw him here often during the spring and summer. I heard David Webster challenge Baldwin's vote on the day of election. But he was not sworn; some one, Mr. Beers, I think, stated that his trunk and watch were on this side, and they took his vote.

I have known Abner Beers more than two years; he is a carpenter by trade. Since I first knew him, he has worked part of the time on this side and part of the time on the other side. He worked on the other side a part of last winter; I do not know where he was on the 3d day of last March; he was here through the summer; I do not know of his having owned any property on this side of the river; I know nothing about his property.

I have known William Cheesbro five years; most of the time he has been engaged as a raftsman; I believe his home is at Wildcat, below Root river, I heard him say so. He has no family; I do not know whether he was here on the 3d of March last or not. I saw him vote at the election in August last; he lives, I think, about two miles below Root river.

FRANCIS LAPOINTE,
His X Mark.

Louis Rock being recalled, testified as follows:

My wife washed for William Cheesbro during the summer of 1848, and during the last summer; he was not up here last winter, and my wife did not wash for him. Mr. Cheesbro is a raftsman, my wife does not wash for the raftsmen generally, but for those she is intimately acquainted with. He has gone down on a raft, he left here yesterday morning, he left some clothing at my house. I do not know whether Cheesbro was here on the 3d day of March last or not. I never heard him say where his house was.

LOUIS ROCK.

Joseph Bisson, of lawful age, being first duly sworn, deposes as follows:

I am acquainted with Bernard Smith, William Smothers, Edward Beers, Henry E. Balwin, Abner Beers and William Cheesbro.

I have known Bernard Smith about three years, when I first knew him, he lived on the east side of Lake Pepin, in the State of Wisconsin. He sold his claim on the other side of the river and came sometime last spring to live on this side; I do not know whether he came before the 3d of March last, or afterwards; I understand he has now gone to Germany, and expects to return here with some of his friends.

I have been acquainted with William Smothers about five or six years. Since I first knew him, sometimes he lived on this side of the river and sometimes on the other, and sometimes he was going down upon a raft. It is more than I can tell, whether he lived on this side on the 3d of March last; I think he has made his home on this side for the last year; I have seen him here often.

I have known Edward Beers a couple of years; most of the time since I have known him, he was going down on rafts; I do not know whether he was here on the 3d day of March last; I saw him vote at the late election in this district. He generally stops on this side of the river when he is up in this part of the country. I do not know where he spent the last winter.

I have known Henry E. Baldwin about two years; since he first came in partnership with Charles R. Reed, at this place. I have understood he dissolved partnership with Mr. Reed during the fall of 1848; he then went to Beef Slough, in Wisconsin; I saw him here off and on since last spring, but I am not sure that he was here on the 3d day of March last. I have understood that he has gone to his home in the East. During the time that I have known him, he spent more of his time on this side of the river than on the other; I do not know whether he has any property on this or the other side of the river.

I have known Abner Beers a couple of years; the first time I knew him, he lived on the opposite side of the Mississippi river; I do not know whether he lived on this side before last spring or not; I do not know whether he lived here on the 3d of March last or not.

I have known William Cheesbro about four years; he is a traveler, he comes up on boats and goes down on rafts. I do not recollect of his staying here during a winter; I do not know whether he resided in this Territory on the 3d day of March last; I suppose he has gone down the river now; I saw him vote at the late election, I heard him say he considered himself a voter here; I heard David Webster question him about his right to vote. I cannot say whether he was sworn or not; I was at the polls all the day on the 1st of August, in this district; I did not hear the judges of election swear any one that day.

JOSEPH BESSON.

His X Mark.

Alexis P. Bailly, of lawful age, being first duly sworn, deposes as follows:

I am acquainted with Bernard Smith, I have known him about a year and a half; when I first knew him, he lived on the east side of Lake Pepin, in Wisconsin. I have heard it said that he has worked on this side of the river since that time, but I do not know it of my own knowledge; I cannot tell on which side of the Mississippi river he lived on the 3d day of March last; some time during the last summer he was in my employ on this side. I could not say whether he voted at the late election or not; I did not attend the polls. I think Mr. Smith lived on the opposite side of the river last winter.

I have known Edward Beers since the summer of 1848, at that time he was residing with Mr. Gilbert, on the other side of the river; since then, he has been up the Chippewa river, employed in rafting. I think he lived on the Chippewa river last winter; I cannot say where he lived on the 3d day of March last. During the last summer, I think he has lived on this side most of the time.

I have known Henry E. Baldwin two years, when I first knew him, he was a partner of Charles R. Reed, at this place; I do not know when he left Mr. Reed; he has since lived on Beef Slough, in the State of Wisconsin; I think he lived there last winter. I do not know where he lived on the 3d of March last. I cannot tell whether he has lived on this side the most of the last summer; I understand he has now left the country.

