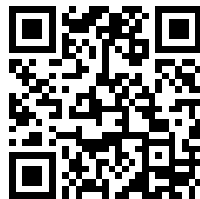


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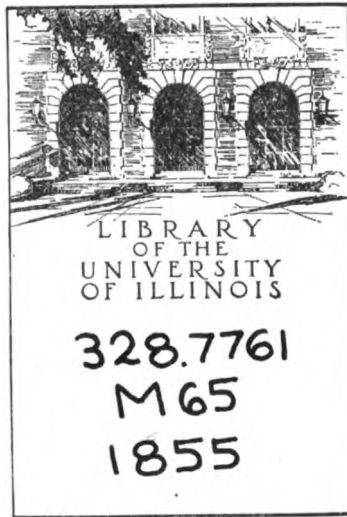
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# **JOURNAL**

OF THE

## **COUNCIL OF MINNESOTA,**

**DURING THE SIXTH SESSION**

OF THE

## **LEGISLATIVE ASSEMBLY,**

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

~~~~~  
**PUBLISHED BY AUTHORITY.**  
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## JOURNAL OF THE COUNCIL.

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### WEDNESDAY.

JANUARY, 3, 1855.

The first Wednesday in January being the day designated by law for the annual meeting of the Legislative Assembly of the Territory of Minnesota, that being the third day of the month, at 12 o'clock, M.,

The Council was called to order by James B. Dixon, Esq., who being the Secretary of the last Council, was the person designated by law to perform that duty.

The roll being called,

The following members appeared in their seats and answered to their names, viz:

From the first Council District—John E. Mower, Albert Stimson.

From the second Council District—William P. Murray, Isaac Van Etten.

From the third Council District—Charles T. Stearns.

From the fourth Council District—William Freeborn.

From the fifth Council District—S. B. Olmstead.

From the sixth Council District—Joseph R. Brown.

From the seventh Council District—Norman W. Kittson.

On motion of Mr. Murray,

Mr. Stearns was unanimously elected President *pro tem.* of the Council.

On motion of Mr. Olmstead,

James Starkey was appointed Secretary of Council *pro tem.*

On motion of Mr. Murray,

Andrew C. Dunn was appointed Assistant Secretary *pro tem.*

On motion of Mr. Van Etten,

Samuel McConnell was appointed Enrolling Clerk *pro tem.*

On motion of Mr. Mower,



William C. Johnson was appointed Sergeant-at-Arms *pro tem*.

On motion of Mr. Brown,  
Flavil Lemay was appointed Messenger *pro tem*.

On motion of Mr. Olmstead,  
Samuel Nevans was appointed Fireman *pro tem*.

On motion of Mr. Kittson,  
Dr. Van Ingen was appointed Chaplain *pro tem*.

Mr. Van Etten moved that the officers *pro tem*. be now sworn in.  
Which motion was adopted.

Whereupon  
The President *pro tem*. administered the oath of office to the officers *pro tem*.

Mr. Brown moved  
That a committee of two be appointed to wait on the House of Representatives and  
inform them that the Council was now temporarily organized.

Which motion was adopted.  
The President appointed Messrs. Brown and Murray said committee.

Mr. Brown moved  
That the Council adopt temporarily the same rules that governed the Council of last  
session.

Which motion was adopted.  
Mr. Murray moved  
That the representatives of the public press of the Territory, be admitted to seats  
within the bar of the Council chamber.

Which motion was unanimously adopted.  
Mr. Van Etten moved  
That the Council do now adjourn until 12 o'clock M., to-morrow, and a division being  
called for and ordered, there were—ayes 1; nays 5.

So the motion was lost.  
Mr. Brown moved  
That the Council do now adjourn until to-morrow at 3 o'clock P. M.

Which was decided in the affirmative.

The Council then adjourned until to-morrow at 3 o'clock P. M.

CHAS. T. STEARNS,  
*President of the Council, pro tem.*

Attest:

JAMES STARKEY,  
*Secretary, pro tem.*

**THURSDAY.**

JANUARY 4, 1855.

The Council met pursuant to adjournment.

Prayer by Rev. Dr. Van Ingen.

A quorum being present,

The journal of yesterday was read and corrected.

Mr. Van Etten moved

That the Council do now proceed to the election of President of the Council.

Mr. Brown moved

That the Council do now adjourn;

Which was negatived.

The question then recurring on the motion of Mr. Van Etten to proceed to the election of President of the Council,

It was decided in the affirmative.

The Council then proceeded to vote for President.

When the following was the result:

Mr. Brown voted for Mr. Olmstead,

" Freeborn " " "

" Kittson " " "

" Murray " " "

" Mower " " "

" Olmstead " " Stearns,

" Stearns " Mr. Olmstead,

" Stimpson " " "

" Van Etten " " "

Mr. Olmstead received 8 votes.

" Stearns " 1 vote.

Mr. S. B. Olmstead having received a majority of all the votes cast, was declared duly elected President of the Council.

On motion,

A committee of two was appointed to conduct the President to the chair;

Whereupon,

Messrs. Brown and Van Etten were appointed said committee.

The President was then conducted to the Chair, and addressed the Council as follows:

*Gentlemen of the Council:*

I acknowledge my obligations to you for this expression of your confidence. It is the more gratifying, as coming from those toward whom I have heretofore borne the same relation. In taking the Chair, I can only assure you, gentlemen, that my best efforts

will be exerted to discharge the duties of the position courteously and impartially, rendering, so far as lies in my power, "equal and exact justice to all." I again thank you, gentlemen, for this renewed expression of your regard; and bespeak for our deliberations that harmony of action necessary to the public good, which we were sent here to promote.

Mr. Brown moved

That the Council proceed to the election of permanent officers.

Which motion was adopted.

The Council then proceeded to the election of Secretary of the Council, and the following was the result:

Mr. Brown voted for A. J. Morgan.

" Freeborn	"	"	"
" Kittson	"	"	"
" Murray	"	"	"
" Mower	"	"	"
" Stearns	"	"	"
" Stimson	"	"	"
" Van Etten	"	"	"
" President	"	"	"

There were 9 votes cast.

Mr. A. J. Morgan having received the unanimous vote of the Council, was then declared duly elected Secretary of the Council.

The Council then proceeded to the election of Assistant Secretary, and the following was the result:

Mr. Brown voted for M. C. Baker.

" Freeborn	"	"	"
" Kittson	"	"	"
" Murray	"	"	"
" Mower	"	"	"
" Stearns	"	"	"
" Stimson	"	"	"
" Van Etten	"	"	"
" President	"	"	"

There were 9 votes cast.

Mr. M. C. Baker having received the unanimous vote of the Council, was the declared duly elected Assistant Secretary.

The Council then proceeded to the election of Enrolling Clerk, when the following was the result:

Mr. Brown voted for Mr. Colville.

" Freeborn	"	"	"
" Kittson	"	"	"
" Murray	"	"	"
" Mower	"	"	"
" Stearns	"	"	"
" Stimson	"	"	"

Mr. Van Etten voted for Mr. Colville.

" President " " "

There were 9 votes cast.

Mr. W. Colville having received the unanimous vote of the Council, was then declared duly elected Enrolling Clerk.

The Council then proceeded to the election of Sergeant-at-Arms, and the following was the result:

Mr. Brown voted for W. C. Johnson.

" Freeborn	"	"	"
" Kittson	"	"	"
" Murray	"	"	"
" Mower	"	"	"
" Stearns	"	"	"
" Stimson	"	"	"
" Van Etten	"	"	"
" President	"	"	"

There were 9 votes cast.

Mr. W. C. Johnson having received the unanimous vote of the Council, was then declared duly elected Sergeant-at-Arms.

The Council then proceeded to the election of Messenger, and the following was the result:

Mr. Brown voted for C. B. Chapman.

" Freeborn	"	"	"
" Kittson	"	"	"
" Murray	"	"	"
" Mower	"	"	"
" Stearns	"	"	"
" Stimson	"	"	"
" Van Etten	"	"	"
" President	"	"	"

There were 9 votes cast.

Mr. C. B. Chapman having received the unanimous vote of the Council was then duly declared elected Messenger.

The Council then proceeded to the election of Fireman, and the following was the result:

Mr. Brown voted for F. J. Bartlett.

" Freeborn	"	S. Nevens.
" Kittson	"	F. J. Bartlett.
" Murray	"	" "
" Mower	"	" "
" Stearns	"	" "
" Stimson	"	" "
" Van Etten	"	" "
" President	"	S. Nevens.

There were 9 votes cast.

Mr. Bartlett received 7 votes.

" Nevens " 2 "

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

Mr. Murray offered the following resolution:

*Resolved*, That the Rev. J. G. Riheldaffer be appointed Chaplain to the Council during the present session.

Which was unanimously adopted.

On motion of Mr. Brown,

A committee of three were appointed to draft Rules for the permanent government of the Council during the present session.

The President appointed Messrs. Brown, Stearns and Murray said committee.

Mr. Murray offered the following resolution:

*Resolved*, That the Secretary of the Territory be requested to report to the Council the reasons why the Journals of the last Legislative Assembly have not been printed, bound and delivered according to law.

Which resolution was adopted.

Mr. Stearns moved,

That the Council do now adjourn.

Which motion was decided in the affirmative.

The Council then adjourned until to-morrow morning at 10 o'clock, A. M.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

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## FRIDAY.

JANUARY 5, 1855.

The Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The Journal of yesterday's proceedings was read.

Messrs. Davis and Fridley appeared as a committee from the House of Representatives, and announced that the House was temporarily organized, and now ready to transact any business the Council may have.

Mr. Van Etten moved

That the permanent officers be now sworn in.

Carried unanimously.

The permanent officers were then sworn in by the President, with the exception of Messenger, who was absent.

On motion of Mr. Brown,

A committee of two was appointed to inform the House of the permanent organization of the Council.

The President appointed Messrs. Brown and Freeborn said committee; who, after a short absence, reported said duty performed.

Mr. Brown gave notice,

That on to-morrow or some subsequent day, he would introduce the following bills:

A bill to provide for the apportionment of members of the Legislative Assembly.

A bill to provide for laying out certain Territorial roads in this Territory.

A bill to confirm the qualifications of county officers in Sibley county, and for other purposes.

On motion of Mr. Murray,

The Council adjourned until Monday at 10 o'clock.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

## MONDAY.

JANUARY 8, 1855.

The Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The Journal of Friday's proceedings was read and corrected.

Mr. Stearns offered the following resolution:

*Resolved*, That the office of Messenger of the Council be declared vacant, in consequence of the absence of C. B. Chapman, the Messenger elect.

On motion of Mr. Brown,

The Council proceeded to the election of Messenger in place of C. B. Chapman.

Mr. Stearns nominated E. Dixon.

" Brown " F. Lemay.

" Murray " J. O'Gorman.

Roll was called with the following result:

Mr. Brown voted for F. Lemay.

" Freeborn " E. Dixon.

" Kittson " Lemay.

" Murray " J. O'Gorman.



Mr. Mower voted for E. Dixon.

" Stearns " E. Dixon.

" Stimson " E. Dixon.

" Van Etten " Ireland.

" President " E. Dixon.

Whole number of votes cast, 9.

Necessary to a choice, 5.

Mr. Dixon received 5 votes.

" Lemay " 2 "

" O'Gorman " 1 "

" Ireland " 1 "

Mr. Dixon having received a majority of all the votes, was declared duly elected Messenger for the present session.

On motion of Mr. Brown,

Mr. Dixon was sworn into office as Messenger by the President.

Mr. Brown moved

The rules be suspended, in order to introduce the following bills:

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

No. 2, (C. F.) A bill to provide for laying out certain Territorial roads.

No. 3, (C. F.) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

Which motion prevailed.

Said bills were read a first and second times by their titles, and laid on the table to be printed.

And said bills so read accordingly.

Mr. Brown gave notice

Of the introduction on to-morrow or some subsequent day, of the following memorials:

A memorial to Congress for a further appropriation for the completion of Ft. Ridgely.

A memorial to Congress for an appropriation for the construction of a military road.

A memorial to Congress for a change in the boundaries of land districts in this Territory.

Mr. Van Etten gave notice

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

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

Also A bill to provide for the collection of taxes;

Also A bill to amend an act entitled An act to incorporate the city of St. Paul;

Also A bill to provide for the change of venue in civil actions in this Territory;

Also A bill to amend the act relating to Assessors.

Mr. Van Etten offered the following resolution:

*Resolved*, That the Secretary of the Council be requested to wait upon the Post-Master and arrange the amount and manner to provide the Council with postage stamps and envelopes, during the present session. Adopted.

Mr. Van Etten offered the following resolution:

*Resolved*, That the Secretary of the Territory be requested to furnish each member and officer of the Council with the necessary stationery and copies of the memorials and session laws of the last session of the Legislature.

Adopted.

Mr. Murray gave notice

That on to-morrow or some subsequent day he should introduce

A bill to provide for laying out a Territorial road from St. Paul to Elliot, on the southern boundary of Minnesota.

On motion of Mr. Murray

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

## TUESDAY.

JANUARY 9, 1855.

The Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The Journal of yesterday's proceedings was read.

Mr. Van Etten moved

The Council adjourned.

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

Ayes 6. }  
Nays 3. }

Those who voted in the affirmative were

Mr. Kittson,  
Murray,

Mr. Mower,  
Stearns,

Mr. Stimson,  
Van Etten.

Those who voted in the negative were

Mr. Brown,

Mr. Freeborn,

Mr. President.

So the Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

## WEDNESDAY.

JANUARY 10, 1855.

The Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The Journal of yesterday's proceedings was read.

The President laid before the Council the following communication:

SECRETARY'S OFFICE, ST. PAUL, }  
January 8, 1855. }

HON. S. B. OLNSTEAD,

*President of the Council:*

SIR:—In pursuance of a resolution calling upon me for information relative to the binding of the Journals of the last session of the Legislature, I have the honor to state that on account of the size of the Journals, it was deemed best by myself and others to have but a few copies of both volumes bound together, and to postpone the completion of the balance until the opinion of the Legislature could be obtained respecting the size of the volume.

I am, Sir, very respectfully,

Your obedient servant,

J. TRAVIS ROSSER,

*Secretary of Minnesota Territory.*

The following correspondence was read:

COUNCIL CHAMBER, ST. PAUL, }  
January 10, 1855. }

*To the Hon. President of the Council:*

SIR:—In conformity with a resolution passed by the Council on the 8th inst., relative to the postage of the members of the Council, I have the honor to report the following correspondence relative thereto, between the Postmaster of this city and myself.

Respectfully, Your obedient servant,

A. J. MORGAN,

*Secretary of Council.*

COUNCIL CHAMBER, ST. PAUL, }  
January 8, 1855. }

*Wm. Henry Forbes, Esq., P. M. St. Paul:*

At a meeting of the Council this morning, the following resolution was unanimously adopted:

*Resolved, That the Secretary of the Council be requested to wait upon the Postmas-*

ter, and arrange the number and manner of furnishing the Council with stamps and envelopes during the present session.

In pursuance with the above resolution, will you be so kind as to inform me at your earliest convenience, if you will furnish each member and officer of the Council entitled to receive them, with two hundred stamped letter envelopes and five hundred newspaper postage stamps.

I have the honor to be,

Respectfully, your obedient servant,

A. J. MORGAN,  
*Secretary of the Council.*

POST OFFICE, ST. PAUL, }  
January 9, 1855. }

SIR:—Your note of yesterday, informing me of the resolution of the Council, in relation to postage of the Council during the present session, is received.

In answer, I will say that I have not the stamps and envelopes to furnish; but will give credit for postages of members during the session, on condition that Secretary Rosser will pay the bill at the end of the session.

Respectfully, &c.,

WM. H. FORBES, P. M.,  
J. C. TERRY, *Assistant.*

A. J. Morgan, Esq., Sec'y Council.

Mr. Murray presented

A petition from S. P. Hicks and 280 others, praying for a Territorial road from St. Paul to Elliot to intersect the boundary line of Iowa and Minnesota.

Mr. Brown from the committee appointed to report rules for the government of the Council,

Made the following report:

## STANDING RULES OF THE COUNCIL.

I. The Council shall choose one of the members to occupy the chair, who shall be styled "President of the Council," and who shall hold his office during one session thereof, unless he be removed therefrom by a vote of two-thirds of the members present.

II. The President shall take the chair at the hour to which the Council shall have adjourned; 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 and corrected.

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

IV. He shall rise to put a question, but may state it sitting.

V. Questions shall be distinctly put in this form, to wit: "As many as are of the opinion that—as the question may be—say *Aye*;" and after the affirmative voice is

expressed, "As many as are of the contrary opinion say *No.*" If the President doubt, or a division be called, the Council shall decide. Those in the affirmative of the question shall first rise from their seats; and afterwards those in the negative.

VI. The President shall call some member to the Chair when the Council votes to go into Committee of the Whole, and may then debate the question before the Committee. He shall also have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment. In the absence of the President, except as above, the Council shall appoint a President *pro tem.*

VII. He shall appoint all committees, unless otherwise directed by the Council. He shall sign all acts, memorials, addresses and resolutions; and all writs, warrants and subpoenas, issued by the Council, shall be signed by him and attested by the Secretary.

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

IX. In case of any disturbance or disorderly conduct in the lobby, the President, or Chairman of the Committee of the Whole, shall have power to order the same to be cleared.

X. Reporters wishing to take down the debates, may be admitted by the President, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the Council.

XI. After the Journal has been read and corrected, the order of business shall be as follows, viz:

1. Letters, petitions, remonstrances, and accompanying documents, may be presented and referred.

2. Resolutions may be offered and considered; notices of leave to introduce bills, memorials, or joint resolutions may be given; and bills, memorials and joint resolutions may be introduced on leave granted.

3. Reports of Committees may be made and considered—

1st. From Standing Committees;

2d. From Select Committees.

4. Messages and other Executive communications.

5. Messages from the House of Representatives, and amendments proposed by the House of Representatives to bills from the Council.

6. Bills, memorials and joint resolutions from the House of Representatives on their second reading.

7. Bills, memorials and joint resolutions, on their third reading.

8. Bills, memorials and joint resolutions, ready for a third reading.

9. Bills, memorials and joint resolutions reported by Committee of the Whole.

10. Bills, memorials and joint resolutions in which a Committee of the Whole has made progress and has leave to sit again.

11. Bills, memorials and joint resolutions not yet considered in Committee of the Whole.

XII. Bills and joint resolutions of a public nature, shall always have the preference of private bills.

XIII. When any member is about to speak in debate, or deliver any matter to the

Council; he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question under debate; and avoid personality.

XIV. Whenever any member is called to order, he shall sit down until it is determined whether he is in order or not; and if a member is called to order for words spoken in debate, the exceptionable words shall be taken down in writing immediately.

XV. When two or more members happen to rise at once, the President shall name the member who is to speak.

XVI. No member shall speak more than twice on the same question; nor more than once on a motion for commitment, without leave of the Council.

XVII. Whilst the President is putting any question, or addressing the Council, none shall walk out, or across the room, nor in such case, or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the Chair. Every member shall remain uncovered during the session of the Council. No member, or other person, shall visit or remain by the Secretary's desk while the ayes and noes are calling, or ballots are counting:

XVIII. No member shall vote on any question in any case where he was not within the Bar of the Council when the question was put, unless by leave of the Council:

XIX. Upon a division and count of the Council on any question, no member without the Bar shall be counted.

XX. Every member who shall be in the Council when the question is put, shall give his vote, unless the Council, for special reasons, shall excuse him. All motions to excuse a member from voting, shall be made before the Council divides, or before he gives his vote upon a call of the ayes and noes. And any member wishing to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

XXI. When a motion is made and seconded, it shall be stated by the President; or being in writing, it shall be handed to the Secretary, and read aloud before debated.

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

XXIII. After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Council; but may be withdrawn at any time before a decision or amendment.

XXIV. When a question is under debate, no motion shall be received, unless to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit, to amend, or to postpone indefinitely; and these several motions shall have precedence in the order in which they stand arranged: A motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall not be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be equivalent to the rejection of the bill.

XXV. A motion to adjourn shall always be in order; that and the motion to lie on the table shall be decided without debate.

XXVI. The previous question shall be in this form: "Shall the main question be now put?" It shall be only admitted when demanded by a majority of the members



present; and until it is decided, shall preclude amendment and further debate of the main question. On a motion for the previous question, and prior to the main question being put, a call of the Council shall be in order.

XXVII. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on debate or otherwise, without debate.

XXVIII. When a motion or question has been once put and carried in the affirmative or negative, it shall be in order for any member who voted in the majority, or when the Council is equally divided, for a member who voted in the negative, to move for a re-consideration thereof on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn. A motion for re-consideration being put and lost shall not be renewed.

XXIX. Any member may call for a division of the question, when the same will admit of it. A motion to strike out and insert shall be deemed to be indivisible. A motion to strike out being lost, shall not preclude an amendment, nor a motion to strike out and insert.

XXX. In presenting a petition, memorial, remonstrance, or other communication addressed to the Council, or Legislative Assembly, the member shall only state the general purport of it.

XXXI. Every petition, memorial, remonstrance, resolution, bill and report of committee, shall be endorsed with its appropriate title; and immediately under the endorsement the name of the member presenting the same shall be written.

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

XXXIII. The following Standing Committees, (each to consist of three members,) shall be appointed at the commencement of the session, viz:

- On Internal Improvements.
- On Territorial Affairs.
- On the Judiciary.
- On Agriculture and Manufactures.
- On Territorial Expenditures.
- On Legislative Expenditures.
- On the Militia.
- On Schools.
- On Incorporations.
- On Territorial Roads.
- On Engrossed Bills.
- On Enrolled Bills.
- On Printing.
- On Public Buildings.

XXXIV. The rules observed in Council shall govern, as far as practicable, the proceedings in Committee of the Whole; except that a member may speak oftener than twice on the same subject, and that a call for the yeas and nays, or for the previous question, cannot be made.

XXXV. Amendments made in Committee of the Whole shall be entitled on a separate piece of paper, and so reported to the Council by the Chairman standing in his place; which amendment shall not be read by the President, unless required by one or more of the members. The report having been first acted upon, the bill shall then be subject to debate and amendment before the question to engross it is taken.

XXXVI. All bills and resolutions shall be introduced by motion for leave, or upon the reports of Committees. Members introducing a bill, shall always give one day's notice of a motion to bring it in, and when brought in, it shall be endorsed with the name of the member or committee.

XXXVII. Every bill, memorial, or joint resolution, requiring the approval of the Governor, shall receive three several readings previous to its passage; the first reading shall be at length, and no bill shall receive a second and third reading on the same day.

XXXVIII. No bill or joint resolution shall be committed or amended until it has been twice read. If objections are made to a bill on its first reading, the question shall be: "Shall the bill be rejected?" If no objection be made, or the question to reject be lost, the bill shall go to its second reading.

XXXIX. All bills, memorials and joint resolutions requiring the approval of the Governor, shall, on a second reading, be considered in Committee of the Whole before they shall be acted upon by the Council.

XL. Fifty copies of every bill, joint resolution or memorial, shall be printed after the second reading by the Secretary, unless otherwise ordered. And bills, memorials, resolutions and amendments, after being printed, shall remain at least one day on the files before being considered.

XLI. No more than three bills originating in the Council shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the President.

XLII. The final question after the consideration in Committee of the Whole of a bill or other paper originating in the Council, and requiring three readings previous to its being passed, shall be: "Shall it be engrossed and read a third time?" and upon every such bill or paper originating in the House of Representatives: "Shall it be read a third time?"

XLIII. No amendments shall be received on third reading, except to fill blanks, without the unanimous consent of the Council. In filling blanks, the largest sum, longest time and greatest distance, shall be first taken.

XLIV. A bill or resolution may be committed at any time previous to its passage; and if any amendment be reported upon such commitment, by any other than a Committee of the Whole, it shall be again read a second time, considered in Committee of the Whole, and the question for third reading and passage again put.

XLV. Every bill, joint resolution or memorial, originating in the Council, shall be

carefully engrossed before being transmitted to the House of Representatives for concurrence.

XLVI. Immediately after the passage of any bill or other paper, to which the concurrence of the House of Representatives is to be asked, it shall be the duty of the Secretary to transmit the same to the House, unless some member of the Council shall make a motion to re-consider the vote by which the Council passed said bill or other paper, in which case the Secretary shall not transmit said bill or other paper until the motion to re-consider has been put; and on the concurrence in any bill or other paper of the House of Representatives by the Council, or on the concurrence or disagreement in any vote of the House, it shall also be the duty of the Secretary to notify the House thereof.

XXLVII. Memorials to Congress, to the President of the United States, or the head of either of the departments, shall be considered in Committee of the Whole before being adopted.

XLVIII. It shall be competent for any member when a question is being taken, to call for the ayes and noes, which shall be inserted on the Journal. A call for the ayes and noes cannot be interrupted in any manner whatever.

XLIX. Committees shall not absent themselves from the Council by reason of their appointment, without special leave for that purpose be first obtained.

L. It shall be in order for the committee on enrollment to report at any time.

LI. A Secretary, Assistant Secretary, Enrolling Clerk, Sergeant-At-Arms, Messenger and Fireman shall be elected, to hold their offices during the pleasure of the Council. The Secretary shall keep a correct Journal of the proceedings of the Council, and shall perform such other duties as shall be assigned to him as such Secretary. He shall permit no journal, records, accounts or papers to be taken from the table or out of his custody, other than in the regular mode of business; and if any papers in his charge shall be missing, he shall report the fact to the President that inquiry may be made. He shall superintend the recording of the journal of proceedings, the engrossing, enrolling, transcribing and copying of bills and resolutions, and generally perform the duties of Secretary, under the direction of the President. These officers shall severally take an oath truly and faithfully to discharge their respective duties of office.

LII. The proceedings of the Council on Executive business shall be kept in a separate book of record, to be provided by the Secretary of the Council, and published with the proceedings of the Council.

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

LIV. The President is authorized to administer all oaths prescribed by the foregoing rules.

LV. The standing hour for the daily meeting of the Council, shall be ten o'clock in the morning, until the Council direct otherwise.

LVI. The Governor, Secretary of the Territory, Judges of the Supreme Court, Delegate in Congress, members of Congress, of State Legislatures, and of the House of

Representatives and ex-members of the Territorial Legislature, may be admitted to seats within the bar of the Council.

**LVII.** No standing rule or order of the Council shall be rescinded or changed without one day's notice being given of the motion therefor, nor shall any rule be rescinded, changed or suspended, except by a vote of at least two-thirds of the members present.

**LVIII.** Every resolution debated or giving rise thereto, shall lie over for one day without debate or other action.

**LIX.** When in executive session, the Council shall in all cases sit with closed doors. All persons except the officers of the Council shall be removed from without the bar of the Council.

Mr. Murray moved

The report be laid on the table,

Carried.

A message from the House of Representatives being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following message:

**MR. PRESIDENT:**—The House of Representatives has permanently organized by the election of the following officers:

James S. Norris, Speaker;  
James C. Shepley, Chief Clerk;  
John M. Holland, Assistant Clerk;  
J. P. Wilson, Enrolling Clerk;  
S. B. Garvie, Sergeant-at-Arms;  
Joseph Le Bonne, Messenger;  
George Kerns, Fireman;  
E. A. Hodsdon, Chaplain;

And then he withdrew.

Mr. Brown offered the following resolution:

**Resolved,** That each member and officer of the Council may subscribe for any number of copies of newspapers not exceeding in all fifteen copies per week during the session of the Legislature, to be paid for out of the moneys appropriated to defray the expenses of the Legislative Assembly.

Mr. Murray moved

The resolution be laid on the table.

Carried.

Mr. Stearns gave notice that on to-morrow or some subsequent day, he would introduce a bill for laying out a Territorial road from Minneapolis to Murphy's ferry on the Minnesota river.

Mr. Brown gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to organize the town of Henderson and for other purposes.

Mr. Van Etten gave notice that on to-morrow or some subsequent day, he would introduce a bill to amend various chapters of the Revised Statutes.

On motion of Mr. Brown  
The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

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**THURSDAY,**

**JANUARY 11, 1855.**

The Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present,

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

On motion of Mr. Murray

The further reading of the Journal was dispensed with.

Mr. Murray offered the following resolution:

*Resolved*, That the members and officers of the Council be hereby authorized to subscribe for sixty newspapers each.

On motion of Mr. Brown,

The resolution was adopted.

A message from the House being announced,

J. C. Shepley, Esq., the Chief Clerk thereof, appeared and delivered the following message:

**MR. PRESIDENT:**—By a resolution of the House of Representatives, the Speaker has appointed Messrs. Dixon and Davis, a Committee to act in conjunction with a similar Committee to be appointed by the Council to wait on His Excellency the Governor, and inform him that the two houses of the Legislative Assembly are now organized, and ready to receive any communication he may have to make.

And then he withdrew.

Mr. Murray moved

That a committee of two be appointed to act in conjunction with the Committee of the House, to inform His Excellency the Governor that the Legislative Assembly is now organized and ready to receive any communication he may have to make.

The Chair appointed

Messrs. Kittson and Van Etten said committee.

Mr. Brown, on leave, introduced

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

Which was read a first and second time, and laid on the table.

Mr. Brown gave notice

That on to-morrow or some subsequent day he would introduce a bill to provide for the improvement of the navigation of the Minnesota river and for other purposes.

On motion of Mr. Brown,

The following resolution, laid on the table yesterday, was taken up.

*Resolved*, That each member and officer of the Council may subscribe for any number of copies of newspapers not exceeding in all fifteen copies per week during the session of the Legislature, to be paid for out of the moneys appropriated to defray the expenses of the Legislative Assembly.

Mr. Brown moved

The resolution be adopted.

Mr. Murray moved

To strike out "fifteen" wherever it occurs in the resolution, and insert "sixty daily newspapers."

Mr. Brown offered the following amendment to the amendment:

Insert after "copies of," the word "daily;" insert in lieu of "fifteen," the word "sixty;" and add after "Legislative Assembly," the words "said papers to contain the daily proceedings of the Council."

Which amendment was adopted.

On motion of Mr. Murray,

The resolution was laid on the table.

On motion of Mr. Murray,

The rules reported by the committee yesterday and laid on the table, were taken up.

The rules were then read and adopted.

A message from the House of Representatives being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following message:

**MR. PRESIDENT:**—The House is now ready to meet the Council in joint convention to receive the Governor's Message.

The committee appointed to wait on His Excellency to inform him of the complete organization of the Legislative Assembly, reported that the message would not be ready until Monday or Tuesday.

Mr. Murray moved

The Council resolve itself into a committee of the whole, on

No. 3, (C. F.) A bill to provide for the apportionment of the Legislative Assembly of this Territory.

Which motion was lost.

Mr. Murray then moved

The bill be referred to the Committee on Territorial Affairs.

Mr. Murray withdrew his motion for the purpose of giving the President an opportunity to announce the Standing Committees.

The President announced the following Standing Committees:

INTERNAL IMPROVEMENTS.

Messrs. BROWN, Mower and Stearns.

TERRITORIAL AFFAIRS.

Messrs. Stimpson, Van Etten and Murray.



## JUDICIARY.

Messrs. Van Etten, Murray and Stearns.

## AGRICULTURE AND MANUFACTURES.

Messrs. Freeborn, Brown and Stimson.

## TERRITORIAL EXPENDITURES.

Messrs. Mower, Murray and Kittson.

## LEGISLATIVE EXPENDITURES.

Messrs. Stearns, Murray and Brown.

## MILITIA.

Messrs. Freeborn, Brown and Stimpson.

## SCHOOLS.

Messrs. Kittson, Stimson, and Murray.

## INCORPORATIONS.

Messrs. Murray, Mower and Van Etten.

## TERRITORIAL ROADS.

Messrs. Brown, Mower and Kittson.

## PUBLIC BUILDINGS.

Messrs. Mower, Stimson and Kittson.

## PRINTING.

Messrs. Kittson, Brown and Stimson.

## ENGROSSED BILLS.

Messrs. Stearns, Kittson and Freeborn.

## ENROLLED BILLS.

Messrs. Van Etten, Murray and Kittson.

Mr. Van Etten moved that

No. 3, (C. F.)—a bill to provide for the apportionment of Members of the Legislative Assembly of this Territory, be referred to a select committee of three,

Which motion was lost.

Mr. Murray offered the following resolution:

*Resolved*, That the Council adjourn to meet the House of Representatives in joint convention on Monday next at 10 o'clock, provided the typographical error in the Governor's Message is corrected.

Mr. Brown moved

To lay the resolution on the table.

Carried.

Mr. Van Etten moved

The Council adjourn until Monday at 10 o'clock A. M.

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

Ayes 6. }

Nays 3. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Kittson,

Mr. Stearns,

Stimson,

Van Etten,

President—6.

Those who voted in the negative were

Mr. Freeborn,  
So the motion prevailed, and  
The Council adjourned until Monday next at 10 o'clock.

Mr. Murray,

Mr. Mower.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORSE,  
*Secretary.*

## MONDAY.

JANUARY 15, 1855.

The Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The Journal of Thursday's proceedings was read.

Mr. Van Etten gave notice that he would on to-morrow or some subsequent day, introduce a memorial, praying Congress to annul the charter of the Minnesota and North Western Railroad Company.

Mr. Murray called attention to an error in Thursday's Journal.

No objection being raised, it was corrected.

Mr. Brown gave notice that on to-morrow he would introduce a resolution amending article 58 of the Council rules.

A message from the House of Representatives being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—By a resolution of the House of Representatives, the Speaker has appointed Messrs. Fridley and Brawley a committee to act in conjunction with a similar committee to be appointed by the Council, to wait on his Excellency the Governor, and inform him that the two Houses of the Legislative Assembly are now organized, and ready to receive any communication he may have to make.

I have been instructed to inform the Council of the adoption by the House of the following resolution, in which the concurrence of the Council is respectfully requested:

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

And then he withdrew.

Mr. Stearns moved

That a committee be appointed by the Council to act with a similar committee on the part of the House of Representatives to wait on his Excellency the Governor, and

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

Which motion prevailed.

The Chair appointed

Messrs. Stearns and Freeborn said committee.

Mr. Van Etten moved to take up

No. 3, (C. F.) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

Which motion prevailed.

Mr. Brown moved

The Council resolve itself into a Committee of the Whole on said bill.

Which motion was lost.

Mr. Van Etten moved that

No. 3, (C. F.) A bill to provide for the apportionment of the members of the Legislative Assembly in this Territory,

Be referred to a committee of three.

Which motion prevailed.

The President appointed

Messrs. Van Etten, Brown and Stimson said committee.

Mr. Stearns, from the joint committee appointed to wait on the Governor, and inform him of the organization of the two Houses, reported that the Governor would be ready to deliver his annual message at two o'clock P. M.

On motion of Mr. Van Etten

Council adjourned until two o'clock P. M.

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#### AFTERNOON SESSION.

Two o'clock, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Brown

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

**TUESDAY.**

JANUARY 16, 1855.

The Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The Journal of yesterday's proceedings was read.

On motion of Mr. Murray,  
Council adjourned until two o'clock P. M.

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**AFTERNOON SESSION.**

TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

A quorum being present,

Mr. Brown moved

That the resolution as amended, authorizing each member and officer of the Council  
to subscribe for newspapers, be now taken up.

Which motion prevailed.

Mr. Brown moved

The adoption of the resolution.

Which motion was lost.

Mr. Murray moved

That the Council do now adjourn.

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

Ayes 5. }

Nays 6. }

Those who voted in the affirmative were

Mr. Freeborn,

Mr. Murray,

Mr. Mower,

Stearns,

Stimson,

Those who voted in the negative were

Mr. Brown,

Mr. Kittson,

Van Etten.

President.

So the Council adjourned.

S. B. OLMSTEAD,

*President of the Council.*

Attest:

A. J. MORGAN,

*Secretary.*

## WEDNESDAY,

JANUARY 17, 1855.

The Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The Journal of yesterday's proceedings was read.

Mr. Freeborn presented a petition from William W. A. Sweney and 40 others, for the establishment of a Territorial Road from Red Wing by way of Oronoco to Martinville, thence to the Iowa line:

Also, a petition from L. P. Hicks and 34 others on the same subject.

Mr. Freeborn moved

The petitions be referred to the Committee on Roads.

Which motion prevailed,

Mr. Kittson offered the following resolution:

*Resolved*, That the Secretary of the Council is hereby authorized to subscribe for thirty copies weekly of newspapers printed in the Territory for each member and officer of the Council, to be paid for by any money appropriated to defray the expenses of the Legislative Assembly.

Which resolution was adopted.

A message from the House of Representatives being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The House has passed the following memorial:

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

In which the concurrence of the Council is respectfully requested.

And then he withdrew.

Mr. Brown, in pursuance with previous notice, introduced a resolution striking out of 58th standing rule of the Council the words "without debate or action."

Which resolution was adopted.

Mr. Brown, on leave, introduced:

(No. 1, C. F.)—A memorial to Congress for an appropriation for the construction of a Military Road.

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

Which memorials were read a first and second time.

Mr. Brown moved

That the Secretary of the Council be requested to procure the printing of 100 copies of the standing rules for the use of the Council.

Which motion prevailed.

Mr. Brown moved

That a committee of two be appointed by the Council to act in conjunction with a similar committee on the part of the House of Representatives to wait on His Excellency the Governor, to ascertain when he will be ready to meet the two Houses in joint convention.

Which motion prevailed.

The President appointed,

Messrs. Brown and Mower said Committee.

A message from the House being announced, J. C. Shepley, Esq., chief clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—I have been instructed to inform the Council, that the House is now ready to go into joint convention to hear any communication that His Excellency the Governor may have to make. And then he withdrew.

Messages from the House being in order, the following message was read:

MR. PRESIDENT:—The House has passed the following memorial:

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

In which the concurrence of the Council is respectfully requested.

Said memorial was then read a first and second time.

Mr. Brown moved

That the Rules be suspended for the purpose of the third reading of the memorial now.

Which motion prevailed.

And the memorial was read the third time.

The question recurring on the passage of the memorial,

It was passed.

The question then recurring on agreeing to the title of the memorial,

It was agreed to.

The committee appointed to wait on the Governor, reported that they had attended to their duty, and that the Governor had informed them that he was ready to meet the two Houses at any time.

Mr. Van Etten moved

That the Council adjourn.

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

Ayes, 2. }  
Nays, 7. }

Those who voted in the affirmative were,

Mr. Brown,

Mr. Kittson,

Those who voted in the negative, were

Mr. Freeborn,

Mr. Murray,

Mr. Mower,

Mr. Stearns,

Stimson,

Van Etten,

President—7,

So the motion was lost.

Mr. Brown gave notice,

That on to-morrow or some subsequent day, he would introduce a bill to incorporate the Transit Railroad Company.

On motion of Mr. Murray,

The Council proceeded to the Hall of the House of Representatives to receive the Governor's Annual Message.

After the joint convention, the Council returned to their Hall, when

On motion of Mr. Van Etten

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

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**THURSDAY.**

**JANUARY 18, 1855.**

Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldeffer.

A quorum being present,

The President called Mr. Stearns to the Chair.

On motion of Mr. Murray,

The reading of the Journal of the Council was dispensed with.

The reading of the Journal of the Joint Convention was commenced.

On motion of Mr. Murray,

The reading of the Governor's Message was dispensed with.

## JOURNAL OF THE JOINT CONVENTION.

On motion of Mr. Sibley,

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

The Chair appointed

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

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

## MESSAGE.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The question now naturally arises, will Congress give us back these lands? I assure you that I feel the utmost confidence in the justice and liberality of the present Congress. It is believed that a truthful statement of the facts laid before them, cannot fail to procure their favorable action. Minnesota is the only Territory, and can be the only State, owing to her peculiar geographical position, in the confederacy, where the people without a railroad must be ice-bound and virtually imprisoned four months in the year. Shut up, and shut out from the great marts of commerce and markets, except by a land travel of 250 miles through ice and snow, while if the climate was temperate, the obstacle would be greatly lessened. It is therefore triumphantly submitted whether any other part of our great republic can call with so much propriety and justice for the fostering care and aid of the parent government. Here we have at least thirty thousand souls, and three frontier posts, Fort Snelling, Fort Ripley and Fort Ridgely, with five hundred troops, and the necessary arms and munitions; all ice-locked and comparatively buried, so far as external commerce, trade, travel, navigation or transportation is concerned, during this period. In a national point of view, if the enterprise and social comfort of thirty thousand American citizens do not reach the nation's attention, and demand their sympathy, we may ask, of what service can the troops be to the government, if needed elsewhere, in the months of December, January, February and March? How can they be used except where they are? To march out to where the channels of communication are uninterrupted, requires almost superhuman powers of endurance, unless avoided by an expense more than equal to the actual cost to the government of 800,000 acres of land, heretofore given us for a railroad.

By a recent report of the Commissioner of the General Land Office, it will be seen that the cost of public land to the government, including the original purchase and extinguishment of Indian title, cost of survey, selling and managing the same, is about 20 cents per acre. Therefore, supposing the late grant to be about 800,000 acres, it would only take from the treasury of the United States \$160,000. The late grant provided that the other 800,000 remaining to the government for sale, should not be sold for less than \$2.50 per acre, by which the United States treasury would receive two millions of dollars, the same as if the whole had been retained, and sold at \$1.25 per acre; and include in this transportation of troops and other property of the United States, which go free of charge over a railroad to be built from the proceeds of the lands, and the item of \$160,000 would be materially diminished, and access given the commercial world to our copper mines, vast pineries, fertile soil, and thriving commercial and manufacturing towns, and frontier posts. Not only does it put the same amount into the treasury, but the advantages of a railroad through these lands leading to the best markets in the west, will so greatly facilitate the sale and settlement of the remaining sections that the proceeds thereof will come into the treasury in far less time than if the whole remained without such a road; therefore, we again appeal to the justice of our national representatives, as they have given the territories of Iowa and Wisconsin thousands of acres for local improvements, and millions of acres to Oregon, Washington and New Mexico territories, to aid their growth and wealth, to give us the key to unlock our ice-bound winter home, and then we will at an early day relieve the national treasury of the burthen of our support from year to year.

I hope I shall be pardoned for drawing a comparison between the facilities and favors granted by the General Government to other Territories, and those to Minnesota. By an act approved 29th September, 1850, 640 acres of land were granted to Oregon Territory for each head of a family, and 320 acres to single men over 18 years of age (the Indian half-breeds included) to induce a speedy settlement within her borders; and by the act of 14th February, 1853, this magnificent bequest was extended to 1855, and by said act the further privilege of pre-emption upon unsurveyed lands. She has had large grants each year for roads, light-houses and buoys. She has received the additional facility of a Surveyor General for the Territory, various land offices established, and appropriations for public buildings. Washington Territory has been allowed the same munificent grant of 640 and 320 acres of land to actual settlers, to push forward her growth and prosperity, together with a Surveyor General, and various appropriations for roads, light-houses, buoys, &c., land offices established, and pre-emption of unsurveyed public lands. Therefore, supposing that half the population of Oregon and Washington Territories avail themselves of the bounty of the government, it will give from six to ten millions of acres to Oregon, and one-third that amount to Washington Territory. If we estimate the number of acres of land at six millions, occupied in Oregon under this bounty of the government at 20 cents per acre, (the actual cost to the government) it makes the sum of *one million two hundred thousand dollars*, of which she has been the beneficiary. If we estimate them at \$1.25 per acre, it would give her seven millions five hundred thousand dollars; and to estimate that two million acres will be occupied at the close of the present year in Washington Territory, it would give her four hundred thousand dollars at 20 cents per acre, and two million five hundred thousand dollars at \$1.25 per acre. By the act of the 22d July, 1854, New Mexico received a bounty to actual settlers of 160 acres, and pre-emption on unsurveyed lands, a surveyor general, &c., which, if it only covers one million acres, will amount to two hundred thousand dollars at 20 cents per acre, being forty thousand dollars more than is asked by Minnesota for the purpose of a railroad; and if estimated at \$1.25, it would amount to *one million two hundred and fifty thousand dollars*. Kansas and Nebraska have been provided for by the usual appropriations, and have been allowed a surveyor general and pre-emption of unsurveyed lands, while they are in a more temperate latitude, with navigable streams open nearly the whole year, together with the Hannibal and St. Joseph Railroad coming to the borders of Kansas, to aid in the construction of which the government gave over one million acres of land, and the projected railroad from Davenport, by way of Iowa city and Fort Des Moines, to Council Bluffs, while the central portion of Minnesota is locked up—250 miles by land and 350 miles by water, from Dubuque, our most convenient point of introduction to the uninterrupted channels of communication.

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

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

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

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



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

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

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

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

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

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

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

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

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

By the Auditor's report it will be seen that the taxable property of the Territory has largely increased within the last year. In 1854 it amounted to \$4,578,088 29; being \$2,182,596 29 of an increase over the preceding year; and the estimated value for 1855 is \$7,000,000. The financial condition of the Territory will be seen by the report of the Treasurer, to which you are respectively referred.

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

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

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

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

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

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

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

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

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

W. A. GORMAN.

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

Mr. Hanson moved

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

Mr. Brown moved

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

Which motion was adopted.

Mr. Sibley moved

That the convention adjourn,

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

Ayes 13, }

Nays 14. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Kittson,

Mr. Van Etten,

Andros,

Beatty,

Brawley,

Cave,

Davis,

Haus,

Lemay,

Sibley,

Speaker,

President.

Those who voted in the negative were

Mr. Freeborn,

Mr. Murray,

Mr. Mower,

Stearns,

Stimson,

Dixon,

Fridley,

Grant,

Hanson,

Regester,

Rolette,

Stanchfield,

Thompson,

Willima.

So the motion did not prevail.

The Chair then announced

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

Mr. Brown moved

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

And the ayes and noes being called for and ordered,

There were

Ayes 13, }  
Noes 14. }

Those who voted in the affirmative, were

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

Those who voted in the negative, were

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

So the amendment was not adopted.

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

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

Mr. Murray moved

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

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

Yeas 15, }  
Nays 12, }

Those who voted in the affirmative, were

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

Those who voted in the negative, were

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

So the amendment was adopted.

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

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

Yeas 16, }  
Nays 10, }

Those who voted in the affirmative, were

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

Those who voted in the negative, were

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

So the resolution, as amended, was adopted.

Mr. Brown moved

That one individual only be voted for on each ballot.

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

Yeas 13, }  
Nays 14, }

Those who voted in the affirmative, were

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

Those who voted in the negative, were

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

So the motion did not prevail.

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

The clerk read the resolution.

Mr. Van Etten moved

A call of the convention.

The roll having been called,

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

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

Mr. Murray rose to a point of order,

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

The Chair decided that the call was in order.

Mr. Murray appealed from the decision of the Chair.

Mr. Sibley moved

To lay the appeal on the table.

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

Yeas 12, }

Nays 13, }

Those who voted in the affirmative, were

Mr. Brown,

Beatty,

Davis,

Sibley,

Mr. Van Etten,

Brawley,

Haus,

Willim,

Mr. Andros,

Cave,

Lemay,

Speaker.

Those who voted in the negative, were

Mr. Freeborn,

Stearns,

Fridley,

Regester,

Thompson.

Mr. Mower,

Stimson,

Grant,

Rolette,

Mr. Murray,

Dixon,

Hanson,

Stanchfield,

So the motion did not prevail.

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

And it was read as follows:

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

Mr. Murray withdrew his appeal.

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

Mr. Brown moved

That the convention do now adjourn.

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

Yeas 13, }

Nays 14, }

Those who voted in the affirmative, were

Mr. Brown,

President,

Brawley,

Haus,

Speaker.

Mr. Kittson,

Andros,

Cave,

Lemay,

Mr. Van Etten,

Beatty,

Davis,

Sibley,

Those who voted in the negative, were

Mr. Freeborn,

Stearns,

Fridley,

Regester,

Thompson,

Mr. Murray,

Stimson,

Grant,

Rolette,

Willim,

Mr. Mower,

Dixon,

Hanson,

Stanchfield,

So the motion did not prevail.

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

The roll being called,

Mr. Brown	{	voted for	Goodrich, Staples and Hotchkiss.
" Freeborn	"		Hotchkiss, Staples and Jones.
" Kittson	"		Goodrich and Olmsted.
" Murray	"		Hotchkiss, Staples and Jones.
" Mower	"	" " "	"
" Stearns	"	" " "	"
" Stimson	"	" " "	"
" Van Etten	"		Goodrich, Olmsted and Staples.
" President	"		Goodrich.
" Andros	"		"
" Beatty	"		Goodrich, Staples and Jones.
" Brawley	"		Goodrich.
" Cave	"		"
" Dixon	"		Hotchkiss, Staples and Jones.
" Davis	"		Goodrich and Olmsted.
" Fridley	"		Hotchkiss, Staples and Jones.
" Grant	"	" " "	"
" Haus	"		Goodrich.
" Hanson	"		Hotchkiss, Staples and Jones.
" Lemay	"		Goodrich, Hotchkiss and Jones.
" Register	"		Hotchkiss, Staples and Jones.
" Rolette	"	" " "	"
" Sibley	"		Goodrich, Hotchkiss and Staples.
" Stanchfield	"		Hotchkiss, Staples and Jones.
" Thompson	"	" " "	"
" Willim	"	" " "	"
" Speaker	"		Goodrich, Staples and Hotchkiss.

Whole number of votes, 27.

Necessary to a choice, 14.

Messrs. Hotchkiss, Staples and Jones received, 14 votes.

Goodrich, Staples and Hotchkiss " 3 "

Goodrich and Olmsted " 2 "

Goodrich, Olmsted and Staples " 1 "

Goodrich " 5 "

Goodrich, Staples and Jones " 1 "

Goodrich, Hotchkiss and Jones " 1 "

—  
27

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

Mr. Van Etten moved



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

Which motion was adopted.

And the convention adjourned.

Mr. Stimson presented

The following report of the Surveyor General of the first district, Minnesota Territory, which was read by the Secretary:

## REPORT.

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

The undersigned, surveyor-general of logs and lumber in and for the first district, M. T., respectfully reports:

That the whole amount of logs surveyed and measured, by himself and deputies, during the year ending the 31st day of December, A. D. 1854, is twenty-four millions, three hundred and fifty-four thousand, nine hundred and twenty-nine feet, board measure, which may be divided as follows, to wit:

<i>Rivers.</i>	<i>No. of logs.</i>	<i>Amount in feet.</i>
Main St. Croix .....	11,779	3,711,170
<i>Tributaries to St. Croix.</i>		
Willow River.....	1,465	412,328
Apple River.....	10,675	3,053,572
Wood River.....	5,008	1,706,175
Snake River.....	34,689	11,361,926
Kettle River.....	4,366	1,440,665
Clam River.....	2,968	950,283
Crooked Creek.....	1,076	362,825
Upper St. Croix.....	4,220	1,355,985
Total.....	76,247	24,354,929

And the said surveyor-general further reports that he has not, either by himself or deputies, surveyed or measured any sawed lumber during the year ending December 31st, 1854. All of which is respectfully submitted.

ROBERT HASTY,

*Sur. Gen. First Dist., M. T.*

By JNO. J. ROBERTSON,

*Deputy.*

Stillwater, M. T., January 1, 1855.

Mr. Brown, pursuant to notice, introduced

No. 5, (C. F.) A bill to incorporate the Transit Railroad Company.

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

Mr. Brown moved that

No. 4, (C. F.) A bill to incorporate the town of Handerson and other purposes, Be taken from the table.

Which motion prevailed.

The Council resolved itself into a committee of the whole, Mr. Kittson in the chair, for the consideration of said bill.

And after some time passed therein, the committee rose, and by their chairman reported the same back to the Council without amendment.

Which report was accepted.

On motion of Mr. Brown,

The bill was laid on the table.

On motion of Mr. Murray,

The Council resolved itself into a committee of the whole, to take into consideration the Governor's message; Mr. Brown in the chair.

A message from the House being announced,

The President took the chair, when

James C. Shepley, Esq., the chief clerk thereof, appeared and delivered the following message:

**MR. PRESIDENT:**—The report of Superintendent of Common Schools has been laid before the House, and one hundred copies thereof ordered to be printed for the use of both Houses.

And then he withdrew.

And the committee resumed its sitting, and after some time passed therein, the committee rose and by their chairman reported the following references:

1. *Resolved*, That so much of the message as relates to the Territory, including the third paragraphs, be referred to the committee on Territorial Affairs.

2. *Resolved*, That so much of the Governor's message as is contained in the fourth paragraph of the same, be referred to the committee on Agriculture and Manufactures.

3. *Resolved*, That so much of the Governor's message as refers to the railroad, be referred to the committee on Territorial Affairs.

4. *Resolved*, That so much of the Governor's message as is contained in paragraphs 19, 20 and 21 of the same, be referred to the committee on Internal Improvements.

5. *Resolved*, That so much of the Governor's message as relates to banking, be referred to the committee on the Judiciary.

6. *Resolved*, That so much of the message as relates to the time of holding elections, be referred to the committee on Territorial Affairs.

7. *Resolved*, That so much of the Governor's message as relates to the apportionment of representation, be referred to the committee on Internal Improvements.

8. *Resolved*, That so much of the message as relates to education, be referred to the committee on Schools.

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

10. *Resolved*, That so much of the message as relates to the financial affairs, be referred to the committee on Territorial Affairs.

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

12. *Resolved*, That so much of the Governor's message as relates to the wire suspension bridge, be referred to the committee on Legislative Expenses.

13. *Resolved*, That so much of the Governor's message as relates to settlers on the military reserve, be referred to the committee on Internal Improvements.

14. *Resolved*, That so much of the message as refers to secret associations, be referred to the committee on the Judiciary.

Mr. Brown moved

The resolutions be adopted singly.

Which motion prevailed.

The report was then adopted, as follows:

Mr. Brown moved

To amend the fifth resolution by striking out the word "Judiciary" and inserting the words "Internal Improvements."

Which motion prevailed.

Mr. Brown moved

To strike out of sixth resolution the words "Committee on Territorial Affairs" and insert "select committee to which a bill providing for the apportionment of representatives in this Territory has been referred."

Which motion prevailed.

Tenth resolution was lost.

Mr. Brown offered the following resolution as an amendment to the report of the committee:

14. *Resolved*, That so much of the Governor's message as refers to "one of the most flourishing towns in this Territory," be referred to the committee on Internal Improvements.

Which resolution was adopted.

Mr. Brown offered the following resolution:

15. *Resolved*, That so much of the Governor's message as refers to our having a Chief Magistrate holding the nation's helm who has faithfully observed all the constitutional obligations imposed upon him, and guarded with an unsurpassed vigilance the national honor at home and abroad, be referred to a select committee of three.

Which resolution was adopted.

The President appointed Messrs. Brown, Murray and Freeborn said committee.

The report of the committee of the whole as amended and adopted by the House, is as follows:

1. *Resolved*, That so much of the message as relates to the Territory, including the first, second and third paragraphs, be referred to the committee on Territorial Affairs.

2. *Resolved*, That so much of the Governor's message as is contained in the fourth paragraph of the same, be referred to the committee on Agriculture and Manufactures.

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

4. *Resolved*, That so much of the Governor's message as is contained in paragraphs 19, 20 and 21 of the same, be referred to the committee on Internal Improvements.

5. *Resolved*, That so much of the Governor's message as relates to banking, be referred to the committee on Internal Improvements.

6. *Resolved*, That so much of the message as relates to the time of holding election, be referred to the select committee to which a bill providing for the apportionment of representatives in this Territory has been referred.

7. *Resolved*, That so much of the Governor's message as relates to the apportionment of representation, be referred to the committee on Internal Improvements.

8. *Resolved*, That so much of the Governor's message as relates to education, be referred to the committee on Schools.

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

10. *Resolved*, That so much of the Governor's message as relates to Imprisonment for Debt, be referred to the committee on the Judiciary.

11. *Resolved*, That so much of the Governor's message as relates to the wire suspension bridge, be referred to the committee on Legislative Expenses.

12. *Resolved*, That so much of the Governor's message as relates to the settlers on the Military Reserve, be referred to the committee on Internal Improvements.

13. *Resolved*, That so much of the Governor's message as refers to "one of the most flourishing towns in this Territory," be referred to the committee on Internal Improvements.

14. *Resolved*, That so much of the Governor's message as refers to secret associations be referred to the Committee on the Judiciary.

15. *Resolved*, That so much of the Governor's message as refers to our having a chief magistrate holding the nation's helm who has faithfully observed all the constitutional obligations imposed upon him, and guarded with an unsurpassed vigilance the national honor at home and abroad, be referred to a select committee of three.

On motion of Mr. Murray, Council adjourned.

A. J. MORGAN,

*Secretary.*

S. B. OLMSTEAD,  
*President of the Council.*

## FRIDAY.

JANUARY 18, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Raiheldaffer.

Reading of the Journal of Thursday commenced.

On motion of Mr. Murray

The further reading of the Journal was dispensed with.

Mr. Freeborn gave notice,

That on to-morrow or some future day he would introduce a bill to establish a ferry across the main channel of the Mississippi river, opposite or near the town of Red Wing, Goodhue County.

On motion of Mr. Brown,

The vote on the tenth resolution of the report of the Committee of the Whole on the Governor's Message was reconsidered.

Mr. Brown then moved

The resolution be adopted, which motion prevailed.

Mr. Brown offered the following resolution:

*Resolved*, That the Secretary of the Council be and is hereby authorized to procure one hundred stamped envelopes and five hundred newspaper stamps for each member and officer of the Council, to be paid for out of the moneys appropriated to defray the expenses of the Legislative Assembly, which was adopted.

Mr. Brown offered the following resolution:

*Resolved*, That the Secretary of the Council be instructed to procure the printing of 1000 copies of the Governor's Message in English, 500 in French and 500 in German, for the use of the Council; and that he be further instructed to procure the translation of the message in French and German, and deliver said translations to the Public Printers.

Mr. Mower moved to amend the resolution by striking out the words "French and German."

Mr. Murray moved

The resolution and amendment be laid on the table, which motion prevailed.

Mr. Stearns presented the fourth Annual Report of the Regents of the Minnesota University.

## REPORT.

*To the Honorable, the Council and*

*House of Representatives of the Territory of Minnesota:*

In submitting to your consideration the Fourth Annual Report of the Board of Regents of the University of Minnesota, they have the pleasure of presenting the affairs of the institution in a more satisfactory condition than they have hitherto assumed. During the past year, the Board has had occasion to take action upon several matters of importance, intimately connected with the interests of the University. They trust the measures adopted may meet the approbation of the Legislature, under whose care the institution is placed, and prove conducive to its permanent growth and prosperity.

The ground selected four years since as the site for the University Buildings, was near the centre of the village of St. Anthony, just above the Mills, and fronting on Main street, and embracing about three acres and three-quarters of ground. Although at that time, this was deemed the most favorable location that offered, it has upon subsequent consideration, been regarded as objectionable in several respects. The quantity of ground was thought entirely inadequate to the future wants of the Institution. No more could be obtained in the vicinity, except at rates which, for such a purpose, would be deemed exorbitant. The close proximity of the site to the manufacturing establishments and business part of the town, was thought less favorable to the prosecution of literary pursuits, than a more retired location. Nor was the situation such as to command the best view of the striking and picturesque scenery of the Falls and their environs.

After repeated discussion of the whole subject, and a careful examination of the different locations offered as sites for the consideration of the Board, they at length unanimously made choice of the property owned by Messrs. Joshua L. Taylor and Paul R. George, which lies upon the bluff between the village of St. Anthony Falls and St. Anthony City. The unrivalled advantages of that location, as a site for the University buildings, is admitted by all familiar with it; indeed, it may be confidently asserted, that a more desirable situation in all respects for an institution of learning, is not to be found in the valley of the Mississippi. The tract comprises an area of twenty-five and one-third acres, embracing a river front of over six hundred feet, and the whole ground mostly covered with large oak trees. A deed of this land has been executed by Messrs. Taylor and George to the Board, and is on record in the proper office. The consideration paid by the Board for this property was six thousand dollars—one thousand down, and the balance to be paid in six, twelve and eighteen months; for which the notes of the Board, (secured by mortgage on the premises,) were given. The price paid is considered by competent judges as considerable less than the market value of the land.

By an Act of Congress of the 19th of February, 1851, two townships of land were donated by Government to the University, to be selected from any of the surveyed, and unappropriated lands within the Territory. During the past year, the Board have been engaged to some extent, in the selection of these lands. Eight thousand five hundred and eighty-four acres have been located within the Stillwater land district, in townships thirty-nine, forty, and forty-one, of which six thousand six hundred and sixty-four acres have received the approval of the Secretary of the Interior—the balance of the locations not having yet been acted upon by him. The lands thus far entered, have been the most desirable tracts of pine timber, which could be found on the surveyed lands yet unappropriated. These locations have been selected and made under the examination and supervision of Capt. J. Rollins, who has been employed by the Board for that purpose, and whose experience and judgment in such matters, eminently qualify him, for this important and responsible trust. It is believed by the Board, that the location of the grant should be mostly made of pine timber lands, as being likely to prove by far the most advantageous to the interests of the Institution.

Although by terms of the Act referred to, the Board have the right to enter these lands before they are in market; yet so far in advance of the surveys are the squatters, or trespassers on the public lands, that the most valuable tracts, are swept of their timber before the lands are surveyed and the maps returned to the proper offices. Unless the Government interferes to prevent this waste, or hasten the surveys, great loss must result to the Institution from this cause.

The proceeds of these lands must be the chief source from whence the funds are to be derived for the erection of the University buildings, and the endowment of the Institution. No funds whatever, have yet been received by the Board of Regents, except what have been contributed by individuals towards the erection of the building for the Preparatory Department. The amount still due on this building, with the cost of locating the lands, have created an indebtedness on the part of the Board of about three hundred dollars, which there are no funds in the Treasurer's hands to meet. Permits have been granted to cut timber on about a third of the land located during the past year, from which it is hoped, sufficient funds will be realized, to meet the expenses of selecting and entering the lands, as well as the payments which have been assumed by the Board in the purchase made for a site for the University buildings as heretofore stated.

The services rendered by the officers of the Board, have hitherto been entirely gratuitous. In consideration, however, of the increased duties devolving upon the secretary, treasurer and librarian, resulting from the necessity of keeping the requisite books and accounts connected with the entry of the University lands, preparing contracts and attending to the other necessary duties connected therewith, and preparing suitable accommodation for, and arranging the books belonging to the library, demanding a much larger share of their time and attention than formerly: a resolution was adopted by the Board in July last, at a meeting held for the election of officers, that the secretary receive a salary of two hundred and fifty dollars per annum, the treasurer one hundred, and the librarian fifty dollars. This action of the Board, in accordance with section 9 of chapter 28 of the Revised Statutes, is respectfully submitted to the Legislature for approval.

By section 17 of the same chapter, seven members are required in order to call a meeting of the Board, or transact business.

As the Board is at present constituted of members residing in distant and different parts of the Territory, considerable inconvenience has been experienced from time to time in securing a quorum for the transaction of business.

It has several times happened that some members of the Board have travelled a distance of twenty or thirty miles at a considerable expense, to extend stated meetings of the Board, at which nothing could be accomplished from a lack of one or two members to constitute a quorum.

The Board would respectfully suggest to your consideration the propriety of an amendment of that section, authorizing a less number to constitute a quorum for the transaction of business, or else the enactment of a provision, by which the attendance of members should be compelled at stated meetings of the Board.

By the provisions of section 5 of chapter 28 of the Revised Statutes, the Legislature at its present session, is required to elect four members of the Board of Regents to supply the places of those whose term of office expires on the first Monday of February, 1855. The members whose terms of office expire on that date, are, Franklin Steele, J. W. Furber, N. C. D. Taylor and I. Atwater.

The Preparatory Department still continues under the supervision of the Rev. E. W. Merrill.

It is in a more flourishing condition than at any former period, both as regards the number of pupils, and the progress made in the different branches of study.

The influence and usefulness of this Department in its general bearings on the educational interest of the Territory is already apparent, and is constantly increasing. Teachers have been there, qualified and prepared to take charge of our common schools, and young men fitted for the active business of life.

The whole number of pupils in attendance the past year has been one hundred and seventy, and over one hundred and fifty different students have been in attendance the present winter term.

Classes have been taught in all the primary and common English branches, as well as in the higher branches and languages, embracing Natural and Mental Philosophy, Astronomy, Algebra and Geometry, Surveying, Book-Keeping, &c., in all of which branches a marked improvement has been apparent in the progress of the pupils.

In conclusion the Board are gratified to represent, that the prospects of the institution are such as to afford the reasonable assurance, that it will soon be in a condition to realize the most sanguine hopes which its founders and friends have entertained in regard to it.

Placed as it is under your fostering care, it is hoped that such measures may be adopted to promote its interests as the wisdom of your Honorable Bodies may suggest.

All of which is respectfully submitted.

I. ATWATER,

*Secretary of the Board of Regents.*

On motion of Mr. Brown,

The report was laid on the table and 500 copies ordered to be printed.



On motion of Mr. Brown,

(No. 4, C. F.) A bill to incorporate the town of Henderson, was taken up.

Mr. Brown moved

To suspend the rules requiring bills to be engrossed, which motion prevailed.

On motion of Mr. Stearns,

The rules were suspended, and the bill read a third time by its title.

The question then recurring on the passage of the bill, it was passed.

The question then being on agreeing to the title of the bill, it was agreed to.

Mr. Brown moved

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

(No. 2, C. F.) A memorial of the Legislative Assembly for an appropriation to complete the government works at Fort Ridgley,

Be now taken up. Which motion prevailed, and the Council resolved itself into a Committee of the Whole,

Mr. Murray in the chair.

Having under consideration said memorials.

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

The report was accepted, and the amendments concurred in.

The question then recurring on engrossing the memorials,

Mr. Brown moved

The rules be suspended requiring the engrossing of the memorials,

Which motion was lost.

The question then recurring on the engrossing of the memorials, it was decided in the affirmative.

The President gave notice that on to-morrow or some subsequent day, he would introduce a Bill to establish a ferry across the Mississippi river near the mouth of Crow river.

On motion of Mr. Murray

The Council adjourned until Monday next at 10 1-2 o'clock, A. M.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

**MONDAY.**

JANUARY 22, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present, reading of the Journal of Friday's proceedings commenced.

On motion of Mr. Mower,

The reading of the report of the Regents of Minnesota University was dispensed with.

The reading of the Journal was then completed.

Mr. Murray presented a petition from Jonathan Head and 19 others praying for the establishment of a Territorial Road from St. Paul to the Iowa line.

On motion of Mr. Brown,

The petition was laid on the table.

Mr. Brown offered the following resolution:

*Resolved*, By the Council, (the House concurring,) that for the purposes of representation in the Legislative Assembly of this Territory, as well as for civil and judicial organization and government the county of Blue Earth be deemed to be within and forming a part of the Territory of Minnesota, which was adopted.

Mr. Murray, on leave, introduced,

(No. 5, C. F.) A bill to provide for laying out a Territorial Road from St. Paul to Elliot.

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

Mr. Brown gave notice

That he would on to-morrow or some future day, ask leave to introduce a memorial to Congress praying for a division of Minnesota Territory, and the organization of another Territorial Government east of the Missouri River.

Mr. Brown, from the Select Committee, to which was referred

(No. 4, C. F.) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

Reported by bill.

(C. F. No. 7,) Providing for taking the census of population of this Territory.

Mr. President, on leave, introduced

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

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

Mr. Stearns, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills have examined and found correctly engrossed the following memorials:

(No. 1, C. F.) Memorial for an appropriation for the construction of a military road.  
 (No. 2, C. F.) Memorial for an appropriation to complete the government works at Fort Ridgley.

C. T. STEARNS, } Committee.  
 N. W. KITTSON, }

Mr. Brown moved

The rules be suspended in order to take up the Report of the Committee on Engrossed Bills, which motion prevailed.

And (No. 1, C. F.) received a third reading.

The question being on concurring in the passage of

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

It was concurred in.

The question then recurring on concurring in the title of the memorial,

It was concurred in.

(No. 2, C. F.) Memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to complete the Government Works at Fort Ridgley, Was then taken up.

The question then being on the passage of the memorial, it was passed.

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

Mr. Brown, on leave, offered the following resolution:

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

Resolution was adopted.

The Chair appointed Messrs. Brown and Stimson said Committee.

Mr. Van Etten rose to a question of privilege for alleged slanders contained in a protest of Rice, Hollinshead & Becker and Irwin & Jones, against the passage of a law repealing imprisonment for debt in Minnesota.

A message from the House being announced, James. C. Shepley, Esq., chief clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—I have been instructed to inform the Council that the House is now ready to meet the members of the Council in Joint Convention in the Hall of the House of Representatives, pursuant to adjournment of Wednesday, Jan- 17.

On motion of Mr. Brown,

The Council repaired to the Hall of the House of Representatives for the purpose of going into certain elections.

## JOURNAL OF THE JOINT CONVENTION.

MONDAY, JANUARY 22, 1855.

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

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

On motion of Mr. Brown

The reading of the proceedings was dispensed with.

On motion of Mr. Murray

The Convention proceeded to the election of Bookbinder.

The roll was called, with the following result :

Mr. Brown	voted for	Mr. A. J. Morgan.
" Kittson	"	"
" President	"	"
" Andros	"	"
" Beatty	"	"
" Davis	"	"
" Haus	"	"
" Sibley	"	"
" Freeborn	"	Mr. Hoisington.
" Murray	"	"
" Mower	"	"
" Stearns	"	"
" Stimson	"	"
" Dixon	"	"
" Fridley	"	"
" Grant	"	"
" Hanson	"	"
" Lemay	"	"
" Regester	"	"
" Stinchfield	"	"
" Thompson	"	"
" Willim	"	"
" Speaker	"	"
" Brawley	"	Mr. Pierson.
" Cave	"	"
" Mr. Rolette	"	Mr. Haus.

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Hoisington had 15 votes.

Mr. Morgan " 8 "

Mr. Pierson " 2 "

Mr. Haus " 1 "

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

Mr. Brown Moved

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

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

Mr. Brown	voted for	I. Atwater.
" Freeborn	"	"

Mr. Kittson voted for I. Atwater.

" Mower	"	"
" Stearns	"	"
" Stimson	"	"
" President	"	"
" Andros	"	"
" Beatty	"	"
" Brawley	"	"
" Cave	"	"
" Dixon	"	"
" Davis	"	"
" Fridley	"	"
" Grant	"	"
" Hanson	"	"
" Regester	"	"
" Sibley	"	"
" Stinchfield	"	"
" Thompson	"	"
" Willim	"	"
" Speaker	"	"
" Murray	"	J. T. Rosser.
" Haus	"	Mr. Rolette.
" Lemay	"	Mr. Murray.
" Rolette	"	Mr. Haus.

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Atwater received 22 votes.

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

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

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

Mr. Brown voted for F. Steele,

" Freeborn	"	"
" Kittson	"	"
" Murray	"	"
" Mower	"	"
" Stearns	"	"
" Stimson	"	"
" Andros	"	"
" Beatty	"	"
" Brawley	"	"

Mr. Cave voted for Mr. Steele.

" Davis	"	"
" Fridley	"	"
" Grant	"	"
" Haus	"	"
" Hanson	"	"
" Regester	"	"
" Rolette	"	"
" Sibley	"	"
" Thompson	"	"
" Willim	"	"
" Speaker	"	"
" President	"	Mr. Stearns.
" Dixon	"	Mr. Fridley.
" Stanchfield	"	"
" Lemay	"	W. P. Murray.

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Steele had 22 votes.

" Fridley	" 2	"
" Murray	" 1	"
" Stearns	" 1	"

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

The Convention proceeded to vote for a third person to act as Regent with the following result :

Mr. Brown voted for Mr. Black.

" Freeborn	"	"
" Murray	"	"
" Mower	"	"
" Stearns	"	"
" Stimpson	"	"
" President	"	"
" Andros	"	"
" Beatty	"	"
" Brawley	"	"
" Cave	"	"
" Dixon	"	"
" Davis	"	"
" Fridley	"	"
" Grant	"	"
" Haus	"	"
" Hanson	"	"
" Regester	"	"
" Rolette	"	"

Mr. Sibley voted for Mr. Black.

" Thompson " "

" Willim " "

" Speaker " "

Mr. Kittson voted for Mr. Stearns.

" Lemay voted for Mr. Dumas.

" Stinchfield voted for A. M. Fridley.

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Black had 23.

" Stearns had 1.

" Fridley had 1.

" Dumas had 1.

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

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

Mr. Brown voted for Mr. Greenleaf.

" Kittson " "

" Andros " "

" Beatty " "

" Davis " "

" Fridley " "

" Haus " "

" Sibley " "

Mr. Freeborn voted for Mr. Hobart.

" Mower " "

" President " "

" Speaker " "

Mr. Murray voted for Mr. Fridley.

" Stearns " "

" Stimpson " "

" Dixon " "

" Grant " "

" Hanson " "

" Lemay " "

" Regester " "

" Rolette " "

" Stinchfield " "

" Thompson " "

" Willim " "

Mr. Brawley voted for Mr. Freeborn.

Mr. Cave voted for Dixon.

Whole number of votes cast, 26.

Necessary to a choice, 14.

Mr. Greenleaf had 8 votes.

" Fridley " 12 "

" Hobart " 4 "

" Freeborn " 1 "

" Dixon " 1 "

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

Mr. Cave demanded a call of the Convention,

Which was ordered, and

Mr. Van Etten reported absent.

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

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

Which motion was lost.

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

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

Yeas, 14. }

Nays, 12. }

As follows :

Those who voted in the affirmative were

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

Those who voted in the negative were

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

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

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

The speaker decided the motion out of order.

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

There being objection made consent was not given.

Mr. Dixon moved the convention adjourn.

Objections being raised,

The Speaker decided the motion in order.

Mr. Brown appealed from the decision of the Chair ;

And the yeas and nays being called for and ordered,

There were,

Yeas 17. }

Nays 7. }

As follows :

Those who voted in the affirmative were,

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



Those who voted in the negative were,

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

So the decision of the Chair was sustained.

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

Mr. Dixon withdrew his motion to adjourn.

Further proceedings under the call were dispensed with.

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

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

Whole number of votes cast—27.

Necessary to a choice—14.

Mr. Fridley received 14 votes.

"	Stearns	"	11	"
"	Brown	"	1	"
"	Hobart	"	1	"

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

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

Mr. Murray moved the Convention proceed to the election of Surveyors General of Lumber for the several districts ;

Which motion prevailed.

Mr. Mower nominated Robert Hasty for the First District.

On motion of Mr. Brown,

Robert Hasty was declared unanimously elected.

On motion of Mr. Stearns,

Daniel Stinchfield was declared unanimously elected, for the Second District.

On motion of Mr. Freeborn,

Wm. Lauvre was declared unanimously elected for the Third District.

On motion of Mr. Van Etten,

The Convention adjourned *sine die*.

After the Council had repaired to their Hall,

On motion of Mr. Murray,

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

S. B. OLMSTEAD,

*President of the Council.*

Attest:

A. J. MORGAN,

*Secretary.*

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### WEDNESDAY.

JANUARY 24, 1855.

Council met pursuant to adjournment.

On motion of Mr. Van Etten, the Council adjourned.

President in the Chair.

S. B. OLMSTEAD,

*President of the Council.*

Attest:

A. J. MORGAN,

*Secretary.*

**THURSDAY.**

JANUARY 25, 1855.

Council met pursuant to adjournment.

President in the chair.

A quorum present.

Mr. Brown moved

That the reading of the journal be dispensed with.

Which motion was lost.

The journal was then read.

The following communication from the Secretary to the President of the Council was read by the Secretary:

COUNCIL CHAMBER, }  
Jan. 25, 1855. }

*To the President of the Council:*

SIR:—In compliance with the resolution passed by the Council on Thursday last, relative to the purchase of stamped envelopes and newspaper stamps, I have the honor to report that the Postmaster informs me he has barely sufficient to supply the Post-Offices in the Territory, as he is compelled by law to do, and regrets his inability to comply with the request of the Council.

He reiterates his offer to mark paid all letters and papers sent from the Council by their messenger, if paid for on the adjournment of the Legislature.

I have also endeavored to procure stamped envelopes and newspaper stamps at the book-stores of the city, but without success.

Respectfully, your ob't serv't,

A. J. MORGAN,  
*Secretary Council.*

The President gave notice

That on to-morrow, or some future day, he should ask leave to introduce a Bill to amend an act entitled "An Act to provide for the survey of logs and lumber in Minnesota Territory, approved March 1st, 1854.

Mr. Murray gave notice

That on to-morrow or some future day he should introduce a Bill to amend an act entitled "An Act relating to Auctioneers."

On motion of Mr. Brown

The rules were suspended, and

(No. 8, C. F.) A Bill to provide for the improvement of the navigation of Minnesota river,

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

On motion of Mr. Brown

The rules were suspended to introduce

(No. 4, C. F.) A memorial to the President of the United States relative to the Half-Breed lands.

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

On motion of Mr. Freeborn,

The rules were suspended, and

(No. 9, C. F.) A bill granting to W. W. Sweeney, Win. Lauver, Richard Freeborn, and Norris Hobart, a right to establish and maintain a ferry across the main channel of the Mississippi river.

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

On motion of Mr. Freeborn,

The rules were suspended, and

(No. 10, C. F.) An Act to provide for laying out a Territorial Road from Red Wing to Montville, by way of Oronoco, and thence as nearly as practicable directly south to the Iowa line.

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

On motion of Mr. Brown

The 37th rule was amended, by striking out the word "first" and inserting the word "third" in the third line.

Mr. Brown, from the Committee on Territorial Roads, reported back sundry petitions, and moved they be laid on the table, which motion prevailed.

On motion of Mr. Stearns

The Council resolved itself into a Committee of the Whole. Mr. Murray in the chair. To take into consideration

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

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council without amendment.

The report was accepted.

Mr. Brown moved

That the engrossment of the memorial be dispensed with, and it be put upon its passage now, which motion prevailed.

The question then being on the passage of the memorial, it was passed.

The question then recurring on agreeing to the title of the memorial, it was concurred in

On motion of Mr. Brown

The Council resolved itself into a committee of the whole. Mr. Stearns in the chair. Having under consideration

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

And after some time passed therein, the committee rose, and by their chairman reported the same back to the Council without amendment.

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

On motion of Mr. Brown

The Council resolved itself into Committee of the Whole. Mr. Mower in the chair.  
Having under consideration

(No. 2, C. F.) A bill to provide for laying out certain Territorial Roads.

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council without amendment.

A message from the Governor being announced, the President took the chair, when E. Greene Durbin, Esq., private secretary appeared and delivered the following communications:

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

PRESIDENT OF COUNCIL:—E. Greene Durbin is authorized to bear messages to both branches of the Legislature, from the Executive Department, as private secretary.

Respectfully, &c.,

W. A. GORMAN.

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

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

Respectfully Yours,

W. A. GORMAN.

### STATEMENT

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

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

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

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

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

ROBERT W. LOWBER,

*Acting President of the Minnesota and North-Western Rail Road Com'py.*

STATE OF NEW YORK, }  
CITY AND COUNTY OF NEW YORK, } ss.

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

ROBERT W. LOWBER,  
PETER S. BURCHAN.

Sworn to and subscribed this 8th day of December, 1854, before me.

JAMES P. HYATT,  
*Com. of Deeds.*

And then he withdrew, and the committee resumed its sitting, and after some time passed therein, the committee rose, and by their chairman reported the bill back to the Council, and reported progress and asked leave to sit again.

On motion of Mr. Murray

The Council resolved itself into a Committee of the Whole. Mr. Brown in the chair. Having under consideration

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

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

The report was accepted and the amendments concurred in.

Mr. Murray moved

That the rules be suspended and the bill read a third time now, which motion prevailed.

The question then recurring on the passage of the bill, it was passed.

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

Mr. Brown moved

The statement of the M. & N. W. R. R. Co. be laid on the table, and 300 copies printed for the use of the Council, which motion prevailed.

On motion of Mr. Brown

The Council resolved itself into a committee of the whole,—Mr. Stearns in the chair, having under consideration,

(No. 7, C. F.) A bill to provide for taking the census of this Territory.

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

The report was accepted, and the first amendment was not concurred in.

The question being on ordering the bill to be engrossed,

Mr. Murray moved the bill be laid on the table, which motion prevailed.

On motion of Mr. Murray

The Council resolved itself into a Committee of the Whole,

Mr. Stearns in the chair.

Having under consideration

(No. 5, C. F.) A bill to incorporate the Transit Railroad Company,

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

On motion of Mr. Murray,

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

## FRIDAY.

JANUARY 26, 1855.

Council met pursuant to adjournment.

Prayer by the Rev. Mr. Riheldaffer.

A quorum being present,

The journal of yesterday's proceeding was read.

Mr. President gave notice,

That on to-morrow, or some future day, he should ask leave to introduce

A Bill for a Territorial road from the Mississippi River to the forks of Crow River.

Mr. President on leave granted, introduced the following bills of which previous notice had been given :

(No. 11, C. F.) An act to amend an act entitled an act to provide for the survey of logs and lumber in Minnesota Territory, approved March 1, 1854, and

(No. 12, C. F.) An act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river.

Which were read a first and second time.

Mr. Murray, pursuant to previous notice, introduced

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

Which was read a first and second time.

Mr. Stearns from the Committee on Engrossed Bills, made the following report :

The Committee on Engrossed Bills have examined and found correctly engrossed the following bill,

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

C. E. STEARNS, }  
WM. FREEBORN, } Committee.

The bill was read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of said bill,  
It was agreed to.

A message from the House being announced,

James C. Shepley Esq., Chief Clerk thereof, appeared and delivered the following message :

**MR. PRESIDENT** :—The House has passed

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

In which the concurrence of the Council is respectful requested.

The Speaker, in accordance with a resolution passed by the Council, has appointed Messrs. Dixon and Davis a committee to act in conjunction with a similar committee appointed by the Council to report joint rules for the government of the Houses, during the present session,

And then he withdrew.

**Mr. Murray** moved

That the rules be suspended requiring bills to be printed and to lay over one day, and that the Council resolve itself into a committee of the whole to take into consideration (No. 13, C. F.) A bill to amend an act entitled an act relating to auctioneers.

Which motion prevailed, and

The Council resolved itself into a Committee of the whole,

**Mr. Brown** in the chair,

Having under consideration said bill

And after some passed therein,

The Committee rose,

And by their chairman

Reported the same back to the Council without amendment.

The report was accepted.

On motion of **Mr. Murray**,

The rules were suspended requiring bills to be engrossed,

And the bill ordered to a third reading.

The question then recurring upon the passage of the bill,

It was passed.

The question then recurring upon agreeing to its title,

It was agreed to.

**Mr. Freeborn** moved the rules be suspended, in order to introduce

(No. 14, C. F.) A bill to define the boundaries of certain counties.

Which motion prevailed,

And said bill received a first and second reading.

Messages from the House being in order, the following memorial from the House was taken up, and read a first and second time :

(No. 2, H. of R.) A memorial to Congress for an appropriation of \$5,000 for the construction of a Territorial road from the west bank of the Mississippi, opposite the



lower portion of the city of St. Paul, to intersect the Territorial road now being constructed from Mendota to Wabashaw.

On motion of Mr. Brown,

The Council adjourned until Monday next at 2 o'clock.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

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**MONDAY.**

JANUARY 29, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The journal of yesterday's proceedings was read.

On motion of Mr. Murray,

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

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**TUESDAY.**

JANUARY 30, 1855.

Council met pursuant to adjournment.

Prayer by the Rev. Mr. Reiheldaffer.

Mr. Mower moved,

That the reading of the journal be dispensed with.

Which motion was lost.

The journal was read.

Mr. Brown offered the following joint resolution :

*Resolved*, (the House concurring therein) That the committees in both Houses of the Legislative assembly, to whom was referred the subject of the apportionment of members to the next Legislature be instructed to act jointly, and to make joint reports to the two Houses.

Which was adopted.

Mr. Brown offered the following resolution :

*Resolved*, That each member and officer of the Council be authorized to purchase stationery to the amount of twenty dollars, to be paid for out of the moneys appropriated to defray the expenses of the Legislative Assembly.

Which was adopted.

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

A bill to incorporate the City of St. Anthony.

Mr. Brown introduced

(No. 1. C. F.) Resolution relative to the binding of the journals.

Which was read a first and second time,

On motion of Mr. Brown,

The rules were suspended requiring bills to be printed and to lay over one day, and the resolution put upon its passage.

The question then recurring on the passage of the resolution,

It was passed.

The question then recurring on agreeing to the title of the resolution,

It was agreed to.

On motion of Mr. Brown,

The Council resolved itself into a committee of the whole,

Mr. Murray in the chair,

Having under consideration

(No. 5, C. F.) A bill to incorporate the Transit Railroad Company,

A message from the Governor being announced,

The President took the chair, when

E. Greene Durbin, Esq., his Private Secretary appeared and delivered a communication,

And then he withdrew,

The Committee resumed its sitting, and after some time passed therein,

The Committee rose,

And by their chairman reported the bill back to the Council, with amendments.

The report of the committee was accepted.

The question being on agreeing to the first amendment, striking out the name of Orrin Smith and inserting that of Charles W. Borup.

It was agreed to.

Mr. Brown moved,

To insert after the name of Henry D. Huff the name of Orrin Smith.

Which motion prevailed.

The question then being on inserting in line five, section two, the words "to St. Paul or,"

And the yeas and nays being called for and ordered,

There were

Yeas 3. }  
Nays 4. }

Those who voted in the affirmative were

Mr. Brown, Mr. Freeborn, Mr. Kittson, Mr. Stearns—4

Those who voted in the negative, were

Mr. Murray, Mr. Mower, Mr. President.

The question then being on ordering the bill to be engrossed for a third reading,  
It was carried.

On motion of Mr. Murray,

The resolution relative to the printing of the Governor's message, was taken from the table.

Mr. Murray moved

To amend the resolution, by striking out the words "printing 1000 in the English language," and inserting "500,"

Which was adopted,

Mr. Brown moved

To strike out "500 copies in German,"

Which motion prevailed."

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

It was lost.

Mr. Murray moved

To reconsider the vote by which the resolution was lost.

And the yeas and nays being called for and ordered,

There were

Yeas, 3.)

Nays, 4.)

Those who voted in the affirmative were

Messrs. Murray, Mower, and President—3.

Those who voted in the negative were

Messrs. Brown, Freeborn, Kittson and Stearns—4.

So the motion to reconsider was lost.

On motion of Mr. Murray,

The petitions relative to the establishment of a Territorial road from St. Paul to Elliot, were taken up.

And the Secretary was instructed to transmit the same to the House.

On motion of Mr. Brown,

The Council resolved itself into a Committee of the Whole,

Mr. Mower in the Chair, having under consideration,

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

And after some time passed therein,

The Committee rose, and by their Chairman,

Reported the same back to the Council without amendment.

The report was accepted,

The memorial was then read a third time.

The question then being on the passage of the memorial

It was passed.

The question then recurring on agreeing to title of the memorial.

It was agreed to.

On motion of Mr. Freeborn,

The Council resolved itself into a Committee of the Whole,

Mr. Stearns in the chair, having under consideration,

(No. 12, C. F.) A bill granting to O. H. Kelly, the right to establish and maintain a ferry across the Mississippi river.

And after some time passed therein,

The Committee rose,

And by their Chairman reported the same back to the Council, without amendment.

The report was accepted.

The question then being on ordering the bill to be engrossed for a third reading.

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

Yeas, 4. }

Nays, 2. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Freeborn,

Mr. Stearns,

“ President—4

Those who voted in the negative were

Mr. Murray,

Mr. Mower—2.

So the bill was ordered to be engrossed.

Mr. Brown gave notice

That on to-morrow or some future day he should ask leave to introduce

A memorial to Congress relative to the swamp lands in this Territory.

Messages from the Governor being in order,

The following communication from the Governor was read :

EXECUTIVE DEPARTMENT,  
Minnesota Territory, January 25, 1855. }

PRESIDENT COUNCIL:—I have the honor to inform you, that R. S. S. Andros is authorized to deliver messages from the Governor to the Council.

Respectfully,

Your ob't servant,

W. A. GORMAN.

Mr. Freeborn, on leave granted, presented a petition from Enoch Winslow and 113 others praying an alteration in the boundary of Fillmore county.

On motion of Mr. Murray,

The council resolved itself into a committee of the whole,

Mr. Kittson in the Chair,

Having under consideration

(No. 4, C. F.) A memorial to the President of the United States, relative to the Half-Breed lands, And

(No. 9, C. F.) A Bill granting to W. W. Sweeney, Wm. Lauver, Richard Freeborn and Norris Hobart, a right to establish and maintain a ferry across the main channel of the Mississippi river.

And after some time passed therein,

The Committee rose,

And by their chairman

Reported the same back to the council with amendment.

The report was accepted.

On motion of Mr. Brown,

The rules were suspended requiring bills to be engrossed.

The memorial was read a third time.

The question then recurring upon the passage of the memorial,

It was passed.

The question then recurring upon agreeing to its title,

It was agreed to.

The question then being on agreeing to the amendments of the committee of the whole to No. 9, C. F.

They were agreed to.

Mr. Stearns moved

To strike out 50 cents, where it occurs in section 6 and insert in lieu thereof 25 cents.

Which motion prevailed.

Mr. Freeborn moved

To insert in the second line of section 6, 12½ cents, in place of 25 cents.

Which motion was adopted.

Mr. Murray moved

To strike out the word "twenty-five years" and insert "fifteen," where it occurs in the first section.

Which motion was adopted.

The question recurring on engrossing the bill for a third reading,

It was ordered to be engrossed.

On motion of Mr. Mower,

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

## WEDNESDAY.

JANUARY 31, 1855.

Council met pursuant to adjournment.

The President called Mr. Brown to the chair.

A quorum being present, the journal of yesterday's proceedings was read.

On motion of Mr. Murray

(No. 2, C. F.) A bill to provide for laying out certain Territorial Roads, as amended by the committee of the whole, was laid on the table and ordered to be printed.

On motion of Mr. Murray

The Council resolved itself into a Committee of the whole. Mr. Stearns in the chair. Having under consideration

(No. 14, C. F.) A bill to define the boundaries of certain counties.

A message from the House being announced, the President *pro tem.* took the chair, when James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The House has passed (No. 1, C. F.) A bill to confirm the qualifications of certain county officers in Sibley county, and for other purposes. The bill is herewith returned.

And then he withdrew.

The committee resumed its session, and after some time passed therein, the committee rose, and by their chairman reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Murray

(No. 10, C. F.) A bill to provide for laying out a Territorial Road from Red Wing to Montville, by way of Oronoco, and from thence as nearly as practicable directly south to the Iowa line.

Was laid on the table.

On motion of Mr. Murray

The Council resolved itself into a Committee of the Whole. Mr. Mower in the chair, having under consideration

(No. 8, C. F.) A bill to provide for the improvement of the navigation of Minnesota river,

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

Which was concurred in.

The question being on the engrossment of the bill, it was ordered to be engrossed.

On motion of Mr. Mower

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

**THURSDAY,**

FEBRUARY 1, 1855.

Council met pursuant to adjournment.

Prayer by the Rev. Mr. Reiheldaffer.

A quorum being present, the journal of yesterday's proceedings was read.

Mr. Van Etten presented a petition from H. K. Goodhue, and moved its reference to the Judiciary committee, which motion prevailed.

Mr. Van Etten gave notice, that on to-morrow or some future day, he should introduce a Bill to amend an act granting to James M. Goodhue & Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river.

On motion of Mr. Brown

The Council resolved itself into a committee of the whole. Mr. Murray in the chair.

Having under consideration

(No. 14, C. F.) A bill to define the boundaries of certain counties.

A message from the House being announced, the President took the chair, when James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The House has passed the following bills:

(No. 5, H. of R.) A bill to amend an act entitled "An Act to incorporate the Minnesota & North-Western Railroad Company."

In which the concurrence of the Council is respectfully requested. Also

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

(No. 1, C. F.) Resolution relative to the binding of the journals.

Also, the House has concurred in the following resolution:

(No. 1, C. F.) Joint resolution relative to the binding of the journals;

*Resolved*, (The House concurring therein,) That the committees in both Houses of the Legislative Assembly, to whom was referred the subject of the apportionment of members to the next Legislature, be instructed to act jointly, and to make joint reports to the two Houses.

Concured in January 31.

And then he withdrew.

The committee resumed its session; and after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council with amendments.

The report of the committee was accepted.

The question then being on concurring in the amendments, they were concurred in.

On motion of Mr. Murray

The bill was laid on the table.

On motion of Mr. Brown

The Council resolved itself into a committee of the whole. Mr. Kittson in the chair.

Having under consideration

(No. 2, C. F.) A bill to provide for laying out certain Territorial Roads.

And after some time passed therein, the committee rose, and by their chairman, reported the bill back to the Council, with amendments.

The question then being on concurring in the amendments, they were concurred in.

The question then being on ordering the bill to be engrossed, it was ordered to be engrossed.

Mr. Stearns, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills have examined and found correctly engrossed the following bills:

(No. 8, C. F.) A bill for an act to provide for the improvement of the navigation of the Minnesota river.

(No. 9, C. F.) A bill for an act granting to W. W. Sweeney, Wm. Lauver, Richard Freeborn, and Norris Hobart, a right to establish and maintain a ferry across the main channel of the Mississippi river.

(No. 12, C. F.) An act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river.

C. T. STEARNS,  
NORMAN W. KITTSON, } Committee.  
WILLIAM FREEBORN, }

On motion of Mr. Brown

(No. 11, C. F.) A bill to amend an act entitled "An act to provide for the survey of logs and lumber in Minnesota Territory, approved March 1, 1854.

Was taken up and referred to a select committee of three.

The chair appointed Messrs. Brown, Stearns and Mower said committee.

Messages from the House being in order, the following bill from the House was taken up:

(No. 5, H. of R.) A bill to amend an Act entitled "An act to incorporate the Minnesota & North-Western Railroad Company."

On motion of Mr. Stearns

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair,

Having under consideration said bill; and after some time passed therein, the com-



mittee rose, and by their chairman reported the same back to the Council, without amendment.

The report was accepted.

On motion of Mr. Brown

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

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**FRIDAY.**

FEBRUARY 2nd, 1855.

Council met pursuant to adjournment.

Prayer by the Rev. Mr. Riheldaffer.

A quorum being present,

The journal of yesterday's proceedings was read.

(No. 9, C. F., ) A Bill for an act granting to W. W. Sweeney, W. Lauver, Richard Freeborn, and Norris Hobart, a right to establish and maintain a ferry across the main channel of the Mississippi river.

It was taken up and read a third time.

The question then being on the passage of the bill,

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

(No. 8, C. F.) A Bill to provide for the improvement of the navigation of the Minnesota river.

It was taken up, and read a third time.

The question then being on its passage,

It was passed.

The question then recurring upon agreeing to its title,

It was agreed to.

(No. 12, C. F.) An act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river.

Was taken up and read a third time.

The question then recurring upon the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Stearns, from the Committee on Engrossed Bills, made the following report:

The committee on Engrossed Bill have examined and found correctly engrossed the following bill:

(No. 5, C. F.) A bill to incorporate the Transit Railroad Company,

C. T. STEARNS,

Chairman.

(No. 5, H. of R.) A bill to amend an act entitled, "An Act to incorporate the Minnesota and Northwestern Railroad Company,"

Was taken up,

Mr. Van Etten offered the following amendment to the bill:

And be it further enacted, that all privileges, franchises or advantages, hereby or hereafter granted to said Minnesota and North Western Railroad Company, shall be void and of no effect, unless the said company shall, on or before the 1st day of August, 1855, deposit with the Treasurer of this Territory, for the security of the Territory and as a pledge for the performance of the stipulations and conditions required of said company. One hundred and fifty thousand dollars in United States six per cent stock, upon which stock the Treasurer shall pay to the said company, five per cent. interest annually, and in case the said company shall fail to construct and complete fifty miles of railroad within three years as required in the (3) third section of this act then the said stocks shall enure to and become the property of the Territory or future State of Minnesota; but in case the Telegraph and the said fifty miles of railroad shall have been completed according to the requirements of this act, then, at the expiration of three years from the passage of this act, the said stocks shall revert and be refunded to the said company.

And the yeas and nays being called for, there were

Yeas 3. }  
Nays 4. }

Those who voted in the affirmative, were

Mr. Brown                      Mr. Van Etten

Mr. President—3

Those who voted in the negative, were

Mr. Freeborn                  Mr. Murray

Mr. Mower

Stearns—4

So the amendment was not adopted.

Mr. Van Etten moved

To strike out of the bill all of section two,

And the yeas and nays being called for and ordered

There were

Yeas 2. }  
Nays 5. }

Those who voted in the affirmative, were

Mr. Van Etten                  Mr. President—2

Those who voted in the negative, were

Mr. Brown

Mr. Freeborn  
MowerMr. Murray  
Stearns—5

So the motion was lost.

Mr. Van Etten moved to strike out all of section 6.

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

Yeas 2. }  
Nays 5. }

Those who voted in the affirmative were

Mr. Van Etten

Mr. President—2.

Those who voted in the negative were

Mr. Brown

Mr. Freeborn  
MowerMr. Murray  
Stearns—5

So the motion was lost.

Mr. Van Etten moved to strike out all after the word "act" in section 7.

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

Yeas 2. }  
Nays 5. }

Those who voted in the affirmative were

Mr. Van Etten

Mr. President—2.

Those who voted in the negative were

Mr. Brown

Mr. Freeborn  
MowerMr. Murray  
Stearns—5.

So the motion was lost.

Mr. Van Etten moved

To strike out all after the word "provided" in section 8.

And the yeas and nays being called for and ordered,

There were

Yeas 2. }  
Nays 5. }

Those who voted in the affirmative, were

Mr. Van Etten

Mr. President—2.

Those who voted in the negative, were

Mr. Brown

Mr. Freeborn  
MowerMr. Murray  
Stearns—5

So the motion was lost.

Mr. Van Etten moved

To indefinitely postpone the bill.

And the yeas and nays being called for and ordered

There were

Yeas 2. }  
Nays 5. }

Those who voted in the affirmative were

Mr. Van Etten

Mr. President—2.

Those who voted in the negative were

**Mr. Brown**

Mr. Freeborn  
Mower

Mr. Murray  
Stearns—5.

So the motion did not prevail.

**Mr. Van Etten** moved

To dispense with the reading of the bill except by its title,  
And the yeas and nays being called for and ordered, there were

Yeas 2. }  
Nays 5. }

Those who voted in the affirmative were

Mr. Van Etten                      Mr. President—2

Those who voted in the negative were

**Mr. Brown**

**Mr. Freeborn  
Mower**

Mr. Murray  
Stearns—5.

So the motion was lost.

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

Years 5. }  
Days 2. }

Those who voted in the affirmative were

**Mr. Brown**

**Mr. Freeborn  
Mower**

Mr. Murray  
Stearns—5.

Those who voted in the negative were

**Mr. Van Etten**                      **Mr. President—2.**

**So the bill passed.**

The question then being on agreeing to the title, it was agreed to.

**Mr. Brown** moved, to reconsider the vote by which the bill was passed

Which motion was lost.

On motion of Mr. Brown,

(No. 5, C. F.) A bill to incorporate the Transit Railroad Company, was taken up.

Mr. Murray moved, the reading of the bill be dispensed with,

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

Yea 4. }  
Nays 2. }

Those who voted in the affirmative were

**Mr. Murray**

**Mr. Mower :**

Mr. Stearns  
President—4.

Those who voted in the negative were

**Mr. Brown**

**Mr. Freeborn—2.**

The bill was then read a third time.

The question then being on the passage of the bill, it was passed.

The question then recurring on agreeing to its title, it was agreed to.

On motion of Mr. Murray,

A select committee of three was appointed to act in conjunction with a similar committee appointed by the House, to regulate and establish the boundaries of the different counties. The chair appointed

Messrs. Brown, Freeborn, and Mower said Committee.

Mr. Brown moved that  
(No. 7, C. F.) A Bill to provide for the taking of the census of the Territory,  
Be taken up,  
Which motion was lost.

On motion of Mr. Brown,  
(No. 14, C. F.) A bill to define the boundaries of certain counties.  
Was taken from the table,  
And referred to the Select Committee appointed by the two Houses, to regulate and establish the boundaries of certain counties.

On motion of Mr. Brown,  
(No. 10, C. F.) A bill to provide for laying out a Territorial road from Red Wing to Montville, by way of Oronoco, and from thence as nearly as practicable directly south to the Iowa line. Was taken up.

On motion of Mr. Murray,  
The bill was indefinitely postponed.

On motion of Mr. Stearns,  
The Council adjourned  
Until next Monday, at 2 P. M.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

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## MONDAY.

FEBRUARY 5, 1855.

Council met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Riheldaffer.

A quorum being present,

The journal of Friday's proceedings was read.

Mr. Murray gave notice

That on to-morrow or some future day he should ask leave to introduce

A Bill to amend chapter sixty-five of the Revised Statutes.

On motion of Mr. Murray,

The Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*

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**TUESDAY.**

FEBRUARY 6, 1855.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Riheldaffer.

A quorum being present,

The journal of yesterday's proceedings was read.

Mr. Brown gave notice

That on to-morrow or some future day he should ask leave to introduce

A bill to incorporate the Little Falls Manufacturing Company. Also,

A bill to incorporate the Little Falls Bridge Company. Also,

A bill to incorporate the Fort Snelling Bridge Company.

Mr. Kittson moved

The Council adjourn.

Which motion was lost.

On motion of Mr. Brown,

The counsel resolved itself into a committee of the whole,

Mr. Van Etten in the chair,

Having under consideration

(No. 7, C. F.) A bill to provide for taking the census of population of this Territory,

And after some time passed therein,

The Committee rose,

And by their chairman,

Reported the same back to the Council without amendment.

The report was accepted.

Mr. Brown offered the following amendment:

Section 12. This act shall take effect from and after its passage.

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

Yeas, 4. }  
Nays, 4. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Freeborn,

Mr. Mower,

" Stearns—4

Those who voted in the negative were

Mr. Kittson,

Mr. Murray,

Mr. Van Etten,

" President—4

So the amendment was lost,

Mr. Van Etten moved

To refer the bill to the committee to whom was referred the bill to provide for apportionment of representation of the members of the Legislative Assembly.

Which motion was adopted.

Mr. Kittson moved

The Council adjourn.

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

Yeas, 5. }  
Nays, 3. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Kittson,

Mr. Mower,

" Stearns,

" Van Etten—5.

Those who voted in the negative were

Mr. Freeborn,

Mr. Murray,

Mr. President—3.

So the Council adjourned.

S. B. OLMSTEAD,  
*President of the Council.*

Attest:

A. J. MORGAN,

*Secretary.*

## WEDNESDAY.

FEBRUARY 7, 1855.

Council met pursuant to adjournment.

President in the Chair.

Prayer by Rev. Mr. Reiheldaffer.

A quorum being present,

The journal of yesterday's proceeding was read.

The President called Mr. Murray to the chair.

A message from the House being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following message :

MR. PRESIDENT :—The House has passed

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

(No. 5, H. of R.) A memorial for the erection of a Fort at or near Pembina river.

(No. 6, H. of R.) A memorial to Congress for an appropriation of \$30,000 for the improvement of the Mississippi river between St. Anthony Falls and Sauk Rapids.

(No. 12, H. of R.) A bill for an act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher his wife.

In which the concurrence of the Council is respectfully requested. Also,

The House has passed

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

Also, the House passed the following resolution :

*Resolved*, (the Council concurring) That the Committee on Public Buildings be and are hereby instructed to visit and inspect the public buildings, and report to the House and Council as soon as soon as convenient,

In which the concurrence of the House is respectfully requested.

Mr. Stearns, pursuant to previous notice, introduced

(No. 15, C. F.) A bill to incorporate the city of Saint Anthony,

Which was read the 1st and 2nd times,

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions :

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

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



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

(No. 1, C. F.) Joint Resolution relative to the binding of the Journals.

No. 5, H. of R.) A bill to amend an act entitled, "An Act to incorporate the Minnesota and Northwestern Railroad Company,"

I. VAN ETTEN,  
*Chairman Council Committee.*  
D. F. BRAWLEY,  
*Chairman House Committee.*

Mr. Van Etten, from the majority of the Judiciary Committee, made the following report:

The Judiciary Committee to whom was referred the petition of Mrs. Henrietta Goodhue, praying an extension of the ferry charter granted to James M. and Isaac Goodhue by the Legislature of this Territory during the session for 1852, for the period of eight years from the expiration of said charter, have had the same under consideration, and ask to report the accompanying bill, and recommend the passage of the same by the Council.

I. VAN ETTEN,  
CHAS. T. STEARNS, } Committee.

Mr. Van Etten introduced

(No. 16, C. F.) - An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river,

Which was read a first and second time.

Mr. Brown made the following

## REPORT

The Select Committee to which was referred No. 11, C. F. A bill to amend an act entitled "An act to provide for the survey of logs and lumber in Minnesota Territory," approved March 1, 1854, respectfully report : That your committee has examined the bill referred, and carefully considered the question involved, and that the subject might be laid before the council as clearly as possible, comparison between the Log Scale now in use in the Territory, and that known as Norton's improved Scale has been made, which will demonstrate, as far as is necessary the difference in the calculations of the two scales,

## LOG SCALES.

*Comparison between the Log Scale now in use in the Territory, and that known as Norton's Improved Scale.*

ST. CROIX RULE.			NORTON'S RULE.			ST. CROIX RULE.			NORTON'S RULE.		
Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.
14	14	81	14	14	120	16	14	125	16	14	160
14	16	100	14	16	137	16	16	144	16	16	182
14	18	112	14	18	154	16	18	158	16	18	205
14	20	125	14	20	171	16	20	180	16	20	223
14	22	167	14	22	188	16	22	198	16	22	251
DIFFERENCE 35 PER CENT.						DIFFERENCE 27 PER CENT.					
18	14	171	18	14	208	20	14	224	20	14	262
18	16	196	18	16	239	20	16	256	20	16	300
18	18	230	18	18	267	20	18	285	20	18	338
18	20	245	18	20	297	20	20	310	20	20	375
18	22	269	18	22	327	20	22	352	20	22	412
DIFFERENCE 21 PER CENT.						DIFFERENCE 17 PER CENT.					
22	14	282	22	14	323	24	14	350	24	14	388
22	16	324	22	16	369	24	16	400	24	16	444
22	18	364	22	18	415	24	18	450	24	18	500
22	20	405	22	20	461	24	20	500	24	20	555
22	22	445	22	22	507	24	22	550	24	22	611
DIFFERENCE 14 PER CENT.						DIFFERENCE 11 PER CENT.					
26	14	423	26	14	459	28	14	504	28	14	533
26	16	483	26	16	525	28	16	576	28	16	609
26	18	544	26	18	590	28	18	648	28	18	685
26	20	605	26	20	656	28	20	720	28	20	761
26	22	665	26	22	722	28	22	792	28	22	837
DIFFERENCE 8½ PER CENT.						DIFFERENCE 6 PER CENT.					
30	14	591	30	14	610	32	14	685	32	14	693
30	16	676	30	16	697	32	16	784	32	16	792
30	18	740	30	18	784	32	18	882	32	18	891
30	20	845	30	20	871	32	20	980	32	20	990
30	22	929	30	22	958	32	22	1078	32	22	1089
DIFFERENCE 3 PER CENT.						DIFFERENCE 1 PER CENT.					

By this comparison of the two Scale rules, we find that on logs fourteen inches in diameter, Norton's rule measures 25 per cent more than the St. Croix Rule.

In logs of 16 inches diameter.....	27	per cent.
do 18 do .....	21	do.
do 20 do .....	17	do.
do 22 do .....	14	do.
do 24 do .....	11	do.
do 26 do .....	8½	do.
do 28 do .....	6	do.
do 30 do .....	3	do.
do 32 do .....	1	do.

Thus we find that below the diameter of 33 inches, the Norton scale gives more lumber than that of the St. Croix, and that the average difference below that diameter, as exhibited above, is about 14 per cent. or 140 feet in each thousand.

Although this appears at first sight to be an object of great importance to the logger, and that in order to afford that meritorious class of our population a just remuneration for their labor, the Norton scale should be at once adopted, as the scale of our territory. Yet upon reflection, it will be seen that no such beneficial results to the logger could be obtained by any change in the present scale of the territory. Your committee is confirmed in this belief by conversations with men who have had much experience in the manufacture of lumber in this territory, and who are unanimous in the opinion that logs in this territory do not saw out the quantity of lumber given under the St. Croix scale, and that in purchasing logs by that scale allowance is always made for the discrepancy between the scale and the actual quantity of lumber the logs will saw. A change to the Norton scale would therefore have no other effect than to increase the discrepancy while much inconvenience and trouble would be entailed upon the logger, as well as the miller, in the purchase and sale of logs.

As well might the Legislature enact that 50 pounds of corn should constitute a bushel, with a view to increasing the income of the farmer, or that two feet should constitute a yard for the benefit of the merchant, as to enact that 860 feet of logs as heretofore called, should hereafter be deemed to be a thousand feet, with the object of benefitting the logger. It is well understood that in all commercial transactions, prices are governed by quantity as well as quality, and it is ridiculous to suppose that the same price could be obtained for logs per 1,000, if 860 feet constituted the thousand, as would be paid per 1000 if ten hundred feet formed the thousand. In other words, the logger could not obtain the same price per thousand if measured by

Norton's scale, as he could if sold by the St. Croix scale, while, if the former was established as the scale rule of the territory, he would be required to pay for booming, scaling, and rafting 140,000 feet more on the work of a team—say one million of feet—than he would under the present rule.

The St. Croix scale was adopted by the St. Croix lumbermen after a thorough calculation of the quantity of lumber that could be manufactured from a log of a given size, taking into consideration the hidden imperfections in our timber, and the mode of sawing on that river, and that scale has now got into general use in transactions in logs both in the territory and in sales in the markets below, and is as nearly satisfactory to all interested as any other scale could be, and your committee believe that no change could at this time, be made, without subjecting a large portion of the loggers to great inconvenience and trouble, if it did not result in actual loss.

It is a well known fact that on the St. Croix an extensive lumbering business is done on the Wisconsin side of the river, and that exchanges of logs to a great amount take place annually. On the Wisconsin side the St. Croix scale is recognized, and if another scale should be adopted in this territory, it is evident that it would create much confusion and difficulty in settling exchange accounts.

In examining the different scale rules, your committee are of opinion that Scribner's rule would probably give a nearer approximation to a just and equitable rule than either the St. Croix or Norton scale, and if a rule was to be adopted now for the first time in the Territory, would feel inclined to recommend its adoption, but owing to the previous establishment of the St. Croix rule, in connection with the fact that it is used and recognized in transactions in logs wherever logs are marketed on the Mississippi river, and with the firm conviction on the part of your committee, that a change in the scale rule would effect a corresponding change in the price of logs, while the logger would be subjected to much additional expense and trouble. Your committee would respectfully recommend that no change should be at this time made in the scale now used in the Territory.

Your committee therefore report back to the Council, (No. 11, C. F.,) a bill to amend an act entitled "an act to provide for the survey of logs and lumber in Minnesota Territory," approved March 1, 1854, with the recommendation that said bill be indefinitely postponed.

All of which is most respectfully submitted.

JOSEPH R. BROWN, Chairman.  
CHAS. T. STEARNS,  
J. E. MOWER.

On motion of Mr. Brown,

The report was laid on the table, and 200 copies ordered to be printed for the use of the Council.

Mr. Stearns from the Joint committee on engrossed bills, made the following report:

The joint committee on engrossed bills have examined and found correctly engrossed the following bill:

(No. 5, C. F.) A bill for an act to provide for laying out certain territorial roads.

CHAS. T. STEARNS,

WM. FREEBORN,

*Committee.*

Messages from the House being in order, the following was taken up:

Mr. President—The House has passed

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

(No. 5, H. of R.) A memorial for the erection of a fort at or near Pembina river;

No. 6, H. of R.) A memorial to Congress for an appropriation of \$30,000 for the improvement of the Mississippi river between St. Anthony Falls and Sauk Rapids;

No. 12, H. of R.) A bill for an act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher his wife, in which the concurrence of the Council is respectfully requested. Also,

The House has passed

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

Also, the House has passed the following resolution:

Resolved,

The Council concurring,

That the committee on Public Buildings be and are hereby instructed to visit and inspect the Public Buildings, and report to the House and Council as soon as convenient.

In which the concurrence of the Council is respectfully requested.

Said bills were read a first and second time.

On motion of Mr. Murray,

No. 12, H. of R.) A bill for an act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher his wife.

Was referred to the committee on Incorporations.

On motion of Mr. Brown,

The rules were suspended, and the Council resolved itself into committee of the Whole,

Mr. Stearns in the chair,

Having under consideration,

(No. 5, H. of R.) A memorial for the erection of a Fort at or near Pembina river;

Also, (No. 6, H. of R.) A memorial to Congress for an appropriation of \$30,000 for the improvement of the Mississippi river between St. Anthony Falls and Sauk Rapids;

And after some time spent therein,  
The committee rose and by their chairman  
Reported the same back to the Council with amendments.  
The report was accepted.

On motion of Mr. Brown,  
The rules were suspended and the memorial read a third time.  
The question then being on the passage of the memorials,  
They were passed.

The question then recurring on agreeing to their titles,  
Mr. Brown moved to amend the title of

(No. 6, H. of R.) To read—A memorial to Congress for an appropriation for certain improvements in Minnesota territory.

Which was adopted and the titles agreed to.

Mr. Murray from the joint committee, to whom was referred  
(No. 14, C. F.) A bill to define the boundaries of certain counties,  
Reported by bill.

The bill was read a first and second time.

On motion of Mr. Murray

The Council resolved itself into a Committee of the Whole.

Mr. Van Etten in the chair.

Having under consideration said bill; and after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council with amendments.

The report was accepted.

The President called Mr. Brown to the chair.

The bill was ordered to be engrossed.

A message from the House being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The Speaker has signed

(No. 5, H. of R.) A bill to amend an act entitled "An act to incorporate the Minnesota and North-Western Rail-Road Company.

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

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

(No. 1, C. F.) Joint resolution relating to the binding of the Journals.

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

And then he withdrew.

The President signed the above bills, memorials and joint resolutions.

Bills ready for a third reading, being in order,

(No. 2, C. F.) A bill to provide for laying out certain Territorial roads,  
Was taken up.

Mr. Van Etten offered the following amendment to the bill:

SEC. 27. That Robert C. Knox, Daniel S. Turpin, James Starkey, are hereby appointed commissioners to locate and mark out a Territorial road from St. Paul, by way of Little Canada and Rice Lake, to a point in the most direct and feasible route to intersect the Point Douglas and St. Louis river road near Grindstone Creek, a tributary of Kettle river.

Which amendment was adopted.

The bill was then read a third time.

The question being on the passage of the bill, it was passed.

The question then recurring on agreeing to its title, it was agreed to.

On motion of Mr. Van Etten

The Council adjourned.

S. B. OLMSTEAD,

*President of the Council.*

Attest:

A. J. MORGAN,

*Secretary.*

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## THURSDAY.

FEBRUARY 8th, 1855.

Council met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Reiheldaffer.

A quorum being present, the journal of yesterday's proceedings was read, except the Report relative to the survey of logs and lumber, the reading of which,

On motion of Mr. Brown, was dispensed with.

Mr. Brown, pursuant to previous notice, introduced

(No. 17, C. F.) A bill to incorporate the Little Falls Manufacturing Company.

Which was read the first and second times.

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following report:

That the Joint Committee on Enrolled Bills, did on yesterday present to His Excellency the Governor, for his approval, the following bills, memorials and joint resolution:

(No. 5, H. of R.) A bill to amend an act entitled "An act to incorporate the Minnesota & North-Western Rail Road Company.

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

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

(No. 1, C. F.) Joint resolution relating to the binding of the journals.

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

I. VAN ETTEN,  
*Chairman Council Committee.*  
 A. M. FRIDLEY,  
 JOSEPH ROLETTE,  
*House Committee.*

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following report:

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

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

I. VAN ETTEN,  
*Chairman Council Com.*  
 D. F. BRAWLEY,  
*Chairman House Com.*

Messages from the Governor being in order, the following was taken up:

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

In compliance with the law, I beg leave to present to this honorable body the annual report of the Librarian:

## REPORT.

The accession of Books, Law Reports, Charts, &c., to the Library during the past year, will be found enumerated in the accompanying schedule.

Although an appropriation was made by Congress some time since, of five hundred dollars for the purchasing of Books, &c., for the Library, yet as no one was authorised to draw and expend such appropriation, I would suggest that this Legislature take some action in regard to the matter.

Many of the Books which were loaned out during the past year have not been returned in compliance with the requirements of the rules of the Library. The Librarian deemed it expedient, owing to this state of facts, to cause advertisements to be put in the several papers published in this city, notifying delinquents, that unless such books were returned on or before a day specified in the advertisements, legal proceedings would be instituted against them. Some of those who have books in their possession not having returned them in compliance with said notice, legal proceedings will be instituted against them.

No fines or assessments have been collected during the past year.

I would respectfully ask to be permitted to direct the attention of this Legislative Assembly to such portions of the last annual report of the Librarian as referred to the binding of pamphlets and mutilated books, and to the compilation of a new catalogue.

ROBERT A. SMITH,  
*Librarian.*



**List of Books, Reports, &c. received by the Librarian since the last Report to this Honorable Body.**

**LAW REPORTS.**

Maryland	Reports,.....	Vol.	3.
Maryland Chancery	" .....	"	3.
Richardson's South Carolina	" .....	" 5 and 6.	
Cushing's Massachusetts	" .....	" 6 and 7.	
Missouri	" .....	" 16 and 17.	
Texas	" .....	" 8, 9 and 10.	
Zabriskie's Law, N. J.	" .....	"	3.
Halstead's Chancery,	" .....	"	4.
Foster's New Hampshire	" .....	"	3.
Maine	" .....	"	35.
Busbee's North Carolina Equity	" .....		
" " " Law	" .....		
B. Munroe's Kentucky	" .....	"	13.
Chandler's Wisconsin	" .....	"	3.
Alabama	" .....	" 23, 24, N.S.	
Illinois	" .....	"	14.
Warden's Ohio	" .....	"	2.
Monroe & Harlan's Digest of Kentucky Reports.			

**LAWS—LOCAL AND GENERAL.**

Revised Code of Delaware, 1855.

Acts and Resolves of General Assembly of Rhode Island.

Acts of Alabama, 1853—4.

Acts of Massachusetts 1854—2 copies.

Acts of Louisiana, 1854—8 copies.

Private and Local Statutes of Wisconsin, 1853.

Laws of Illinois, 1853.

Laws of Tennessee, 1853—4.

Laws of Texas, 1853—4.

Acts and Resolves of General Assembly of South Carolina.

Constitution of Vermont, 1852.

Laws of Maryland, 1854.

Las Actas de Nueva Mejico.

Laws of Wisconsin, 1853—2 copies.

Laws of New York, 76th Session, 1853.

New Hampshire Compiled Statutes, 1853.

## LAWS—LOCAL AND GENERAL.

Laws of Ohio, 1854;  
 Swan's Revised Statutes of Ohio, 1857;  
 Revised Statutes of Kentucky;  
 Laws of Kentucky, 2 vols.—2 copies;  
 Laws of Vermont, 1853—2 copies;  
 Laws of Oregon Territory, 1853;  
 Archives of Oregon "

## ASSEMBLY DOCUMENTS, JOURNALS, &amp;c.

Diario del Consejo Legislativo de Nueva Mejico;  
 Journal of the Legislative Council of New Mexico;  
 " House of Representatives "  
 Assembly Documents of New York, 1853—6 vols.;  
 Senate " " " 3 "  
 Senate Journal " "  
 Assembly " " " 2 "  
 Journal of Massachusetts Convention, 1853;  
 " House of Rep. of Alabama, 1853-4;  
 " Senate " "  
 " House Rep. Texas, 5th Legislature;  
 " Senate " "  
 " " Maryland, 1854;  
 " House Rep. " "  
 Senate Documents second session thirty-second Congress, 27 copies;  
 Executive " " " " 25 "  
 Senate Mis. " " " " 2 "  
 House " " " " 2 "  
 Senate Jour. " " " " 2 "  
 House " " " " 2 "  
 House Journal first session thirty-third Congress, 3 copies;  
 Senate Reports 2nd session 32d " 2 "  
 House Committee " " " 2 "  
 " , List of Private Claims from A. to G. 2 "  
 Statistics of U. S. Census of 1850 2 "  
 Maryland State Documents;  
 Senate Journal of Kentucky, 1823-4;  
 13—C. J.

## ASSEMBLY DOCUMENTS—JOURNALS, &c.

House Journal of Kentucky,  
 Assembly Documents " "  
 Annual Reports to the Governor of Kentucky.

## MISCELLANEOUS.

Documents relating to the Colonial History of New York, vol. 3;  
 Documentary History of New York, vol. 3 and 4;  
 Report of Sup't of U. S. Coast Survey, 1852;  
 Patent Office Report, Mechanics, 1853;  
 67th Annual Report of Regents of University of New York, 2 copies;  
 Annual Report of Trustees of State Library "  
 Notes on the Sandwich Islands—Presented by Arnold W. Taylor, Esq.;  
 Kentucky codes of Practice;

## MAPS.

New Map of the State of Alabama.

Messages from the House being in order, the following resolution was taken up.

*Resolved*, The Council concurring, That the Committee on Public Buildings be and are hereby instructed to visit and inspect the Public Buildings, and report to the House and Council as soon as convenient.

In which the concurrence of the Council is respectfully requested.

Mr. Brown offered the following amendment:

Strike out "committee on Public Buildings," and insert "Committees on Public Buildings and on Agriculture and Manufactures of the two Houses," and insert after "Public Buildings" in the second line, the words "and the Agricultural and Manufacturing establishments connected therewith at Stillwater."

Mr. Van Etten moved to amend by adding the words "Committee on Militia."

Which was adopted.

The question then being on the adoption of the resolution,

It was adopted.

On motion of the President

The report of the committee relative to the survey of logs and lumber, was taken up.

The question being on the adoption of the report,

It was not adopted.

The question then being on ordering the third reading of the bill, it was refused.

On motion of Mr. Murray

The vote was reconsidered by which the Council refused to order the third reading of the bill, and the bill was read a third time.

A message from the House being announced, James C. Shepley, Esq., chief Clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The House has passed

(No. 4, H of R,) A memorial of the Legislative Assembly of Minnesota Territory to Congress, for an appropriation to the Territorial Prison,

In which the concurrence of the Council is respectfully requested.

And then he withdrew.

Mr. Stearns asked and obtained the unanimous consent of the Council, to amend the third section of the bill, so that it take effect in one year after its passage.

The question then being on the passage of the bill,

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

Yeas 5, }  
Nays 2. }

Those who voted in the affirmative were

Mr. Freeborn,

Mr. Murray,

Mr. Olmstead,

Stearns,

Van Etten—5.

Those who voted in the negative were

Mr. Mower,

Mr. Brown—2.

So the bill was passed.

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

Mr. Murray gave notice

That he would on to-morrow or some future day, introduce a memorial to the President of the United States, praying for the removal of Willis A. Gorman, our Governor, from office.

Mr. Brown moved that the Council adjourn.

Which motion was lost.

Mr. Murray moved

That the Council adjourn until Monday at 10 o'clock.

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

Yeas 2, }  
Nays 5. }

Those who voted in the affirmative were

Mr. Murray,

Mr. Mower—2.

Those who voted in the negative were

Mr. Brown,

Mr. Freeborn,

Mr. Stearns,

Van Etten,

President—5.

So the motion was lost.

Mr. Van Etten moved

The Council resolve itself into a Committee of the Whole, for the purpose of taking into consideration

(No 16, C F,) An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a Ferry across the Mississippi river,

Mr. Murray moved

The Council adjourn until Monday at 2 o'clock P. M.

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

Yeas, 4, }  
Nays, 8. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Freeborn,

Mr. Murray,

Mower—4.

Those who voted in the negative were

Mr. Stearna,

Mr. Van Etten,

Mr. President—3.

So the motion prevailed.

And the Council adjourned until Monday next, at 2 P. M.

S. B. OLMSTED,

*President,*

Attest:

A. J. MORGAN,

*Clerk.*

**MONDAY.**

FEBRUARY 12, 1855,

Council met pursuant to adjournment,

Prayer by the Rev. Mr. Riheldaffer.

A quorum being present,

The reading of (Thursday's) proceedings was commenced,

On motion of Mr. Van Etten,

The reading of the report of the Librarian was dispensed with.

The remainder of the proceedings was then read.

Mr. Van Etten asked and obtained the unanimous consent of the Council to introduce, (No. 18, C F,) A bill for an act to establish a Board of Trade.

On motion of Mr. Van Etten,

The Council resolved itself into a committee of the whole,

Mr. Murray in the Chair,

Having under consideration,

(No. 16, C F,) A bill to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river.

And after some time passed therein,

The Committee rose, and by their chairman, reported the same back to the Council without amendment.

The report was accepted.

On motion of Mr. Murray,

The bill was laid on the table,

Mr. Murray moved

The Council adjourn.

Which motion was lost.

Mr. Brown moved,

The Council resolve itself into a committee of the whole, to take into consideration, (No. 4, H of R,) A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation to the Territorial Prison.

Mr. Murray moved

The Council adjourn;

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

Yeas 3, }  
Nays 4. }

Those who voted in the affirmative were,

Mr. Murray,

Mr. Stearns,

Mr. President—3.

Those who voted in the negative were,

Mr. Brown,

Mr. Mower,

Mr. Stimpson,  
Van Etten—4.

So the motion was lost.

Mr. Brown gave notice that on to-morrow or some future day he should ask leave to introduce

A bill to amend certain acts passed by the last session of the Legislative Assembly.

Mr. Stimpson moved

The Council adjourn.

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

Yeas 4. }  
Nays 3. }

Those who voted in the affirmative, were

Mr. Brown,

Mr. Stearns,

Mr. Stimpson,  
Van Etten—4.

Those who voted in the negative were,

Mr. Murray,

Mr. Mower,

Mr. President—3.

So the Council adjourned.

S. B. OLMSTEAD,  
*President,*

Attest;

A. J. MORGAN,

*Secretary.*

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## TUESDAY.

FEBRUARY 13, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present,

The journal of yesterday's proceedings was read.

A message from the House being announced,

James C. Shepley, Esq., appeared and delivered the following message:

MR. PRESIDENT:—

His Excellency the Governor, returned to the House on the 8th inst.

(No. 5, H of R,) A bill to amend an Act entitled "An act to incorporate the Minnesota and North Western Railroad Company."

With his objections thereto.

The Governor has notified the House that he did on the 7th instant, approve and sign,

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

The House has concurred in

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

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

The memorials are herewith returned.

Mr. Murray, on leave granted offered the following

### RESOLUTION:

WHEREAS, The Act of Congress, entitled "An Act to organize the Territories of Nebraska and Kansas," approved May 30, 1854, does not contain the provision, reserving to Congress the right to disapprove and annul the laws passed by the Legislative Assemblies and Governors of those Territories, but in express terms leaves the people of those Territories "*perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.*"

And whereas, The right of the people of the Territories of the United States to govern themselves is thereby recognized, and adopted as part of the policy of the national Government.

And whereas, By the 6th section of the Act of Congress, entitled "An Act to establish the Territorial Government of Minnesota," approved March 3d, 1849, it is provided, that all the laws passed by the Legislative Assembly and Governor of this Territory shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect, thus denying to the people of Minnesota the right of self government, given to the people of the Territories of Nebraska and Kansas.

And whereas, The House of Representatives of the United States has already, in the exercise of the power thus unjustly and invidiously reserved, resolved to disapprove of, and amend laws passed by the Governor and Legislative Assembly of Minnesota, relating solely to our own domestic affairs, thus violating the principles established by the organization of the Territories of Nebraska and Kansas, and placing in jeopardy an y



and all of the laws enacted for the protection of the persons, liberties and property of our citizens, and reducing them to a condition of vassalage to a body, in the selection of which, and in the proceedings of which they have no vote.

*Therefore Resolved*, By the Council of the Legislative Assembly of the Territory of Minnesota, that the Delegate to Congress from this Territory be, and he is hereby, requested to ask for, and urge to his utmost, the repeal of so much of the 6th section of the act of Congress of March 3d, 1849, as makes the laws passed by the Legislative Assembly and Governor of Minnesota null and of no effect, if disapproved by Congress.

*Resolved*, That the Secretary of the Council be, and he is hereby, instructed to forward a certified copy of these preamble and resolutions to the Hon. Henry M. Rice, Delegate to Congress, FORTHWITH.

On motion of Mr. Murray,

The rule requiring bills to lay over one day was suspended.

Mr. Van Etten moved,

To amend by making it a joint resolution of the two Houses: which motion was lost.

Mr. Van Etten moved

To lay the resolution on the table, which motion was lost;

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

Yeas 4, }

Nays 2. }

Those who voted in the affirmative were,

Mr. Brown

Mr. Murray

Mr. Stearns

Stimpson—4.

Those who voted in the negative were,

Mr. Van Etten

Mr. President—2.

So the resolution was adopted;

Mr. Stearns, from the committee on engrossed bills made the following

#### REPORT:

The committee on engrossed bills have examined and found correctly engrossed the following bill:

[No. 14, C F,] A bill to define the boundaries of certain counties.

C. T. STEARNS,

Chairman.

Bills ready for a third reading being in order,

[No. 14, C F,] A bill to define the boundaries of certain counties, was taken up;

Mr. Brown moved,

To strike out in line three of sec. 9, the words "on the township line between ranges 20 and 21," and insert in lieu thereof the words "at the mouth of Credit river; thence on a direct line to the northeast corner of township one hundred and twelve, in range twenty-one west, thence south on the township line between ranges twenty and twenty-one west, to the township line between township one hundred and eleven and one hundred and twelve:

Strike out all in line 4 except the word "thence," which motion was adopted.  
 A message from his Excellency the Governor, being announced,  
 R. S. S. Andros, appeared and delivered the following communication,

MR. PRESIDENT:—

I am directed by the Governor, to inform the Council that he did on the 7th inst. approve and sign the following bills, which originated in the Council:

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

(No. 13, C F,) A bill to amend an act, entitled an act relating to auctioneers;  
 And also the following resolution:

(No. 1, C F,) Joint Resolutions relative to the binding of the Journals.  
 And then he withdrew.

On motion of Mr. Murray,  
 The bill was read a third time by its title.  
 The question then being on the passage of the bill,  
 It was passed.  
 The question then being on agreeing to its title,  
 It was agreed to.

On motion of Mr. Murray,  
 (No. 16, C F,) A bill to amend an act granting to James M. Goodhue and Isaac N Goodhue the right to establish and maintain a ferry across the Mississippi river,  
 Was taken from the table.

Mr. Van Etten offered the following amendment to said bill:

SEC. 4. The Legislature shall have power to alter, amend or repeal said charter at any time.

The question then being on ordering the bill to be engrossed,  
 It was so ordered.

Mr. Brown, on leave granted, introduced

(No. 19, C F,) A bill to amend certain acts passed by the last session of the Legislative Assembly:

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

On motion of Mr. Stearns,

The Council resolved itself into a Committee of the Whole;

Mr. Brown in the Chair,

Having under consideration,

(No. 15, C F,) A bill to incorporate the city of St. Anthony:

And after some time passed therein,

The Committee rose, and by their chairman reported the same back to the Council with amendment.

The report was accepted.

On motion of Mr. Stearns,

Said bill was referred to a select committee of three;

The chair appointed Messrs. Brown, Stearns, and Van Etten said committee;

Mr. Murray offered the following

### JOINT RESOLUTIONS:

(No. 2, C. F.) A Resolution relative to the adjournment of the Legislative Assembly of M. T.

And (No. 3, C F,) A Resolution relative to the covers of journals of the last session.

The resolutions were read a first and second times;

On motion of Mr. Van Etten,

The rules were suspended,

And the resolutions ordered to a third reading;

The resolutions were then read a third time;

The question then being on the passage of the resolutions,

They were passed;

The question then recurring on agreeing to their titles, they were agreed to;

On motion of Mr. Brown,

The Council resolved itself into a committee of the whole, Mr. Stearns in the chair, having under consideration,

(No. 18, C F,) A bill for an act establishing Boards of trade; and

(No. 17, C F.) A bill to incorporate the Little Falls Manufacturing company; and after some time passed therein, the committee rose and by their chairman, reported the same back to the Council with amendments;

The report was accepted, and the amendments concurred in;

The bills were ordered to be engrossed;

On motion of Mr. Brown

The Council resolved itself into a committee of the whole, Mr. Murray in the chair, having under consideration,

(No. 2, H of R,) A bill relating to certain records of the district court of the counties of Fillmore and Winona; and

[No. 4, H of R.] A memorial of the Legislative Assembly of M. T., to Congress, for an appropriation to the Territorial Prison;

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council without amendment;

On motion of Mr. Murray,

[No. 2, H of R.] A bill relating to certain records of the district court of the counties of Fillmore and Winona, was referred to the committee on the Judiciary;

On motion of Mr. Van Etten,

[No. 4, H of R.] A memorial of the Legislative Assembly of Minnesota Territory to

Congress for an appropriation to the Territorial prison, was read a third time by its title passed and the title agreed to;

On motion of Mr. Van Etten,  
The Council adjourned.