I first knew William Smothers about seven years ago, when he first came to the country; when I first knew him, he lived at Holmes' Landing, forty miles below this on the Wisconsin side. His general course of life has been trapping; last winter he lived on the opposite side, and trapped on the Chippewa river. I do not know where he lived on the 3d of March last; he has never trapped on this side of the river, to my knowledge.

I first became acquainted with Abner Beers about one year ago, more or less; he was then living with Mr. Gilbert on the Wisconsin side of the river. I do not know where he lived on the 3d of last March; but I think he has lived on this side the greater part of the time during the last summer; I understand that he and Edward Beers are both absent from this country at present. All the men of whom I have spoken, are said to be single men, except Mr. Smith. I do not know of any of these men owning houses or lands on this side of the river. I understand that Smith once owned a place on the other side, but I am not aware that the others have owned any real estate there.

A. P. BAILLY.

David Webster, of lawful age, being first duly sworn deposes as follows:

I have resided in this vicinity about five years, I am acquainted with Bernard Smith, Edward Beers, William Smothers, Henry E. Baldwin, Abner Beers and William Cheesbro; I was first judge of the late election held at the house of Augustine Rock, in the Wabeshaw District. The above named men all voted there and none of their votes were challenged. From my acquaintance with them and my knowledge that they had resided on this side of the river during the spring and summer, I supposed them to be legal voters, and therefore, thought it my duty as judge, to receive their votes.

I have known Bernard Smith about one year; when I first knew him he was at Mr. Gilbert's, in Wisconsin, with his family. I saw him and his wife here some time in March last; I cannot say when they came over; whenever I have seen them on this side they have been at Mr. Reed's. I live about three miles from said Reed's. I do not know where Smith was last winter; he is a carpenter by trade, and goes wherever his business calls him.

I have known William Smothers about two years; he is a laboring man,

and works about from one place to another: when I first became acquainted with him, he was with Mr. McKane, on the east side of the river. I think he left McKane in February last, since that time he has worked principally on this side of the river. I think that Smothers told me in February, that he had left McKane and brought his things on this side of the river. From the time he came over, till the first of August, he spent most of his time on this side.

I have known Edward Beers about two years, he is a raftsman; I do not know of his having any fixed residence here, only, that he kept his things at Mr. Rock's, and had his washing done there. Last winter, he was some of the time here and some of the time on the other side. I do not know where he was on the 3d of last March.

I have known Henry E. Baldwin from two to three years; when I first knew him he was a partner of Mr. Reed, at Reed's Landing. Last winter he was engaged in getting out lumber at Beef Slough in Wisconsin. He had property on this side during the whole of last winter, and I heard him speak of this place as his home.

I have known Abner Beers about two years; he was at Mr. Gilbert's, in Wisconsin, when I first knew him. In the summer of 1848, he was running lumber out of the Chippewa river, and down to St. Louis, by the job in company with his brother, Edward Beers. Last winter he was changing about, some of the time he was here and some of the time away; where he was on the 3d day of last March, I am not able to say.

On the day of the election, on the 1st of August last, William Cheesbro told me that he had resided in this Territory about three years, and I as a judge, took his word for it, although he was not sworn. Personally, I have no certain knowledge as to his residence.

Cross examination by Mr. White.

QUES.—Do you know that Mr. Smith resided here more than four weeks at any one time?

ANS.—I saw him here off and on all the spring and summer, how long he staid here at any one time without going across the river for an hour or two, I cannot say.

QUES.—Do you know of Edward Beers having lived here more than two months at any one time?

ANS.—I could not say exactly, what time in the spring he came here, but I have seen him here often since that time, as often as I have come here myself.

QUES.—Do you know of Abner Beers having lived here more than two months at any one time?

ANS.—I could not tell how long exactly, he has lived here; I have often seen him, but I never thought it my duty to ask a man how much he had changed about.

DAVID WEBSTER.

Oliver Cratt, of lawful age, being first duly sworn, deposes as follows:

I have known Bernard Smith over twelve months, he resided with his family, at McKane's, on the opposite side of the river; he came over to my house to borrow tools, and told me he was going to work for Charles Reed. I live about three miles from Mr. Reed's; he came to borrow the tools about the last of February, but I do not know that he brought his family over. I saw Mr. Smith vote at the late election.

I have known William Smothers about two years and a half; he lived with Mr. Holmes, on the east side of the Mississippi river; he is a laboring man

and a trapper; he lived most of last winter on Beef Slough, in Wisconsin. I do not know where he was on the 3d day of last March.