S. B. OLMSTED,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

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**WEDNESDAY.**

FEBRUARY 14, 1855.

Council met pursuant to adjournment.

Prayer by the Rev. Mr. Riheldaffer.

A quorum being present:

A message from the House being announced, James C. Shepley, Esq., Chief Clerk appeared and delivered the following message:

Mr. PRESIDENT;—The Speaker has signed

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

The House of Representatives has concurred in the amendments of the Council to (No. 6, H. R.,) A memorial to Congress for \$30,000 for the improvement of the Mississippi river, between St. Anthony and Sauk Rapids.

Also the House of Representatives has concurred in

(No. 4, C. F.) A bill to incorporate the town of Henderson, and for other purposes. The bill is herewith returned.

The House of Representatives has refused to concur in the amendments of the Council to the following resolution:

*Resolved*—The Council concurring—That the Committee on Public Buildings be and are hereby instructed to visit and inspect the Public Buildings, and report to the House and Council as soon as convenient.

Also, to amendments of the Council

[No. 5, H. R.,] A memorial to Congress for a Fort at or near Pembina river,

And has indefinitely postponed its further consideration.

And then he withdrew.

The journal of yesterday's proceedings was read.

The President laid before the Council the following communication from the Secretary.

COUNCIL CHAMBER, }  
Feb. 14, 1855. }

*To the Hon. President of the Council—*

SIR:—I have the honor to report that in pursuance of the resolution passed by the Council, on yesterday, instructing me to forward to Hon. H. M. Rice, our delegate in Congress, a certified copy of the preamble and resolutions passed by this body, relative to the amendment of the organic act of Minnesota, that I have performed said duty.

Respectfully

Obedient servant,

A. J. MORGAN,

Sec'y Council.

HON. S. B. OLMSTED, President.

Mr. Brown gave notice,

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

A bill to incorporate the town of Minneapolis and for other purposes.

Mr. Van Etten from the joint committee on Enrolled Bills, made the following

#### REPORT :

The joint committee on Enrolled Bills have examined and found correctly enrolled the following memorials:

(No. 1, C F,) A memorial of the Legislative Assembly of Minnesota Territory to Congress praying an appropriation for the construction of Military Road,

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

I VAN ETTEN,

Chm'n Council Com,

D. F. BRAWLEY,

Chm'n House Com,

Mr. Stearns, from the Committee on Engrossed Bills, made the following

#### REPORT :

The Committee on Engrossed Bills have examined and found correctly engrossed the following bills:

(No 17, C F,) A bill to incorporate the Little Falls Manufacturing Company.

(No 18, C F,) A bill to amend an act granting to James M. Goodhue and Isaac N. Goodhue, the right to establish and maintain a ferry across the Mississippi river.

(No 18, C F,) A bill for an act establishing Boards of Trade.

C. T. STEARNS,

Chairman,

Mr. Brown moved

A committee of conference be appointed by the President to act in conjunction with a similar committee on the part of the House, relative to the disagreement of H. R. joint resolution relative to the appointment of a committee to visit Territorial buildings.

Which motion prevailed.

The President appointed Messrs. Brown, Stimson, and Freeborn said committee.

Mr. Murray, on leave granted, introduced the following

### PETITIONS:

A petition from J. Allison and 48 others, praying for the location of a road from St. Paul to Elliot.

A petition from Z. B. Nichols and 10 others on the same subject.

On motion of Mr. Murray

The petitions were referred to the committee on roads.

Bills ready for a third reading being in order,

[No 16, C F,] A bill to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river,

Was taken up, and read a third time.

The question then being on the passage of the bill, it was passed.

The question then being on agreeing to its title, it was agreed to.

[No 17, C F,] A bill to incorporate the Little Falls Manufacturing Company,

Was taken up and read a third time.

The question recurring on the passage of the bill, it was passed;

The question then recurring on agreeing to the title of the bill, it was agreed to;

[No. 18, C F,] A bill for an act establishing Boards of Trade, was taken up and read a third time;

The question recurring on the passage of the bill, it was passed;

The question recurring on agreeing to its title, it was agreed to;

Mr. Van Etten from the committee on the judiciary, on leave granted, reported

[No. 7, C F,] A bill to provide for taking a census of the population of this territory, back to the Council without amendment, and recommended its passage;

On motion of Mr. Brown,

The Council resolved itself into a committee of the whole,

Mr. Murray in the chair, having under consideration said bill, and after some time passed therein, the committee rose and by their chairman, reported the same back to the Council, with amendments;

The report was accepted and the amendments concurred in;

On motion of Mr. Brown, the rule requiring bills to be engrossed, was dispensed with, and the bill ordered to its third reading now;

On motion of Mr. Van Etten, the bill was read by its title;

The question being on the passage of the bill, it was passed;

The question recurring on agreeing to its title, it was agreed to;

On motion of Mr. Stimpson, the vote by which

[No. 2, C. F.] Joint resolution relative to the adjournment of the Legislative Assembly of M. T. was passed, was reconsidered;

On motion of Mr. Brown,

The secretary of the Council was requested to ask from the House of Representatives for the future action of the Council,

[No. 2, C. F.] Joint resolution relative to an adjournment of the Legislative Assembly;

On motion of Mr. Van Etten,

The Council adjourned.

S. B. OLMSTEAD,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

**THURSDAY,**

**FEBRUARY 15, 1855.**

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present,

The journal of Yesterday's proceedings was read.

A message from the House being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following message:

**MR. PRESIDENT:—**

The Speaker has signed the following

#### MEMORIALS:

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

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

The House has concurred in the passage of  
(No. 6, C F) A Bill to provide for laying out a Territorial road from St. Paul to Elliot.

And (No. 3, C F) a Joint Resolution relative to the covers of journals of the last session.

Also, the House has under consideration,  
[No. 8, C. F.] A Bill to provide for the improvement of the navigation of the Minnesota river.

And after adding sundry amendments thereto,  
Indefinitely postponed the further consideration of the Bill.  
The bills are herewith returned.

Also, The House of Representatives has concurred in the amendments of the Council to

[No. 6, H. R.,] A memorial to Congress for appropriations for certain improvements in this Territory.

And then he withdrew.

Mr. Brown, pursuant to previous notice, introduced,  
[No. 20, C. F.] A bill to incorporate the Little Falls Bridge Company.  
The Bill was read a first and second times.

Mr. Stearns, from the select committee to which was referred  
[No. 15, C. F.,] A Bill to incorporate the city of St. Anthony,  
Reported the bill back to the Council with amendments, and recommended its passage,

Mr. Brown from the joint committee on joint rules made the following

### REPORT :

The Joint Committee, appointed to report Joint Rules for the government of the two Houses, during the present session, beg leave to report the following Joint Rules in order:—

### JOINT RULES AND ORDERS OF THE TWO HOUSES.

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

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

3. After a bill shall have passed both Houses, it shall be duly enrolled by one of the



enrolling clerks, under the direction of the Secretary of the Council, or Chief Clerk of the House of Representatives, as the bill may have originated in one or the other House, before it shall be presented to the Governor for his approval.

4. When a bill is duly enrolled, it shall be examined by a joint committee of two from each House, appointed for that purpose, who shall carefully compare the enrolled with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, and make their report forthwith to the respective Houses.

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

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

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

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

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

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

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

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

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

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

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

16. In joint convention of the two Houses, the Speaker of the House of Representatives shall preside.

17. No item shall be inserted in any appropriation bill until it has been passed upon by one of the joint committees on Territorial expenditures, or Legislative expenditures.

18. The general appropriation bill shall be introduced into the House at least ten days before the close of the session, and passed by the House and sent to the Council for their concurrence, at least three days before the close of the session.

J. B. DIXON,  
WM. DAVIS:

On motion of Mr. Murray,  
The reading of the report was dispensed with  
And the report laid on the table,  
Mr. Murray from the committee to which was referred  
(No 12, H of R.) A bill for an act to dissolve the marriage contract between Geo. H. Fletcher and Jane Fletcher his wife.  
Reported the bill back to the Council, and recommended its passage.  
Mr. Murray, on leave granted, introduced  
(No. 21, C F,) An act to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river; and  
[No. 22, C F,] A bill to amend the revenue laws of Ramsey county,  
Which bills were read a first and second time,  
A message from the H R being announced  
J. C. Shepley, Esq., Chief Clerk thereof appeared and delivered the following message:

MR. PRESIDENT:—

The House has passed the following bills:  
[No. 4, H of R,] A bill to incorporate the Stillwater Ferry Company,  
[No. 7, H of R,] A bill granting to Lewis Stone, A. C. Riggs, Geo. Houghton and H. N. Corbett the right to establish and maintain a ferry across the Mississippi river.  
[No. 9, H of R,] A bill granting to Samuel H. McManus, Wm. Creighton and James C. Beekman, the right to establish and maintain a Ferry across the Mississippi River.  
[No. 15, H of R,] An act to incorporate the Lake Pepin Boom Company,  
[No. 18, H of R.] A bill entitled an act to restore to Ephraim H. Whitaker his civil rights as citizen of the United States.  
The above bills were then taken up and received a first and second reading.  
The President signed the following

### MEMORIALS:

[No. 1, C F.] A memorial of the Legislative Assembly of Minnesota Territory, to Congress, praying for an appropriation for the construction of a Military Road; also,  
15—c. J.

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

Mr. Van Etten from the joint committee on Enrolled Bills, made the following

### REPORT:

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

[No. 4, A of R,] A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation to the Territorial Prison.

I. VAN ETTEN,  
Chm'n Council Com.  
D. F. BRAWLEY,  
JOS. ROLETTE,  
A. M. FRIDLEY,  
House Com.

Mr. Van Etten, from the Joint Committee on Enrolled Bills made the following

### REPORT :

The Joint Committee on Enrolled Bills have presented to His Excellency the Governor, for approval, the following

### MEMORIALS:

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

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

I. VAN ETTEN,  
Council.  
JOSEPH ROLETTE,  
House of Representatives.

On motion of Mr. Stearns

The Council resolved itself into a Committee of the Whole;

Mr. Van Etten in the chair;

Having under consideration

[No 15, C F,] A bill to incorporate the city of St. Anthony.

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

The report was accepted, and the amendments concurred in.

The question then being on ordering the bill to be engrossed for a third reading, it was so ordered.

On motion of Mr. Stearns

The Council adjourned.

S. B. OLMSTEAD,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

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### FRIDAY.

FEBRUARY 16, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present,

On motion of Mr. Van Etten,

The reading of the Journal of yesterday's proceedings was dispensed with.

Mr. Van Etten moved

The Council adjourn until Monday next at 10 o'clock;

Which motion was lost.

Mr. Stimson gave notice

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

### PETITION

Of W. H. C. Folsom and 72 others, for a Ferry across the St. Croix river, at the town of Amador.

On motion of Mr. Brown

The Council resolved itself into a Committee of the Whole;

Mr. Brown in the Chair;

Having under consideration House File of Bills:

(No 12, H R,) A bill for an act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher his wife.

(No. 15, H of R,) An act to incorporate the Lake Pepin Boom Company.

(No. 18, H of R,) A bill entitled an act to restore to Ephraim H. Whitaker his civil rights as citizen of the United States.

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

(No 7, H of R,) A bill granting to Lewis Stone, A. C. Riggs, George Houghton and H. N. Corbett the right to establish and maintain a ferry across the Mississippi river.

(No. 9, H of R,) A bill granting to Samuel H. McManus, William Creighton and James C. Beckman, the right to establish and maintain a Ferry across the Mississippi river.

And after some time passed therein, the committee rose, and by their chairman reported the same back to the Council without amendments.

The report was accepted.

A message from the House of Representatives being announced, James C. Shepley, chief clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The Speaker has signed

(No. 4, H of R,) A memorial of the Legislative Assembly of Minnesota Territory to Congress for an appropriation to the Territorial Prison.

The House has passed the following bills:

(No 10, H of R,) A bill for an act granting to Antoine Robert, the right to establish and maintain a Ferry across the Minnesota river, at the terminus of the Territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in La Sueur county.

[No. 33, H of R] An Act to incorporate the St. Joseph's Hospital.

In which the concurrence of the House is respectfully requested.

I am instructed by the H of R to request the Council to return to the House the following bill:

[No. 8, C F] A Bill to provide for the improvement of the navigation of the Minnesota river.

Said bills received a first and second reading.

On motion of Mr. Murray,

[No. 18, H of R] A Bill entitled An Act to restore to Ephraim H. Whitaker his civil rights as a citizen of the United States.

Was referred to the Committee on Incorporations,

And the Secretary requested to procure from the House all documents and petitions relating thereto.

On motion of Mr. Murray,

[No. 10, H of R,] A Bill for an act granting to Antoine Roberts the right to establish a ferry across the Minnesota River, at the terminus of the Territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives, in Le Sueur county.

[No. 7, H of R] A Bill granting to Lewis Stone, A. C. Riggs, Geo. Houghton, and H. M. Corbett, the right to establish and maintain a Ferry across the Mississippi River.

[No. 4, H of R] A Bill to incorporate the Stillwater Ferry Company.

[No. 9, H of R] A Bill granting to Samuel H. McManus, William Creighton, and James C. Beckman, the right to establish and maintain a ferry across the Mississippi River.

Were referred to the Committee on Incorporations.

On motion of Mr. Murray,

[No. 12, H of R] A Bill for an act to dissolve the marriage contract between Geo. H. Fletcher and Jane Fletcher, his wife,

Was laid on the table, and the Secretary instructed to ask the House for documents relating thereto.

And [No. 15, H of R] to incorporate the Lake Pepin Boom Company,  
Was laid on the table.

On motion of Mr. Brown,

The Secretary was instructed to return to the House for further action,

[No. 8, C F] A Bill to provide for the improvement of the Minnesota River.

The President signed

[No. 4, H of R] A Memorial of the Legislative Assembly of Minnesota Territory, to Congress, for an appropriation to the Territorial Prison;

On motion of Mr. Murray,

The Council resolved itself into a committee of the whole, Mr. Mower in the chair, having under consideration,

[No. 22, C. F.] A bill to amend an act granting to D. F. Brawley, the right to establish and maintain a ferry across the Mississippi river, and

[No. 22, C. F.] A bill to amend the revenue laws of Ramsey county;

And, after some time passed therein, the committee rose, and by the chairman, reported back the same to the Council without amendments.

The report was accepted and the bills ordered to be engrossed;

On motion of Mr. Brown,

The Council resolved itself into committee of the whole, Mr. Murray in the chair, having under consideration,

[No. 19, C. F.] A bill to amend certain acts passed at the last session of the Legislative Assembly;

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council without amendment;

The report was accepted;

On motion of Mr. Murray,

Said bill was referred to the committee on incorporations.

On motion of Mr. Murray,

The Council resolved itself into a committee of the whole,  
Mr. Brown in the chair, having under consideration,

[No. 20, C. F.] A bill to incorporate the Little Falls Bridge company;

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

The report was accepted and the first amendment adopted.

The question recurring on striking out the second amendment, and the yeas and nays being called for and ordered, there were

Yeas 4. }  
Nays 3. }

Those who voted in the affirmative were,

Mr. Murray

Mr. Mower

Mr. Stimpson

President—4.

Those who voted in the negative were,

Mr. Brown

Mr. Freeborn

Mr. Stearns—3.

So the amendment was stricken out;

On motion of Mr. Brown,

The rule requiring bills to be engrossed was suspended and the bill read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

A message from the Governor being announced,

E. Green Durbin, Esq., his Private Secretary, appeared and delivered the following

## MESSAGE:

MR. PRESIDENT:—

I am directed by the Governor to inform the Council, that he did, on the 15th day of February, approve and sign the following memorials which originated in the Council:

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

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

And then he withdrew.

Mr. Stearns, from the Committee on Engrossed Bills,

Made the following

## REPORT:

The Committee on Engrossed Bills have examined and found correctly engrossed, the following bills:

(No. 15, C. F.) A Bill to incorporate the city of St. Anthony,

(No. 21, C. F.) An Act to amend an act granting to Daniel F. Brawley the right to establish and maintain a Ferry across the Mississippi river. And

(No. 22, C. F.) A Bill to amend the revenue laws of Ramsey county,

CHAS. T. STEARNS,

Chairman of Committee.

On motion of Mr. Murray,

(No. 15, C. F.) A Bill to incorporate the city of St. Anthony, and

(No. 21, C. F.) A Bill for an act to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river, and

(No. 22, C. F.) A Bill to amend the revenue law of Ramsey county,  
 Were taken up and read a third time by their titles.  
 The question recurring on the passage of said bills,  
 They were passed.  
 The question then recurring on agreeing to their titles,  
 They were agreed to.

On motion of Mr. Brown,  
 The Council resolved itself into a Committee of the Whole,  
 Mr. Stearns in the Chair,  
 Having under consideration  
 (No. 33, H. of R.) An act to incorporate the St. Joseph's Hospital,  
 And after some time passed therein,  
 The committee rose, and by their chairman,  
 Reported the same back to the Council without amendment;  
 The report was accepted;

On motion of Mr. Brown,  
 The rule relative to the second and third reading of bills on the same day was sus-  
 pended, and the bill read a third time;  
 The question then recurring on the passage of the bill,  
 It was passed;  
 The question then recurring on agreeing to the title of the bill,  
 It was agreed to;

Mr. Stimpson moved,  
 That the Council take a recess of half an hour;  
 And the yeas and nays being called for and ordered, there were

Yeas 5. }  
 Nays 2. }

Those who voted in the affirmative were,

Mr. Freeborn

Mr. Mower

Mr. Stearns

Stimpson

President—5.

Those who voted in the negative were,

Mr. Brown

Mr. Murray—2.

So the motion prevailed.

The Council having resumed its session,

On motion of Mr. Stimpson,

The Council adjourned until 2½ o'clock this afternoon.

S. B. OLMSTEAD,

*President.*

Attest:

A. J. MORGAN,

*Secretary.*



## AFTERNOON SESSION.

2½ O'CLOCK.

Council met pursuant to adjournment.

Mr. Murray moved

A call of the Council, and

Messrs. Freeborn, Kittson, Mower, Stearns and Van Etten were reported absent.

Mr. Brown moved

To excuse Mr. Kittson for the day.

Which motion prevailed.

On motion of Mr. Brown,

Further proceedings under the call were dispensed with.

Mr. Brown moved

The Council take a recess of half an hour.

Which motion prevailed.

After the Council resumed its session, the following communication was read:

COUNCIL CHAMBER, }  
February 16th, 1855. }

Gentlemen of the Council:—

I respectfully tender my resignation as President of this body.

I am, sirs, very respectfully,

Your obedient servant,

S. B. OLMSTEAD.

On motion of Mr. Mower,  
The resignation was accepted.

Mr. Brown moved

That Mr. Stearns act as President *pro tem.*

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

Yeas 6. }

Nays 1. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Freeborn,

Mr. Murray,

Mower,

Stimpson,

President—6

Those who voted in the negative were

Mr. Stearns—1.

So the motion prevailed.

Mr. Murray, from the committee on incorporations, reported (No. 4, H. of R.,) A bill entitled an act to incorporate the Stillwater Ferry Company; Reported with amendments, which were concurred in.

On motion of Mr. Brown

The Council resolved itself into a Committee of the Whole;

Mr. Mower in the chair;

Having under consideration said bill; and after some time passed therein the committee rose, and by their chairman, reported the same back to the Council without amendment.

The report was accepted.

Mr. Brown moved

The rules be suspended and the bill receive its third reading now; which motion prevailed.

The question then being on the passage of the bill, it was passed.

The question then being on agreeing to its title, it was agreed to.

A message from the House being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following message:

MR. PRESIDENT:—The House has passed by a two-thirds vote,

[No. 5, H. of R.] A bill to amend an act entitled, "An act to incorporate the Minnesota and Northwestern Railroad company," in which the concurrence of the Council is respectfully requested;

The bill and accompanying documents are herewith presented;

The House has passed,

[No. 59, H. of R.] A bill supplementary to an act entitled an act to amend the M. and N. W. Railroad company,

In which the concurrence of the Council is respectfully requested;

And then he withdrew

On motion of Mr. Brown,

The message from the House was taken up;

On motion of Mr. Brown,

[No. 5, H. of R.] A bill to amend an act entitled an act to incorporate the M. and N. W. R. R. company, with the accompanying documents from the Governor,

Was taken up, and read by the Secretary as follows:

MR. SPEAKER,—

*Gentlemen of the House of Representatives:*

I herewith return to the House of Representatives, in which it originated, Bill number 5, entitled "an act to amend an act to incorporate the Minnesota and North Western Railroad company," with my objections to its becoming a law.

By the 6th section of said act, the charter granted to the Minnesota and North Western Railroad company is expressly enacted, which brings up all

the questions which arose in regard to the privileges, powers, and franchises therein granted. If the same persons who composed the last House of Representatives, also composed the present, it would be needless for me to enter into the subject in detail; but under existing circumstances I feel it a public duty to point out the obligations, which are in my judgment so manifest therein.

It will be borne in mind that the grant of lands made by Congress to the State of Illinois, approved 20th September, 1850, is substantially the same, (and differs but little even in terms,) as that made to this Territory by the act of Congress, approved 29th of June, 1854. By an act of the Illinois Legislature, approved February 10, 1851, a charter was granted to the Illinois Central Railroad company, by which they were to receive the lands to aid in constructing certain roads therein named. Said charter is substantially like that granted to the M. & N. W. R. R. Co. by the Legislature of Minnesota at its last session, and re-enacted again by you at the present session, except that the charter to the M. & N. W. R. R. Co., leaves out nearly, if not quite all the guards and securities expressly provided for in the Illinois charter.

The first guard against imposition or fraud in the Illinois charter is found in the 15th section, which provides that "immediately upon the organization of said company, and the presentation to the Governor of the State of Illinois, of a certificate signed by the incorporators herein before named, and duly acknowledged, accepting of this act of incorporation, and certifying to the due organization of said corporation, to the subscription of the capital stock thereof by the incorporators herein before named, and their associates, of the sum of one million of dollars, and the bonafide payment of 20 per cent thereon to the Treasurer of said company, verified by the affidavit of the Treasurer and President of the company, which said certificate shall be filed in the office of the Secretary of State."

It will be seen that Illinois required the guarantee for the constructing of said road, &c., that 20 per cent on one million of dollars should be actually paid in. The Minnesota charter only requires that 10 per cent shall be paid in, nor does it require them to report under oath that one cent had been paid into the treasury in good faith.

2d. The Illinois charter in the 15th section requires the company to deposit three hundred thousand (\$300,000) dollars of registered Canal Bonds or funded internal improvement bonds of Illinois, or two hundred thousand dollars in specie, or two hundred thousand dollars in U. S. 6 per cent stocks, with the Treasurer of State, to be returned to said company on the completion of 50 miles of said road, within the time and according to the provisions of the charter. Minnesota has no such security, and strange to say she

refuses to ask it. I have to learn that the Illinois Central R. R. company is not as responsible and as reliable as the M. & N. W. R. R. company, and I frankly confess, it is utterly beyond my comprehension to see why Minnesota should not guard her interest as amply as did the State of Illinois.

3d. Illinois, then, requires the Governor to make a deed to said company, in fee simple of all the lands granted her by Congress, and simultaneously with the execution of said deed by the Governor, she expressly takes another still stronger and safer security from said company. That is to say, a mortgage is to be executed to trustees by said company on all the lands conveyed by the Governor to the company, expressly to secure and guarantee to the State of Illinois, the first and prior lien on everything thus mortgaged, of every kind and description whatever.

1st. To secure the completion of the road and branches within the *time* and upon the *conditions*, and in the *manner* in the charter provided. Minnesota has required of the M. & N. W. R. R. Co., no such security, but on the contrary has refused to ask it. If the Illinois Central R. R. Co. accepted these terms and gave these securities, why is it that Minnesota does not thus secure the people's rights? Surely Minnesota is not more able in her tender infancy to risk her lands in the hands of a corporation than Illinois with her million inhabitants. Surely Minnesota is no less liable to imposition than Illinois.

Again—while Illinois secures to her people 7 per cent in money, of the *gross* proceeds of her road Minnesota asks only 7 per cent on her *net* proceeds, and asks no security for *that*.

By the 8th section of the Minnesota charter "the fee simple" is granted to the corporation absolutely "without any further *act* or *deed*," and the Governor is directed to give an additional deed, if required by the company. "to vest in them a more perfect title." It will be observed that when *this* title is completed, the company have the power under the 10th section to mortgage the road, franchises, *lands* and materials belonging thereto; thus empowering the company to borrow any amount of money they need in constructing the road. This money they may use at will, and in any way they choose, either to bank upon in New York, or to speculate in any way the most profitable dividends can be realized for three years, and not expend one dollar on the road—against which Minnesota has no remedy until the expiration of the first three years, and then she can only have a forfeiture of their charter, and bring suit at the end of said 3 years for the value of the land thus misapplied. Who will she then sue? The officers and stockholders of course! *Who are they?* I do not know, and I presume that no member of this Legislature does. The officers and stockholders of to-day may not be the officers and stockholders then. They may each be respon-

sible now, but they may all be bankrupt then. Against such an unfortunate contingency, Illinois took good care to be amply secured. Against which unfortunate contingency, Minnesota has no security whatever, and refuses to ask it. What service can the forfeiture of their charter be if they thus misapply your funds? It only brings you back to where you started after having lent your lands for the company to raise money upon.

And here another question arises, whether the bond holders who loaned the money to the company cannot hold the lands thus mortgaged, and enforce a title. This proposition will be still stronger if Congress should not disapprove the charter now before them, for then it will have equal force with any act of Congress, for a failure to disapprove is equivalent I presume to an approval. It is true the patent is not to be issued until a certain part of the road is completed, yet it must be remembered that the company have three years to complete fifty miles, and Minnesota is silenced—her lips sealed, her complaints fruitless, her denunciations powerless, until that period rolls round, and it matters not to whom this company transfers their stock. It matters not if they fail and become bankrupts in this time; no remedy is left this infant Territory; and I here repeat that the people's representatives in this and the last Legislature, not only did not ask security against such events, but even *refused* to ask, and *refused* to receive them. Even in the ordinary dealings of men, security is usually required, where the amount is large and the credit long.

It must be borne in mind that the Congress of the United States gave these lands to Minnesota, *not* to the M. & N. W. R. R. Co., and their value has generally been estimated at six or seven million of dollars, and this enormous sum is proposed to be given over in fee simple to a company to build a railroad, without taking any security that they will build it in the *time*, or in the *manner* or that they will *faithfully* apply the proceeds thereof as required.

Minnesota thus loans to this company six millions of dollars on three years time, without asking any security.

It is not the Minnesota & N. W. R. R. Co. that proposes to build this road, it is Minnesota that proposes to build it through her agents, to whom she furnishes the capital. Would any company undertake such a work at present without some bonus? Surely not. Then it is the immense value the Company set upon the lands, that induces her to hang on our Legislative Halls, and ask for time and further privileges. But it is said we want a road and must have it. This is all correct. We should have a road in the shortest possible time, and it matters not what agents we employ to build it, if we take sufficient guarantees for their faithful performance.

As the M. & N. W. R. R. charter is re-enacted by the bill before me, I

am again called upon to approve every section as if it was an original bill.

The 8th section of said charter grants the right of way two hundred feet wide through the whole length of said proposed road, with power to take all the necessary timber, stone or other material, and to have and hold absolutely all the lands within said (200) two hundred feet, which is now owned by Minnesota, or which they may hereafter own.

It is known to every man of ordinary intelligence that Minnesota is forbidden by her Organic Act from interfering with the primary disposal of the soil. Therefore, to give and grant any body the right of way, and the soil to the width of two hundred feet, from the Iowa line to Lake Superior, is clearly in violation of the Organic Act.

To avoid this, Congress must first grant the right of way to Minnesota, and then she may grant it to a company; but not before. This will not be denied by any one, I presume, unless his pecuniary interest blind his judgment. If the act of Congress approved 29th of June, 1854, granting lands to Minnesota for railroad purposes, was now in full force and unrepealed, the right of way has been accidentally omitted to be granted, unless by implication arising out of the right to build a railroad to and from certain points. The right of way is only granted expressly over the reserved lands subject to the approval of the President of the United States.

2d. If the right of way was granted by the act of the 29th June, 1854, that act has been repealed by the act of the 4th of August, 1854. But it is said that Congress had no right to repeal the grant because the company had commenced the construction of the road, and had thereby a vested right. This I utterly deny, and I distinctly aver that the said company has not expended one dollar or one cent in the construction of said road; and in proof of my position, I have in my possession (and have transmitted a copy to your body) the report of the acting President and Treasurer, made to me on the first day of January 1855, under their oaths, duly attested by a competent officer, that said company had not expended *any sum whatever in the construction of said road*, but that they had expended about nine thousand dollars in some way not made known to me.

[See copy printed by order of the Council, attached hereto.]

By the bill presented to me, it appears that the 16th section of the charter of the M. & N. W. R. R. Co., is repealed. The section thus repealed is the one which declares the charter absolutely void if they fail to comply with its provisions. And the substitute in the third section of the bill before me, declares that said charter shall only be void if the company fail to build the "said fifty miles of railroad from St. Paul north, within three years, and to complete the whole within three years thereafter. and to complete a line of telegraph from Dubuque to St. Paul within twenty-two months af-

ter the passage of said act." While the 16th section thus repealed required that the board of directors should have been organized on or before the first day of July, 1854. It is believed that here is the difficulty with the M. & N. W. R. R. Co., from the beginning. That they have not in all probability complied with this provision, as it has not been made known, publicly at least, who their officers and directors are, or whether they did elect and organize there, by the time required; and this legislation is intended, I presume, to cover this defect. It was this clause that caused the alteration to be made in the act of Congress, whereby we lost our lands.

Mr. Breckenridge, in his official report to Congress, says that "the parties who are dissatisfied with the Minnesota charter, and who desired the grant to be thrown before a future Legislature, wished the third section to be reported from the committee, and passed by the House in the above form; while those who desired the company to receive the grant by virtue of the charter, wished the word "future" before the word "legislation," to be stricken out, and the word "and" to be substituted for the word "or" between the words "constituted" and "organized." This explains the reason of the alteration, and points out who did it, and why it was done, especially when we observe the 16th section of the M. & N. W. R. R. charter."

And the first section of the bill proposes to exempt their lands from taxation until the patent issues, and there is no other right of taxation reserved to the territory. Under existing circumstances I have serious objections to this clause. First, by the time the patent is ready to be issued after the completion of the twenty miles, the lands will have been in the possession of our citizens as purchasers from the company, and thereby cause the settlers and owners to pay the tax, and not the company.

In the next place, the sixth section of the act incorporating the M. & N. W. R. R. charter, declares the capital stock of said company to be *personal property*, which will only be taxed where the owners and holders reside, unless you expressly reserve the right of taxation, and it is clear that this provision was to avoid taxation in Minnesota.

I cannot therefore, let go our right to tax their capital stock, and all their property both real and personal. Our fellow citizens are taxed on all their capital stock of every kind and description. Instead therefore, of this clause bettering the old charter, so far as the interest of our people is concerned, it puts the burthen off the shoulders of the company on to that of our own citizens.

But let us look at the question of taxation in another light. It has been proclaimed that we have the right to tax the capital stock without it is expressly exempted by law. Suppose this to be true. By declaring the whole of their capital stock personal property, you can only tax the stock

holders who reside in Minnesota, unless you expressly say it shall be taxed and put a clause to that effect in their charter; for personal property follows the person of the owner, and can only be taxed in the county or district in which the person resides.

Then what remains for us to tax belonging to this company under the extraordinary privileges of the charter? The capital stock represents the road depots, buildings, machine shops, and everything which that capital has been expended in making and constructing. If the capital stock is therefore only to be taxed as personal property, it is out of your reach, unless you secure its taxation by special enactment. The per centage to be paid by the bill before me is objectionable, and it is not in the form I should regard as safe for the territory.

The clause giving the right to alter, amend, or repeal after twenty years is (by the last clause making Minnesota pay all damages, that the corporation may sustain thereby) worse than if no such power was given. The modern doctrine is now well understood among public men, that no corporation for the concentration of a large capital, should have perpetual and unalterable charters and in most of the New England states, this guard is reserved to the people, as it rightfully ought to be. The people have an inherent right to alter, amend, or modify even the most sacred fundamental law at pleasure, and there is no sound reason why they should not possess unlimited power over every law their representatives may enact. But in attempting to retain this right in the charter the representatives have shown their lack of confidence in the justice of a future Legislature, and the people, by holding the Territory bound in damages if they should be inclined, after twenty years, to ask for its alteration, modification or repeal.

But allow me in conclusion, to ask whether the representatives of the people have any security that the company will accept the amendments proposed? Where is your guaranty? What do they forfeit if they do not accept these amendments? What pledge have you and from whom, that they will accept them?

In the ordinary business transactions of life, men of capital do not consent without some consideration, to have their bond increased.

In looking at these amendments impartially, I am constrained however, to say that they enlarge their privileges, franchises and rights, instead of contracting and limiting them.

1. The per centage to be paid the Territory, is the same as in the old charter.

2. The taxation of their lands is postponed until the patent issues, thereby throwing the taxes on the purchasers, and off the company, while the old charter did not mention the subject, and therefore left all real estate liable to taxation from the beginning.



3. Some of the obligations held against the company in the sixteenth section of the charter are released by its express repeal.

4. The old charter is re-enacted to cure all failures and defalcations of the company.

5. The time is extended for the completion of the first fifty miles of the road.

6. The time is extended for the completion of the whole line of the road.

7. The time is extended for completing the telegraph.

8. The power to alter, amend or repeal is clogged with a provision to bind the people forever to this corporation or to take upon the Territory a public debt.

But it is not to be disguised that the re enactment of the old charter is to cure their own defalcations. If they sincerely attend to deal fairly by Minnesota, they cannot object to deposit a sufficient guarantee in money or good stocks, that they will accept proper amendments, and build the first fifty miles of the road or forfeit the amount thus deposited.

The Illinois Central Railroad company do it cheerfully, and there is no fair reason why the M. & N. W. R. R. Co. should not do the same.

I cannot refrain from expressing my decided conviction that the lands are gone from us forever, unless you take some steps to get this obnoxious charter out of the way, and appeal to the justice of Congress not to hold Minnesota responsible for the wrongs of others. I must also be allowed to express the opinion that the commencement of the suit by the United States against this company, and in the name and under the circumstances, was suicidal to our best interests, as I fear will be shown in the end, notwithstanding it may have been commenced through proper and pure motives. I honestly fear, as I have from the beginning, that it will prove disastrous to our hopes and prosperity.

I have honestly endeavored to point out the best course to secure to Minnesota these lands, and a railroad, and my views remain unchanged. I have no private interest to favor—no unjust prejudice to overcome, but would cheerfully change my course to-morrow, if I could thereby advance the prosperity and welfare of Minnesota.

One of the great political parties in this government has always looked with jealousy upon the encroachments of capital upon the rights and privileges of the people. And in a new country we will have to keep an eternal vigilance, or this powerful adversary to the people's rights will lay hold of and bind the infant arms of this young Territory, until it will move the body at will. The Money King of our country has already more than a just share of influence among all the affairs of men: and reaching out his ponderous arms, encircling every obstacle in his path, and like the great waters

of the Mississippi, bears off upon its tide every impediment to its progress or sinks it to the bottom.

My duty is now done. Yours is left to your consciences your judgments, and your constituents.

W. A. GORMAN.

## CORRESPONDENCE RELATIVE TO THE MINNESOTA AND NORTH-WESTERN RAILROAD COMPANY.

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

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

The company has received since the incorporation thereof, and during the present year, the sum of \$100,020 00.

The said company has expended since its incorporation, and during the present year the sum of \$9,672 24.

In witness whereof, the said company has caused this instrument to be attested by Robert W. Lowber, its acting President, and the seal of the said company to be thereto affixed, this 8th day of December, 1854.

R. W. LOWBER,

*Acting President M. & N.-W. R. R. Co.*

STATE OF NEW YORK, }  
CITY AND COUNTY OF NEW YORK, } ss.

Robert W. Lowber, the acting President, and Peter S. Burchan, the Treasurer of the M. & N.-W. R. R. Co., being duly sworn, say, that the foregoing statement of the said company is, in all respects, correct and true.

ROBERT W. LOWBER,  
PETER S. BURCHAN.

Sworn to and subscribed this 8th day of December, 1854, before me,

JAMES P. HYAT,

*Commissioner of Deeds.*

Mr. Olmstead demanded a call of the Council,

And Mr. Van Etten was absent.

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

Mr. Murray moved

That further proceedings under the call be dispensed with.

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

Yeas 6, }  
Nays 1. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Freeborn,

Mr. Murray,

Mower,

Stimson,

President—6.

Those who voted in the negative were

Mr. Olmstead—1.

So the motion prevailed.

Mr. Murray moved

(No. 5, H. R.) and the accompanying documents from the Governor, be laid on the table.

Mr. Olmstead moved

The motion to lay on the table be indefinitely postponed.

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

Yeas 1, }  
Nays 6. }

Those who voted in the affirmative, were

Mr. Olmstead—1.

Those who voted in the negative were,

Mr. Brown,

Mr. Freeborn,

Mr. Murray,

Mower,

President—6.

So the motion was lost.

The question recurring,

On motion of Mr. Murray,

It was decided in the affirmative.

Mr. Brown moved that

(No. 59, H. R.,) A bill supplementary to an act entitled "An act to amend the M. & N. W. Railroad Company,

Be taken up;

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

Yeas 6, }  
Nays 1. }

Those who voted in the affirmative were,

Mr. Brown,

Mr. Freeborn,

Mr. Murray,

Mower,

Stimson,

President—6.

Those who voted in the negative were,

Mr. Olmstead—1.

So the motion prevailed.

Mr. Olmstead moved

The bill be indefinitely postponed.

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

Ayes 1, }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Olmstead—1.

Those who voted in the negative were

Mr. Brown,

Mr. Freeborn,

Mr. Mower,

Murray,

Stimson,

President—6.

So the motion was lost.

On motion of Mr. Brown,

Said bill was referred to the Committee on Incorporations.

Mr. Olmstead moved

The Council adjourn.

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

Yeas, 2, }

Nays, 5. }

Those who voted in the affirmative were

Mr. Olmstead,

Mr. Stimson,

Those who voted in the negative were

Mr. Brown,

Mr. Freeborn,

Mr. Murray,

Mower,

President—5.

So the motion was lost.

Mr. Murray from the committee on incorporations, to whom was referred,

[No. 10, H. of R.] A bill for an act granting to Antoine Roberts his right to establish and maintain a ferry across the Minnesota river at the terminus of the Territorial road from St. Paul to Traverse des Sioux at a point where the said Roberts lives, in La Sueur county.

Reported the same back to the Council, without amendment, and recommended its passage.

On motion of Mr. Murray,

The Council proceeded to the election of President, in the place of President Olmstead, resigned.

The roll was called with the following result:

Mr. Brown	voted for	Mr. Mower.
" Freeborn	"	" Murray,
" Murray	"	" Freeborn.
" Mower	"	" Murray.
" Stearns	"	" Brown.
" Stimpson	"	" Stearns.
" President	"	" Stimpson.

Whole number of votes cast 7.

Necessary to a choice 7-

Mr. Murray received 2.

" Mower " 1.

" Freeborn " 1.

" Brown " 1.

" Stearns " 1.

" Stimpson " 1.

No one having received a majority of all the votes cast, there was no choice.  
The roll was again called with the following result:

Mr. Brown voted for Mr. Van Etten.

" Freeborn " " Murray.

" Murray " " Freeborn.

" Mower " " Olmstead.

" Olmstead " " Van Etten.

" Stearns " " Murray.

" Stimpson " " Murray.

Whole number 7; necessary to a choice 4.

Mr. Murray received 3.

" Van Etten " 2.

" Olmstead " 1.

" Freeborn " 1.

No one having received a majority of all the votes cast, there was no choice.  
The roll again being called, the following was the result:

Mr. Brown voted for Mr. Stearns.

" Freeborn " " Murray.

" Murray " " Freeborn.

" Mower " " Murray.

" Olmstead " " Van Etten.

" Stimpson " " Murray.

" President " " Murray.

Whole number votes cast 7; necessary to a choice 4.

Mr. Murray received 4.

" Stearns " 1.

" Van Etten " 1.

" Freeborn " 1.

Mr. Murray having received a majority of all the votes cast, he was declared duly elected President of the Council.

On motion of Mr. Brown,

A committee of two was appointed to escort the President elect to the chair.

The chair appointed Messrs. Brown and Freeborn said committee, who escorted the President to the chair.

On motion of Mr. Brown,

The vote by which the Council referred,

(No. 59, H of R.) To the committee on Incorporations, was reconsidered;

On motion of Mr. Brown,

Said bill was referred to the committee on Internal Improvements;

On motion of Mr. Brown,

The name of Mr. Olmstead was substituted for that of Mr. Murray whenever it occurred in the standing committees;

On motion of Mr. Mower,  
 The Council took a recess of half an hour;  
 The Council having resumed its session,  
 On motion of Mr. Stimpson,  
 The Council adjourned.

S. B. OLMSTEAD,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

### SATURDAY.

FEBRUARY 17, 1855.

Council met pursuant to adjournment.

Prayer by the Rev. Mr. Riheldaffer.

A quorum being present,

The reading of the journal was commenced.

On motion of Mr. Stearns,

The reading of the Governor's veto, with the accompanying correspondence, was dispensed with.

The reading of the journal was concluded.

On motion of Mr. Brown,

The reconsideration of the vote relative to  
 (No. 5, H of R) A Bill to amend an Act entitled "An Act to incorporate the Minnesota and North Western Railroad Company."

The question then being put,

"Shall the bill pass, the objections of the Governor to the contrary notwithstanding?"

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

Yeas, 6, }

Nays, 2. }

Those who voted in the affirmative were

Mr. Brown,

Stearns,

Mr. Freeborn,

Stimpson,

Mr. Mower,

President—6.

Those who voted in the negative were

Mr. Olmsted,

Mr. Van Etten—2.

Two-thirds having voted in the affirmative, the bill passed.

Mr. Brown, from the Committee on Internal Improvements, reported back to the Council,

(No. 59, H of R.) A bill supplementary to an act entitled an act to amend the M. & N. W. Railroad Company,

And recommended its passage.

Mr. Van Etten moved

The bill be laid on the table to be printed.

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

Yeas, 2, }  
Nays, 6. }

Those who voted in the affirmative were

Mr. Olmstead,

Mr. Van Etten—2.

Those who voted in the negative were

Mr. Brown,

Mr. Freeborn,

Mr. Mower,

Stearns,

Stimpson,

President—6.

So the motion was lost.

Mr. Olmstead moved

Said bill be indefinitely postponed.

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

Yeas, 2, }  
Nays, 6. }

As follows:

Those who voted in the affirmative were

Mr. Olmstead,

Mr. Van Etten—2.

Those who voted in the negative were

Mr. Brown,

Mr. Freeborn,

Mr. Mower,

Stearns,

Stimpson,

President—6.

The question being shall said bill be considered in committee of the whole,

It was decided in the affirmative.

The Council then resolved itself into a committee of the whole,

Mr. Stearns in the Chair,

Having under consideration, said bill.

And after some time passed therein,

The committee rose, and by their chairman,

Reported the same back to the Council with an amendment.

The report was accepted.

And the amendment concurred in.

Mr. Van Etten offered the following amendment to the second section of said bill:

"Provided that said \$150,000 shall be deposited in U. S. 6 per cent. stocks, and said depositors shall not use, convert, or negotiate the same, but at all times hold the same subject to the order of the Territorial Treasurer; Also,

To strike out the words to be deposited by them.

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

Yeas, 4, }  
Nays, 4. }

Those who voted in the affirmative were

Mr. Brown,

Mr. Freeborn,

Mr. Olmstead,

Van Etten—4.

Those who voted in the negative were

Mr. Mower,

Mr. Stearns,

Mr. Stimpson,

President—4.

So the amendment was lost.

Mr. Van Etten moved

The bill be laid on the table to be printed,

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

Yeas, 5, }

Nays, 3, }

As follows:

Those who voted in the affirmative, were

Mr. Brown,

Mr. Freeborn,

Mr. Olmstead,

Stearns,

Van Etten—5.

Those who voted in the negative were

Mr. Mower,

Mr. Stimson,

Mr. President—3.

So the motion prevailed.

Mr. Brown moved to take up

(No. 10, H of R) A bill for an act granting to Antoine Robert the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county.

Which motion prevailed.

Mr. Van Etten moved

The bill be indefinitely postponed.

Mr. Van Etten demanded a call of the Council.

Messrs. Kittson and Olmstead were reported absent.

On motion of Mr. Brown,

Mr. Kittson was excused for the day.

On motion of Mr. Stearns,

Further proceedings under the call were dispensed with.

The question recurring on Mr. Van Etten's motion,

It was decided in the negative.

Mr. Freeborn offered the following amendment:

Sec. 8. That so much of Minnesota Territory as is contained within the following boundaries be and the same is hereby erected into a separate county, which shall be known by the name of Pine County, to wit:

Beginning at a point on the St. Croix, where the line between township thirty-seven and thirty-eight of range twenty intersects the said river; thence due west to Rum river; thence up the main branch of said river to Mille Lac; thence due north to the southern boundary of Itasca county; thence east along said southern boundary to the eastern



boundary of the Territory; thence along the eastern boundary of said Territory to the place of beginning.

Which amendment was adopted.

Mr. Van Etten moved

To amend the 8th section by striking out the word "Run," and inserting the word "Mississippi."

Which motion was lost.

The question being, shall the bill receive a third reading,

It was decided in the affirmative.

The question recurring on the passage of said bill,

It was passed.

The question then recurring on agreeing to its title, .

Mr. Mower moved

To amend the title by adding the words "and for other purposes;"

Which motion prevailed.

The title was agreed to.

On motion of Mr. Stearns

The Council adjourned until Monday next at 10 o'clock.

W. P. MURRAY,

*President.*

Attest:

A. J. MORGAN,

*Secretary.*

## MONDAY.

FEBRUARY 19, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present, the journal of yesterday's proceedings was read.

Mr. Freeborn presented the following petition, which,

On motion of Mr. Brown,

Was laid on the table to be printed.

**PETITION to Remonstrate against the passage in that body of a Memorial designated "A memorial to the President of the United States relative to the Half-Breed Land."**

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

We, your petitioners, would respectfully petition your Honorable body not to pass, or cause to be sent by your order the above named memorial, to the President of the United States, for reasons hereinafter set forth:

The law which that memorial is intended to hasten into execution is manifestly unjust, not granting to the settler upon the said tract of land, any protection. Most, if not all, the claims occupied by the actual settlers have once been purchased of the Half-Breeds, or mixed bloods of the Dakota, or Sioux nation of Indians, by the settler, in expectation that government would at least provide for the protection of this class of lands.

There have been made valuable improvements upon many parts of this tract of land.

These improvements have been made in good faith by the settler for his future home.

The law gives to the Half-Breeds, or mixed blood, the privilege of laying his certificate, as certified, upon these improvements; thus selecting the most choice portion of this reservation, notwithstanding he may have relinquished to the settler his right to the same; it further permits him to lay his certificate "upon any other unoccupied lands subject to pre-emption or private sale, or upon any other unsurveyed lands, not reserved by government, upon which they have respectively made improvements." This appears to us to give to the Half Breeds, or mixed blood, an undue partiality.

For these reasons your petitioners would remonstrate against the passage of said memorial until the law providing for the purchase of said tract or reservation, be so amended as to give protection to the actual settler upon the said lands, or reservation. And as in duty bound, your petitioners will ever continue to pray:

Lake Pepin, Feb. 13, 1855.

18—C. J.

F. Pingrey,  
Daniel Sanders,  
Thos. N. Lee, Jun.,  
Abner Dwelle,  
J. H. Tomlinson,  
Jas. B. Smith,  
George Jenkins,  
Wm. A. Minor,  
P. H. Shaw,  
Wm. Could,  
Moses Relly,  
T. H. Epley,  
Jacob Boody,  
J. M. Epley,  
John Boody,  
Francis McNelly,  
Henry Dwelle,  
J. H. Epley,  
Levi M. Yhillips,  
Heman L. Brrett,  
Wm. Conway,  
Wm. Caswell,  
John Lofferty,  
John Caswell,  
W. Minor,  
E. Bennett,  
C. J. Post,  
John Droper,  
W. Murphy,  
J. D. Thompson,  
George Post,  
C. C. Jasper,  
L. Lewis,  
G. W. Bullard,  
R. N. Yhillips,  
Hannibal Romell,  
Robert Wyhl,  
A. W. Poost,  
F. M. Russell,  
John Jenkins,  
Franklin Jenkins,  
Franklin Kelly,  
Harvey Savage,  
Isaac Leo,

John Kelly,  
E. S. Harrison,  
David Gardner,  
Wm. Ben,  
Elija Dwelle,  
James Conway,  
Patrick Conway,  
Peter Horton,  
Samuel Covey,  
Thomas Illand,  
Clark Gardner,  
John Jolly,  
Jeremiah Von Schiek,  
J. L. Post,  
M. Fisher,  
Chas. Haynes,  
61 others,

Mr. Olmstead gave notice that on to morrow or some future day, he would introduce,  
A bill to divide the county of Ramsey.

Mr. Van Etten introduced

[No. 23, C F,] A bill for an act to amend the revised statutes, in reference to assessors, and for other purposes.

Which bill was read a first and second time by its title.

Mr. Brown from the Committee on Territorial Roads, to whom was referred sundry petitions,

Reported the same back, and asked to be discharged from the further consideration of the same.

On motion of Mr. Van Etten,

[No. 18, H of R,] A Bill, to restore to Ephraim H. Whitaker his civil rights as a citizen of the United States,

Was taken from the table.

The question being

"Shall the bill receive a third reading now?"

It was decided in the affirmative.

The bill was then read a third time by its title.

The question being on the passage of the bill;

It was passed.

The question then recurring on agreeing to its title,

It was agreed to;

On motion of Mr. Brown,

The report of the committee on joint rules was taken up.

On motion of Mr. Brown,

The report was adopted;

Mr. Olmstead offered the following resolution:

*Resolved*, That the Secretary of the Council have one thousand copies of the Governor's message printed for the use of the Council;

Which motion was adopted.

On motion of Mr. Brown,

[No. 12, H of R.] A bill for an act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher his wife, was taken up.

Mr. Van Etten moved,

To indefinitely postpone the bill;

Which motion was lost.

Mr. Van Etten moved,

The bill be referred to the committee on the Judiciary;

Which motion prevailed.

On motion of Mr. Mower,

[No. 59, H. of R.] A bill to amend an act entitled, "An act to incorporate the Minnesota and Northwestern Railroad Company,"

Was taken from the table;

Mr. Van Etten offered the following amendment to subdivision one of section 2:

#### AMENDMENT.

SECTION 2. The said company are hereby required to deposit the sum of \$150,000 in specie or 6 per cent U. S. stock, with D. L. Fuller, John R. Irvine, Louis Roberts, Vetel Guerin and Charles Bazil, within six months from and after the passage of this act. Said persons aforesaid shall, within six days after receiving said \$150,000 in specie or stock, notify the Governor of the territory thereof, and accompanied with their affidavits of the manner in which the deposit was made: *Provided*, That said persons above named shall not use, convert or negotiate the same, and shall report at the end of every three months to the Governor of this Territory whether said money or stock is still held by them, and the manner in which it is held; and in case the said company shall fail to comply with all the provisions of this act, and the act to which this is amendatory the money or stock herein provided to be deposited by said company, shall become forfeited to and become the property of the Territory or future State of Minnesota, subject to the future disposal of the Legislature thereof.

Mr. Brown offered the following amendment to the amendment:

Insert after "dollars" in the first line of section 2, the words "in specie or six per cent U. S. stock."

Add to the first clause of section 2, the words, "Provided that said depositors shall not use, convert or negotiate the same; but at all times hold the same subject to the disposal of the Legislative Assembly of this Territory; and the said persons shall report to the Legislature at the annual meeting thereof, the condition of the said deposit—the said report to be made under oath, and within six days after the meeting of the Legislature;

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

Yeas, 5, }  
Nays, 3. }

Those who voted in the affirmative were,

Mr. Brown

Freeborn

Mower

Stearns

Stimpson—5.

Those who voted in the negative were,

Mr. Olmsted

Van Etten

President—3.

So the amendment to amendment was adopted.

The question recurring on the adoption of the amendment as amended,

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

Yeas 6, }  
Nays 2. }

As follows:

Those who voted in the affirmative were,

Mr. Brown,

Freeborn,

Mower,

Stearns,

Stimson,

President—6.

Those who voted in the negative were,

Mr. Olmsted,

Van Etten—2.

So the amendment as amended was adopted.

Mr Brown moved

To strike out of section two the words "to be deposited by them."

Which motion was adopted.

Mr. Van Etten offered the following amendment:

Strike out section six and insert the following:

SEC. 6. The Territory or future State of Minnesota shall have a firm lien upon said road, and all the appurtenances and stock thereof, for all penalties, taxes and dues which may accrue to the Territory or future State of Minnesota, from said corporation, as provided in this act, and in the acts to which this is amendatory, which lien of the Territory or future State of Minnesota shall take precedence of all demands, judgments or decrees against said corporation.

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

Yeas 2, }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Olmsted,

Van Etten—2.

Those who voted in the negative were

Mr. Brown,

Freeborn,

Mower,

Stearns,

Stimpson,

President—6,

So the amendment was lost.

On motion of Mr. Brown,

The bill was amended by inserting in the first line, section 2, after the words Supreme Court, the words "of this Territory."

The question then recurring on ordering the bill to a third reading,

It was so ordered, and the bill read a third time.

The question being, Shall said bill pass?

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

Yeas, 6, }  
Nays, 2. }

Those who voted in the affirmative were,

Mr. Brown,	Freeborn,	Mower,
Stearns,	Stimson,	President—6.

Those who voted in the negative were,

Mr. Olmsted, Van Etten—2.

So the bill passed.

Mr. Olmsted moved to amend the title by striking out the title, and substituting the following, a bill supplemental and amendatory of a bill conceived in sin and brought forth in iniquity.

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

Yeas 3. }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Mower,	Olmsted,	Van Etten—3,
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Those who voted in the negative were

Mr. Brown,	Freeborn,	Stearns,
	Stimpson,	President—5.

So the amendment was lost.

The title was then agreed to.

Mr. Van Etten, from the committee to whom was referred,

[No. 3, C F.] A bill to provide for the apportionment of representatives of this Territory,

Asked to be excused from serving on said committee,

Which was granted.

On motion on Mr. Brown,

The Chair appointed another member to act on the committee.

The Chair appointed Mr. Stearns a member of that committee.

On motion of Mr. Brown,

The Council adjourned,

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary,*

**TUESDAY.**

FEBRUARY 20, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present,

Journal of yesterday read.

Mr. Freeborn, on leave granted, introduced

(No. 5, C F,) Memorial relative to the Half Breed lands,

Read first and second times.

Mr. Van Etten introduced

(No. 24, C F,) A bill to change the times of holding courts in the county of Ramsey;

Read first and second times.

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

A bill to incorporate the St. Anthony and Lake Superior Mining Company.

Mr. Brown offered the following

**RESOLUTION:**

*Resolved,* That there be printed for the use of the two Houses, 5000 copies of the act to incorporate the Minnesota & North Western Rail Road Company, together with the proceedings of both Houses in relation to said act, the message of the Governor notifying the Council that he had signed the same, so much of the Governor's annual message as relates to said corporation, the amendments to the act incorporating said Minnesota & North Western Railroad Company, the proceedings of the two Houses relative to the amendatory bill, and the objections of the Governor to said amendment, as communicated to the House of Representatives, when said amendments were returned without the Executive approval; also the bill supplementary to the amendments, and the proceedings of the two Houses on the passage of the same.

Which was adopted.

A message from the H. R., being announced

J. C. Shepley Esq., Chief Clerk thereof appeared and delivered the following



## MESSAGE:

Mr. PRESIDENT:—

The Speaker has signed

(No. 6, H. of R.,) Memorial to Congress for appropriations in Minnesota Territory.

The House has passed

(No. 14, C. F.,) A bill to define the boundaries of certain counties.

Also,

(No 8, C F,) A bill to provide for the improvement of the navigation of the Minnesota river,

With amendments.

In which the concurrence of the Council is respectfully requested.

The bills are herewith returned.

The House has refused to concur in Council amendments to bill

[No 10, H of R,] A bill for an act granting to Antoine Roberts the right to establish and maintain a ferry across the Minnesota river at the terminus of the Territorial road from St. Paul to Traverse des Sioux at a point where the said Robert lives, in Le Sueur county,

Was taken up.

The question then being on concurring in the amendments to

[No 8, C. F,] A bill to provide for the improvement of the Navigation of the Minnesota river,

The Council has refused to concur in the first amendment, and has concurred in the other three.

[No 10, H of R,] A bill for an act granting to Antoine Robert, the right to establish and maintain a Ferry across the Minnesota river, at the terminus of the Territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county,

Was taken up.

A call of the Council was ordered, and

Messrs. Kittson, Olmsted and Stearns reported absent.

On motion of Mr. Brown,

Mr. Kittson was excused for the day,

On motion of Mr. Van Etten,

Further proceedings under the call were dispensed with.

Mr. Brown on leave introduced

(No. 25, C F,) A bill supplementary to the act incorporating the Minnesota Historical Society.

Which was read a first and second time.

Mr. Freeborn offered the following resolution:

*Resolved*, That the Secretary of the Council request the House to return,  
(No. 22, C F,) A bill to amend the revenue laws of Ramsey county,  
For further consideration.  
Which was adopted.

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

REPORT :

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

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

I. VAN ETTEN,  
Council.  
JOSEPH ROLETTE,  
House Rep.

On motion of Mr. Brown,  
The Council adjourned.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

**WEDNESDAY.**

FEBRUARY, 21 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present,

Journal of yesterday read,

Mr. Freborn introduced

(No. 26, C. F.) A bill to incorporate the St. Anthony and Lake Superior Mining Company.

Read the first and second times.

Mr. Stimson introduced

(No. 29, C F) A bill for an act to amend an act to incorporate the St. Croix Boom Company.

Read first and second times.

Mr. Freeborn introduced

(No. 28, C F) A bill relative to the terms of courts to be held in certain counties.

Read the first and second times.

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

**REPORT:**

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

(No. 18, H of R) A bill entitled an act to restore Ephraim H. Whitaker his civil rights as a citizen of the United States.

I. VAN ETTEN,

*Chairman Council Com.*

JOS. ROLETTE,

*House Rep. Committee.*

Mr. Van Etten moved

That the rules be suspended, and that the Council resolve itself into a Committee of the Whole, for the consideration of

(No. 24, C F) A bill to change the time of holding courts in the county of Ramsey.

Which motion prevailed.

Mr. Brown in the chair;

And after some time passed therein, the committee rose, and by their chairman Reported the same back to the Council without amendment.

The report was accepted.

Mr. Brown moved

To amend the first section by inserting after the words "may annually and," the words "so much of."

The amendment was adopted.

Mr. Brown moved

To strike out in section three, the words "after approved by the Governor," and insert the words "after its passage."

Which motion was adopted.

A message from the House of Representatives being announced, J. C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

#### MESSAGE:

MR. PRESIDENT:—

The Speaker has signed

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

The rules were suspended.

(No 18, H of R,) A bill entitled "An act to restore to Ephriam H. Whitaker his civil rights as a citizen of the United States."

The bill was read third time by its title.

The question then recurring on the passage of the bill, it was passed.

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

The rules were suspended.

A message from the House being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

#### MESSAGE:

MR. PRESIDENT:—

The House has passed the following bills and memorials:

(No. 13, H of R,) A bill entitled an act to incorporate the Monticello Academy at Monticello.

(No. 19, H. of R.) A bill to incorporate the Winona ferry company;

(No. 21, H. of R.) A bill for an act to incorporate the German Reading Society of Saint Cloud;

(No. 8, H of R,) A bill granting to William H. Oliver the right to establish and maintain a ferry across Lake St. Croix;

(No. 35, H. of R.) A bill to incorporate the Territorial Immigration Society;

(No. 36, H of R,) A bill for an act to incorporate the Minnesota Typographical Union;

(No. 37, H of R,) A bill to lay out a Territorial Road from Chaska to the forks of Crow river;

(No. 50, H of R,) An act granting to John Hamilton, the right to establish and maintain a ferry across the St. Croix river;

(No. 56, H of R,) A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company;

(No. 7, H. of R.) A memorial to Congress for an appropriation of \$5000 to extend the Mendota and Big Sioux River road from Mendota to the west bank of the Mississippi, opposite Saint Paul;

In which the concurrence of the Council is respectfully requested.

And then he withdrew;

Said House bills and memorials were read a first and second time;

On motion of Mr. Van Etten,

(No. 23, C F,) A bill for an act to amend the Revised Statutes in reference to assessors and for other purposes,

Was referred to the Committee on Judiciary.

On motion of Mr. Freeborn,

The rules were suspended and

(No. 5, C F,) A memorial relative to the Half Breed Lands,

Was considered in committee of the whole,

Mr. Stearns in the Chair;

And after some time passed therein, the Committee rose, and

By their Chairman reported back the bill to the Council without amendments,

The report was accepted.

Mr. Brown moved,

To lay the memorial on the table,

Which motion was lost.

On motion of Mr. Van Etten,

The memorial was referred to the committee on Territorial Affairs.

On motion of Mr. Van Etten,

[No. 10, H of R.] A bill for an act granting to Antoine Robert the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial Road, leading from St. Paul to Traverse des Sioux, at a point where said Robert lives, in Le Seur county.

Was taken from the table.

Mr. Van Etten moved,

The Council recede from its amendment;

Mr. Stearns moved

To lay the bill on the table,

Which motion was lost.

The question then recurring on Mr. Van Ettens motion,  
And the yeas and nays being called for and ordered, there were,

Yeas, 4, }  
Nays, 4. }

Those who voted in the affirmative were,

Mr. Olmsted,

Stearns,

Van Etten,

President—4.

Those who voted in the negative were,

Mr. Brown,

Freeborn,

Mower,

Stimpson—4.

So the Council refused to recede from its amendment.

On motion of Mr. Brown,

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair,

Having under consideration House file of bills.

(No. 35, H of R) A bill to incorporate the Territorial Emigration Society.

[No. 36, H of R) An act to incorporate the Minnesota Typographical Union.

(No. 7, H of R) A memorial to Congress for an appropriation of \$5000 to extend the Mendota and Big Sioux Road from Mendota to the west bank of the Mississippi river opposite St. Paul. -

(No. 13, H of R) A bill entitled an act to incorporate the Monticello Academy, at Monticello.

(No. 28, H of R) A bill granting to Wm. H. Oliver the right to establish and maintain a ferry across Lake St. Croix.

(No. 19, H of R) A bill to incorporate the Winona Ferry Company.

(No. 21, H of R) A bill for an act to incorporate the German Reading Society, of Saint Cloud.

(No. 37, H of R) A bill to provide for laying out a Territorial road from Chaaska to the forks of Crow River.

(No. 50, H. of R) An act granting to John Hamilton the right to establish and maintain a ferry across the St. Croix River.

And after some time passed therein,

The committee rose, and by their chairman, reported,

(No. 35, H of R,)

[No. 7, H of R,]

[No. 56, H of R,]

[No. 21, H of R,] Back to the Council without amendment;

[No. 36, H of R,]

[No. 19, H of R,]

[No. 28, H of R,]

No. 50, H of R,] With amendments; and

[No. 13, H of R,]

[No. 37, H of R,] Without amendment, with a recommendation that it be indefinitely postponed;

The report was accepted;

Mr. Brown moved,

To insert the names of S. B. Olmsted, Beatty and Andros;

Which motion was adopted;

On motion of Mr. Brown,

[No. 37, H of R.] A bill to lay out a territorial road from Chaska to the forks of the Crow river,

Was referred to the committee on Territorial roads;

On motion of Mr. Brown,

[No. 15, H of R.] A bill to incorporate the Lake Pepin Boom Company, was taken up;

Mr. Brown offered the following amendment:

Add to line 14, Section 11, "and provided that no rights herein granted shall interfere with the construction of any boom that may hereafter be authorized at or above Red Wing;"

Which amendment was adopted.

Mr. Brown offered the following amendment;

Strike out of lines 16 and 17, the words "and to take and use all necessary unconverted materials."

Which was adopted.

Mr. Brown offered the following amendment:

Strike out of lines 17 and 18, the words "or for any other purpose authorized by this act."

Which amendment was adopted.

On motion of Mr. Van Etten,

The bill was referred to the Committee on Incorporations, with instructions that they report the bill to-morrow morning.

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

## REPORT :

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

(No. 14, C F) A bill to define the boundaries of certain counties.

I. VAN ETTEN,

*Chairman Council Com.*

D. F. BRAWLEY,

*Chairman House Com.*

The Joint Committee on enrolled Bills have presented to His Excellency the Governor for his approval, the following

## MEMORIALS:

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

(No. 18, H R) A bill to restore to Ephraim H. Whitaker his civil rights as a citizen of the United States.

(No. 6, H R) A memorial to Congress for \$30,000 for the improvement of the Mississippi River, between St. Anthony and Sauk Rapids.

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

I. VAN ETTEN,

*Chairman Council Com.*

JOS. ROLETTE,

*Chairman House Committee.*

On motion of Mr Brown,

The rules were suspended, and the House file of bills reported back to the Council by the committee of the whole;

The amendments were taken up, and read a third time by their titles;

The question then recurring on the passage of the bills,

The Council refused to concur in the passage of

[No. 35, H of R.] A bill to incorporate the Territorial Emigration Society;

[No. 7, H of R.] A memorial for an appropriation of \$5000 to extend the Mendota and Big Sioux road from Mendota to the west bank of the Mississippi river opposite St. Paul;

[No. 56, H of R.] A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company."

[No. 21, H of R.] Were passed, and the titles agreed to.

On motion of Mr. Stearns,

The Council adjourned.

WM. P. MURRAY,

*President.*

Attest:

A. J. MORGAN,

*Secretary.*



**THURSDAY.**

FEBRUARY 22, 1885.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present, the journal of yesterday was read.

Mr. Van Etten asked and obtained leave to introduce

(No. 29, C. F.) A bill legalizing the town of Winona;

(No. 30, C. F.) A bill for an act allowing a change of venue in certain cases;

Which bills were read a first and second times.

Mr. Stimson from the Committee on Territorial Affairs, to which was referred a memorial relative to the Half-Breed Lands, have had the same under consideration, and ask leave to report the same back without amendment.

ALBERT STIMSON,

*Chairman.*

The report was accepted.

A message from the House of Representatives being announced, J. C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

**MESSAGE:**

**MR. PRESIDENT:—**

The Speaker has signed

[No. 14, C F.] A bill for an act to define the boundaries of certain counties.

The House has concurred in the passage of the following bills:

[No 2, C F.] A bill to provide for laying out certain Territorial roads;

[No 15, C F.] A bill to incorporate the city of St. Anthony;

[No 7, C F.] A bill to provide for taking the census of the population of the Territory.

[No 16, C F.] An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a Ferry across the Mississippi river;

With amendments, in which the concurrence of the Council is respectfully requested.

The House has refused to recede from its first amendment to

[No 8; C F.] A bill to provide for the improvement of the navigation of the Minnesota river.

The House amendments to

[No 7, C F.] A bill to provide for taking a census of the population of this Territory,

Were concurred in.

[No 16, C F.] An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river,  
Was laid on the table.

Mr. Brown moved

A committee of conference be appointed to confer with the committee of the House relative to the disagreement of the two houses to the amendments to

[No 8, C F.] A bill to provide for the improvement of the Navigation of the Minnesota river;

Which motion was adopted.

The chair appointed Messrs. Brown, Stearns and Stimson said committee.

Mr. Brown moved

To amend section thirty-two of

[No 2, C F.] A bill to provide for laying out certain Territorial Roads,

By adding the words "to intersect the road authorized to be located from St. Paul to Eliota."

Which motion was adopted.

The amendments to the bill were then concurred in.

Mr. Stearns moved to amend

[No 18, C F.] A bill to incorporate the City of St. Anthony,

By striking out the words "Mill street" and inserting the words "Pine street;"

Which motion was lost.

The amendments to the bill were then concurred in.

Bills ready for a third reading, being taken up,

(No. 19, H of R,) A bill to incorporate the Winona Ferry Company,

Was read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

[No. 50, H of R] A bill granting to John Hamilton the right to establish and maintain a ferry across the St. Croix river,

Was read a third time.

The question then recurring on the passage of the bill,

It was passed;

The question then recurring on agreeing to the title of the bill,

It was agreed to.

No. 36, H of R] An act to incorporate the Minnesota Typographical Union,  
Was read a third time.

The question recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to its title,

The title was agreed to.

[No. 28, H of R] A bill granting to William H. Oliver the right to establish and maintain a ferry across Lake St. Croix.

Was read a third time.

The question being on the passage of the bill;

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

(No. 13, H of R,) A bill entitled an act to incorporate the Monticello Academy, at Monticello;

Was read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Bills ready for a Committee of the Whole, being in order,

The Council resolved itself into a Committee of the Whole,

Mr. Stearns in the Chair,

Having under consideration

(No. 25, C F,) A bill supplementary to the act incorporating the Minnesota Historical Society.

And after some time passed therein,

The Committee rose,

And by their chairman, reported the same back to the Council without amendment.

On motion of Mr. Brown,

The rules was suspended requiring bills to be engrossed; and

The bill was read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Mower moved,

To reconsider the vote by which the Council refused to pass,

(No. 35, H of R,) A bill to incorporate the Territorial Emigration Society,

Which motion was adopted.

Mr. Brown moved,

That the Secretary of the Council request of the House further action on said bill,  
Which motion prevailed.

Mr. Van Etten, from the Committee to whom was referred

(No. 15, H. of R.,) An act to incorporate the Lake Pepin Boom Company,

Reported it back with the following amendment,

Strike out of Sec. 3, the words, Provided that none but practical lumbermen shall take stock in said company for the first six days after the books are opened.

Which amendment was lost.

On motion of Mr. Brown,

The rule was suspended requiring bills to be considered in Committee of the Whole, and said bill was read a third time.

The question recurring on agreeing to the amendment reported by the committee, And the yeas and nays being called for and ordered, there were

Yeas, 2, }  
Nays, 5. }

As follows:

Those who voted in the affirmative were,

Mr. Van Etten, President— 2.

Those who voted in the negative were,

Mr. Brown, Freeborn, Mower,  
Stearns, Stimson—5.

So the amendment was lost.

The question then recurring on ordering the bill to a third reading,

It was decided in the affirmative.

On motion of Mr. Van Etten,

The bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

A message from the House being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

### MESSAGE :

Which was taken up.

MR. PRESIDENT:—

The Speaker has appointed Messrs. Willim, Regester and Davis a committee of conference on the disagreement to Council amendments to

(No. 10, H of R) A bill for an act granting to Antoine Robert the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial Road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county.

The House has passed

(No. 46, H of R) An act to incorporate the Pioneer Hook and Ladder Company of the city of St. Paul.

(No. 50, H of R) A bill granting to Orrin W. Rice the right to establish a ferry across the head of the Bay of Superior.

No. 6, H of R) A Bill to provide for laying out certain Territorial roads in Minnesota Territory.

(No. 52, H of R) A bill for an act granting to Wm. Foster the right to establish

and maintain a ferry across the Minnesota river, at the City of San Francisco, in Carver county.

(No. 8, H of R) A bill to amend an act entitled an act to incorporate the St. Anthony Boom Company, approved Feb. 27th, 1852.

On motion of Mr. Brown,

Said bills were read a first and second time.

Mr. Brown moved

That a committee of conference be appointed to act with a similar committee on the part of the House.

On the disagreement of the two Houses on

(No. 10, H of R,) For an act granting to Antoine Roberts the right to establish a ferry across the Minnesota river at the terminus of the territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county.

On motion of Mr. Van Etten,

Mr. Brown's motion was laid on the table;

Mr. Stearns moved,

(No. 5, C F,) A memorial to Congress relative to the Half Breed lands, be taken up. Which motion prevailed.

On motion of Mr. Brown,

The memorial was laid on the table, and made the special order of the day for Monday next.

On motion of Mr. Brown,

The Council resolved itself into a committee of the whole,

Mr. Brown in the chair;

Having under consideration,

(No. 27, C F,) A bill for an act to amend an act to incorporate the St. Croix Boom company:

After some time passed therein, the committee rose, and by their chairman reported the same back to the Council with amendments;

The report of the committee of the whole was accepted;

The question then recurring on concurring in the amendment adopted in committee of the whole,

They were concurred in.

And the bill was ordered to be engrossed.

Mr. Van Etten from the committee to whom was referred,

(No. 28, C F,) A bill for an act to amend the revised statutes in reference to assessors, and for other purposes,

Reported the bill back and recommended its passage;

On motion of Mr. Brown,

The Council resolved itself into a committee of the whole,

Mr. Van Etten in the chair;

Having under consideration said bill;

And after some time passed therein, the committee rose,  
And by the chairman reported the same back to the Council without amendment;  
The report of the committee was accepted;

On motion of Mr. Brown,  
Said bill was referred to a select committee of three.  
The President appointed Messrs. Brown, Van Etten, and Mower as said committee.  
Mr. Stimson, on leave granted, introduced  
[No. 31, C F.] An act to incorporate the Mississippi improvement company;  
Which bill was read a first and second times;

On motion of Mr. Stearns,  
The vote was reconsidered by which the Council passed,  
(No. 15, H of R,) A bill to incorporate the Lake Pepin Boom company;

Mr. Stearns moved,  
To strike out the words "and provided that no rights herein granted shall interfere  
with the construction and maintaining any boom that may hereafter be authorized at or  
above Red Wing."

Mr. Van Etten moved,  
That the Council adjourn;  
Which motion prevailed.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

**FRIDAY.****FEBRUARY 23, 1855.**

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present, the reading of the journal of yesterday's proceedings was,

On motion of Mr. Brown,

Dispensed with.

Mr. Van Etten, on leave granted, introduced

[No 31, C F,] A bill to amend chapter sixty-five of the revised statutes;

Which was read the first and second times.

Mr. Olmsted gave notice

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

A bill for an act to repeal chapter seventy-two of the revised statutes and all acts amendatory or supplementary thereto.

Mr. Van Etten introduced

[No 32, C F,] An act granting to Felix the right to establish and maintain a ferry across the Mississippi river at or near the mouth of Crow river.

Mr. Van Etten gave notice,

That he would on to-morrow or some future day, introduce a Bill for an act incorporating the Boston and Minnesota Mining Company.

Mr. Stimson introduced

[No 33, C F,] An act for the benefit of the Common Schools of the Territory of Minnesota and for other purposes.

Mr. Olmsted from the committee to whom was referred,

[No. 19, C F,] A bill to amend certain acts passed by the last Legislative Assembly, report the same back,

Without amendments,

The report was accepted.

Mr. Brown from the committee to whom was reported,

[No. 3, C F,] A bill to provide for the apportionment of members of the Legislative Assembly of M. T.

Reported by bill,

Report was accepted.

On motion of Mr. Brown,

The bill was laid on the table to be printed,

And made the special order of the day for Monday next.

A message from the House being announced,

J. C. Shepley, Esq., Chief Clerk, thereof, appeared and delivered the following

### MESSAGE :

MR. PRESIDENT:—

The House has passed,

(No. 5, C. F.) A bill to incorporate the Transit Railroad Company, also,

[No. 48, H of R.] A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company,

[No. 26, H of R.] A bill for an act granting to Mechanics and others a lien on houses and other buildings,

In which the concurrence of the Council is respectfully requested.

Said House bills were then taken up and read a first and second times.

Mr. Stearns, from the Committee on Engrossed bills, made the following

### REPORT :

The Committee on Engrossed Bills have examined and found correctly engrossed the following bills:

(No. 27, C F) A bill for an act to amend an act entitled an act to amend an act to incorporate the St. Croix Boom Company. And

(No. 30, C F) A bill for an act allowing a change of venue in certain cases.

I. VAN ETTEN,

*Chairman Coun. Com.*

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

### REPORT :

The Joint Committee on enrolled bills have examined and found correctly enrolled the following bills:

[No. 6, C F] A bill for an act to provide for laying out a Territorial road from St. Paul to Elliot.

[No. 56, H of R.] A bill to amend an act entitled an act to incorporate the Minnesota Western Railroad Company.

[No. 7, H of R] A memorial to Congress for an appropriation of \$5000 to extend the Mendota and Big Sioux River Road from Mendota to the west bank of the Mississippi River opposite St. Paul.

I. VAN ETTEN,

*Chairman Council Com.*

JOS. ROLETTE,

*House Committee.*



Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

### REPORT:

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

[No. 33, H of R] A bill to incorporate the St. Joseph Hospital.

I. VAN ETTEN,  
*Chairman Council Com.*  
JOS ROLETTE,  
A. M. FRIDLEY,  
*House Committee.*

The question recurring on concurring in the House amendments to  
(No 5, C F,) A bill to incorporate the Transit Railroad Company,

Mr. Brown moved

To lay the bill on the table;

Which motion prevailed.

On motion of Mr. Van Etten,

The rule was suspended, requiring bills to lay over a day.

The Council resolved itself into a Committee of the Whole,

Mr. Stearns in the chair,

Having under consideration

[No 30, C F.] A bill for an act providing a change of venue in certain cases.

After some time passed therein, the committee rose, and by their chairman reported the same back to the Council with amendments,

The report was accepted and the amendments concurred in.

The question being on ordering the engrossment of the bill, it was ordered.

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair,

Having under consideration House file of bills:

And after some time passed therein,

The Committee rose,

And by their chairman reported

[No. 6, H of R.] A bill to provide for laying out certain Territorial Roads in Minnesota Territory.

[No. 8, H of R.] A bill to amend an act entitled, "An act to incorporate the St. Anthony Boom Company,"

Approved Feb. 27th 1852.

[No. 20, H of R.] A bill granting to Orrin W. Rice the right to establish a ferry across the Bay of Superior;

(No. 46, H. of R.) An act to incorporate the Pioneer Hook and Ladder Company, of the city of Saint Paul.

[No. 52, H of R,] A bill for an act granting to Wm. Foster, the right to establish and maintain a ferry across the Minnesota river, at the city of San Francisco, in Carver county;

[No. 26, H of R,] A bill for an act granting to mechanics and others a lien on houses and other buildings;

Without amendment,

The report was accepted.

Mr. Van Etten moved,

[No. 26, H of R,] Be referred to the committee on Judiciary,

Which motion prevailed.

The President signed the following bills and memorial,

[No. 6, C F,] A bill to provide for laying out a Territorial road from St. Paul to Elliot,

(No. 7, H of R,) A memorial to Congress for an appropriation of \$5000 to extend the Mendota and Big Sioux River road from Mendota to the west bank of the Mississippi river opposite St. Paul. And

(No. 56, H of R,) A bill to amend an act entitled an act to incorporate the Minnesota Western Railroad Company.

Bills ready for a third reading being in order,

On motion of Mr. Brown,

[No. 6, H of R] A bill providing for laying out a Territorial road from St. Paul to Elliot,

Was read a third time by its title.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

On motion of Mr. Stearns,

No. 8, H of R, was referred to a select committee.

The chair appointed Messrs. Stearns, Brown and Stimson.

No. 20, H of R, was read a third time.

The question being on the passage of the bill,

It was passed, and the title agreed to.

No. 52, H of R, was read a third time by its title.

The question recurring on the passage of the bill,

It was passed, and the title agreed to.

No. 46, H of R, was read a third time by its title.

The question recurring on the passage of the bill,

It was passed, and the title agreed to.

Mr. Van Etten asked and obtained unanimous consent to present

A petition from H. Tinker, relative to changing the name of Ann Elizabeth White to that of Ann Elizabeth Tinker.

Mr. Van Etten introduced

(No. 34, C F) A bill changing the name of Ann Elizabeth White to that of Ann Elizabeth Tinker,

Which bill was read a first and second times.

Mr. Olmsted asked and obtained the unanimous consent to present

A petition from W. Sturgis, and 40 others, praying a division of Benton county.

(No. 35, H. of R.,) A bill to incorporate the Territorial Emigration Society,  
Was read a third time by its title.

The question being on the passage of the bill, it was passed.

The question then recurring on agreeing to its title, it was agreed to.

On motion of Mr. Mower,

The vote was reconsidered by which the Council ordered

(No 27, C F,) A bill for an act to amend an act to incorporate the St. Croix Boom Company,

To be engrossed.

On motion of Mr. Stimson

Said bill was referred to a Select Committee.

The chair appointed Messrs. Stimson, Brown and Olmsted said committee.

On motion of Mr. Stearns

The vote was reconsidered by which the Council ordered

(No 15, H. of R.) A bill to incorporate the Lake Pepin Boom Company,

To be engrossed.

And the bill was laid on the table.

On motion of Mr. Brown

(No 19, C F,) A bill to amend certain acts passed at the last session of the Legislative Assembly,

Was taken up.

Mr. Brown moved

To refer said bill to the Committee on Internal Improvements.

Mr. Olmsted moved

The bill be indefinitely postponed;

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

Yeas 3, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Olmsted,

Stearns,

Van Etten—3.

Those who voted in the negative were,

Mr. Brown,

Freeborn,

Mower,

Stimson,

President—5.

So the motion was lost;

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

A message from the H R being announced,

J. C. Shepley Esq., chief clerk thereof, appeared and delivered the following

## MESSAGE:

MR. PRESIDENT:—

The Speaker has appointed Messrs. Dixon, Cave and Andros a committee of conference on disagreement of the House to Council amendments to

[No. 8, C F,] A bill to provide for the improvement of the Navigation of the Minnesota river;

The House has concurred in Council amendment to section 32, of

[No. 2, C F,] A bill to provide for laying out certain Territorial Roads;

I am instructed by the House to return to the Council,

[No. 35, H of R,] A bill to incorporate the Territorial Immigration Society;

The Speaker has signed the following bills and memorials:

[No. 6, C F,] A bill to provide for laying out a territorial road from St. Paul to Elliot;

[No. 56, H of R,] A bill to amend an act to incorporate the Minnesota Western Railroad Company;

[No. 7, H of R,] Memorial to Congress for \$5000 to extend the Mendota and Big Sioux River Road from Mendota to the west bank of the Mississippi river opposite St. Paul;

The House has passed,

(No. 71, H of R,) An act prescribing rules and regulations for the execution of trust arising under an act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances;

In which the concurrence of the House is respectfully requested;

Said message was then taken up.

(No. 71, H of R,) An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns, upon lands of the United States, under certain circumstances,"

Was read a first and second time;

The Council resolved itself into a committee of the whole,

Mr. Stearns in the chair;

Having under consideration said bill;

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council with amendments;

The report of the committee of the whole was accepted;

The question then recurring on concurring in the amendment adopted in committee of the whole,

They were concurred in;

The question then recurring on the passage of the bill,

It was passed;

The question then recurring on agreeing to the title of the bill,

It was agreed to.

On motion of Mr. Brown,  
The rules were suspended, and  
The Council resolved itself into a Committee of the Whole,  
Mr. Brown in the Chair,  
Having under consideration,  
(No. 28, C F.) A bill relative to the terms of courts to be held in certain counties.  
After some time passed therein,  
The Committee rose,  
And by their Chairman, reported the same back to the Council, with amendments;  
The report of the Committee was accepted,  
The amendments were concurred in,  
And the bill was ordered to be engrossed.  
A Message from the House being announced;  
James C. Shepley, Esq., Chief Clrk thereof,  
Appeared and delivered the following

MESSAGE :

Mr. PRESIDENT :—

The House has passed  
[No. 25, C F.] A bill supplementary to the act incorporating the Minnesota Historical Society;  
With an amendment, and  
An amendment to its title.  
And then he withdrew.

Mr. Van Etten moved,  
The Council adjourn.  
Which motion prevailed.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

**SATURDAY.**

FEBRUARY, 24, 1855.

Council met pursuant to adjournment.

A quorum being present, the journal of yesterday's proceedings was read.

Mr. Olmsted, pursuant to previous notice, introduced

(No 35, C F,) A bill for an act to repeal chapter seventy-two of the revised statutes and all acts amendatory or supplementary thereto.

Which was read a first and second times and laid on the table.

Mr. Brown, from the Joint Committee appointed to confer on the disagreeing vote of the two Houses on

(No 8, C F,) To provide for the improvement of the navigation of the Minnesota river,

Made the following

**REPORT :**

The committee has conferred on the subject referred, and have agreed to recommend that the House of Representatives recede from its first amendment to said bill

All of which is respectfully submitted.

JOSEPH R. BROWN,  
J. E. MOWER,  
F. ANDROS,  
C. T. STEARNS,  
J. B. DIXON,

The report was accepted.

A message from the House being announced, J. C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

**MESSAGE :**

**MR. PRESIDENT :—**

The Speaker has signed an act to incorporate the St. Joseph's Hospital.

The House has passed

(No 21, C F,) A bill to amend an act granting to Daniel F. Brawley, the right to establish and maintain a ferry across the Mississippi river.

The bill is herewith returned.

Also, the House has passed

(No 54, H of R,) An act granting to Franklin Steele the right to build a sluice or

sluices over the Falls of St. Anthony.

Also,

[No 53, H of R,] An act granting to Roswell P. Russell and others the right to build a sluice or sluices over the Falls of St. Anthony.

The House has concurred in Council amendments to the following bills:

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

(No 36, H of R,) A bill to incorporate the Minnesota Typographical Union.

(No 19, H of R,) A bill to incorporate the Winona Ferry Company.

(No 50, H of R,) An act granting to J. M. Hamilton the right to establish and maintain a ferry across the St. Croix river.

(No 28, H of R,) An act granting to William H. Oliver the right to establish and maintain a ferry across Lake St. Croix.

(No. 71, H of R,) An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances."

The House was requested to concur in Council amendment to

(No 13, H of R,) A bill entitled an act to incorporate the Monticello Academy at Monticello.

The bill is herewith returned;

Mr. Van Etten from the joint committee on enrolled bills made the following

### REPORT:

The joint committee on enrolled bills have examined and found correctly enrolled the following bills:

{No. 14, C F,} A bill to define the boundaries of certain counties;

[No. 56, H of R,] A bill to amend an act to incorporate the Minnesota Western Railroad company;

[No. 6, C F,] A bill to provide for laying out a territorial road from St. Paul to Elliot.

I. VAN ETTEN,

*Chairman Council Com.*

JOS. ROLETTE,

*Chairman House Com.*

Mr. Brown from the committee to whom was referred,

[No. 19, C. F.] A bill to amend certain acts passed by the last Legislative Assembly, report the same back with amendments;

The report was accepted;

Mr. Brown moved,

Said bill be laid on the table and ordered to be printed;

Which motion was lost.

Mr. Stearns from the select committee to whom was referred,  
[No. 8, H. of R.,] A bill to amend an act entitled an act to incorporate the St. Anthony Boom Company,

Approved Feb. 27, 1852,

Reported back the bill with amendments, and recommended its passage;

The report was accepted.

The question then recurring on the passage of the bill,

It was passed;

The question then recurring on agreeing to the title of the bill,

It was agreed to;

Mr. Brown from the select committee to whom was referred,

[No. 27, C F.,] A bill for an act to amend an act entitled an act to amend an act to incorporate the St. Croix Boom Company,

Reported the same back with sundry amendments;

The report was accepted and the amendments concurred in;

On motion of Mr. Brown,

The rules were suspended, requiring bills to be engrossed,

And said bill was read a third time by its title;

The question then recurring on the passage of the bill,

It was passed;

The question then recurring on agreeing to the title of the bill,

It was agreed to;

Messages from the House being in order,

[No. 25, C F.,] A bill supplementary to an act to incorporate the Minnesota Historical Society, and for other purposes, was taken up;

On motion of Mr. Brown,

The bill was laid on the table to be printed;

On motion of Mr. Olmsted,

[No. 53, H of R.,] An act granting to Roswell P. Russell and others the right to build a sluice or sluices over the Falls of St. Anthony; Also,

[No. 54, H. of R.,] An act granting to Franklin Steele, the right to build a sluice or sluices over the Falls of St. Anthony,

Were indefinitely postponed;

[No. 13, H of R.,] A bill entitled an act to incorporate the Monticello Academy, was taken up;

The question being,

Shall the Council recede from its amendment to said bill?

It was determined in the affirmative.

On motion of Mr. Brown,

(No. 15, H of R.) An act to incorporate the Lake Pepin Boom Company, Was taken from the table.

On motion of Mr. Brown, .

The proviso of section 11 was agreed to.

Mr. Brown moved



An amendment to the second clause, which was adopted.

The question recurring on ordering the bill to a third reading,

On motion of Mr. Brown,

The bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

The question recurring on ordering

(No. 30, C F,) A bill for an act allowing a change of venue in certain cases,

To be read a third time,

On motion of Mr. Van Etten,

The bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed

The question then recurring on agreeing to the title of the bill,

It was agreed to.

The question recurring on ordering

No. 8, H of R,

To be read a third time,

It was so ordered,

And the bill was read a third time by its title.

The question being on the passage of the bill,

It was passed, and the title agreed to.

On motion of Mr. Brown,

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair,

Having under consideration

(No. 48, H of R,) A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company;

And after some time passed therein,

The committee rose,

And by their chairman reported progress and asked leave to sit again.

The report of the Committee of the Whole was accepted.

The Council resolved itself into a Committee of the Whole,

Mr. Stearns in the chair,

Having under consideration

(No. 29, C F,) A bill legalizing the town of Winona; and

[No. 26, C F.] A bill for an act to incorporate the St. Anthony and Lake Superior Mining Co.

After some time passed therein, the Committee rose, and by their chairman,

Reported back the same to the Council, without amendments.

The report of the committee was accepted.

On motion of Mr. Brown,  
The rule was suspended requiring bills to be engrossed, and  
No. 26, C F, was read a third time.  
The question being on the passage of the bill,  
It was passed.  
The question then recurring on agreeing to its title,  
It was agreed to.

On motion of Mr. Freeborn,  
No. 29, C F, was referred to a select committee.  
The chair appointed Messrs. Freeborn, Olmstead and Brown said committee.  
A message from the House being announced,  
J. C. Shepley Esq., Chief Clerk thereof appeared and delivered the following

### MESSAGE:

Which was taken up.

Mr. PRESIDENT:—

The House has passed,  
[No. 73, H of R.] A bill to locate the county seat of Le Sueur county.  
The Governor has informed the House that he has signed the following bill and memorial,

(No. 6, H. of R.) Memorial to Congress for appropriations in Minnesota Territory.  
[No. 18, H of R.] An Act to restore to Ephraim H. Whitaker his civil rights as a citizen of the United States,

On motion of Mr. Brown,  
(No. 73, H of R.) A bill to locate the county seat of Le Sueur county,  
Was considered in committee of the Whole,  
Mr. Stearns in the Chair,  
The Committee arose,  
And by their Chairman, reported back the bill to the Council without amendments.  
On motion of Mr. Brown,  
The report was accepted,  
And the bill was laid on the table, and made the special order of the day for Tuesday next,

On motion of Mr. Brown,  
(No. 28, C F.) A bill relative to the terms of courts to be held in certain counties.  
Was taken up.  
The question recurring on ordering the bill to a third reading,  
The bill was read a third time by its title,  
The question then recurring on the passage of the bill;  
It was passed.  
The question then recurring on agreeing to the title of the bill;  
It was agreed to.

22—C. J.

Mr. Stearns from the Joint Committee on Engrossed Bills,  
Made the following

### REPORT:

The Joint Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

[No. 28, C F.] A bill relative to the terms of Courts to be held in certain counties.  
C. T. STARNES,  
*Chairman.*

Mr. Freeborn moved,  
The Council adjourn,  
Until Monday, at 10 A. M.,  
Which motion prevailed.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

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### MONDAY.

FEBRUARY 26, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present,

The Journal of yesterday's proceedings was read.

Mr. Van Etten on leave granted, introduced

(No. 36, C F,) A bill to amend certain chapters of the Revised Statutes. And

(No. 37, C F,) A bill to incorporate the Boston and Minnesota Mining Company,  
Which bills were read a first and second times,

Mr. Van Etten introduced

(No. 38, C F,) A bill to incorporate the Pittsburgh and Minnesota Mining Company.

Which was read a first and second time.

Mr. Stimson, pursuant to previous notice, presented

A petition from Wm. H. C. Folsom and 27 others, relative to a ferry across the St. Croix river,

Which was laid on the table.

Mr. Stimson introduced

(No. 39, C F,) A bill granting to Carmi P. Garlick the right to establish and maintain a ferry across St. Croix river.

Which was read a first and second time.

Mr. Freeborn introduced,

(No. 40, C F,) A bill to incorporate the Minnesota Life, Fire and Marine Insurance Company,

Which was read a first and second time.

Mr. Van Etten from the Judiciary committee to whom was referred

[No. 26, H of R,] A bill for an act granting to Mechanics and others a lien on houses and other buildings,

Reported the same back without amendment,

The report was accepted.

Mr. Van Etten, from the committee to whom was referred

No. 7, H of R,] A bill granting to Lewis Stone, A. C. Riggs, Geo. Houghton and H. N. Corbett the right to establish and maintain a ferry across the Mississippi River,

And [No. 9, H of R,] A bill granting to Samuel H. McManus, Wm. Creighton and James C. Beckman the right to establish and maintain a ferry across the Mississippi River,

Reported the same back to the Council.

The report was accepted.

Mr. Brown moved that

[No. 26, H of R,] A bill for an act granting to mechanics and others a lien on houses and other buildings,

Be referred to a select committee.

The President appointed

Messrs. Brown, Olmstead and Freeborn said committee.

Bills ready for the Committee of the Whole being in order.

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair,

Having under consideration

(No. 7 H. of R.) A Bill granting to Lewis Stone, A. C. Riggs, G. Houghton and H. N. Corbett the right to establish and maintain a ferry across the Mississippi River; and

(No. 9, of R,) A bill granting to S. H. McManus, W. Creighton and J. C. Beekman the right to establish and maintain a ferry across the Mississippi River;

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council without amendments.

The report of the Committee of the Whole was accepted.

Said bills were then read a third time by their titles.

The question then recurring on the passage of the bills, they were passed.

The question then recurring on agreeing to the title of the bills, they were agreed to.

On motion of Mr. Brown

The special order of the day was taken up, and the Council resolved itself into a Committee of the Whole,

Mr. Stearns in the chair,

Having under consideration

(No 5, C F,) A memorial to Congress relative to the Half Breed Lands,

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

The report was accepted and the amendments concurred in.

The question recurring on ordering the bill to be engrossed,

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

Yeas 4, }  
Nays 1. }

Those who voted in the affirmative were

Mr. Freeborn,

Mower,

Van Etten,

President—4.

Those who voted in the negative were,

Mr. Brown—1.

So the bill was ordered to be engrossed.

The Council resolved itself into a Committee of the Whole,

Mr. Mower in the Chair,

Having under consideration the second order of the day:

(No 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of Minnesota Territory.

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

The question then recurring on concurring in the amendments made in the Committee of the Whole, they were concurred in.

On motion of Mr. Brown,

Said bill was laid on the table.

Mr. Murray moved

To take from the table the motion to appoint a committee of conference on the disagreement of the two Houses relative to

(No 10, H of R,) A bill for an Act granting to Antoine Roberts, the right to establish and maintain a Ferry across the Minnesota river, at the terminus of the Territorial road leading from St. Paul to Traverse des Sioux, at a point where the said Roberts lives in Le Sueur county.

Which motion was lost.

On motion of Mr. Van Etten

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair:

Having under consideration

(No 41, C F,) A bill changing the name of Ann Elizabeth White to Ann E. Tinker. After some time passed therein, the Committee rose, and by their chairman, reported the same back to the Council with an amendment.

The report was accepted.

On motion of Mr. Van Etten,

The rule was suspended requiring bills to be engrossed.

The bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

On motion of Mr. Murray,

The vote was reconsidered by which

(No. 73, H of R,) A bill to locate the county seat of Le Sueur county,

Was made the special order of the day for Tuesday next.

Mr. Van Etten moved

To refer the bill to select committee;

Which motion was lost.

The Council resolved itself into a Committee of the Whole;

Mr. Mower in the chair.

After some time passed therein, the committee rose,

And by their chairman reported the same back to the Council, with amendment.

The report of the committee was accepted.

On motion of Mr. Stimson,

The bill was laid on the table.

Mr. Stearns moved

To reconsider the vote by which

(No. 4, H of R,) An act granting to Franklin Steele the right to build a sluice or sluices over the Falls of St. Anthony; and

(No. 53, H of R,) An act granting to Roswell P. Russell and others the right to build a sluice or sluices over the Falls of St. Anthony,

Were indefinitely postponed.

Which motion was adopted.

Mr. Brown moved

The Secretary be instructed to request the House to return said bills to the Council for further action;

Which motion was lost.

A message from the House being announced,

J. C. Shepley, Esq., Chief Clerk, thereof, appeared and delivered the following

### MESSAGE :

MR. PRESIDENT:—

The House has passed,

(No. 8, H of R,) A memorial to Congress for the continuation of the Mendota and Wabashaw road,

In which the concurrence of the Council is respectfully requested.

[No. 9, C F,] A bill granting to Wm. W. Sweeney, Wm. Lauver, Richard Freeborn and Morris Robert, the right to establish and maintain a Ferry across the main channel of the Mississippi river;

(No. 27, C F) An act to amend an act entitled an act to incorporate the St. Croix Boom Company.

With an amendment.

In which the concurrence of the Council is respectfully requested.

The House has passed

[No. 2, H of R,] Joint resolution relative to a change of the United States Distributing office from Dubuque in the State of Iowa, to Galena in the State of Illinois.

In which the concurrence of the Council is respectfully requested.

The House has passed

[No. 24, C F,] A bill to change the time of holding courts in the county of Ramsey.

The House has instructed me to request that the Secretary of the Council shall have leave to correct his message to the House in reference to the amendment to

(No. 15, H of R,) An act to incorporate the Lake Pepin Company.

The Council resolved itself into a Committee of the Whole,

Mr. Van Etten in the chair,

Having under consideration

(No. 31, C F,) An act to incorporate the Mississippi River Improvement Company;

And (No. 30, C F,) A bill to amend chapter 65 of the Revised Statutes;

And after some time passed therein, the committee rose,

And by their chairman reported back the bill to the Council,

With the recommendation that the entire bill be stricken out.

The report was accepted.

On motion of Mr. Van Etten,

The names of J. C. Shepley and A. D. Foster were added to the list of corporators in bill No. 31, C. F.

The question recurring on ordering the bill to a third reading,

It was determined in the affirmative.

On motion of Mr. Brown,

The Secretary was authorized to correct his message to the H. of R. relative to

[No. 15, H of R,] An act to incorporate the Lake Pepin Boom Company,

So as to read, with amendments.

On motion of Mr. Brown,

[No. 2, H of R,] Joint Resolution relative to a change of the U. S. Distributing Office from Dubuque, in the State of Iowa, to Galena, in the State of Illinois,

Was taken up.

On motion of Mr. Van Etten,

The resolution was indefinitely postponed.

On motion of Mr. Brown,

[No. 15, C F.] A bill to incorporate the Transit Railroad Company,

Was taken up.

The question being on concurring in the first House amendments to said bill, inserting among the corporators the names of Willis A. Gorman and J. Travis Rosser,

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

Yeas, 3, }

Nays, 4. }

Those who voted in the affirmative were,

Mr. Freeborn,

Mower,

Stimson—3.

Those who voted in the negative were,

Mr. Brown,

Stearns,

Van Etten,

President—4.

So the amendment was not concurred in;

The other amendments were concurred in.

A message from his Excellency, the Governor, being announced,

E. Greene Durbin, Esq., his private Secretary, appeared and delivered the following

#### MESSAGE :

MR. PRESIDENT:—

I am directed by the Governor to inform the Council that he did on the 26th day of February, 1855, approve and sign the following bills which originated in the Council:

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

(No. 14, C F,) A bill to define the boundaries of certain counties.

E. GREENE DURBIN,

Private Secretary.

MR. PRESIDENT:—

I am directed by the Governor to inform the Council that he did on the 21st day of February, 1855, approve and sign the following act, and memorial which originated in the Council:

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

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

E. GREENE DURBIN,

Private Secretary.

On motion of Mr. Brown,

(No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly,

Was taken up and engrossed for a third reading.

On motion of Mr. Van Etten,



(No. 16, C F,) A bill to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river, was taken up;

The question then recurring on concurring in the amendments of the House to said bill,

On motion of Mr. Stearns

The name of Edmund Rice was stricken out, and the name of H. K. Mann was inserted

The amendment as amended was then concurred in.

Mr. Stearns, from the Joint Committee on Engrossed Bills, made the following

### REPORT :

The Joint Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

(No 31, C F,) An act to incorporate the Mississippi Improvement Company.

C. T. STEARNS,

*Chairman.*

No. 37, C. F., was read a third time by its title.

The question then recurring on the passage of the bill, it was passed.

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

Mr. Mower moved,

The Council adjourn;

Which motion was lost.

On motion of Mr. Brown

The vote was reconsidered, by which

[No 34, C F,] A bill to provide for the apportionment of members of the Legislative Assembly of this Territory,

Was ordered to be engrossed.

On motion of Mr. Brown

Said bill was laid on the table to be printed, with amendments.

On motion of Mr. Brown

[No 19, C F,] A bill to amend certain acts passed by the last Legislative Assembly, Was taken up.

Mr. Van Etten moved

Said bill be indefinitely postponed;

Which motion was lost.

Mr. Van Etten moved

Said bill be referred to a select committee;

Which motion did not prevail.

Mr. Van Etten moved

That the bill be laid on the table to be printed as amended;

Which motion prevailed.

Mr. Mower moved to adjourn,

And the yebeing called for and ordered, there were

Yeas 3, }  
Nays 4. }

Those who voted in the affirmative were,

Mr. Mower;

Stearns,

President—3.

Those who voted in negative were,

Mr. Brown,

Freeborn,

Stimson,

Van Etten—4.

So the motion was lost.

On motion of Mr. Van Etten

The Council adjourned.

WM. P. MURRAY,

*President.*

Attest:

A. J. MORGAN,

*Secretary.*

## TUESDAY:

FEBRUARY 27, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present, the journal of yesterday's proceedings was read.

Mr. Van Etten asked and obtained the unanimous consent of the Council to introduce,

(No. 42, C F.) Amendments to sec. 7, chapter 66 of Revised Statutes,

Read a first and second times,

Mr. Brown from the select committee to whom was referred

(No. 26, H of R.) A bill, for an act granting to Mechanics and others a lien on houses and other buildings,

Reported the same back with amendments,

The report was accepted.

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

23—C. J.

## REPORT :

The Joint Committee on enrolled bills have examined and found correctly enrolled the following bills:

(No. 59, H of R,) A bill for an act supplementary to an act entitled an act to amend the M & N W Railroad Company.

(No. 50, H of R,) A bill for an act granting to John Hamilton, the right to establish and maintain a Ferry across the St. Croix river.

(No. 36, H of R,) A bill for an act to incorporate the Minnesota Typographical Union;

[No. 6, H of R,] A bill for an act to provide for the laying out certain Territorial Roads in Minnesota.

[No. 19, H of R,] A bill to incorporate the Winona Ferry Company.

[No. 20, H of R,] A bill for an act granting to Orrin W. Rice the right to establish a ferry across the head of the Bay of Superior.

[No. 52, H of R,] A bill for an act granting to William Foster the right to establish and maintain a ferry across the Minnesota River, at the City of San Francisco, in Carver county.

[No. 35, H of R,] An act to incorporate the Territorial Immigration Society.

[No. 21, H R,] A bill for an act to incorporate the German Reading Society of St. Cloud.

[No. 46, H of R,] For an act to incorporate the Pioneer Hook and Ladder Company of the city of St. Paul.

[No. 7, C F,] A bill for an act to provide for taking a census of the population of this Territory.

[No. 8, C F,] A bill to provide for the improvement of the navigation of the Minnesota River.

[No. 2, C F,] A bill for an act to provide for laying out certain Territorial roads.

[No. 21, C F,] A bill for an act to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi River;

I. VAN ETTEN,

*Chairman Council Com.*

JOS. ROLETTE,

A. M. FRIDLEY.

*Chairman House Committee.*

Mr. Stearns, from the Joint Committee on Engrossed Bills, made the following report:

The Joint Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

[No 5, C F,] A memorial to Congress relative to the Half-Breed Lands.

C. T. STEARNS,

*Chairman.*

Mr. Van Etten asked and obtained the unanimous consent to introduce the following resolution:

*Resolved*, That the Secretary of the Council be requested to call on the House and request for further action

[No 71, H of R,] An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States, under certain circumstances;"

Which motion was adopted.

Bills ready for a third reading being in order

[No 5, C F,] A memorial relative to the Half-Breed Tract,

Was read a third time.

The question then recurring on the passage of the memorial,

It was passed.

The question then recurring on agreeing to the title of the memorial,

It was agreed to.

On motion of Mr. Van Etten

The Council resolved itself into a Committee of the Whole:

Mr. Van Etten in the chair:

Having under consideration

(No 8, H of R,) A memorial to Congress for \$10,000 for the continuation of the Mendota and Wabashaw road.

And

(No 48, H of R,) A bill for an act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

And after some time passed therein, the committee rose, and by their chairman, reported (No 48, H of R,) back to the Council with amendments.

The report of the Committee of the Whole was accepted.

The memorial was read a third time.

The question recurring on the passage of the memorial, it was passed.

The question then recurring on agreeing to the title of the memorial, the title was agreed to.

The question then recurring on concurring in the amendments to No. 48, H. of R.,

Mr. Olmsted moved

To strike out section sixteen of the bill.

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

Yeas 3, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Mower,

Olmsted,

Van Etten,

Those who voted in the negative were

Mr. Brown,

Freeborn,

Stearns,

Stimson,

President—5.

So the motion was lost.

Mr. Brown moved

To lay the bill on the table;

Which motion was lost.

The bill was then read a third time.

The question then recurring on the passage of the bill, it was passed.

The question then recurring on agreeing to the title of this bill, it was agreed to,

On motion of Mr. Brown

[No 73, H of R.] A bill to locate the county seat of Le Sueur county,

Was taken from the table.

Mr. Brown moved

To strike out the first and second sections of the bill and insert the following:

The legal voters of the county of Le Sueur shall at the next annual election vote for some point to be the County seat of said county, in the upper and lower town of Le Sueur; and the point or block in either the upper or lower town of Le Sueur aforesaid, which shall receive the greatest number of votes, shall be the county seat of said county; and the County Commissioners of the county of Le Sueur shall proceed to erect the necessary county buildings at said point, so selected, at any time after the title of a sufficient quantity of land for that purpose, shall have been made to said county.

Mr. Van Etten moved

To amend the amendment by striking out the words "in upper and lower town of Le Sueur; and the point or block in either the upper or lower town of Le Sueur aforesaid."

Which motion was adopted.

The question being on concurring in the amendment as amended,

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

Ayes 6, )

Nays 2. )

Those who voted in the affirmative were

Mr. Brown,

Freeborn,

Mower,

Stearns,

Stimson,

Van Etten—6.

Those who voted in the negative were,

Mr. Olmsted,

President—2.

So the amendment as amended prevailed.

Mr. Brown offered the following amendment to section 3:

The qualified voters of the county of Wright may at the next general election in this Territory, vote for three County Commissioners, and all other county officers to which organized counties are entitled by law; and if at said election there shall be thirty votes cast in said county, the said county officers may be qualified as provided by law; and thereafter said county of Wright shall be an organized county for judicial and county purposes, entitled to all the rights, privileges and immunities to which all organized counties are entitled.

The board of commissioners first elected under the provisions of this act, shall so soon after qualifying as provided by law, and as said board may deem advisable, proceed to locate the county seat of said county; and the point selected by said board, shall thereafter be and remain the permanent county seat of said county.

Said county of Wright shall be and remain a part and parcel of the second Judicial district; And there shall be one term of the district court held annually in said county from and after the organization of said county, until otherwise provided by law; the time for holding said court to be designated by the Judge of the second judicial district.

Which amendment was lost.

Mr. Brown moved

To strike out the 7th section, and insert the following:

The legal voters of the county of Fillmore may at the next general election vote for some point to be the permanent county seat of said county, and if a majority of the voters at said election shall vote for a county seat, then, and in that case, the point which shall receive the greatest number of votes, shall be the permanent county seat of said county.

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

Yeas 6, }  
Nays 2. }

Those who voted in the affirmative were,

Mr. Brown,  
Stearns,

Freeborn,  
Stimson,

Mower,  
Van Etten—6.

Those who voted in the negative were

Mr. Olmsted,

President—2,

So the amendment prevailed.

Mr. Stearns offered the following amendment:

At the next general election the voters in the county of Wright may vote for a county seat in said county, and the point receiving the greatest number of votes shall thereafter be the permanent county seat of said county.

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

Yeas 7, }  
Nays 1. }

Those who voted in the affirmative were,

Mr. Brown,  
Stearns,

Freeborn,  
Stimson,

Mower,  
Van Etten,

President—7.

Those who voted in the negative were

Mr. Olmstead—1.

So the amendment prevailed.

On motion of Mr. Brown

The bill was laid on the table to be printed.

Mr. Van Etten moved

That the rules be suspended in order that he could introduce

[No 43, C F.] A bill granting to W. L. Ames, George Hexlep, George W. Farrington, C. H. Parker and William B. Dodd, the right to establish and maintain a Ferry across the Minnesota river,

And that the bill be read a first and second times and ordered to be engrossed;

Which motion was adopted.

The rules were suspended, and the bill read a third time.

The question then recurring on the passage of the bill, it was passed.

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

Bills ready for the Committee of the Whole being in order, the Council resolved itself into a Committee of the Whole:

Mr. Stearns in the chair:

Having under consideration

[No 33, C F.] An act for the benefit of Common Schools of Minnesota, and for other purposes;

And

[No 35, C F.] A bill for an act to repeal chapter 72 of the Revised Statutes, and all acts amendatory thereto.

After some time passed therein, the committee rose, and by their chairman reported the same back to the Council with an amendment to No 33, C F.

The report was accepted.

The question recurring on ordering the bill to a third reading,

On motion of Mr. Van Etten,

The bill was read a third time by its title.

The question then recurring on the passage of the bill, it was passed.

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

Mr. Van Etten moved

To amend No. 35, C. F., by striking out all after the enacting clause;

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

Yeas 6, }

Nays 1. }

Those who voted in the affirmative were,

Mr. Brown,

Mower,

Stearns,

Stimson,

Van Etten,

President—6.

Those who voted in the negative were,

Mr. Olmsted—1.

So the motion prevailed.

The Council resolved itself into a Committee of the Whole:

Mr. Brown in the Chair:

Having under consideration

[No 36, C F.] A bill to amend certain chapters of the Revised Statutes.

(No. 40, C F.) A bill to incorporate the Minnesota Life, Fire and Marine Insurance Company;

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

On motion of Mr. Brown,

Said bills were laid on the table.

Mr. Munay moved,

To reconsider the vote by which,

(No. 48, H of R.) A bill to incorporate the Root river Valley and Southern Minnesota Railroad, passed;

Which motion was adopted.

Mr. Murray, on leave granted, offered the following amendment to the bill;

Section 17. Be it further enacted, that the county seat of Fillmore county is hereby established at Carmona, upon the south-east quarter of section number four, (4) in township one hundred and two, (102) north of range eleven, (11) west of the fifth principal meridian.

Mr. Olmsted, unanimous consent being given, offered the following amendment to the amendment:

Section 18. That the county of Wright be, and the same is hereby declared to be an organized county and invested with all the immunities to which all organized counties are in this Territory entitled by law.

Section 19. That the Governor shall appoint and commission three suitable persons, being qualified voters of said county of Wright, to be a board of county commissioners for said county, with full power and authority to do and perform all the acts and duties devolving upon the board of county commissioners of any organized counties in this Territory; and the said board shall have power to appoint a clerk to execute, fulfil and perform the duties devolving by law upon the Register of deeds and clerk of the board of county commissioners of any organized county, who shall hold said office until his successor shall be duly elected and qualified. That the commissioners appointed as aforesaid shall meet on the second Monday in April at Monticello, in said county, which shall be the county seat for the said county, and shall proceed to appoint a Clerk as aforesaid, and to do and perform all other acts relative to said county which the commissioners of any organized county can do or perform.

Section 20. The county commissioners shall have power to appoint a suitable person, being a qualified voter of said county, sheriff of said county, who shall qualify and give bond according to the requirements of law, who shall hold said office until his successor shall be elected and qualified at the next general election.

The said county of Wright shall be included in the third Judicial District, and the Judges of said District shall fix the time for holding the terms of the District Court in said county until the same shall be fixed by law.

Which was adopted.

The question recurring on the amendment as amended,

It was adopted.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to;

Mr. Murray moved,

To reconsider the vote by which said bill was passed;

Which motion was lost.

(No. 34, C F.) A bill to provide for the apportionment of members of the Legislative Assembly of M. T,



Was taken up and read a third time.

The question recurring on the passage of the bill,

It was passed.

And the title agreed to.

Mr. Freeborn moved,

The Council adjourn until 3 o'clock this afternoon;

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

Yeas 4. }

Nays 4. }

Those who voted in the affirmative were,

Mr. Brown

Freeborn

Stimson

President—4.

Those who voted in the negative were,

Mr. Mower,

Olmsted

Stearns

Van Etten—4.

So the motion did not prevail.

On motion of Mr. Stearns,

[No. 25, C F.] A bill supplementary to an act to incorporate the Minnesota Historical Society, and for other purposes,

Was taken from the table.

The question then recurring on concurring in the amendments made by the House,

Mr. Van Etten moved,

To lay the bill with amendments on the table;

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

Yeas 3. }

Nays 5. }

Those who voted in the affirmative were,

Mr. Olmsted

Van Etten

President—3.

Those who voted in the negative were,

Mr. Brown

Freeborn

Mower

Stearns

Stimson—5.

So the motion was lost.

Mr. Van Etten moved,

The amendments laid on the table be made a special order of the day for to-morrow;

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

Yeas 3. }

Nays 5. }

Those who voted in the affirmative were,

Mr. Olmsted,

Van Etten;

President—3.

Those who voted in the negative were,

Mr. Brown,

Freeborn,

Mower,

Stearns,

Stimson—5.

So the motion was lost.

Mr. Van Etten moved,

To lay the question of concurring in the amendments on the table, and make it the special order of the day for Thursday next.

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

Yeas, 3, }  
Nays, 5. }

Those who voted in the affirmative were,

Mr. Olmsted, Van Etten, President—3.

Those who voted in the negative were,

Mr. Brown, Freeborn, Mower,  
Stearns, Stimson—5.

So the motion was lost.

Mr. Van Etten moved,

To lay the question of concurrence on the table,

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

Ayes 2, }  
Nays 6. }

Those who voted in the affirmative were

Mr. Van Etten, President—2.

Those who voted in the negative were,

Mr. Brown, Freeborn, Mower,  
Olmsted, Stearns, Stimson—6.

So the motion did not prevail.

Mr. Van Etten moved,

The Council adjourn,

Which motion was lost.

The question being on concurring in the first amendment,

It was concurred in.

The question being on concurring in the second amendment,

Mr. Van Etten moved,

The Council adjourn,

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

Yeas 2, }  
Nays 6. }

Those who voted in the affirmative were,

Mr. Olmsted, Van Etten—2.

Those who voted in the negative were,

Mr. Brown, Freeborn, Mower,  
Stearns, Stimson, President—6.

So the motion was lost.

Mr. Stearns moved,

To adjourn until 3 o'clock this afternoon,

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

Yeas 3, }  
Nays 4. }

Those who voted in the affirmative were,

Mr. Brown,

Freeborn,

Mower,

Stearns,

President—5.

Those who voted in the negative were,

Mr. Olmsted,

Stimson,

Van Etten—3.

So the Council adjourned.

WM. P. MURRAY,

*President.*

Attest:

A. J. MORGAN,

*Secretary.*

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### AFTERNOON SESSION.

3 O'CLOCK P. M.

Council met pursuant to adjournment.

A message from the House being announced,

J. C. Shepley, Esq., Chief Clerk, thereof, appeared and delivered the following

#### MESSAGE :

MR. PRESIDENT:—

The House has passed,

[No. 61, H of R.] A bill entitled an act to incorporate the Stillwater and Lake Superior Railroad Company.

[No. 51, H of R.] A bill to incorporate the Sisters Propagation of Faith Society of St. Joseph at Pembina.

[No. 27, H of R.] A bill for an act to locate a Territorial Road from St. Augusta on the Mississippi river to Lac Traverse.

[No. 25, H of R.] An act to authorize the construction of a dam across the Crow river.

[No. 34, H of R.] A bill relative to the county seat of Houston county.

[No. 42, H of R.] A bill to provide for the destruction of wolves.

(No. 23, H of R.) A bill for an act to locate a Territorial Road from St. Cloud to intersect the old Red River road of the north.

(No. 78, H of R.) An act to abolish imprisonment for debt and for other purposes.

(No. 44, H of R,) A bill for the relief of school district No. 6, in Ramsey county. In which the concurrence of the Council is respectfully requested.

Said House bills were then read a first and second times.

Mr. Stearns, from the Committee on Engrossed Bills, made the following

### REPORT:

The Committee on Engrossed Bills have examined and found correctly engrossed the following bills:

(No. 36, C F,) A bill to amend certain chapters of the revised Statutes.

C. T. STEARNS,

*Chairman.*

A message from the House being announced,

J. C. Shepley Esq., Chief Clerk thereof appeared and delivered the following

### MESSAGE:

Mr. PRESIDENT:—

The House has concurred in Council amendment to House amendment to (No. 16, C F,) A bill to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi River.

The House recedes from its first amendment to (No. 27, C F,) A bill for an act to amend an act entitled an act to amend an act to incorporate the St. Croix Boom Company.

The House refuses to recede from its first amendment to [No. 5, C F,] A bill to incorporate the Transit Railroad Company.

I have been instructed to inform the Council that

[No. 71, H of R,] An act prescribing rules and regulations for the execution of trust, arising under an act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances, Has been reported enrolled and therefore the House cannot comply with the request of the Council.

The House has passed

(No. 12, C F,) An act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river.

And then he withdrew.

Mr. Brown moved,

That a committee of conference be appointed to confer with a committee on the part of the House on the disagreeing vote relative to the amendments to

(No. 5, C F.) A bill to incorporate the Transit Railroad company.

The President appointed,

Messrs. Brown, Van Etten, and Olmsted, said committee.

On motion of Mr. Van Etten,

The President of the Council was instructed not to sign,

(No. 71, H of R,) An act prescribing rules and regulations for execution of the trust arising under the act of Congress entitled an act for the relief of citizens of towns upon lands of the United States under certain circumstances,

Without further restriction from the Council.

On motion of Mr. Brown,

[No. 40, C F.] A bill for an act to incorporate the Minnesota Life, Fire and Marine Insurance Company,

Was taken from the table.

The question being on concurring in the House amendments to said bill,

They were concurred in;

On motion of Mr. Stearns,

The rule was suspended requiring bills to be engrossed;

The bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

[No. 36, C F.] A bill to amend certain chapters of the revised statutes,

Was taken up.

Mr. Brown offered the following amendments to the bill:

Section 13. Section 32 of chapter 12, page 101, of the Revised Statutes shall be so amended that the taxes due and to be paid the Territory may be paid on Territorial warrants. Sec. 14 sec. 18 of chapter 81, of page 415, is hereby repealed.

Which amendments were adopted.

Mr. Brown offered the following amendment:

That in all actions hereafter commenced in justices courts in this Territory, where both parties shall appear and actual trial shall be had upon an issue raised by the pleadings, the justice shall be allowed to tax in his bill of costs, a trial fee of one dollar.

Which amendment was lost.

Mr. Brown offered the following amendment:

Section 6. That hereafter no demand, which is by law the subject of set off, or counter claim, and which has been assigned to a defendant in any action in any courts of this Territory, shall be allowed or admitted as such set off or counter claim, unless the plaintiff in such action shall have had notice of such assignment before the commencement of the action in which such set off shall be offered;

Which was lost.

On motion of Mr. Brown,

The vote was reconsidered by which the motion to appoint a committee of conference

(No. 10, H of R.) A bill for an act granting to Antoine Robert the right to establish and maintain a ferry across the Minnesota river, at the terminus of the Territorial Road, leading from St. Paul to Traverse des Sioux, at a point where said Robert lives, in Le Sueur county,

Was laid on the table.

The President appointed Messrs. Brown, Van Etten and Freeborn said committee.

The Council resolved itself into a Committee of the Whole:

Mr. Stearns in the Chair:

Having under consideration

(No 26, H of R.) A bill for an act granting to mechanics and others a lien on houses and other buildings;

And after some time passed therein, the committee rose, and by their chairman reported the same back to the Council with the recommendation that all after the enacting clause be stricken out.

The report of the Committee was accepted.

The question being on the adoption of the recommendation,

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

Yeas 5, }  
Nays 3. }

Those who voted in the affirmative were,

Mr. Brown,

Mower,

Olmsted,

Stimson,

Van Etten—5.

Those who voted in the negative were,

Mr. Freeborn,

Stearns,

President—3.

So the recommendation prevailed.

A message from the House being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

### MESSAGE:

MR. PRESIDENT:—

The Speaker has signed the following bills:

(No 35, H of R.) A bill to incorporate the Territorial Immigration Society.

(No 28, H of R.) An act granting to William H. Oliver the right to establish and maintain a ferry across Lake St. Croix.

(No 21, H of R.) An act to incorporate the German Reading Society of St. Cloud.

(No 59, H of R.) An act supplementary to a bill to amend an act entitled "An act to incorporate the Minnesota and North-Western Railroad Company."

(No 46, H of R.) An act to incorporate the Pioneer Hook and Ladder Company of the city of St. Paul.

(No 19, H of R.) A bill for an act to incorporate the Winona Ferry Company.

(No 22, H of R.) A bill granting to Orrin W. Rice the right to establish a Ferry across the head of the Bay of Superior.

(No 52, H of R.) An act granting to William Foster the right to establish and maintain a ferry across the Minnesota river at the city of San Francisco in Carver county.

(No 36, H of R,) An act to incorporate the Minnesota Typographical Union.

[No 6, H of R,] A bill to provide for laying out certain Territorial roads.

[No 50, H of R,] An act granting to J. M. Hamilton the right to establish and maintain a ferry across the St. Croix river.

(No. 7, C F,) A bill to provide for taking the census of the population of the Territory.

(No. 2, C F,) A bill to provide for laying out certain Territorial roads.

(No. 21, C F,) A bill to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river.

(No. 8, C F,) A bill to provide for the improvement of the navigation of the Minnesota River.

The President then signed said bills.

On motion of Mr. Van Etten,

The rule was suspended requiring bills to lay over one day, and

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair,

Having under consideration

(No. 37, C F,) A bill to incorporate the Boston and Minnesota Mining Company;

And

(No. 38, C F,) A bill to incorporate the Pittsburg and Minnesota Mining Company.

And after some time passed therein,

The committee rose,

And by their chairman reported the same back to the Council with amendment. .

The report was accepted.

On motion of Mr. Van Etten,

The rule requiring bills to be engrossed was suspended,

And the bills read a third time by their titles.

The question recurring on the passage of the bills,

They were passed.

The question then recurring on agreeing to the titles of the bills,

They were agreed to.

On motion of Mr. Brown,

The Council resolved itself into Committee of the Whole,

Mr. Stearns in the chair,

Having under consideration

House file of bills;

And after some time passed therein,

The committee arose,

And by their chairman reported back to the Council

(No. 78, H of R,) An act to abolish imprisonment for debt, and for other purposes.

(No. 25, H of R,) An act to authorize the construction of a dam across the Crow River.

(No. 23, H of R.) A bill for an act to locate a Territorial road from St. Cloud to intersect the old Red River road of the North.

(No. 27, H of R.) A bill for an act to locate a Territorial road from St. Augusta, on the Mississippi River, to Lac Traverse.

[No 34, H of R.] A bill relative to the county seat of Houston county.

[No 51, H of R.] A bill to incorporate the Sisters' Propagation of Faith Society of . St. Joseph, at Pembina.

[No 61, H of R.] A bill entitled an act to incorporate the Stillwater and Lake Superior Railroad Company.

[No 42, H of R.] A bill to provide for the destruction of wolves.

[No 44, H of R.] A bill for the relief of School District number 6, in Ramsey county.

With an amendment to No. 23, H. of R.; and with the recommendation that No. 42, H. of R., be indefinitely postponed.

The question being on the indefinite postponement of the bill.

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

Yeas 4, }  
Nays 4. }

Those who voted in the affirmative were,

Mr. Olmstead,

Stimson,

Van Etten,

President—4.

Those who voted in the negative were,

Mr. Brown,

Freeborn,

Mower,

Stearns—4.

So the Council refused to indefinitely postpone said bill.

On motion of Mr. Van Etten

The bill was laid on the table.

No. 61, H. of R., was then read a third time by its title.

The question being on the passage of the bill, it was passed, and the title agreed to.

On motion of Mr. Van Etten

No. 44, H. of R., was laid on the table.

No. 51, H. of R., was read a third time by its title.

The question recurring on the passage of the bill, it was passed, and the title agreed to.

No. 25, H. of R., was read a third time by its title.

The question recurring on the passage of the bill, it was passed.

The question recurring on agreeing to the title of the bill, it was agreed to.

No. 78, H. of R., was read a third time by its title.

The question recurring on the passage of the bill,

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

Ayes 5, }  
Nays 2. }

Those who voted in the affirmative were

Mr. Brown,

Freeborn,

Olmsted,

Van Etten,

President—5.

Those who voted in the negative were,



Mr. Stearns,

Stimson—2.

So the bill passed.

Mr. Brown offered the following amendment to No. 27, H. of R.:

SEC. 2. That Thomas B. Hunt, Samuel Allen, G. C. Lee, and Ezekiel Ellsworth, be and the same are hereby appointed commissioners to locate and mark out a Territorial road from Shakopee by way of Chaska, on the most feasible route to the forks of Crow river;

Which was adopted.

The question recurring on ordering the bill to a third reading, it was decided in the affirmative;

And the bill was read a third time by its title.

The question recurring on the passage of the bill, it was passed, and the title agreed to. No. 34, H. of R., was read a third time by its title.

The question recurring on the passage of the bill, it was passed, and the title agreed to

On motion of Mr. Brown

The vote was reconsidered by which

[No. 73, H. of R.,] A bill to locate the county seat of Le Sueur county, Was ordered to be printed.

On motion of Mr. Van Etten

The Council adjourned.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

**WEDNESDAY,**

FEBRUARY 28, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present,

The Journal of yesterday's proceedings was read.

The President laid before the Council the following petition from W. A. Cheever and 16 others, which,

On motion of Mr. Stearns,

Was ordered to be printed in the Journal:

**PETITION**

*To the Honorable Council and*

*House of Representatives of the Territory of Minnesota:*

*Whereas*, Your honorable body, by a special act, has dignified the unassuming village of Saint Anthony into the magnitude and importance of a city, and have therein incorporated a tract of land, comprising 200 acres, which was surveyed and laid off into a town in 1848, recorded in 1849, and known the world over as St. Anthony City, **FOR EXCELLENCE:**

*And whereas*, Said St. Anthony City proper, being near the "head of navigation," being situated higher and on better ground, being nearer HEAVEN, and further removed from sin than the village of St. Anthony, which has assumed its title; being also in another school district and in another road district, and its inhabitants being entirely able (in their own opinion) to govern their own affairs—we do therefore respectfully represent:

That the annexation and taxation, without our consent and representation, is contrary to the fundamental principles of our republican government. It was this, gentleman, which raised the muss commonly known as the American Revolution, commencing with the proprietor of a strong decoction of tea prepared with salt water instead of fresh, and ending with the fall of Yorktown and the evacuation of the Britishers from our free and virgin soil. We, in short, declare it to be unconstitutional, unjust, and oppressive in the extreme.

And we do further represent that we, your petitioners, are perfectly happy as we are and able to take care of ourselves to our own satisfaction, and that we have no desire,

25—c. J.

and are not in the least ambitious, to be a part or parcel of the city of St. Anthony, but wish to remain alone in our glory, and to be known distinctly as St. Anthony City.

We, your petitioners, do therefore most humbly pray your honorable body to set off and apart from the recently incorporated City of St. Anthony so much of section 25 thereof as lies east of the Mississippi river, comprising 200 acres, and known as St. Anthony City.

And your petitioners will ever pray, as in duty bound, so long as pen and ink will last.

W. A. Cheever,  
Lyman Palmer,  
H. B. Dow,  
John Stadden,  
Geo. W. Brown,  
Wm. Carrett,  
Michael Fagen,  
James Hudson,  
Samuel Weaver,  
George Osborn,  
Robert Wyman,  
George W. Goodrich,  
Frank Smith,  
Anson Bradbury,  
Anson Richards,  
Hezekiah Dow.

Mr. Brown introduced

(No. 44, C F,) A bill to incorporate the Western Bridge Company.

Read a first and second times.

On motion of Mr. Brown,

The printing of the bill was dispensed with.

Mr. Murray, on leave granted, introduced,

(No. 45, C F,) A bill amendatory of certain statutes.

Said bill received a first and second reading.

On motion of Mr. Murray,

The rules were suspended requiring said bill to be engrossed.

On motion of Mr. Van Etten,

The vote was reconsidered by which all after the enacting clause in

(No. 26, H of R,) A bill for an act granting to mechanics and others a lien on houses and other buildings,

Was stricken out.

On motion of Mr. Brown,

Said bill was recommitted to the Committee of the Whole,

Mr. Brown in the chair.

After some time passed therein, the committee rose,

And by their chairman reported the same back to the Council, with amendments.

The report was accepted.

The question recurring on ordering the bill to a third reading,

It was decided in the affirmative,

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

On motion of Mr. Murray,

(No. 45, C F,) A bill amendatory of certain statutes,

Was taken up.

Mr. Murray offered the following amendment,

Which was adopted:

SEC. 4. That all laws and so much of the act incorporating the City of St. Paul, Ramsey county, Territory of Minnesota, as conflict with this act are hereby repealed.

The question recurring on the passage of the bill,

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

Yeas 3. }

Nays 3. }

Those who voted in the affirmative were,

Mr. Stearns,

Van Etten

President—3.

Those who voted in the negative were,

Mr. Brown,

Freeborn,

Mower—3.

So the Council refused to pass the bill.

A message from the House being announced,

J. C. Shepley, Esq., Chief Clerk, thereof, appeared and delivered the following

### MESSAGE:

MR. PRESIDENT:—

The House has passed

(No. 76, H of R,) An act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota river at Le Sueur.

(No. 39, H of R,) A bill granting to George R. Stuns, the right to establish and maintain a ferry across the St. Louis river.

[No. 77, H of R.] A bill to provide for the election of supervisor of public roads and for other purposes.

[No. 14, H of R.] An act granting to Moses Perrin and Joseph H. Tyler the right to establish and maintain a ferry over Lake St. Croix.

[No. 43, H of R.] An act to amend section 5th chapter 73 of the Revised Statutes.

[No. 68, H of R.] A bill for an act to incorporate the Minnesota and Northern Pacific Railroad Company.

[No. 74, H of R.] An act to provide for the appointment of a commissioner of emigration for the Territory of Minnesota.

In which the concurrence of the Council is respectfully requested.