I have known Edward Beers something like two years, when I first knew him he was stopping with Mr. Gilbert, in Wisconsin. In the spring of 1848, he and his brother took a contract to run lumber from Allen's mills, on the Chippewa, down to St. Louis; then he told me had at last got his home on this side. Part of last winter he spent on Chippewa river, and as soon as he got through with his business there, he came back here to me, he called this place his home. He has not been very long in any one place since I first knew him, but has been here I think, more than he has on the other side. I cannot tell whether he got back here before the 3d of March last or not. I do not know of his having owned or rented any house or land in this Territory.

I first became acquainted with Henry E. Baldwin nearly two years ago, about that time he went in partnership with Charles R. Reed. He went over to Beef Slough to work some time in the fall of 1848; he come back to this side in the spring; I have had property of his in my possession during the last two summers and the last winter.

I have known Abner Beers something more than two years, when I became acquainted with him, he was living with Mr. Gilbert, in Wisconsin; he is a carpenter by trade; I do not know where he was living on the 3d of last March; I have heard him, when at my house, call this side his home. I have known of his residing on this side, I do not know that he has lived here more than three months at any one time.

OLIVER CRATT.

His X Mark.

Willard Ballow, being recalled, testified as follows:

In your testimony in chief, you stated that Bernard Smith, William Smothers, Edward Beers, Henry E. Baldwin and Abner Beers, resided in the State of Wisconsin on the 3d day of March last. What meaning did you intend to convey by saying they resided there? Mr. Smothers was at work for Mr. Gilbert by the month, at that time; Edward Beers and Abner Beers, were on the Chippewa river, and whenever they came down from the Chippewa river, they invariably stopped at Mr. Gilbert's house and left their things there and called it their home, and neither of them moved their effects from Mr. Gilbert's before the 20th of March. This I am very positive of.

Bernard Smith and Henry E. Baldwin, spent the winter at Beef Slough, in Wisconsin, getting out shingles, and they did not move from Beef Slough till after the 3d day of March last.

WILLARD BALLOW.

James J. Gilbert, of lawful age, being first duly sworn, deposes as follows: I am acquainted with Bernard Smith, William Smothers, Edward Beers, Henry E. Baldwin, Abner Beers and William Cheesbro.

The first acquaintance I had with Bernard Smith, was about a year ago last spring, he came down from Ogalla Mills, and made a claim near Bogus Creek in Wisconsin; after that he came with his family, I hired them, and they lived with me about six months, when he got through working with me he went out to Beef Slough with his family, and he remained there until after the 3d day of March last, with his family.

I have known William Smothers some years; the most of the time since I have been acquainted with him, he has lived in Wisconsin. He works out by the month or job; he was at my place part of the winter, the fore part of

the winter he was at McKanes, on Beef Slough, in Wisconsin. He was living with me on the 3d day of March last, he made my house his home at that time, he had not all his effects there. I do not know where he got his washing done. He left my house after the 20th of March last and came over to Mr. Reed's. I think he is considered a transient man.

A year ago last fall, Edward Beers came to my house, and worked for me all winter, the next summer he ran lumber down from the Falls of Chippewa and down the Mississippi river. Last winter he was on the Chippewa river at work; he was backward and forward during the winter several times; he came back to get provisions; his trunk was at my house during the winter, and he always stopped there whenever he came down. I have frequently heard him remark that my house was the only home he ever had in this country. He made my house his home till after the 3d day of March last. I think he left my house after the 20th of March, when he left my place, he took a raft and went to Galena. Since that time he has been pretty much of the time at Reed's Landing.

My first acquaintance with Henry E. Baldwin, was some three years ago. He came to Reed's Landing, and entered into partnership with Charles R. Reed; he left Reed's some time last fall, and went to Beef Slough, where he was engaged in getting out shingles, &c., till the opening of navigation, which was after the 3d of March last; he remained at Beef Slough getting out logs after the opening of navigation, for some time. I think that most of his effects were at Beef Slough during the time he was there. He was in partnership with McKane there, and did not dissolve partnership with McKane until within a month or two since. Since he dissolved partnership with McKane, he stopped two or three days at my house, and then came over here, (to Reed's Landing,) till he left on a boat.

I became acquainted with Abner Beers over two years ago. He has made my house his home up to the 24th of last March; he has resided on this side mostly since that time; he got his washing done at my house whenever I had a woman that was able to do it.

I know but little of William Cheesbro. I think he was in the employ of Mr. Stone, on the Menominee river, during last winter, and I think he was in Wisconsin until some time in March; he came down in May with Mr. Stone, on a raft from the Menominee River.

JAMES J. GILBERT.