The House has concurred in Council amendments to

[No. 15, H of R.] An act to incorporate the Lake Pepin Boom Company.

Messrs. Hanson, Willim and Davis have been appointed a committee of conference on the part of the House on the disagreeing vote of the two Houses on the amendment to

[No. 5, C F.] A bill to incorporate the Transit Railroad Company,

And then he withdrew.

Said bills were then read a first and second times.

A message from his Excellency, the Governor being announced,

E. Greene Durbin, Esq., his private Secretary, appeared and delivered the following

### MESSAGE :

Mr. PRESIDENT:—

I am directed by the Governor to inform the Council that he did on the 27th day of February 1855, approve and sign the following Bills which originated in the Council:

[No. 2, C F.] A bill to provide for laying out certain Territorial roads;

[No. 7, C F.] A bill to provide for taking the census of the population of the Territory;

[No. 8, C F.] A bill to provide for the improvement of the Navigation of the Minnesota River.

[No. 21, C F.] A bill to amend an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi River;

E. GREENE DURBIN,

Private Secretary.

Mr. Brown gave notice that he would on to-morrow or some future day introduce a bill to repeal the 49th rule of the Council.

On motion of Mr. Brown

The Council resolved itself into a Committee of the Whole:

Mr. Brown in the chair:

Having under consideration

[No 19, C F.] A bill to amend certain acts passed by the last Legislative Assembly,

[No 39, C F.] A bill granting to Carmi P. Garlic the right to establish and maintain a Ferry across St. Croix river.

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council with an amendment to No. 39, C, F.

The report was accepted.

The question being on ordering the bills to be engrossed,

On motion of Mr. Brown,

The engrossing was dispensed with.

Said bills were then read a third time by their titles.

The bills were then passed and the titles agreed to.

Mr. Van Etten, from the joint committee on enrolled bills, made the following

### REPORT:

The Joint Committee on Enrolled Bills did on the 28th inst. present to His Excellency the Governor, for his signature, the following bills:

No. 8, C. F.; No. 33, H. R.; No. 34, H. R.; No. 7, C. F.; No. 2, C. F.; No. 36, H. R.; No. 52, H. R.; No. 19, H. R.; No. 46, H. R.; No. 21, C. F.; No. 20, H. R.; No. 59, H. R.; No. 21, H. R.; No. 28, H. R.; No. 35, H. R.; No. 10, H. R.

I. VAN ETTEN,

*Council.*

JOSEPH ROLETTE,

*House.*

Mr. Van Etten, from the joint committee on enrolled bills, made the following

### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills:

(No. 24, H of R,) A bill for an act to change the time of holding courts in the county of Ramsey;

(No. 12, C F,) A bill for an act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river;

[No. 16, C F,] A bill for an act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river:

[No. 4, H of R,] A bill for an act to incorporate the Stillwater ferry company;

[No. 8, H of R,] A bill for an act to amend an act entitled an act to incorporate the St. Anthony Boom Company.

Approved Feb. 27, 1852.

[No. 9, H of R,] A bill for an act granting to Samuel H. McManus, Wm. Creighton and James C. Beekman, the right to establish and maintain a ferry across the Mississippi River.

I. VAN ETTEN,

*Chairman Council Com.*

D. F. BRAWLEY,

*Chairman House Com.*

Bills ready for the committee of the whole being in order,

The Council resolved itself into a committee of the whole,  
Mr. Mower in the chair;  
Having under consideration,  
[No. 44, C F.] A bill to incorporate the Western Bridge Company;  
And after some time passed therein the committee rose, and by their chairman, reported the same back to the Council without amendments.  
The report of the committee of the whole was accepted.

On motion of Mr. Brown,  
The rules were suspended and the bill read a third time by its title.  
The question then recurring on the passage of the bill,  
It was passed.  
The question then recurring on agreeing to the title of the bill,  
It was agreed to.

On motion of Mr. Stearns,  
[No. 41, H of R.] A bill for the relief of School District No. 6, in Ramsey county,  
Was taken up.

Mr. Stearns moved,  
To amend the fourth line of Sec. 1, by striking out 1855, and inserting 1854.  
The question then recurring on the passage of the bill,  
It was passed.  
The question then recurring on agreeing to its title,  
It was agreed to.

On motion of Mr. Brown,  
The Council resolved itself into a Committee of the Whole,  
Mr. Brown in the chair,  
Having under consideration House file of bills.  
And after some time passed therein,  
The committee arose,  
And by their chairman reported back to the Council  
(No. 39, H of R,) A bill granting to George R. Stuntz the right to establish and maintain a ferry across the St. Louis River.

[No. 14, H of R.] A bill granting to Moses Perrin and Joseph H. Taylor the right to establish and maintain a ferry across Lake St. Croix.

[No. 77, H of R.] A bill to provide for the election of supervisors of roads, and for other purposes.

[No. 74, H of R.] An act to provide for the appointment of a commissioner of emigration for the Territory of Minnesota.

[No. 76, H of R.] An act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota River, at Le Sueur City.

[No 68, H of R.] A bill for an act to incorporate the Minnesota and Northern Pacific Railroad Company.

[No 43, H of R.] An act to amend sec. 5, chap. 73, of the Revised Statutes.

[No. 14, H of R.] A bill granting to Moses Perrin and Joseph H. Taylor the right to establish a ferry over Lake St. Croix.

[No. 39, H of R.] A bill granting to George R. Stuntz the right to establish and maintain a ferry across the St. Louis River.

And No. 43, H of R, with amendments,  
And the remaining bills without amendment.

And No. 74, H of R,

With amendment, and recommendation that it be indefinitely postponed.

The report of the Committee was accepted.

The question being on the indefinite postponement of

No. 74, H of R,

It was decided in the affirmative.

The amendment to

No. 62, H of R,

Was concurred in.

Mr. Brown moved

To strike out the proviso.

The bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

The question then being on the recommendation of the committee on

No. 74, H of R,

Viz: To strike out all after the enacting clause;

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

Yeas 5. }  
Nays 3. }

Those who voted in the affirmative were,

Mr. Brown,	Freeborn,	Stearns,
Mower,	Van Etten—5.	

Those who voted in the negative were,

Mr. Olmsted,	Stimson,	President—3.
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So the recommendation was adopted.

The amendments to

No. 14, H of R,

Were concurred in,

And was read a third time by its title.

The bill was then passed and the title agreed to.

No. 77, H of R,

Was read a third time by its title.

The bill was then passed, and its title agreed to.

The amendment to

No. 39, H of R,

Was concurred in.



The bill was read a third time and passed.

Its title was then agreed to.

No. 25, H of R,

Was read a third time by its title.

The question recurring on the passage of the bill,

It was passed.

The question recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Mower moved

To adjourn until 3 o'clock this afternoon.

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

Yeas 4, }

Nays 3. }

Those who voted in the affirmative were,

Mr. Freeborn,

Mower,

Stearns,

Stimson—4.

Those who voted in the negative were,

Mr. Olmsted,

Van Etten,

President—3.

So the Council adjourned.

WM. P. MURRAY,

*President.*

Attest:

A. J. MORGAN,

*Secretary.*

*AFTERNOON SESSION.*

8 O'CLOCK. P. M.

Council met pursuant to adjournment.

No. 36, C F,

Was taken up and read a third time by its title.

The question being on the passage of the bill,

It was passed, and the title agreed to.

On motion of Mr. Brown,

[No. 73, H of R.] A bill to locate the county seat of Le Sueur county,

Was taken up and read a third time.

On motion of Mr. Brown,

The bill was laid on the table.

A message from the House being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

## MESSAGE :

MR. PRESIDENT:—

The House has passed,

(No. 33, C F,) An act for the benefit of the Common Schools of the Territory of M. T., and for other purposes.

(No. 43, C F,) A bill granting to W. L. Ames, George Hezlep, George W. Farrington, C. H. Parker, and Wm. B. Dodd, the right to establish a ferry across the Minnesota River.

With an amendment;

In which the concurrence of the Council is respectfully requested.

The Governor has informed the House that he did on the 25th of February, 1855, approve and sign the following act and memorial which originated in the House:

(No. 53, H of R.) A bill to amend an act entitled "An act to incorporate the Minnesota Western Railroad Company.

(No. 7, H of R,) Memorial to Congress for \$5000 to extend the Mendota and Big Sioux River Road from Mendota to the West bank of the Mississippi river opposite St. Paul.

Also,

26—C. J.

That he did on the 27th February, 1855, approve and sign the following bills, which originated in the House:

(No. 6, H of R.) A bill for an act to provide for the laying out certain Territorial roads in Minnesota.

(No. 20, H of R.) A bill for an act granting to Orrin W. Rice the right to establish a ferry across the head of the Bay of Superior.

(No. 21, H of R.) A bill for an act to incorporate the German Reading Society of St. Cloud;

(No. 33, H of R.) An act to incorporate the St. Joseph's Hospital;

(No. 19, H of R.) A bill to incorporate the Winona Ferry Company.

(No. 28, H of R.) An act granting to Stillman H. Oliver the right to establish and maintain a ferry across Lake St. Croix.

(No. 59, H of R.) Granting to Wm. H. Foster the right to establish and maintain a ferry across the Minnesota river, at the city of San Francisco, in Carver county.

(No. 35, H of R.) An act to incorporate the Territorial Emigration Society;

(No. 36, H of R.) An act to incorporate the Minnesota Typographical Union;

(No. 50, H of R.) An act granting to John Hamilton, the right to establish and maintain a ferry across the St. Croix river.

Also,

The House has passed,

(No. 1, H of R.) Joint Resolution relative to an error in the charge of \$33,17 to the county treasurer of Washington county, by the Territorial Treasurer in the year 1851.

(No. 63, H of R.) An act to amend an act entitled "An act to incorporate the City of Stillwater, in the county of Washington.

(No. 86, H R.) An act providing that copies of the records in the office of Register of Deeds may be admissible in evidence.

(No. 79, H R.) An act to incorporate the Stillwater Academy.

(No. 32, H R.) A bill for a Line of Telegraph from St. Paul to St. Anthony and Minneapolis.

Said bills were then read a first and second times.

The question being on concurring in House amendment to

(No. 43, C F.) A bill granting to William L. Ames, George Hezlep, George W. Farrington, C. H. Parker and W. B. Dodd, the right to establish a ferry across the Minnesota river.

It was concurred in.

The Council resolved itself into a Committee of the Whole:

Mr. Brown in the chair:

Having under consideration House file of bills; and after some time passed therein, the committee rose, and by their chairman, reported back to the Council

(No. 79, H R.) An act to incorporate the Stillwater Academy.

(No. 32, H R.) A bill for a line of telegraph from St. Paul to St. Anthony and Minneapolis.

(No 63, H R,) An act to incorporate the city of Stillwater in the county of Washington.

(No 1, H of R,) Joint resolution relative to error in the change of \$33,16 to the county of Washington, by the Territorial Treasurer in the year 1851.

(No 86, H R,) An act providing that copies of the records in the office of Register of Deeds may be admissible in evidence.

No 79, H R; No 32, H R; No 86, H R, with amendments;

And No 63, H R, and No 1, H R, joint resolution, without amendment.

The question then recurring on concurring in the amendments made in committee of the whole,

Mr. Brown moved

To amend the amendment by striking out all after the amendment which refers to the name of Doty county, in No 32, H R.

Which motion was lost.

The amendments were then concurred in.

No 63, H R, was read a third time by its title.

The bill was passed, and the title agreed to.

[No. 32, H of R,] Was taken up.

Mr. Brown offered the following amendment:

Add after the name Minneapolis the words "and thence to Shakopee, Henderson, Le Sueur, and Traverse des Sioux."

Which amendment was adopted,

And the bill was read a third time by its title.

The question recurring on the passage of the bill,

It was passed.

And the title agreed to.

[No. 86, H. of R.] Was read a third time.

The question being on the passage of the bill,

It was passed.

Its title was then agreed to.

[No. 79, H of R,] Was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of this bill,

No. 2, Joint Resolution was read a third time by its title.

The resolution was then passed, and the title agreed to.

The Council resolved itself into a committee of the whole,

Mr. Brown in the chair,

Having under consideration,

[No. 42, C F,] A bill to amend section seven, chapter sixty six of the revised statutes.

After some time passed therein, the committee rose, and by their chairman, reported the same back to the Council, with the recommendation that it be indefinitely postponed.

On motion of Mr. Brown,  
The recommendation of the committee of the whole, was laid on the table.  
On motion of Mr. Brown,  
The Council adjourned.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

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THURSDAY.

MARCH 1, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present, the Journal of yesterday's proceedings was read, except the petition of William A. Cheever and others, the reading of which,

On motion of Mr. Stearns,

Was dispensed with.

Mr. Freeborn pursuant to previous notice, introduced

(No 46, C F,) A bill for an act granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river.

Which was read the first and second times.

On motion of Mr. Freeborn

The rules were suspended requiring said bill to be printed.

Mr. Van Etten, from the select committee to whom was referred

(No 23, C F,) A bill for an act to amend the revised statutes in reference to assessors and for other purposes,

Reported back the bill with amendments.

The report was accepted.

Mr. Van Etten, from the judiciary committee to whom was referred

[No 12, H of R,] A bill for an act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher, his wife,

Reported the same back to the Council with a recommendation that it be indefinitely postponed.

The report was accepted.

The question then recurring on concurring in the recommendation of the committee,

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

Yeas 3, }

Nays 5. }

Those who voted in the affirmative were,

Mr. Olmsted,

Stearns,

Van Etten—3.

Those who voted in the negative were,

Mr. Brown,

Freeborn,

Mower,

Stimson,

President—5.

So the Council refused to indefinitely postpone said bill.

Mr. Van Etten moved

That the bill be referred to a select committee for the purpose of taking testimony.  
Carried.

The President appointed Messrs. Van Etten, Brown and Stearns, said committee.

Mr. Van Etten asked to be excused;

Which was granted.

Mr. Stimson was appointed.

Mr. Brown moved

To reconsider the vote by which

(No. 74, H of R,) An act to provide for the appointment of a Commissioner of  
Emigration for the Territory of Minnesota,

Was indefinitely postponed.

Which motion was adopted.

Mr. Van Etten demanded a call of the Council,

And Messrs. Kittson, Olmsted and Stimson were reported absent.

On motion of Mr. Brown,

Mr. Kittson was excused for the day.

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

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

On motion of Mr. Brown,

The Secretary of the Council was instructed to request of the House for further  
action,

(No. 74, H of R,) A bill to provide for the appointment of a Commissioner of  
Emigration of M. T.

On motion of Mr. Van Etten,

(No. 42, C F,) A bill to amend section 7, chapter 66, of the Revised Statutes,  
Was taken from the table.

On motion of Mr. Brown,

Said bill was recommitted to the Committee of the Whole,

Mr. Mower in the chair.

After some time passed therein,

The committee rose,

And by their chairman, reported the same back to the Council without amendment.

The report was accepted.

The question being on ordering the bills to be engrossed for a third reading,  
It was so ordered.

Bills ready for the committee of the whole being in order,

The Council resolved itself into a committee of the whole,

Mr. Brown in the chair;

Having under consideration,

[No. 32, C F,] An act granting to Felix——the right to establish and maintain a ferry across the Mississippi river at or near the mouth of Crow river.

[No. 46, C F,] A bill for an act granting to O. W. Streeter, the right to establish and maintain a ferry across the Mississippi river;

And,

[No. 23, C F,] A bill for an act to amend the revised statutes in reference to assessors, and for other purposes;

And after some time passed therein, the committee rose, and by their chairman, reported the same back to the Council with an amendment to each;

The report was accepted, and the amendments concurred in.

On motion of Mr. Brown,

The rules were suspended and the bills read a third time by their titles;

The bills were then passed and their titles agreed to.

Mr. Brown moved,

That the 59th rule,

LIX. When in executive session, the Council shall in all cases, sit with closed doors. All persons except the officers of the Council shall be removed from without the bar of the Council.

Be repealed;

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

Yeas 5, }  
Nays 3. }

Those who voted in the affirmative were,

Mr. Brown

Freeborn

Mower

Stimson

President—5.

Those who voted in the negative were,

Mr. Olmsted

Stearns

Van Etten—3.

Two thirds not having voted in the affirmative the motion was lost.

Mr. Stearns from the Committee on Engrossed Bills, made the following

## REPORT:

The Committee on Engrossed Bills have examined and found correctly engrossed the following bill:

[No. 42, C F,] A bill for an act to amend section 7, chapter 66, of the revised statutes.

C. T. STEARNS,

*Chairman.*

Mr. Van Etten from the Joint Committee on Enrolled Bills made the following

### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills:

[No. 7, H of R.] A bill granting to Lewis Stone, A. C. Riggs, G. Houghton and H. N. Corbett the right to establish and maintain a ferry across the Mississippi river;

(No. 8, H of R.) A memorial to Congress for \$10,000 for the continuation of the Mendota and Wabashaw road.

(No. 13, H of R.) A bill for an act to incorporate the Monticello Academy at Monticello.

(No. 15, H of R.) A bill for an act to incorporate the Lake Pepin Boom Company.

L. VAN ETTEN,  
*Chairman Council Com.*

D. F. BRAWLEY,  
*Chairman House Com.*

A message from the House being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

### MESSAGE :

MR. PRESIDENT:—

The House has passed

[No 34, C F.] A bill to provide for the apportionment of members of the Legislative Assembly of this Territory,

With an amendment, in which the concurrence of the Council is respectfully requested.

Also,

[No 66, H of R.] A bill to amend an act entitled "An act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota.

[No 29, H R.] A bill for an act to locate a Territorial Road from St. Cloud to Lac Traverse.

[No 65, H R.] A bill entitled an act to establish the office of county auditor.

(No 60, H R.) A bill for an act granting to John L. Wilson, Anton Edelbrock and William A. Corbett the right to establish and maintain a Ferry across the Mississippi river at St. Cloud,

In which the concurrence of the Council is respectfully requested;

Said House bills were then read a first and second times.

Mr. Van Etten, from the joint committee on enrolled bills, made the following

### REPORT :

The joint committee on Enrolled bills have examined and found correctly enrolled the following bills:



(No 9, C F,) A bill for an act granting to W. W. Sweeny, William Lauver, Richard Freeborn and Norris Hobart the right to establish and maintain a ferry across the Mississippi river.

(No 25, C F,) An act supplementary to the act incorporating the Minnesota Historical Society and for other purposes.

(No 15, C F,) An act to incorporate the City of St. Anthony.

I. VAN ETTEN,  
*Chm'n Council Committee.*  
D. F. BRAWLEY,  
*Chm'n House Committee.*

The question recurring on concurring in the House amendments to  
(No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of Minnesota Territory.

They were concurred in.

On motion of Mr. Stearns,

The Council adjourned until 3 o'clock this afternoon.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

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### AFTERNOON SESSION.

3 O'CLOCK, P. M.

Council met pursuant to adjournment.

Mr. Brown moved

That the Secretary of the Council be instructed to cause

(No. 25, C F,) A bill supplementary to the act incorporating the Minnesota Historical Society, and for other purposes,

To be enrolled and delivered to the enrolling committee to replace the enrolled copy which has been mislaid by the House committee.

Carried.

Mr. Brown, from the select committee to which was referred

(No. 22, C F.) A bill legalizing the town of Winona,

Reported the same back with an amendment.

The report was accepted;

The amendment adopted,

And the bill was read a second time.

On motion of Mr. Brown,

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair,

Having under consideration

House file of bills.

And after some time passed therein,

The committee rose,

And by their chairman reported back to the Council

(No. 66, H of R.) A bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota,

With amendment;

[No. 65, H of R.] A bill entitled an act to establish the office of county auditor,

Without amendment; and

(No. 29, H of R.) A bill for an act to locate a Territorial Road from St. Cloud to Lac Traverse,

And,

(No. 6, H of R.) An act granting to J. L. Wilson, Anton Edelbrook and W. A. Corbett the right to establish and maintain a ferry across the Mississippi river,

With amendments.

On motion of Mr. Van Etten,

(No. 29, H. of R.) Was laid on the table.

The report was accepted.

The amendments made in the committee of the whole,

Were then concurred in.

(No. 66, H. of R.) Was read a third time by its title.

The bill was passed,

And the title agreed to.

[No. 60, H. of R.] Was read a third time by its title;

The question then recurring on the passage of the bill;

It was passed.

The question then recurring on agreeing to the title of the bill;

It was agreed to.

The question then recurring on ordering,

[No. 65, H. of R.] A bill entitled an act to establish the office of county Auditor,

To a third reading,

Mr. Murray, Mr. Brown in the chair, offered the following amendment to the bill:

Sec. 20. Hereafter all taxes in and for the county of Ramsey shall be collected by the county treasurer of said county, under the rules and laws heretofore regulating their

collection by other persons. And that the Register of deeds for said county shall deliver to the said treasurer the assessment roll, tax list and all other papers required by law as the same are now required to be delivered to other persons collecting taxes.

Sec. 21. That hereafter persons redeeming lands in said county, sold for taxes, shall in all cases pay at the rate of 60 per cent per annum interest on the amount of the purchase money from the date of sale to the time of redemption, sale charges and expenses now required by law.

Sec. 22. That all taxes not paid by the first of February next, after the assessment, shall be increased to 10 per cent, and the total collection of the original assessment is now required by law to be collected.

Sec. 23. That all laws and acts and parts of acts and so much of the act incorporating the city of St. Paul, Ramsey county, M. T., as conflicts with this act, is hereby repealed;

Which was adopted.

And the bill was read a third time by its title.

The question recurring on the passage of the bill,

It was passed;

And the title agreed to.

On motion of Mr. Van Etten,

[No. 42, C F.] Amendments to section 7, chapter 66 of revised statutes, was taken from the table.

Mr. Murray moved,

To indefinitely postpone the bill.

Mr. Van Etten demanded a call of the Council, and

The roll being called,

Messrs. Kittson and Olmsted were reported absent.

On motion of Mr. Stearns,

Further proceedings under the call were dispensed with.

The question recurring on Mr. Van Etten's motion, it prevailed.

On motion of Mr. Van Etten,

The Council adjourned.

WM. P. MURRAY,

*President.*

Attest:

A. J. MORGAN,

*Secretary.*

## FRIDAY.

MARCH, 2, 1855.

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present

The Journal of yesterday's proceedings was read,

The President laid before the Council the following communication from the Secretary:

COUNCIL CHAMBER, }  
March 2d, 1855, }

*To the President of the Council:*

In response to the resolution of instruction in regard to my having

(No. 25, C F,) Re-enrolled, I have the honor to report that I have attended to that duty.

It is but just to the Enrolling committee of the Council to state that said bill was examined by them and reported to the Council correctly enrolled on yesterday, as will appear by the journal, and transmitted it to the other House, and if mislaid, those connected with the Council are free from all censure in the premises.

Respectfully

Your obedient servant,

A. J. MORGAN,  
Sec. Council.

Hon. W. P. MURRAY, President Council.

Mr. Van Etten on leave granted, introduced

(No. 47, C F,) An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled "An act for the relief of citizens of towns upon lands of the U. S., under certain circumstances."

Which was read a first and second times.

Mr. Van Etten on leave granted,

Offered the following resolution:

*Resolved,* That the Secretary of the Council be directed to obtain from the Public Printer the number of copies of the Governor's annual message directed to be printed

or the use of the Council, also the documents relative to the M & N W R R Co., ordered to be printed for the use of the Council.

Which was adopted.

Mr. Freeborn on leave granted, introduced

(No. 4, C F,) A joint resolution relative to a Distributing Post Office.

Mr. Brown from the Joint Committee to which was referred the disagreeing vote of the two Houses on

[No. 5, C F,] A bill to incorporate the Transit Railroad Company.

### REPORT:

That the committee have had a conference on the matter before them, and have agreed to recommend that the House of Representatives should recede from its first amendment to said bill.

In support of this recommendation, your committee would state that they believe the names of Governor Gorman, and Secretary Rosser, were inserted in the bill without being consulted on the subject, and that both those gentlemen are desirous that their names should not be used in connection with any act of the Legislature of this character.

Under the impression therefore, that the names were inserted not only without their consent, but against the wishes of the gentlemen named, your committee deem it to be an act of justice to those gentlemen that their names should be stricken from the bill.

JOSEPH R. BROWN,

I. VAN ETTE,

W. A. DAVIS,

W. WILLIAMS,

D. M. HANSON,

*Committee,*

The report was accepted and adopted.

A message from the House being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

### MESSAGE:

MR. PRESIDENT:—

The Speaker has signed the following bills:

[No 12, C F,] An act granting to O. H. Kelley the right to establish and maintain a Ferry across the Mississippi river.

[No 16, C F,] A bill for an act to amend an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a Ferry across the Mississippi river.

[No 24, C F,] An act to change the times of holding courts in the county of Ramsey.

[No 8, H of R,] An act to amend an act entitled "An act to incorporate the Saint Anthony Boom Company,"

Approved February 27, 1852.

[No 4, H of R.] An act to incorporate the Stillwater Ferry Company.

(No 9, H of R,) An act granting to Samuel H. McManus, William Creighton and James C. Beckman, the right to establish and maintain a Ferry across the Mississippi river.

The President signed said bills.

On motion of Mr. Van Etten

The Council resolved itself into a committee of the whole:

Mr. Van Etten in the chair:

Having under consideration

(No 7, H of R,) An act prescribing rules and regulations for the execution of trusts, arising under an act of Congress, entitled "An act for the relief of citizens of towns upon lands of the United States under certain circumstances.

And after some time passed therein,

The committee rose,

And by their chairman,

Reported the same back to the Council with an amendment.

The report of the Committee of the Whole was accepted.

And the amendment concurred in.

On motion of Mr. Van Etten,

The rules were suspended, and the bill read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

A message from the House being announced,

J. C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

#### MESSAGE:

MR. PRESIDENT:—

I am instructed by the House to return to the Council

[No. 74, H of R.] A bill to provide for the appointment of a Commissioner of Emigration of M. T.

The bill is herewith returned.

The Speaker has signed the following bills and memorial:

[No. 15, H of R.] An act to incorporate the Lake Pepin Boom Company.

[No 7, H of R.] A bill granting to Lewis Stone, A. C. Riggs, G. Houghton, and H. N. Corbett, the right to establish and maintain a ferry across the Mississippi River;

[No 8, H of R.] A memorial to Congress for \$10,000, for the continuation of the Mendota and Wabashaw road;

[No 13, H of R.] An act to incorporate the Monticello Academy at Monticello;

The President signed said bills and memorial.

The House has passed

[No 72, H of R,] An act to secure to the owners their property in logs, ~~trunks~~, ~~spars~~ and other timber;

(No 37, C F,) A bill to incorporate the Boston and Minnesota Mining Company.

In which the concurrence of the Council is respectfully requested.

The House has refused to concur in Council amendment to

(No 26, H of R,) An act granting to mechanics and others a lien on houses and other buildings.

No 72, H of R,

Was read a first and second times.

The question recurring on the Council receding from its amendments to

[No 26, H of R,] An act granting to mechanics a lien on houses and other buildings.

The Council refused so to do.

The question then recurring on ordering

[No 74, H of R,] An act to provide for the appointment of a Commissioner of Emigration for the Territory of Minnesota,

It was so ordered,

And the bill read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

### REPORT :

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

[No. 33, C F,] An act for the benefit of the Common Schools of the Territory of Minnesota.

And for other purposes.

[No 43, C F,] A bill granting to Wm. L. Ames, George Hezlep, George W. Farington, C. H. Parker and W. B. Dodd the right to establish a ferry across the Minnesota River.

(No 27, C F,) An act to amend an act entitled an act to incorporate the St. Croix Boom Company.

(No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

I. VAN ETTEN,

*Council.*

JOS. ROLETTE,

A. M. FRIDLEY,

*House.*

Mr. Stearns, on leave granted, introduced,  
(No. 48, C F,) An act supplementary to an act incorporating the Minnesota Historical Society, and for other purposes.

Which bill was read a first and second times.

On motion of Mr. Brown,

All rules intervening between the second and third reading were suspended, and the bill was read a third time.

The question then recurring on the passage of the bill,

It was passed.

On motion of Mr. Olmsted,

The vote was reconsidered by which the bill passed.

On motion of Mr. Stearns,

The bill was laid on the table.

On motion of Mr. Van Etten,

The bill was taken from the table.

Mr. Van Etten, having unanimous consent, offered an amendment to the bill.

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

Ayes 3, }  
Nays 5. }

Those who voted in the affirmative were

Mr. Olmsted,

Van Etten,

President—3.

Those who voted in the negative were,

Mr. Brown,

Freeborn,

Mower,

Stearns,

Stimson—5.

So the amendment was lost.

Mr. Van Etten offered the following amendment:

Sec. 6. The county seat of St. Anthony county is hereby located at the village of Itasca.

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

Yeas, 3, }  
Nays, 5. }

Those who voted in the affirmative were,

Mr. Olmsted,

Van Etten,

President—3.

Those who voted in the negative were,

Mr. Brown,

Freeborn,

Mower,

Stearns,

Stimson—5.

So the amendment did not prevail.

Mr. Van Etten moved,

To indefinitely postpone the bill;

Which motion was adopted;

On motion of Mr. Van Etten,

(No. 42, C F,) A bill for an act to amend section 7, chapter 66, of the revised statutes; was taken up;

Mr. Van Etten moved,



To adjourn,

Which motion was lost.

On motion of Mr. Olmsted,

The vote was reconsidered by which the Council refused to pass

(No. 42, C F.) A bill to amend section 7, chapter 66 of the revised statutes;

The question then recurring on the passage of the bill,

It was passed;

Its title was then agreed to.

On motion of Mr. Stearns,

(No. 29, H of R,) A bill for an act to locate a Territorial Road from St. Cloud to Lac Traverse; was taken up.

The question being on concurring in the amendments to the bill made in committee of the whole.

Mr. Brown moved,

To strike out the words "exclusive of all charges for surveying."

Which motion prevailed.

The question recurring on the adoption of the amendments as amended;

It was lost.

Mr. Brown offered the following amendment to the bill:

SEC. 2. No act of the Legislature heretofore passed shall be so construed as to prohibit the re-election for a second term of any Sheriff of a county with a population not exceeding four thousand,

Which amendment was adopted.

The question then recurring on ordering the bill to a third reading.

It was so ordered;

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Brown asked and obtained unanimous consent to introduce

[No. 49, C. F.] A bill supplementary to an act to provide for the apportionment of members of the Legislative Assembly of this Territory;

The bill was then read a first and second times.

On motion of Mr. Brown,

The rules were suspended, and the bill read a third time.

The question then recurring on the passage of the bill,

It was passed.

The question then recurring on agreeing to the title of the bill,

It was agreed to.

Mr. Van Etten from the joint committee on enrolled bills made the following

## REPORT :

The committee on enrolled bills have examined and found correctly enrolled the following bill:

[No. 48, H. of R.] A bill for an act to incorporate the Root River Valley, and Southern Minnesota Railroad Company:

I. VAN ETTEN,  
*Chairman Council Com.*

D. F. BRAWLEY,  
*Chairman House Com.*

On motion of Mr. Van Etten,  
The Council adjourned until 3 o'clock this afternoon.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

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*AFTERNOON SESSION.*

3 O'CLOCK P. M.

Council met pursuant to adjournment.

On motion of Mr. Van Etten,

The Council went into executive session;

After some time spent in executive session, the Council resumed its sitting.

A message from the House being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

## MESSAGE :

Mr. PRESIDENT:—

The Speaker has signed,

[No. 27, C F,] An act to amend an act entitled an act to amend an act to incorporate the St. Croix Boom Company;

28—C. J.

[No. 43, C F.] A bill granting to W. L. Ames, George Hezlep, George W. Farrington, C. H. Parker, and Wm. B. Dodd, the right to establish a ferry across the Minnesota river;

[No. 34, C F.] A bill to provide for the apportionment of members of the Legislative Assembly of Minnesota Territory;

[No. 33, C F.] An act for the benefit of Common Schools of the Territory of Minnesota and for other purposes;

[No. 70, C F.] An act supplementary to the act incorporating the Minnesota Historical Society, and for other purposes;

[No. 9, C. F.] A bill granting to W. W. Sweeny, Wm. Lauver, Richard Freeborn and Morris Hobart, the right to establish and maintain a ferry across the Mississippi river;

(No. 15, H of R,) An act to incorporate the Lake Pepin Boom Company.

(No. 48, H of R,) An act incorporating the Root River Valley and Southern Minnesota Railroad Company.

And then he withdrew.

The President then signed said bills.

On motion of Mr. Van Etten,

The Council resolved itself into a Committee of the Whole,

Mr. Brown in the chair,

Having under consideration

House file of bills;

And after some time passed therein,

The committee rose,

And by their chairman reported back to the Council

(No. 72, H of R,) An act entitled an act to secure to the owners their property in logs, masts, spars and other timbers,

Without amendment.

The report was accepted.

(No. 79, H of R,) A bill to incorporate the Stillwater Academy,

Was taken up.

The question recurring on the Council receding from its amendments to said bill,

It was refused.

(No. 65, H R,) A bill entitled an act to establish the office of county auditor,

Was taken up.

The question then being

Shall the Council recede from its amendment to said bill?

It was decided in the negative.

On motion of Mr. Stearns,

The Council resolved itself into a Committee of the Whole,

Mr. Stearns in the chair,

Having under consideration

(No. 29, C F.) A bill legalizing the town of Winona.

After some time passed therein,

The Committee rose,

And by their chairman reported the same back to the Council with amendment.

The report was accepted,

And the amendments made in the Committee of the Whole were then concurred in.

The rule was suspended requiring bills to be engrossed,

And the bill was read a third time by its title.

The question recurring on the passage of the bill,

It was passed.

Its title was then agreed to.

Mr. Brown moved

To reconsider the vote by which the Council indefinitely postponed

(No. 48, C F.) An act supplementary to an act entitled an act to incorporate the Minnesota Historical Society, and other purposes.

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

Yeas 4, }

Nays 2. }

Those who voted in the affirmative were,

Mr. Brown,

Freeborn,

Olmsted,

Stearns—4.

Those who voted in the negative were,

Mr. Stimson,

President—2.

So the motion prevailed.

Mr. Olmsted moved

To lay the bill on the table;

Which motion was lost.

The question being on the passage of the bill, it was passed.

The title was then agreed to.

Message from the House being announced, J. C. Shepley, chief clerk thereof, appeared and delivered the following

### MESSAGE:

MR. PRESIDENT:—

The House has rejected

(No 49, C F.) A bill supplementary to an act for the apportionment of members of the Legislative Assembly of this Territory.

The House has passed

(No 31, C F.) An act to incorporate the Mississippi river improvement company, With amendments.

(No 30, C F.) A bill for an act allowing a change of venue in certain cases, With amendment; and an amendment to its title.

In which the concurrence of the Council is requested.

Said message was then taken up.

The question being on concurring in House amendments to

(No 30, C F,) A bill for an act allowing a change of venue in certain cases.

They were concurred in.

The question being on concurring in House amendments to (No 31, C F,) they were concurred in.

A message from the House being announced, J. C. Shepley, chief clerk thereof, appeared and delivered the following

### MESSAGE:

Mr. PRESIDENT:—

The House has concurred in Council amendments to

(No 66, H of R,) A bill to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota.

(No 60, H R,) A bill for an act granting to John L. Wilson, Anton Edelbrock and William A. Corbett, the right to establish and maintain a Ferry across the Mississippi river at St. Cloud.

(No. 74, H of R,) An act to provide for the appointment of a commissioner of emigration for the Territory of Minnesota.

(No. 68, H R,) A bill for an act to incorporate the Minnesota and Northern Pacific Railroad Company.

(No. 39, H of R,) A bill granting to George R. Stuntz, the right to establish and maintain a Ferry across the St. Louis river.

(No. 44, H of R,) A bill for the relief of School District, No. 6 in Ramsey County.

[No. 14, H of R,] A bill granting to Moses Perrin and Joseph H. Taylor, the right to establish and maintain a ferry across Lake St. Croix.

[No. 63, H R.] An act to incorporate the city of Stillwater in the county of Washington.

[No. 27, H of R,] A bill for an act to locate a Territorial road from St. Augusta on the Mississippi river, to Lac Traverse.

[No. 23, H of R,] A bill for an act to locate a Territorial road from St. Cloud to intersect the old Red river road of the North.

[No. 86, H R,] An act providing that copies of the records in the office of Register of Deeds may be admissible in evidence.

[No. 32, H R,] A bill for a line of Telegraph from St. Paul to St. Anthony and Minneapolis.

The House has passed,

[No 39, C F,] A bill granting to Carmi P. Garlic the right to establish and maintain a Ferry across St. Croix river.

[No. 46, C F,] A bill for an act granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river.

The House refuses to concur in Council amendments to

[No. 79, H of R,] An act to incorporate the Stillwater Academy,

[No. 65, H of R,] A bill entitled an act to establish the office of county auditor.

The House has concurred in the report of the committee of conference on  
[No. 5, C F.] An act to incorporate the Transit Railroad Company.

That the House recede from its first amendments.

The House has indefinitely postponed,

(No. 23, C F,) A bill for an act to amend the revised statutes in reference to assessors, and for other purposes;

The House has rejected,

(No. 36, C F,) A bill to amend certain chapters of the Revised Statutes;

(No. 32, C F,) An act granting to Felix ——— the right to establish and maintain a ferry across the Mississippi river at or near the mouth of Crow river.

Mr. Van Etten, from the joint committee on enrolled bills made the following

### REPORT:

The joint committee on enrolled bills have examined and found correctly enrolled the following bills and memorials;

No. 8, H of R; No. 4, H of R; No. 13, H of R; No. 7, H of R; No. 9, H of R;  
No. 15, H of R; No. 9, C F; No. 24, C F; No. 43, C F; No. 33, C F; No. 16, C  
F; No. 12, C F; No. 8, H R.

I. VAN ETTEN,  
*Chairman.*

D. F. BRAWLEY.

Mr. Stearns moved,

To adjourn;

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

Yeas 3. }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Mower

Olmsted

Stimson—3.

Those who voted in the negative were,

Mr. Brown

Freeborn

Stearns

Van Etten

President—5.

So the Council refused to adjourn.

Mr. Van Etten moved,

The Council take a recess of fifteen minutes,

Which motion prevailed.

The Council having resumed its session,

Mr. Van Etten, from the committee on enrolled bills, made the following

## REPORT :

The joint committee on enrolled bills have presented to the Governor for his approval, [No. 48, H of R,] An act to incorporate the Root River Valley and Southern Minnesota Railroad Company.

I. VAN ETTEN,  
*Council.*  
JOS. ROLETTE,  
*House.*

Mr. Murray, Mr. Olmsted in the chair, offered the following amendment to [No. 73, H of R,] A bill to locate the county seat of Le Sueur county:

Strike out all of the amendment to said bill;

Which motion was adopted.

The question being on the passage of the bill,

It was passed;

And the title agreed to.

Mr. Murray moved,

To reconsider the vote by which the Council passed said bill;

Which motion was lost.

On motion of Mr. Van Etten,

The Council took a recess of ten minutes.

The Council having resumed its session,

On motion of Mr. Stearns,

The Council adjourned.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

**SATURDAY.**

MARCH 3, 1855.

*MORNING SESSION.*

Council met pursuant to adjournment.

Prayer by Rev. Mr. Riheldaffer.

A quorum being present, the Journal of yesterday's proceedings was read.

Mr. Brown, on leave granted, offered the following

**RESOLUTION:**

*Whereas*, The Council did, on Thursday last, by a vote of five to three, reject the provisions of the bill No. 73, H of R, a bill to locate the county seat of LeSueur county.

*And whereas*, The Council did, on yesterday, during the time for which the Council had by vote taken a recess, and therefore could not legally act upon any question, take under consideration, and vote upon the said bill, striking therefrom the amendments adopted in full council, and inserting in lieu thereof the House bill as rejected by the Council by a large majority on a former occasion, and when the Council was in legal session,

*And whereas*, From the Journal of the Council as it now stands, it might be inferred that the member of the Council from the sixth council district had either neglected his duties as a member of this body, or had tacitly permitted a vote to be taken on a subject of deep importance to a portion of the population of said district, without making the necessary and proper exertions to defeat the amendments to the bill which the Journal shows was yesterday concurred in by the Council, therefore

*Resolved*, That the Secretary of the Council be instructed to withdraw from the House of Representatives any report he may have made to that House on yesterday, in regard to No. 73, H of R, A bill to locate the county seat of Le Sueur county.

Objections being raised under the rules, to acting on the resolution to day,

Mr. Brown moved,

The rules be suspended requiring resolutions to lay over one day;

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

Yeas 2, }  
Nays 5. }

Those who voted in the affirmative were,

Mr. Brown, Van Etten—2.

Those who voted in the negative were,



Mr. Mower,

Olmsted,  
Stimson,Stearns,  
President—5.

So the motion was lost.

Mr. Van Etten, from the joint committee on enrolled bills made the following

## REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills:

[No. 76, H of R.] A bill for an act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota river at Le Sueur city.

[No. 78, H of R.] A bill to abolish imprisonment for debt, and for other purposes.

[No. 34, H of R.] A bill relative to the county seat of Houston county.

[No. 77, H of R.] An act to provide for the election of supervisors of roads, and other purposes.

[No. 25, H of R.] An act to authorize the construction of a dam across Crow river.

(No. 23, H of R.) An act to locate a Territorial road from St. Cloud to intersect the old Red River road of the North.

I. VAN ETTEN,

*Chairman Council Com.*

JOS. ROLETTE,

A. M. FRIDLEY,

*Committee.*

The same gentlemen from the same committee reported that he did on the third March present the following bills to the Governor for his approval:

(No. 13, C F,) An act to incorporate the City of St. Anthony.

(No. 34, C F,) A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

(No. 25, C F,) A bill supplementary to the act incorporating the Minnesota Historical Society, and for other purposes.

I. VAN ETTEN,

*Chairman Council Com.*

A. M. FRIDLEY.

A message from the House being announced, J. C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

## MESSAGE :

Mr. President:—

His Excellency, the Governor, has informed the House that he did on the third inst., approve and sign the following bills:

An act for a line of Telegraph from St. Paul to St. Anthony and Minneapolis;

An act to organize the county of Stearns and for other purposes;

An act to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, Minnesota Territory;

An act to incorporate the city of Stillwater, in the county of Washington;

Mr. Van Etten, from the joint committee on enrolled bills, made the following

### REPORT:

The joint committee on enrolled bills have examined and found correctly enrolled the following bills:

(No. 60, H of R,) A bill for an act granting to J. L. Wilson, Anton Edelbrock and W. A. Corbett, the right to establish and maintain a ferry across the Mississippi river at Saint Cloud, and for other purposes;

(No. 27, H of R,) A bill to locate a territorial road from St. Augusta on the Mississippi river, To Lac Traverse.

(No. 73, H of R,) An act to locate the county seat of Le Sueur county.

(No. 44, H of R,) An act for the relief of school district No. 6, in Ramsey county.

(No. 86, H of R,) An act providing that copies of records in the office of register of deeds may be admissible in evidence.

(No. 51, H of R,) An act to incorporate the Sisters of Propagation of Faith society of St. Josephs, at Pembina.

(No. 74, H of R,) An act to provide for the appointment of a commissioner of emigration for the Territory of Minnesota.

(No. 46, C F,) A bill for an act granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river.

(No. 37, H of R,) A bill to incorporate the Boston and Minnesota Mining company.

(No. 30, C F,) A bill for an act allowing change of venue in certain cases, and for other purposes.

[No. 41, C F,] An act changing the name of Ann Elizabeth White to Ann Elizabeth Tinker.

[No. 39, C F,] An act granting to Carmi P. Garlick, the right to establish and maintain a ferry across the St. Croix river.

[No. 31, C F,] An act to incorporate the Mississippi river improvement company.

[No. 5, C F,] A bill for an act to incorporate the Transit Railroad Company.

[No. 47, C F,] A bill for an act prescribing rules and regulations, &c.

[No. 68, H of R,] A bill for an act to incorporate the Minnesota and Northern Pacific Railroad Company.

[No. 63, H of R,] An act entitled an act to incorporate the city of Stillwater in the county of Washington.

[No. 66, H of R,] An act entitled an act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota.

No. 78, H of R; No. 23, H of R; No. 34, H of R; No. 77, H of R; No. 78, H of R.

I. VAN ETTEN,  
*Chairman Council Com.*  
 JOS. ROLETTE,  
 D. F. BRAWLEY.

On motion of Mr. Stearns,  
 The Council resolved itself into a committee of the Whole,  
 Mr. Stearns in the Chair,  
 Having under consideration House file of bills,  
 And after some time passed therein,  
 The Committee rose,  
 And by their chairman reported,  
 (No. 41, H of R,) A bill granting to Julius Andrews the right to establish and maintain a ferry across the Minnesota river.

And  
 (No. 81, H of R,) A bill for an act granting to Geo. A. McLead, the right to establish and maintain a ferry across the Minnesota river at a point at or near the residence of said McLeod in Traverse, in the county of Nicolet.

And  
 (No. 70, H of R,) An act to organize the county of Stevens, and for other purposes, With amendments.

The amendments to the bills were then concurred in.

No. 81, H of R,

Was read a third time by its title.

The question recurring on the passage of the bill,

It was passed, and the title agreed to.

No. 70, H of R,

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

No. 41, H of R,

Was read a third time by its title.

The question recurring on the passage of the bill,

It was passed.

The question recurring on agreeing to the title of the bill,

Mr. Brown moved

To add the words, "and for other purposes;"

Which was adopted.

The title as amended was agreed to.

Mr. Freeborn, on leave granted, introduced

(No. 50, C F,) A bill relating to certain records of the District Court of the counties of Fillmore and Winona;

Which bill was read a first and second times.

The rules were suspended and the bill read a third time.

The question being on the passage of the bill,

It was passed and the title agreed to.

A message from the House being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

### MESSAGE:

**MR. PRESIDENT:—**

The Speaker has signed the following bills:

An act to incorporate the Mississippi river improvement company.

(No. 41, C F,) An act changing the name of Ann Elizabeth White to Ann Elizabeth Tinker.

(No. 37, C F,) A bill to incorporate the Boston and Minnesota Mining Company.

(No. 46, C. F.) An act granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river;

(No. 30, C F,) A bill for an act allowing a change of venue in certain cases, and for other purposes;

[No. 39, C. F.] An act granting to Carmi P. Garlick the right to establish and maintain a ferry across the St. Croix river;

[No. 5, C F.] An act to incorporate the Transit R. R. Co.

An act providing that copies of records in the office of Register of Deeds may be administered in evidence;

An act to locate a Territorial road from St. Augusta on the Mississippi river to Lac Traverse;

An act to provide for the appointment of a commissioner of Emigration for the Territory of Minnesota;

An act to locate the county seat of Le Sueur county.

[No. 44, H of R.] An act for the relief of School district No. 6, in Ramsey county;

An act to incorporate the Sisters of Propagation of Faith Society of St. Joseph at Pembina;

An act granting to John L. Wilson, Anton Edelbrook and W. A. Corbett the right to establish and maintain a ferry across the Mississippi river at St. Cloud, and for other purposes.

The President signed said bills,

The House has passed the following bill:

[No. 47, C F.] An act prescribing rules and regulations for the execution of the trust, arising under the act of Congress, entitled an act for the relief of citizens of towns, upon lands of the United States under certain circumstances,

With an amendment;

In which the concurrence of the Council is requested.

A message from the House was taken up,

The question being on concurring in the amendments of the House to,

[No. 47, C F.] An act prescribing rules and regulations for the execution of the trust arising under the act of Congress, entitled an act for the relief of citizens of towns upon lands of the United States under certain circumstances;

It was concurred in.

On motion of Mr. Stimson,

The Council resolved itself into a committee of the Whole;

Mr. Brown in the Chair,

Having under consideration

(No. 89, H of R,) An act to prohibit the running at large of stallions, bulls and boars.

And after some time passed therein,

The Committee rose, and by their chairman reported the same back to the Council with amendments.

The report was accepted, and,

On motion of Mr. Stearns,

The bill was laid on the table.

A message from the House being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

### MESSAGE :

#### MR. PRESIDENT:—

The Speaker has signed the following bills:

(No. 84, H of R,) An act relative to the county seat of Houston county.

(No. 25, H of R,) An act to authorize the construction of a dam across the Crow River.

(No. 76, H of R,) An act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota, at Le Sueur City.

(No. 77, H of R,) An act to provide for the election of Supervisors of roads, and other purposes.

An act to locate a Territorial road from Saint Cloud to intersect the old Red River road of the north.

(No. 78, H of R,) An act to abolish imprisonment for debt.

The President signed said bills.

A message from the Governor being announced, the following communication was laid before the Council:

#### MR. PRESIDENT:—

I am directed by the Governor to inform the Council that he did, on the 2nd inst., approve and sign No. 12, C F, being "An act granting to O. H. Kelley the right to

establish and maintain a ferry across the Mississippi River," which originated in the Council.

E. GREEN DURBIN,  
*Private Secretary.*

On motion of Mr. Stearns,  
The Council adjourned until 3 o'clock P. M.

WM. P. MURRAY,  
*President.*

Attest:

A. J. MORGAN,  
*Secretary.*

### AFTERNOON SESSION.

3 O'CLOCK.

Council met pursuant to adjournment.

On motion of Mr. Stearns,  
[No. 89, H of R.] An act to prohibit stallions, bulls and boars running at large,  
Was taken from the table and read a third time.  
The question recurring on the passage of the bill,  
And the yeas and nays being called for and ordered, there were

Yeas 3, }  
Nays 3. }

Those who voted in the affirmative were,

Mr. Mower, Stearns,

President—3.

Those who voted in the negative were

Mr. Brown, Freeborn,

Stimson—3.

So the Council refused to pass the bill.

Mr. Stimson, from the select committee to which was referred,

[No. 12, H of R.] A bill for an act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher his wife,

Reported the same back without amendment.

The report was accepted.

On motion of Mr. Brown,

Said bill was read a third time;  
 The question recurring on the passage of the bill,  
 And the yeas and nays being called for and ordered, there were

Yeas 4, }  
 Nays 1. }

Those who voted in the affirmative were,

Mr. Brown,

Freeborn,

Mower,

Stimson—4.

Those who voted in the negative were,

Mr. President—1.

So the bill was passed:

And the title agreed to.

Mr. Brown moved,

To reconsider the vote by which said bill was passed;

Which motion was lost.

On motion of Mr. Brown,

The Council took a recess until 4 o'clock.

The Council having resumed its session,

A message from the House was announced, when J. C. Shepley, Esq., chief clerk thereof appeared and delivered the following

#### MESSAGE:

Mr. President:—

The House has passed,

[No. 38, C F,] A bill to incorporate the Pittsburg and Minnesota Mining company, with an amendment.

Also,

[No. 87, H of R,] A bill relative to the terms of the Courts to be held in certain counties, and for other purposes;

And then he withdrew.

The message was then taken up.

[No. 87, H of R,] Was read a first and second time.

The question being on concurring in House amendments to

[No. 38, C F,]

It was concurred in.

On motion of Mr. Brown,

The Council resolved itself into a Committee of the Whole,

Mr. Stearns in the chair,

Having under consideration

(No. 87, H of R,) A bill relative to the terms of courts to be held in certain counties, and for other purposes.

And after some time passed therein,

The committee rose,

And by their chairman reported the same back to the Council without amendment.

The report was accepted.

On motion of Mr. Olmsted,

The bill was laid on the table.

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

### REPORT :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions:

(No. 32, H of R,) A bill for a line of Telegraph from St. Paul to St. Anthony and Minneapolis.

(No. 14, H of R,) A bill granting to M. Perrin and Joseph Tyler the right to establish and maintain a ferry over Lake St. Croix.

(No. 39, H of R,) Granting to George R. Stuntz the right to establish and maintain a ferry across the St. Louis River.

(No. 1, H of R,) Joint resolution relative to error of \$33 17, to the county of Washington, by the Territorial Treasurer in the year 1850.

I. VAN ETTEN,

*Chairman Coun. Com.*

JOS. ROLETTE,

D. F. BRAWLEY.

Mr. Stimpson, on leave granted, introduced

(No. 51, C F,) A bill to provide for the election of Superintendents of Common Schools;

Read a first and second times.

On motion of Mr. Mower,

The rules were suspended.

The Council resolved itself into a committee of the whole,

Mr. Mower in the Chair,

Having under consideration said bill;

And after sometime passed therein,

The Committee rose,

And by their Chairman reported the same back to the Council,

Without amendment;

The report was accepted.

On motion of Mr. Mower,

The rule was suspended requiring bills to be engrossed,

And the bill was read a third time.

The question being on the passage of the bill,

It was passed;



And the title agreed to:

On motion of Mr. Brown,

[No. 87, H of R,] A bill relative to the terms of the Courts to be held in certain counties and for other purposes,

Was taken up, and read a third time;

The question then recurring on the passage of the bill,

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

Yeas, 4, }  
Nays, 1. }

Those who voted in the affirmative were,

Mr. Brown,

Freeborn,

Mower,

Stearns—4.

Those who voted in the negative were,

Mr. President—1.

So the bill passed,

And its title was agreed to;

A message from the Governor being announced E. Greene Durbin, Esq., his private secretary appeared and delivered the following

### MESSAGE :

#### MR. PRESIDENT :

I am directed by the Governor to inform the Council, that he did on the 3d inst. approve and sign the following bills which originated in the Council.

No. 15, An act to incorporate the city of Saint Anthony;

No. 46, An act granting to O. W. Streeter the right to establish and maintain a ferry across the Mississippi river;

No. 37, An act to incorporate the Boston and Minnesota Mining Company;

No. 41, An act changing the name of Ann Elizabeth White, to Ann Elizabeth Tinker;

No. 30, An act allowing a change of venue in certain cases, and for other purposes;

No. 39, An act granting to Carmi P. Garlick the right to establish a ferry over St. Croix river;

No. 9, A bill granting to William W. Sweeney, Wm. Leonard, Richard Freeborn, and Morris Hobart, the right to establish and maintain a ferry across the main channel of the Mississippi river;

No. 33, An act for the benefit of Common Schools of the Territory of Minnesota, and for other purposes;

No. 43, An act granting to William L. Ames, George Hezlep, George W. Farrington, C. H. Parker, William B. Dodd the right to establish a ferry across the Minnesota river;

No. 5, An act to incorporate the Transit Railroad Company;

No. 24. An act to change the time of holding Courts in the county of Ramsey.

No. 16, An act to amend an act granting to James M. Goodhue and Isaac N. Goodhue, the right to maintain and establish a ferry across the Mississippi river;

No. 12, An act granting to O. H. Kelley the right to establish and maintain a ferry across the Mississippi river;

No. 27, An act to amend an act entitled an act to amend an act to incorporate the St. Croix Boom Company;

No. 48, An act to incorporate the Root River Valley and Southern Minnesota Railroad Company;

[No. 4, C F,] Joint resolution relative to the Distributing Post Office at Dubuque; Was taken up and read a third time.-

The question then recurring on the passage of the resolution,

It was passed;

And the title agreed to.

Mr. Brown, on leave granted, introduced,

[No. 5, C F,] Joint resolution relative to the continuance of the Distributing Post office at Dubuque, Iowa;

The resolution was read a first and second times;

The rule was suspended and the bill read a third time.

The question being on the passage of the resolution,

It was passed.

And the title agreed to;

Mr. Van Etten from the joint committee on enrolled bills, made the following

### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions:

(No. 27, H of R,) A bill for an act to locate a Territorial road;

(No. 73, H of R,) A bill for an act to locate the county seat of Le Sueur county;

(No. 74, H of R,) An act to provide for the appointment of commissioner, &c.;

(No. 60, H of R,) An act granting ferry charter to J. L. Wilson, &c.;

(No. 31, C F,) An act to incorporate the Mississippi river, &c.;

(No. 86, H of R,) Joint resolution providing copies of records, &c.,

(No. 51, H of R,) An act to incorporate the Sisters, &c.

I. VAN ETTEN,

*Chairman Council Com.*

J. ROLETTE.

A message from the House being announced, J. C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

### MESSAGE :

MR. PRESIDENT:—

The Governor has informed the House that he did, on the third day of February, approve and sign the following bills:

30—C. J.

(No. 25, H of R,) An act to authorize the construction of a dam across the Crow River;

[No. 33, H of R,] An act to locate a territorial road from St. Cloud to intersect the old Red River road of the north;

[No. 77, H of R,] An act to provide for the election of supervisor of roads, and other purposes;

[No. 76, H of R,] An act granting to Ira Myrick the right to establish and maintain a ferry across the Minnesota river at Le Sueur city;

[No. 34, H of R,] An act relative to the county seat of Houston county;

[No. 4, H of R,] An act to incorporate the Stillwater ferry company;

[No. 18, H of R,] A memorial to Congress for \$10,000 for the continuation of the Mendota and Wabashaw road;

[No. 7, H of R,] An act granting to Lewis Stone, George Houghton and H. N. Corbett the right to establish and maintain a ferry across the Mississippi river;

[No. 9, H of R,] An act granting to Samuel McManus, William Creighton and James C. Beekman, the right to establish and maintain a ferry across the Mississippi river;

[No. 13, H of R,] An act entitled an act to incorporate the Monticello academy at Monticello.

[No. 8,] An act to amend an act entitled an act to incorporate the St. Anthony Boom company.

Approved Feb. 27, 1854.

[No. 15,] An act to incorporate the Lake Pepin Boom company.

The House has concurred in Council amendments to,

[No. 70, H of R,] An act to incorporate the county of Stearns, and for other purposes.

The Speaker has signed the following bills:

[No. 47, C F,] A bill relative to execution of trust, &c.

An act for a line of telegraph from St. Paul to St. Anthony and Minneapolis.

An act granting to George R. Stuntz the right to establish and maintain a ferry across the St. Louis river.

Joint resolution relative to error in the charge of \$33,17 to the county of Washington by the territorial treasurer in the year 1850.

An act granting to Moses Perrin and Joseph H. Tyler the right to establish and maintain a ferry across Lake St. Croix,

The President signed said bills.

The House has passed,

[No. 29, C F,] A bill legalizing the town of Winona,

With an amendment and an amendment to its title;

In which the concurrence of the Council is requested.

On motion of Mr. Brown,

The rule was suspended and

(No. 6, C F,) Joint resolution relative to the publication of the general laws;

Which resolution was read a first and second times.

The rules were suspended and it was read a third time by its title.

Passed and the title agreed to.

Messages from the House being in order,

(No. 29, C F,) A bill legalizing the town of Winona,

Was taken up.

The question recurring on agreeing to the House amendments to said bill,

The amendments were concurred in.

On motion of Mr. Olmsted,

The Council adjourned until 8 o'clock this evening.

WM. P. MURRAY,

*President.*

Attest:

A. J. MORGAN,

*Secretary.*

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### EVENING SESSION.

8 O'CLOCK.

Council met pursuant to adjournment,

A message from the House being announced, James C. Shepley, Esq., chief clerk thereof, appeared and delivered the following

#### MESSAGE:

MR. PRESIDENT:

The House has indefinitely postponed the following bill,

[No. 50, C F,] A bill relating to certain records of the District Court of the counties of Fillmore and Winona.

The Speaker has signed the following bills:

An act to incorporate the Minnesota and Northern Pacific R. R. Co.

An act to amend an act entitled an act to incorporate the city of St. Paul, Ramsey county, M. T.

An act to incorporate the city of Stillwater, Washington county, M. T.

The President signed said bills:

The question recurring on concurring in House amendment to

(No. 29, C F,) A bill legalizing the town of Winona;

Mr. Brown moved,

To strike out of line five sec. 2 "having performed" and insert "commencing;"

Which motion was adopted.

Mr. Freeborn moved

To reconsider the vote by which the Council amendment to the House amendment was adopted.

Which motion prevailed.

The question recurring on concurring in Council amendment to House amendment,

The Council refused so to do.

The question then recurring on concurring in House amendment,

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

Yeas 6, }

Nays 2. }

Those who voted in the affirmative were,

Mr. Freeborn,

Stearns,

Mower,

Van Etten,

Olmsted,

President—6.

Those who voted in the negative were

Mr. Brown,

Stimpson—2.

So the House amendment was concurred in.

A message from the Governor being announced,

E. Greene Durbin, Esq., his private secretary, appeared and delivered the following

### MESSAGE.

MR. PRESIDENT:—

I am directed by the Governor to inform the Council that he has approved and signed the following bill, which originated in the Council:

No. 34. A bill to provide for the apportionment of members of the Legislative Assembly of this Territory.

On motion of Mr. Brown,

(No. 42, H of R,) A bill to provide for the destruction of Wolves,

Was taken up.

Mr. Olmsted moved

To strike out all after the enacting clause and insert a new bill,

Which motion was adopted.

Mr. Freeborn moved

To add section 3.

Which motion was lost.

The question recurring on ordering the bill to a third reading,

It was so ordered.

And the bill read a third time.

The question then recurring on the passage of the bill,

It was passed and the title agreed to.

(No. 84, H of R,) A bill for an act granting to Anton Enholte, John H. Febbe and Geo. Lodenbeck, the right to establish and maintain a ferry across the Minnesota River.

Mr. Brown offered an amendment to the bill,  
Which was adopted;  
The bill was read a third time,  
The bill was then passed;  
The question recurring on agreeing to its title,

Mr. Brown moved,

To strike out all after the word bill and insert An act relating to the time when certain laws shall take effect,

Which was adopted;  
The title was then agreed to.

On motion of Mr. Brown,  
The vote was reconsidered by which the bill passed;  
Mr. Brown offered the following amendment to the bill;

After the words after publication add "in one of the newspapers of this Territory,"  
Which was adopted;  
The bill was then passed.

Mr. Van Etten, from the Joint Committee on Enrolled Bills, made the following

### REPORT:

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

(No. 87, H of R,) A bill for an act relative to the terms of the courts to be held in certain counties, and for other purposes.

(No. 12, H of R,) An act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher, his wife.

(No. 70, H of R,) An act to organize the county of Stearns, and other purposes.

(No. 38, C F,) An act to incorporate the Pittsburg and Minnesota Mining Company.

I. VAN ETTEN,  
*Chairman Coun. Com.*  
J. ROLETTE,  
D. F. BRAWLEY,  
*House Committee.*

A message from the House being announced J. C. Shepley, Esq., Chief Clerk thereof appeared and delivered the following

## MESSAGE:

**MR. PRESIDENT:**

The Speaker has signed the following bill:

An act to organize the county of Stearns, and for other purposes;

An act to incorporate the Pittsburgh and Minnesota Mining Company;

An act to dissolve the marriage contract between George H. Fletcher and Jane Fletcher his wife;

The President signed said bills:

The Governor has informed the House that he did on the 3d inst. approve and sign the following bills:

No. 14, An act granting to Moses Perrin and Joseph H. Tyler the right to establish and maintain a ferry across Lake St. Croix;

No. 37, An act granting to George R. Stuntz the right to establish and maintain a ferry across the St. Croix river;

Joint resolution relative to error in the charge of \$33,17 to the county of Washington by the Territorial treasurer in the year 1850;

An act to locate a Territorial road from St. Augusta on the Mississippi river to Lac Traverse;

An act providing that copies of Records in the office of Register of Deeds may be admissible in evidence;

An act granting to John L. Wilson, Anton Edelbrock and William A. Corbett the right to establish and maintain a ferry across the Mississippi river, at St. Cloud, and for other purposes;

An act to incorporate the Sisters Propagation of the Faith Society of St. Joseph, Pembina;

And then he withdrew.

Mr. Brown moved,

That the Council proceed to elect a committee of two to act in conjunction with the House committee apportioning the Territory into legislative districts, in August next, as provided by a law of the present session;

Which motion was adopted.

Mr. Freeborn nominated Mr. Brown as one of said committee.

The Secretary called the roll and the following was the result:

Mr. Brown	voted for	Mr. Stimson.
" Freeborn	"	" Brown.
" Mower	"	" Brown.
" Olmsted	"	" Brown.
" Stearns	"	" Brown.
" Stimson	"	" Brown.
" President	"	" Brown.

Mr. Brown received 6.

" Stimson received 1.

Mr. Brown received a majority and was elected.

The Council proceeded to elect the second member of the Committee.

Mr. Stearns nominated Mr. Stimson.

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

Mr. Brown voted for Mr. Stimson.

Freeborn " Stimson.

Mower " Stimson.

Olmsted " Stimson.

Stearns " Stimson.

Stimson " Freeborn.

President " Stimson.

Mr. Stimson received 6 votes.

Freeborn " 1 "

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

A message from the House being announced,

J. C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

### MESSAGE.

MR. PRESIDENT:—

The House of Representatives have elected Messrs. Hanson, Davis and Cave, on the part of the House, to act under the apportionment law in the Joint Committee to apportion the Representation of the Legislative Assembly of this Territory.

The House has passed

(No. 4, C F,) Joint resolution relative to the Distributing Post Office.

The Speaker has signed the following bill:

(No. 87, H of R,) An act relative to the terms of the courts to be held in certain counties, and for other purposes.

The President of the Council then signed said bill.

Mr. Van Etten from the joint committee on enrolled bills made the following.

### REPORT :

The joint committee on enrolled bills have examined and found correctly enrolled the following bills, memorials, and joint resolutions:

[No. 29, C F,] A bill for an act legalizing the town of Winona, and for other purposes;

(No. 4, C F,) Joint Resolution relative to distributing post office.

I. VAN ETTEN;

*Chairman Council Com.*

A. M. FRIDLEY,



A message from the Governor being announced, S. S. Andros appeared and delivered the following

### MESSAGE :

MR. PRESIDENT :

I am directed by the Governor to inform the Council that he has approved and signed the following bill which originated in the Council :

(No. 49,) An act prescribing the rules and regulations for the execution of the trust arising under the act of Congress entitled, an act for the relief of citizens of towns upon lands of the United States, under certain circumstances.

An error having been discovered in,

(No. 87, H of R,) "A bill relative to the time of holding Courts in certain counties, and for other purposes;" after it had been enrolled and signed by the Speaker of the House and President of the Council and when it was before the Governor for his approval.