TERRITORY OF MINNESOTA:

We, the Commissioners, appointed by a resolution of the House of Representatives of Minnesota Territory, do hereby certify that the above named witnesses, prior to the taking of their depositions, were by us, duly sworn to testify the truth in all matters relating to the petition of Harley D. White, claiming his seat as a member of the House of Representatives of Minnesota Territory; and that the said depositions were on the seventh, eighth and tenth days of September, A. D. 1849, at Reed's Landing, in the Wabeshaw District of Minnesota Territory, taken and reduced to writing, and signed and sworn to respectively, by said witnesses in our presence.

Given under our hands and seals, this 14th day of Sept. A. D. 1849.

B. W. LOTT, }
P. P. BISHOP, } Commissioners.

MINNESOTA TERRITORY, }
ST. CROIX COUNTY. }

This day, personally appeared before me, one of the Justices of the Peace in and for said county, W. H. Gabbert, who being duly sworn to give evidence in the case of the contested election now pending before the Legislature of Minnesota Territory, between Harley D. White and James Wells, of Wabeshaw precinct; deposed and saith,

That Bernard Smith, William Smothers, Edward Beers, Henry E. Baldwin, Abner Beers and William Cheesbro, told him, the said Gabbert, both before the day of the late election to the Minnesota Legislature, and on the day of the election, and since the day of the election, that they were not legal voters as they did not reside in the Territory on the 3d of March last. And the said Gabbert says upon his oath, that the aforesaid William Smothers, Edward Beers, Henry E. Baldwin, Abner Beers and William Cheesbro, told him that they did vote at the polls of the election at Wabeshaw precinct, on the first day of August last.

Sworn to and signed before me, this 13th day of September, A. D. 1849.
W. H. GABBERT.

JOHN A. WAKEFIELD, }
Justice of the Peace. }

REPORT

Of Select Committee on the matter of the Petition of Catharine Hathaway for a divorce.

The Select Committee to which was referred the petition of Catharine Hathaway, praying for a divorce, together with the bill granting the said Catharine a divorce from her husband, would beg leave to report:

That they proceeded to the residence of the petitioner, and entered into a labored and patient investigation of the testimony in the case, attempting, as far as possible, to sift that part of the petitioner's testimony which was irrelevant or foreign to the subject matter of the petition, from that part of the testimony which had a direct bearing upon the case.

Your Committee would further beg leave to state to this honorable body, that the duties imposed upon them were of a delicate and unpleasant nature, to feel impressed by a sense of duty and the obligations of official responsibility on the one hand, and the delicate relations existing at that time, between them and the petitioner on the other, made the task of your Committee unpleasant to them.

For to feel under the necessity of requiring a sensitive, delicate and refined female to make a full and perfect statement of all the causes which had led to the unhappy relations existing between her and her husband, was an unpleasant responsibility.

The testimony which was taken by your Committee in the case, is herewith reported to the House for such action thereon, as this honorable body may think proper.

M. S. WILKINSON, }
P. K. JOHNSON, } Committee.
M. BLACK. }

HOUSE OF REPRESENTATIVES, MINNESOTA TERRITORY, }
November 1st, 1849. }

C. K. SMITH, SECRETARY OF THE TERRITORY OF MINNESOTA.

This is to certify, that the following named members of the House of Representatives, are entitled to the sums set opposite to their names, as their mileage in travelling to and from their place of residence to the seat of Government, estimated according to the most usually traveled route, as the same has been verified to us by the members respectively.

NAMES.	DISTRICTS.	MILES.	AMOUNT.	
Joseph W. Furber,	First District,	40	\$ 6	00
James Wells,	" "	200	30	00
M. S. Wilkinson,	Second District,	40	6	00
Sylvanus Trask,	" "	40	6	00
Mahlon Black,	" "	40	6	00
Benj. W. Brunson,	Third District,	1		15
Henry Jackson,	" "	1		15
John J. Dewey,	" "	1		15
Parsons K. Johnson,	" "	1		15
Henry N. Setzer,	Fourth District,	220	33	00
William R. Marshall,	Fifth District,	18	2	90
William Dugas,	" "	18	2	90
L. A. Babcock,	Sixth District,	160	24	00
Thomas A. Holmes,	" "	160	24	00
Allen Morrison,	" "	260	39	00
Jeremiah Russell,	" "	260	39	00
Alexis Bailly,	Seventh District,	16	2	40
Gideon H. Pond.	" "	40	6	00
			\$227	40

In witness whereof, We have hereunto set our hands, this 1st day of November, 1849.

JOSEPH W. FURBER, Speaker.

WILLIAM D. PHILLIPS, Chief Clerk.

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Prepared for the press by WILLIAM D. PHILLIPS, Chief Clerk of the House of Representatives of the Territory of Minnesota.

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