Mr. Brown, unanimous consent being given, introduced the following Joint

### RESOLUTION :

*Resolved*, The House concurring, that the Enrolling Committee be hereby instructed so to change the act relative to the terms of courts to be held in certain counties, and for other purposes, that it will attach the counties of Cass, Todd and Davis to the county of Stevens for judicial purposes. Also to strike out so much of said bill as attaches the counties of Carver and Wright, to the county of Hennepin, also that the counties of Wright and Stearns, and the county or counties thereunto attached shall form a part of the second Judicial district.

Mr. Van Etten moved,

To amend the resolution by adding the following :

Provided, That nothing in this section shall be so construed as to alter or change the Judicial Districts in this Territory, as they heretofore existed either in limiting to numbers, except so far as the same relates to, and effects the new counties established by the present Legislature.

Which was adopted ;

The resolution as amending the rules being suspended, was then read a first, second and third times and passed.

A message from the House being announced,

J. C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

### MESSAGE.

MR. PRESIDENT :—

The House has concurred in Council amendments to

[No. 81, H of R,] A bill for an act granting to George A. McLeod the right to establish and maintain a ferry across the Minnesota River, at a point at or near the residence of said McLeod, in "Traverse," in the county of Nicollet.

The House has indefinitely postponed

[No. 6, C F,] Joint resolution relative to instructing the enrolling committee to have the bill correctly enrolled which refers to dividing the Territory into Judicial Districts.

The resolution is herewith returned.

The House has passed

[No. 3, H of R,] Joint resolution relative to the payment for translating of certain public documents.

The House has passed

[No. 40, C F,] A bill to incorporate the Minnesota Life, Fire and Marine Insurance Company,

With amendments, and amendment to its title;

In which the concurrence of the Council is requested.

The bill is herewith returned, with sundry petitions.

The House has passed

[No. 88, H of R,] An act to defray the expenses of the Legislative Assembly of Minnesota Territory, and for other purposes.

In which the concurrence of the Council is requested.

No. 3, H of R, Joint Resolution,

Was read a first and second times, and,

On motion of Mr. Stearns,

Was laid on the table.

(No. 40, C F,) Was then taken up.

Mr. Stearns demanded a call of the Council;

And Messrs. Kittson, Olmsted and Van Etten were reported absent.

On motion of Mr. Brown,

Messrs. Kittson and Olmsted were excused from further attendance this evening,

And Mr. Van Etten appeared in his seat.

The question being on concurring in first House amendments to,

(No. 40, C F.)

Mr. Freeborn called for the reading of the petitions relative thereto which were read;

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

Yeas 4, }

Nays 3. }

Those who voted in the affirmative were,

Mr. Freeborn,

Mower,

Stimson,

President—4.

Those who voted in the negative were,

Mr. Brown,

Stearns,

Van Etten—3.

So the first amendment prevailed.

The question recurring on concurring in the second amendment to said bill,

31—C. J.

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

Yeas, 3, }  
Nays, 4. }

Those who voted in the affirmative were,

Mr. Freeborn,

Stimson,

President—3.

Those who voted in the negative were,

Mr. Brown,

Mower,

Stearns,

Van Etten—4.

The second amendment did not prevail.

The question recurring on concurring in the third amendment,

It was concurred in.

The fourth amendment was lost.

On motion of Mr. Brown,

(No. 3, H of R,) Joint resolution relative to the payment for translating certain public documents,

Was taken up.

The question recurring on the passage of the resolution,

The Council refused to pass the resolution.

Mr. Brown, on leave, introduced

(No. 7,) Joint resolution relative to the printing of the Laws and Journals;

Which was read a first and second times.

On motion of Mr. Brown,

The rule was suspended.

The resolution was read a third time and passed, and the title agreed to.

Mr. Brown, on leave, introduced

(No. 8, C F,) Joint resolution relative to the apportionment of Representation.

Which was read a first and second time.

On motion of Mr. Brown,

The rule was suspended and the resolution read a third time.

The resolution then passed and the title was agreed to.

On motion of Mr. Stearns,

The Council resolved itself into a Committee of the Whole,

Mr. Stearns in the chair,

Having under consideration,

(No. 88, H of R,) An act to defray the expenses of the Legislative Assembly of the Territory of Minnesota, and for other purposes;

And after some time passed therein, the committee rose, and by their chairman reported the same back to the Council without amendment;

The report was accepted.

The question recurring on ordering the bill to a third reading,

Mr. Van Etten moved,

To amend the bill by adding to the appropriation of Rev. Mr. Ledon, a cypher, thereby increasing the amount allowed him from \$20 to \$200;

Which motion prevailed.

On motion of Mr. Stearns,  
The rules were suspended and the bill read a third time;  
The question recurring on the passage of the bill,  
It was passed,  
And the title agreed to;

Mr. Van Etten moved,

That a committee of two be appointed to act in conjunction with a similar committee on the part of the House, to wait on His Excellency the Governor, and ascertain whether he has any other communications to make to the Legislature;

Which motion was lost.

A message from the House being announced,

James C. Shepley, Esq., Chief Clerk thereof, appeared and delivered the following

### MESSAGE :

**MR. PRESIDENT:—**

The House has passed Council Joint Resolution in relation to the apportionment of the members of the Legislative Assembly of this Territory;

Also,

Council Joint Resolution relative to the printing and binding of the Laws and Journals, of the present Assembly;

The House has concurred in Council amendment,

(No. 88, H of R,) An act to defray the expenses of the Legislative Assembly of the Territory of Minnesota, and for other purposes;

The Speaker has signed said bill;

The President has signed said bill:

The House has rec'deed from its second and fourth amendments to,

(No. 40, C F,) A bill to incorporate Minnesota Life, Fire and Marine Insurance Company;

The Speaker has appointed Messrs. Davis and Register a committee to act in conjunction with a similar committee to be appointed by the Council, to wait upon his Excellency the Governor and inquire if he has any further communications to make to the two houses.

The Governor has informed the House that he has approved and signed the following bill:

(No. 88, H of R,) An act to defray the expenses of the Legislative Assembly of the Territory of Minnesota, and for other purposes;

The House has indefinitely postponed the Joint Resolution for a change in bill relative to terms of Courts in the this Territory.

Mr. Stearns in the chair;

On motion of Mr. Murray,

A committee of two was appointed to act in conjunction with a similar committee on the part of the House, to wait on the Governor and ascertain whether he has other communications to make to the Legislative Assembly.

The President appointed Stearns and Freeborn said committee.

Mr. Stearns from the joint committee appointed to wait on the Governor and ascertain whether he had any further communications to make to this Legislative Assembly, presented the following;

EXECUTIVE DEPARTMENT, M. T., }  
March 3, 1855. }

*To the President of the Council:*

I have the honor to inform the Council that I have no further communications to make to them.

W. A. GORMAN.

On motion of Mr. Stearns,  
The Council adjourned *sine die*.

WM. P. MURRAY,  
*President.*

*Attest:*

A. J. MORGAN,  
*Secretary.*

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**JOURNAL**  
**OF THE**  
**EXECUTIVE SESSION OF THE COUNCIL,**  
**OF THE**  
**TERRITORY OF MINNESOTA.**

*During the Sixth Session of the Legislative Assembly, begun and held at St. Paul, Wednesday, the third day of January, 1855, and published by authority of the rules of the Council, separate from the Legislative proceedings.*

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# JOURNAL OF THE EXECUTIVE SESSION.

## FRIDAY.

MARCH 2, 1855.

The lobby being cleared, and none but the members and sworn officers of the Council present,

On motion of Mr. Van Etten,

The following message, on executive business, from his Excellency the Governor, was then read, viz:

EXECUTIVE DEPARTMENT, MINNESOTA TERRITORY, }  
February 28th, 1855.

*To the President of the Council:*

SIR:—I have the honor, to ask the advice and consent of the Council, to the following nominations of Notaries Public, to wit;

L. E. Thompson, Stillwater,	March 8th, 1854.
Robert Fairbanks, Long Prairie,	" 10th, "
William Lauver, Goodhue county,	" 10th, "
William L. Ames, Ramsey "	" 9th, "
Theodore Borup, Ramsey "	" 10th, "
William B. Gere, Winona, "	" 18th, "
Charles J. Henniss, Ramsey "	April 21st, "
Willim P. Murray, Ramsey "	May 9th, "
William Richardson, " "	" 9th, "
William Brewster, " "	" 9th, "
C. L. Willis, " "	" 9th, "
Lewis Branson, Mankato,	" 9th, "
Freeman C. Taylor, Washington county,	" 9th, "
Thomas B. Hunt, Saint Paul,	" 9th, "
F. McCormick, Ramsey county,	" 31st, "
John Keys, Winona,	August 9th, "
Abraham F. Hary, Houston county,	" 9th, "
Benjamin H. Randall, Pierce county,	" 10th, "



George Hezlep, Ramsey county,	Aug. 15th, "
George W. Farrington, Ramsey county,	" 15th, "
Wilbur M. Hayward, Ramsey county,	September, 1st, "
John H. Smith, Brownsville,	" 19th, "
T. H. Smith, Saint Paul,	" 18th, "
E. M. Patridge, Saint Paul,	" 23d, "
B. F. Tillsteen, Fillmore county,	October, 12th, "
P. P. Humphrey, Kasota,	" 12th, "
E. M. Tracy, Saint Anthony,	" 12th, "
O. T. Hayes, Dakota county,	" 13th, "
J. C. Shepley, Ramsey county,	" 18th, "
A. C. Dunn, Benton county,	" 20th, "
A. Gale, Dakota county,	November, 9th, "
O. H. Kelley, Benton county,	" 9th, "
Philander Sanford, Goodhue county,	" 20th, "
L. W. Folsom, Chisago county,	December, 5th, "
C. D. Gillfillan, Ramsey county,	" 15th, "
W. H. Tompkins, Ramsey county,	" 15th, "
J. F. Hoyt, Ramsey county,	" 18th, "
C. H. Drew, Sibley county,	" 28th, "
H. A. Lambert, Saint Paul,	January, 4th, 1855.
R. Fairbanks, Cass county,	" 4th, "
E. H. Day, St. Anthony,	" 18th, "
F. M. Crepean, Hennepin county,	" 19th, "
J. B. Wakefield, Scott county,	" 20th, "
William B. Dodd, Nicolet county,	" 24th, "
R. K. Whitsley, Wabashaw county,	" 25th, "
J. D. Jenkins, Rice county,	" 26th, "
L. C. Dayton, St. Paul,	February, 7th, "
O. Mallmross, Ramsey county,	" 7th, "
G. N. Willis, Fillmore county,	" 8th, "
Joseph Ford, Goodhue county,	" 18th, "
A. E. Greenleaf, Scott county,	" 18th, "
H. L. Edwards, Fillmore county,	" 20th, "

Very Respectfully,

Your Obedient Servant,

W. A. GORMAN.

Mr. Brown moved,

That the nominations of Notaries Public, by his Excellency, the Governor, be now taken from the table;

Which motion being put,

It was agreed to;

The question then recurring,

"Will the Council advise and consent to the appointment of L. E. Thompson of Stillwater as Notary Public?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Robert Fairbanks, as Notary Public for Long Prairie?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of Wm. Lauver, as Notary Public for Goodhue county?"

The question then recurring,

"Will the Council advise and consent to the appointment of M. L. Ames, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Theodore Borup, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. B. Gere, as Notary Public for Winona county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Chas. J. Henniss, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. P. Murray, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. Richardson, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. Brewster, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. L. Mills, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Lewis Branson, as Notary Public for Maukato?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. C. Taylor, as Notary Public for Washington county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Thomas B. Hauk, as Notary Public for St. Paul?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. McCormick, of Ramsey county, as Notary Public?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Jno. Keyes, as Notary Public for Winona county?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of A. J. Hary, as Notary Public for Houston county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of B. H. Randall, as Notary Public for Pierce county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wilber Hayward, as Notary Public for Ramsey county?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of Geo. Heslep, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Geo. W. Farrington, as Notary Public of Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Jno. H. Smith, as Notary Public for Brownsville?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. M. Smith, as Notary Public for St. Paul.

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of E. M. Patridge, as Notary Public for St. Paul?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of B. F. Tillotson, as Notary Public for Fillmore county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of P. P. Humphrey, as Notary Public for Kasota county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of L. M. Tracy, as Notary Public for St. Anthony?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of O. P. Hayes, as Notary Public for Dakota county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Alexander Farribault, as Notary Public for Rice county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. C. Shepley, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of A. C. Dana, as Notary Public for Benton county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Artemas Gale, as Notary Public for Dakota county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of O. H. Kelley, as Notary Public for Benton county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Philander Sandford, as Notary Public for Goodhue county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of L. W. Folsom, as Notary Public for Chisago county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. D. Gillfillan, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of W. H. Tompkins, as Notary Public for Ramsey county?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. F. Hoyt, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of H. A. Lambert, as Notary Public for St. Paul?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. H. Drew, as Notary Public for Sibley county?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of R. Fairbanks, as Notary Public for Cass county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. M. Cripean, as Notary Public for Hennepin county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. B. Wakefield, as Notary Public for Scott county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. B. Dodd, as Notary Public for Nicollet county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of R. K. Whitely, as Notary Public for Wabashaw county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. D. Jenkins, as Notary Public for Rice county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of S. C. Dayton, as Notary Public for St. Paul?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of E. H. Day, as Notary Public for St. Anthony?"

It was decided in the negative,

The question then recurring,

"Will the Council advise and consent to the appointment of O. Malmross, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of G. N. Willis, as Notary Public for Fillmore county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Joseph Ford, as Notary Public for Goodhue county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of E. A. Greenleaf, as Notary Public for Scott county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of H. L. Edwards, as Notary Public for Fillmore county?"

It was decided in the affirmative.

On motion of Mr. Stearns,  
The Secretary of the Council was instructed to inform his Excellency the Governor,  
of the proceedings of this Executive Session.

On motion of Mr. Van Etten,  
The Executive Session closed.

WM. P. MURRAY,  
*President of the Council.*

Attest:

A. J. MORGAN,  
*Secretary.*







# INDEX.

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## A.

### APPORTIONMENT OF MEMBERS OF ASSEMBLY—

Notice of bill to provide for,	11
Read first and second time,	12
Referred to committee of three,	26
Bill reported,	57
Bill reported by committee,	158
Amended,	172
Laid on the table,	172
Ordered engrossed,	175
Vote ordering engrossment reconsidered,	176
Bill laid on the table to be printed with amendments,	176
Read a third time,	184
Passed,	184
Title agreed to,	184
Passed by House, amended,	207
House amendments concurred in,	208
Reported enrolled,	214
Signed by Speaker,	218
Signed by President,	218
Approved,	236

### AUCTIONEERS—

Notice of bill amending act relating to,	66
33—c. J.	

Read first and second time,	70
Read a third time,	71
Bill passed,	71
Title agreed to,	71
Enrolled,	87
Signed by Speaker,	93
Signed by President,	93
Approved by the Governor.	—

#### APPORTIONMENT—SUPPLEMENTARY ACT—

Bill introduced,	216
Read first and second time,	216
Read a third time,	216
Passed,	216
Title agreed to,	216
Rejected in House,	219

#### ASSESSORS—ACT RELATING TO—

Notice of bill to amend,	12
--------------------------	----

#### ADJOURNMENT OF ASSEMBLY—

Resolution read first and second time,	106
Read a third time,	106
Passed,	106
Title agreed to,	106
Vote passing reconsidered,	109
Secretary instructed to ask H. of R. for said bill,	109

#### APPORTIONMENT OF REPRESENTATION—

Joint Resolution introduced,	242
Read first and second time,	242
Read a third time,	242
Passed,	242
Title agreed to,	242
Passed by House,	243

#### ACADEMIES—

##### MONTICELLO,

Bill to incorporate received from the House,	147
--	-----

Read first and second time,	148
Amended,	149
Read a third time,	154
Passed,	154
Title agreed to,	154
Bill returned by House,	166
Council recedes from amendment,	167
Reported enrolled,	207
Signed by Speaker,	213
Signed by President,	213
Approved,	234

## STILLWATER.

Bill to incorporate received from House,	202
Read first and second time,	202
Amended,	202
Read a third time,	202
Passed,	202
Council refuses to recede from its amendment,	218
House refuses to concur in Council amendment,	220

**B**

## BINDING OF JOURNALS—

Introduced by resolution,	73
Read a first and second time,	73
Bill passed,	73
Title agreed to,	73
Enrolled,	88
Signed by the Speaker,	93
Signed by President,	93
Approved by the Governor,	104

## BOARD OF TRADE—

Bill for an act introduced,	101
Amended,	106
Ordered engrossed,	106
Engrossed,	108
Read a third time,	109
Passed,	109
Title agreed to,	109

## BOUNDARIES OF COUNTIES—

Bill introduced to define,	71
Read first and second time,	71
Amended,	79
Laid on the table,	79
Referred to Select Committee,	84
Reported by bill,	98
Read a first and second time,	104
Ordered engrossed,	104
Reported engrossed,	104
Amended,	104
Read a third time,	104
Passed,	104
Title agreed to,	104
Passed by House,	144
Reported enrolled,	150
Signed by Speaker,	150
Reported enrolled,	166
Signed by Governor,	175

## BOSTON AND MINNESOTA MINING COMPANY—

Notice of bill incorporating,	158
Read first and second time,	170
Read a third time,	176
Passed,	176
Title agreed to,	176
Amended,	190
Read a third time,	190
Passed,	190
Title agreed to,	190
Passed by House,	214
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Approved,	232

## BOOM COMPANIES—

## ST. ANTHONY.

Bill to amend act incorporating received from House,	136
Read first and second time,	156
Referred to a select committee,	161

Reported amended,	167
Report accepted,	167
Bill passed,	167
Title agreed to,	167
Read a third time,	168
Passed,	168
Title agreed to,	168
Reported enrolled,	197
Signed by Speaker,	212
Signed by President,	213
Approved,	234

## ST. CROIX.

Bill for act amendatory read a first and second time,	146
Amended,	156
Ordered engrossed,	156
Reported engrossed,	159
Vote engrossing reconsidered,	162
Referred to Select Committee,	162
Reported amended,	167
Amendments concurred in,	167
Read a third time,	167
Passed,	167
Title agreed to,	167
Passed by House, amended,	174
First House amendment receded from,	187
Reported enrolled,	214
Signed by Speaker,	217
Approved,	233

## LAKE PEPIN.

Act to incorporate received from the House,	113
Read a first and second time,	113
Laid on the table,	117
Amended,	150
Referred to Committee on Incorporations,	150
Report of said committee,	154
Read a third time,	155
Passed,	155
Title agreed to,	155
Vote on passage reconsidered,	159
Vote engrossing reconsidered,	162
Bill laid on the table,	162
Amended,	167

Read a third time,	168
Passed,	168
Title agreed to,	168
Secretary allowed to correct his message to House relating to,	174
Council amendments concurred in,	196
Reported enrolled,	207
Signed by Speaker,	213
Signed by President,	213
Approved,	234
Signed by Speaker,	218
Signed by President,	218

## C.

## CHAPLAIN—

J. G. Riheldaffer appointed by Resolution,	10
--	----

## COMMITTEES STANDING—

INTERNAL IMPROVEMENTS.	
Appointed,	23
Parts of Annual Message referred to,	49
TERRITORIAL AFFAIRS.	
Appointed,	23
Parts of Annual Message referred to,	49
JUDICIARY.	
Appointed,	24
Parts of Annual Message referred to,	49
AGRICULTURE AND MANUFACTURES.	
Appointed,	24
Parts of Annual Message referred to,	49
TERRITORIAL EXPENDITURES.	
Appointed,	23
LEGISLATIVE EXPENDITURES.	
Appointed,	24
Parts of Annual Message referred to,	50
MILITIA.	
Appointed,	24
SCHOOLS.	
Appointed,	24
Parts of Annual Message referred to,	49
CORPORATIONS.	
Appointed,	24

Appointed,	TERRITORIAL ROADS.	24
Appointed,	PUBLIC BUILDINGS.	23
Appointed,	PRINTING.	24
Appointed,	ENGROSSED BILLS.	24
Appointed,	ENROLLED BILLS.	24

COVERS OF JOURNALS—

Resolutions relating to read first and second time,	106
Read a third time,	106
Passed.	106
Title agreed to,	106

CENSUS OF TERRITORY—TAKING OF—

Reported by bill,	57
Referred to special committee,	86
Read a third time,	109
Passed,	109
Title agreed to,	109
Passed by House,	152
Enrolled,	168
Signed by Speaker,	190
Signed by President,	190
Approved,	196

CHANGE OF VENUE IN CIVIL ACTIONS—

Notice of bill to provide for,	12
Read first and second time,	152
Reported engrossed,	159
Amended,	160
Ordered engrossed,	169
Read a third time,	168
Passed,	168
Title agreed to,	168
Passed by House, amended,	219
House amendments concurred in,	220
Reported enrolled,	225



Signed by Speaker,	226
Signed by President,	226
Approved,	232

**COLLECTION OF TAXES—**

Notice of bill to provide for,	12
--------------------------------	----

**COMMISSIONER OF EMIGRATION—**

Act for appointment of received from House,	196
Read first and second time,	196
Indefinitely postponed,	199
Vote postponing reconsidered,	205
Secretary instructed to ask of House for further action on,	205
Bill returned to Council,	213
Read a third time,	214
Passed,	214
Title agreed to,	214
Council amendments concurred in by House,	220
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Reported enrolled,	233

**COUNTY AUDITOR—**

Bill to establish office of received from House,	207
Read first and second time,	207
Amended,	210
Read a third time,	210
Passed,	210
Title agreed to,	210
Council refused to recede from its amendment,	218
House refused to concur in Council amendment,	220

**COMMON SCHOOLS—**

Act for benefit of introduced,	158
Amended,	182
Read a third time,	182
Passed,	182
Title agreed to,	182
Passed by House,	201

Reported enrolled,	214
Signed by Speaker,	218
Signed by President,	218
Approved,	232

## COURTS—

Relative to terms of	
Bill relative to in certain counties introduced,	146
Read first and second time,	146
Amended,	168
Read a third time,	169
Passed,	169
Title agreed to,	169
Reported engrossed,	170

## DISTRICT COURT OF FILLMORE AND WINONA COUNTIES.

Records of,	
Bill relative to introduced,	226
Read first and second time,	226
Read a third time,	227
Passed,	227
Title agreed to,	227
Indefinitely postponed in House,	235

## DISTRICT COURT—RECORDS OF.

Bill received from House,	87
Read a first and second time,	92
Referred to Committee on Judiciary,	106

## TERMS OF COURTS.

Bill relative to received from House,	230
Read first and second time,	230
Read a third time,	232
Passed,	232
Title agreed to,	232
Reported enrolled,	237
Signed by Speaker,	239
Signed by President,	239
Passed by House,	152
Enrolled,	178
Signed by Speaker,	190
Signed by President,	190
Approved,	196

## CITY OF ST. PAUL—

Bill amendatory to act incorporating received from House,	207
Read first and second time,	207
Amended,	209
Read a third time,	209
Passed,	209
Title agreed to,	209
House concurs in Council amendments,	220
Reported enrolled,	225
Signed by Speaker,	235
Signed by President,	235

## CITY OF STILLWATER—

Bill to incorporate received from House,	220
Reported enrolled,	225
Signed by Speaker,	235
Signed by President,	235

## COUNCIL—

Convened,	5
Adjourned,	244

## COUNTY OF STEVENS—

Bill to organize amended,	226
Read a third time,	226
Passed,	226
Title agreed to,	226
Signed by Speaker,	234
Signed by President,	234

## COUNTY OF STEARNS—

Act organizing signed by Governor,	224
An act incorporating signed by Governor,	234
Reported enrolled,	237
Signed by Speaker,	238
Signed by President,	238

## CITY OF STILLWATER—

Act to amend act incorporating received from House,	202
Read first and second time,	202
Read a third time,	203
Passed,	203
Title agreed to,	203

## D.

## DISTRIBUTING POST OFFICE—

Joint Resolution introduced,	212
Read a third time,	233
Passed,	233
Title agreed to,	233
Passed by House,	239
Reported enrolled,	239
Resolution to change to Galena received from House,	174
Indefinitely postponed,	174

## DAM ACROSS CROW RIVER—

Bill authorizing construction of, received from the House,	186
Read first and second time,	187
Read a third time,	191
Passed,	191
Title agreed to,	191
Reported enrolled,	224
Signed by the Speaker,	228
Approved,	234

## DURBIN, E. G.—

Recognized as Private Secretary to Governor,	68
Message from,	175
Message from,	175
Message from,	196

## DISTRIBUTING POST OFFICE AT DUBUQUE—

Joint resolution read a first and second times,	233
Passed by Council,	233
Title agreed to,	233

**E****ELECTION OF PERMANENT OFFICERS—**

Vote for President—Mr. S. B. Olmstead elected,	7
Vote for Secretary of Council—Mr. A. J. Morgan elected,	8
Vote for Assistant Secretary—Mr. M. C. Baker elected,	8
Vote for Enrolling Clerk—Mr. W. Colville elected,	8
Vote for Sergeant-at-Arms—Mr. W. C. Johnson elected,	9
Vote for Messenger—Mr. C. B. Chapman elected,	9
Vote for Fireman—Mr. F. J. Bartlett elected,	10
Vote for Messenger, (to fill vacancy)—Mr. E. Dixon elected,	12
Election of Joint Apportionment Committee by Council,	238-239
By House,	239

**ERROR IN BILL RELATIVE TO TERMS OF COURTS—**

Joint resolution introduced.	240
Amended,	240
Read first and second time,	240
Read a third time,	240
Passed,	240
Indefinitely postponed, and bill returned,	241
Indefinitely postponed in House,	243

**F****FERRY COMPANIES—****TO ANTOINE ROBERTS OVER THE MISSISSIPPI.**

Bill granting received from House,	116
Read a first and second time,	116
Referred to committee on incorporations,	116
Amended,	136
Read a third time,	136
Passed,	136
Title amended and agreed to,	136
Amendments not concurred in by House,	144
Council refuses to recede,	149
Committee of conference appointed by House,	155
Vote refusing committee of conference reconsidered,	189
Committee of conference appointed,	189

## TO INCORPORATE WINONA FERRY COMPANY.

Bill received from the House,	147
Read first and second time,	148
Amended,	149
Read a third time,	153
Passed,	153
Title agreed to,	153
Amendments concurred in by House,	166
Enrolled,	178
Signed by Speaker,	189
Signed by President,	202
Approved,	202

## TO WILLIAM M. OLIVER, OVER LAKE ST. CROIX.

Bill received from the House,	147
Read first and second time,	148
Amended,	149
Read a third time,	154
Passed,	154
Title agreed to,	154
Amendments concurred in by House,	166
Signed by Speaker,	189
Signed by President,	190
Approved,	202

## STILLWATER FERRY COMPANY.

Bill to incorporate received from House,	113
Read first and second time,	113
Referred to Committee on Incorporations,	116
Amended,	131
Read a third time,	121
Passed,	121
Title agreed to,	121
Amendments concurred in by House,	166
Reported enrolled,	197
Signed by Speaker,	213
Signed by President,	213
Approved,	234

## RIGHT TO LEWIS STONE, A. C. RIGGS, AND OTHERS—OVER MISSISSIPPI.

Bill granting received from House,	113
Read first and second time,	113
Referred to Committee on Incorporations,	116
Reported back,	171
Read a third time,	171

Passed,	171
Title agreed to,	172
Reported enrolled,	207
Signed by Speaker,	213
Signed by President,	213
Approved,	234

**RIGHT TO SAMUEL H. M'ANUS AND WILLIAM CREIGHTON—OVER MISSISSIPPI.**

Bill granting received from House,	113
Read first and second time,	113
Referred to Committee on Incorporations,	116
Reported back,	171
Read a third time,	171
Passed,	171
Title agreed to,	172
Reported engrossed,	197
Signed by Speaker,	213
Signed by President,	213
Approved,	234

**RIGHT TO O. H. KELLEY TO ESTABLISH—OVER MISSISSIPPI.**

Read first and second time,	70
Ordered engrossed,	75
Engrossed,	79
Read a third time,	80
Passed,	80
Title agreed to,	81
Passed by House,	187
Reported enrolled,	197
Signed by Speaker,	213
Signed by President,	213
Approved,	228
Approved,	232

**RIGHT TO JAMES M. GOODRUE AND ISAAC N. GOODRUE—OVER MISSISSIPPI.**

Notice of bill,	78
Read first and second time,	—
Laid on the table,	101
Taken up and ordered to be engrossed,	104
Engrossed,	108
Read a third time,	109
Passed,	109
Title agreed to,	109
Amended in House,	152
Amendment in House amended and concurred in,	176

House concurs in amendment,	187
Reported enrolled,	197
Signed by Speaker,	212
Signed by President,	213
Approved,	232
RIGHT TO DANIEL F. BRAWLEY—ACROSS THE MISSISSIPPI.	
Bill to amend act read a first and second time,	113
Ordered engrossed,	117
Reported engrossed,	118
Read a third time,	119
Passed,	119
Title agreed to,	119
Passed by House,	165
Enrolled,	178
Signed by Speaker,	190
Signed by President,	190
Approved,	196
TO GEORGE A. M'LEOD—ACROSS MINNESOTA RIVER.	
Amended,	226
Read a third time,	226
Bill passed,	226
Title agreed to,	226
House concurs in Council amendment,	240
TO ANTON ENHOLTE AND OTHERS—ACROSS MINNESOTA RIVER.	
Amended,	237
Read a third time,	237
Passed,	237
Title amended and agreed to,	237
Vote passing reconsidered,	237
Bill amended,	237
Passed,	237
OPPOSITE RED WING.	
Notice of bill,	52
CROW RIVER FERRY.	
Notice of bill,	56
Introduced,	158
Amended,	206
Read a third time,	206
Passed,	206
Title agreed to,	206



## CARMÍ P. GARLIC—ACROSS ST. CROIX.

Read first and second time,	171
Amended,	197
Read a third time,	197
Passed,	197
Title agreed to,	197
Passed by House,	220
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Approved,	232

## TO W. L. AMES AND OTHERS—ACROSS MINNESOTA RIVER

Bill introduced,	181
Read first and second time,	181
Read a third time,	182
Passed,	182
Title agreed to,	182
Passed by House,	201
Amendments of House concurred in,	202
Reported enrolled,	214
Signed by Speaker,	217
Signed by President,	218
Approved,	232

## TO IRA MYRICK—OVER MINNESOTA, AT LE SUEUR.

Bill received from the House,	195
Read first and second time,	196
Reported enrolled,	224
Signed by Speaker,	228
Signed by President,	228
Approved,	234

## TO GEO. R. STUNTZ—ACROSS ST. CROIX.

Bill introduced from the House,	195
Read first and second time,	196
Amended,	199
Read a third time,	200
Passed,	200
Title agreed to,	200
House concurs in Council amendment,	220
Reported enrolled,	231
Signed by Speaker,	234
Signed by President,	234
Approved,	232

## TO MOSES H. PERRIN AND OTHERS—ACROSS LAKE ST. CROIX.

Bill received from House,	195
Read first and second time,	196
Amended,	199
Passed,	199
Title agreed to,	199
House concurs in Council amendment,	220
Reported enrolled,	231
Signed by Speaker,	234
Signed by President,	234
Approved,	238

## TO JOHN HAMILTON—ACROSS ST. CROIX.

Bill introduced from House,	148
Read first and second time,	148
Amended,	149
Read a third time,	153
Passed,	153
Title agreed to,	153
Amendments concurred in by House,	166
Reported enrolled,	177
Signed by Speaker,	190
Signed by President,	190
Approved,	202

## TO ORRIN W. RICE—ACROSS HEAD OF BAY SUPERIOR.

Reported from House,	155
Read first and second time,	156
Read a third time,	161
Passed,	161
Title agreed to,	161
Enrolled,	178
Signed by Speaker,	189
Signed by President,	190
Approved,	202

## TO WILLIAM FOSTER—ACROSS MINNESOTA RIVER.

Bill received from the House,	155
Read first and second time,	156
Read a third time,	161
Bill passed,	161
Title agreed to,	161
Enrolled,	178
Signed by Speaker,	189
Signed by President,	190
Approved,	209

35—C. J.

## TO JOHN L. WILSON AND OTHERS—ACROSS MISSISSIPPI RIVER.

Bill received from House,	207
Read first and second time,	207
Amended,	209
Read a third time,	209
Passed,	209
Title agreed to,	209
House concurs in Council amendments,	220
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Reported enrolled,	233
Approved,	238

## TO JULIUS ANDREWS—ACROSS MINNESOTA RIVER.

Bill amended,	226
Read a third time,	226
Passed,	226
Title agreed to, amended,	226

## TO O. W. STREETER—ACROSS THE MISSISSIPPI.

Bill introduced,	204
Read first and second time,	204
Amended,	206
Read a third time,	206
Passed,	206
Title agreed to,	206
Passed by House,	220
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Approved,	232

## TO SWEENEY AND OTHERS.

Notice of bill,	67
Read first and second time,	67
Amended,	67
Ordered engrossed,	76
Reported engrossed,	79
Read a third time,	80
Passed,	80
Title agreed to,	80
Passed by House,	174
Reported enrolled,	207

Signed by Speaker,	218
Signed by President,	218
Approved by Governor,	232

## FORT SNELLING BRIDGE COMPANY—

Notice of bill to incorporate.	85
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## FLETCHER, GEORGE H., AND JANE—

Bill for divorce received from House,	87
Read a first and second time,	92
Referred to Committee on Incorporations,	92
Reported back,	113
Laid on the table,	117
Reported to Committee on Judiciary,	140
Reported back with recommendation to postpone indefinitely,	204
Referred to Select Committee,	205
Read a third time,	280
Passed,	230
Title agreed to,	230
Reconsideration negatived,	237
Reported enrolled,	238
Signed by Speaker,	238
Signed by President,	238

## I

## IMMIGRATION SOCIETY—

Bill to incorporate received from House,	147
Read first and second time,	148
Not concurred in,	150
Vote reconsidered,	154
Further action on bill requested of House,	154
Read a third time,	162
Passed,	162
Title agreed to,	178
Enrolled,	189
Signed by Speaker,	190
Signed by President,	202
Approved,	

## IMPRISONMENT FOR DEBT—

Bill to abolish, received from House,	186
Read first and second time,	187
Read a third time,	191
Passed,	191
Reported enrolled,	224
Signed by Speaker,	228
Signed by President,	228

## J

## JOINT CONVENTIONS—ACTION OF—

Committee appointed to inform the Governor of the readiness of the Convention to hear anything he might communicate.	31
Governor introduced and Message delivered,	31
Rules governing adopted.	—
Election of printers,	44-47
Election of Bookbinder,	59
Election of Regents of Minnesota University,	59-64
Election of Surveyors General,	65

## JOINT RULES—

Committee appointed to frame,	71
Report of Committee,	111-113
Report adopted,	140

## JOINT RESOLUTION—ERROR OF TREASURER—

Received from House,	203
Read first and second time,	203
Read a third time,	203
Passed,	203
Title agreed to,	203
Reported enrolled,	230
Signed by Speaker,	234
Signed by President,	234
Approved,	236

**L****LEGISLATIVE ACTS—BILL TO AMEND—**

Notice of given,	102
Read a first and second time,	105
Referred to Committee on Incorporations,	117
Reported back,	158
Referred to Committee on Internal Improvements,	162
Reported with amendments,	166
Laid on table to be printed as amended,	176
Read a third time,	197
Passed,	197
Title agreed to,	199

**LITTLE FALLS MANUFACTURING COMPANY—**

Notice of Bill to incorporate,	85
Read a first and second time,	94
Amended,	106
Ordered engrossed,	106
Engrossed,	108
Read a third time,	109
Passed,	109
Title agreed to,	109

**LITTLE FALLS BRIDGE COMPANY—**

Notice of bill to incorporate,	85
Read a first and second time,	111
Amended,	117
Read a third time,	118
Passed,	118
Title agreed to,	118

**LOGS AND LUMBER—**

Notice of bill for survey of,	66
Read a first and second time,	70
Referred to Select Committee,	79
Report of Committee,	88-91
Report not adopted,	99
Bill read a third time,	99

Amended,	99
Passed,	99
Title agreed upon,	99
 LOGS, MASTS, SPARS, &C.—	
Bill to secure owners of received from the House,	214
Read first and second time,	216
 LEGISLATIVE ASSEMBLY EXPENSES—	
Bill to defray received from the House,	241
Amended,	242
Read a third time,	243
Passed,	243
Title agreed to,	243
Passed by House as amended,	243
Signed by Speaker,	243
Signed by President.	243
Approved,	243
 LIFE, FIRE & MARINE INSURANCE COMPANY—	
Bill to incorporate introduced,	171
Read first and second time,	171
Laid on the table,	183
House amendments concurred in.	188
Read a third time,	188
Passed,	188
Title agreed to,	188
Amended and passed by House,	341
Action on in Council,	241, 242
House recedes from its amendments,	243
 LE SUEUR COUNTY SEAT—	
Bill locating received from House,	169
Amended,	173
Laid on the table,	173
Amended,	180-181
Laid on the table to be printed.	181
Vote ordering bill to be printed reconsidered,	192
Read a third time,	201

Laid on the table,	201
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Reported enrolled,	233

**G**

**GERMAN READING SOCIETY—ST. CLOUD—**

Bill to incorporate received from the House,	147
Read first and second times,	148
Passed and title agreed to,	151
Reported enrolled,	178
Signed by Speaker,	189
Signed by President,	190
Approved,	202

**GOVERNOR—REMOVAL OF—**

Notice of memorial for,	99
Governor's Message,	11
Action thereon,	11
Delivered,	31-43
Report referring it to Standing Committees,	49-50
Report as amended,	51
Printing of in different languages,	74

**H . . .**

**HOOK AND LADDER COMPANY, ST. PAUL—**

Bill reported from the House,	155
Read a first and second time,	156
Read a third time,	161
Passed,	161
Title agreed to,	161
Enrolled,	178
Signed by Speaker,	189
Signed by President,	190



## HOUSTON COUNTY, SEAT OF—

Bill relative to received from House,	186
Read first and second time,	187
Read a third time,	192
Passed,	192
Title agreed to,	192
Reported enrolled,	224
Signed by the Speaker,	228
Signed by the President,	228
Approved,	234

## HISTORICAL SOCIETY, MINNESOTA—

Bill supplementary to act incorporating read first and second time,	144
Read a third time,	154
Passed,	154
Title agreed to,	154
Amended and passed by House,	164
Laid on the table to be printed,	187
Taken from the table—action thereon,	184-186
Reported enrolled,	208
Secretary ordered to procure enrollment and to supply lost copy,	208
Signed by Speaker,	218
Signed by President,	218

## HISTORICAL SOCIETY—

Act supplementary to act incorporating received from House,	215
Read first and second time,	215
Rules suspended and read a third time,	215
Passed,	215
Vote passing reconsidered,	215
Action thereon,	215
Bill indefinitely postponed,	215
Vote postponing reconsidered,	219
Passed,	219
Title agreed to,	219

## HENDERSON—TOWN OF—

Notice of bill incorporating,	
Read first and second time and laid on the table,	22

Taken up and read a third time,	56
Passed,	56
Title agreed to,	56
Reported enrolled,	145
Signed by Speaker,	146
Signed by Governor,	175

## LEGISLATIVE ASSEMBLY—

Temporary organization of announced by a committee,	10
Message from, announcing permanent officers elected,	21
Announcing part of Joint Committee appointed to wait on the Governor,	22
Announcing readings of for a joint convention to receive Governor's message,	23
Announcing a committee to act jointly with one from Council to wait	
• on the Governor,	25
Memorial from praying for further mail facilities,	28
Message from announcing readiness to go into joint convention,	29
Messages from,	—
Announcing printing of Report of Superintendent of Common Schools,	49
Announcing readiness to go into joint convention,	57
Announcing memorial to Congress for an appropriation for road from St. Paul to intersect one from Mendota to Wabashaw,	71
Announcing joint committee from House on rules,	71
Announcing bills passed,	78
Announcing passage of bills,	87
Announcing passage of bills,	92
Announcing bills signed by Speaker,	93
Informing Council of veto message, etc.,	103
Announcing bills signed by Speaker,	107
Announcing memorials, etc., signed by Speaker,	110
Announcing passage of bills,	113
Announcing bills signed by Speaker, and passage of bills,	116
Announcing passage of bills,	121
Announcing signing and passage of bills,	144
Announcing passage and signing of bills,	147-148
Announcing bills signed, concurred in, and refusal to concur in,	152
Announcing passage of bills in committee of conference,	155
Announcing passage of bills,	159
Announcing committee of conference and passage of bills,	163
Announcing passage of bill,	164
Announcing signing and passage of bills,	165
Announcing passage of bills,	169

Announcing passage of bills and memorials,	173
Announcing bills passed,	186
Announcing action of House on bills,	187
Announcing bills signed,	189
Announcing bills passed,	195
Announcing passage of bills,	201
Announcing passage of bills,	202
Announcing passage of bills,	207
Announcing passage of bills,	212
Announcing passage of bills,	213
Announcing passage of bills,	217
Announcing passage of bills,	219
Announcing passage of bills,	220
Announcing passage of bills,	224
Announcing signing of bills by Speaker,	227
Announcing signing of bills,	228
Announcing passage of bills,	230
Announcing signing of bills by Governor,	233
Announcing bills signed by Speaker,	237
Announcing Joint Committee on Apportionment and passage of bills,	239
Announcing passage of bills,	242

# M

## MINNESOTA & NORTH-WESTERN RAILROAD COMPANY—

Bill to amend act incorporating, received from House,	79
Amendments to rejected,	81-83
Bill passed,	83
Title agreed to,	83
Enrolled,	88
Signed by Speaker,	93
Signed by President,	93
Returned by Governor with objections,	103
Passed by House by two-thirds vote,	121
Bill, with accompanying documents from Governor laid on the table,	130
Passed by two-thirds vote,	133
Reported enrolled,	177
Signed by Speaker,	189
Signed by President,	190

**MECHANICS' LIEN—**

Bill granting reported from House,	159
Read first and second times,	159
Referred to Committee on Judiciary,	161
Reported back,	171
Referred to Select Committee,	171
Reported amended,	177
All after enacting clause stricken out,	189
Vote striking out reconsidered,	194
Amended,	195
Read a third time,	195
Passed,	195
Title agreed to,	195
House refused to recede,	214
Council amendment not concurred in by House,	214

**MISSISSIPPI RIVER IMPROVEMENT COMPANY—**

Act to incorporate introduced,	157
Read first and second time,	157
Names added to corporators of,	174
Read a third time,	174
Reported engrossed,	176
Passed by House amended,	218
House amendments concurred in,	220
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Reported enrolled,	233

**MINNESOTA & NORTHERN PACIFIC RAILROAD COMPANY—**

Bill to incorporate received from the House,	195
Read first and second time,	196
Council amendments concurred in by House,	220
Reported enrolled,	225
Signed by Speaker,	235
Signed by President,	235

**MEMORIALS TO CONGRESS—**

<b>PRISON, TERRITORIAL—APPROPRIATION TO.</b>	
Read a third time,	106
Passed,	106

Title agreed to,	106
Reported enrolled,	114
Signed by Speaker,	116
Signed by President,	117
<b>MENDOTA AND BIG SIOUX ROAD.</b>	
Memorial for appropriation to received from House,	148
Read a first and second time,	148
Read a third time,	151
Passed,	151
Reported enrolled,	151
Title agreed to,	159
Signed by Speaker,	161
Signed by President,	163
Approved,	201
<b>MENDOTA AND WABASHAW ROAD.</b>	
Bill for continuation of received from House,	174
Read a third time,	179
Passed,	179
Title agreed to,	179
Enrolled,	207
Signed by the Speaker,	213
Signed by President,	213
Approved,	234
<b>. FORT AT PEMBINA RIVER.</b>	
Memorial for erection of received from House,	87
Read first and second time,	92
Read a third time,	93
Passed,	93
Title agreed to,	93
Approved,	103
<b>MILITARY ROAD.</b>	
For the construction of.	
Introduced on leave,	28
Read a first and second time,	28
Ordered engrossed,	56
Engrossed,	57
Read a third time,	58
Concurred in,	58
Title concurred in,	58
Reported enrolled,	108
Signed by Speaker,	110
Signed by President,	113
Approved,	118

## FORT RIDGELY PUBLIC WORKS.

Asking an appropriation for,	
Introduced on leave,	28
Read a first and second time,	28
Ordered engrossed,	56
Reported engrossed,	57
Passed,	57
Title agreed to,	57
Passed by House,	96
Reported enrolled,	95
Signed by Speaker,	107
Approved,	175

## MILITARY ROAD FROM FORT RIPLEY TO PEMBINA.

Read a first and second time,	57
Memorial passed,	67
Title concurred in,	67
Not concurred in by House,	107
Enrolled,	108
Signed by Speaker,	110
Signed by President,	113
Approved,	118

## SWAMP LANDS.

Notice of memorial relating to,	75
---------------------------------	----

## MISSISSIPPI RIVER—IMPROVEMENT OF FROM ST. ANTHONY TO SAUK RAPIDS.

Received from House,	87
Read a first and second time,	92
Read a third time,	93
Passed,	93
Amended in Council,	93
Concurred in by House,	106
Signed by Speaker,	144
Approved,	169

## DIVISION OF THE TERRITORY.

Notice of bill praying for,	57
-----------------------------	----

## MEMORIALS TO THE PRESIDENT OF THE UNITED STATES—

## HALF BREED LANDS.

Memorial to President in relation to introduced,	67
Read first and second time,	67
Read a third time,	75
Passed,	75
Title agreed to,	75

## HALF BREED LANDS.

Bill introduced and read a first and second time,	143
Referred to Committee on Territorial Affairs,	148
Amended,	172
Ordered engrossed,	172
Reported engrossed,	178
Read a third time,	179
Passed,	179
Title agreed to,	179

## MINNEAPOLIS—INCORPORATION OF—

Notice of bill for,	108
---------------------	-----

## MINNESOTA AND NORTH-WESTERN RAILROAD COMPANY—

Statement of its acting President,	68
------------------------------------	----

## M. &amp; N-W. R. R. COMPANY—SUPPLEMENTARY TO ACT AMENDING.

Received from the House,	121
Referred to Committee on Incorporations,	131
Vote referring reconsidered,	132
Referred to Committee on Internal Improvements,	132
Amended,	134
Laid on the table to be printed,	135
Amended,	140-141
Read a third time,	142
Passed,	142
Title agreed to,	142

## MINING COMPANY—

## ST. ANTONY AND LAKE SUPERIOR.

Bill to incorporate, notice of,	143
Read first and second time,	146
Read a third time,	169
Passed,	169
Title agreed to,	169

## MR. MURRAY—

Elected President of Council (to fill vacancy),	131-132
---	---------

## MINNESOTA RIVER—

Notice of bill for improvement of,	23
Read first and second time,	66

Ordered engrossed,	78
Reported engrossed,	79
Passed,	80
Title agreed to,	80
Amended in House,	111
Consideration of indefinitely postponed,	111
Return of bill asked for by House,	116
Secretary instructed to return bill to House,	117
Amended and passed by House,	144
One House amendment not concurred in,	144
House refuses to recede,	152
Committee of conference appointed,	153
Report of committee receding from amendment accepted,	165
Enrolled,	178
Signed by Speaker,	190
Signed by President,	190
Approved,	196

#### MINNESOTA AND WESTERN RAILROAD COMPANY—

Bill to amend act incorporating received from House,	148
Read first and second time,	148
Read a third time,	151
Passed,	151
Title agreed to,	151
Reported enrolled,	159
Signed by President,	161
Signed by Speaker,	163
Reported enrolled,	166
Approved,	201

#### MORGAN, A. J.—

Elected Secretary of Council,	8
Communication from relating to re-enrolled bill,	210

#### N

#### NEWSPAPERS FOR MEMBERS—

Action relating thereto,	23
Action on amended resolution,	27
Thirty copies of Territorial weeklies ordered,	28



## O

OFFICERS APPOINTED *Pro-tem*.—

Mr. Stearns, President,	5
James Starkey, Secretary of Council,	5
Andrew C. Dunn, Assistant Secretary,	5
Samuel McCormell, Enrolling Clerk,	5
William C. Johnson, Sergeant-at-Arms,	5
Perrie Lemay, Messenger,	5
Samuel Nevans, Fireman,	5

## OLMSTEAD, S. B.—

Elected President of Council,	7
Address of, on taking the chair,	7-8
Resignation of,	120
Name substituted on Standing Committees for that of Mr. Murray,	132

## P

## PRINTING OF REPORTS, &amp;c., ORDERED—

Standing Rules—one hundred copies,	38
Statement of Minnesota and North-Western Railroad Company—three thousand copies,	69
Report of Board of Regents of Minnesota University,	55
Report on survey of logs and lumber—two hundred copies,	92
Governor's Message—one thousand copies,	140
Five thousand copies of act to incorporate Minnesota and North-Western Railroad Company, and action of Houses and Governor in relation to the same,	143
Preliminary organization,	5
Members present,	5

## PRINTING LAWS AND JOURNALS—

Joint resolution introduced,	242
Read first and second time,	242
Read a third time,	242
Passed,	242
Title agreed to,	242
Passed by House,	243

**PETITIONS PRESENTED—**

From S. B. Hicks and two hundred and eighty others.	
From W. A. Sweeney and no others,	28
From S. P. Hick's and thirty-four others,	28
From Jonathan Head and nineteen others,	37
From Enoch Winslow and one hundred and thirteen others,	75
From H. K. Goodhue,	78
From J. Allison and forty-eight others,	109
From Z. B. Nichols and ten others,	109
Remonstrating against memorial relative to Half-Breed Lands,	137-139
To change the name of Ann Elizabeth White to Ann Elizabeth Tinker,	161
From W. Sturgis and forty others, praying for division of Benton county,	162
From William H. C. Folsom and twenty-seven others,	171
From W. A. C. Cheever and 16 others,	193-194

**PITTSBURG AND MINNESOTA MINING COMPANY—**

Bill to incorporate introduced,	170
Read first and second time,	170
Amended,	190
Read a third time,	190
Passed,	190
Title agreed to,	190
Passed by House amended,	230
House amendments concurred in,	230
Reported enrolled,	237
Signed by Speaker,	238
Signed by President,	238

**PUBLICATION OF GENERAL LAWS—**

Joint resolution relative to read first and second time,	234
Read a third time,	235
Passed,	235
Title agreed to,	235

**PUBLIC BUILDINGS—**

Resolution from the House for the inspection of, introduced,	87
Read first and second time,	92
Amended,	98
Adopted,	98
House refuses to concur,	106
Committee of Conference appointed,	109

## POSTAGE STAMPS &amp; ENVELOPES—

Resolution empowering Secretary to make provision for, introduced,	12
Correspondence relating to Postage of members,	14-15
Resolution authorizing Secretary to procure,	52
Correspondence of Secretary relating to,	66

## Q

## QUALIFICATION OF OFFICERS—

Officers <i>pro tem</i> .—Oath administered to, by Mr. Stearns,	5
Permanent Officers sworn in by President,	11
Messenger—to fill vacancy—sworn in,	12

## R

## RULES GOVERNING COUNCIL—

Those of preceding session temporarily adopted,	6
Rules reported by committee adopted,	23

## REPRESENTATIVES OF THE PRESS—

Admitted within the bar of the Council,	6
---	---

## RAMSEY COUNTY—DIVISION OF—

Notice of bill,	139
-----------------	-----

## ROOT RIVER VALLEY &amp; SOUTHERN MINNESOTA R. R. COMPANY—

Bill reported from the House,	159
Read first and second time,	159
Amended,	179
Read a third time,	180
Passed,	180
Title agreed to,	180
Vote passing reconsidered,	182
Bill amended,	183
Passed,	183
Title agreed to,	183
Reported enrolled,	217
Signed by Speaker,	218
Signed by President,	218
Approved,	243

## REGENTS OF UNIVERSITY—

Election of,

59-64

## REVISED STATUTES—

Notice of bill to amend,	85
Read a first and second time,	139
Referred to Committee on Judiciary,	148
Reported back,	136
Referred to a Select Committee,	157
Reported back amended,	204
Amended,	206
Passed,	206
Title agreed to,	206

## REVISED STATUTES—SECTION SEVEN, CHAPTER SIXTY SIX—

Bill to amend introduced,	177
Read a first and second time,	177
Action of Council thereon,	203
Ordered engrossed,	206
Reported engrossed,	206
Bill indefinitely postponed,	210
Vote postponing reconsidered,	216
Passed,	216
Title agreed to,	216

## REVISED STATUTES—CHAPTER SEVENTY-TWO—

Notice of bill to repeal,	158
Bill introduced,	165
Read first and second time,	165
All after enacting clause stricken out,	182

## REVENUE LAWS—RAMSEY COUNTY—

Bill to amend read first and second time,	113
Ordered engrossed,	117
Reported engrossed,	119
Read a third time,	119
Passed,	119
Title agreed to,	119
House asked to return bill,	145

## RECORD OF DEEDS—EVIDENCE—

Bill received from the House,	202
Amended,	202
Read first and second time,	203
Read a third time,	203
Passed,	203
Title agreed to,	203
Amendments concurred in by House,	220
Reported enrolled,	225
Read first and second time,	226
Signed by the Speaker,	226
Reported enrolled,	233
Approved,	239

## REVISED STATUTES—

Bill amendatory to introduced,	170
Read first and second time,	170
Laid on the table,	182
Reported engrossed,	187
Amended,	188
Read a third time,	201
Passed,	201
Title agreed to,	201
Rejected in House,	221
Amendment to bill rejected,	221
Bill passed,	222
Indefinitely postponed in House	221
Title agreed to,	222
Vote to reconsider, rejected,	222

## RAMSEY COUNTY—TIME OF HOLDING COURTS—

Bill to change introduced,	143
Read first and second time,	143
Amended,	147
Passed by House,	174
Reported enrolled,	197
Signed by Speaker,	212
Signed by President,	213
Approved,	232

## REVISED STATUTES—

Bill to amend Chap. 73, Sec. 5, received from House,	195
Read first and second time,	196

## RULE 49, AMENDATORY TO—

Notice of bill to repeal,	196
---------------------------	-----

## RELIEF OF CITIZENS—

Bill introduced,	211
Read first and second time,	211
Reported enrolled,	225
Amended and passed in House,	226
House amendments concurred in,	227
Signed by Speaker,	234
*Signed by President,	234
Approved,	240

## RELIEF OF CITIZENS—

Bill amended,	213
Read a third time,	213
Passed,	213
Title agreed to,	213

## RELIEF OF CITIZENS—

Received from House,	163
Read first and second time,	163
Amended,	163
Passed,	163
Title agreed to,	163
Amendments concurred in by House,	166
Further action requested of House, by resolution,	179
Request not complied with by House,	187
President instructed not to sign bill "without further instruction from House,"	188

## RULES AMENDED—

Notice of Resolution amending article fifty-eight,	25
Rule amended,	28
Thirty-seventh rule amended,	67

## REVISED STATUTES—CHAPTER SIXTY-FIVE—

Read first and second time,	158
Entire bill stricken out,	174

## ROSSER, J. T.—

Communication from relating to binding of Journals,	14
---	----

## REPORTS—ANNUAL—

Of Minnesota University—Board of Regents,	53-55
Of Librarian,	95-98

## RESOLUTIONS OFFERED—

For the appointment of J. G. Riheldaffer as Chaplain to the Council.	10
Requesting the Secretary of the Territory to report the reason why the Journals of the last Legislative Assembly have not been printed, bound and delivered, according to law.	10
Declaring the office of Messenger vacant,	11
Requesting the Secretary to provide postage stamps and envelopes for members of Council.	12
Requesting the Secretary of the Territory to furnish members of Council with stationery, memorials and session laws of preceding Legislative Assembly.	13
Allowing each member and officer of Council to subscribe for fifteen copies of newspapers, to be paid for from moneys appropriated to defray the expenses of the Legislative Assembly,	21
Authorizing members of Council to subscribe for sixty newspapers,	—
Authorizing the Secretary of the Council to subscribe for thirty copies of weekly Territorial newspapers for each member and officer of Council,	
Authorizing Secretary to procure stamps and envelopes, for members,	52
Authorizing Secretary to procure the Governor's message printed in English, German and French languages,	52
County of Blue Earth adopted into Minnesota Territory,	57
Appointment of Joint committee to report Joint Rules,	57
Instructing committees of both houses to act jointly on the Apportionment of members of Legislative Assembly,	72
Authorizing members to purchase stationery to the amount of twenty dollars,	73
Relative to binding of Journals,	73
For the inspection of Public Buildings by the committee on the same,	87

From the House, for the inspection of the Public Buildings, by committee on Public Buildings,	92
Instructing Delegate to Congress to move a repeal of that part of our Territorial organic act giving power to Congress to annul Territorial laws,	103-104
Relative to adjournment of Assembly,	106
Relative to covers of Journals of last session,	106
For printing 1,000 copies of Governor's message,	140
For printing 5,000 copies of act incorporating Minnesota & N. W. R. R. Company and amendments, supplements, messages and proceedings relating thereto,	143
Asking House for further action on Bill (71, H. of R.)	179
Directing Secretary to procure of Public Printer, for the Council, copies ordered of the Governor's message and also documents ordered to be printed in relation to the Min. & N. W. R. R. Company,	211-212
In regard to action of Council in locating the county seat of Le Sueur county,	223
Relative to an error in bill relating to time of holding Courts in certain counties,	24

## S

## ST. CLOUD AND RED RIVER ROAD—

Bill for act locating received from House,	186
Read first and second time,	189
Reported enrolled,	224
Reported enrolled,	226
Signed by Speaker,	228
Signed by President,	228
Approved,	234

## SCHOOL DISTRICT NUMBER SIX—RAMSEY COUNTY—

Bill for the relief of received from House,	187
Read first and second time,	187
Laid on the table,	191
Amendment "moved,"	193
Read a third time,	198
Passed,	198
Title agreed to,	198
House concurs in Council amendment,	220
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226



## SUPERINTENDENT OF COMMON SCHOOLS—

Bill to provide for election of, introduced,	231
Read first and second time,	231
Read a third time,	231
Passed,	231
Title agreed to,	232

## SLUICES OVER ST. ANTHONY FALLS—

R. P. RUSSELL AND OTHERS.

Bill introduced from House,	166
Indefinitely postponed,	166
Vote postponing reconsidered,	173

FRANKLIN STEELE.

Bill introduced from House,	165
Indefinitely postponed,	166
Vote postponing reconsidered,	173

## STEARNS, MR.—

Elected President <i>pro tem.</i> in preliminary organization,	5
Elected <i>pro tem.</i> ,	120

## SIBLEY COUNTY OFFICERS—

Notice of bill to confirm qualification of, etc.,	11
Read first and second time,	12
Ordered engrossed,	67
Reported engrossed,	70
Read a third time,	70
Passed,	70
Title agreed to,	71
Enrolled,	87
Signed by Speaker,	93
Signed by President,	93
Approved,	104

## ST. JOSEPH'S HOSPITAL—

Act to incorporate received from the House,	116
Read first and second time,	116
Read a third time,	119
Passed,	119
Title agreed to,	119
Reported enrolled,	160
Signed by Speaker,	165
Approved,	202

## SURVEYORS GENERAL—

Election of,	65
Report of First District,	48

## STATUTES—AMENDATORY TO—

Bill introduced,	194
Read a first and second time,	194
Amended,	195

## SUPERVISORS OF PUBLIC ROADS—

Bill providing for election of received from House,	195
Read first and second time,	196
Read a third time,	199
Passed,	199
Title agreed to,	199
Reported enrolled,	224
Signed by Speaker,	228
Signed by President,	228
Approved,	234

## ST. ANTHONY—

Notice of bill to incorporate city,	73
Read first and second time,	87
Referred to a select committee,	106
Reported amended,	111
Amendments concurred in,	114
Ordered engrossed,	115
Engrossed,	118
Read a third time,	119
Passed,	119
Title agreed to,	119
Passed by House,	152
Reported enrolled,	208
Approved,	232

## STILLWATER AND LAKE SUPERIOR RAILROAD COMPANY—

Bill to incorporate received from House,	186
Read a first and second time,	187
Read a third time,	191
Bill passed,	191
Title agreed to,	191

38—C. J.

## SISTERS PROPAGATION OF FAITH SOCIETY—

Bill to incorporate received from the House,	186
Read first and second times,	187
Read a third time,	191
Passed,	191
Title agreed to,	191
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Reported enrolled,	233
Approved,	238

## ST. AUGUSTA &amp; LAC TRAVERSE ROAD—

Bill to locate received from House,	186
Read first and second time,	187
Amended,	192
Read a third time,	192
Passed,	192
Title agreed to,	192
House concurs in Council amendment,	220
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Approved,	238

## STALLIONS, BULLS, AND OTHER ANIMALS—

Bill from House considered and Laid on the table,	227
Not concurred in by Council,	229

## T

## TERRITORIAL ROADS—

Notice of bill to lay out,	11
Read first and second time,	12
Ordered to be printed,	77
Amended,	79
Ordered engrossed,	79
Reported engrossed,	79
Amended,	94
Read a third time,	94
Passed,	94

Title agreed to,	94
Passed by House,	152
Amended,	153
Concurred in by House,	163
Enrolled,	178
Signed by Speaker,	190
Signed by President,	190
Approved,	196

FROM RED WING TO MONTVILLE.

Introduced and read first and second time,	67
Laid on the table,	77
Taken up and indefinitely postponed,	84

FROM THE MISSISSIPPI TO CROW RIVER.

Notice of bill,	70
-----------------	----

FROM ST. CLOUD TO LAC TRAVERSE.

Bill received from House,	207
Read first and second time,	207
Laid on the table,	209
Amended,	216
Read a third time,	216
Passed,	216
Title agreed to,	216
House concurs in Council amendment,	220

FROM ST. PAUL TO INTERSECT ONE FROM WABASHAW.

Received by Message from House,	71
Read first and second time,	71
Read a third time,	73
Passed,	75
Title agreed to,	75
Enrolled,	88
Signed by Speaker,	93
Signed by President,	93
Approved,	103

FROM CHASCA TO FORKS OF CROW RIVER.

Bill received from House,	148
Read first and second time,	148
Referred to Committee on Territorial Roads,	150
Indefinitely postponed,	149

TERRITORIAL ROADS IN MINNESOTA.

Bill for laying out received from House,	155
Read first and second time,	156
Read a third time,	161
Passed,	161

Title agreed to,	161
Signed by Speaker,	190
Signed by President,	190
Approved,	202

## FROM ST. PAUL TO ELLIOTA.

Notice of bill to lay out,	13
Bill introduced,	57
Read first and second time,	57
Read a third time,	69
Passed,	69
Title agreed to,	69
Passed by House,	111
Reported enrolled,	159
Signed by President,	161
Read a third time,	161
Passed,	161
Title agreed upon,	161
Signed by Speaker,	163
Reported enrolled,	166
Approved,	175

## TYPOGRAPHICAL UNION—

Bill to incorporate received from the House,	148
Read first and second time,	148
Amended,	149
Read a third time,	153
Passed,	153
Title agreed to,	154
Amendments concurred in by House,	166
Reported enrolled,	177
Signed by Speaker,	190
Signed by President,	190
Approved by Governor,	202

## TELEGRAPH—ST. PAUL AND MINNEAPOLIS—

Bill received from House,	202
Read first and second time,	202
Amended,	203
Read a third time,	203
Passed,	203

Title agreed to,	203
House concurs in Council amendments,	220
Approved,	224
Reported enrolled,	230
Signed by Speaker,	234
Signed by President,	234

## TRANSLATING DOCUMENTS—PAYMENT FOR—

Joint resolution received from House,	241
Read a first and second time,	241
Laid on the table,	241
Taken up and negatived,	242

## TRANSIT RAILROAD COMPANY—

Notice of bill to incorporate.	30
Read a first and second time,	48
Amended,	73
Ordered engrossed,	74
Reported engrossed,	81
Read a third time,	83
Passed,	83
Title agreed to,	83
Passed by House,	159
Laid on the table,	160
Taken up and action thereon,	175
House refuses to recede from its first amendment,	187
Committee of conference appointed,	188
Committee of conference appointed by House,	196
Report of Committee,	212
Report of committee adopted,	212
House concurs in report of committee of conference,	221
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Approved,	232

## V

## VETO—

Of Minnesota & N. W. R. R. bill,	121-129
----------------------------------	---------

**W****WINONA—LEGALIZING TOWN—**

Bill introduced by consent,	152
Read first and second time,	152
Referred to a select committee,	169
Reported back amended,	209
Amendment concurred in,	209
Amended further,	219
Read a third time,	219
Passed,	219
Title agreed to.	219
Amended and passed by House,	234
House amendments concurred in,	235
Action thereon,	236
Reported enrolled,	239

**WHITE, ANN ELIZABETH—**

Bill to change the name of introduced-	162
Read first and second time,	162
Amended,	173
Read a third time,	173
Passed,	173
Title agreed to,	173
Reported enrolled,	225
Signed by Speaker,	226
Signed by President,	226
Approved,	232

**WESTERN BRIDGE COMPANY—**

Bill to incorporate introduced,	184
Read first and second time,	194
Read a third time,	198
Passed,	198
Title agreed to,	198

**WHITAKER, EPHRAIM H.**

Bill to restore civil rights to, received from House,	113
Read first and second time,	113

Referred to committee on Incorporations,	116
Read a third time,	139
Passed,	139
Title agreed to,	139
Reported enrolled,	146
Read a third time,	146
Passed,	146
Title agreed to,	146
Approved,	169

# WOLVES, DESTRUCTION OF—

Bill received from House,	186
Read first and second time,	187
Laid on the table,	191
New bill substituted for,	236
Read a third time,	237
Passed,	237
Title agreed to,	237



# INDEX

## TO THE

### JOURNAL OF THE EXECUTIVE SESSION.

#### MESSAGE FROM THE GOVERNOR—

Received and read,	247
Action thereon,	247-248

#### NOTARIES PUBLIC—

Nomination of by the Governor.	
L. C. Thompson, Stillwater,	247
Approved by Council,	249
Robert Fairbanks, Long Prairie,	247
Approved by Council,	249
William Lauver, Goodhue county,	247
W. L. Ames, Ramsey county,	247
Approved by Council,	249
Theodore Borup, Ramsey county,	247
Approved by Council,	249
William B. Gere, Winona county,	247
Approved by Council,	249
Charles J. Henniss, Ramsey county,	247
Approved by Council,	259
Wm. P. Murray, Ramsey county,	247
Approved by Council,	249
Wm. Richardson, Ramsey county,	247
Approved by Council,	249

Wm. Brewster, Ramsey county,	247
Approved by Council,	249
C. L. Willis, Ramsey county,	247
Approved by Council,	250
Lewis Branson, Mankato,	247
Negatived by Council,	250
Freeman C. Taylor, Washington county,	257
Approved by Council,	250
Thomas B. Hauk, St. Paul,	247
Negatived by Council,	250
F. McCormick, Ramsey county,	247
Approved by Council,	250
John Keyes, Winona county,	247
Approved by Council,	250
A. J. Hary, Houston county,	247
Approved by Council,	250
Benjamin H. Randall, Pierce county,	247
Approved by Council,	250
George Hezlep, Ramsey county,	248
Approved by Council,	250
George W. Farrington, Ramsey county,	248
Approved by Council,	250
Wilbur M. Haywood, Ramsey county,	248
John H. Smith, Brownsville,	248
Approved by Council,	251
T. H. Smith, St. Paul,	248
Approved by Council,	251
E. M. Patridge, St. Paul,	248
Approved by Council,	251
B. F. Tillotson, Fillmore county,	248
Approved by Council,	251
P. P. Humphrey, Kasota county,	248
Approved by Council,	251
S. M. Tracy, St. Anthony,	248
Approved by Council,	251
O. T. Hayes, Dakota county,	248
Approved by Council,	251
Alexander Farribault, Rice county,	—
Approved by Council,	251

J. C. Shepley, Ramsey county.	248
Approved by Council,	251
A. C. Dunn, Benton county,	248
Approved by Council,	251
A. Gale, Dakota county,	248
Approved by Council,	251
O. H. Kelley, Benton county,	248
Approved by Council,	252
Philander Sanford, Goodhue county,	248
Approved by Council,	252
L. W. Folsom, Chisago county,	248
Approved by Council,	242
C. D. Gillmore, Ramsey county,	248
Approved by Council,	252
W. H. Tompkins, Ramsey county,	248
Negatived by Council,	252
J. T. Hoyt, Ramsey county,	248
Approved by Council,	252
C. H. Drew, Sibley county,	248
Approved by Council,	252
H. A. Lambert, St. Paul,	248
Approved by Governor,	252
R. Fairbanks, Cass county,	248
Approved by Council,	252
E. H. Day, St. Anthonny,	248
Negatived by Council,	253
F. M. Crepeau, Hennepin county,	248
Approved by Council,	252
J. B. Wakefield, Scott county,	248
Approved by Council,	252
Wm. B. Dodd, Nicolet county,	248
Approved by Council,	253
R. K. Whitney, Wabashaw county,	248
Approved by Council,	253
J. D. Jenkins, Rice county,	248
Approved by Council,	253
L. C. Dayton, St. Paul,	248
Approved by Council,	253

O. Mallmross, Ramsey county,	248
Approved by Council,	253
G. N. Willia, Fillmore county,	248
Approved by Council,	253
Joseph Ford, Goodhue county,	248
Approved by Council,	253
A. E. Greenleaf, Scott county,	248
Approved by Council,	263
H. L. Edwards, Fillmore county,	248
Approved by Council,	253

#### PROCEEDINGS OF SESSION—

Secretary instructed to inform Governor of,	254
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**APPENDIX**

TO THE

**JOURNAL OF THE COUNCIL.**

OF THE

**TERRITORY OF MINNESOTA,**

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**1—COUNCIL APPENDIX.**

THE UNIVERSITY OF CHICAGO

1907

THE UNIVERSITY OF CHICAGO

## GOVERNOR'S MESSAGE.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The question now naturally arises, will Congress give us back these lands? I assure you that I feel the utmost confidence in the justice and liberality of the present Congress. It is believed that a truthful statement of the facts laid before them, cannot fail to procure their favorable action. Minnesota is the only Territory, and can be the only State, owing to her peculiar geographical position, in the confederacy, where the people without a railroad must be ice-bound and virtually imprisoned four months in the year. Shut up, and shut out from the great marts of commerce and markets, except by a land travel of 250 miles through ice and snow, while if the climate was temperate, the obstacle would be greatly lessened. It is therefore triumphantly submitted whether any other part of our great republic can call with so much propriety and justice for the fostering care and aid of the parent government. Here we have at least thirty thousand souls, and three frontier posts, Fort Snelling, Fort Ripley and Fort Ridgely, with five hundred troops, and the necessary arms and munitions; all ice-locked and comparatively buried, so far as external commerce, trade, travel, navigation or transportation is concerned, during this period. In a national point of view, if the enterprise and social comfort of thirty thousand American citizens do not reach the nation's attention, and demand their sympathy, we may ask, of what service can the troops be to the government, if needed elsewhere, in the months of December, January, February and March? How can they be used except where they are? To march out to where the channels of communication are uninterrupted, requires almost superhuman powers of endurance, unless avoided by an expense more than equal to the actual cost to the government of 800,000 acres of land, heretofore given us for a railroad.

By a recent report of the Commissioner of the General Land Office, it will be seen that the cost of public land to the government, including the original purchase and extinguishment of Indian title, cost of survey, selling and managing the same, is about 20 cents per acre. Therefore, supposing the late grant to be about 800,000 acres, it would only take from the treasury of the United States \$160,000. The late grant provided that the other 800,000 remaining to the government for sale, should not be sold for less than \$2.50 per acre, by which the United States treasury would receive two millions of dollars, the same as if the whole had been retained, and sold at \$1.25 per acre; and include in this transportation of troops and other property of the United States, which go free of charge over a railroad to be built from the proceeds of the lands, and the item of \$160,000 would be materially diminished, and access given the commercial world to our copper mines, vast pineries, fertile soil, and thriving commercial and manufacturing towns, and frontier posts. Not only does it put the same amount into the treasury, but the advantages of a railroad through these lands leading to the best markets in the west, will so greatly facilitate the sale and settlement of the remaining sections that the proceeds thereof will come into the treasury in far less time than if the whole remained without such a road; therefore, we again appeal to the justice of our national representatives, as they have given the territories of Iowa and Wisconsin thousands of acres for local improvements, and millions of acres to Oregon, Washington and New Mexico territories, to aid their growth and wealth, to give us the key to unlock our ice-bound winter home, and then we will at an early day relieve the national treasury of the burthen of our support from year to year.

I hope I shall be pardoned for drawing a comparison between the facilities and favors granted by the General Government to other Territories, and those to Minnesota. By an act approved 29th September, 1850, 640 acres of land were granted to Oregon Territory for each head of a family, and 320 acres to single men over 18 years of age (the Indian half-breeds included) to induce a speedy settlement within her borders; and by the act of 14th February, 1853, this magnificent bequest was extended to 1858, and by said act the further privilege of pre-emption upon unsurveyed lands. She has had large grants each year for roads, light-houses and buoys. She has received the additional facility of a Surveyor General for the Territory, various land offices established, and appropriations for public buildings. Washington Territory has been allowed the same munificent grant of 640 and 320 acres of land to actual settlers, to push forward her growth and prosperity, together with a Surveyor General, and various appropriations for roads, light-houses, buoys, &c., land offices established, and pre-emption of unsurveyed public lands. Therefore, supposing that half the population of Oregon and Washington Territories avail themselves of the bounty of the government, it will give from six to ten millions of acres to Oregon, and one-third that amount to Washington Territory. If we estimate the number of acres of land at six millions, occupied in Oregon under this bounty of the government at 20 cents per acre, (the actual cost to the government) it makes the sum of *one million two hundred thousand dollars*, of which she has been the beneficiary. If we estimate them at \$1.25 per acre, it would give her seven millions five hundred thousand dollars; and to estimate that two million acres will be occupied at the close of the present year in Washington Territory, it would give her four hundred thousand dollars at 20 cents per acre, and two million five hundred thousand dollars at \$1.25 per acre. By the act of the 22d July, 1854, New Mexico received a bounty to actual settlers of 160 acres, and pre-emption on unsurveyed lands, a surveyor general, &c., which, if it only covers one million acres, will amount to two hundred thousand dollars at 20 cents per acre, being forty thousand dollars more than is asked by Minnesota for the purpose of a railroad; and if estimated at \$1.25, it would amount to one million two hundred and fifty thousand dollars. Kansas and Nebraska have been provided for by the usual appropriations, and have been allowed a surveyor general and pre-emption of unsurveyed lands, while they are in a more temperate latitude, with navigable streams open nearly the whole year, together with the Hannibal and St. Joseph Railroad coming to the borders of Kansas, to aid in the construction of which the government gave over one million acres of land, and the projected railroad from Davenport, by way of Iowa city and Fort Des Moines, to Council Bluffs, while the central portion of Minnesota is locked up—250 miles by land and 350 miles by water, from Dubuque, our most convenient point of introduction to the uninterrupted channels of communication.

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

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

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

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



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

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

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

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

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

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

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

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

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

By the Auditor's report it will be seen that the taxable property of the Territory has largely increased within the last year. In 1854 it amounted to \$4,578,038 29; being \$2,132,596 29 of an increase over the preceding year; and the estimated value for 1855 is \$7,000,000. The financial condition of the Territory will be seen by the report of the Treasurer, to which you are respectively referred.

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

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

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

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

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

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

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

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

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

W. A. GORMAN.

RECEIVED JAN 11 1887

## **FOURTH ANNUAL REPORT.**

OF THE

# **REGENTS OF THE MINNESOTA UNIVERSITY.**

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*To the Honorable, the Council and*

*House of Representatives of the Territory of Minnesota:*

In submitting to your consideration the Fourth Annual Report of the Board of Regents of the University of Minnesota, they have the pleasure of presenting the affairs of the institution in a more satisfactory condition than they have hitherto assumed. During the past year, the Board has had occasion to take action upon several matters of importance, intimately connected with the interests of the University. They trust the measures adopted may meet the approbation of the Legislature, under whose care the institution is placed, and prove conducive to its permanent growth and prosperity.

The ground selected four years since as the site for the University Buildings, was near the centre of the village of St. Anthony, just above the Mills, and fronting on Main street, and embracing about three acres and three-quarters of ground. Although at that time, this was deemed the most favorable location that offered, it has upon subsequent consideration, been regarded as objectionable in several respects. The quantity of ground was thought entirely inadequate to the future wants of the Institution. No more could be obtained in the vicinity, except at rates which, for such a purpose, would be deemed exorbitant. The close proximity of the site to the manufacturing establishments and business part of the town, was thought less favorable to the prosecution of literary pursuits, than a more retired location. Nor was the situation such as to command the best view of the striking and picturesque scenery of the Falls and their environs.

After repeated discussion of the whole subject, and a careful examination of the different locations offered as sites for the consideration of the Board, they at length

unanimously made choice of the property owned by Messrs. Joshua L. Taylor and Paul R. George, which lies upon the bluff between the village of St. Anthony Falls and St. Anthony City. The unrivalled advantages of that location, as a site for the University buildings, is admitted by all familiar with it; indeed, it may be confidently asserted, that a more desirable situation in all respects for an institution of learning, is not to be found in the valley of the Mississippi. The tract comprises an area of twenty-five and one-third acres, embracing a river front of over six hundred feet, and the whole ground mostly covered with large oak trees. A deed of this land has been executed by Messrs. Taylor and George to the Board, and is on record in the proper office. The consideration paid by the Board for this property was six thousand dollars—one thousand down, and the balance to be paid in six, twelve and eighteen months; for which the notes of the Board, (secured by mortgage on the premises,) were given. The price paid is considered by competent judges as considerable less than the market value of the land.

By an Act of Congress of the 19th of February, 1851, two townships of land were donated by Government to the University, to be selected from any of the surveyed, and unappropriated lands within the Territory. During the past year, the Board have been engaged to some extent, in the selection of these lands. Eight thousand five hundred and eighty-four acres have been located within the Stillwater land district, in townships thirty-nine, forty, and forty-one, of which six thousand six hundred and sixty-four acres have received the approval of the Secretary of the Interior—the balance of the locations not having yet been acted upon by him. The lands thus far entered, have been the most desirable tracts of pine timber, which could be found on the surveyed lands yet unappropriated. These locations have been selected and made under the examination and supervision of Capt. J. Rollins, who has been employed by the Board for that purpose, and whose experience and judgment in such matters, eminently qualify him, for this important and responsible trust. It is believed by the Board, that the location of the grant should be mostly made of pine timber lands, as being likely to prove by far the most advantageous to the interests of the Institution.

Although by terms of the Act referred to, the Board have the right to enter these lands before they are in market; yet so far in advance of the surveys are the squatters, or trespassers on the public lands, that the most valuable tracts, are swept of their timber before the lands are surveyed and the maps returned to the proper offices. Unless the Government interferes to prevent this waste, or hasten the surveys, great loss must result to the Institution from this cause.

The proceeds of these lands must be the chief source from whence the funds are to be derived for the erection of the University buildings, and the endowment of the Institution. No funds whatever, have yet been received by the Board of Regents, except what have been contributed by individuals towards the erection of the building for the Preparatory Department. The amount still due on this building, with the cost of locating the lands, have created an indebtedness on the part of the Board of about three hundred dollars, which there are no funds in the Treasurer's hands to meet. Permits have been granted to cut timber on about a third of the land located during the past year, from which it is hoped, sufficient funds will be realized, to meet the expenses of selecting and entering the lands, as well as the payments which have been assumed by

the Board in the purchase made for a site for the University buildings as heretofore stated.

The services rendered by the officers of the Board, have hitherto been entirely gratuitous. In consideration, however, of the increased duties devolving upon the secretary, treasurer and librarian, resulting from the necessity of keeping the requisite books and accounts connected with the entry of the University lands, preparing contracts and attending to the other necessary duties connected therewith, and preparing suitable accommodation for, and arranging the books belonging to the library, demanding a much larger share of their time and attention than formerly: a resolution was adopted by the Board in July last, at a meeting held for the election of officers, that the secretary receive a salary of two hundred and fifty dollars per annum, the treasurer one hundred, and the librarian fifty dollars. This action of the Board, in accordance with section 9 of chapter 28 of the Revised Statutes, is respectfully submitted to the Legislature for approval.

By section 17 of the same chapter, seven members are required in order to call a meeting of the Board, or transact business.

As the Board is at present constituted of members residing in distant and different parts of the Territory, considerable inconvenience has been experienced from time to time in securing a quorum for the transaction of business.

It has several times happened that some members of the Board have travelled a distance of twenty or thirty miles at a considerable expense, to extend stated meetings of the Board, at which nothing could be accomplished from a lack of one or two members to constitute a quorum.

The Board would respectfully suggest to your consideration the propriety of an amendment of that section, authorizing a less number to constitute a quorum for the transaction of business, or else the enactment of a provision, by which the attendance of members should be compelled at stated meetings of the Board.

By the provisions of section 5 of chapter 28 of the Revised Statutes, the Legislature at its present session, is required to elect four members of the Board of Regents to supply the places of those whose term of office expires on the first Monday of February, 1855. The members whose terms of office expire on that date, are, Franklin Steele, J. W. Furber, N. C. D. Taylor and I. Atwater.

The Preparatory Department still continues under the supervision of the Rev. E. W. Merrill.

It is in a more flourishing condition than at any former period, both as regards the number of pupils, and the progress made in the different branches of study.

The influence and usefulness of this Department in its general bearings on the educational interest of the Territory is already apparent, and is constantly increasing. Teachers have been there, qualified and prepared to take charge of our common schools, and young men fitted for the active business of life.

The whole number of pupils in attendance the past year has been one hundred and seventy, and over one hundred and fifty different students have been in attendance the present winter term.

Classes have been taught in all the primary and common English branches, as well as in the higher branches and languages, embracing Natural and Mental Philosophy, Ae-

tronomy, Algebra and Geometry, Surveying, Book-Keeping, &c., in all of which branches a marked improvement has been apparent in the progress of the pupils.

In conclusion the Board are gratified to represent, that the prospects of the institution are such as to afford the reasonable assurance, that it will soon be in a condition to realise the most sanguine hopes which its founders and friends have entertained in regard to it.

Placed as it is under your fostering care, it is hoped that such measures may be adopted to promote its interests as the wisdom of your Honorable Bodies may suggest.

All of which is respectfully submitted.

I. ATWATER,  
*Secretary of the Board of Regents.*



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

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

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

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

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

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

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

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

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

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

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

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

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

All of which is respectfully submitted.

DANIEL STANCHFIELD,

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

St. Paul, December 30, 1854.

# REPORT

## OF THE

### SURVEYOR GENERAL OF THE FIRST DISTRICT.

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

The undersigned, surveyor-general of logs and lumber in and for the first district, M. T., respectfully reports:

That the whole amount of logs surveyed and measured, by himself and deputies, during the year ending the 31st day of December, A. D. 1854, is twenty-four millions, three hundred and fifty-four thousand, nine hundred and twenty-nine feet, board measure, which may be divided as follows, to wit:

<i>Rivers.</i>	<i>No. of logs.</i>	<i>Amount in feet.</i>
Main St. Croix .....	11,779	3,711,170
<i>Tributaries to St. Croix.</i>		
Willow River .....	1,465	412,328
Apple River .....	10,675	3,053,572
Wood River .....	5,008	1,706,175
Snake River .....	34,689	11,361,926
Kettle River .....	4,366	1,440,665
Clam River .....	2,968	950,283
Crooked Creek .....	1,076	362,325
Upper St. Croix .....	4,220	1,355,985
Total .....	76,247	24,354,929

And the said surveyor-general further reports that he has not, either by himself or deputies, surveyed or measured any sawed lumber during the year ending December 31st, 1854. All of which is respectfully submitted.

ROBERT HASTY,  
*Sur. Gen. First Dist., M. T.*

By JNO. J. ROBERTSON,  
*Deputy.*

Stillwater, M. T., January 1, 1855.

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

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

Respectfully,

Your ob't servant,

W. A. GORMAN.

## STATEMENT

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

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

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

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

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

ROBERT W. LOWBER,

*Acting President of the Minnesota and North-Western Rail Road Com'py.*

STATE OF NEW YORK, }  
CITY AND COUNTY OF NEW YORK, } ss.

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

ROBERT W. LOWBER,

PETER S. BURCHAN.

Sworn to and subscribed this 8th day of December, 1854, before me.

JAMES P. HYATT,

*Com. of Deeds.*

# REPORT

## ON THE

### SURVEY OF LOGS AND LUMBER

### IN MINNESOTA TERRITORY.

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The Select Committee to which was referred No. 11, C. F. A bill to amend an act entitled "An act to provide for the survey of logs and lumber in Minnesota Territory," approved March 1, 1854, respectfully report: That your committee has examined the bill referred, and carefully considered the question involved, and that the subject might be laid before the council as clearly as possible, comparison between the Log Scale now in use in the Territory, and that known as Norton's improved Scale has been made, which will demonstrate, as far as is necessary the difference in the calculations of the two scales.

By this comparison of the two Scale rules, we find that on logs fourteen inches in diameter, Norton's rule measures 25 per cent more than the St. Croix Rule.

In logs of 16 inches diameter.....	27	per cent.
do 18 do .....	21	do.
do 20 do .....	17	do.
do 22 do .....	14	do.
do 24 do .....	11	do.
do 26 do .....	8½	do.
do 28 do .....	6	do.
do 30 do .....	3	do.
do 32 do .....	1	do.

Thus we find that below the diameter of 33 inches, the Norton scale gives more lumber than that of the St. Croix, and that the average differ-

ence below that diameter, as exhibited above, is about 14 per cent. or 140 feet in each thousand.

Although this appears at first sight to be an object of great importance to the logger, and that in order to afford that meritorious class of our population a just remuneration for their labor, the Norton scale should be at once adopted, as the scale of our territory. Yet upon reflection, it will be seen that no such beneficial results to the logger could be obtained by any change in the present scale of the territory. Your committee is confirmed in this belief by conversations with men who have had much experience in the manufacture of lumber in this territory, and who are unanimous in the opinion that logs in this territory do not saw out the quantity of lumber given under the St. Croix scale, and that in purchasing logs by that scale allowance is always made for the discrepancy between the scale and the actual quantity of lumber the logs will saw. A change to the Norton scale would therefore have no other effect than to increase the discrepancy while much inconvenience and trouble would be entailed upon the logger, as well as the miller, in the purchase and sale of logs.

As well might the Legislature enact that 50 pounds of corn should constitute a bushel, with a view to increasing the income of the farmer, or that two feet should constitute a yard for the benefit of the merchant, as to enact that 860 feet of logs as heretofore called, should hereafter be deemed to be a thousand feet, with the object of benefitting the logger. It is well understood that in all commercial transactions, prices are governed by quantity as well as quality, and it is ridiculous to suppose that the same price could be obtained for logs per 1000, if 860 feet constituted the thousand, as would be paid per 1000 if ten hundred feet formed the thousand. In other words, the logger could not obtain the same price per thousand if measured by Norton's scale, as he could if sold by the St. Croix scale, while, if the former was established as the scale rule of the territory, he would be required to pay for booming, scaling, and rafting 140,000 feet more on the work of a team—say one million of feet—than he would under the present rule.

The St. Croix scale was adopted by the St. Croix lumbermen after a thorough calculation of the quantity of lumber that could be manufactured from a log of a given size, taking into consideration the hidden imperfections in our timber, and the mode of sawing on that river, and that scale has now got into general use in transactions in logs both in the territory and in sales in the markets below, and is as nearly satisfactory to all interested as any other scale could be, and your committee believe that no change could at this time, be made, without subjecting a large portion of the loggers to great inconvenience and trouble, if it did not result in actual loss.

It is a well known fact that on the St. Croix an extensive lumbering business is done on the Wisconsin side of the river, and that exchanges of logs

to a great amount take place annually. On the Wisconsin side the St. Croix scale is recognized, and if another scale should be adopted in this territory, it is evident that it would create much confusion and difficulty in settling exchange accounts.

In examining the different scale rules, your committee are of opinion that Scribner's rule would probably give a nearer approximation to a just and equitable rule than either the St. Croix or Norton scale, and if a rule was to be adopted now for the first time in the Territory, would feel inclined to recommend its adoption, but owing to the previous establishment of the St. Croix rule, in connection with the fact that it is used and recognized in transactions in logs wherever logs are marketed on the Mississippi river, and with the firm conviction on the part of your committee, that a change in the scale rule would effect a corresponding change in the price of logs, while the logger would be subjected to much additional expense and trouble. Your committee would respectfully recommend that no change should be at this time made in the scale now used in the Territory.

Your committee therefore report back to the Council, (No. 11, C. F.) a bill to amend an act entitled "an act to provide for the survey of logs and lumber in Minnesota Territory," approved March 1, 1854, with the recommendation that said bill be indefinitely postponed.

All of which is most respectfully submitted.

JOSEPH R. BROWN, Chairman.  
CHAS. T. STEARNS,  
J. E. MOWER.



## LOG SCALES.

*Comparison between the Log Scale now in use in the Territory, and that known as Norton's Improved Scale.*

ST. CROIX RULE.			NORTON'S RULE.			ST. CROIX RULE.			NORTON'S RULE.		
Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.	Diameter of logs.	Lengths.	Contain.
14	14	81	14	14	120	16	14	125	16	14	160
14	16	100	14	16	137	16	16	144	16	16	182
14	18	112	14	18	154	16	18	158	16	18	205
14	20	125	14	20	171	16	20	180	16	20	228
14	22	167	14	22	188	16	22	198	16	22	251
DIFFERENCE 35 PER CENT.						DIFFERENCE 27 PER CENT.					
18	14	171	18	14	208	20	14	224	20	14	262
18	16	196	18	16	239	20	16	256	20	16	300
18	18	220	18	18	267	20	18	285	20	18	338
18	20	245	18	20	297	20	20	310	20	20	375
18	22	269	18	22	327	20	22	352	20	22	412
DIFFERENCE 21 PER CENT.						DIFFERENCE 17 PER CENT.					
22	14	282	22	14	323	24	14	350	24	14	388
22	16	324	22	16	369	24	16	400	24	16	444
22	18	364	22	18	415	24	18	450	24	18	500
22	20	405	22	20	461	24	20	500	24	20	555
22	22	445	22	22	507	24	22	550	24	22	611
DIFFERENCE 14 PER CENT.						DIFFERENCE 11 PER CENT.					
26	14	423	26	14	459	28	14	504	28	14	533
26	16	483	26	16	525	28	16	576	28	16	609
26	18	544	26	18	590	28	18	648	28	18	685
26	20	605	26	20	656	28	20	720	28	20	761
26	22	665	26	22	722	28	22	792	28	22	837
DIFFERENCE 8½ PER CENT.						DIFFERENCE 6 PER CENT.					
30	14	591	30	14	610	32	14	685	32	14	693
30	16	676	30	16	697	32	16	784	32	16	792
30	18	740	30	18	784	32	18	882	32	18	891
30	20	845	30	20	871	32	20	980	32	20	990
30	22	929	30	22	958	32	22	1078	32	22	1089
DIFFERENCE 3 PER CENT.						DIFFERENCE 1 PER CENT.					

EXECUTIVE DEPARTMENT,  
Minnesota Territory, St. Paul, Feb. 8, 1855. }

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

In compliance with the law, I beg leave to present to this honorable body the annual report of the Librarian:

Respectfully,

Your Obedt. Srvt.,

W. A. GORMAN

# REPORT

## OF THE

### LIBRARIAN OF THE TERRITORIAL LIBRARY.

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The accession of Books, Law Reports, Charts, &c., to the Library during the past year, will be found enumerated in the accompanying schedule.

Although an appropriation was made by Congress some time since, of five hundred dollars for the purchasing of Books, &c., for the Library, yet as no one was authorised to draw and expend such appropriation, I would suggest that this Legislature take some action in regard to the matter.

Many of the Books which were loaned out during the past year have not been returned in compliance with the requirements of the rules of the Library. The Librarian deemed it expedient, owing to this state of facts, to cause advertisements to be put in the several papers published in this city, notifying delinquents, that unless such books were returned on or before a day specified in the advertisements, legal proceedings would be instituted against them.\* Some of those who have books in their possession not having returned them in compliance with said notice, legal proceedings will be instituted against them.

No fines or assessments have been collected during the past year.

I would respectfully ask to be permitted to direct the attention of this Legislative Assembly to such portions of the last annual report of the Librarian as referred to the binding of pamphlets and mutilated books, and to the compilation of a new catalogue.

ROBERT A. SMITH,

*Librarian.*

**List of Books, Reports, &c. received by the Librarian since the last Report to this Honorable Body.**

**LAW REPORTS:**

	Reports,	Vol.	3.
Maryland	.....	.....	3.
Maryland Chancery	" .....	" .....	3.
Richardson's South Carolina	" .....	" 5 and 6.	
Cushing's Massachusetts	" .....	" 6 and 7.	
Missouri	" .....	" 16 and 17.	
Texas	" .....	" 8, 9 and 10.	
Zabriskie's Law, N. J.	" .....	" .....	3.
Halstead's Chancery,	" .....	" .....	4.
Foster's New Hampshire	" .....	" .....	3.
Maine	" .....	" .....	35.
Busbee's North Carolina Equity	" .....	" .....	
" " " Law	" .....	" .....	
B. Munroe's Kentucky	" .....	" .....	13.
Chandler's Wisconsin	" .....	" .....	3.
Alabama	" .....	" 23, 24, N.S.	
Illinois	" .....	" .....	14.
Warden's Ohio	" .....	" .....	2.
Monroe & Harlan's Digest of Kentucky Reports.			

**LAWS—LOCAL AND GENERAL.**

Revised Code of Delaware, 1855.  
 Acts and Resolves of General Assembly of Rhode Island.  
 Acts of Alabama, 1853-4.  
 Acts of Massachusetts 1854—2 copies.  
 Acts of Louisiana, 1854—3 copies.  
 Private and Local Statutes of Wisconsin, 1853.  
 Laws of Illinois, 1853.  
 Laws of Tennessee, 1853-4.  
 Laws of Texas, 1853-4.  
 Acts and Resolves of General Assembly of South Carolina.  
 Constitution of Vermont, 1852.  
 Laws of Maryland, 1854.  
 Las Actas de Nueva Mejico.  
 Laws of Wisconsin, 1853—2 copies.  
 Laws of New York, 76th Session, 1853.  
 New Hampshire Compiled Statutes, 1853.

## LAWS—LOCAL AND GENERAL.

Laws of Ohio, 1854.  
 Swan's Revised Statutes of Ohio, 1854.  
 Revised Statutes of Kentucky.  
 Laws of Kentucky—2 volumes—2 copies.  
 Laws of Vermont, 1853—2 copies.  
 Laws of Oregon Territory, 1853.  
 Archives of Oregon Territory.

## ASSEMBLY DOCUMENTS, JOURNALS, &c.

Diario del Consejo Legislativo de Nueva Mejico;  
 Journal of the Legislative Council of New Mexico;  
     " House of Representatives  
 Assembly Documents of New York, 1853..... 6 vols.  
 Senate " " " ..... 3 "  
 Senate Journal " " " .....  
 Assembly " " " ..... 2 "  
 Journal of Massachusetts Convention 1853.  
     " House Representatives of Alabama, 1853-4.  
     " Senate " "  
     " House of Representatives Texas 5th Legislature.  
     " Senate " "  
     " " Maryland 1854.  
     " House of Representatives " "  
 Senate Documents second session thirty-second Congress..... 27 copies.  
 Executive " " " " ..... 25 "  
 Senate Mis. " " " " ..... 2 "  
 House " " " " ..... 2 "  
 Senate Jour. " " " " ..... 2 "  
 House " " " " ..... 2 "  
 House Journal first session thirty-third Congress..... 3 copies.  
 Senate Reports 2nd session 32d " ..... 2 "  
 House Committee " " " ..... 2 "  
     " List of Private Claims from A. to G., ..... 2 "  
 Statistics of U. S. Census of 1850 ..... 2 "  
 Maryland State Documents.  
 Senate Journal of Kentucky, 1853-4.  
 House " " "  
 Assembly Documents " "  
 Annual Reports to the Governor of Kentucky.

## MISCELLANEOUS.

Documents relating to the Colonial History of New York, vol. 3;

Documentary History of New York, vol. 3 and 4.

Report of Sup't of U. S. Coast Survey, 1852.

Patent Office Report, Mechanics, 1853.

67th Annual Report of Regents of University of New York, 2 copies.

Annual Report of Trustees of State Library.

Notes on the Sandwich Islands—Presented by Arnold W. Taylor, Esq.

Kentucky codes of Practice.

## MAPS.

New Map of the State of Alabama.

ROBERT A. SMITH,  
*Librarian.*



FOURTH ANNUAL REPORT  
UPON THE  
COMMON SCHOOLS  
FOR THE TERRITORY OF MINNESOTA.

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*To the Hon. the Legislature of the Territory of Minnesota:*

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

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

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



## SCHOOL LAWS.

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

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

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

## SCHOOL HOUSES.

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

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

## SCHOOL BOOKS.

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

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

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

Sanders' Series of Readers.

Davies' Series of Arithmetics and Higher Mathematics.

Mitchell's Primary Geography.

Mitchell's School Geography and Atlas.

Mitchell's Ancient Geography.

Pelton's Outline Maps.

Mrs. Willard's Histories.

Well's School Grammar.

Cutter's Physiology.

Parker's Philosophy.

Webster's Dictionary and Speller.

Class Book of Etymology, by James Lynd.

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

## SCHOOL MONEYS.

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

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

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

### TEACHERS.

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

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

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

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

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

### GENERAL REMARKS.

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

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

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

All of which is respectfully submitted.

M. C. BAKER,  
Superintendent of Common Schools.

MINNEAPOLIS, January 1st, 1855.



# CORRESPONDENCE RELATING

TO THE

## POSTAGE OF MEMBERS.

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COUNCIL CHAMBER, ST. PAUL, }  
January 10, 1855.

*To the Hon. President of the Council:*

SIR:—In conformity with a resolution passed by the Council on the 8th inst., relative to the postage of the members of the Council, I have the honor to report the following correspondence relative thereto, between the Postmaster of this city and myself.

Respectfully, Your obedient servant,

A. J. MORGAN,  
*Secretary of Council.*

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COUNCIL CHAMBER, ST. PAUL, }  
January 8, 1855.

*Wm. Henry Forbes, Esq., P. M. St. Paul:*

At a meeting of the Council this morning, the following resolution was unanimously adopted:

*Resolved*, That the Secretary of the Council be requested to wait upon the Postmaster, and arrange the number and manner of furnishing the Council with stamps and envelopes during the present session.

In pursuance with the above resolution, will you be so kind as to inform me at your earliest convenience, if you will furnish each member and officer of the Council entitled to receive them, with two hundred stamped letter envelopes and five hundred newspaper postage stamps.

I have the honor to be,

Respectfully, your obedient servant,

A. J. MORGAN,  
*Secretary of the Council.*

Post Office, St. Paul, }  
January 9, 1855. }

SIR:—Your note of yesterday, informing me of the resolution of the Council, in relation to postage of the Council during the present session, is received.

In answer, I will say that I have not the stamps and envelopes to furnish; but will give credit for postages of members during the session, on condition that Secretary Rosser will pay the bill at the end of the session.

Respectfully, &c.,

WM. H. FORBES, P. M.,

J. C. TERRY, Assistant.

A. J. Morgan, Esq., Sec'y Council.

COUNCIL CHAMBER, }  
Jan. 25, 1855. }

To the President of the Council:

SIR:—In compliance with the resolution passed by the Council on Thursday last, relative to the purchase of stamped envelopes and newspaper stamps, I have the honor to report that the Postmaster informs me he has barely sufficient to supply the Post-Offices in the Territory, as he is compelled by law to do, and regrets his inability to comply with the request of the Council.

He reiterates his offer to mark paid all letters and papers sent from the Council by their messenger, if paid for on the adjournment of the Legislature.

I have also endeavored to procure stamped envelopes and newspaper stamps at the book-stores of the city, but without success.

Respectfully, your ob't serv't,

A. J. MORGAN,  
Secretary Council.

## STANDING RULES OF THE COUNCIL.

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I. The Council shall choose one of the members to occupy the chair, who shall be styled "President of the Council," and who shall hold his office during one session thereof, unless he be removed therefrom by a vote of two-thirds of the members present.

II. The President shall take the chair at the hour to which the Council shall have adjourned; 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 and corrected.

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

IV. He shall rise to put a question, but may state it sitting.

V. Questions shall be distinctly put in this form, to wit: "As many as are of the opinion that—as the question may be—say *Aye*;" and after the affirmative voice is expressed, "As many as are of the contrary opinion say *No*." If the President doubt, or a division be called, the Council shall decide. Those in the affirmative of the question shall first rise from their seats; and afterwards those in the negative.

VI. The President shall call some member to the Chair when the Council votes to go into Committee of the Whole, and may then debate the question before the Committee. He shall also have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment. In the absence of the President, except as above, the Council shall appoint a President *pro tem*.

VII. He shall appoint all committees, unless otherwise directed by the Council. He shall sign all acts, memorials, addresses and resolutions; and all writs, warrants and subpoenas, issued by the Council, shall be signed by him and attested by the Secretary.

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

IX. In case of any disturbance or disorderly conduct in the lobby, the President, or Chairman of the Committee of the Whole, shall have power to order the same to be cleared.

X. Reporters wishing to take down the debates, may be admitted by the President, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the Council.

XI. After the Journal has been read and corrected, the order of business shall be as follows, viz:



1. Letters, petitions, remonstrances, and accompanying documents, may be presented and referred.

2. Resolutions may be offered and considered; notices of leave to introduce bills, memorials, or joint resolutions may be given; and bills, memorials and joint resolutions may be introduced on leave granted.

3. Reports of Committees may be made and considered—

1st. From Standing Committees;

2d. From Select Committees.

4. Messages and other Executive communications.

5. Messages from the House of Representatives, and amendments proposed by the House of Representatives to bills from the Council.

6. Bills, memorials and joint resolutions from the House of Representatives on their second reading.

7. Bills, memorials and joint resolutions, on their third reading.

8. Bills, memorials and joint resolutions, ready for a third reading.

9. Bills, memorials and joint resolutions reported by Committee of the Whole.

10. Bills, memorials and joint resolutions in which a Committee of the Whole has made progress and has leave to sit again.

11. Bills, memorials and joint resolutions not yet considered in Committee of the Whole.

XII. Bills and joint resolutions of a public nature, shall always have the preference of private bills.

XIII. When any member is about to speak in debate, or deliver any matter to the Council, he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question under debate, and avoid personality.

XIV. Whenever any member is called to order, he shall sit down until it is determined whether he is in order or not; and if a member is called to order for words spoken in debate, the exceptionable words shall be taken down in writing immediately.

XV. When two or more members happen to rise at once, the President shall name the member who is to speak.

XVI. No member shall speak more than twice on the same question; nor more than once on a motion for commitment, without leave of the Council.

XVII. Whilst the President is putting any question, or addressing the Council, none shall walk out, or across the room, nor in such case, or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the Chair. Every member shall remain uncovered during the session of the Council. No member, or other person, shall visit or remain by the Secretary's desk while the ayes and noes are calling, or ballots are counting.

XVIII. No member shall vote on any question in any case where he was not within the Bar of the Council when the question was put, unless by leave of the Council.

XIX. Upon a division and count of the Council on any question, no member without the Bar shall be counted.

XX. Every member who shall be in the Council when the question is put, shall give his vote, unless the Council, for special reasons, shall excuse him. All motions to excuse

a member from voting, shall be made before the Council divides, or before he gives his vote upon a call of the ayes and noes. And any member wishing to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

XXI. When a motion is made and seconded, it shall be stated by the President; or being in writing, it shall be handed to the Secretary, and read aloud before debated.

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

XXIII. After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Council; but may be withdrawn at any time before a decision or amendment.

XXIV. When a question is under debate, no motion shall be received, unless to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit, to amend, or to postpone indefinitely; and these several motions shall have precedence in the order in which they stand arranged. A motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall not be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be equivalent to the rejection of the bill.

XXV. A motion to adjourn shall always be in order; that and the motion to lie on the table shall be decided without debate.

XXVI. The previous question shall be in this form: "Shall the main question be now put?" It shall be only admitted when demanded by a majority of the members present; and until it is decided, shall preclude amendment and further debate of the main question. On a motion for the previous question, and prior to the main question being put, a call of the Council shall be in order.

XXVII. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on debate or otherwise, without debate.

XXVIII. When a motion or question has been once put and carried in the affirmative or negative, it shall be in order for any member who voted in the majority, or when the Council is equally divided, for a member who voted in the negative, to move for a re-consideration thereof on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn. A motion for re-consideration being put and lost shall not be renewed.

XXIX. Any member may call for a division of the question, when the same will admit of it. A motion to strike out and insert shall be deemed to be indivisible. A motion to strike out being lost, shall not preclude an amendment, nor a motion to strike out and insert.

XXX. In presenting a petition, memorial, remonstrance, or other communication addressed to the Council, or Legislative Assembly, the member shall only state the general purport of it.

XXXI. Every petition, memorial, remonstrance, resolution, bill and report of committee, shall be endorsed with its appropriate title; and immediately under the endorsement the name of the member presenting the same shall be written.

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

XXXIII. The following Standing Committees, (each to consist of three members,) shall be appointed at the commencement of the session, viz:

- On Internal Improvements.
- On Territorial Affairs.
- On the Judiciary.
- On Agriculture and Manufactures.
- On Territorial Expenditures.
- On Legislative Expenditures.
- On the Militia.
- On Schools.
- On Incorporations.
- On Territorial Roads.
- On Engrossed Bills.
- On Enrolled Bills.
- On Printing.
- On Public Buildings.

XXXIV. The rules observed in Council shall govern, as far as practicable, the proceedings in Committee of the Whole; except that a member may speak oftener than twice on the same subject, and that a call for the yeas and nays, or for the previous question, cannot be made.

XXXV. Amendments made in Committee of the Whole shall be entitled on a separate piece of paper, and so reported to the Council by the Chairman standing in his place; which amendment shall not be read by the President, unless required by one or more of the members. The report having been first acted upon, the bill shall then be subject to debate and amendment before the question to engross it is taken.

XXXVI. All bills and resolutions shall be introduced by motion for leave, or upon the reports of Committees. Members introducing a bill, shall always give one day's notice of a motion to bring it in, and when brought in, it shall be endorsed with the name of the member or committee.

XXXVII. Every bill, memorial, or joint resolution, requiring the approval of the Governor, shall receive three several readings previous to its passage; the first reading shall be at length, and no bill shall receive a second and third reading on the same day.

XXXVIII. No bill or joint resolution shall be committed or amended until it has been twice read. If objections are made to a bill on its first reading, the question shall be: "Shall the bill be rejected?" If no objection be made, or the question to reject be lost, the bill shall go to its second reading.

XXXIX. All bills, memorials and joint resolutions requiring the approval of the

Governor, shall, on a second reading, be considered in Committee of the Whole before they shall be acted upon by the Council.

XL. Fifty copies of every bill, joint resolution or memorial, shall be printed after the second reading by the Secretary, unless otherwise ordered. And bills, memorials, resolutions and amendments, after being printed, shall remain at least one day on the files before being considered.

XLI. No more than three bills originating in the Council shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the President.

XLII. The final question after the consideration in Committee of the Whole of a bill or other paper originating in the Council, and requiring three readings previous to its being passed, shall be: "Shall it be engrossed and read a third time?" and upon every such bill or paper originating in the House of Representatives: "Shall it be read a third time?"

XLIII. No amendments shall be received on third reading, except to fill blanks, without the unanimous consent of the Council. In filling blanks, the largest sum, longest time and greatest distance, shall be first taken.

XLIV. A bill or resolution may be committed at any time previous to its passage; and if any amendment be reported upon such commitment, by any other than a Committee of the Whole, it shall be again read a second time, considered in Committee of the Whole, and the question for third reading and passage again put.

XLV. Every bill, joint resolution or memorial, originating in the Council, shall be carefully engrossed before being transmitted to the House of Representatives for concurrence.

XLVI. Immediately after the passage of any bill or other paper, to which the concurrence of the House of Representatives is to be asked, it shall be the duty of the Secretary to transmit the same to the House, unless some member of the Council shall make a motion to re-consider the vote by which the Council passed said bill or other paper, in which case the Secretary shall not transmit said bill or other paper until the motion to re-consider has been put; and on the concurrence in any bill or other paper of the House of Representatives by the Council, or on the concurrence or disagreement in any vote of the House, it shall also be the duty of the Secretary to notify the House thereof.

XXLVII. Memorials to Congress, to the President of the United States, or the head of either of the departments, shall be considered in Committee of the Whole before being adopted.

XLVIII. It shall be competent for any member when a question is being taken, to call for the ayes and noes, which shall be inserted on the Journal. A call for the ayes and noes cannot be interrupted in any manner whatever.

XLIX. Committees shall not absent themselves from the Council by reason of their appointment, without special leave for that purpose be first obtained.

L. It shall be in order for the committee on enrollment to report at any time.

LI. A Secretary, Assistant Secretary, Enrolling Clerk, Sergeant-At-Arms, Messenger and Fireman shall be elected, to hold their offices during the pleasure of the Council.

The Secretary shall keep a correct Journal of the proceedings of the Council, and shall perform such other duties as shall be assigned to him as such Secretary. He shall permit no journal, records, accounts or papers to be taken from the table or out of his custody, other than in the regular mode of business; and if any papers in his charge shall be missing, he shall report the fact to the President that inquiry may be made. He shall superintend the recording of the journal of proceedings, the engrossing, enrolling, transcribing and copying of bills and resolutions, and generally perform the duties of Secretary, under the direction of the President. These officers shall severally take an oath truly and faithfully to discharge their respective duties of office.

LII. The proceedings of the Council on Executive business shall be kept in a separate book of record, to be provided by the Secretary of the Council, and published with the proceedings of the Council.

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

LIV. The President is authorized to administer all oaths prescribed by the foregoing rules.

LV. The standing hour for the daily meeting of the Council, shall be ten o'clock in the morning, until the Council direct otherwise.

LVI. The Governor, Secretary of the Territory, Judges of the Supreme Court, Delegate in Congress, members of Congress, of State Legislatures, and of the House of Representatives and ex-members of the Territorial Legislature may be admitted to seats within the bar of the Council.

LVII. No standing rule or order of the Council shall be rescinded or changed without one day's notice being given of the motion therefor, nor shall any rule be rescinded, changed or suspended, except by a vote of at least two-thirds of the members present.

LVIII. Every resolution debated or giving rise thereto, shall lie over for one day without debate or other action.

LIX. When in executive session, the Council shall in all cases sit with closed doors. All persons except the officers of the Council shall be removed from without the bar of the Council.

OFFICE OF THE TERRITORIAL TREASURER, }  
St. Paul, Dec. 21st, 1854. }

*To the Honorable, the Council and*

*House of Representatives, of Minnesota Territory:*

In obedience to the requirements of the Statutes, I have the honor to report to you the condition of the Financial Department of the Territory, as exhibited by the Books of this Office, for a statistical report of which you are referred to the Schedule hereto annexed:

CHARLES E. LEONARD.

# **SCHEDULE No. 1,**

*Showing the Dates, Drafts, Amounts and Receipts of the respective Counties, as exhibited by the books of the Territorial Treasurer.*

## **RAMSEY COUNTY.**

AMOUNTS DUE.			MONEYS EXPENDED.		
DATES.	DRAFTS.	AMOUNTS.	DATES.	RECEIPTS.	AMOUNTS.
February 1, 1850,.....	.....	544 39	Feb. 1, 1850.....	.....	544 39
do 1851,.....	.....	782 11	do 1851.....	.....	167 63
do 1852,.....	.....	1060 82	do 1852.....	.....	1418 45
		<u>2387 30</u>	Total.....	.....	<u>2130 45</u>
Leaving a balance due,.....		<u>2130 45</u>			
		<u>250 85</u>			

## WASHINGTON COUNTY.

February 1, 1850,.....	262 07	Feb. 1, 1850.....	228 90
do 1851,.....	335 17	do 1851.....	335 17
do 1852,.....	343 76	do 1852.....	782 48
do 1853,.....		do 1854.....	<u>1346 55</u>

## BENTON COUNTY.

February 1, 1850,.....	26 05	Feb. 1, 1850.....	26 05
do 1851,.....	64 78	do 1851.....	
do 1852,.....	103 17	do 1852.....	100 00
do 1853,.....		do 1854.....	<u>126 05</u>

## CHISAGO COUNTY.

February 1, 1852,.....	46 89	Feb. 1, 1852.....	0 00
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## WABASHAW COUNTY.

February 1, 1852,.....	16 50	Feb. 1, 1852.....	7 00
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## ITASCA COUNTY.

February 1, 1852,.....	8 62	Feb. 1, 1852.....	0 00
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**SCHEDULE No. 1—Concluded.**

AMOUNTS DUE.			MONEYS EXPENDED.		
DATES.	DRAFTS.	AMOUNTS.	DATES.	RECEIPTS	AMOUNTS.
<b>HENNEPIN COUNTY.</b>					
February 1, 1852, .....		43 50	1852 .....		
1853, .....			Feb. 1 1855, .....		102 88
<b>DAKOTA COUNTY.</b>					
February 1, 1852, .....		36 35	Feb. 10, '55, .....		52 62

*The accounts for Washington, Hennepin and Benton Counties, are as follows:*

DATE.	RECT'S	WHEN DRAWN.	TO WHOM PAYABLE.
June 8th, Rec'd from Treasurer of Washington county in Auditor's warrants,	\$  595 00	Nov. 1, 1852. Dec. 20, 1853, July 9th, 1852.	James McBoal, salary, F. R. Delano, salary, F. K. Bartlett, on acc't Auditor, C. S. Thompson, road contract, J. E. McKusick, salary,
In cash June 3d, Rec'd from Treasurer of Washington cat'y Dec. 8th, in Auditor's wart's,	37 48  150 00	" " " Sept. 7, 1853. Dec. 20, 1853. " " " June 23, 1853. 6, " " 6, " 23, " " 28, "	F. K. Bartlett, services and station'y J. McBoal, salary, F. Murphy, axe-man on Ter. road, F. R. Delano, salary, " " " " " " "
Cash balance on hand,			\$75 00 50 00 50 00 105 00 50 00 50 00 35 00 75 00 30 00 25 00 25 00 25 00 25 00 25 00 25 00 25 00 25 00 25 00 Cash balance on hand,
			\$37 48

## HENNEPIN COUNTY.

DATE.	REC'T'S	WHEN DRAWN.	TO WHOM PAYABLE.	
Dec. 11, 1854.	\$	Dec. 30, 1853,	A. Van Voorhes, salary,	\$50 00
Received of Treasurer of Hennepin cnt'y in Auditor's warrants,	100 00	Jan. 10, 1854,	Calvin A. Tuttle, salary,	50 00
Received in cash as per above,	2 88			
			Cash balance on hand,	\$2 88

## BENTON COUNTY.

July 27, 1854,	\$
Received of Benton county in cash,	100 00
Received of G. W. Prescott,	2 62

## AUDITORY WARRANTS COUNTERSIGNED AND TO WHOM.

E. W. Merrill,	salary,	-----	\$ 50 00
Calvin A. Tuttle,	"	-----	50 00
L. A. Babcock,	extra services,	-----	100 00
"	"	-----	150 00
L. Emmett,	"	-----	53 60
"	"	-----	56 52
"	"	-----	36 00
"	salary,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	35 00
"	"	-----	25 00
"	extra services,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
"	"	-----	15 00
"	"	-----	10 09
"	"	-----	28 00

J. T. Georgia,	salary,	-----	25 00
"	"	-----	25 00
"	"	-----	25 00
			<hr/>
			\$844 19

The above is a true statement of Auditor's warrants by me countersigned since the 20th day of February, 1854.

CHARLES E. LEONARD,  
*Territorial Treasurer.*

St. PAUL, Dec. 21, 1854.

Whole amount of Auditor's Warrants received for the year 1854, and canceled, commencing February 20th, as per account stated .....	\$845 00
Whole amount of cash received, as per account .....	142 18
Cash paid on Auditor's Warrant drawn in favor of E. W. Merrill's salary .....	30 00
Cash paid on Auditor's Warrant drawn in favor of L. Emmett's salary .....	20 00
Cash balance on hand .....	92 98

The above Report is a correct statement of Auditor's Warrants received, and cash received and paid out since the 20th of February, 1854.

CHARLES E. LEONARD,  
*Territorial Treasurer.*

St. PAUL, December 21st, 1854.

In further report I would respectfully call the attention of the Legislature to a repeal of the amendment of section four of article three of chapter eight of the revised statutes.

The effect of said amendment being to place under the control of the county treasurer the management of matters pertaining solely to the office of the Territorial Treasurer, and imposing upon the county treasurer duties which are foreign to his office, and belonging exclusively to that of the Territorial Treasurer.

The practical working of the said amendments completely nullifies and at the same time embarrasses the action of the Territorial Treasurer, and works an injustice to the holders of Auditor's warrants. For example:

It appears by the books of this office that Auditor's warrants issued in 1850 and 1851 still remain unpaid, though often presented for payment, which would not have been the case if the moneys owing to the office of the Territorial Treasurer had been paid over to the said Treasury instead of being discharged by Auditor's warrants through the county Treasurers.

It will be seen therefore, that the Territorial warrants, by such amendment, instead of being paid by the Territorial Treasurer, a duty properly belonging to his office, and none other, are paid by the County Treasurer.

I would respectfully call your attention to the certificate of the Register of Deeds of Washington county, which is herewith submitted, by which it appears that the whole amount of tax assessed in that county for the year 1850, as seen by the records of the

county Commissioners, was \$2,288 60, of which \$228 86 was due to the Territorial revenue. By the books belonging to this office, it appears that the said amount \$228 86 was duly paid, and a balance of \$33 17 still remaining due to the Treasury of the said county of Washington for the year 1850. The original draft therefore as it appears to me being in error, having been drawn by the Treasurer and countersigned by the Auditor for more than was due from that county by \$33 17, I would therefore respectfully recommend that the same be canceled from the books of this office.

CHARLES E. LEONARD,  
Territorial Treasurer.

OFFICE OF REGISTER OF DEEDS OF WASHINGTON COUNTY, {  
Minnesota Territory, December 6, 1854. }

I do hereby certify that the whole amount of Tax assessed in this county, in the year 1850, as it appears by the records of the county Commissioners was \$2,288 60, of which \$2,059 74 was for County revenue, and \$228 86 for Territorial revenue.

In testimony whereof, I have hereto set the seal of the county.

H. CURLIS,  
Register of Deeds.

EXECUTIVE DEPARTMENT, MIN. TER. }  
February 5, 1855. }

**SPEAKER HOUSE OF REPRESENTATIVES:**

I have the honor to transmit herewith the 2d Annual Report of the Inspectors of the Territorial Prison.

Very Respectfully,

W. A. GORMAN.

WARDEN'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 1, 1855. }

Gov. W. A. GORMAN:

Sir—I herewith transmit to you the proceedings of the Board of Inspectors of January 1st, as also their report to you for the year ending Dec. 31, 1854.

F. R. DELANO,  
Warden.

INSPECTOR'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 1, 1855. }

SIR:—In accordance to the statute, we transmit to you our Second Annual Report of the affairs of this Prison. During the past season, a large amount of work has been performed upon the Prison, and the grounds belonging thereto, under the appropriation in the hands of the Warden, and expended by H. F. Masterson, Disbursing Agent of the United States. The grading and drainage of the grounds has been completed, as has also been the principal Prison buildings. There is still wanted, to meet the purposes for which this institution is intended, a work-shop, which will answer the present and future wants of the Prison, and in which the convicts may be employed in a more secure manner than at present. We estimate the cost of a suitable shop, to be built of stone, at six thousand dollars, and would recommend that a memorial to Congress praying for an appropriation for that amount and to be applied to that purpose.

We are pleased to say that the general affairs of the Prison and police thereof, under the management of the present warden meets with our entire approval, and that the convicts are well fed and clothed, and carefully watched. It has been with us, in our management thereof, a rule to make this institution a place where the convict may become permanently reformed and fitted again to become a member of society, as well as a place for the punishment of offences against the laws. During the term for which we have acted as Inspectors, and which will expire with the present session of the Legislature, our duties have been attended with more than the ordinary amount of labor, the erection of the proper buildings, and the general carrying on of the works, with regard to their future usefulness leads us to believe that we can point to this Institution of our Territory and future State, as one where the appropriations made therefor have been economically expended, and to as good purpose as at any place within our knowledge.

Hoping that our duties have been performed to the satisfaction of the people of the Territory, we respectfully submit this our report.

J. B. DIXON,  
Chairman of the Board,

To Governor W. A. GORMAN,

INSPECTOR'S OFFICE, TERRITORIAL PRISON, }  
Stillwater, January 11, 1855. }

Board met.

Present—Messrs. Dixon and Stearns.

The warden of the Prison laid before the Board the amount of bills paid by him during the past six months, which were examined and approved.

On motion of Mr. Stearns,

The Board adjourned to meet the first Monday in April next.

Signed,

J. B. DIXON,  
Chairman.

Attest:

F. R. DELANO, Clerk.

I hereby certify that the above is a correct transcript of the doings of the Board of Inspectors at their meeting, January 1st, 1855.

F. R. DELANO,  
Warden.





# REPORT

OF THE

## WARDEN OF THE TERRITORIAL PRISON.

---

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

The undersigned respectfully submit the following report of the affairs of the Territorial Prison, for the year ending Dec. 31, 1854:

During the last year the balance of the appropriation on hand Dec. 31, 1853, has been expended upon contracts entered into the spring of 1853; as also a large amount of work been done under the appropriation of Congress, and disbursed by H. F. Macterson, Esq., disbursing agent for the United States Treasury Department. Under these appropriations the grading has been completed, according to the original plans, as has also been the drainage of the grounds.

The Prison buildings are also complete, with the exception of workshop accommodations, to which latter want I would call the particular attention of your honorable body, and suggest the propriety of memorializing Congress for an appropriation of six thousand dollars, with which to erect a stone workshop suitable for the present and future use of this institution.

Two convicts have been received during the past year. None have been discharged. The large amount of emigration from the old States, taken in connection with our criminal code, renders it probable that increased accommodations will be needed at an early day.

It affords me particular pleasure to make honorable mention of the high state of morals and general steady habits of the convicts, at present confined in this institution.

In this connection I would also suggest the propriety of a small appropriation for the increase of the Theological portion of the prison library.

In regard to the fiscal affairs of the prison, I refer you to the annexed statement of receipts and expenditures, marked B.

All of which is most

Respectfully submitted,

F. R. DELANO,

Warden.

WARDEN'S OFFICE, Territorial Prison, Jan. 1, 1855.

## STATEMENT B.

## PRISON RECEIPTS,

<i>In account,</i>	Dr.
To balance on hand Dec. 31, 1853.....	\$5,616 76

## PRISON EXPENDITURES.

<i>In account,</i>	Cr.
By amount paid to contractors and others for material and labor furnished to prison.....	\$5,013 63

Balance.....	\$603 13
	\$5,616 75

Which balance will be due to the contractor for iron doors for cells, as soon as this job is completed, which will be at an early day.

F. R. DELANO,  
Warden.

WARDEN'S OFFICE, Territorial Prison, Jan. 1, 1855.

All of which is most  
receipts and expenditures, marked B.  
In regard to the fiscal affairs of the prison, I refer you to the annexed statement of  
increase of the theological portion of the prison library.  
In this connection I would also suggest the propriety of a small appropriation for the  
models and general study habits of the convicts, as present confined in this institution.  
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The large amount of emigration from the old State, taken in connection with our crim-  
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sand dollars with which to erect a stone workshop suitable for the present and future use  
of this institution.  
The Prison buildings are also complete, with the exception of workshop accommo-  
dations, to which latter want I would call the particular attention of your honorable body,  
and suggest the propriety of memorializing Congress for an appropriation of six thou-  
sand dollars with which to erect a stone workshop suitable for the present and future use  
of this institution.

EXECUTIVE DEPARTMENT, }  
Minnesota Territory, January 26, 1855. }

**SPEAKER H. OF R.:**—I have the honor to transmit, herewith, for your information, a Joint Resolution passed by the Legislative Assembly of the State of Iowa, praying Congress to make an immediate appropriation for the improvement of the Rock Island and Des Moines rapids, of the Mississippi; and also asking the assistance of the different States and Territories, included within the valley of the Mississippi.

I cordially concur in the views expressed by the Iowa Legislature, and think it highly proper that the Legislature of this Territory should take favorable action in the matter.

Very respectfully, your obedient servant,

W. A. GORMAN.



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

*Speaker of House of Representatives:*

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

Respectfully,

Your obedient servant,

W. A. GORMAN.

**REPORT**  
OF THE  
**PRESIDENT OF THE M. & N. W. RAILROAD COMPANY.**

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

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

The company has received, since the incorporation thereof, and during the present year, the sum of \$100,020.

The said company has expended, since its incorporation, and during the present year, the sum of \$9,672 24.

In witness whereof, the said company has caused this instrument to be attested by Robert W. Lowber, its Acting President, and the seal of the said company to be hereto affixed, this eighth day of December, 1854.

R. W. LOWBER,  
Acting President M. & N. W. R. R. Co.

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

Robert W. Lowber, the Acting President, and Peter S. Burchan, the Treasurer of the M. & N. W. R. R. Co., being duly sworn say, and each for himself says, that the foregoing statement of the said Company is in all respects correct and true.

ROBERT W. LOWBER,  
PETER S. BURCHAN.

Sworn to and subscribed this 8th day }  
of December, 1854, before me. }

JAMES P. HYATT,  
Commissioner of Deeds.





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

SPEAKER HOUSE OF REPRESENTATIVES:—

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

Respectfully, &c.,

W. A. GORMAN.

# CHARTER ACCEPTED

BY THE

## MINNESOTA AND N. W. RAILROAD COMPANY.

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

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

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

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

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

In presence of Edward Stearns:

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

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

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

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

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

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

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

ROBERT W. LOWBER,  
PETER S. BURCHAN.

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

JAMES P. HYATT,

*Commissioner of Deeds.*

# GOVERNOR'S MESSAGE

ON THE

## MINNESOTA AND N. W. RAILROAD COMPANY.

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MR. SPEAKER,—

*Gentlemen of the House of Representatives:*

I herewith return to the House of Representatives, in which it originated, Bill number 5, entitled "an act to amend an act to incorporate the Minnesota and North Western Railroad company," with my objections to its becoming a law.

By the 6th section of said act, the charter granted to the Minnesota and North Western Railroad company is expressly enacted, which brings up all the questions which arose in regard to the privileges, powers, and franchises therein granted. If the same persons who composed the last House of Representatives, also composed the present, it would be needless for me to enter into the subject in detail; but under existing circumstances I feel it a public duty to point out the obligations, which are in my judgment so manifest therein.

It will be borne in mind that the grant of lands made by Congress to the State of Illinois, approved 20th September, 1850, is substantially the same, (and differs but little even in terms,) as that made to this Territory by the act of Congress, approved 29th of June, 1854. By an act of the Illinois Legislature, approved February 10, 1851, a charter was granted to the Illinois Central Railroad company, by which they were to receive the lands to aid in constructing certain roads therein named. Said charter is substantially like that granted to the M. & N. W. R. R. Co. by the Legislature of Minnesota at its last session, and re-enacted again by you at the present session, except that the charter to the M. & N. W. R. R. Co., leaves out

10—COUNCIL APPENDIX.

nearly, if not quite all the guards and securities expressly provided for in the Illinois charter.

The first guard against imposition or fraud in the Illinois charter is found in the 15th section, which provides that "immediately upon the organization of said company, and the presentation to the Governor of the State of Illinois, of a certificate signed by the corporators herein before named, and duly acknowledged, accepting of this act of incorporation, and certifying to the due organization of said corporation, to the subscription of the capital stock thereof by the corporators herein before named, and their associates, of the sum of one million of dollars, and the bonafide payment of 20 per cent thereon to the Treasurer of said company, verified by the affidavit of the Treasurer and President of the company, which said certificate shall be filed in the office of the Secretary of State."

It will be seen that Illinois required the guarantee for the constructing of said road, &c., that 20 per cent on one million of dollars should be actually paid in. The Minnesota charter only requires that 10 per cent shall be paid in, nor does it require them to report under oath that one cent had been paid into the treasury in good faith.

2d. The Illinois charter in the 15th section requires the company to deposit three hundred thousand (\$300,000) dollars of registered Canal Bonds or funded internal improvement bonds of Illinois, or two hundred thousand dollars in specie, or two hundred thousand dollars in U. S. 6 per cent stocks, with the Treasurer of State, to be returned to said company on the completion of 50 miles of said road, within the time and according to the provisions of the charter. Minnesota has no such security, and strange to say she refuses to ask it. I have to learn that the Illinois Central R. R. company is not as responsible and as reliable as the M. & N. W. R. R. company, and I frankly confess, it is utterly beyond my comprehension to see why Minnesota should not guard her interest as amply as did the State of Illinois.

3d. Illinois, then, requires the Governor to make a deed to said company, in fee simple of all the lands granted her by Congress, and simultaneously with the execution of said deed by the Governor, she expressly takes another still stronger and safer security from said company. That is to say, a mortgage is to be executed to trustees by said company on all the lands conveyed by the Governor to the company, expressly to secure and guarantee to the State of Illinois, the first and prior lien on everything thus mortgaged, of every kind and description whatever.

1st. To secure the completion of the road and branches within the time and upon the conditions, and in the manner in the charter provided. Minnesota has required of the M. & N. W. R. R. Co., no such security, but on the contrary has refused to ask it. If the Illinois Central R. R. Co. accepted

these terms and gave these securities, why is it that Minnesota does not thus secure the people's rights? Surely Minnesota is not more able in her tender infancy to risk her lands in the hands of a corporation than Illinois with her million inhabitants. Surely Minnesota is no less liable to imposition than Illinois.

Again—while Illinois secures to her people 7 per cent in money, of the *gross* proceeds of her road Minnesota asks only 7 per cent on her *net* proceeds, and asks no security for *that*.

By the 8th section of the Minnesota charter "the fee simple" is granted to the corporation absolutely "without any further *act or deed*," and the Governor is directed to give an additional deed, if required by the company. "to vest in them a more perfect title." It will be observed that when this title is completed, the company have the power under the 10th section to mortgage the road, franchises, *lands* and materials belonging thereto; thus empowering the company to borrow any amount of money they need in constructing the road. This money they may use at will, and in any way they choose, either to bank upon in New York, or to speculate in any way the most profitable dividends can be realized for three years, and not expend one dollar on the road—against which Minnesota has no remedy until the expiration of the first three years, and then she can only have a forfeiture of their charter, and bring suit at the end of said 3 years for the value of the land thus misapplied. Who will she then sue? The officers and stockholders of course! *Who are they?* I do not know, and I presume that no member of this Legislature does. The officers and stockholders of to-day may not be the officers and stockholders then. They may each be responsible now, but they may all be bankrupt then. Against such an unfortunate contingency, Illinois took good care to be amply secured. Against which unfortunate contingency, Minnesota has no security whatever, and refuses to ask it. What service can the forfeiture of their charter be if they thus misapply your funds? It only brings you back to where you started after having lent your lands for the company to raise money upon.

And here another question arises, whether the bond holders who loaned the money to the company cannot hold the lands thus mortgaged, and enforce a title. This proposition will be still stronger if Congress should not disapprove the charter now before them, for then it will have equal force with any act of Congress, for a failure to disapprove is equivalent I presume to an approval. It is true the patent is not to be issued until a certain part of the road is completed, yet it must be remembered that the company have three years to complete fifty miles, and Minnesota is silenced—her lips sealed, her complaints fruitless, her denunciations powerless, until that period rolls round, and it matters not to whom this company transfers their



stock. It matters not if they fail and become bankrupts in this time ; no remedy is left this infant Territory ; and I here repeat that the people's representatives in this and the last Legislature, not only did not ask security against such events, but even *refused* to ask, and *refused* to receive them. Even in the ordinary dealings of men, security is usually required, where the amount is large and the credit long.

It must be borne in mind that the Congress of the United States gave these lands to Minnesota, *not* to the M. & N. W. R. R. Co., and their value has generally been estimated at six or seven million of dollars, and this enormous sum is proposed to be given over in fee simple to a company to build a railroad, without taking any security that they will build it in the *time*, or in the *manner* or that they will *faithfully* apply the proceeds thereof as required.

Minnesota thus loans to this company six millions of dollars on three years time, without asking any security.

It is not the Minnesota & N. W. R. R. Co. that proposes to build this road, it is Minnesota that proposes to build it through her agents, to whom she furnishes the capital. Would any company undertake such a work at present without some bonus ? Surely not. Then it is the immense value the Company set upon the lands, that induces her to hang on our Legislative Halls, and ask for time and further privileges. But it is said we want a road and must have it. This is all correct. We should have a road in the shortest possible time, and it matters not what agents we employ to build it, if we take sufficient guarantees for their faithful performance.

As the M. & N. W. R. R. charter is re-enacted by the bill before me, I am again called upon to approve every section as if it was an original bill.

The 8th section of said charter grants the right of way two hundred feet wide through the whole length of said proposed road, with power to take all the necessary timber, stone or other material, and to have and hold absolutely all the lands within said (200) two hundred feet, which is now owned by Minnesota, or which they may hereafter own.

It is known to every man of ordinary intelligence that Minnesota is forbidden by her Organic Act from interfering with the primary disposal of the soil. Therefore, to give and grant any body the right of way, and the soil to the width of two hundred feet, from the Iowa line to Lake Superior, is clearly in violation of the Organic Act.

To avoid this, Congress must first grant the right of way to Minnesota, and then she may grant it to a company ; but not before. This will not be denied by any one, I presume, unless his pecuniary interest blind his judgment. If the act of Congress approved 29th of June, 1854, granting lands to Minnesota for railroad purposes, was now in full force and unrepealed,

the right of way has been accidentally omitted to be granted, unless by implication arising out of the right to build a railroad to and from certain points. The right of way is only granted expressly over the reserved lands subject to the approval of the President of the United States.

2d. If the right of way was granted by the act of the 29th June, 1854, that act has been rerepealed by the act of the 4th of August, 1854. But it is said that Congress had no right to repeal the grant because the company had commenced the construction of the road, and had thereby a vested right. This I utterly deny, and I distinctly aver that the said company has not expended one dollar or one cent in the construction of said road ; and in proof of my position, I have in my possession (and have transmitted a copy to your body) the report of the acting President and Treasurer, made to me on the first day of January 1855, under their oaths, duly attested by a competent officer, that said company had not expended *any sum whatever in the construction of said road*, but that they had expended about nine thousand dollars in some way not made known to me.

[See copy printed by order of the Council, attached hereto.]

By the bill presented to me, it appears that the 16th section of the charter of the M. & N. W. R. R. Co., is repealed. The section thus repealed is the one which declares the charter absolutely void if they fail to comply with its provisions. And the substitute in the third section of the bill before me, declares that said charter shall only be void if the company fail to build the "said fifty miles of railroad from St. Paul north, within three years, and to complete the whole within three years thereafter. and to complete a line of elegraph from Dubuque to St. Paul within twenty-two months after the passage of said act." While the 16th section thus repealed required that the board of directors should have been organized on or before the first day of July. 1854. It is believed that here is the difficulty with the M. & N. W. R. R. Co., from the beginning. That they have not in all probability complied with this provision, as it has not been made known, publicly at least, who their officers and directors are, or whether they did elect and organize there, by the time required ; and this legislation is intended, I presume, to cover this defect. It was this clause that caused the alteration to be made in the act of Congress, whereby we lost our lands.

Mr. Breckenridge, in his official report to Congress, says that "the parties who are dissatisfied with the Minnesota charter, and who desired the grant to be thrown before a future Legislature, wished the third section to be reported from the committee, and passed by the House in the above form ; while those who desired the company to receive the grant by virtue of the charter, wished the word "future" before the word "legislation," to be stricken out, and the word "and" to be substituted for the word "or"

between the words "constituted" and "organized." This explains the reason of the alteration, and points out who did it, and why it was done, especially when we observe the 16th section of the M. & N. W. R. R. charter."

And the first section of the bill proposes to exempt their lands from taxation until the patent issues, and there is no other right of taxation reserved to the territory. Under existing circumstances I have serious objections to this clause. First, by the time the patent is ready to be issued after the completion of the twenty miles, the lands will have been in the possession of our citizens as purchasers from the company, and thereby cause the settlers and owners to pay the tax, and not the company.

In the next place, the sixth section of the act incorporating the M. & N. W. R. R. charter, declares the capital stock of said company to be *personal property*, which will only be taxed where the owners and holders reside, unless you expressly reserve the right of taxation, and it is clear that this provision was to avoid taxation in Minnesota.

I cannot therefore, let go our right to tax their capital stock, and all their property both real and personal. Our fellow citizens are taxed on all their capital stock of every kind and description. Instead therefore, of this clause bettering the old charter, so far as the interest of our people is concerned, it puts the burthen off the shoulders of the company on to that of our own citizens.

But let us look at the question of taxation in another light. It has been proclaimed that we have the right to tax the capital stock without it is expressly exempted by law. Suppose this to be true. By declaring the whole of their capital stock personal property, you can only tax the stockholders who reside in Minnesota, unless you expressly say it shall be taxed and put a clause to that effect in their charter; for personal property follows the person of the owner, and can only be taxed in the county or district in which the person resides.

Then what remains for us to tax belonging to this company under the extraordinary privileges of the charter? The capital stock represents the road, depots, buildings, machine shops, and everything which that capital has been expended in making and constructing. If the capital stock is therefore only to be taxed as personal property, it is out of your reach, unless you secure its taxation by special enactment. The per centage to be paid by the bill before me is objectionable, and it is not in the form I should regard as safe for the territory.

The clause giving the right to alter, amend, or repeal after twenty years is (by the last clause making Minnesota pay all damages, that the corporation may sustain thereby) worse than if no such power was given. The modern doctrine is now well understood among public men, that no corpo-

ration for the concentration of a large capital, should have perpetual and unalterable charters and in most of the New England states this guard is reserved to the people, as it rightfully ought to be. The people have an inherent right to alter, amend, or modify even the most sacred fundamental law at pleasure, and there is no sound reason why they should not possess unlimited power over every law their representatives may enact. But in attempting to retain this right in the charter the representatives have shown their lack of confidence in the justice of a future Legislature, and the people, by holding the Territory bound in damages if they should be inclined, after twenty years, to ask for its alteration, modification, or repeal.

But allow me in conclusion, to ask whether the representatives of the people have any security that the company will accept the amendments proposed? Where is your guaranty? What do they forfeit if they do not accept these amendments? What pledge have you and from whom, that they will accept them?

In the ordinary business transactions of life, men of capital do not consent without some consideration, to have their bond increased.

In looking at these amendments impartially, I am constrained however, to say that they enlarge their privileges, franchises and rights, instead of contracting and limiting them.

1. The per centage to be paid the Territory, is the same as in the old charter.

2. The taxation of their lands is postponed until the patent issues, thereby throwing the taxes on the purchasers, and off the company, while the old charter did not mention the subject, and therefore left all real estate liable to taxation from the beginning.

3. Some of the obligations held against the company in the sixteenth section of the charter are released by its express repeal.

4. The old charter is re-enacted to cure all failures and defalcations of the company.

5. The time is extended for the completion of the first fifty miles of the road.

6. The time is extended for the completion of the whole line of the road.

7. The time is extended for completing the telegraph.

8. The power to alter, amend or repeal is clogged with a provision to bind the people forever to this corporation or to take upon the Territory a public debt.

But it is not to be disguised that the re-enactment of the old charter is to cure their own defalcations. If they sincerely intend to deal fairly by Minnesota, they cannot object to deposit a sufficient guarantee in money or good stocks, that they will accept proper amendments, and build the first fifty miles of the road or forfeit the amount thus deposited.

The Illinois Central Railroad company do it cheerfully, and there is no fair reason why the M. & N. W. R.-R. Co. should not do the same.

I cannot refrain from expressing my decided conviction that the lands are gone from us forever, unless you take some steps to get this obnoxious charter out of the way, and appeal to the justice of Congress not to hold Minnesota responsible for the wrongs of others. I must also be allowed to express the opinion that the commencement of the suit by the United States against this company, and in the name and under the circumstances, was suicidal to our best interests, as I fear will be shown in the end, notwithstanding it may have been commenced through proper and pure motives. I honestly fear, as I have from the beginning, that it will prove disastrous to our hopes and prosperity.

I have honestly endeavored to point out the best course to secure to Minnesota these lands, and a railroad, and my views remain unchanged. I have no private interest to favor—no unjust prejudice to overcome, but would cheerfully change my course to-morrow, if I could thereby advance the prosperity and welfare of Minnesota.

One of the great political parties in this government has always looked with jealousy upon the encroachments of capital upon the rights and privileges of the people. And in a new country we will have to keep an eternal vigilance, or this powerful adversary to the people's rights will lay hold of and bind the infant arms of this young Territory, until it will move the body at will. The Money King of our country has already more than a just share of influence among all the affairs of men: and reaching out his ponderous arms, encircling every obstacle in his path, and like the great waters of the Mississippi, bears off upon its tide every impediment to its progress or sinks it to the bottom.

My duty is now done. Yours is left to your consciences your judgments, and your constituents.

W. A. GORMAN.

# JOINT RULES

AND

## ORDERS OF THE TWO HOUSES,

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

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

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

4. When a bill is duly enrolled, it shall be examined by a joint committee of two from each House, appointed for that purpose, who shall carefully compare the enrolled with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, and make their report forthwith to the respective Houses.

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

6. After a bill shall have been thus signed in each House, it shall be presented by the said committee of enrollment to the Governor for his approval, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorse.

ment shall be signed by the Chief Clerk of the House, or the Secretary of the Council, as the bill may have originated in the one or the other House, and the said committee shall report the day of presentation to the Governor, which shall be entered on the Journal of each House.

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

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

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

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

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

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

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

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

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

16. In joint convention of the two Houses, the Speaker of the House of Representatives shall preside.

17. No item shall be inserted in any appropriation bill until it has been passed upon by one of the joint committees on Territorial expenditures, or Legislative expenditures.

18. The general appropriation bill shall be introduced into the House at least ten days before the close of the session, and passed by the House and sent to the Council for their concurrence, at least three days before the close of the session.

J. B. DIXON,  
WM. DAVIS.

**REMONSTRANCE**  
AGAINST THE  
**DIVISION OF FILMORE COUNTY.**

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

Your petitioners, citizens of Fillmore county, in said Territory, would most respectfully remonstrate against the division of Fillmore county, according to the prayer of a petition which has been circulated in some parts of said county. And your petitioners would further represent, that, as the law of 1854, establishing the present limits of said county, made no provision for officers in said county, there has been no term of the District Court held in said county. And the organization of said county not having perfected until the general election in October 1854 for said officers, and there being a good number of roads in progress of being located which must be abandoned upon the passage of a law altering the limits of said county. And further, that there is a heavy debt against said county, but as there has been no officers in said county, there has been no tax levied for the liquidation of said debt. And your petitioners are of the opinion that such a division would be of great injury to the majority of the citizens of said county. And relying upon the good judgment of our representatives, feel confident that the prayer of said petition will be rejected, for which your petitioners are in duty bound, and will ever pray.

Benjamin Bear,  
Henry Bear,  
Cephus Parker,  
Lewis Prindle,  
William H Cooley,  
James Martin,  
TD Trandal,  
Henry Jones,  
Peter McGowan,  
William Rileh,  
William Wimmer,  
House E Loomia,  
Wm Goolsley,  
J W Smith,  
D W Breege,  
R M Foster,



F Henry,  
 A Macham,  
 Samuel Riddle,  
 Alonzo Renslow,  
 James Wilson,  
 Wm Renslow,  
 W W Wattlea,  
 John C Elebs,  
 Joseph Ebbs,  
 Alfred Ebbs,  
 Armswoath,  
 Edwin Colwell,  
 Ghester Colwell,  
 Edward Ells,  
 Ambrose Lamb,  
 Daniel Mead,  
 Frederick Crommer,  
 Stephens Russell,  
 Joseph Schryver,  
 S Vincent,  
 James Swift,  
 Wm R Winans,  
 T B S Wiford,  
 T J Safford,  
 John Lewark,  
 D N Morse,  
 R W Twichell,  
 Joseph Tatro,  
 Joseph Holmes,  
 G W Rose,  
 Thos Holmes,  
 W Skinner,  
 A W Fargo,  
 Jas M Munday,  
 Wm J Sturgis,  
 R Freeman,  
 Jas McClellan Jr.,  
 C Woodward,  
 C Redfield,  
 Serri Sleaton,  
 C French,  
 Charles Kilian,  
 Wm B Gere,  
 J R Freeman,  
 E A Freeman,  
 H Beevk,  
 Asa Goff,  
 Aaron Flyte,  
 A W Cady,  
 Oliver Nilson,  
 Daniel Keley,  
 Franklin Blodgett,  
 Marvin Hawood,  
 Mason W Allen,

John Lambert,  
Joseph Lambert,  
Benjamin Winans,  
Aubud Feely.  
Wm Potter,  
Philip Potter,  
Joseph Mhippie,  
James Edwards,  
David Jaggros,  
Geo W Edwards,  
P H Harterbower,  
C N Short,  
John Bateman,  
John Oleson,  
J S Allison,  
L Renfres,  
Joseph Mulirhill,  
Patrick Shaughnessy,  
I E Grout,  
T Grout,  
C French,  
David Tillon,  
E C Degruete,  
John D Kipley,  
C Willis,  
Finley V Miller,  
Charles B Miller,  
Joseph Ripley,  
J W Sturgis,  
S A Sturgis,  
J S Gillett,  
A Tilton,  
E Prindle,  
Stimon Riply,  
G M Willis,  
W C Tatro,  
F Tatro,  
Thomas Goff,  
Orange H Chapman,  
Harley B Morse,  
Isaac Day,  
Simeon Crittenden,  
Henry L Edwards,  
H K Meady,  
Thomas Leasure,  
Chester Rose,  
J L Huntley,  
John Trumbell,  
Joseph Rose,  
William John Perraton,  
Elias Engram,  
E J Ways,  
J W Becker,  
Helson Allen,

J H Lewark,  
Thomas Chipman,  
William Sauer,  
H Case,  
H A Coffin,  
H Coffin,  
S M Herrick,  
L Herrick,  
Charles Edwards,  
John R Jones,  
J T Dikson,  
Ben Jones,  
Hiram Thompson,  
George M Gere,  
E C Gere,  
H Goodman,  
John Pace,  
Joseph B Potts,  
Joseph Tillon,  
Johnolhad Williams,  
John Williams,  
Benjamin Roberts,  
Andrew Finley,  
A Burhap,  
H K Wilder,  
John W Smith,  
Wm Goolsbery,  
Silvester Caxcell,  
Gabriel Martin,  
Isaac Brinker,  
Abraham Franke,  
Philip B Austin,  
Jonathan Lee,  
John Mawer,  
Matthew Mawer,  
A H Palmer  
C W Palmer,  
M Turner,  
A Turner,  
Wm. Banning,  
Alfred Kinney,  
M J Sickler,  
Reubin Kinney,  
Ola Christain,  
Treils Truhjan,  
Thoer Chritain,  
Lewis Tullip,  
Graham Thorn,  
Barnabas Baker,  
G P Steer,  
H S H Hayes, Co Com  
G Carter,  
Isaac Steer,  
Charles A Coger,

Sands Brownell,  
David Steer,  
Charles Fisk,  
John E King,  
Wm K Foibue,  
M Tabor,  
Major Flint,  
Moses Flint,  
Salira Town,  
J M Poe,  
Wm Polze,  
Joseph Grimes,  
Silas Gilmore,  
Justin Crittenden,  
Arthur Bower,  
Orin H Page,  
R C Burgess,  
L Baden,  
S I Rutar,  
W L Phelps,  
John Bingham,  
D Bingham,  
Wm B Lodgit,  
Samuel Rutan,  
James Rutam,  
Robert Thomas,  
Charles T Kee,  
George W Mills,  
C W Strother,  
John Vail,  
K Kent,  
J T Buck,  
John James,  
James Reed,  
Anson Freeman,  
Dan Campion,  
Michel Campion,  
M S Chase  
T M Chase jr,  
B Wilson,  
Wm Jinks,  
John Weber,  
John Campion,  
Daniel Campion, sen.  
James Campion, jr.  
Levi W Phelps,  
Nathan S Phelps,  
E Leazoe Phelps,  
D Barber,  
Russell H Friendly,  
Howard Peterson,  
Charles Brown,  
William Armstrong,  
Andrew Cheney,

Jonh Kyer,  
 C B Kimball,  
 Tom X Ellis,  
 Sevin Errickson,  
 O S Errickson,  
 Andrew Thompson,  
 E S West,  
 Jeptha Becker,  
 Samdo Caffinan,  
 Aikin Miner,  
 Daniel Hurlbut,  
 William Carpenter,  
 William D Hurlbut,  
 Calvin Case,  
 William Rill,  
 Joel Ballard,  
 Henry Holdhedge,  
 David Haselton,  
 Lorenzo Schemerhorn,  
 John Schemerhorn,  
 William Bird,  
 James Ralston,  
 William Woodard,  
 Oren Woodard,  
 John Whitney.

TERRITORY OF MINNESOTA, } ss.  
 FILLMORE COUNTY, }

I, G. W. Willis, Clerk of the District Court  
 of Fillmore County, M. T., do hereby certify that the above petitioners are citizens of  
 Fillmore County, M. T.

G. W. WILLIS,  
 Clerk of the U. S. District Court.

# JOURNAL OF THE EXECUTIVE SESSION.

FRIDAY.

MARCH 2, 1855.

The lobby being cleared, and none but the members and sworn officers of the Council present,

On motion of Mr. Van Etten,

The following message, on executive business, from his Excellency the Governor, was then read, viz:

EXECUTIVE DEPARTMENT, MINNESOTA TERRITORY, }  
February 28th, 1855.

*To the President of the Council:*

SIR:—I have the honor, to ask the advice and consent of the Council, to the following nominations of Notaries Public, to wit;

L. E. Thompson, Stillwater,	March 8th, 1854,
Robert Fairbanks, Long Prairie,	" 10th, "
William Lauver, Goodhue county,	" 10th, "
William L. Ames, Ramsey "	" 9th, "
Theodore Borup, Ramsey "	" 10th, "
William B. Gere, Winona, "	" 18th, "
Charles J. Henniss, Ramsey "	April 21st, "
Willim P. Murray, Ramsey "	May 9th, "
William Richardson, " "	" 9th, "
William Brewster, " "	" 9th, "
C. L. Willis, " "	" 9th, "
Lewis Branson, Mankato,	" 9th, "
Freeman C. Taylor, Washington county,	" 9th, "
Thomas B. Hunt, Saint Paul,	" 9th, "
F. McCormick, Ramsey county,	" 31st, "
John Keys, Winona,	August 9th, "
Abraham F. Hary, Houston county,	" 9th, "
Benjamin H. Randall, Pierce county,	" 10th, "

George Hezlep, Ramsey county,	Aug. 15th, "
George W. Farrington, Ramsey county,	" 15th, "
Wilbur M. Hayward, Ramsey county,	September, 1st, "
John H. Smith, Brownsville,	" 19th, "
T. H. Smith, Saint Paul,	" 18th, "
E. M. Patridge, Saint Paul,	" 23d, "
B. F. Tillsteon, Fillmore county,	October, 12th, "
P. P. Humphrey, Kasota,	" 12th, "
E. M. Tracy, Saint Anthony,	" 12th, "
O. T. Hayes, Dakota county,	" 13th, "
J. C. Shepley, Ramsey county,	" 18th, "
A. C. Dunn, Benton county,	" 20th, "
A. Gale, Dakota county,	November, 9th, "
O. H. Kelley, Benton county,	" 9th, "
Philander Sanford, Goodhue county,	" 20th, "
L. W. Folsom, Chisago county,	December, 5th, "
C. D. Gillfillan, Ramsey county,	" 15th, "
W. H. Tompkins, Ramsey county,	" 15th, "
J. F. Hoyt, Ramsey county,	" 18th, "
C. H. Drew, Sibley county,	" 28th, "
H. A. Lambert, Saint Paul,	January, 4th, 1855.
R. Fairbanks, Cass county,	" 4th, "
E. H. Day, St. Anthony,	" 18th, "
F. M. Crepean, Hennepin county,	" 19th, "
J. B. Wakefield, Scott county,	" 20th, "
William B. Dodd, Nicolet county,	" 24th, "
R. K. Whitsley, Wabashaw county,	" 25th, "
J. D. Jenkins, Rice county,	" 26th, "
L. C. Dayton, St. Paul,	February, 7th, "
O. Mallmross, Ramsey county,	" 7th, "
G. N. Willis, Fillmore county,	" 8th, "
Joseph Ford, Goodhue county,	" 18th, "
A. E. Greenleaf, Scott county,	" 18th, "
H. L. Edwards, Fillmore county,	" 20th, "

Very Respectfully,

Your Obedient Servant,

W. A. GORMAN.

Mr. Brown moved,

That the nominations of Notaries Public, by his Excellency, the Governor, be now taken from the table;

Which motion being put,

It was agreed to ;

The question then recurring,

"Will the Council advise and consent to the appointment of L. E. Thompson of Stillwater as Notary Public?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Robert Fairbanks, as Notary Public for Long Prairie?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of Wm. Lauver, as Notary Public for Goodhue county?"

The question then recurring,

"Will the Council advise and consent to the appointment of M. L. Ames, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Theodore Borup, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. B. Gere, as Notary Public for Winona county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Chas. J. Henniss, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. P. Murray, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. Richardson, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. Brewster, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. L. Mills, as Notary Public for Ramsey county?"



It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Lewis Branson, as Notary Public for Mankato?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. C. Taylor, as Notary Public for Washington county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Thomas B. Hawk, as Notary Public for St. Paul?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. McCormick, of Ramsey county, as Notary Public?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Jno. Keyes, as Notary Public for Winona county?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of A. J. Hary, as Notary Public for Houston county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of B. H. Randall, as Notary Public for Pierce county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wilber Hayward, as Notary Public for Ramsey county?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of Geo. Hezlep, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Geo. W. Farrington, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Jno. H. Smith, as Notary Public for Brownsville?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. M. Smith, as Notary Public for St. Paul.

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of E. M. Patridge, as Notary Public for St. Paul?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of B. F. Tillotson, as Notary Public for Fillmore county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of P. P. Humphrey, as Notary Public for Kasota county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of L. M. Tracy, as Notary Public for St. Anthony?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of O. P. Hayes, as Notary Public for Dakota county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Alexander Farribault, as Notary Public for Rice county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. C. Shepley, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of A. C. Dana, as Notary Public for Benton county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Artemas Gale, as Notary Public for Dakota county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of O. H. Kelley, as Notary Public for Benton county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Philander Sandford, as Notary Public for Goodhue county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of L. W. Folsom, as Notary Public for Chisago county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. D. Gillfillan, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of W. H. Tompkins, as Notary Public for Ramsey county?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. F. Hoyt, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of H. A. Lambert, as Notary Public for St. Paul?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of C. H. Drew, as Notary Public for Sibley county?"

It was decided in the affirmative.

The question recurring,

"Will the Council advise and consent to the appointment of R. Fairbanks, as Notary Public for Cass county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of F. M. Cripean, as Notary Public for Hennepin county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. B. Wakefield, as Notary Public for Scott county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Wm. B. Dodd, as Notary Public for Nicollet county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of R. K. Whitely, as Notary Public for Wabashaw county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of J. D. Jenkins, as Notary Public for Rice county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of S. C. Dayton, as Notary Public for St. Paul?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of E. H. Day, as Notary Public for St. Anthony?"

It was decided in the negative.

The question then recurring,

"Will the Council advise and consent to the appointment of O. McIntoss, as Notary Public for Ramsey county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of G. N. Willis, as Notary Public for Fillmore county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of Joseph Ford, as Notary Public for Goodhue county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of E. A. Greenleaf, as Notary Public for Scott county?"

It was decided in the affirmative.

The question then recurring,

"Will the Council advise and consent to the appointment of H. L. Edwards, as Notary Public for Fillmore county?"

It was decided in the affirmative.

On motion of Mr. Stearns,

The Secretary of the Council was instructed to inform his Excellency the Governor, of the proceedings of this Executive Session.

On motion of Mr. Van Etten,

The Executive Session closed.

WM. P. MURRAY,

*President of the Council.*

Attest:

A. J. MORGAN,

*Secretary.*

## GOVERNOR'S MESSAGE.

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MR. SPEAKER:—

I am directed by the Governor to inform the House of Representatives, that Bill number 59, being an Act supplementary to an act entitled "An act to amend the Minnesota and North-Western Railroad Company," has been retained in his possession more than three days, whereby it has become a law under the provisions of the 26th section of the organic act." His reasons therefore will be found in the accompanying

I have the honor to communicate to the House of Representatives that I have retained in my possession, for more than three days

(No 59, H of R,) A bill for an act supplementary to an act entitled "An act to amend the Minnesota and North-Western Railroad Company,

Intending that it should become a law without my signature, for the following reasons:

1st. Your Honorable Body will perceive at a glance that the Act is supplementary to an act amending the Minnesota and North-Western Railroad Company, instead of the *charter* of said company.

I hope Gentlemen that this important omission, as I deem it, was unintentional. There has been already enough Legislation casualties connected with this Minnesota and North Western Railroad Company, without having the mortification of seeing another attempt in Minnesota. The general objects of the bill are substantially in accordance with my previous re-considerations, and in the event of the acceptance of the amendments before me, by the Company, in good faith and with the intention of carrying out and executing the requirements of the act, one of the serious objections entertained by me against the Charter, will be removed.

2d. I deem it idle Legislation, totally void and of no effect, unless the Company shall voluntarily comply with its provisions. There can be no pretence that they are bound by it. I must decline Gentlemen sanctioning by my approval and signature, a legislative enactment which recognizes the former acts of the Company as correct, and which presumes from the past conduct of this Company enough to warrant its voluntary submission to the imposing upon it important and onerous pecuniary obligations.

If the Company choose to deposite money in this Territory to secure the building of the said road, they can do so without this law; if they do not choose to do so, the law would be as powerless as blank paper.

I am of the opinion that in the haste with which the bill passed the Legislature, the

important fact that it must be a mere nullity was lost sight of. No other reason would I assign for this act of intelligent legislators. This Company has been charged with gross fraud in effecting their objects. These charges have been listened to by the people and by the Congress of the United States. Wherever the facts have been known, the charges have been believed.

On account of those charges the House of Representatives of the United States have disapproved the charter of the company by a unanimous vote, and I am inclined to believe that ere this the Senate have concurred with the House in their action. I cannot therefore allow myself to place in the equivocal position of seeming to recognize its existence. Such an act would seem to be in open defiance of the Government of the United States. It would certainly be in opposition to my judgment, and in violation of the dictates of my conscience.

While your Honorable Body are legislating for said Company, the Congress of the United States seem to be Legislating against it.

But the Bill before me has received the sanction of the Legislature, and as it can in no possible contingency which occurs to me work any harm, but if accepted and executed in good faith by the Company, may be beneficial to the Territory or future State of Minnesota, I have concluded to give it such a direction as will meet with your views.

W. A. GORMAN.

## COMMUNICATION

FROM

**SECRETARY ROSSER.**

SECRETARY'S OFFICE, ST. PAUL. }  
January 8, 1855. }

HON. S. B. OLNSTEAD,

*President of the Council:*

SIR:—In pursuance of a resolution calling upon me for information relative to the binding of the Journals of the last session of the Legislature, I have the honor to state that on account of the size of the Journals, it was deemed best by myself and others to have but a few copies of both volumes bound together, and to postpone the completion of the balance until the opinion of the Legislature could be obtained respecting the size of the volume.

I am, Sir, very respectfully,

Your obedient servant,

J. TRAVIS ROSSER,

*Secretary of Minnesota Territory.*

COUNCIL CHAMBER, }  
March 2d, 1855, }

*To the President of the Council:*

In response to the resolution of instruction in regard to my having (No. 25, C F,) Re-enrolled, I have the honor to report that I have attended to that duty.

It is but just to the Enrolling committee of the Council to state that said bill was examined by them and reported to the Council correctly enrolled on yesterday, as will appear by the journal, and transmitted it to the other House, and if mislaid, those connected with the Council are free from all censure in the premises.

Respectfully

Your obedient servant,

A. J. MORGAN,

Sec. Council.

Hon. W. P. MURRAY, President Council,





# PETITIONS PRESENTED,

AND ORDERED

PUBLISHED IN THE APPENDIX TO THE JOURNALS.

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## PETITION FROM THE CITIZENS OF FILLMORE COUNTY, M. T., IN REGARD TO SHAPE OF SAID COUNTY.

*To the Legislature of Minnesota Territory:*

WHEREAS, Dissatisfaction exists among the citizens of Fillmore County, Minnesota Territory, in regard to the shape of said county, and if efforts will be made to obtain various alterations to suit sectional interests, we, the undersigned petitioners, would respectfully ask your honorable body to cut off towns one hundred and five, (105,) and one hundred and six, (106,) in ranges eleven, (11,) twelve, (12,) and thirteen, (13,) from said county, and no more; thinking it to be the true interest and best policy of the citizens not to have their county too small, it being new and sparsely settled,

And we, in duty bound, will pray, &c.

Enoch Winslow,  
S. Countryman,  
David Allens,  
Jos. Picket,  
E. Picket,  
Christ Boyer,  
Heinrich Hoffman,  
Nathan Palmer,  
John Palmer,  
James M King,  
S F Stilson,  
Thomas Watson,

S. T. Bagley,  
H. H. Winslow,  
W. C. Picket,  
Abe Kalder,  
Geo. B. Kalder,  
Carl Boyer,  
Joseph Bisbey,  
Eyebid Palmer,  
Lewis Adams,  
Martin Henderson,  
Jacob Army,  
James Watson,

William B Norman,  
 H C Marsh,  
 B Young,  
 C T Leapham,  
 Wm Marley,  
 John Kizer,  
 J Marsh,  
 G Tank Tyler,  
 R S Blake,  
 William R Elliott,  
 G W McIntire,  
 M St John,  
 R St John,  
 S Benson,  
 Ole Oleson,  
 W H Nelson,  
 John Oleson,  
 John Dickerson,  
 Charles Wellingham,  
 Orren West,  
 W H Fitch,  
 Oleg Olison,  
 Joseph Magmallth,  
 Wm. Wattles,  
 G P Babcock,  
 Peter Young,  
 J W Elliott,  
 J S Green,  
 William Minar,  
 William Knox,  
 E B Jones,  
 J D Jenkins,  
 D Whitney,  
 Gilbert Bassett,  
 J P Pulver,  
 C Kimball,  
 R Armstrong,  
 J W West,  
 W Bennett,  
 Robt Wilson,  
 Orney Everson,  
 Nels Wilson,  
 John Ellis,  
 M Kingsbury,

G D Leighton,  
 U D Graves,  
 Randel Demaray,  
 Charles McCalister,  
 G. Elliott Calkins,  
 After Hoag,  
 R C Blake,  
 Charles Smiley,  
 Emry Steward,  
 D G Cellogg,  
 Charles Brown,  
 J Armstrong,  
 John Dyres,  
 J Wilson,  
 Orry Nelson,  
 Andrew Thompson,  
 A Tolerson,  
 Wm Chalfant,  
 D L Hitchcock,  
 John M West,  
 Hitto Evanson,  
 Sundar Jergunson,  
 Samuel Hull,  
 Robert M Foster,  
 William McNeir,  
 Wm Kennedy,  
 J Stannard,  
 David Dickerson,  
 Sam Carly,  
 A Donold,  
 Robert Wylir,  
 A W Purdy,  
 Mat Hard,  
 James Wright,  
 J T White,  
 John Kizer,  
 C Hoag,  
 M Miner,  
 T G Pond,  
 Saml Boardman,  
 Nels Kermooiron,  
 Oleson Wilson,  
 D Griggsby,  
 113 others,

PETITION FOR A TERRITORIAL ROAD FROM SAINT PAUL TO  
ELLIOTA, M. T.

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

WE, the undersigned, inhabitants of Minnesota, pray your honorable body to ~~pass an~~ act laying out a Territorial Road from St. Paul, running south to Cannon River to township number one hundred and twelve, (112,) range nineteen, (19,) crossing the Hastings and Farriabult Road, at near the crossing of Cannon River, thence running a south east course crossing near the forks of the Lumbro, thence to Elliota on the most direct and feasible route.

And your petitioners will ever pray, &c.

Wm S Allison,  
Levi Heitzell,  
Barth. Moulton,  
J R Lyford,  
S M Tillson,  
C R Knight,  
G W Smith,  
Ebenezer Twichell,  
David Hone,  
James Shearer,  
G W Campbell, .  
A A Twichill,  
G Moulton,  
James C Kemp, Esq.  
David H Marrill,  
Wm B Dible,  
E H Whitaker,  
N Leavitt,  
R Morrill,  
W Maxwell,  
Wm White,  
C Truax,  
John C. Foster,  
Edwin A Hone,  
John C Henry,  
P McDonald,

Z Lewis,  
James Canida,  
Michael Reid,  
Henry Hetherington,  
Luther Teviltiell,  
David Barker,  
Abraham Travas,  
Michael McCrory,  
Emery Burgess,  
Joseph Orlog,  
John McNeff,  
William Heckat,  
David Moss,  
Joseph W Fish,  
A Stevens,  
James S. Davis,  
J Hetherington,  
Wm Fulton,  
C Chuncy,  
John Tomkins,  
Micheal Henry,  
T P Catlind,  
S W Mallson,  
J C Hyatt,  
Silas Baldwin.  
68 others.

### PETITION FROM WILLIAM H. TINKER.

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

The petition of the undersigned respectfully represents to your Honorable body, that on the 31st day of January, A. D. 1850, he took and adopted a female child by the name of Ann Elizabeth White, then about nine months of age, whose mother had recently deceased; that said Ann Elizabeth White has since that time, lived with and been supported by your petitioner.

Your petitioner would further represent that he is anxious to have the name of the said child changed from that of Ann Elizabeth White to that of Ann Elizabeth Tinker; and also that she may be made his legal heir and representative.

Your petitioner, therefore, prays your honorable body to pass an act changing the name of the said Ann Elizabeth White to that of Ann Elizabeth Tinker, and also making her his legal heir. And your petitioner will ever pray.

WILLIAM H. TINKER.

### PETITION FOR THE SEPARATION OF ST. ANTHONY CITY FROM THE CITY OF ST. ANTHONY.

*To the Honorable Council and*

*House of Representatives of the Territory of Minnesota:*

Whereas, Your honorable body, by a special act, has dignified the unassuming village of Saint Anthony into the magnitude and importance of a city, and have therein incorporated a tract of land, comprising 200 acres, which was surveyed and laid off into a town in 1848, recorded in 1849, and known the world over as St. Anthony City, **FOR EXCELLENCE:**

And whereas, Said St. Anthony City proper, being near the "head of navigation," being situated higher and on better ground, being nearer HEAVEN, and further removed from sin than the village of St. Anthony, which has assumed its title; being also in another school district and in another road district, and its inhabitants being entirely able (in their own opinion) to govern their own affairs—we do therefore respectfully represent:

That the annexation and taxation, without our consent and representation, is contrary

to the fundamental principles of our republican government. It was this, gentleman, which raised the mass commonly known as the American Revolution, commencing with the proprietor of a strong decoction of tea prepared with salt water instead of fresh, and ending with the fall of Yorktown and the evacuation of the Britishers from our free and virgin soil. We, in short, declare it to be unconstitutional, unjust, and oppressive in the extreme.

And we do further represent that we, your petitioners, are perfectly happy as we are and able to take care of ourselves to our own satisfaction, and that we have no desire and are not in the least ambitious, to be a part or parcel of the city of St. Anthony, but wish to remain alone in our glory, and to be known distinctly as St. Anthony City.

We, your petitioners, do therefore most humbly pray your honorable body to set off and apart from the recently incorporated City of St. Anthony so much of section 25 thereof as lies east of the Mississippi river, comprising 200 acres, and known as St. Anthony City.

And your petitioners will ever pray, as in duty bound, so long as pen and ink will last.

W. A. Cheever,  
Lyman Palmer,  
H. B. Dow,  
John Stadden,  
Geo. W. Brown,  
Wm. Carrett,  
Michael Fagen,  
James Hudson,  
Samuel Weaver,  
George Osborn,  
Robert Wyman,  
George W. Goodrich,  
Frank Smith,  
Anson Bradbury,  
Anson Richards,  
Hezekiah Dow.

PETITION TO LOCATE THE COUNTY SEAT OF HENNEPIN  
COUNTY AT MINNEAPOLIS, IN SAID COUNTY.

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

Your petitioners, citizens and voters of Hennepin County, respectfully represent, that at an early day the county seat of Hennepin county was temporally located near the Falls of St. Anthony, and last winter was confirmed against the wishes of a very large majority vote of said county; since the location of the county seat, the town of Minneapolis has been laid out, and such location proves not only to be without the town entry but not in a central position, or conforming to the streets, lots or blocks. Believing that there is not scarcely a dissenting voice to the location being at Minneapolis, we earnestly and respectfully request that the Legislature pass some law authorizing the legal voters at the next general election to vote for some point, lot or block in said town, on which to erect the public buildings, as not a dollar expense has yet been gone to towards erecting the same, for such we ever pray.

George Parks,  
Daniel Bracken,  
John Tapper,  
Asa Fletcher,  
C W Christmas,  
William H Yarnar,  
D P Lyppard  
D R Farnham,  
James G McKeachie,  
B I Brown,  
Leonard Baker,  
Wyman Baker,  
E C Shepherd,  
Moses Fish,  
John Beden,  
W H Landersdale,  
Zlillespia,  
John Prewbeon,  
H Armstrong,  
D H Smith,  
G N Wales,  
I S Wales,  
Isaac Wales,

C Amidon,  
Erastus Jordon,  
I W Dekay,  
Edward Sweeney, jr.,  
John Sweeney,  
James F Cropp,  
John Collins,  
S Stevens,  
G F Wolheather,  
Charles Bemis,  
George A Savony,  
Charles Blanch,  
W H Ham,  
Campbell Beall,  
John R Webb,  
I P Plummer,  
L R Palmer,  
Rufus Farnham, jr.  
C M Gillaspic,  
J W Davis,  
J S Row,  
W E Hanacom,  
J Longfellow,

Arthur Wright,  
W W Wales,  
A Huff,  
Ezra Hanscom,  
Andrew McKocknin,  
William Andrews,  
L I B Andrews,  
A O Angell,  
H S Thompson,  
Henry F Thompson,  
Josiah Dutton,  
A R Lincoln,  
E M Eranshorn,  
B B Church,  
A J Larrabee,  
I L Penny,  
L P Warren,  
J S Malbar,  
D R Malbor,  
Nathaniel Rogers,  
Michael S Hervy,  
George Bouker,  
L B Whitmore,  
Stephen R Sweet,  
Caleb Lewis,  
P O Howe,  
George Doty,  
Justin Cochran,  
O E Garrison,  
R P Stinson,  
Jonathan Clay,  
B A Freeman,  
S M Freeman,  
Samuel Dodd,  
A W Day,  
George R Day,  
Reuben Miller,  
James Shaver, jr.,  
Samuel Bartow,  
William S Chowen,  
Joseph H Chowen,  
G W Chowen,  
W H Chapman,  
William H Evans,

Ephraim Whitney,  
Sylvanus Jackins,  
Norman Jenkins,  
Jesse G Ward,  
Charles H Ward,  
E F Thompson,  
Richard Jaques,  
Winter Jaques,  
Thomas I Kirkwood,  
Leonard Wagner,  
Elijah Austin,  
Daniel Bradhu,  
O Han Kegan,  
John Garety,  
S Jones,  
Timothy Hab,  
Penu Buscan,  
Louis Curlia,  
S Gates,  
Lewis McDanal,  
D W Carpenter,  
S S Butler,  
Daniel Scott,  
G W Harrington,  
Wilson Harvey,  
Norman Ward,  
Samuel Hidden,  
S T Wyman,  
H Cudwell,  
Jasper M. Caswell,  
F N Fleming,  
Henry McDonald,  
S M Duncan,  
John S Harrington,  
Horace Webster,  
W B Harrington,  
Charles S Wright,  
George Mapes,  
S P Strunka,  
I Wright,  
Sidney Spofford,  
W H Ferguson,  
George M Powers,  
L Thompson,



Asaph W Williams,  
 John Chambers,  
 Joel Howe,  
 William Griswold,  
 John Sharb,  
 D Galssin,  
 E Phinney,  
 James Chambers,

E Spell,  
 E Hyatt,  
 C S Bardwell,  
 John T Case,  
 George G Galsam,  
 R B McGrath,  
 Platt Soper,  
 Robert Chambers,

## PETITION FOR A FERRY ACROSS THE ST. CROIX RIVER.

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

Your petitioners, citizens of Chisago county, Minnesota, and of Polk county, Wisconsin, respectfully represent, that the travelling public demands a Ferry, and do recommend that Carmi P. Garlick have the right to establish and maintain a ferry across the St. Croix River, in Section nine, Town thirty-five, North, Range nineteen, West, in the Town of Amador, for the term of fifteen years, with the usual rates of ferrage and privileges granted by your honorable body to chartered ferries.

And your petitioners will ever pray.

W H C Folsom,  
 John Dobney,  
 Henry H Newbery,  
 L B Smith,  
 J D Ludden,  
 Geo Field,  
 Charles L Fox,  
 Ansell Smith,  
 N C D Taylor,  
 Levi W Folsom,  
 William Amery,  
 Thomas Lacey,  
 Aaron M Chase,  
 W. O. Mahoney,

Walter Carrun,  
 James T Hunt,  
 Truman E Foster,  
 Ben S Wall,  
 F W Abbott,  
 S Ellison,  
 Darill T Bayley,  
 Samuel B Dresser,  
 Franklin S Eddy,  
 E A Wilcox,  
 Richard Arnold,  
 James M Lovejoy,  
 Leander Lovejoy,  
 E B Whitaker,

# PETITION FOR A TERRITORIAL ROAD:

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

Your petitioners, citizens of Goodhue, Wabashaw and Rice counties, would respectfully ask your honorable body to authorize the establishment or location of a Territorial Road from Red Wing, in Goodhue county, by the way of Oronoco, in Wabashaw, to Manterville, in Rice county; from thence, as near south as a practicable route can be run, to the Iowa line. The wants of the community imperiously demand roads of some kind, and the difficulty in ascertaining the precise location of county lines, in the absence of United States surveys, prevents the action of the proper county officers in the establishment of county roads.

And your petitioners will ever pray, &c.

L P Hicks,  
J Armour Moore,  
William M'Vay,  
Ezra Odell,  
Robt H Whiteley,  
H C Burbank,  
L P Royce,  
J F Litchfield,  
J L Wright,  
Nicolas Miller,  
William Tlesch,  
Thomas McCormick,  
George Kelley,  
E S Collins,  
Leonard B Hodges,  
S W Bicknell,  
William Kilroy,  
Wm W Sweeney,  
H C Hoffman,  
S A Bevans,  
W R Culbertson,  
H L Bevans,  
V Goldsmith,  
David Finch,  
Phillip Storkel,  
Albert Olson,  
J Middaugh,

Nicolas Hauer,  
Peter W McManus,  
E M Wilson,  
Robert Fulton,  
N W Puier,  
R Fovost,  
B C St Cyr,  
Isaac Earl,  
S H Haines,  
R M'Lagan,  
W C Picket,  
William Nott,  
John M'Gregg,  
J C Farwell,  
Heman Quian,  
James Holiston,  
William S Probert,  
Thomas J Smith,  
P Sandiford,  
W S Grow,  
John Day,  
P Vandenberg,  
Theodore Hyatt,  
C C Van Du Berg,  
Benjamin King,  
Jacob Bennett,  
E Denison,

W B Bevans,

Jacob Bennett,

John Shegel,

N V Bennett,

Anthony Whitte,

C P Holten,

A J Hill,

J T B Van Houten,

C Johnson,

C C Graham,

B C Snyder,

John Stenus,

J C Wetherby & Co, Red Wing,

Swan Jacobson,

John U Drum,

James Wordon,

A B Foster,

Virgil Barnes,

L J Bennett,

Robert McCorkell,

Stephen A Hart.

## PETITION FOR CONSTRUCTING A SLUICE OR SLUICES NEAR THE FALLS OF ST. ANTHONY.

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

Your petitioners, citizens of Minnesota, respectfully represent that the interest of lumbermen would be promoted by the construction of a sluice or sluices, over the Falls of St. Anthony, in the Mississippi river, on the west side of said river, we therefore would humbly ask, that your honorable body would pass an act granting to R. P. Russell and such others, as may become associated with him for that purpose, the privilege of constructing and maintaining a sluice or sluices, over the said Falls, along the west shore of said river, and your petitioners as in duty bound will every pray.

Dated February 1855.

Orin B Day,

W G Le Dun,

J J Noah,

Edward Murphy,

M L Olds,

G N Propper,

J M Marshall,

A D Foster,

J R Foster,

T H Skinner,

T W Pierce,

Geo E Huy,

A Thompson,

Levi Brown,

Z E B Nash,

E H Connor,

G A Nash,

Julius Huea,

S K Lane,

A Allen,

G F Brott,

Wm Creighton,

Wm Hanson,  
 F R E Cornell,  
 W A Hotchkiss,  
 Carlos Wilcox,  
 F Sampson,  
 John W Monell,  
 E L Hall,  
 R A Smith,  
 J F Brown,  
 J P Wilson,  
 John H Stevens,  
 J M Jarrett,  
 James Fergies,

S P Creighton,  
 S M McManus,  
 Henry Chambers,  
 O Curtis,  
 D M Coolbaugh,  
 Isaac W Hook,  
 E Jordan,  
 E B Gifford,  
 G Wohlheter,  
 Thomas French,  
 John Farewell,  
 L D Parker,  
 C Armable,

St. Paul, M. T., January 29th, 1855.

*To the Honorable, the President and Members of the Council:*

GENTLEMEN:—I herewith present to you a bill, requesting your consideration of the same, and, if deemed expedient, its passage by your honorable body, asking for an extension of my ferry charter; for which, in brief, I assign my reasons:

Asking for this extension of time is to give me some additional security of ultimate remuneration in the event that I add steam power to the ferry, the coming spring. So far, the books, and, if need be, my affidavit, will convince you that the ferry has been a draw-back at least the interest on the amount of the cost of the present boat.

The public travel now demands something more expeditious than horse-power, and it is my wish and intention not to be behind the spirit and progress of the times.

The ferry pays both license and tax, and has no particular exclusive privileges.

With every sentiment of respect, I am yours, &c.,

H. K. GOODRUE.

**PETITION TO REMONSTRATE AGAINST THE PASSAGE IN THAT BODY OF A MEMORIAL DESIGNATED "A MEMORIAL TO THE PRESIDENT OF THE UNITED STATES RELATIVE TO THE HALF-BREED LAND."**

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

We, your petitioners, would respectfully petition your Honorable body not to pass, or cause to be sent, by your order the above named memorial, to the President of the United States, for reasons hereinafter set forth.

The law which that memorial is intended to hasten into execution is manifestly unjust, not granting to the settler upon the said tract of land, any protection. Most, if not all, the claims occupied by the actual settlers have once been purchased of the Half-Breeds, or mixed bloods of the Dakota, or Sioux nation of Indians, by the settler, in expectation that government would at least provide for the protection of this class of lands.

There have been made valuable improvements upon many parts of this tract of land

These improvements have been made in good faith by the settler for his future home

The law gives to the Half-Breeds, or mixed blood, the privilege of laying his certificate, as certified, upon these improvements; thus selecting the most choice portion of this reservation, notwithstanding he may have relinquished to the settler his right to the same; it further permits him to lay his certificate "upon any other unoccupied lands subject to pre-emption or private sale, or upon any other unsurveyed lands, not reserved by government, upon which they have respectively made improvements." This appears to us to give to the Half-Breeds, or mixed blood, an undue partiality.

For these reasons your petitioners would remonstrate against the passage of said memorial until the law providing for the purchase of said tract or reservation, be so amended as to give protection to the actual settler upon the said lands, or reservation. And as in duty bound, your petitioners will ever pray.

Lake Pepin, Feb. 13, 1855.

Wm. Conway,

John Lafferty,

Wm. Caswell,

John Caswell,

F. Pingrey,

Daniel Sanders,

Thos. N. Lee, Jun.,

Abner Dwelle,

W. Minor,

J. H. Tomlinson,

Jas. B. Smith,

George Jenkins,

Wm. A. Minor,

E. Bennett,

C. J. Post,

John Droper,

W. Murphy,

J. D. Thompson,

George Post,

C. C. Jasper,

L. Lewis,

G. W. Bullard,

Moses Rely,

R. N. Yhillips,

T. H. Epley,

Jacob Boody,

P. H. Shaw,  
 Wm. Could,  
 M. J. Epley,  
 John Boody,  
 A. W. Poost,  
 F. M. Russell,  
 Francis McNelly,  
 John Jenkins,  
 Henry Dwelle,  
 Franklin Jenkins,  
 J. H. Epley,  
 Franklin Kelly,  
 Levi M. Yhillips,  
 Harrey Savage,  
 Heman L. Brett,  
 Isaac Leo,  
 Chas. Haynes,  
 61 others,

Hannibal Ronnell,  
 Robert Wyhl,  
 John Kelly,  
 E. S. Harrison,  
 David Gardner,  
 Wm. Ben,  
 Elija Dwelle,  
 James Conway,  
 Patrick Conway,  
 Peter Horton,  
 Samuel Covey,  
 Thomas Illand,  
 Clark Gardner,  
 John Jolly,  
 Jeremiah Von Schiek,  
 J. L. Post,  
 M. Fisher,

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PETITION IN REGARD TO A RAILROAD FROM LAKE SUPERIOR TO  
 THE SOUTHERN BOUNDARY OF IOWA.

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

The undersigned citizens of Dakota county, respectfully represent:

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

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

That in view of the delay in the commencement of operations upon said road, occasioned by the 2d section of the act of Congress of the 4th of August last, repealing the act of the 29th of June last, granting certain lands for the purpose of said road, the

time limited by the act of incorporation, for the construction thereof, ought, in justice, to be extended at least from eight to twelve months.

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

JANUARY, 1855.

D W C Duwell,  
J K Bruce,  
James Bruce,  
A Barrett,  
Bernard Curanagh,  
John Kerans,  
Patrick T Quigly,  
James Grant,  
Morris Flinn,  
Joseph W Annally,  
Bartholomew Pleg,  
Louis Letown,  
Louis Leevertz,  
F D Lemay,  
J B Tuberg,  
A K McLeod,  
D Rice,  
Alfred Vaillant,  
Deg Leduque,  
Peter Tuary,  
Kran,  
Cor Tweeny,  
F Lamy,  
A Deherren,  
M Leherren,  
C Spendan,  
Charles Legans,  
Peter Ryan,  
John Churchill.

Roger Burns,  
P McCrung,  
John Russell,  
L Paintz,  
James Wescott,  
Wells L Wescott,  
L Martin,  
Jos M Truman,  
Samuel C Staple,  
Edward Moran,  
James Sweeney,  
J Frystadt,  
Warren Wachburg,  
Daniel Waselburgh,  
Francis Castorier,  
Edw Centegart,  
John Mahon,  
Pad Walsh,  
John Justee,  
Francis Lebrece,  
Edward Lebrece,  
John Conly,  
John Mahon,  
Wm Agayear,  
J Shipion,  
W Leary,  
Michael Callahan,  
Wm Ragan,

PETITION FOR THE APPOINTMENT OF COMMISSIONERS TO LAY  
OUT AND SURVEY A ROAD.

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

Your petitioners, citizens of the counties of Wabashaw and Fillmore, in said Territory, would respectfully ask your Honorable body to pass a law authorizing the appointment of Commissioners to lay out and survey a road starting from Wabashaw, at the termination of the Fort Snelling and Wabashaw road, and running by the way of Chatfield and Richland Prairie, to the State line of Iowa, to intersect the Iowa State road running through Decorah to said line, near the line between ranges eight and nine; for the establishment of which your petitioners are in duty bound, and will ever pray.

Dated January 22, 1855.

Wm. Parkhurst,  
B. F. Fillotsod,  
Knud Knidnan,  
Phineas Gates,  
Benjamin Fuller,  
Justus Leotherland,  
C. B. Leach,  
John J. Semler,  
Elijah Austin,  
David Wisel,  
S R Borham,  
W. T. Bly,  
H L Edmunds,  
H. J. Weller,  
T S Freeman,  
Edmund Bell,  
Ostin Peterson,  
Jonas Edmunds,  
M. H. Onstine,  
E Clackmore,  
D. H. Emmons,  
F Benedict,  
C. C. Onstine,  
J R Jones,  
Harvey Bell.

Geo. R. Miller,  
Wm Shimer,  
Ethen P. Eddy,  
Levi Heaton,  
Wm. Ramsay,  
J K Freeman,  
L. L. Streator,  
E A Freeman,  
Michael Ongtine,  
Wm B Gere,  
John Plomteaux,  
H Burke,  
Henry Onstine,  
H L Edwards,  
B. Clesou,  
Jacob Vought,  
S T Wichson,  
T. J. Earnes,  
John Vail,  
Wm Loomis,  
Hiram Edmunds,  
Von D Van Doren,  
Milton Sherburn,  
K Peterson.



### PETITION FOR A DIVORCE.

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

Your Petitioner, George H. Fletcher, respectfully represents to your Honorable body, that he is a resident of the Territory of Minnesota, and has been for four years and upwards, that he was married to his present wife Jane Fletcher upwards of six years ago, in Kendall county in the State of Illinois; that about three years ago she lived in this Territory about two months with your petitioner, after which she returned to the State of Illinois, where she continued to live until the fall of 1853, when she came again to this Territory and remained until about the middle of May last past, at which time, against the wishes of your petitioner she returned to the State of Illinois, where she has, since lived, as your petitioner is informed. That during her residence in this Territory in the fall of 1853 and the winter following, she lived a part of the time with your petitioner in Minneapolis, and a part of the time boarded at the St. Charles Hotel in St. Anthony. That while she was thus boarding at the said Hotel, your petitioner was necessarily absent, excepting on Sundays, engaged in his business pursuits and during such absence, as your petitioner has since learned and believes to be true, she was in the habit, alone in her private room, of receiving and entertaining men of reputed licentious character, at improper and unseasonable hours, and of accepting from them at different times various little presents unbeknown to your petitioner at the time. That this conduct on her part, continued so long as to become the occasion of much public talk, which coming to the knowledge of your petitioner he desired and requested her to leave and commence housekeeping with him in Minneapolis, with which request, she at that time refused to comply under various pretences, but afterwards did leave, because, as your petitioner has learned, the proprietor refused longer to board her on account of such her conduct. Your petitioner farther represents that in April last, a short time before she left for Illinois, he was necessarily absent from home much of the time; that he returned one night unexpectedly to his wife, and after they had retired to bed, he was called up about midnight by a rapping upon the door of his house, when upon opening it, he recognized a person known to your petitioner as a man of a licentious reputation, with whom his said wife had theretofore, been on terms of improper intimacy, as your petitioner has since learned; that said person appeared at the time much embarrassed upon meeting your petitioner, and stated, after some hesitation, as an excuse for calling at that unseasonable hour, that he had a difficulty about a claim of his; that some folks were jumping it, and he wanted to get some help to put them off the next day; that your petitioner believes such pretence to have been false, as he ascertained that the said individual had no claim whatever as he alleged, neither had he any difficulty of the kind, nor did he make any further efforts to procure assistance as your petitioner could learn; that soon after this occurrence happened, the said Jane Fletcher left and vol-

untarily deserted and abandoned the house of your petitioner, and has since continued absent in Illinois where she now is; that your petitioner is informed and believes that she is living in a state of prostitution and adulterous intercourse with a few men of commonly reputed licentious habits and practices. Whereupon your petitioner respectfully asks that your Honorable body may enact a law granting him a full divorce from his said wife, and restoring him to the rights and privileges of an unmarried man.

GEORGE H. FLETCHER,

COUNTY OF HENNEPIN } ss

George H. Fletcher the petitioner named in the foregoing petition being duly sworn, deposes and said that he heard the same read, and that the same is true according to his best knowledge, information and belief.

GEORGE H. FLETCHER,

Subscribed and sworn before me this }  
ninth day of January, 1855. }

J. N. BARBER, Justice of the Peace.

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### PETITION FOR A FERRY ACROSS LAKE ST. CROIX.

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

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

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

That the necessity for a ferry at said point is daily increasing, and your petitioners further represent that Mr. Isaac Staples of Stillwater, is abundantly able and capable of

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

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

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

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#### PETITION FOR A FERRY CHARTER, TO WM. H. OLIVER.

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

The undersigned would respectfully petition, that Wm. H. Oliver may have a charter for a ferry across Lake St. Croix, from a point where the south line of lot number three, in section number twenty-six, in town number twenty-nine north, of range number twenty west, intersects waters of said lake, on the west shore of the same, to the opposite in the town of Hudson.

H R McKinstry,  
R B Johnson,  
S S Denton,  
Albert Harris,  
John McKusick,

S R Fuller,  
Wm McKusick,  
John Fisher,  
E D Farmer,  
D B Loomis,

Hayn Byrone,  
L E Thompson,  
Oliver Parsons,  
Jno S Proctor,  
J McCloud,  
E C Mowbault,  
J J Larsing,  
Phillip Miller,  
O Carlie,  
Wm B Ulken,  
S Partridge,  
Wm Whiteside,  
John Foley,  
George Harris,  
William Horr,  
Elam Greeley,  
Mahlon Black,

John Leach,  
S M Ronell,  
T M Fullerton,  
J H Sawyer,  
Jacob Fisher,  
A C Foster,  
H M Curtis,  
Thomas J Yorks,  
Harvey Wilson,  
A D Heatorn,  
Henry McLane,  
Jessee Taylor,  
John Oliver,  
Geo Battles,  
E Perry Sloan,  
Samuel Beukleo,  
R McDonald.

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PETITION FROM THE INHABITANTS OF THE COUNTY OF SCOTT TO  
LOCATE A PORTION OF A TERRITORIAL ROAD IN SAID  
COUNTY.

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

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

Your petitioners would therefore ask your Honorable body that, that portion of said Territorial road be located on said county road as viewed and surveyed by John O'Fallon, county surveyor, and David Kinghorn and

Amos Boveeg viewers, and your petitioners, as in duty bound, will ever pray

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

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

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### PETITION FOR A TERRITORIAL ROAD.

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

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

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

HOUSTON COUNTY, Dec. 28, 1854.

P Lee,  
Joel Byrns,  
Philander La,  
Harvey Gillitt,  
Samuel W Spaulding,  
Thomas Kenyon,  
Charles Williams,  
O P Gates,  
Spafford Williams,

William Gillet,  
Amasa Gleason,  
F N Goodrich,  
Joseph Cooper,  
William Lemons,  
his  
Thomas M Byley,  
mark  
John Campbell,

PETITION FROM THE CITIZENS OF WASHINGTON COUNTY IN REGARD TO A RAILROAD FROM LAKE SUPERIOR.

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

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

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

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

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

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

J K Reiner,  
Francois Regeester,  
Hiram Berkey,  
Ira S Parker,  
Anthony Gerweise,  
Cornelius Lyman,  
Matthias Welshouse,  
Cheevler M Wallace,  
Charles B Carufel,  
J D Sudden,  
Orange Walker,  
Francis O Hamel,  
Niles Welander,  
James M Blair,  
Samuel Leybold,  
John Cook,  
N H Johnson,  
G J McNeal,

Nicholas Hebenstreit,  
Andrew Luid,  
G J Buckley,  
Siver Anderson,  
James Merritt,  
M P Greenleaf,  
O W Hackey,  
Lumor Erexson,  
James M Hall,  
Lewis Walker,  
W Moller,  
Moses Cleik,  
Adam Lithgrew,  
S P Clark,  
Charles Walan,  
John Debuy,  
C D Lyman,

PETITION FROM THE CITIZENS OF TAYLOR'S FALLS IN REGARD  
TO A RAILROAD FROM LAKE SUPERIOR.

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

The undersigned citizens of Taylor's Falls respectfully represent:

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

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

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

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

JANUARY, 1855.

W H C Folsom,  
L K Stadnard,  
F W Abbott,  
William Ward,  
James H Tuller,  
James H Russell,  
Harris Rolfe,  
L B Smith,  
John Smiley,  
W O Mahony,  
S B Dreer,  
Richard Arnold,  
James M Fongoy,  
Edward Wilcox,  
Alanson Platt,

Beld D Pettis,  
Elloge Murphy,  
Charles K Shelley,  
T T Prentice,  
Peter Campbell,  
John Sellers,  
W W Folsom,  
Antoine Lapoint,  
E K Whiteler,  
David Lonoy,  
Ambrose C Levy,  
Lorenzo O Lowden,  
Aexie Roberge,  
William Amery,

PETITION FOR A JUDICIAL COUNTY FROM INHABITANTS OF  
WABASHAW.

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

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

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

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

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

All of which is respectfully submitted.

Luther Greer,  
Alexis Bailey,  
Hugh Pugh,  
Joseph Campigny,  
Joseph Loulkey,  
W C Read,  
John McKee,

Reuben Grigsley,  
Thomas Flynn,  
Jacob Bush,  
Patrick Hunt,  
John Walker,  
Thomas Roberts,  
Peter Larievier,



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

Louis Remer,  
William O Mahony,  
A B Smith,  
Isaac M. Cole,  
Oliver Craft,  
Duncan McKenzie,  
Louis Martell,  
Joseph Mousett,  
Thomas Robinson,  
Michael Larivene,  
Louis Carvon,  
John McKensie,  
Henry Amerland,  
Herman Amerland,  
B Eggenberger,  
Charles Kaestner,  
Peter Canant,  
Louis Roque,  
James Mulligan,  
Isaac M Cole, jr.,  
James O'Neale,  
George Campbell,

# INDEX.

---

## A.

### CHARTER OF M. & N.W. RAILROAD COMPANY—

Accepted by the Company,	70-71
Acceptance witnessed,	71
Statement sworn to by President and heads of company,	72

### COMMON SCHOOLS—

Annual Report of Superintendent,	35-39
School Laws,	37
School Houses,	16
School Books,	37
School Moneys,	37-38
Teachers,	38
General remarks,	38-39

### DIVISION OF FILLMORE COUNTY—

Remonstrance against,	83-88
-----------------------	-------

### FINANCES OF TERRITORY—

Report of Treasurer Leonard,	49-52, 53-56
Accounts of Ramsey county,	50
Accounts of Washington county,	51, 53
Accounts of Benton county,	51, 54

## J

## JOURNAL OF THE EXECUTIVE SESSION—

Message from the Governor received and read,	247
Action thereon,	247-248
NOTARIES PUBLIC—Nomination of by the Governor.	
L. C. Thompson, Stillwater,	247
Approved by Council,	249
Robert Fairbanks, Long Prairie,	247
Approved by Council,	249
William Lauver, Goodhue county,	247
W. L. Ames, Ramsey county,	247
Approved by Council,	249
Theodore Borup, Ramsey county,	247
Approved by Council,	249
William B. Gere, Wagona county,	247
Approved by Council,	249
Charles J. Henniss, Ramsey county,	247
Approved by Council,	250
Wm. P. Murray, Ramsey county,	247
Approved by Council,	249
Wm. Richardson, Ramsey county,	247
Approved by Council,	249
Wm. Brewster, Ramsey county,	247
Approved by Council,	249
C. L. Willis, Ramsey county,	247
Approved by Council,	250
Lewis Branson, Mankato,	247
Negatived by Council,	250
Freeman C. Taylor, Washington county,	257
Approved by Council,	250
Thomas B. Hauk, St. Paul,	247
Negatived by Council,	250
F. McCormick, Ramsey county,	247
Approved by Council,	250

John Keyes, Winona county,	247
Approved by Council,	250
A. J. Hary, Houston county,	247
Approved by Council,	250
Benjamin H. Randall, Pierce county,	247
Approved by Council,	250
George Hezlep, Ramsey county,	248
Approved by Council,	250
George W. Farrington, Ramsey county,	248
Approved by Council,	250
Wilbur M. Haywood, Ramsey county,	248
John H. Smith, Brownsville,	248
Approved by Council,	251
T. H. Smith, St. Paul,	248
Approved by Council,	251
E. M. Patridge, St. Paul,	248
Approved by Council,	251
B. F. Tillotson, Fillmore county,	248
Approved by Council,	251
P. P. Humphrey, Kasota county,	248
Approved by Council,	251
S. M. Tracy, St. Anthony,	248
Approved by Council,	251
O. T. Hayes, Dakota county,	248
Approved by Council,	251
Alexander Farribault, Rice county,	—
Approved by Council,	251
J. C. Shepley, Ramsey county.	248
Approved by Council,	251
A. C. Dunn, Benton county,	248
Approved by Council,	251
A. Gale, Dakota county,	248
Approved by Council,	251
O. H. Kelley, Benton county,	248
Approved by Council,	252
Philander Sanford, Goodhue county,	248
Approved by Council,	252
L. W. Folsom, Chisago county,	248
Approved by Council,	242

C. D. Gillmore, Ramsey county,	248
Approved by Council,	252
W. H. Tompkins, Ramsey county,	248
Negatived by Council,	252
J. T. Hoyt, Ramsey county,	248
Approved by Council,	252
C. H. Drew, Sibley county,	248
Approved by Council,	252
H. A. Lambert, St. Paul,	248
Approved by Governor,	252
R. Fairbanks, Cass county,	248
Approved by Council,	252
E. H. Day, St. Anthony,	248
Negatived by Council,	253
F. M. Crepeau, Hennepin county,	248
Approved by Council,	252
J. B. Wakefield, Scott county,	248
Approved by Council,	252
Wm. B. Dodd, Nicolet county,	248
Approved by Council,	253
R. K. Whitney, Wabashaw county,	248
Approved by Council,	253
J. D. Jenkins, Rice county,	248
Approved by Council,	253
L. C. Dayton, St. Paul,	248
Approved by Council,	253
O. Mallmross, Ramsey county,	248
Approved by Council,	253
G. N. Willis, Fillmore county,	248
Approved by Council,	253
Joseph Ford, Goodhue county,	248
Approved by Council,	253
A. E. Greenleaf, Scott county,	248
Approved by Council,	263
H. L. Edwards, Fillmore county,	248
Approved by Council,	253

# **PROCEEDINGS OF SESSION—**

Secretary instructed to inform Governor of,	254
---	-----

## JOINT RULES—

For governing the Houses,

81-82.

**L**

## LIST OF LIBRARY BOOKS—

Received by Territorial Librarian, since last Report,	31-33
Law Reports,	31
Laws local and general,	31-32
Assembly Documents, Journals, etc.,	32
Miscellaneous books,	33
Maps,	33

## LOGS AND LUMBER—

Report of Surveyor,	55-27
---------------------	-------

## LOG SCALES—

Comparison between Norton's and the one now in use,	28
---	----

## LIBRARY TERRITORIAL—

Report of Librarian,	30
----------------------	----

**L**

## MESSAGES OF GOVERNOR—

Annual,	3-15
Transmitting Statement of Min. & N. W. Railroad Company,	33
Transmitting Report of Librarian,	29
Transmitting the Annual Report of the Inspectors of the Territorial Prison,	57
Transmitting Joint Resolution of Iowa Legislature,	63
Transmitting Report of President and Treasurer of Minnesota & N. W. R. R. Company,	65
Transmitting the acceptance of the Charter by M. & N. W. R. R. Company,	69
Veto of act to amend act incorporating Minnesota & N. W. Railroad Company,	73-80
Relating to an act to amend an act to incorporate the Minnesota & N. W. R. R. Company,	93-98

17—APPENDIX TO C. J.

## MIN. &amp; N. W. R. R. COMPANY—

Statement of,	24
Sworn to by President and Secretary of Company,	24
Report of President,	66
Sworn to by President and Treasurer of Company,	67

## MESSAGE—

Governor's annual,	3-15
--------------------	------

## MINNESOTA UNIVERSITY—

Regents fourth Annual Report,	16-16
-------------------------------	-------

## MORGAN, A. J.—

Communication from relative to re-enrolling bill,	99
---	----

## P

## POSTAGE OF MEMBERS—

Correspondence relating to,	41-42
Letter of Secretary Morgan to President of Council,	41
From same to P. M., St. Paul,	41
From Postmaster to Secretary Morgau,	42
From Secretary Morgan to President of Council,	42

## PETITIONS—

From citizens of Fillmore county, relative to shape of said county,	101-102
For a Territorial Road from St. Paul to Elliot,	103
From Wm. H. Tinker, praying to change the name of Ann E. White to Ann E. Tinker,	104
For the separation of St. Anthony City from the city of St. Anthony,	104-105
Asking for the location of the county seat of Hennepin county at Minneapolis, in said county,	106-108
For a Ferry across St. Croix river,	108
For a Territorial Road from Red Wing to Mantorville, M. T.,	109
For the privilege of constructing a Sluice or Sluices over the Falls of St. Anthony,	110,111
Of H. K. Goodhue, asking for an extension of time for ferry charter,	111
Remonstrating against the passage of a memorial to the President of the United States in relation to Half Breed Lands,	112,113

In regard to a Railroad from Lake Superior to the southern boundary of Iowa,	113,114
For the appointment of Commissioners to lay out and survey a Road from Wabashaw to Iowa State line,	115
Of Geo. H. Fletcher, for a divorce,	116
For a Ferry across Lake St. Croix,	117,118
Of Wm. H. Oliver and others, for a Ferry across Lake St. Croix,	118-119
From the inhabitants of Scott county, praying for the location of a portion of a Territorial Road in that county,	119-120
For a Territorial Road from Taylor's Landing to St. Peters River,	126
From citizens of Washington county, in regard to a Railroad from Lake Superior to the southern boundary of Iowa,	122
From the inhabitants of Wabashaw, for a Judicial county,	123-124

**R****ROSSER, J. T.—**

Communication from relative to binding of Journal,	99
--	----

**S****SURVEYOR GENERAL—**

Report of, Second District.	20-21
-----------------------------	-------

**STANDING RULES—**

Of the Council,	33-48
-----------------	-------

**T****TERRITORIAL PRISON—**

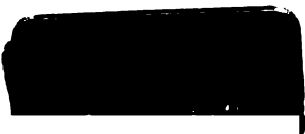
Report of Inspectors,	58-59
Report of Warden,	61
Statement B of Warden,	62











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